

February 14, 2024

Via Email: mehgan.taack@tceq.texas.gov

Mehgan Taack, MC 105
Office of the Chief Clerk
P.O. Box 13087
Austin, Texas 78711-3087

RE: TCEQ Docket No. 2024-0027-IWD
San Miguel Electric Cooperative, Inc. (SMECI); Renewal with Major Amendment
Application for Permit WQ0002043000 (RN100226539; CN600132278)

Dear Ms. Taack:

Per your email in response to the filing of a letter by San Miguel Electric Cooperative, Inc. for direct referral to SOAH, please find attached a bates-labeled copy of the permit application as follows:

Transmittal Letter and Application bates labeled SM-_00001 through 00136
Supplemental Application transmittal letter document bates labeled SM_00137(S)
through 0300-(S).

Please let me know if you need additional information or have any questions.

Respectfully submitted,



Ali Abazari

JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING (TBPE F-2458)
P.O. Box 162305 ° AUSTIN, TEXAS 78716-2305 ° (512) 327-2708

April 01, 2022

Water Quality Applications Team
Texas Commission on Environmental Quality
Applications Review and Processing Team (MC148)
Building F, Room 2101
12100 Park 35 Circle
Austin, Texas 78753

RE: San Miguel Electric Cooperative, Inc. (SMECI)
TPDES Permit No. 0002043000
Renewal With Major Amendment Application

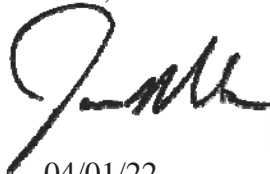
Dear Sirs:

The enclosed TPDES permit application is being submitted on behalf of San Miguel Electric Cooperative, Inc. (SMECI) by James Miertschin & Associates, Inc. The application is for SMECI's lignite mine located near Christine, Atascosa County, Texas. One original and three copies of the complete application package are included with this submittal via FedEx delivery. The application fee was previously submitted to the Revenues Section and a photocopy of the receipt is included in the application.

Please do not hesitate to contact us if you have any questions or need additional information. You may contact me at (512) 327-2708 or Dave Burris, the facility Fuels Manager, at (830) 784-3411.

Yours truly,

JAMES MIERTSCHIN & ASSOCIATES, INC.


04/01/22

James Miertschin, PE, PhD



cc: Dave Burris, Fuels Manager
Ali Abazari, Jackson Walker LLP

Cover Letter.

SM_000001

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Worksheet 2.0 Pollutant Analyses Requirements

Worksheet 4.0 Receiving Waters

Worksheet 5.0 Sewage Sludge Management and Disposal

Worksheet 7.0 Storm Water Runoff

LIST OF EXHIBITS TO APPLICATION

Exhibit	Title	Application Reference	Content
A	Core Data Form	Admin 1.0, Pg. 3, Item 2.c	Applicant information
B	Public Places	Admin 1.0, Pg. 5, Item 7.d	Dual public places
C	USGS Maps	Admin 1.0, Pg. 7, Item 9.b	Property boundaries, treatment facility boundaries, discharge points, 3 mi downstream, ponds
D	Discharge Routes	Admin 1.0, Pg. 7, Item 9.d	Points of discharge and routes
E	Landowner Map	Admin 1.0, Pg. 10, item 1.a	
F	Photos	Admin 1.1, Pg. 11, Item 2	Photos of new ponds, discharge points
G	Facility Map	Tech 1.0, Pg. 2, Item 1.d	Production, maintenance, materials handling, waste disposal areas
H	Floodplain	Tech 1.0, Pg. 2, Item 1.f	FEMA description
I	Treatment System, Flow Schematic	Tech 1.0, Pg. 3, Item 2	Schematic showing units, paths
J	Impoundments	Tech 1.0, Pg. 4, Item 3.a	Pond information
K	Outfalls	Tech 1.0, Pg. 5, Item 4	Outfall information
L	Stormwater	Tech 1.0, Pg. 8, Item 6	Description of stormwater in outfall

LIST OF EXHIBITS TO SPIF

Exhibit	Title	Application Reference	Content
SPIF-A	Discharge Routes	Admin 1.0, Pg. 13, Item 7	Description of discharge routes
SPIF-B	USGS Map	Admin 1.0, SPIF, Pg. 15, Item 8	Project boundaries, project area, discharge route one mile

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ INDUSTRIAL WASTEWATER PERMIT APPLICATION

INDUSTRIAL ADMINISTRATIVE REPORT

Complete and submit this checklist with the application.

APPLICANT NAME: San Miguel Electric Cooperative, Inc.

PERMIT NUMBER: WQ0002043000

Check Y for each of the following items included in this application. If an item was not included, check N.

	Y	N		Y	N
Administrative Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Worksheet 8.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Administrative Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Worksheet 9.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SPIF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Worksheet 10.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Core Data Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Worksheet 11.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Technical Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Worksheet 11.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Worksheet 11.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 2.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Worksheet 11.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Original USGS Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Affected Landowners Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landowner Disk or Labels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Flow Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 4.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Drawing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 4.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Original Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 5.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solids Management Program	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 6.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 7.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

For Commission Use Only:

Segment Number: _____ County: _____ Expiration Date: _____

Proposed/Current Permit Number: _____ Region: _____

INDUSTRIAL ADMINISTRATIVE REPORT 1.0

The following information **is required** for **all** applications for TPDES permits and TLAPs.

1. TYPE OF APPLICATION AND FEES (Instructions, Page 21)

a. Permit No.: WQ0002043000 Expiration Date: June 16, 2025

EPA ID No.: TX0083445

b. Check the box next to the appropriate application type.

- | | |
|--|---|
| <input type="checkbox"/> New TPDES permit | <input type="checkbox"/> New TLAP permit |
| <input checked="" type="checkbox"/> Major amendment with renewal | <input type="checkbox"/> Major amendment without renewal |
| <input type="checkbox"/> Renewal with changes | <input type="checkbox"/> Renewal without changes |
| <input type="checkbox"/> Minor amendment without renewal | <input type="checkbox"/> Minor modification without renewal |
| <input type="checkbox"/> Stormwater only discharge | |

c. If applying for an **amendment** or **modification** of a permit, describe the request in detail: New mine area X, Y, Z and associated ponds X-1, X-2, Y-1, Z-1, Z-2 with outfalls. Boundary revision and addition of Pond O and outfall in Permit 11H Area.

d. Application Fee

Check the box next to the amount submitted for the application fee:

EPA Classification	New	Major Amendment (With or Without Renewal)	Renewal (With or Without Changes)	Minor Amendment/ Minor Modification (Without Renewal)
Minor facility not subject to EPA categorical effluent guidelines (<i>40 CFR Parts 400-471</i>)	<input type="checkbox"/> \$350	<input type="checkbox"/> \$350	<input type="checkbox"/> \$315	<input type="checkbox"/> \$150
Minor facility subject to EPA categorical effluent guidelines (<i>40 CFR Parts 400-471</i>)	<input type="checkbox"/> \$1,250	<input checked="" type="checkbox"/> \$1,250	<input type="checkbox"/> \$1,215	<input type="checkbox"/> \$150
Major facility	N/A *	<input type="checkbox"/> \$2,050	<input type="checkbox"/> \$2,015	<input type="checkbox"/> \$450

* All facilities are designated as minors until formally classified as a major by EPA.

e. Payment Information:

Mailed Check or money order number:

Check or money order amount: \$1250

Named printed on check or money order: San Miguel Electric Cooperative, Inc.

ePAY Voucher number: Click to enter text

Copy of voucher attached? ☐ Yes **Attachment:** Click to enter text

2. APPLICANT INFORMATION (Instructions, Pages 21-22)

a. Facility Owner (Owner of the facility must apply for the permit.)

- Provide the legal name of the entity (applicant) applying for this permit: San Miguel Electric Cooperative, Inc.
(The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.)
- If the applicant is currently a customer with the TCEQ, provide the Customer Number, which can be located using the [TCEQ's Central Registry Customer Search](#)¹: **CN600132278**
- Provide the name and title of the person signing the application. The person must be an executive official meeting signatory requirements in *30 TAC § 305.44*.

Mr. ☒ Ms. ☐ First/Last Name: Nathan Brown

Title: General Manager

Credential: [Click to enter text.](#)

b. Co-applicant Information

- Provide the legal name of the co-applicant applying for this permit, if applicable: [Click to enter text.](#)
(The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.)
- If the co-applicant is currently a customer with the TCEQ, provide the Customer Number, which can be located using the [TCEQ's Central Registry Customer Search](#): **CN**[Click to enter text.](#)
- Provide the name and title of the person signing the application. The person must be an executive official meeting signatory requirements in *30 TAC § 305.44*.

Mr. ☐ Ms. ☐ First/Last Name: [Click to enter text.](#)

Title: [Click to enter text.](#)

Credential: [Click to enter text.](#)

- Provide a brief description of the need for a co-permittee: [Click to enter text.](#)

c. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete **Attachment 1** of the Administrative Report.

Attachment: A

3. APPLICATION CONTACT INFORMATION (Instructions, Page 22)

If the TCEQ needs additional information regarding this application, who should be contacted?

- a. Mr. ☒ Ms. ☐ First/Last Name: David Burris Credential: [Click to enter text.](#)
- Organization Name: San Miguel Electric Cooperative, Inc. Title: Fuels Manager
- Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
- Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: dburris@smeci.net
- Check one or both: ☒ Administrative Contact ☒ Technical Contact

¹ <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

b. Mr. ☒ Ms. ☐ First/Last Name: James Miertschin Credential: PE
Organization Name: James Miertschin & Assoc, Inc. Title: Engineer
Mailing Address: PO Box 162305 City/State/ZIP Code: Austin, TX, 78716
Phone No.: 512-327-2708 Fax No.: 512-327-2733 E-mail: jm@jmaenv.com
Check one or both: ☐ Administrative Contact ☒ Technical Contact
Attachment: [Click to enter text](#)

4. PERMIT CONTACT INFORMATION (Instructions, Page 22)

Provide two names of individuals that can be contacted throughout the permit term.

a. Mr. ☒ Ms. ☐ First/Last Name: David Burris Credential: [Click to enter text](#)
Organization Name: San Miguel Electric Cooperative, Inc. Title: Fuels Manager
Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: dburris@smeci.net

b. Mr. ☐ Ms. ☒ First/Last Name: Nellie Frisbee Credential: [Click to enter text](#)
Organization Name: San Miguel Electric Cooperative, Inc. Title: Permitting Specialist
Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: nfrisbee@smeci.net
Attachment: [Click to enter text](#)

5. BILLING CONTACT INFORMATION (Instructions, Page 22)

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits in effect on September 1 of each year. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (form TCEQ-20029).

Provide the complete mailing address where the annual fee invoice should be mailed and the name and phone number of the permittee's representative responsible for payment of the invoice.

Mr. ☒ Ms. ☐ First/Last Name: David Burris Credential: [Click to enter text](#)
Organization Name: San Miguel Electric Cooperative, Inc. Title: Fuels Manager
Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: dburris@smeci.net

6. DMR/MER CONTACT INFORMATION (Instructions, Page 22)

Provide the name and mailing address of the person delegated to receive and submit DMRs or MERs.

Mr. ☒ Ms. ☐ First/Last Name: David Burris Credential: [Click to enter text](#)
Organization Name: San Miguel Electric Cooperative, Inc. Title: Fuels Manager
Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: dburris@smeci.net

DMR data must be submitted through the [NetDMR²](#) system. An electronic reporting account can be established once the facility has obtained the permit number.

² <https://www.tceq.texas.gov/permitting/netdmr>

7. NOTICE INFORMATION (Instructions, Pages 23-24)

a. Individual Publishing the Notices

Mr. ☒ Ms. ☐ First/Last Name: David Burris Credential: Click to enter text.
Organization Name: San Miguel Electric Cooperative, Inc. Title: Fuels Manager
Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: dburris@smeci.net

b. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package (only for NORI, NAPD will be sent via regular mail)

☒ E-mail: dburris@smeci.net / jm@jmaenv.com

☐ Fax: Click to enter text

☐ Regular Mail (USPS)

Mailing Address: Click to enter text City/State/ZIP Code: Click to enter text

c. Contact in the Notice

Mr. ☒ Ms. ☐ First/Last Name: David Burris Credential: Click to enter text
Organization Name: San Miguel Electric Cooperative, Inc. Title: Fuels manager
Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: dburris@smeci.net

d. Public Place Information

If the facility or outfall is located in more than one county, provide a public viewing place for each county.

Public building name: See Exhibit B Location within the building: Click to enter text

Physical Address of Building: Click to enter text

City: Click to enter text County: Click to enter text

e. Bilingual Notice Requirements:

This information **is required** for **new, major amendment, and renewal applications**. It is not required for minor amendment or minor modification applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☒ Yes ☐ No

If **no**, publication of an alternative language notice is not required; **skip to** Item 8 (REGULATED ENTITY AND PERMITTED SITE INFORMATION.)

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

☒ Yes ☐ No

3. Do the students at these schools attend a bilingual education program at another location?
- ☐ Yes ☒ No
4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?
- ☐ Yes ☒ No
5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

8. REGULATED ENTITY AND PERMITTED SITE INFORMATION (Instructions Pages 24-25)

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. [Search the TCEQ's Central Registry](#)³ to determine the RN or to see if the larger site may already be registered as a regulated site:

If the site is found, provide the assigned RN and the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

- a. TCEQ issued Regulated Entity Number (RN): **RN1002262539**
- b. Name of project or site (the name known by the community where located): San Miguel Lignite Mine
- c. Is the location address of the facility in the existing permit the same?
- ☒ Yes ☐ No
- d. If the facility is located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County, additional information concerning protection of the Edwards Aquifer may be required.
- e. Owner of treatment facility: SMECI
- Ownership of Facility: ☐ Public ☒ Private ☐ Both ☐ Federal
- f. Owner of land where treatment facility is or will be:
- Mr. ☐ Ms. ☐ First/Last or Organization Name: San Miguel Electric Cooperative
- Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
- Phone No.: (830) 784-3411 Fax No.: (830) 784-3411 E-mail: dburris@smeci.net
- If not the same as the facility owner, there must be a long-term lease agreement in effect for at least six years. In some cases, a lease may not suffice - see instructions. **Attachment:** [Click to enter text.](#)
- g. Owner of effluent TLAP disposal site (if applicable):
- Mr. ☐ Ms. ☐ First/Last or Organization Name: [Click to enter text.](#)
- Mailing Address: [Click to enter text.](#) City/State/ZIP Code: [Click to enter text.](#)
- Phone No.: [Click to enter text.](#) Fax No.: [Click to enter text.](#) E-mail: [Click to enter text.](#)
- If not the same as the facility owner, there must be a long-term lease agreement in effect for at least six years. **Attachment:** [Click to enter text.](#)

³ <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>

h. Owner of sewage sludge disposal site (if applicable):

Mr. ☐ Ms. ☐ First/Last or Organization Name:

Mailing Address: City/State/ZIP Code:

Phone No.: Fax No.: E-mail:

If not the same as the facility owner, there must be a long-term lease agreement in effect for at least six years. **Attachment:**

(This information is required only if authorization is sought in the permit for sludge disposal on property owned or controlled by the applicant.)

9. TDPES DISCHARGE/TLAP DISPOSAL INFORMATION (Instructions, Pages 25-28)

a. Is the facility located on or does the treated effluent cross American Indian Land?

☐ Yes ☒ No

b. Attach an **original** full size USGS Topographic Map (or an 8.5"×11" **reproduced** portion for renewal or amendment applications) with all required information. Check the box next to each item below to confirm it has been included on the map.

☒ One-mile radius and three-miles downstream information

☒ Applicant's property boundaries

☒ Treatment facility boundaries

☒ Labeled point(s) of discharge and highlighted discharge route(s)

☐ Effluent disposal site boundaries

☒ All wastewater ponds

☐ Sewage sludge disposal site

☐ New and future construction

☒ Attachment: Exhibit C

c. Is the location of the sewage sludge disposal site in the existing permit accurate?

☐ Yes ☐ No ☒ N/A

If **no**, or a **new** application, please give an accurate description:

d. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☒ No ☐ N/A

If **no**, or a **new or amendment** applications, provide an accurate description: Exhibit D

e. City nearest the outfall(s): Christine

f. County in which the outfalls(s) is/are located: Atascosa, McMullen

g. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

☐ Yes ☒ No

If **yes**, indicate by a check mark if: ☐ Authorization granted ☐ Authorization pending

For **new and amendment** applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

Attachment:

h. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge.

i. For **TLAPs**, is the location of the effluent disposal site in the existing permit accurate?

☐ Yes ☐ No ☒ N/A

If **no**, or if this a **new or amendment** application, provide an accurate description: [Click to enter text.](#)

j. City nearest the disposal site: N/A

k. County in which the disposal site is located: N/A

l. Disposal Site Latitude: N/A

Longitude: [Click to enter text.](#)

m. For **TLAPs**, describe how effluent is/will be routed from the treatment facility to the disposal site: [Click to enter text.](#)

n. For **TLAPs**, identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained: N/A

10. MISCELLANEOUS INFORMATION (Instructions, Page 28)

a. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☐ Yes ☒ No

If **yes**, list each person: [Click to enter text.](#)

b. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If **yes**, provide the following:

- Acct. No.: [Click to enter text.](#)
- Amt. due: [Click to enter text.](#)

c. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If **yes**, provide the following:

- Enforcement Order No.: [Click to enter text.](#)
- Amt. due: [Click to enter text.](#)

11. SIGNATURE PAGE (Instructions, Page 29)

Permit No: WQ00002043000

Applicant Name: San Miguel Electric Cooperative, Inc.

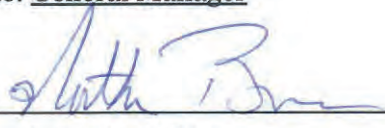
Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Nathan Brown

Signatory title: General Manager

Signature: 

Date: 3/28/22

(Use blue ink)

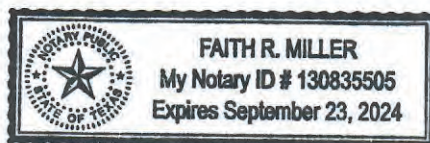
Subscribed and Sworn to before me by the said Nathan Brown

on this 28th day of March, 2022.

My commission expires on the 23rd day of September, 2024.



Notary Public



[SEAL]

Atascosa

County, Texas

If co-applicants are necessary, each entity must submit an original, separate signature page.

INDUSTRIAL ADMINISTRATIVE REPORT 1.1

The following information is required for **new** and **amendment** applications.

1. AFFECTED LANDOWNER INFORMATION (Instructions, Pages 30-32)

- a. Attach a landowners map or drawing, with scale, as applicable. Check the box next to each item to confirm it has been provided.
- ☒ The applicant's property boundaries.
 - ☒ The facility site boundaries within the applicant's property boundaries.
 - ☒ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone.
 - ☒ The property boundaries of all landowners surrounding the applicant's property. (**Note:** if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
 - ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream.
 - ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge.
 - ☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides.
 - ☐ The boundaries of the effluent disposal site (e.g., irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property.
 - ☐ The property boundaries of all landowners surrounding the applicant's property boundaries where the effluent disposal site is located.
 - ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners within one-quarter mile of the applicant's property boundaries where the sewage sludge land application site is located.
 - ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (e.g., sludge surface disposal site or sludge monofill) is located.

Attachment: Exhibit E

- b. Check the box next to the format of the landowners list:
- ☐ Readable/Writeable CD
 - ☒ Four sets of labels
- c. ☒ Check this box to confirm a separate list with the landowners' names and mailing addresses cross-referenced to the landowners map has been attached.

Attachment: Exhibit E

- d. Provide the source of the landowners' names and mailing addresses: County Appraisal District
- e. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?
- ☐ Yes
 - ☒ No

If **yes**, provide the location and foreseeable impacts and effects this application has on the land(s):

Click to enter text.

2. ORIGINAL PHOTOGRAPHS (Instructions, Page 32)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location.
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site.
- ☒ A plot plan or map showing the location and direction of each photograph.

Attachment: Exhibit F

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

FOR AGENCIES REVIEWING INDUSTRIAL TPDES WASTEWATER PERMIT APPLICATIONS

TCEQ USE ONLY:

Application type: ____ Renewal ____ Major Amendment ____ Minor Amendment ____ New

County: _____ Segment Number: _____

Admin Complete Date: _____

Agency Receiving SPIF:

____ Texas Historical Commission

____ U.S. Fish and Wildlife

____ Texas Parks and Wildlife Department

____ U.S. Army Corps of Engineers

This form applies to TPDES permit applications only. (Instructions, Page 33)

The SPIF must be completed as a separate document. The TCEQ will mail a copy of the SPIF to each agency as required by the TCEQ agreement with EPA. If any of the items are not completely addressed or further information is needed, you will be contacted to provide the information before the permit is issued. Each item must be completely addressed.

Do not refer to a response of any item in the permit application form. Each attachment must be provided with this form separately from the administrative report of the application. The application will not be declared administratively complete without this form being completed in its entirety including all attachments.

The following applies to all applications:

1. Permittee Name: San Miguel Electric Cooperative, Inc.
2. Permit No.: WQ0002043000 EPA ID No.: TX0083445
3. Address of the project (location description that includes street/highway, city/vicinity, and county): on FM 3387, 6 miles east of SH16 and south of city of Christine, In Atascosa and McMullen counties.
4. Provide the name, address, phone and fax number, and email address of an individual that can be contacted to answer specific questions about the property.
First/Last Name: David Burris Title: Fuels Manager Credential: Click to enter text
Organization Name: San Miguel Electric Cooperative, Inc.
Mailing Address: PO Box 280 City/State/ZIP Code: Jourdanton, TX, 78026
Phone No.: 830-784-3411 Fax No.: 830-784-3411 E-mail: dburris@smeci.net
5. List the county in which the facility is located: Atascosa and McMullen

6. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property: N/A
7. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in *30 TAC Chapter 307*). If known, please identify the classified segment number: See Exhibit SPIF-A

8. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report.)

Attachment: See Exhibit SPIF-B

9. Provide original photographs of any structures 50 years or older on the property.

Attachment: N/A

10. Does your project involve any of the following? Check all that apply.

- ☒ Proposed access roads, utility lines, construction easements
- ☐ Visual effects that could damage or detract from a historic property's integrity
- ☐ Vibration effects during construction or as a result of project design
- ☒ Additional phases of development that are planned for the future
- ☐ Sealing caves, fractures, sinkholes, other karst features
- ☒ Disturbance of vegetation or wetlands

11. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features): Site is an active lignite mine and as such is subject to Railroad Commission of Texas mining and reclamation regulations.

12. Describe existing disturbances, vegetation, and land use: Natural Topography has been disturbed by mining; reclamation activities are practiced after mining.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

13. List construction dates of all buildings and structures on the property: N/A
14. Provide a brief history of the property, and name of the architect/builder, if known: N/A

WATER QUALITY PERMIT

PAYMENT SUBMITTAL FORM

Use this form to submit the Application Fee, if mailing the payment.

- Complete items 1 through 5 below.
- Staple the check or money order in the space provided at the bottom of this document.
- Do not mail this form with the application form.
- Do not mail this form to the same address as the application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

Mail this form and the check or money order to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, Texas 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, Texas 78753

Fee Code: WQP Permit No: WQ0002043000


1. Check or Money Order Number:
2. Check or Money Order Amount: \$1250
3. Date of Check or Money Order:
4. Name on Check or Money Order: SMECI
5. APPLICATION INFORMATION

Name of Project or Site: San Miguel Lignite Mine

Physical Address of Project or Site: on FM 3387, 6 miles E of SH-16 and S of City of Christine

If the check is for more than one application, attach a list which includes the name of each Project or Site (RE) and Physical Address, exactly as provided on the application.

Staple Check or Money Order in This Space

 Basis2 - Receipt History Report 25-MAR-22 09:42 AM									
Bank Slip#	Slip Status	Tran.Date	Tran.Code	Created By	Endorse #	USAS Proj #	Paid For	Orig Tran Amnt	
Document#	Site Code				Endorse #	Permit/Proj #	Vendor #	Corrected?	
Fee Code	Account Name		Account #	Paid To By	Endorse.Date	Check Number	Pay Type	Corrected Tran Amnt	
BS00093576	Closed						AMRND/FRANKLI		
D2802304	RS	24-MAR-22	N		M214843A	02043000	N RANCH		-\$1,200.00
WQP	WATER QUALITY		WQP	SAN MIGUEL	032422	55919	CK		-\$1,200.00
	PERMIT			ELECTRIC					
	APPLICATION			COOPERATIVE					
				INC					
BS00093576	Closed								-\$50.00
D2802304	RS	24-MAR-22	N		M214843B	02043000			
PTGQ	NOTICE FEES		PTGQ	SAN MIGUEL	032422	55919	CK		-\$50.00
	WQP WATER			ELECTRIC					
	QUALITY FMT			COOPERATIVE					
				INC					
Grand Total:									-\$1,250.00

TECHNICAL REPORT 1.0

INDUSTRIAL

The following information **is required** for all applications for a TLAP or an individual TPDES discharge permit.

For additional information or clarification on the requested information, refer to the [Instructions for Completing the Industrial Wastewater Permit Application](#)¹ available on the TCEQ website.

If more than one outfall is included in the application, provide applicable information for each individual outfall. **If an item does not apply to the facility, enter N/A** to indicate that the item has been considered. Include separate reports or additional sheets as **clearly cross-referenced attachments** and provide the attachment number in the space provided for the item the attachment addresses.

NOTE: This application is for an industrial wastewater permit only. Additional authorizations from the TCEQ Waste Permits Division or the TCEQ Air Permits Division may be needed.

1. FACILITY/SITE INFORMATION (Instructions, Pages 35-36)

- a. Describe the general nature of the business and type(s) of industrial and commercial activities. Include all applicable SIC codes (up to 4).

San Miguel Lignite Mine is a surface mining operation (SIC codes 1221).

- b. Describe all wastewater-generating processes at the facility.

Storm water runoff, mine pit water and mine depressurization water within the active mining area are routed to ponds for mixing and settling of solids. Storm water from haul roads may also be routed to haul road ponds for settling of solids and discharged. Storm water from haul roads not routed to haul road ponds or other sedimentation ponds is discharged through haul road drop structures and is authorized by TPDES general Industrial Activity Permit No. TXR05X702. Storm water from the post mining area is routed to ponds for settling and discharged via authorized outfalls. Domestic wastewater is treated in an extended aeration package plant. Treated domestic wastewater is commingled with truck wash water and storm water runoff and disposed via an on-site evaporation pond. Water from the evaporation pond and mining ponds may also be used for dust suppression on haul roads.

- c. Provide a list of raw materials, major intermediates, and final products handled at the facility.

¹ https://www.tceq.texas.gov/permitting/wastewater/industrial/TPDES_industrial_wastewater_steps.html

Materials List

Raw Materials	Intermediate Products	Final Products
Lignite	N/A	Lignite

Attachment: [Click to enter text](#)

d. Attach a facility map (drawn to scale) with the following information:

- Production areas, maintenance areas, materials-handling areas, waste-disposal areas, and water intake structures.
- The location of each unit of the WWTP including the location of wastewater collection sumps, impoundments, outfalls, and sampling points, if significantly different from outfall locations.

Attachment: [Exhibit G](#)

e. Is this a new permit application for an existing facility?

☐ Yes ☒ No

If **yes**, provide background discussion: [Click to enter text](#)

f. Is/will the treatment facility/disposal site be located above the 100-year frequency flood level.

☐ Yes ☒ No

List source(s) used to determine 100-year frequency flood plain: [FEMA Mapping](#)

If **no**, provide the elevation of the 100-year frequency flood plain and describe what protective measures are used/proposed to prevent flooding (including tail water and rainfall run-on controls) of the treatment facility and disposal area: [Click to enter text](#)

Attachment: [Exhibit H](#)

g. For **new** or **major amendment** permit applications, will any construction operations result in a discharge of fill material into a water in the state?

☒ Yes ☐ No ☐ N/A (renewal only)

h. If **yes** to Item 1.g, has the applicant applied for a USACE CWA Chapter 404 Dredge and Fill permit?

☒ Yes ☐ No

If **yes**, provide the permit number: [SWF-2017-00343 NPR and SWF-2012-00268 NPR](#)

If **no**, provide an approximate date of application submittal to the USACE: [Click to enter text](#)

2. TREATMENT SYSTEM (Instructions, Page 36)

- a. List any physical, chemical, or biological treatment process(es) used/proposed to treat wastewater at this facility. Include a description of each treatment process, starting with initial treatment and finishing with the outfall/point of disposal.

Active Mining Area: Sedimentation ponds allow settling of solids from mine pit water, depressurization and other groundwater, and storm water. Water is discharged or used for dust suppression on haul roads. Domestic Wastewater: Domestic wastewater is treated in an activated sludge treatment plant. The plant includes aeration, clarification, and chlorination. Effluent is routed to the evaporation pond for disposal. Evaporation Pond water may also be used for dust suppression. Truck Wash: Wash water is routed to the Evaporation Pond. Water is disposed of by evaporation or dust suppression. Storm water: Storm water from storm water- only outfalls is authorized under the Multi-sector General Permit for industrial activity. Post-Mining Area: Sedimentation ponds allow settling of solids from mine pit water and stormwater.

- b. Attach a flow schematic **with a water balance** showing all sources of water and wastewater flow into the facility, wastewater flow into and from each treatment unit, and wastewater flow to each outfall/point of disposal.

Attachment: Exhibit I

3. IMPOUNDMENTS (Instructions, Pages 36-38)

Does the facility use or plan to use any wastewater impoundments (e.g., lagoons or ponds?)

☒ Yes ☐ No

If **no**, proceed to Item 4. If **yes**, complete **Item 3.a** for **existing** impoundments and **Items 3.a - 3.e** for **new or proposed** impoundments. **NOTE:** See instructions, Pages 35-37, for additional information on the attachments required by Items 3.a – 3.e.

- a. Complete the table with the following information for each existing, new, or proposed impoundment:

Use Designation: Indicate the use designation for each impoundment as Treatment (**T**), Disposal (**D**), Containment (**C**), or Evaporation (**E**).

Associated Outfall Number: Provide an outfall number if a discharge occurs or will occur.

Liner Type: Indicate the liner type as Compacted clay liner (**C**), In-situ clay liner (**I**), Synthetic/plastic/rubber liner (**S**), or Alternate liner (**A**). **NOTE:** See instructions for further detail on liner specifications. If an alternate liner (**A**) is selected, include an attachment that provides a description of the alternate liner and any additional technical information necessary for an evaluation.

Leak Detection System: If any leak detection systems are in place/planned, enter **Y** for yes. Otherwise, enter **N** for no.

Groundwater Monitoring Wells and Data: If groundwater monitoring wells are in place/planned, enter **Y** for yes. Otherwise, enter **N** for no. Attach any existing groundwater monitoring data.

Dimensions: Provide the dimensions, freeboard, surface area, storage capacity of the impoundments, and the maximum depth (not including freeboard). For impoundments with irregular shapes, submit surface area instead of length and width.

Compliance with 40 CFR Part 257, Subpart D: If the impoundment is required to be in compliance with 40 CFR Part 257, Subpart D, enter **Y** for yes. Otherwise, enter **N** for no.

Date of Construction: Enter the date construction of the impoundment commenced (mm/dd/yy).

Impoundment Information Exhibit J

Parameter	Pond #	Pond #	Pond #	Pond #
Use Designation: (T) (D) (C) or (E)				
Associated Outfall Number				
Liner Type (C) (I) (S) or (A)				
Alt. Liner Attachment Reference				
Leak Detection System, Y/N				
Groundwater Monitoring Wells, Y/N				
Groundwater Monitoring Data Attachment				
Pond Bottom Located Above The Seasonal High-Water Table, Y/N				
Length (ft)				
Width (ft)				
Max Depth From Water Surface (ft), Not Including Freeboard				
Freeboard (ft)				
Surface Area (acres)				
Storage Capacity (gallons)				
40 CFR Part 257, Subpart D, Y/N				
Date of Construction				

Impoundment Information

Parameter	Pond #	Pond #	Pond #	Pond #
Use Designation: (T) (D) (C) or (E)				
Associated Outfall Number				
Liner Type (C) (I) (S) or (A)				
Alt. Liner Attachment Reference				
Leak Detection System, Y/N				
Groundwater Monitoring Wells, Y/N				
Groundwater Monitoring Data Attachment				
Pond Bottom Located Above The Seasonal High-Water Table, Y/N				
Length (ft)				
Width (ft)				
Max Depth From Water Surface (ft), not including freeboard				
Freeboard (ft)				
Surface Area (acres)				
Storage Capacity (gallons)				
40 CFR Part 257, Subpart D, Y/N				
Date of Construction				

Attachment: Exhibit J

The following information (**Items 3.b – 3.e**) is required only for **new or proposed** impoundments.

b. For new or proposed impoundments, attach any available information on the following items. If attached, check **yes** in the appropriate box. Otherwise, check **no** or **not yet designed**.

i. Liner data

☐ Yes ☐ No ☒ Not yet designed

ii. Leak detection system or groundwater monitoring data

☐ Yes ☐ No ☒ Not yet designed

iii. Groundwater impacts

☐ Yes ☐ No ☒ Not yet designed

NOTE: Item b.iii is required if the bottom of the pond is not above the seasonal high-water table in the shallowest water-bearing zone.

Attachment: N/A

For TLAP applications: Items 3.c – 3.e are not required, continue to Item 4.

c. Attach a USGS map or a color copy of original quality and scale which accurately locates and identifies all known water supply wells and monitor wells within ½-mile of the impoundments.

Attachment: N/A

d. Attach copies of State Water Well Reports (e.g., driller's logs, completion data, etc.), and data on depths to groundwater for all known water supply wells including a description of how the depths to groundwater were obtained.

Attachment: N/A

e. Attach information pertaining to the groundwater, soils, geology, pond liner, etc. used to assess the potential for migration of wastes from the impoundments or the potential for contamination of groundwater or surface water.

Attachment: N/A

4. OUTFALL/DISPOSAL METHOD INFORMATION (Instructions, Pages 39-40)

Complete the following tables to describe the location and wastewater discharge or disposal operations for each outfall for discharge operations, and for each point of disposal for TLAP operations.

If there are more outfalls/points of disposal at the facility than the spaces provided, copies of pages 6 and/or numbered accordingly (i.e., page 6a, 6b, etc.) may be used to provide information on the additional outfalls.

For TLAP applications: Indicate the disposal method and each individual irrigation area **I**, evaporation pond **E**, or subsurface drainage system **S** by providing the appropriate letter designation for the disposal method followed by a numerical designation for each disposal area in the space provided for **Outfall** number (e.g. **E1** for evaporation pond 1, **I2** for irrigation area No. 2, etc.).

Outfall Latitude and Longitude

Outfall Number	Latitude-decimal degrees	Longitude-decimal degrees
	See Exhibit K	

Outfall Location Description

Outfall Number	Location Description

Description of Sampling Points (if different from Outfall location)

Outfall Number	Description of Sampling Point

Outfall Flow Information – Permitted and Proposed

Outfall Number	Permitted Daily Avg Flow (MGD)	Permitted Daily Max Flow (MGD)	Proposed Daily Avg Flow (MGD)	Proposed Daily Max Flow (MGD)	Anticipated Discharge Date (mm/dd/yy)

Outfall Discharge – Method and Measurement

Outfall Number	Pumped Discharge? Y/N	Gravity Discharge? Y/N	Type of Flow Measurement Device Used

Outfall Discharge – Flow Characteristics

Outfall Number	Intermittent Discharge? Y/N	Continuous Discharge? Y/N	Seasonal Discharge? Y/N	Discharge Duration (hrs/day)	Discharge Duration (days/mo)	Discharge Duration (mo/yr)

Wastestream Contributions

Outfall No.: [Click to enter text.](#)

Contributing Wastestreams	Volume (MGD)	% of Total Flow
Mine pit water	variable	variable
Storm water runoff	variable	variable
Mine depressurization water/groundwater	variable	variable

Outfall No.: [Click to enter text.](#)

Contributing Wastestreams	Volume (MGD)	% of Total Flow

Outfall No.: [Click to enter text.](#)

Contributing Wastestreams	Volume (MGD)	% of Total Flow

Attachment: [Exhibit K for Outfall data](#)

5. BLOWDOWN AND ONCE-THROUGH COOLING WATER DISCHARGES (Instructions, Page 40)

- a. Does the facility use/propose to use any cooling towers which discharge blowdown or other wastestreams to the outfall(s)?

☐ Yes ☒ No

NOTE: If the facility uses or plans to use cooling towers, Item 12 **is required**.

- b. Does the facility use or plan to use any boilers that discharge blowdown or other wastestreams to the outfall(s)?

☐ Yes ☒ No

- c. Does or will the facility discharge once-through cooling water to the outfall(s)?

☐ Yes ☒ No

NOTE: If the facility uses or plans to use once-through cooling water, Item 12 **is required**.

- d. If **yes** to Items 5.a, 5.b, **or** 5.c, attach the SDS with the following information for each chemical additive.

- Manufacturers Product Identification Number
- Product use (e.g., biocide, fungicide, corrosion inhibitor, etc.)
- Chemical composition including CASRN for each ingredient
- Classify product as non-persistent, persistent, or bioaccumulative
- Product or active ingredient half-life
- Frequency of product use (e.g., 2 hours/day once every two weeks)
- Product toxicity data specific to fish and aquatic invertebrate organisms
- Concentration of whole product or active ingredient, as appropriate, in wastestream.

Attach a summary of this information in addition to the submittal of the SDS for each specific wastestream and the associated chemical additives and specify which outfalls are affected.

Attachment: N/A

- e. Cooling Towers and Boilers

If **yes** to either Item 5.a **or** 5.b, complete the following table.

Cooling Towers and Boilers

Type of Unit	Number of Units	Dly Avg Blowdown (gallons/day)	Dly Max Blowdown (gallons/day)
Cooling Towers			
Boilers			

6. STORMWATER MANAGEMENT (Instructions, Pages 40-41)

Are there any existing/proposed outfalls which discharge stormwater associated with industrial activities, as defined at *40 CFR § 122.26(b)(14)*, commingled with any other wastestream?

☒ Yes ☐ No

If **yes**, briefly describe the industrial processes and activities that occur outdoors or in some manner which may result in exposure of the activities or materials to stormwater: Exhibit L

7. DOMESTIC SEWAGE, SEWAGE SLUDGE, AND SEPTAGE MANAGEMENT AND DISPOSAL (Instructions, Page 41)

Domestic Sewage - Waste and wastewater from humans or household operations that is discharged to a wastewater collection system or otherwise enters a treatment works.

- a. Check the box next to the appropriate method of domestic sewage and domestic sewage sludge treatment or disposal. Complete Worksheet 5.0 or Item 7.b if directed to do so.
- ☐ Domestic sewage is routed (i.e., connected to or transported to) to a WWTP permitted to receive domestic sewage for treatment, disposal, or both. **Complete Item 7.b.**
 - ☐ Domestic sewage disposed of by an on-site septic tank and drainfield system. **Complete Item 7.b.**
 - ☐ Domestic and industrial treatment sludge **ARE commingled** prior to use or disposal.
 - ☒ Industrial wastewater and domestic sewage are treated separately, and the respective sludge **IS NOT commingled** prior to sludge use or disposal. **Complete Worksheet 5.0.**
 - ☐ Facility is a POTW. **Complete Worksheet 5.0.**
 - ☐ Domestic sewage is not generated on-site.
 - ☐ Other (e.g., portable toilets), specify and **Complete Item 7.b:** [Click to enter text.](#)
- b. Provide the name and TCEQ, NPDES, or TPDES Permit No. of the waste-disposal facility which receives the domestic sewage/septage. If hauled by motorized vehicle, provide the name and TCEQ Registration No. of the hauler.

Domestic Sewage Plant/Hauler Name

Plant/Hauler Name	Permit/Registration No.
TBD	

8. IMPROVEMENTS OR COMPLIANCE/ENFORCEMENT REQUIREMENTS (Instructions, Page 41)

- a. Is the permittee currently required to meet any implementation schedule for compliance or enforcement?
- ☐ Yes ☒ No
- b. Has the permittee completed or planned for any improvements or construction projects?
- ☐ Yes ☒ No
- c. If **yes** to either 8.a or 8.b, provide a brief summary of the requirements and a status update: [Click to enter text.](#)

9. TOXICITY TESTING (Instructions, Page 42)

Have any biological tests for acute or chronic toxicity been made on any of the discharges or on a receiving water in relation to the discharge within the last three years?

☐ Yes ☒ No

If **yes**, identify the tests and describe their purposes: [Click to enter text.](#)

Additionally, attach a copy of all tests performed which **have not** been submitted to the TCEQ or EPA.

Attachment: [Click to enter text.](#)

10. OFF-SITE/THIRD PARTY WASTES (Instructions, Page 42)

- a. Does or will the facility receive wastes from off-site sources for treatment at the facility, disposal on-site via land application, or discharge via a permitted outfall?

☐ Yes ☒ No

If **yes**, provide responses to Items 10.b through 10.d below.

If **no**, proceed to Item 11.

- b. Attach the following information to the application:

- List of wastes received (including volumes, characterization, and capability with on-site wastes).
- Identify the sources of wastes received (including the legal name and addresses of the generators).
- Description of the relationship of waste source(s) with the facility's activities.

Attachment: [Click to enter text](#)

- c. Is or will wastewater from another TCEQ, NPDES, or TPDES permitted facility commingled with this facility's wastewater after final treatment and prior to discharge via the final outfall/point of disposal?

☐ Yes ☒ No

If **yes**, provide the name, address, and TCEQ, NPDES, or TPDES permit number of the contributing facility and a copy of any agreements or contracts relating to this activity.

Attachment: [Click to enter text](#)

- d. Is this facility a POTW that accepts/will accept process wastewater from any SIU and has/is required to have an approved pretreatment program under the NPDES/TPDES program?

☐ Yes ☒ No

If **yes**, **Worksheet 6.0** of this application **is required**.

11. RADIOACTIVE MATERIALS (Instructions, Pages 42-43)

- a. Are/will radioactive materials be mined, used, stored, or processed at this facility?

☐ Yes ☒ No

If **yes**, use the following table to provide the results of one analysis of the effluent for all radioactive materials that may be present. Provide results in pCi/L.

Radioactive Materials Mined, Used, Stored, or Processed

Radioactive Material	Concentration (pCi/L)

- b. Does the applicant or anyone at the facility have any knowledge or reason to believe that radioactive materials may be present in the discharge, including naturally occurring radioactive materials in the source waters or on the facility property?

☐ Yes ☒ No

If **yes**, use the following table to provide the results of one analysis of the effluent for all radioactive materials that may be present. Provide results in pCi/L. Do not include information provided in response to Item 11.a.

Radioactive Materials Present in the Discharge

Radioactive Material	Concentration (pCi/L)

12. COOLING WATER (Instructions, Pages 43-45)

- a. Does the facility use or propose to use water for cooling purposes?

☐ Yes ☒ No

If **no**, stop here. If **yes**, complete Items 12.b thru 12.f.

- b. Cooling water is/will be obtained from a groundwater source (e.g., on-site well).

☐ Yes ☐ No

If **yes**, stop here. If **no**, continue.

- c. Cooling Water Supplier

- i. Provide the name of the owner(s) and operator(s) for the CWIS that supplies or will supply water for cooling purposes to the facility.

Cooling Water Intake Structure(s) Owner(s) and Operator(s)

CWIS ID				
Owner				
Operator				

- ii. Cooling water is/will be obtained from a Public Water Supplier (PWS)

☐ Yes ☐ No

If **no**, continue. If **yes**, provide the PWS Registration No. and stop here: PWS No. [Click to enter text.](#)

- iii. Cooling water is/will be obtained from a reclaimed water source?

☐ Yes ☐ No

If **no**, continue. If **yes**, provide the Reuse Authorization No. and stop here: [Click to enter text.](#)

iv. Cooling water is/will be obtained from an Independent Supplier

☐ Yes ☐ No

If **yes**, provide the actual intake flow of the Independent Supplier's CWIS that is/will be used to provide water for cooling purposes to the facility and proceed: [Click to enter text](#)

If **no**, proceed to Item 12.d.

d. 316(b) General Criteria

- i. The CWIS(s) used to provide water for cooling purposes to the facility has or will have a cumulative design intake flow of 2 MGD or greater.

☐ Yes ☐ No

- ii. At least 25% of the total water withdrawn by the CWIS is/will be used at the facility exclusively for cooling purposes on an annual average basis.

☐ Yes ☐ No

- iii. The CWIS(s) withdraw(s)/propose(s) to withdraw water for cooling purposes from surface waters that meet the definition of Waters of the United States in *40 CFR § 122.2*.

☐ Yes ☐ No

If **no**, provide an explanation of how the waterbody does not meet the definition of Waters of the United States in *40 CFR § 122.2*: [Click to enter text](#)

If **yes** to all three questions in Item 12.d, the facility **meets** the minimum criteria to be subject to the full requirements of Section 316(b) of the CWA. Proceed to **Item 12.f**.

If **no** to any of the questions in Item 12.d, the facility **does not meet** the minimum criteria to be subject to the full requirements of Section 316(b) of the CWA; however, a determination is required based upon BPJ. Proceed to **Item 12.e**.

- e. The facility does not meet the minimum requirements to be subject to the fill requirements of Section 316(b) **and uses/proposes to use cooling towers**.

☐ Yes ☐ No

If **yes**, stop here. If **no**, complete Worksheet 11.0, Items 1(a), 1(b)(i-iii) and (vi), 2(b)(i), and 3(a) to allow for a determination based upon BPJ.

f. Oil and Gas Exploration and Production

- i. The facility is subject to requirements at 40 CFR Part 435, Subparts A or D.

☐ Yes ☐ No

If **yes**, continue. If **no**, skip to Item 12.g.

- ii. The facility is an existing facility as defined at 40 CFR § 125.92(k) or a new unit at an existing facility as defined at 40 CFR § 125.92(u).

☐ Yes ☐ No

If **yes**, complete Worksheet 11.0, Items 1(a), 1(b)(i-iii) and (vi), 2(b)(i), and 3(a) to allow for a determination based upon BPJ. If **no**, skip to Item 12.g.iii.

g. Compliance Phase and Track Selection

i. Phase I – New facility subject to 40 CFR Part 125, Subpart I

☐ Yes ☐ No

If **yes**, check the box next to the facility's compliance track selection, attach the requested information, and complete Worksheet 11.0, Items 2 and 3, and Worksheet 11.2.

- ☐ Track I – AIF greater than 2 MGD, but less than 10 MGD
 - Attach information required by *40 CFR §§ 125.86(b)(2)-(4)*.
- ☐ Track I – AIF greater than 10 MGD
 - Attach information required by *40 CFR § 125.86(b)*.
- ☐ Track II
 - Attach information required by *40 CFR § 125.86(c)*.

Attachment: [Click to enter text](#)

ii. Phase II – Existing facility subject to 40 CFR Part 125, Subpart J

☐ Yes ☐ No

If **yes**, complete Worksheets 11.0 through 11.3, as applicable.

iii. Phase III – New facility subject to 40 CFR Part 125, Subpart N

☐ Yes ☐ No

If **yes**, check the box next to the facility's compliance track selection and provide the requested information.

- ☐ Track I – Fixed facility
 - Attach information required by 40 CFR § 125.136(b) and complete Worksheet 11.0, Items 2 and 3, and Worksheet 11.2.
- ☐ Track I – Not a fixed facility
 - Attach information required by 40 CFR § 125.136(b) and complete Worksheet 11.0, Item 2 (except the CWIS latitude and longitude under Item 2.a).
- ☐ Track II – Fixed facility
 - Attach information required by 40 CFR § 125.136(c) and complete Worksheet 11.0, Items 2 and 3.

Attachment: [Click to enter text](#)

NOTE: Item 13 is required only for existing permitted facilities.

13. PERMIT CHANGE REQUESTS (Instructions, Pages 45-46)

a. Is the facility requesting a **major amendment** of an existing permit?

☒ Yes ☐ No

If **yes**, list each request individually and provide the following information: 1) detailed information regarding the scope of each request and 2) a justification for each request. Attach any supplemental information or additional data to support each request.

New mining area X, Y, Z will be added to the lignite mine. This new area will include ponds X-1, X-2, Y-1, Z-1, Z-2 and their associated outfalls. The permit boundary was revised in Permit 11H and Pond O was constructed to contain stormwater off of the haulroad. The new outfalls will be authorized to discharge mine pit water, mine depressurization water, and stormwater runoff from ponds in the active mining area.

b. Is the facility requesting any **minor amendments** to the permit?

☐ Yes ☒ No

If **yes**, list and discuss the requested changes.

Click to enter text.

c. Is the facility requesting any **minor modifications** to the permit?

☐ Yes ☒ No

If **yes**, list and discuss the requested changes.

Click to enter text.

WORKSHEET 1.0

EPA CATEGORICAL EFFLUENT GUIDELINES

This worksheet **is required** for all applications for TPDES permits for discharges of wastewaters subject to EPA categorical effluent limitation guidelines (ELGs).

1. CATEGORICAL INDUSTRIES (Instructions, Pages 50-51)

Is this facility subject to any of the 40 CFR categorical ELGs outlined on page 52 of the instructions?

☒ Yes ☐ No

If **no**, this worksheet is not required. If **yes**, provide the appropriate information in the table below.

40 CFR Effluent Guidelines

Industry	40 CFR Part
Coal Mining	434

2. PRODUCTION/PROCESS DATA (Instructions, Page 51)

NOTE: For all TPDES permit applications requesting individual permit coverage for discharges of oil and gas exploration and production wastewater (discharges into or adjacent to water in the state, falling under the Oil and Gas Extraction Effluent Guidelines – 40 CFR Part 435), see Worksheet 12.0, Item 2 instead.

a. Production Data

Provide the appropriate data for effluent guidelines with production-based effluent limitations.

Production Data

Subcategory	Actual Quantity/Day	Design Quantity/Day	Units
N/A			

b. Organic Chemicals, Plastics, and Synthetic Fibers Manufacturing Data (40 CFR Part 414)

Provide each applicable subpart and the percent of total production. Provide data for metal-bearing and cyanide-bearing wastestreams, as required by *40 CFR Part 414, Appendices A and B*.

Percentages of Total Production

Subcategory	Percent of Total Production	Appendix A and B - Metal	Appendix A – Cyanide
N/A			

c. Refineries (40 CFR Part 419)

Provide the applicable subcategory and a brief justification.

N/A

3. PROCESS/NON-PROCESS WASTEWATER FLOWS (Instructions, Page 51)

Provide a breakdown of wastewater flow(s) generated by the facility, including both process and non-process wastewater flow(s). Specify which wastewater flows are to be authorized for discharge under this permit and the disposal practices for wastewater flows, excluding domestic, which are not to be authorized for discharge under this permit.

Authorized for discharge (all variable):

Mine pit water from active mining area and post-mining area

Mine depressurization water

Storm water from active mining areas and from post-mining area

Storm water from haul roads

Not Authorized for discharge:

Truck wash water; Domestic waste water.

4. NEW SOURCE DETERMINATION (Instructions, Page 52)

Provide a list of all wastewater-generating processes subject to EPA categorical ELGs, identify the appropriate guideline Part and Subpart, and provide the date the process/construction commenced.

Wastewater-generating Processes Subject to Effluent Guidelines

Process	EPA Guideline: Part	EPA Guideline: Subpart	Date Process/ Construction Commenced
Active Mining	434	C	1979
Post Mining	434	E	1979
Miscellaneous	434	F	1979

WORKSHEET 2.0

POLLUTANT ANALYSES REQUIREMENTS

Worksheet 2.0 **is required** for all applications submitted for a TPDES permit. Worksheet 2.0 is not required for applications for a permit to dispose of all wastewater by land disposal or for discharges solely of stormwater associated with industrial activities.

1. LABORATORY ACCREDITATION (Instructions, Page 53)

Effective July 1, 2008, all laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification* with the following general exemptions:

- a. The laboratory is an in-house laboratory and is:
 - i. periodically inspected by the TCEQ; or
 - ii. located in another state and is accredited or inspected by that state; or
 - iii. performing work for another company with a unit located in the same site; or
 - iv. performing pro bono work for a governmental agency or charitable organization.
- b. The laboratory is accredited under federal law.
- c. The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- d. The laboratory supplies data for which the TCEQ does not offer accreditation.

Review *30 TAC Chapter 25* for specific requirements. The following certification statement shall be signed and submitted with every application. See Instructions, Page 32, for a list of approved signatories.

I, Nathan Brown, certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*.

(Signature)

2. GENERAL TESTING REQUIREMENTS (Instructions, Pages 53-55)

- a. Provide the date range of all sampling events conducted to obtain the analytical data submitted with this application (e.g., 05/01/2018-05/30/2018): [Click to enter text](#).
- b. ☐ Check the box to confirm all samples were collected no more than 12 months prior to the date of application submittal.
- c. Read the general testing requirements in the instructions for important information about sampling, test methods, and MALs. If a contact laboratory was used, attach a list which includes the name, contact information, and pollutants analyzed for each laboratory/firm. **Attachment:** [Click to enter text](#)

3. SPECIFIC TESTING REQUIREMENTS (Instructions, Pages 55-66)

Attach correspondence from TCEQ approving submittal of less than the required number of samples, if applicable. **Attachment:** [Click to enter text](#)

TABLE 1 and TABLE 2 (Instructions, Page 55)

Completion of Tables 1 and 2 **is required** for **all external outfalls** for all TPDES permit applications.

Table 1 for Outfall No.: No discharge data availableSamples are (check one): ☐ Composite ☐ Grab

Pollutant	Sample 1 (mg/L)	Sample 2 (mg/L)	Sample 3 (mg/L)	Sample 4 (mg/L)
BOD (5-day)				
CBOD (5-day)				
Chemical oxygen demand				
Total organic carbon				
Dissolved oxygen				
Ammonia nitrogen				
Total suspended solids				
Nitrate nitrogen				
Total organic nitrogen				
Total phosphorus				
Oil and grease				
Total residual chlorine				
Total dissolved solids				
Sulfate				
Chloride				
Fluoride				
Total alkalinity (mg/L as CaCO ₃)				
Temperature (°F)				
pH (standard units)				

Table 2 for Outfall No.: [Click to enter text.](#)Samples are (check one): ☐ Composites ☐ Grabs

Pollutant	Sample 1 (µg/L)	Sample 2 (µg/L)	Sample 3 (µg/L)	Sample 4 (µg/L)	MAL (µg/L)
Aluminum, total					2.5
Antimony, total					5
Arsenic, total					0.5
Barium, total					3
Beryllium, total					0.5
Cadmium, total					1
Chromium, total					3
Chromium, hexavalent					3
Chromium, trivalent					N/A
Copper, total					2
Cyanide, available					2/10
Lead, total					0.5
Mercury, total					0.005/0.0005
Nickel, total					2
Selenium, total					5
Silver, total					0.5
Thallium, total					0.5
Zinc, total					5.0

TABLE 3 (Instructions, Page 55)

Completion of Table 3 **is required** for all **external outfalls** which discharge process wastewater.

Partial completion of Table 3 **is required** for all **external outfalls** which discharge non-process wastewater and stormwater associated with industrial activities commingled with other wastestreams (see instructions for additional guidance).

Table 3 for Outfall No.: [Click to enter text.](#)

Samples are (check one): ☐ **Composites** ☐ **Grabs**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)*
Acrylonitrile					50
Anthracene					10
Benzene					10
Benzidine					50
Benzo(a)anthracene					5
Benzo(a)pyrene					5
Bis(2-chloroethyl)ether					10
Bis(2-ethylhexyl)phthalate					10
Bromodichloromethane [Dichlorobromomethane]					10
Bromoform					10
Carbon tetrachloride					2
Chlorobenzene					10
Chlorodibromomethane [Dibromochloromethane]					10
Chloroform					10
Chrysene					5
m-Cresol [3-Methylphenol]					10
o-Cresol [2-Methylphenol]					10
p-Cresol [4-Methylphenol]					10
1,2-Dibromoethane					10
m-Dichlorobenzene [1,3-Dichlorobenzene]					10
o-Dichlorobenzene [1,2-Dichlorobenzene]					10
p-Dichlorobenzene [1,4-Dichlorobenzene]					10
3,3'-Dichlorobenzidine					5
1,2-Dichloroethane					10
1,1-Dichloroethene [1,1-Dichloroethylene]					10
Dichloromethane [Methylene chloride]					20
1,2-Dichloropropane					10
1,3-Dichloropropene [1,3-Dichloropropylene]					10

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)*
2,4-Dimethylphenol					10
Di-n-Butyl phthalate					10
Ethylbenzene					10
Fluoride					500
Hexachlorobenzene					5
Hexachlorobutadiene					10
Hexachlorocyclopentadiene					10
Hexachloroethane					20
Methyl ethyl ketone					50
Nitrobenzene					10
N-Nitrosodiethylamine					20
N-Nitroso-di-n-butylamine					20
Nonylphenol					333
Pentachlorobenzene					20
Pentachlorophenol					5
Phenanthrene					10
Polychlorinated biphenyls (PCBs) (**)					0.2
Pyridine					20
1,2,4,5-Tetrachlorobenzene					20
1,1,2,2-Tetrachloroethane					10
Tetrachloroethene [Tetrachloroethylene]					10
Toluene					10
1,1,1-Trichloroethane					10
1,1,2-Trichloroethane					10
Trichloroethene [Trichloroethylene]					10
2,4,5-Trichlorophenol					50
TTHM (Total trihalomethanes)					10
Vinyl chloride					10

(*) Indicate units if different from µg/L.

(**) Total of detects for PCB-1242, PCB-1254, PCB-1221, PCB-1232, PCB-1248, PCB-1260, and PCB-1016. If all non-detects, enter the highest non-detect preceded by a "<".

TABLE 4 (Instructions, Pages 55-56)

Partial completion of Table 4 **is required** for each **external outfall** based on the conditions below.

a. *Tributyltin* N/A

Is this facility an industrial/commercial facility which currently or proposes to directly dispose of wastewater from the types of operations listed below or a domestic facility which currently or proposes to receive wastewater from the types of industrial/commercial operations listed below?

☐ Yes ☐ No

If **yes**, check the box next to each of the following criteria which apply and provide the appropriate testing results in Table 4 below (check all that apply).

- ☐ Manufacturers and formulators of tributyltin or related compounds.
- ☐ Painting of ships, boats and marine structures.
- ☐ Ship and boat building and repairing.
- ☐ Ship and boat cleaning, salvage, wrecking and scaling.
- ☐ Operation and maintenance of marine cargo handling facilities and marinas.
- ☐ Facilities engaged in wood preserving.
- ☐ Any other industrial/commercial facility for which tributyltin is known to be present, or for which there is any reason to believe that tributyltin may be present in the effluent.

b. *Enterococci (discharge to saltwater)*

- i. This facility discharges/proposes to discharge directly into saltwater receiving waters **and** Enterococci bacteria are expected to be present in the discharge based on facility processes.

☐ Yes ☐ No

- ii. Domestic wastewater is/will be discharged.

☐ Yes ☐ No

If **yes to either** question, provide the appropriate testing results in Table 4 below.

c. *E. coli (discharge to freshwater)*

- i. This facility discharges/proposes to discharge directly into freshwater receiving waters **and** *E. coli* bacteria are expected to be present in the discharge based on facility processes.

☐ Yes ☐ No

- ii. Domestic wastewater is/will be discharged.

☐ Yes ☐ No

If **yes to either** question, provide the appropriate testing results in Table 4 below.

Table 4 for Outfall No.: [Click to enter text.](#)

Samples are (check one): ☐ Composites ☐ Grabs

Pollutant	Sample 1	Sample 2	Sample 3	Sample 4	MAL
Tributyltin (µg/L)					0.010
Enterococci (cfu or MPN/100 mL)					N/A
<i>E. coli</i> (cfu or MPN/100 mL)					N/A

TABLE 5 (Instructions, Page 56)

Completion of Table 5 **is required** for all **external outfalls** which discharge process wastewater from a facility which manufactures or formulates pesticides or herbicides or other wastewaters which may contain pesticides or herbicides.

If this facility does not/will not manufacture or formulate pesticides or herbicides and does not/will not discharge other wastewaters which may contain pesticides or herbicides, check N/A.

☒ N/A

Table 5 for Outfall No.: [Click to enter text.](#)

Samples are (check one): ☐ **Composites** ☐ **Grabs**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)*
Aldrin					0.01
Carbaryl					5
Chlordane					0.2
Chlorpyrifos					0.05
4,4'-DDD					0.1
4,4'-DDE					0.1
4,4'-DDT					0.02
2,4-D					0.7
Danitol [Fenprothrin]					—
Demeton					0.20
Diazinon					0.5/0.1
Dicofol [Kelthane]					1
Dieldrin					0.02
Diuron					0.090
Endosulfan I (<i>alpha</i>)					0.01
Endosulfan II (<i>beta</i>)					0.02
Endosulfan sulfate					0.1
Endrin					0.02
Guthion [Azinphos methyl]					0.1
Heptachlor					0.01
Heptachlor epoxide					0.01
Hexachlorocyclohexane (<i>alpha</i>)					0.05
Hexachlorocyclohexane (<i>beta</i>)					0.05
Hexachlorocyclohexane (<i>gamma</i>) [Lindane]					0.05
Hexachlorophene					10
Malathion					0.1
Methoxychlor					2.0
Mirex					0.02
Parathion (ethyl)					0.1
Toxaphene					0.3
2,4,5-TP [Silvex]					0.3

* Indicate units if different from µg/L.

TABLE 6 (Instructions, Page 57)

Completion of Table 6 **is required** for all **external outfalls**.

Table 6 for Outfall No.: N/A

Samples are (check one): ☐ **Composites** ☐ **Grabs**

Pollutants	Believed Present	Believed Absent	Sample 1 (mg/L)	Sample 2 (mg/L)	Sample 3 (mg/L)	Sample 4 (mg/L)	MAL (µg/L)*
Bromide	<input type="checkbox"/>	<input type="checkbox"/>					400
Color (PCU)	<input type="checkbox"/>	<input type="checkbox"/>					—
Nitrate-Nitrite (as N)	<input type="checkbox"/>	<input type="checkbox"/>					—
Sulfide (as S)	<input type="checkbox"/>	<input type="checkbox"/>					—
Sulfite (as SO ₃)	<input type="checkbox"/>	<input type="checkbox"/>					—
Surfactants	<input type="checkbox"/>	<input type="checkbox"/>					—
Boron, total	<input type="checkbox"/>	<input type="checkbox"/>					20
Cobalt, total	<input type="checkbox"/>	<input type="checkbox"/>					0.3
Iron, total	<input type="checkbox"/>	<input type="checkbox"/>					7
Magnesium, total	<input type="checkbox"/>	<input type="checkbox"/>					20
Manganese, total	<input type="checkbox"/>	<input type="checkbox"/>					0.5
Molybdenum, total	<input type="checkbox"/>	<input type="checkbox"/>					1
Tin, total	<input type="checkbox"/>	<input type="checkbox"/>					5
Titanium, total	<input type="checkbox"/>	<input type="checkbox"/>					30

* Indicate units if different from µg/L.

TABLE 7 (Instructions, Page 57)

Check the box next to any of the industrial categories applicable to this facility. If no categories are applicable, check N/A. If GC/MS testing is required, check the box provided to confirm the testing results for the appropriate parameters are provided with the application.

☐ N/A

Table 7 for Applicable Industrial Categories

Industrial Category	40 CFR Part	Volatiles Table 8	Acids Table 9	Bases/Neutrals Table 10	Pesticides Table 11
<input type="checkbox"/> Adhesives and Sealants		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Aluminum Forming	467	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Auto and Other Laundries		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Battery Manufacturing	461	<input type="checkbox"/> Yes	No	<input type="checkbox"/> Yes	No
<input checked="" type="checkbox"/> Coal Mining	434	No	No	No	No
<input type="checkbox"/> Coil Coating	465	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Copper Forming	468	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Electric and Electronic Components	469	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Electroplating	413	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Explosives Manufacturing	457	No	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Foundries		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Gum and Wood Chemicals - Subparts A,B,C,E	454	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No	No
<input type="checkbox"/> Gum and Wood Chemicals - Subparts D,F	454	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Inorganic Chemicals Manufacturing	415	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Iron and Steel Manufacturing	420	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Leather Tanning and Finishing	425	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Mechanical Products Manufacturing		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Nonferrous Metals Manufacturing	421,471	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Oil and Gas Extraction - Subparts A, D, E, F, G, H	435	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Ore Mining - Subpart B	440	No	<input type="checkbox"/> Yes	No	No
<input type="checkbox"/> Organic Chemicals Manufacturing	414	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Paint and Ink Formulation	446,447	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Pesticides	455	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Petroleum Refining	419	<input type="checkbox"/> Yes	No	No	No
<input type="checkbox"/> Pharmaceutical Preparations	439	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Photographic Equipment and Supplies	459	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Plastic and Synthetic Materials Manufacturing	414	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Plastic Processing	463	<input type="checkbox"/> Yes	No	No	No
<input type="checkbox"/> Porcelain Enameling	466	No	No	No	No
<input type="checkbox"/> Printing and Publishing		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Pulp and Paperboard Mills - Subpart C	430	<input type="checkbox"/> *	<input type="checkbox"/> Yes	<input type="checkbox"/> *	<input type="checkbox"/> Yes
<input type="checkbox"/> Pulp and Paperboard Mills - Subparts F, K	430	<input type="checkbox"/> *	<input type="checkbox"/> Yes	<input type="checkbox"/> *	<input type="checkbox"/> *
<input type="checkbox"/> Pulp and Paperboard Mills - Subparts A, B, D, G, H	430	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> *	<input type="checkbox"/> *
<input type="checkbox"/> Pulp and Paperboard Mills - Subparts I, J, L	430	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> *	<input type="checkbox"/> Yes
<input type="checkbox"/> Pulp and Paperboard Mills - Subpart E	430	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> *
<input type="checkbox"/> Rubber Processing	428	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Soap and Detergent Manufacturing	417	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Steam Electric Power Plants	423	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No	No
<input type="checkbox"/> Textile Mills (Not Subpart C)	410	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	No
<input type="checkbox"/> Timber Products Processing	429	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

* Test if believed present.

TABLES 8, 9, 10, and 11 (Instructions, Page 57)

Completion of Tables 8, 9, 10, and 11 **is required** as specified in Table 7 for all **external outfalls** that contain process wastewater.

Completion of Tables 8, 9, 10, and 11 **may be required** for types of industry not specified in Table 7 for specific parameters that are believed to be present in the wastewater.

Table 8 for Outfall No.: N/A : Volatile Compounds

Samples are (check one): ☐ **Composites** ☐ **Grabs**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Acrolein					50
Acrylonitrile					50
Benzene					10
Bromoform					10
Carbon tetrachloride					2
Chlorobenzene					10
Chlorodibromomethane					10
Chloroethane					50
2-Chloroethylvinyl ether					10
Chloroform					10
Dichlorobromomethane [Bromodichloromethane]					10
1,1-Dichloroethane					10
1,2-Dichloroethane					10
1,1-Dichloroethylene [1,1-Dichloroethene]					10
1,2-Dichloropropane					10
1,3-Dichloropropylene [1,3-Dichloropropene]					10
Ethylbenzene					10
Methyl bromide [Bromomethane]					50
Methyl chloride [Chloromethane]					50
Methylene chloride [Dichloromethane]					20
1,1,2,2-Tetrachloroethane					10
Tetrachloroethylene [Tetrachloroethene]					10
Toluene					10
1,2-Trans-dichloroethylene [1,2-Trans-dichloroethene]					10
1,1,1-Trichloroethane					10
1,1,2-Trichloroethane					10
Trichloroethylene [Trichloroethene]					10
Vinyl chloride					10

* Indicate units if different from µg/L.

Table 9 for Outfall No.: N/A : Acid Compounds

Samples are (check one): ☐ **Composites** ☐ **Grabs**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
2-Chlorophenol					10
2,4-Dichlorophenol					10
2,4-Dimethylphenol					10
4,6-Dinitro-o-cresol					50
2,4-Dinitrophenol					50
2-Nitrophenol					20
4-Nitrophenol					50
p-Chloro-m-cresol					10
Pentachlorophenol					5
Phenol					10
2,4,6-Trichlorophenol					10

* Indicate units if different from µg/L.

Table 10 for Outfall No.: N/A : Base/Neutral Compounds

Samples are (check one): ☐ Composites ☐ Grabs

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Acenaphthene					10
Acenaphthylene					10
Anthracene					10
Benzidine					50
Benzo(a)anthracene					5
Benzo(a)pyrene					5
3,4-Benzofluoranthene [Benzo(b)fluoranthene]					10
Benzo(ghi)perylene					20
Benzo(k)fluoranthene					5
Bis(2-chloroethoxy)methane					10
Bis(2-chloroethyl)ether					10
Bis(2-chloroisopropyl)ether					10
Bis(2-ethylhexyl)phthalate					10
4-Bromophenyl phenyl ether					10
Butylbenzyl phthalate					10
2-Chloronaphthalene					10
4-Chlorophenyl phenyl ether					10
Chrysene					5
Dibenzo(a,h)anthracene					5
1,2-Dichlorobenzene [o-Dichlorobenzene]					10
1,3-Dichlorobenzene [m-Dichlorobenzene]					10
1,4-Dichlorobenzene [p-Dichlorobenzene]					10
3,3'-Dichlorobenzidine					5
Diethyl phthalate					10
Dimethyl phthalate					10

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Di-n-butyl phthalate					10
2,4-Dinitrotoluene					10
2,6-Dinitrotoluene					10
Di-n-octyl phthalate					10
1,2-Diphenylhydrazine (as Azobenzene)					20
Fluoranthene					10
Fluorene					10
Hexachlorobenzene					5
Hexachlorobutadiene					10
Hexachlorocyclopentadiene					10
Hexachloroethane					20
Indeno(1,2,3-cd)pyrene					5
Isophorone					10
Naphthalene					10
Nitrobenzene					10
N-Nitrosodimethylamine					50
N-Nitrosodi-n-propylamine					20
N-Nitrosodiphenylamine					20
Phenanthrene					10
Pyrene					10
1,2,4-Trichlorobenzene					10

* Indicate units if different from µg/L.

Table 11 for Outfall No.: N/A : Pesticides

Samples are (check one): ☐ **Composites** ☐ **Grabs**

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Aldrin					0.01
alpha-BHC [alpha-Hexachlorocyclohexane]					0.05
beta-BHC [beta-Hexachlorocyclohexane]					0.05
gamma-BHC [gamma-Hexachlorocyclohexane]					0.05
delta-BHC [delta-Hexachlorocyclohexane]					0.05
Chlordane					0.2
4,4'-DDT					0.02
4,4'-DDE					0.1
4,4'-DDD					0.1
Dieldrin					0.02
Endosulfan I (alpha)					0.01
Endosulfan II (beta)					0.02
Endosulfan sulfate					0.1
Endrin					0.02
Endrin aldehyde					0.1

Pollutant	Sample 1 (µg/L)*	Sample 2 (µg/L)*	Sample 3 (µg/L)*	Sample 4 (µg/L)*	MAL (µg/L)
Heptachlor					0.01
Heptachlor epoxide					0.01
PCB 1242					0.2
PCB 1254					0.2
PCB 1221					0.2
PCB 1232					0.2
PCB 1248					0.2
PCB 1260					0.2
PCB 1016					0.2
Toxaphene					0.3

* Indicate units if different from µg/L.

Attachment: [Click to enter text.](#)

TABLE 12 (DIOXINS/FURAN COMPOUNDS)

Complete of Table 12 **is required** for **external outfalls**, as directed below. (Instructions, Pages 57-58)

- a. Indicate which compound(s) are manufactured or used at the facility and provide a brief description of the conditions of its/their presence at the facility (check all that apply).

- ☐ 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) CASRN 93-76-5
- ☐ 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) CASRN 93-72-1
- ☐ 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) CASRN 136-25-4
- ☐ 0,0-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnell) CASRN 299-84-3
- ☐ 2,4,5-trichlorophenol (TCP) CASRN 95-95-4
- ☐ hexachlorophene (HCP) CASRN 70-30-4
- ☐ None of the above

Description: [Click to enter text.](#)

- b. Does the applicant or anyone at the facility know or have any reason to believe that 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) or any congeners of TCDD may be present in the effluent proposed for discharge?

☐ Yes ☒ No

Description: [Click to enter text.](#)

If **yes** to either Items a **or** b, complete Table 12 as instructed.

Table 12 for Outfall No.: **N/A**

Samples are (check one): ☐ Composites ☐ Grabs

Compound	Toxicity Equivalent Factors	Wastewater Concentration (ppq)	Wastewater Toxicity Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Toxicity Equivalents (ppt)	MAL (ppq)
2,3,7,8-TCDD	1					10
1,2,3,7,8-PeCDD	1.0					50

Compound	Toxicity Equivalent Factors	Wastewater Concentration (ppq)	Wastewater Toxicity Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Toxicity Equivalents (ppt)	MAL (ppq)
2,3,7,8-HxCDDs	0.1					50
1,2,3,4,6,7,8-HpCDD	0.01					50
2,3,7,8-TCDF	0.1					10
1,2,3,7,8-PeCDF	0.03					50
2,3,4,7,8-PeCDF	0.3					50
2,3,7,8-HxCDFs	0.1					50
2,3,4,7,8-HpCDFs	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					500
PCB 81	0.0003					500
PCB 126	0.1					500
PCB 169	0.03					500
Total						

TABLE 13 (HAZARDOUS SUBSTANCES)

Complete Table 13 **is required** for all **external outfalls** as directed below. (Instructions, Page 59)

a. Are there any pollutants listed in the instructions (pages 55-62) believed present in the discharge?

☐ Yes ☒ No

b. Are there pollutants listed in Item 1.c. of Technical Report 1.0 which are believed present in the discharge and have not been analytically quantified elsewhere in this application?

☐ Yes ☒ No

If **yes** to either Items a **or** b, complete Table 13 as instructed.

Table 13 for Outfall No.: N/A

Samples are (check one): ☐ Composites ☐ Grabs

Pollutant	CASRN	Sample 1 (µg/L)	Sample 2 (µg/L)	Sample 3 (µg/L)	Sample 4 (µg/L)	Analytical Method

WORKSHEET 4.0 RECEIVING WATERS

This worksheet **is required** for all TPDES permit applications.

1. DOMESTIC DRINKING WATER SUPPLY (Instructions, Page 78)

- a. There is a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge.

☐ Yes ☒ No

If **no**, stop here and proceed to Item 2. If **yes**, provide the following information:

i. The legal name of the owner of the drinking water supply intake: [Click to enter text.](#)

v. The distance and direction from the outfall to the drinking water supply intake: [Click to enter text.](#)

- b. Locate and identify the intake on the USGS 7.5-minute topographic map provided for Administrative Report 1.0.

☐ Check this box to confirm the above requested information is provided.

2. DISCHARGE INTO TIDALLY INFLUENCED WATERS (Instructions, Page 78)

If the discharge is to tidally influenced waters, complete this section. Otherwise, proceed to Item 3.

a. Width of the receiving water at the outfall: [Click to enter text.](#) feet

- b. Are there oyster reefs in the vicinity of the discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the oyster reefs: [Click to enter text.](#)

- c. Are there sea grasses within the vicinity of the point of discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the grasses: [Click to enter text.](#)

3. CLASSIFIED SEGMENT (Instructions, Page 78)

The discharge is/will be directly into (or within 300 feet of) a classified segment.

☐ Yes ☒ No

If **yes**, stop here. It is not necessary to complete Items 4 and 5 of this worksheet or Worksheet 4.1.

If **no**, complete Items 4 and 5 and Worksheet 4.1 may be required.

4. DESCRIPTION OF IMMEDIATE RECEIVING WATERS (Instructions, Page 79)

a. Name of the immediate receiving waters: tributaries of La Parita Creek

b. Check the appropriate description of the immediate receiving waters:

- | | |
|---|--|
| <input type="checkbox"/> Lake or Pond | <input checked="" type="checkbox"/> Man-Made Channel or Ditch |
| • Surface area (acres): <u>Click to enter text.</u> | <input checked="" type="checkbox"/> Stream or Creek |
| • Average depth of the entire water body (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Freshwater Swamp or Marsh |
| • Average depth of water body within a 500-foot radius of the discharge point (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Tidal Stream, Bayou, or Marsh |
| | <input type="checkbox"/> Open Bay |
| | <input type="checkbox"/> Other, specify: <u>Click to enter text.</u> |

If **Man-Made Channel or Ditch** or **Stream or Creek** were selected above, provide responses to Items 4.c – 4.g below:

c. For **existing discharges**, check the description below that best characterizes the area **upstream** of the discharge.

For **new discharges**, check the description below that best characterizes the area **downstream** of the discharge.

- ☒ Intermittent (dry for at least one week during most years)
- ☐ Intermittent with Perennial Pools (enduring pools containing habitat to maintain aquatic life uses)
- ☐ Perennial (normally flowing)

Check the source(s) of the information used to characterize the area upstream (existing discharge) or downstream (new discharge):

- ☐ USGS flow records
- ☐ personal observation
- ☐ historical observation by adjacent landowner(s)
- ☒ other, specify: historical observations by facility staff

d. List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point: none

e. The receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.).

- ☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

f. General observations of the water body during normal dry weather conditions: typically dry channel, occasional pools after runoff events

Date and time of observation: Click to enter text.

g. The water body was influenced by stormwater runoff during observations.

- ☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

5. GENERAL CHARACTERISTICS OF WATER BODY (Instructions, Page 79)

- a. Is the receiving water upstream of the existing discharge or proposed discharge site influenced by any of the following (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> oil field activities | <input type="checkbox"/> urban runoff |
| <input checked="" type="checkbox"/> agricultural runoff | <input type="checkbox"/> septic tanks |
| <input checked="" type="checkbox"/> upstream discharges | <input type="checkbox"/> other, specify: Click to enter text. |

- b. Uses of water body observed or evidence of such uses (check all that apply):

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> livestock watering | <input type="checkbox"/> industrial water supply | <input type="checkbox"/> other, specify: Click to enter text. |
| <input type="checkbox"/> non-contact recreation | <input type="checkbox"/> irrigation withdrawal | |
| <input type="checkbox"/> domestic water supply | <input type="checkbox"/> navigation | |
| <input type="checkbox"/> contact recreation | <input type="checkbox"/> picnic/park activities | |
| <input checked="" type="checkbox"/> fishing | | |

- c. Description which best describes the aesthetics of the receiving water and the surrounding area (check only one):

- ☐ **Wilderness:** outstanding natural beauty; usually wooded or un-pastured area: water clarity exceptional
- ☐ **Natural Area:** trees or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☒ **Common Setting:** not offensive, developed but uncluttered; water may be colored or turbid
- ☐ **Offensive:** stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

WORKSHEET 4.0 RECEIVING WATERS

This worksheet **is required** for all TPDES permit applications.

1. DOMESTIC DRINKING WATER SUPPLY (Instructions, Page 78)

- a. There is a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge.

☐ Yes ☒ No

If **no**, stop here and proceed to Item 2. If **yes**, provide the following information:

i. The legal name of the owner of the drinking water supply intake: [Click to enter text.](#)

v. The distance and direction from the outfall to the drinking water supply intake: [Click to enter text.](#)

- b. Locate and identify the intake on the USGS 7.5-minute topographic map provided for Administrative Report 1.0.

☐ Check this box to confirm the above requested information is provided.

2. DISCHARGE INTO TIDALLY INFLUENCED WATERS (Instructions, Page 78)

If the discharge is to tidally influenced waters, complete this section. Otherwise, proceed to Item 3.

- a. Width of the receiving water at the outfall: [Click to enter text.](#) feet

- b. Are there oyster reefs in the vicinity of the discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the oyster reefs: [Click to enter text.](#)

- c. Are there sea grasses within the vicinity of the point of discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the grasses: [Click to enter text.](#)

3. CLASSIFIED SEGMENT (Instructions, Page 78)

The discharge is/will be directly into (or within 300 feet of) a classified segment.

☐ Yes ☒ No

If **yes**, stop here. It is not necessary to complete Items 4 and 5 of this worksheet or Worksheet 4.1.

If **no**, complete Items 4 and 5 and Worksheet 4.1 may be required.

4. DESCRIPTION OF IMMEDIATE RECEIVING WATERS (Instructions, Page 79)

a. Name of the immediate receiving waters: tributaries of La Jairta Creek

b. Check the appropriate description of the immediate receiving waters:

- | | |
|---|--|
| <input type="checkbox"/> Lake or Pond | <input checked="" type="checkbox"/> Man-Made Channel or Ditch |
| • Surface area (acres): <u>Click to enter text.</u> | <input checked="" type="checkbox"/> Stream or Creek |
| • Average depth of the entire water body (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Freshwater Swamp or Marsh |
| • Average depth of water body within a 500-foot radius of the discharge point (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Tidal Stream, Bayou, or Marsh |
| | <input type="checkbox"/> Open Bay |
| | <input type="checkbox"/> Other, specify: <u>Click to enter text.</u> |

If **Man-Made Channel or Ditch** or **Stream or Creek** were selected above, provide responses to Items 4.c – 4.g below:

c. For **existing discharges**, check the description below that best characterizes the area **upstream** of the discharge.

For **new discharges**, check the description below that best characterizes the area **downstream** of the discharge.

- ☒ Intermittent (dry for at least one week during most years)
- ☐ Intermittent with Perennial Pools (enduring pools containing habitat to maintain aquatic life uses)
- ☐ Perennial (normally flowing)

Check the source(s) of the information used to characterize the area upstream (existing discharge) or downstream (new discharge):

- ☐ USGS flow records
- ☐ personal observation
- ☐ historical observation by adjacent landowner(s)
- ☒ other, specify: historical observations by facility staff

d. List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point: none

e. The receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.).

- ☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

f. General observations of the water body during normal dry weather conditions: typically dry channel, occasional pools after runoff events

Date and time of observation: Click to enter text.

g. The water body was influenced by stormwater runoff during observations.

- ☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

5. GENERAL CHARACTERISTICS OF WATER BODY (Instructions, Page 79)

- a. Is the receiving water upstream of the existing discharge or proposed discharge site influenced by any of the following (check all that apply):

<input checked="" type="checkbox"/> oil field activities	<input type="checkbox"/> urban runoff
<input checked="" type="checkbox"/> agricultural runoff	<input type="checkbox"/> septic tanks
<input checked="" type="checkbox"/> upstream discharges	<input type="checkbox"/> other, specify: Click to enter text.

- b. Uses of water body observed or evidence of such uses (check all that apply):

<input checked="" type="checkbox"/> livestock watering	<input type="checkbox"/> industrial water supply	<input type="checkbox"/> other, specify: Click to enter text.
<input type="checkbox"/> non-contact recreation	<input type="checkbox"/> irrigation withdrawal	
<input type="checkbox"/> domestic water supply	<input type="checkbox"/> navigation	
<input type="checkbox"/> contact recreation	<input type="checkbox"/> picnic/park activities	
<input checked="" type="checkbox"/> fishing		

- c. Description which best describes the aesthetics of the receiving water and the surrounding area (check only one):

☐ **Wilderness:** outstanding natural beauty; usually wooded or un-pastured area: water clarity exceptional

☐ **Natural Area:** trees or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

☒ **Common Setting:** not offensive, developed but uncluttered; water may be colored or turbid

☐ **Offensive:** stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

WORKSHEET 4.0 RECEIVING WATERS

This worksheet **is required** for all TPDES permit applications.

1. DOMESTIC DRINKING WATER SUPPLY (Instructions, Page 78)

- a. There is a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge.

☐ Yes ☒ No

If **no**, stop here and proceed to Item 2. If **yes**, provide the following information:

i. The legal name of the owner of the drinking water supply intake: [Click to enter text.](#)

v. The distance and direction from the outfall to the drinking water supply intake: [Click to enter text.](#)

- b. Locate and identify the intake on the USGS 7.5-minute topographic map provided for Administrative Report 1.0.

☐ Check this box to confirm the above requested information is provided.

2. DISCHARGE INTO TIDALLY INFLUENCED WATERS (Instructions, Page 78)

If the discharge is to tidally influenced waters, complete this section. Otherwise, proceed to Item 3.

- a. Width of the receiving water at the outfall: [Click to enter text.](#) feet

- b. Are there oyster reefs in the vicinity of the discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the oyster reefs: [Click to enter text.](#)

- c. Are there sea grasses within the vicinity of the point of discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the grasses: [Click to enter text.](#)

3. CLASSIFIED SEGMENT (Instructions, Page 78)

The discharge is/will be directly into (or within 300 feet of) a classified segment.

☐ Yes ☒ No

If **yes**, stop here. It is not necessary to complete Items 4 and 5 of this worksheet or Worksheet 4.1.

If **no**, complete Items 4 and 5 and Worksheet 4.1 may be required.

4. DESCRIPTION OF IMMEDIATE RECEIVING WATERS (Instructions, Page 79)

a. Name of the immediate receiving waters: tributaries of Atascosa River

b. Check the appropriate description of the immediate receiving waters:

- | | |
|---|--|
| <input type="checkbox"/> Lake or Pond | <input checked="" type="checkbox"/> Man-Made Channel or Ditch |
| • Surface area (acres): <u>Click to enter text.</u> | <input checked="" type="checkbox"/> Stream or Creek |
| • Average depth of the entire water body (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Freshwater Swamp or Marsh |
| • Average depth of water body within a 500-foot radius of the discharge point (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Tidal Stream, Bayou, or Marsh |
| | <input type="checkbox"/> Open Bay |
| | <input type="checkbox"/> Other, specify: <u>Click to enter text.</u> |

If **Man-Made Channel or Ditch** or **Stream or Creek** were selected above, provide responses to Items 4.c – 4.g below:

c. For **existing discharges**, check the description below that best characterizes the area **upstream** of the discharge.

For **new discharges**, check the description below that best characterizes the area **downstream** of the discharge.

- ☒ Intermittent (dry for at least one week during most years)
- ☐ Intermittent with Perennial Pools (enduring pools containing habitat to maintain aquatic life uses)
- ☐ Perennial (normally flowing)

Check the source(s) of the information used to characterize the area upstream (existing discharge) or downstream (new discharge):

- ☐ USGS flow records
- ☐ personal observation
- ☐ historical observation by adjacent landowner(s)
- ☒ other, specify: historical observations by facility staff

d. List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point: Atascosa River

e. The receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.).

☒ Yes ☐ No

If **yes**, describe how: enters perennial stream

f. General observations of the water body during normal dry weather conditions: typically dry channel, occasional pools after runoff events

Date and time of observation: Click to enter text.

g. The water body was influenced by stormwater runoff during observations.

☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

5. GENERAL CHARACTERISTICS OF WATER BODY (Instructions, Page 79)

- a. Is the receiving water upstream of the existing discharge or proposed discharge site influenced by any of the following (check all that apply):
- | | |
|---|---|
| <input type="checkbox"/> oil field activities | <input type="checkbox"/> urban runoff |
| <input type="checkbox"/> agricultural runoff | <input type="checkbox"/> septic tanks |
| <input type="checkbox"/> upstream discharges | <input type="checkbox"/> other, specify: Click to enter text. |
- b. Uses of water body observed or evidence of such uses (check all that apply):
- | | | |
|---|--|---|
| <input type="checkbox"/> livestock watering | <input type="checkbox"/> fishing | <input type="checkbox"/> picnic/park activities |
| <input type="checkbox"/> non-contact recreation | <input type="checkbox"/> industrial water supply | <input type="checkbox"/> other, specify: Click to enter text. |
| <input type="checkbox"/> domestic water supply | <input type="checkbox"/> irrigation withdrawal | |
| <input type="checkbox"/> contact recreation | <input type="checkbox"/> navigation | |
- c. Description which best describes the aesthetics of the receiving water and the surrounding area (check only one):
- ☐ **Wilderness:** outstanding natural beauty; usually wooded or un-pastured area: water clarity exceptional
- ☐ **Natural Area:** trees or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☒ **Common Setting:** not offensive, developed but uncluttered; water may be colored or turbid
- ☐ **Offensive:** stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

WORKSHEET 4.0 RECEIVING WATERS

This worksheet **is required** for all TPDES permit applications.

1. DOMESTIC DRINKING WATER SUPPLY (Instructions, Page 78)

- a. There is a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge.

☐ Yes ☒ No

If **no**, stop here and proceed to Item 2. If **yes**, provide the following information:

i. The legal name of the owner of the drinking water supply intake: [Click to enter text.](#)

v. The distance and direction from the outfall to the drinking water supply intake: [Click to enter text.](#)

- b. Locate and identify the intake on the USGS 7.5-minute topographic map provided for Administrative Report 1.0.

☐ Check this box to confirm the above requested information is provided.

2. DISCHARGE INTO TIDALLY INFLUENCED WATERS (Instructions, Page 78)

If the discharge is to tidally influenced waters, complete this section. Otherwise, proceed to Item 3.

- a. Width of the receiving water at the outfall: [Click to enter text.](#) feet

- b. Are there oyster reefs in the vicinity of the discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the oyster reefs: [Click to enter text.](#)

- c. Are there sea grasses within the vicinity of the point of discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the grasses: [Click to enter text.](#)

3. CLASSIFIED SEGMENT (Instructions, Page 78)

The discharge is/will be directly into (or within 300 feet of) a classified segment.

☐ Yes ☒ No

If **yes**, stop here. It is not necessary to complete Items 4 and 5 of this worksheet or Worksheet 4.1.

If **no**, complete Items 4 and 5 and Worksheet 4.1 may be required.

4. DESCRIPTION OF IMMEDIATE RECEIVING WATERS (Instructions, Page 79)

a. Name of the immediate receiving waters: tributaries of San Miguel Creek

b. Check the appropriate description of the immediate receiving waters:

- | | |
|---|--|
| <input type="checkbox"/> Lake or Pond | <input checked="" type="checkbox"/> Man-Made Channel or Ditch |
| • Surface area (acres): <u>Click to enter text.</u> | <input checked="" type="checkbox"/> Stream or Creek |
| • Average depth of the entire water body (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Freshwater Swamp or Marsh |
| • Average depth of water body within a 500-foot radius of the discharge point (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Tidal Stream, Bayou, or Marsh |
| | <input type="checkbox"/> Open Bay |
| | <input type="checkbox"/> Other, specify: <u>Click to enter text.</u> |

If **Man-Made Channel or Ditch** or **Stream or Creek** were selected above, provide responses to Items 4.c – 4.g below:

c. For **existing discharges**, check the description below that best characterizes the area **upstream** of the discharge.

For **new discharges**, check the description below that best characterizes the area **downstream** of the discharge.

- ☒ Intermittent (dry for at least one week during most years)
- ☐ Intermittent with Perennial Pools (enduring pools containing habitat to maintain aquatic life uses)
- ☐ Perennial (normally flowing)

Check the source(s) of the information used to characterize the area upstream (existing discharge) or downstream (new discharge):

- ☐ USGS flow records
- ☐ personal observation
- ☐ historical observation by adjacent landowner(s)
- ☒ other, specify: historical observations by facility staff

d. List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point: San Miguel Creek

e. The receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.).

☒ Yes ☐ No

If **yes**, describe how: Click to enter text.

f. General observations of the water body during normal dry weather conditions: typically dry channel, occasional pools after runoff events

Date and time of observation: Click to enter text.

g. The water body was influenced by stormwater runoff during observations.

☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

5. GENERAL CHARACTERISTICS OF WATER BODY (Instructions, Page 79)

- a. Is the receiving water upstream of the existing discharge or proposed discharge site influenced by any of the following (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> oil field activities | <input type="checkbox"/> urban runoff |
| <input checked="" type="checkbox"/> agricultural runoff | <input type="checkbox"/> septic tanks |
| <input checked="" type="checkbox"/> upstream discharges | <input type="checkbox"/> other, specify: Click to enter text. |

- b. Uses of water body observed or evidence of such uses (check all that apply):

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> livestock watering | <input type="checkbox"/> industrial water supply | <input type="checkbox"/> other, specify: Click to enter text. |
| <input type="checkbox"/> non-contact recreation | <input type="checkbox"/> irrigation withdrawal | |
| <input type="checkbox"/> domestic water supply | <input type="checkbox"/> navigation | |
| <input type="checkbox"/> contact recreation | <input type="checkbox"/> picnic/park activities | |
| <input checked="" type="checkbox"/> fishing | | |

- c. Description which best describes the aesthetics of the receiving water and the surrounding area (check only one):

- ☐ **Wilderness:** outstanding natural beauty; usually wooded or un-pastured area: water clarity exceptional
- ☐ **Natural Area:** trees or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☒ **Common Setting:** not offensive, developed but uncluttered; water may be colored or turbid
- ☐ **Offensive:** stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

WORKSHEET 4.0 RECEIVING WATERS

This worksheet **is required** for all TPDES permit applications.

1. DOMESTIC DRINKING WATER SUPPLY (Instructions, Page 78)

- a. There is a surface water intake for domestic drinking water supply located within 5 (five) miles downstream from the point/proposed point of discharge.

☐ Yes ☒ No

If **no**, stop here and proceed to Item 2. If **yes**, provide the following information:

i. The legal name of the owner of the drinking water supply intake: [Click to enter text.](#)

v. The distance and direction from the outfall to the drinking water supply intake: [Click to enter text.](#)

- b. Locate and identify the intake on the USGS 7.5-minute topographic map provided for Administrative Report 1.0.

☐ Check this box to confirm the above requested information is provided.

2. DISCHARGE INTO TIDALLY INFLUENCED WATERS (Instructions, Page 78)

If the discharge is to tidally influenced waters, complete this section. Otherwise, proceed to Item 3.

a. Width of the receiving water at the outfall: [Click to enter text.](#) feet

- b. Are there oyster reefs in the vicinity of the discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the oyster reefs: [Click to enter text.](#)

- c. Are there sea grasses within the vicinity of the point of discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s) to the grasses: [Click to enter text.](#)

3. CLASSIFIED SEGMENT (Instructions, Page 78)

The discharge is/will be directly into (or within 300 feet of) a classified segment.

☐ Yes ☒ No

If **yes**, stop here. It is not necessary to complete Items 4 and 5 of this worksheet or Worksheet 4.1.

If **no**, complete Items 4 and 5 and Worksheet 4.1 may be required.

4. DESCRIPTION OF IMMEDIATE RECEIVING WATERS (Instructions, Page 79)

a. Name of the immediate receiving waters: tributaries of Bill Walker Cr., Leoncita Cr., and Frio River

b. Check the appropriate description of the immediate receiving waters:

- | | |
|---|--|
| <input type="checkbox"/> Lake or Pond | <input checked="" type="checkbox"/> Man-Made Channel or Ditch |
| • Surface area (acres): <u>Click to enter text.</u> | <input checked="" type="checkbox"/> Stream or Creek |
| • Average depth of the entire water body (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Freshwater Swamp or Marsh |
| • Average depth of water body within a 500-foot radius of the discharge point (feet): <u>Click to enter text.</u> | <input type="checkbox"/> Tidal Stream, Bayou, or Marsh |
| | <input type="checkbox"/> Open Bay |
| | <input type="checkbox"/> Other, specify: <u>Click to enter text.</u> |

If **Man-Made Channel or Ditch** or **Stream or Creek** were selected above, provide responses to Items 4.c – 4.g below:

c. For **existing discharges**, check the description below that best characterizes the area **upstream** of the discharge.

For **new discharges**, check the description below that best characterizes the area **downstream** of the discharge.

- ☒ Intermittent (dry for at least one week during most years)
- ☐ Intermittent with Perennial Pools (enduring pools containing habitat to maintain aquatic life uses)
- ☐ Perennial (normally flowing)

Check the source(s) of the information used to characterize the area upstream (existing discharge) or downstream (new discharge):

- ☐ USGS flow records
- ☐ personal observation
- ☐ historical observation by adjacent landowner(s)
- ☒ other, specify: historical observations by facility staff

d. List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point: none

e. The receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.).

- ☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

f. General observations of the water body during normal dry weather conditions: typically dry channel, occasional pools after runoff events

Date and time of observation: Click to enter text.

g. The water body was influenced by stormwater runoff during observations.

- ☐ Yes ☒ No

If **yes**, describe how: Click to enter text.

5. GENERAL CHARACTERISTICS OF WATER BODY (Instructions, Page 79)

- a. Is the receiving water upstream of the existing discharge or proposed discharge site influenced by any of the following (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> oil field activities | <input type="checkbox"/> urban runoff |
| <input checked="" type="checkbox"/> agricultural runoff | <input type="checkbox"/> septic tanks |
| <input checked="" type="checkbox"/> upstream discharges | <input type="checkbox"/> other, specify: Click to enter text. |

- b. Uses of water body observed or evidence of such uses (check all that apply):

- | | | |
|---|--|---|
| <input type="checkbox"/> livestock watering | <input type="checkbox"/> fishing | <input type="checkbox"/> picnic/park activities |
| <input type="checkbox"/> non-contact recreation | <input type="checkbox"/> industrial water supply | <input type="checkbox"/> other, specify: Click to enter text. |
| <input type="checkbox"/> domestic water supply | <input type="checkbox"/> irrigation withdrawal | |
| <input type="checkbox"/> contact recreation | <input type="checkbox"/> navigation | |

- c. Description which best describes the aesthetics of the receiving water and the surrounding area (check only one):

- ☐ **Wilderness:** outstanding natural beauty; usually wooded or un-pastured area: water clarity exceptional
- ☐ **Natural Area:** trees or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☒ **Common Setting:** not offensive, developed but uncluttered; water may be colored or turbid
- ☐ **Offensive:** stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

WORKSHEET 5.0

SEWAGE SLUDGE MANAGEMENT AND DISPOSAL

The following information **is required** for all TPDES permit applications that meet the conditions as outlined in Technical Report 1.0, Item 7.

1. SEWAGE SLUDGE SOLIDS MANAGEMENT PLAN (Instructions, Page 82)

a. Is this a new permit application or an amendment permit application?

☒ Yes ☐ No

b. Does or will the facility discharge in the Lake Houston watershed?

☐ Yes ☒ No

If **yes** to either Item 1.a **or** 1.b, attach a solids management plan.

Attachment: N/A. Lignite mine, no sewage sludge generated.

2. SEWAGE SLUDGE MANAGEMENT AND DISPOSAL (Instructions, Pages 82-83)

a. Check the box next to the sludge disposal method(s) authorized under the facility's existing permit (check all that apply).

- ☐ Permitted landfill
- ☐ Marketing and distribution by the permittee, attach Form TCEQ-00551
- ☐ Registered land application site, attach Form TCEQ-00565
- ☐ Processed by the permittee, attach Form TCEQ-00744
- ☐ Surface disposal site (sludge monofill), attach Form TCEQ-00744
- ☒ Transported to another WWTP
- ☐ Beneficial land application, attach Form TCEQ-10451
- ☐ Incineration, attach Form TCEQ-00744

Based on the selection(s) made above, complete and attach the required TCEQ forms as directed. Failure to submit the required TCEQ form will result in delays in processing the application

Attachment: [Click to enter text](#)

b. Provide the following information for each disposal site:

Disposal site name: TBD

TCEQ Permit/Registration Number: TBD

County where disposal site is located: TBD

c. Method of sewage sludge transportation: ☒ truck ☐ train ☐ pipe ☐ other: [Click to enter text.](#)

TCEQ Hauler Registration Number: TBD

Sludge is transported as a: ☐ liquid ☐ semi-liquid ☐ semi-solid ☐ solid

- d. Purpose of land application: ☐ reclamation ☐ soil conditioning ☐ N/A
- e. If sewage sludge is transported to another WWTP for treatment, attach a written statement or copy of contractual agreements confirming that the WWTP identified above will accept and be responsible for the sludge from this facility for the life of the permit (at least 5 years).

Attachment: Exhibit K

3. AUTHORIZATION FOR SEWAGE SLUDGE DISPOSAL (Instructions, Page 79)

- a. If this is a new or major amendment application which requests authorization of a new sewage sludge disposal method, check the new sewage disposal method(s) requested for authorization (check all that apply):

- ☐ Marketing and distribution by the permittee, attach Form TCEQ-00551
- ☐ Processed by the permittee, attach Form TCEQ-00744
- ☐ Surface disposal site (sludge monofill), attach Form TCEQ-00744
- ☐ Beneficial land application, attach Form TCEQ-10451
- ☐ Incineration, attach Form TCEQ-00744

Based on the selection(s) made above, complete and attach any required TCEQ forms, as directed. Failure to submit the required TCEQ form will result in delays in processing the application

Attachment: N/A

NOTE: New authorization for beneficial land application, incineration, processing, or disposal in the TPDES permit or TLAP **requires a major amendment to the permit**. New authorization for composting may require a major amendment to the permit. See the instructions to determine if a major amendment is required or if authorization for composting can be added through the renewal process.

WORKSHEET 7.0

STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

This worksheet **is required** for all TPDES permit applications requesting individual permit coverage for discharges consisting of **either**: 1) solely of stormwater discharges associated with industrial activities, as defined in *40 CFR § 122.26(b)(14)(i-xi)*, **or** 2) stormwater discharges associated with industrial activities and any of the listed allowable non-stormwater discharges, as defined in the MSGP (TXR05000), Part II, Section A, Item 6.

Discharges of stormwater as defined in *40 CFR § 122.26 (b)(13)* are not required to obtain authorization under a TPDES permit (see exceptions at *40 CFR §§ 122.26(a)(1)* and *(9)*). Authorization for discharge may be required from a local municipal separate storm sewer system.

1. APPLICABILITY (Instructions, Page 87)

Do discharges from any of the existing/proposed outfalls consist either 1) solely of stormwater discharges associated with industrial activities **or** 2) stormwater discharges associated with industrial activities and any of the allowable non-stormwater discharges?

☐ Yes ☒ No

If **no**, stop here. If **yes**, proceed as directed.

2. STORMWATER OUTFALL COVERAGE (Instructions, Page 88)

List each existing/proposed stormwater outfall at the facility and indicate which type of authorization covers or is proposed to cover discharges.

Authorization coverage

Outfall	Authorized Under MSGP	Authorized Under Individual Permit
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

If **all** existing/proposed outfalls which discharge stormwater associated with industrial activities (and any of the allowable non-stormwater discharges) are **authorized under the MSGP**, **stop** here.

If **seeking authorization** for any outfalls which discharge stormwater associated with industrial activities (and any of the allowable non-stormwater discharges) **under an individual permit**, **proceed**.

NOTE: The following information is required for each existing/proposed stormwater outfall for which the facility is seeking individual permit authorization under this application.

3. SITE MAP (Instructions, Page 88)

Attach a site map or maps (drawn to scale) of the entire facility with the following information.

- the location of each stormwater outfall to be covered by the permit
- an outline of the drainage area that is within the facility's boundary and that contributes stormwater to each outfall to be covered by the permit
- connections or discharge points to municipal separate storm sewer systems
- locations of all structures (e.g. buildings, garages, storage tanks)
- structural control devices that are designed to reduce pollution in discharges of stormwater associated with industrial activities
- process wastewater treatment units (including ponds)
- bag house and other air treatment units exposed to stormwater (stormwater runoff, snow melt runoff, and surface runoff and drainage)
- landfills; scrapyards; surface water bodies (including wetlands)
- vehicle and equipment maintenance areas
- physical features of the site that may influence discharges of stormwater associated with industrial activities or contribute a dry weather flow
- locations where spills or leaks of reportable quality (as defined in *30 TAC § 327.4*) have occurred during the three years before this application was submitted to obtain coverage under an individual permit
- processing areas, storage areas, material loading/unloading areas, and other locations where significant materials are exposed to stormwater (stormwater runoff, snow melt runoff, and surface runoff and drainage)

☐ Check the box to confirm all the above information was provided on the facility site map(s).

Attachment: N/A

4. FACILITY/SITE INFORMATION (Instructions, Pages 88-89)

- a. Provide the area of impervious surface and the total area drained by each stormwater outfall requested for authorization by this permit application.

Impervious Surfaces

Outfall	Area of Impervious Surface (include units)	Total Area Drained (include units)
N/A		

- b. Provide the following local area rainfall information and the source of the information.

Wettest month: [Click to enter text.](#)

Average rainfall for wettest month (total inches): [Click to enter text.](#)

25-year, 24-hour rainfall (inches): [Click to enter text.](#)

Source: [Click to enter text.](#)

- c. Attach an inventory, or list, of materials currently handled at the facility that may be exposed to precipitation. **Attachment:** [Click to enter text.](#)
- d. Attach narrative descriptions of the industrial processes and activities involving the materials in the above-listed inventory that occur outdoors or in some manner that may result in exposure of the materials to precipitation or runoff (see instructions for guidance). **Attachment:** [Click to enter text.](#)
- e. Describe any BMPs and controls the facility uses/proposes to prevent or effectively reduce pollution in stormwater discharges from the facility: [Click to enter text.](#)

5. LABORATORY ACCREDITATION CERTIFICATION (Instructions, Page 89)

Effective July 1, 2008, all laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification* with the following general exemptions:

- a. The laboratory is an in-house laboratory and is:
 - i. periodically inspected by the TCEQ; or
 - ii. located in another state and is accredited or inspected by that state; or
 - iii. performing work for another company with a unit located in the same site; or
 - vi. performing pro bono work for a governmental agency or charitable organization.
- b. The laboratory is accredited under federal law.
- c. The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- d. The laboratory supplies data for which the TCEQ does not offer accreditation.

Review *30 TAC Chapter 25* for specific requirements. The following certification statement shall be signed and submitted with every application. See Instructions, Page 32, for a list of approved signatories.

I, Nathan Brown, certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*.

(Signature)

6. POLLUTANT ANALYSIS (Instructions, Pages 89-91)

- a. Provide the date range of all sampling events conducted to obtain the analytical data submitted with this application (e.g., 05/01/2018-05/30/2018): [Click to enter text.](#)
- b. ☐ Check the box to confirm all samples were collected no more than 12 months prior to the date of application submittal.
- c. Complete Table 17 as directed on page 90 of the Instructions.

Table 17 Pollutant Analysis for Outfall No.: [Click to enter text.](#)

Pollutant	Grab Sample* Maximum (mg/L)	Composite Sample** Maximum (mg/L)	Grab Sample* Average (mg/L)	Composite Sample** Average (mg/L)	Number of Storm Events Sampled	MAL (mg/L)
pH (standard units)	(max)	—	(min)	—		—
Total suspended solids						—
Chemical oxygen demand						—
Total organic carbon						—
Oil and grease						—
Arsenic, total						0.0005
Barium, total						0.003
Cadmium, total						0.001
Chromium, total						0.003
Chromium, trivalent						—
Chromium, hexavalent						0.003
Copper, total						0.002
Lead, total						0.0005
Mercury, total						0.000005
Nickel, total						0.002
Selenium, total						0.005
Silver, total						0.0005
Zinc, total						0.005

* Taken during first 30 minutes of storm event

** Flow-weighted composite sample

d. Complete Table 18 as directed on pages 90-92 of the Instructions.

Table 18 Pollutant Analysis for Outfall No.: [Click to enter text.](#)

Pollutant	Grab Sample* Maximum (mg/L)	Composite Sample** Maximum (mg/L)	Grab Sample* Average (mg/L)	Composite Sample** Average (mg/L)	Number of Storm Events Sampled

* Taken during first 30 minutes of storm event

** Flow-weighted composite sample

Attachment: [Click to enter text.](#)

7. STORM EVENT DATA (Instructions, Page 82)

Provide the following data for the storm event(s) which resulted in the maximum values for the analytical data submitted:

Date of storm event: [Click to enter text.](#)

Duration of storm event (minutes): [Click to enter text.](#)

Total rainfall during storm event (inches): [Click to enter text.](#)

Number of hours the between beginning of the storm measured and the end of the previous measurable storm event (hours): [Click to enter text.](#)

Maximum flow rate during rain event (gallons/minute): [Click to enter text.](#)

Total stormwater flow from rain event (gallons): [Click to enter text.](#)

Provide a description of the method of flow measurement or estimate: [Click to enter text.](#)

EXHIBIT A



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission <i>(If other is checked please describe in space provided.)</i>		
<input type="checkbox"/> New Permit, Registration or Authorization <i>(Core Data Form should be submitted with the program application.)</i>		
<input checked="" type="checkbox"/> Renewal <i>(Core Data Form should be submitted with the renewal form)</i>		<input type="checkbox"/> Other
2. Customer Reference Number <i>(if issued)</i>		3. Regulated Entity Reference Number <i>(if issued)</i>
CN 600132278		RN 100226539

[Follow this link to search for CN or RN numbers in Central Registry**](#)

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		10/25/2021	
<input type="checkbox"/> New Customer		<input checked="" type="checkbox"/> Update to Customer Information		<input type="checkbox"/> Change in Regulated Entity Ownership	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>					
6. Customer Legal Name <i>(If an individual, print last name first: eg: Doe, John)</i> <i>If new Customer, enter previous Customer below:</i>					
San Miguel Electric Cooperative, Inc.					
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID (9 digits)	
39916201		17419371343		10. DUNS Number <i>(if applicable)</i>	
11. Type of Customer:		<input checked="" type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees		<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input checked="" type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		13. Independently Owned and Operated?	
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following:					
<input type="checkbox"/> Owner		<input type="checkbox"/> Operator		<input checked="" type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee		<input type="checkbox"/> Responsible Party		<input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:	
15. Mailing Address:					
PO Box 280					
City		Jourdanton		State TX ZIP 78026 ZIP + 4	
16. Country Mailing Information <i>(if outside USA)</i>				17. E-Mail Address <i>(if applicable)</i>	
18. Telephone Number		19. Extension or Code		20. Fax Number <i>(if applicable)</i>	
(830) 784-3411		202		(830) 784-3411	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information <i>(If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)</i>	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information	
<i>The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC.)</i>	
22. Regulated Entity Name <i>(Enter name of the site where the regulated action is taking place.)</i>	
San Miguel Lignite Mine	

23. Street Address of the Regulated Entity: (No PO Boxes)	6200 FM 3387							
	City	Christine	State	TX	ZIP	78012	ZIP + 4	
	24. County							

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:								
26. Nearest City				State		Nearest ZIP Code		
Christine				TX		78012		
27. Latitude (N) In Decimal:		28.7		28. Longitude (W) In Decimal:		98.7		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds			
28	42	8.39N	98	28	38.15W			
29. Primary SIC Code (4 digits)		30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)		
1221				212111				
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)								
lignite mine								
34. Mailing Address:		PO Box 280						
		City	Joudanton	State	TX	ZIP	78026	ZIP + 4
35. E-Mail Address:		nbrown@smeci.net						
36. Telephone Number		37. Extension or Code		38. Fax Number (if applicable)				
(830) 784-3411		202		(830) 784-3411				

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Dave Burris			41. Title:	Fuels Manager
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address		
(830) 784-3411	204	(830) 784-3411	dburris@smeci.net		

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

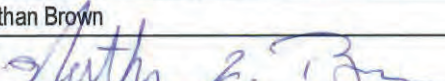
Company:	San Miguel Electric Cooperative Inc.		Job Title:	General Manager	
Name(In Print) :	Nathan Brown			Phone:	(830) 784-3411
Signature:				Date:	03/28/2022

EXHIBIT B

Admin Report 1.0, Page 5, Item 7.d: Public Places Information

Atascosa County:

Atascosa County Courthouse

Office of the County Clerk

1 Courthouse Circle Drive, Suite 102

Jourdanton, TX 78026

Contact Name: County Clerk Diane Gonzales (830) 767-2511

McMullen County:

McMullen County Courthouse

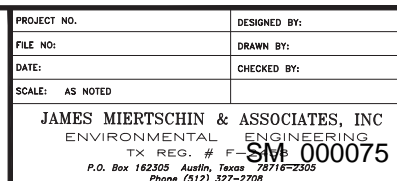
Office of the County Clerk

501 River Street

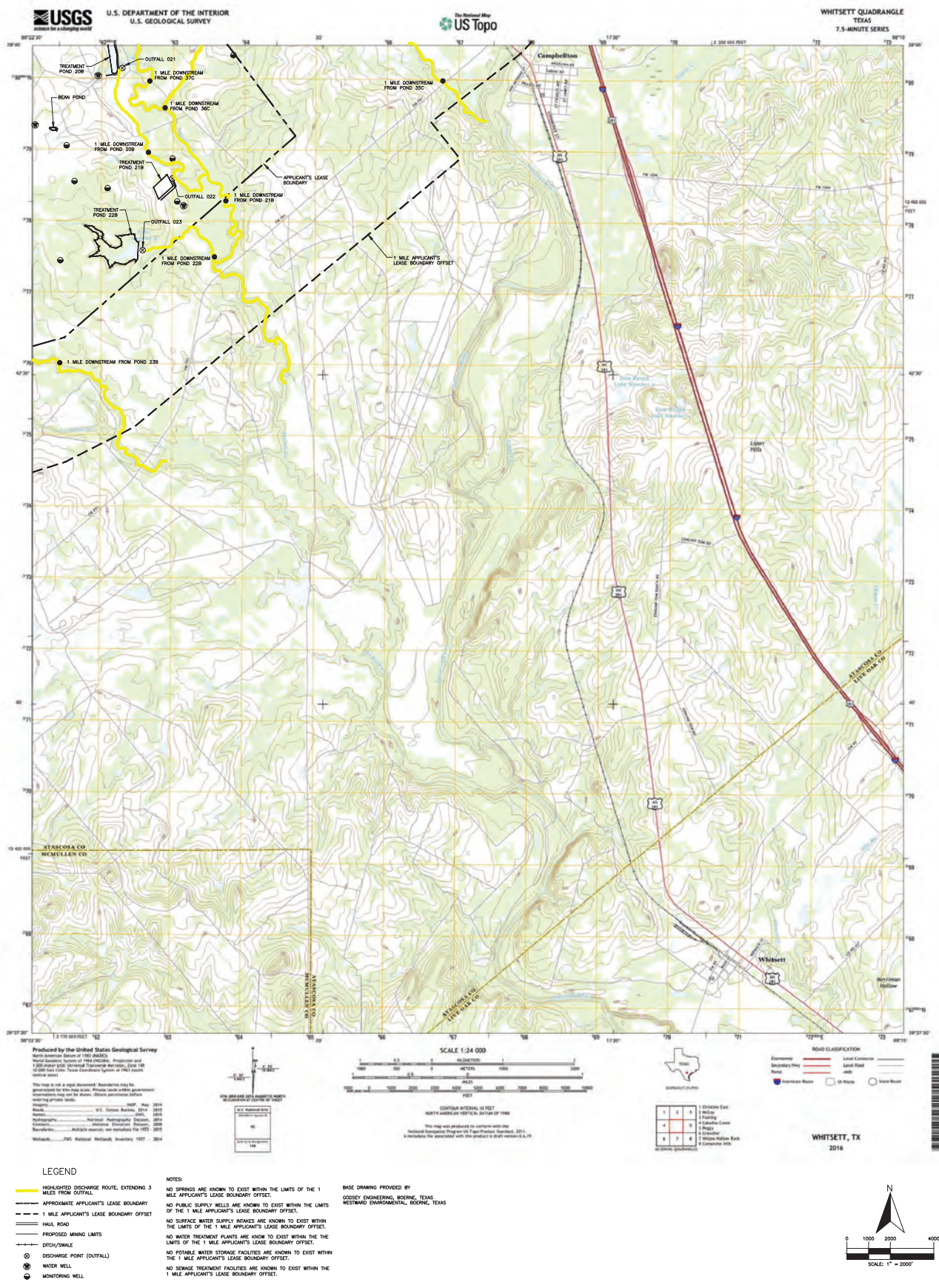
Tilden, TX 78072

Contact Name: County Clerk Mattie Sadovsky (361) 274-3215

EXHIBIT C



NOTE: POINTED BOUNDARY CONTINUES OFF SHEET



USGS QUADRANGLE MAP
WHITSETT, TEXAS

SMECI PERMIT APPLICATION

PROJECT NO.	DESIGNED BY:
FILE NO.	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING
TX REG. # F-245-B
P.O. Box 162305 Austin, Texas 78716-2305
Phone (512) 327-2700

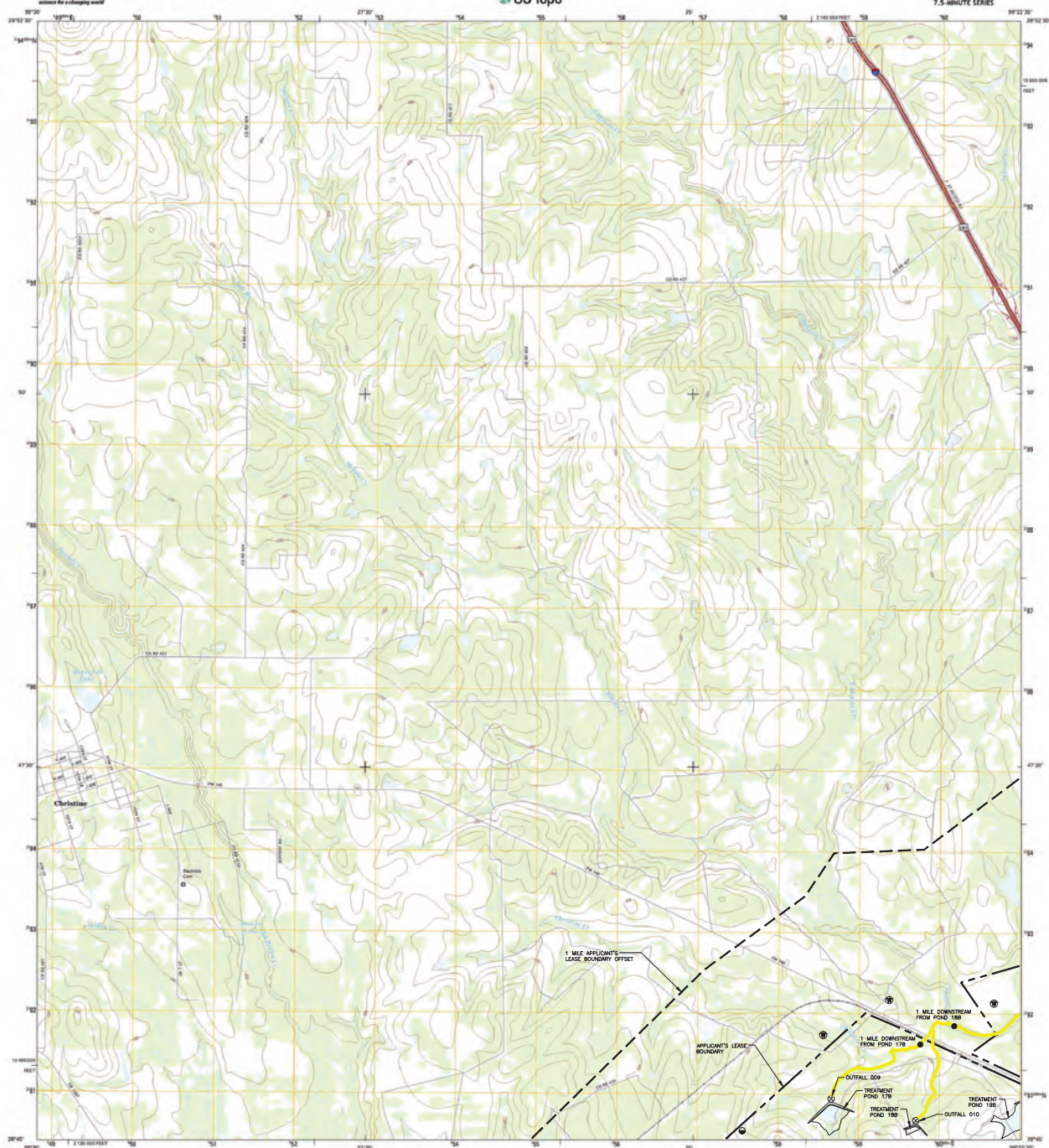
SM-000076



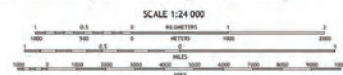
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



CHRISTINE EAST QUADRANGLE
TEXAS-ATASCOSA CO.
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
Horizontal datum system of 1983 (NAD83). Projection and
scale are based on the North American Datum of 1983
1:250,000 scale. UTM Zone 16N. UTM Zone 16N. UTM
Zone 16N. UTM Zone 16N. UTM Zone 16N. UTM Zone 16N.
This map is not a legal document. Boundaries may be
generalized for this map scale. Please look within government
coordinates may not be shown. Please permit before
making general use.
Source: USGS, May 2014
Base: U.S. Census Bureau, 2014
Hydrography: NOAA, 2015
Cultural: National Hydrography Dataset, 2014
Cultural: National Hydrography Dataset, 2014
Boundaries: Author's survey, not recorded for 1912
Metadata: FWS National Wetlands Inventory 1977 - 2014



ROAD CLASSIFICATION
Expressway
Primary Road
Secondary Road
Rural Road
US Route
State Road
Local Connector
Local Road
Rural Road
US Route
State Road

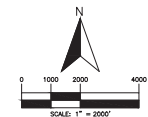
LEGEND

- HIGHLIGHTED DISCHARGE ROUTE, EXTENDING 3 MILES FROM OUTFALL
- APPROXIMATE APPLICANT'S LEASE BOUNDARY
- 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET
- HAUL ROAD
- PROPOSED MINING LIMITS
- DITCH/SMILE
- DISCHARGE POINT (OUTFALL)
- WATER WELL
- MONITORING WELL

NOTES

- NO SPRINGS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO PUMED SUPPLY WELLS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO SURFACE WATER SUPPLY INCHES ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO WATER TREATMENT PLANTS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO PUMED WATER STORAGE FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO SEWAGE TREATMENT FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

BASE DRAWING PROVIDED BY
GOSSEY ENGINEERING, BIERNE, TEXAS
WESTINGHOUSE ENVIRONMENTAL, BIERNE, TEXAS

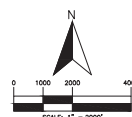


USGS QUADRANGLE MAP
CHRISTINE EAST, TEXAS

SMECI PERMIT APPLICATION

PROJECT NO.	DESIGNED BY:
FILE NO:	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	
JAMES MIERTSCHIN & ASSOCIATES, INC ENVIRONMENTAL ENGINEERING TX REG. # F-2415-B P.O. Box 162305 Austin, Texas 78716-2305 Phone (512) 327-2708	

SM-000077



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 Phone (512) 327-2700

78716-2303
08 SM 000078



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P.O. Box 162305 Austin, Texas 78716-2305
Phone (512) 327-2700

SM 000079

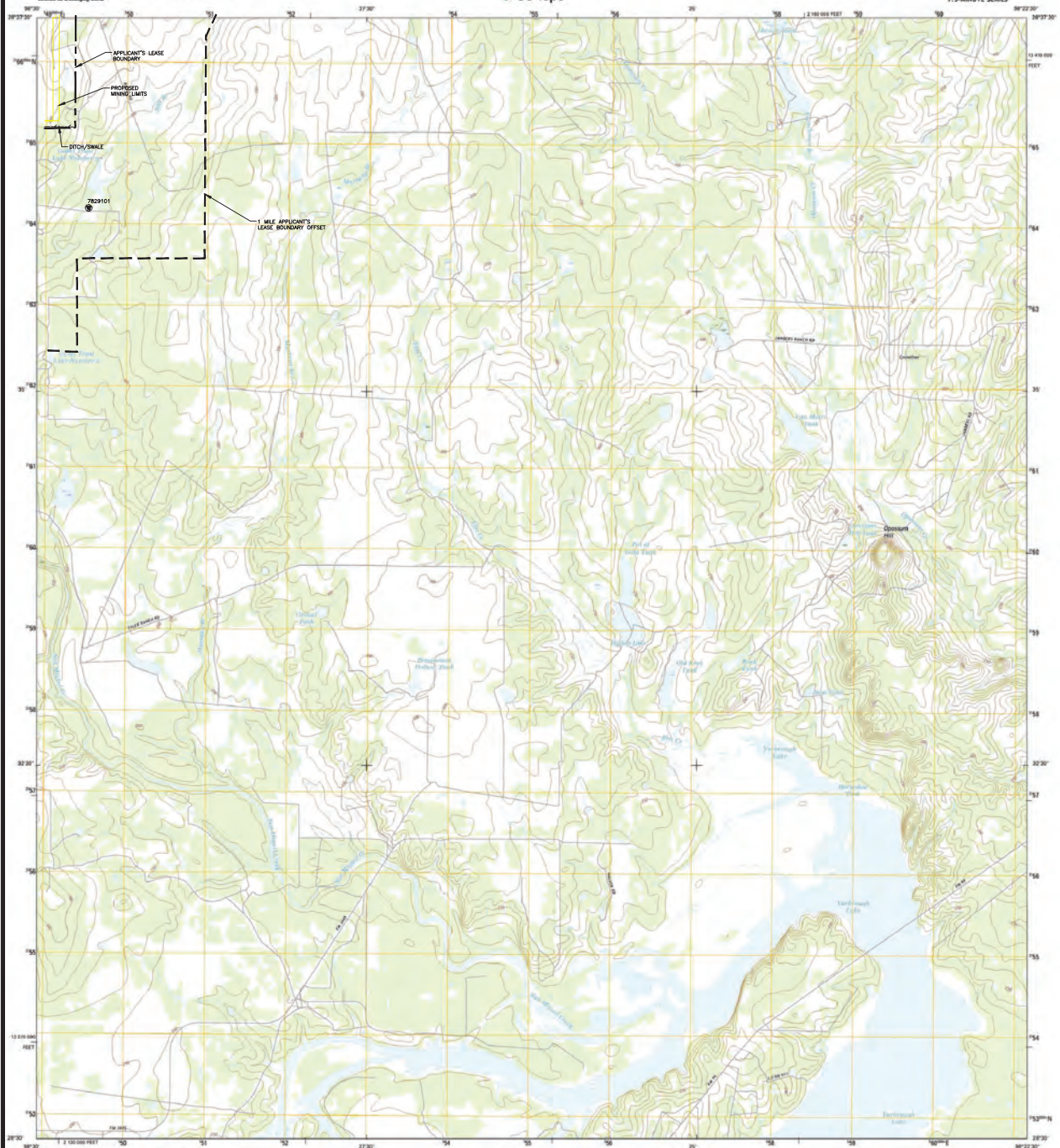
NOTE: PERMITTED BOUNDARY CONTINUES OFF SHEET



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



CROWTHER QUADRANGLE
TEXAS-MCMULLEN CO.
7.5-MINUTE SERIES



Produced by the United States Geological Survey
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SCALE 1:24,000
CROWTHER, TEXAS
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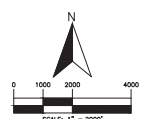
LEGEND

- HIGHLIGHTED DISCHARGE ROUTE, EXTENDING 3 MILES FROM OUTFALL
- APPROXIMATE APPLICANT'S LEASE BOUNDARY
- 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET
- HAUL ROAD
- PROPOSED MINING LIMITS
- DISCHARGE POINT (OUTFALL)
- WATER WELL
- MONITORING WELL

NOTES:

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- NO SEWAGE TREATMENT FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

BASE DRAWING PROVIDED BY
GOSSET ENGINEERING, BOERNE, TEXAS
WESTWARD ENVIRONMENTAL, BOERNE, TEXAS



USGS QUADRANGLE MAP
CROWTHER, TEXAS

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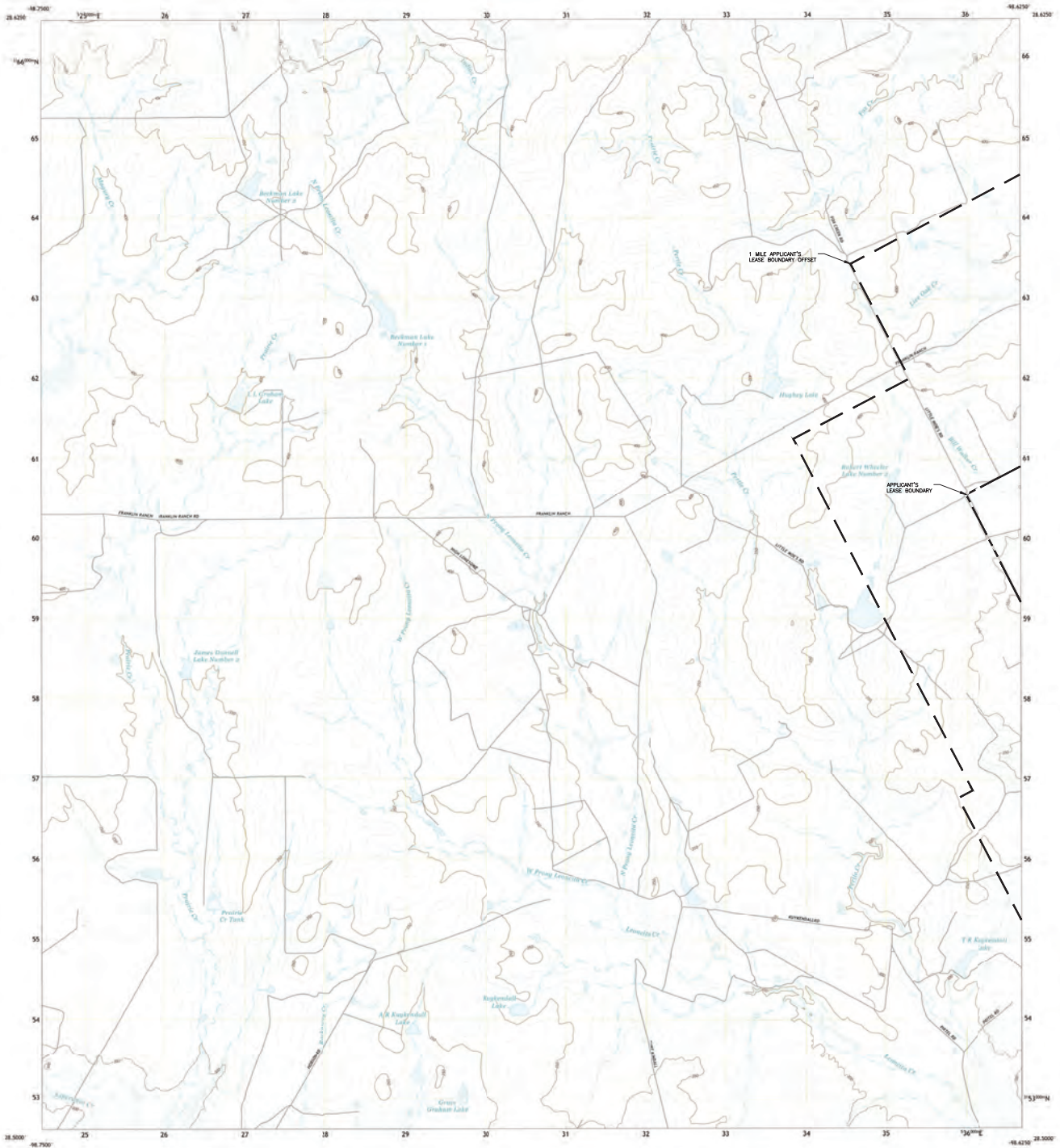
SM-000080



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



NOTE: PERMITTED BOUNDARY CONTINUES OFF SHEET
PERTLE CREEK QUADRANGLE
TEXAS - MCNULLEN COUNTY
7.5-MINUTE SERIES



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1:500 scale 90° clockwise Transverse Mercator. Zone 14E.
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within permitted
jurisdiction may not be shown. Obtain permission before
entering private lands.

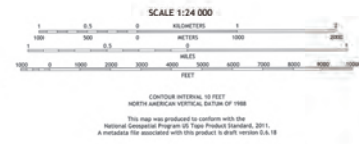
Metadata: FWS National Wetlands Inventory Not Available

LEGEND

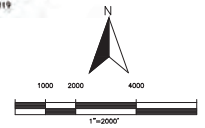
- HIGHLIGHTED DISCHARGE ROUTE, EXTENDING 3 MILES FROM OUTFALL
- APPROXIMATE APPLICANT'S LEASE BOUNDARY
- 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET
- HAUL ROAD
- PROPOSED MINING LIMITS
- DITCH/DRAINAGE
- DISCHARGE POINT (OUTFALL)
- WATER WELL
- MONITORING WELL

NOTES:
NO SPRINGS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
NO PUBLIC SUPPLY WELLS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
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BASE DRAWING PROVIDED BY:
GOOSEY ENGINEERING, BOERNE, TEXAS
WESTWARD ENVIRONMENTAL, BOERNE, TEXAS



PERTLE CREEK, TX
2019



USGS QUADRANGLE MAP
PERTLE CREEK, TEXAS

SMECI PERMIT APPLICATION

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JAMES MIERTSCHIN & ASSOCIATES, INC ENVIRONMENTAL ENGINEERING TX REG. # F- SM 000081 P.O. Box 162305 Austin, Texas 78716-2305 Phone (512) 327-2708	



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DATE:	CHECKED BY:
SCALE: AS NOTED	

JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL
 TX REG. # F-2458
 P.O. Box 162305 Austin, Texas 78716-2305
 Phone (512) 327-2708

SHE-000082



PROJECT NO.	DESIGNED BY:
FILE NO:	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING
 TX REG. # F-100000000
 P.O. Box 162305 Austin, Texas 78716-2305
 Phone (512) 327-2200

SM 000083

EXHIBIT D

DISCHARGE ROUTE DESCRIPTION

Via outfalls 001, 002, 003, 004, 005, 006 to unnamed tributaries, thence Caballos Creek, thence Souse Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 007 to unnamed tributary, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 008 to unnamed tributary, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 009 to unnamed tributary, thence Christine Creek, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 010 to Christine Creek, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 011, 012, 013, 014, 015, 016, 017, 018, 019 to unnamed tributaries, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 020, 021, 022, 023 to unnamed tributaries, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 024, 025, 026, 027, 028 to unnamed tributaries, thence Souse Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 029, 030, 031 to unnamed tributaries, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 032, 033 unnamed tributaries, thence Lower Atascosa River Segment 2107.

Via outfalls 034, 035 to unnamed ditch, then unnamed tributaries, thence Lower Atascosa River Segment 2107.

Via outfall 050 to Hog Creek, thence La Jarita Creek, thence San Miguel Creek Segment 2108.

Via outfall 051 to unnamed tributary, thence La Jarita Creek, thence San Miguel Creek Segment 2108.

Via outfall 052 to unnamed ditch, thence La Jarita Creek, thence San Miguel Creek Segment 2108.

Via outfall 053 to unnamed tributary, thence San Miguel Creek Segment 2108.

Via outfall 054 to unnamed tributary/ditch, thence San Miguel Creek Segment 2108.

Via outfall 055 to Bruce Br, thence San Miguel Creek Segment 2108.

Via outfalls 056 to Far Live Oak Creek, thence San Miguel Creek Segment 2108.

Via outfall 057 to unnamed tributary, thence La Parita Creek, thence Lower Atascosa River Segment 2107

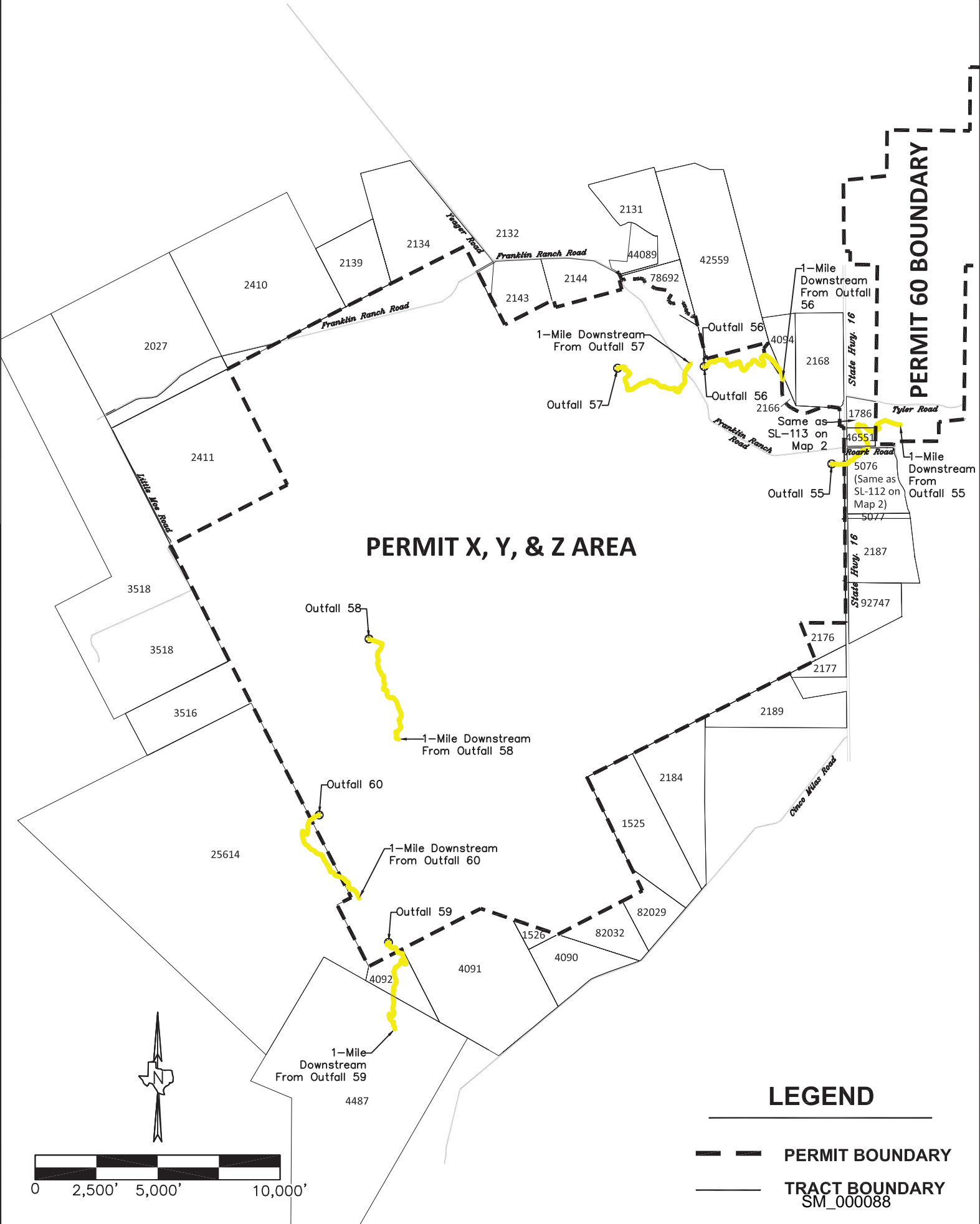
Via Outfall 058 to Ditch CD Z-2A, thence Bill Walker Cr., thence, Leoncita Cr., thence Frio River Segment 2104.

Via Outfall 059 to Bill Walker Cr., thence Leoncita Cr., thence Frio River Segment 2104.

Via Outfall 060 to Ditch CD Z-1A, thence Bill Walker Cr., thence Leoncita Cr., thence Frio River
Segment 2104.

EXHIBIT E

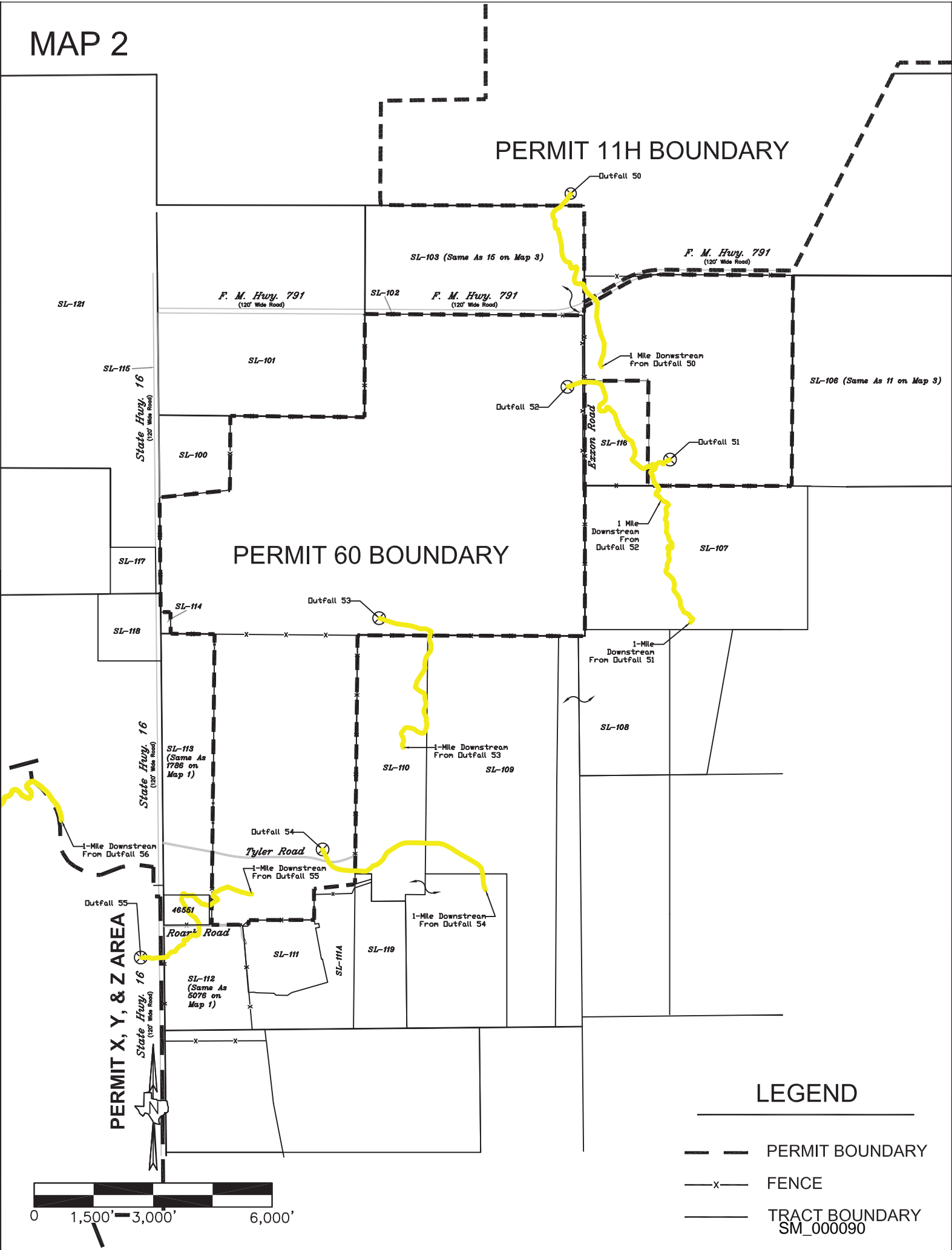
MAP 1



Adjacent Landowners Shown On Map 1

Property ID	Owner Listed in Tax Rolls	Address	City	State	Zip
1786 (Same as Permit 60 Tract SL-113)	Su-Tian Ranch, Ltd.	2009 Countiss Road	Jourdanton	TX	78026
5077, 5076 (Same as Permit 60 Tract 112)	Nancy Wheeler Plumlee	1232 CR 227	Giddings	TX	78942
2168	Bessilia G Guerrero	PO Box 354	Tilden	TX	78072
4094	Alonzo Garza	PO Box 372	Tilden	TX	78072
	Elta Grace Pennington	100 Cross Creek Ranch Rd	Jourdanton	TX	78026
42559	Gayle Crain Kuykendall, Trustee Robbie Kuykendall Family 2012 Trust	132 Auburn Place	San Antonio	TX	78209
2184, 2176	Franklin Swaim	3673 N Hwy 16	Jourdanton	TX	78026
2189, 2187, 92747	Wesley F & Sue Swaim Family Limited Partnership	PO Box 513	Tilden	TX	78072
2177	Murray R Swaim	PO Box 100	Tilden	TX	78072
78692	Kathy F. Smith	P.O. Box 1676	Marble Falls	TX	78654
	Peggy Steinle	PO Box 93	Jourdanton	TX	78026
2131, 2132, 2134, 2139, 44089	Walt Franklin, et al	360 Franklin Ranch Road	Tilden	TX	78072
2410	Brockton V & Charlotte K Schupp	317 Sidney Baker S	Kerrville	TX	78028
2027	Edwards Franklin Ranch, LLC	PO Box 158	Tilden	TX	78072
2411	Jerald & Brenda Kolinek	920 Tom Road	Floresville	TX	78114
3516, 3518	MCTee L7 Ranch, Ltd	3267 Bee Cave Rd Ste 107-81	Austin	TX	78746-6773
25614	Primitive Ranchs, LLC	PO Box 1001	Wimberley	TX	78676
4091, 4092, 1526, 4090	Elta Grace Pennington	100 Cross Creek Ranch Rd	Wimberley	TX	78026
4091, 4092, 1526, 4090	Jaime Catherine Pennington Albert	PO Box 445	Falls City	TX	78113
4091, 4092, 1526, 4090	Jennifer Matt-Lynn Pennington Hofferichter	PO Box 301	Jourdanton	TX	78026
2143, 2144	Lee F. Lively	P.O. Box 449	Giddings	TX	78942
2166	Rodney and Bobbie Swaim Family Limited Partnership	151 Franklin Ranch Road	Jourdanton	TX	78026
82029, 82032	Robert W. Errington and wife, Fatima Rodriguez Errington	PO Box 241	Tilden	TX	78072
	Camilla Wilson	1524 Wolf Bend Rd	Germantown	TN	35138
1525	Shorty Investments, Ltd.	619 Hillsong	San Antonio	TX	78258
	Barbara Bacon	971 Oakwood	San Antonio	TX	78228
46551	Nustar Logistics, LP	P.O. Box 780339	San Antonio	TX	78278-9914
4487	Henry & Linda Lee	P.O. Box 200	Tilden	TX	78072
SH 16	State of Texas, General Land Office	1700 N. Congress Ave., Suite 640	Austin	TX	78701

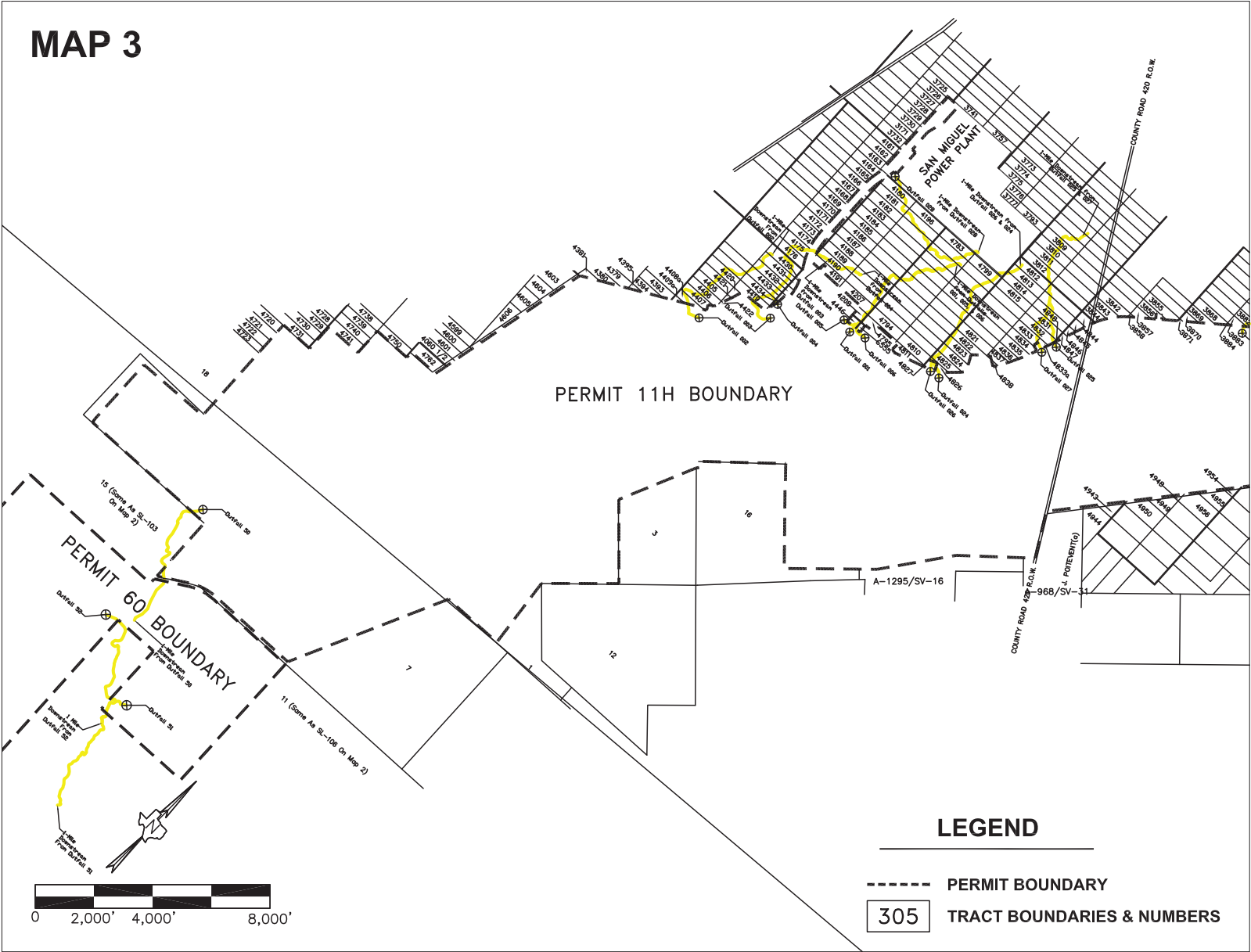
MAP 2



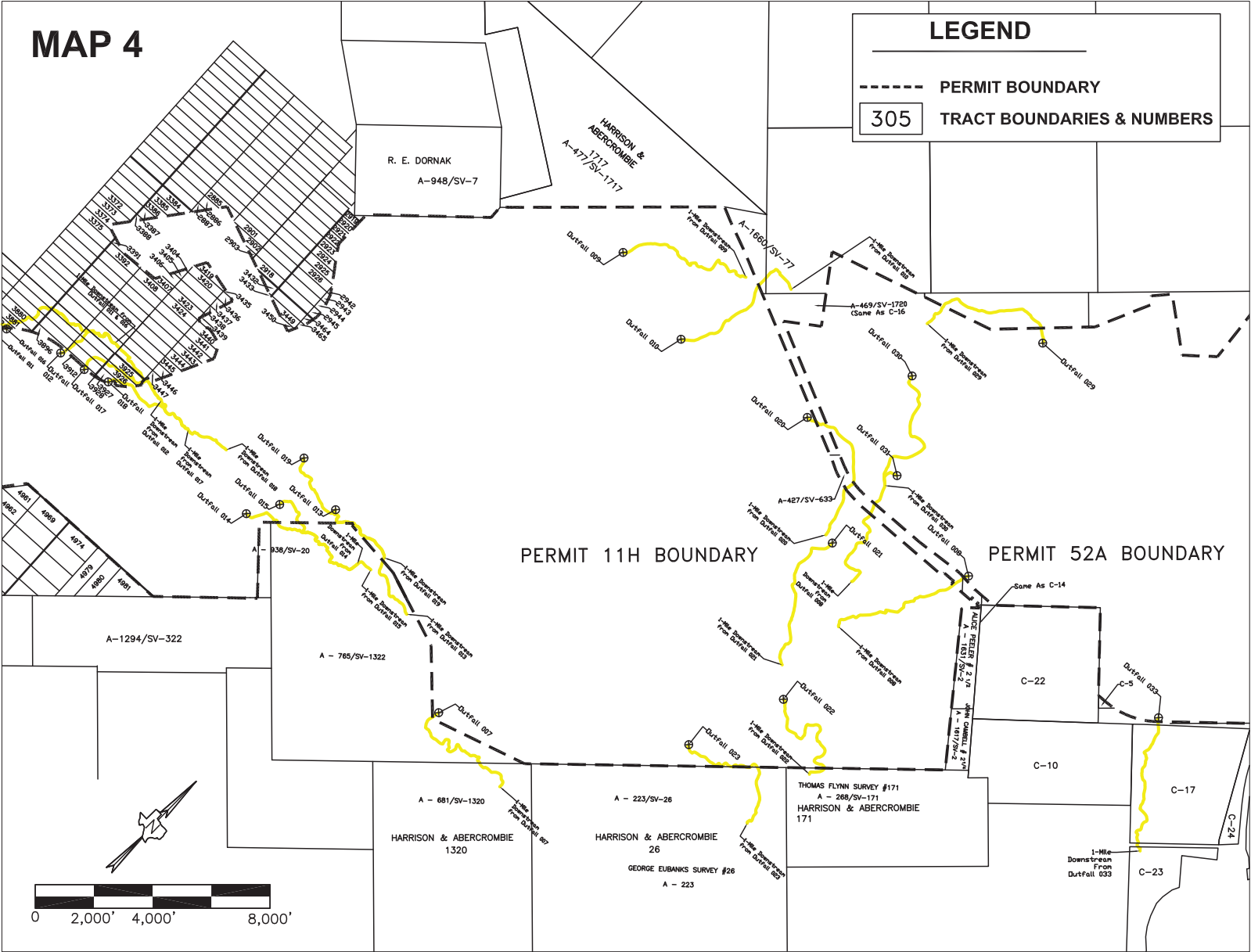
Adjacent Landowners Shown On Map 2

Tract #	Owner Name	Address	City	State	Zip
SL-100	Tyler Ranch Partners, Ltd.	PO Box 123	Tilden	TX	78072
SL-101	Tyler Ranch Partners, Ltd.	PO Box 123	Tilden	TX	78072
SL-102	McMullen County	501 River Street	Tilden	TX	78072
SL-103 (Same as Permit 11H Tract 15)	Clifton Wheeler, Jr.	PO Box 1676	George West	TX	78022
SL-106 (Same as Permit 11H Tract 11)	Marnie Reyes Garcia	PO Box 855	Pleasanton	TX	78064
SL-107	Margaret Stephenson	PO Box 522	Tilden	TX	78072
SL-108	Wayde N. Swaim	115 Tyler Ranch Road	Jourdanton	TX	78023
SL-109	Tyler Ranch Partners, Ltd.	PO Box 123	Tilden	TX	78072
SL-110	Marci Mahoney	395 CR 328	Jourdanton	TX	78026
SL-110	JoAnn Mahoney	665 CR 328	Jourdanton	TX	78026
SL-110	Michael Mahoney	PO Box 102	Pleasanton	TX	78064
SL-110	Mark Mahoney	8302 Crescent Knolls Dr.	Richmond	TX	77406
SL-111	DTB Investments LP, c/o Quinten Scott	28615 IH-10 W	Boerne	TX	78006
SL - 111A	Tyler Ranch Partners, Ltd.	PO Box 123	Tilden	TX	78072
SL-112 (Same as Permit X, Y, and Z Tract 5076)	Nancy Wheeler Plumlee	P.O. Box 150	Giddings	TX	78942
SL-113 (Same as Permit X, Y, and Z Tract 1786)	Su-Tian Ranch, Ltd.	2009 Countiss Rd.	Jourdanton	TX	78026
SL-114	Gayle Crain Kuykendall, Trustee of the Gayle Crain Kuykendall Trust	132 Auburn Place	San Antonio	TX	78209
SL-115	State of Texas, General Land Office	1700 N. Congress Ave., Suite 640	Austin	TX	78701
SL-116	Roger Elizondo	2502 Brown Avenue	Jourdanton	TX	78026
SL-117	Donald Haynes, Jr.	PO Box 543	Tilden	TX	78072
SL-118	Donald Haynes, Jr.	PO Box 543	Tilden	TX	78072
SL-119	DTB Investments LP	PO Box 2066	Bandera	TX	78003
SL-121	McMullen Four K General Partnership, c/o Alvin Kassner	219 Countrywood	San Antonio	TX	78216

MAP 3



MAP 4



Adjacent Landowners Shown On Maps 3 And 4

<u>Tract #</u>	<u>Owner</u>	<u>County (1)</u>
4379-4381	Ida Mae Henry Kaiser	A
4393-4395	P.O. Box 246	
4408A-4409A	Jourdanton , Texas 78026	
A-948/SV-7	Dornak Ranch 1938 LLC	A
	Jeffrey Dale Dornak	
	14100 Avery Ranch Blvd #203	
	Austin, TX 78717	
A-968/SV-12	Robert F. Adams Estate	A
A-956/SV-17	Clarice A. Droughton "Temp Away"	
	4130 Glenshire St.	
	Houston, TX 77025	
3775	Leigh J. Rice and Malaina A. Johnson	A
	13 Windemere Ct.	
	Fort Walton Beach, FL 32547	
A-477/SV-1717,	DJH Ranching, LP	A
A-469/SV-1720 (Same as	c/o Mr. Edwin H. Knight, Jr.	
Permit 52A Tract C-16)	712 Main St., Ste 1900	
	Houston, TX 77002-3220	
A-1631/SV-2 (Same as		
Permit 52A Tract C-14)		
A-1660/SV-77 (Same as		
Permit 52A Tract C-19)		
A-427/SV-633		
A-1617/SV-2	WYE Ranch, LTD	A
	P.O. Box 12632	
	San Antonio, TX 78212	
1, 11 (Same as Permit 60	Marnie Rayes Garcia	
Tract SL-106), 12	P.O. Box 855	A&M
	Pleasanton, TX 78064	
A-956/SV-17	The Patrick Rayes Family Partnership, LTD.	A
	A Texas Limited Partnership	
	P.O. Box 195429	
	Dallas, TX 75219-8607	
3741-3748	San Miguel Plant	A
4177-4179	San Miguel Electric Coop., Inc.	

Adjacent Landowners Shown On Maps 3 And 4

<u>Tract #</u>	<u>Owner</u>	<u>County (1)</u>
	P.O. Box 280 Jourdanton, Texas 78026 Tracts listed are adjacent to Permit Boundary 334.56 Acres Volume 423, Pages 347-350 (Atascosa County)	
4191	San Miguel Plant Water Well Sites	A
4407, 4423	San Miguel Electric Coop., Inc. 4832-4833 P.O. Box 280 Jourdanton, Texas 78026 8-one Acre Sites Volume 516, Pages 334 -345 (Atascosa County) (Only three (3) of the sites are contiguous to the proposed Permit Boundary).	
14, 18	San Miguel Electric Coop., Inc.	M
4720-4723	P.O. Box 280	M
4728-4731	Jourdanton, Texas 78026	A
4750		A
4762		A
4599-4601		A
4060 1/2		A
8		A
3880, 4430		A
4207-4208		A
3,16	A.M. Peeler, Jr.	A
A-1295/SV-16 (a)	100 La Parita Road	
3372-3375	Jourdanton, Texas 78026	
A-938/SV-20		
3384-3388		
3391-3392		
3404-3407		
3407-3408		
2885-2887		
2901-2903		
2907		
2918-2926		
2942-2945		
3400		
3418-3420		
3423		
3432-3433		
3435-3447		
3449-3450		

Adjacent Landowners Shown On Maps 3 And 4

<u>Tract #</u>	<u>Owner</u>	<u>County (1)</u>
3464-3466		
3725-3732		
3741		
3757		
3773-3777		
3793, 4799		
4783		
3809-3815		
3842-3844		
3855-3858		
3868-3871		
3881-3884		
3895-3896		
3925-3928		
3912		
3925-3928		
4161-4176		
4180-4182		
4184-4186,		
4188-4191, 4196		
4207, 4208		
4405-4409		
4414-4422		
4431-4435		
4446		
4794, 4795		
4810-4815		
4821-4827		
4832-4838		
4844-4848		
6555		
3443	Peeler, Jason Byron	A
4183	3007 FM 539	
4187	Floresville, TX 78114	
3867		
3424		
3447		
3925		
3911		
3811		
4795a	EOG Resources INC	A
	PO Box 4362	
	Houston, TX 77210-4362	
4943-4944	Seventy Four Ranch	

Adjacent Landowners Shown On Maps 3 And 4

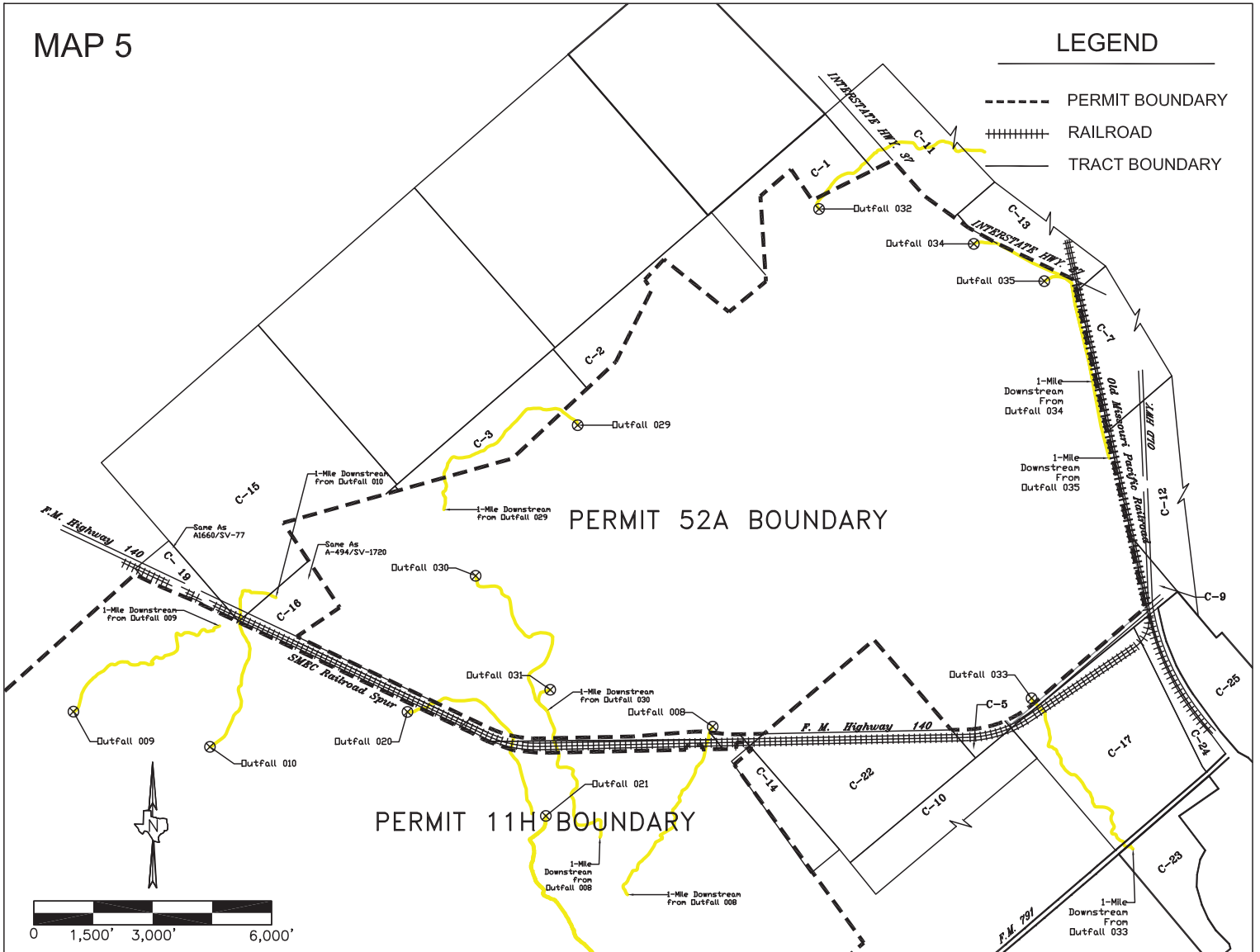
<u>Tract #</u>	<u>Owner</u>	<u>County (1)</u>
4948-4950	c/o Benchmark AD Valorem	A
4954-4956	P.O. Box 700925	
4961-4962	San Antonio, TX 78270	
4969, 4974		
4979-4981		
A-1294/SV-322		
A-938/SV-20		
A-765/SV-1322		
A-223/SV-26		
A-681/SV-1320		
A-268/SV-171		
A-968/SV-31		
7	MBF HOLDINGS MCMULLEN CO. 600 Round Rock Dr. West #103 Round Rock, TX 78681	M
4738, 4739	Dicke Frankie Henry	A
4750, 4729	Life Estate	
4730, 4731	P.O. Box 446	
4721, 4722	Uvalde, TX 78802	
4740, 4741		
4728		
4720		
4723		
A-1191/SV-3		
4599	James A. & Nancy L. Mathews Trustees of James & Nancy Rev. Living Trust 2002 Delwood Dr. Abilene, TX 79603	A
4603-4606	Laura Jane Elder and Linda Gail Weed P.O. Box 1239 Uvalde, TX 78802	A
15 (Same as Permit 60 Tract SL-103)	Plumlee, Nancy Wheeler P.O. Box 150 Giddings, TX 78942	M

A = Atascosa County
M = McMullen County

MAP 5

LEGEND

- PERMIT BOUNDARY
- +++++ RAILROAD
- TRACT BOUNDARY



Adjacent Landowners Shown on Map 5

Tract No.	Owner		County
C-1	Seventy Four Ranch c/o Benchmark AD Velorem	P.O Box 700925 San Antonio, TX 78270	A
C-2, C-3, C-5	DJ Ranching, LP c/o Mr. Edwin H. Knight, Jr.	712 Main St., Ste. 1900 Houston, TX 77002-3220	A
C-15, C-16 (Same as Permit 11H A- 469/SV-1720)			
C-19 (Same as Permit 11H A- 1660/SV-77)			
C-7	Riverview Enterprises, LLC c/o Roderick & Joseph Sauter	34 Redbud Ridge Place Spring, TX 77830	A
C-9, C-24, C-25	Herald Moursund c/o Mrs. C.E. Dickinson	PMB 164; 1042-B N. El Camino Real Encinitas, CA 92024	A
C-11	Dora Rutherford	P.O. Box 247 Pleasanton, TX 78064	A
C-12	Ralph Sauter	960 Ponderosa Dr. New Braunfels, TX 78132	A
C-13	Ruth Tymrak	P.O. Box 162 Campbellton, TX 78008	A
C-14, C-22	Charlotte B. Warren	179 E. Elmview San Antonio, TX 78212	A
C-10, C-17, C-23	WYE Ranch Ltd.	P.O Box 12632 San Antonio, TX 78212	A

EXHIBIT F

PHOTO 1



DESCRIPTION: Pond X-1 Discharge Point - Downstream

DIRECTION: E

DATE: 03/07/22

PHOTO 2



DESCRIPTION: Pond X-1 Discharge Point - Upstream

DIRECTION: SW

DATE: 03/07/22

PHOTO 3



DESCRIPTION: Pond X-2 Discharge Point - Downstream

DIRECTION: NE

DATE: 03/07/22

PHOTO 4



DESCRIPTION: Pond X-2 Discharge Point - Upstream

DIRECTION: NW

DATE: 03/07/22

PHOTO 5



DESCRIPTION: Pond Y-1 Discharge Point - Downstream

DIRECTION: SE

DATE: 03/07/22

PHOTO 6



DESCRIPTION: Pond Y-1 Discharge Point - Upstream

DIRECTION: NE

DATE: 03/07/22

PHOTO 7



DESCRIPTION: Pond Z-1 Discharge Point - Downstream

DIRECTION: SE

DATE: 03/07/22

PHOTO 8



DESCRIPTION: Pond Z-1 Discharge Point - Upstream

DIRECTION: NW

DATE: 03/07/22

PHOTO 9



DESCRIPTION: Pond Z-2 Discharge Point - Downstream

DIRECTION: SW

DATE: 03/07/22

PHOTO 10



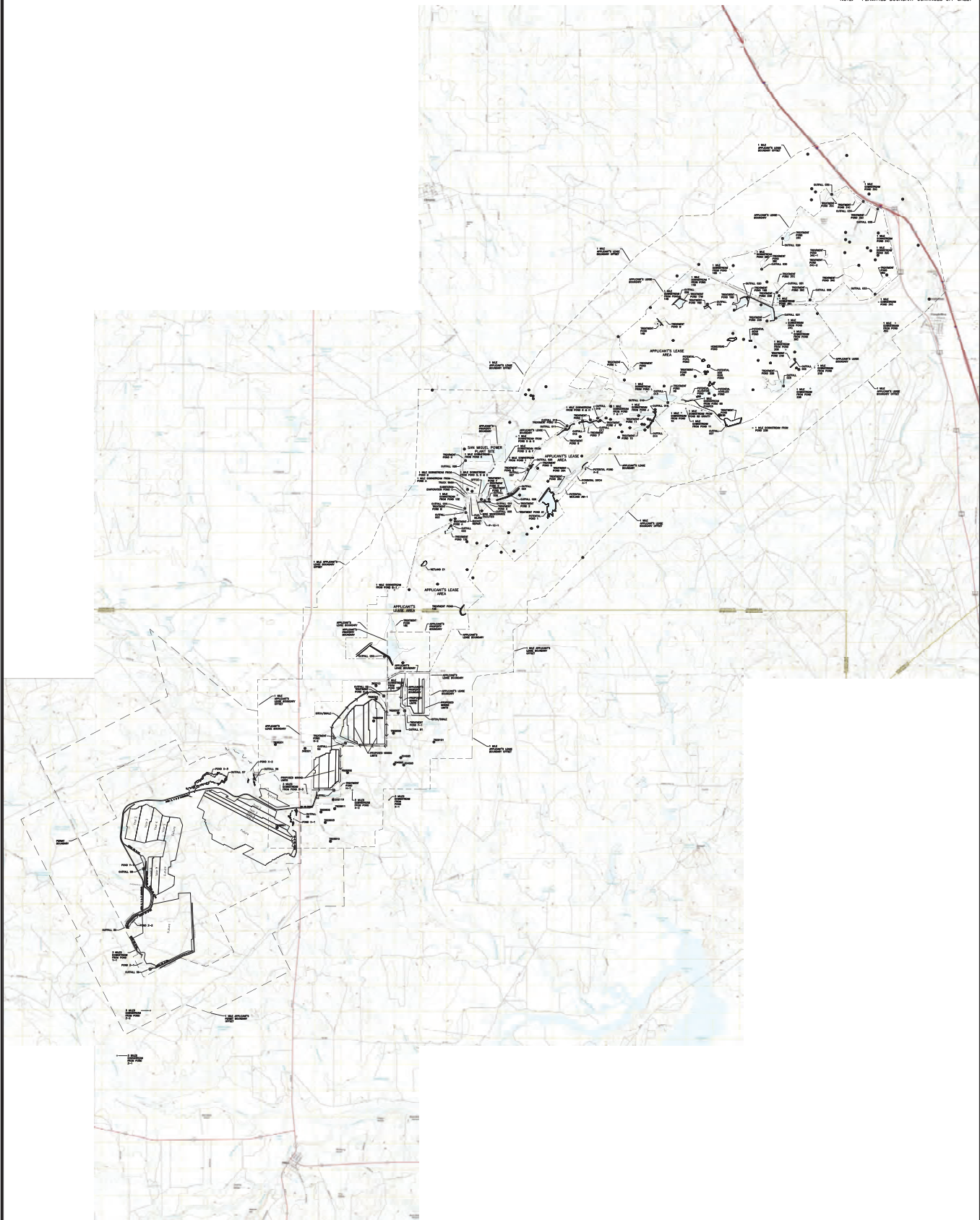
DESCRIPTION: Pond Z-2 Discharge Point - Upstream

DIRECTION: NE

DATE: 03/07/22



EXHIBIT G



LEGEND

- HIGHLIGHTED DISCHARGE ROUTE, EXTENDING 3 MILES FROM OUTFALL
- APPROXIMATE APPLICANT'S LEASE BOUNDARY
- 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET
- HAUL ROAD
- PROPOSED MINING LIMITS
- DITCH/SWALE
- DISCHARGE POINT (OUTFALL)
- WATER WELL
- MONITORING WELL

NOTES:

NO SPRINGS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

NO PUBLIC SUPPLY WELLS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

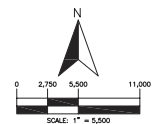
NO SURFACE WATER SUPPLY INTAKES ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

NO WATER TREATMENT PLANTS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

NO POTABLE WATER STORAGE FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

NO SEWAGE TREATMENT FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

BASE DRAWING PROVIDED BY:
GOSSET ENGINEERING, BOONE, TEXAS
WESTING ENVIRONMENTAL, BOONE, TEXAS



FACILITIES MAP

SMECI PERMIT APPLICATION

PROJECT NO.	DESIGNED BY:
FILE NO:	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL
TX REG. # **SM-000113**
P.O. Box 162305 Austin, Texas 78716-2305
Phone (512) 327-2708

EXHIBIT H

FLOODPLAIN DESCRIPTION

Portions of the mine are located within the 100-year floodplain, but the mining nature of the operation does not provide protection from rainfall inundation. Storm water retention impoundments are located throughout the site to collect stormwater and minimize inundation during storm events. The top berm elevation of sedimentation ponds is above the 100-year floodplain elevation.

EXHIBIT I

San Miguel Electric Cooperative, Inc.
San Miguel Lignite Mine
Flow Schematic

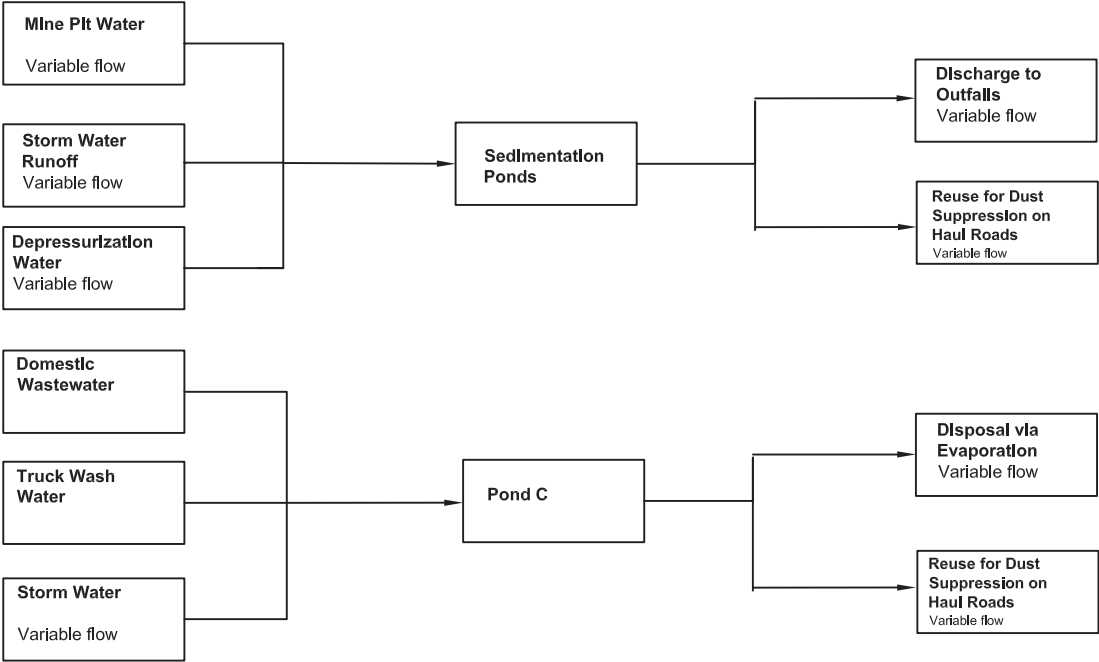


EXHIBIT J

Impoundment Information

Parameter	Pond # 3	Pond # 13E	Pond # A	Pond # B	Pond # D	Pond # E	Pond # 23B	Pond # 36C
Use Designation: (T) (D) (C) or (E)	T, C	T, C	T, C	T, C	T, C	T, C	T, C	T, C
Associated Outfall Number	001	002	003	004	005	006	007	008
Liner Type (C) (I) (S) or (A)	none	none	none	none	none	none	none	none
Alt. Liner Attachment Reference	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Leak Detection System, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Wells, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Data Attachment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pond Bottom Located Above The Seasonal High-Water Table, Y/N	Y	Y	Y	Y	Y	Y	Y	Y
Length (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Width (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Depth From Water Surface (ft), Not Including Freeboard								
Freeboard (ft)	2	2	2	2	2	2	2	2
Surface Area (acres)								
Storage Capacity (gallons)	33.7 MG	28.6 MG	1.2 MG	18.1 MG	4.2 MG	8.0 MG	94.7 MG	15.7 MG
40 CFR Part 257, Subpart D, Y/N	N	N	N	N	N	N	N	N
Date of Construction								

Parameter	Pond # 17B	Pond # 18B	Pond # 6	Pond # 7	Pond # 9B	Pond # 10	Pond # 11	Pond # H
Use Designation: (T) (D) (C) or (E)	T, C	T, C	T, C	T, C	T, C	T, C	T, C	T, C
Associated Outfall Number	009	010	011	012	013	014	015	016
Liner Type (C) (I) (S) or (A)	none	none	none	none	none	none	none	none
Alt. Liner Attachment Reference	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Leak Detection System, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Wells, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Data Attachment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pond Bottom Located Above The Seasonal High-Water Table, Y/N	Y	Y	Y	Y	Y	Y	Y	Y
Length (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Width (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Depth From Water Surface (ft), Not Including Freeboard								
Freeboard (ft)	2	2	2	2	2	2	2	2
Surface Area (acres)								
Storage Capacity (gallons)	35.2 MG	10.0 MG	25.9 MG	69.4 MG	125.6 MG	116.8 MG	116.8 MG	3.6 MG
40 CFR Part 257, Subpart D, Y/N	N	N	N	N	N	N	N	N
Date of Construction								

Parameter	Pond # I	Pond # J	Pond # 9B	Pond # 19B	Pond # 20B	Pond # 21B	Pond # 22B	Pond # 2
Use Designation: (T) (D) (C) or (E)	T, C	T, C	T, C	T, C	T, C	T, C	T, C	T, C
Associated Outfall Number	017	018	019	020	021	022	023	024
Liner Type (C) (I) (S) or (A)	none	none	none	none	none	none	none	none
Alt. Liner Attachment Reference	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Leak Detection System, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Wells, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Data Attachment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pond Bottom Located Above The Seasonal High-Water Table, Y/N	Y	Y	Y	Y	Y	Y	Y	Y
Length (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Width (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Depth From Water Surface (ft), Not Including Freeboard								
Freeboard (ft)	2	2	2	2	2	2	2	2
Surface Area (acres)								
Storage Capacity (gallons)	1.1 MG	0.8 MG	125.6 MG	53.3 MG	36.8 MG	80.9 MG	46.0 MG	43.3 MG
40 CFR Part 257, Subpart D, Y/N	N	N	N	N	N	N	N	N
Date of Construction								

Parameter	Pond # 5	Pond # F	Pond # G	Pond # K	Pond # 29C	Pond # 38C	Pond # 37C	Pond # 30C
Use Designation: (T) (D) (C) or (E)	T, C	T, C	T, C	T, C	T, C	T, C	T, C	T, C
Associated Outfall Number	025	026	027	028	029	030	031	032
Liner Type (C) (I) (S) or (A)	none	none	none	none	none	none	none	none
Alt. Liner Attachment Reference	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Leak Detection System, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Wells, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Data Attachment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pond Bottom Located Above The Seasonal High-Water Table, Y/N	Y	Y	Y	Y	Y	Y	Y	Y
Length (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Width (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Depth From Water Surface (ft), Not Including Freeboard								
Freeboard (ft)	2	2	2	2	2	2	2	2
Surface Area (acres)								
Storage Capacity (gallons)	66.8 MG	2.6 MG	2.7 MG	2.3 MG	1.0 MG	13.5 MG	81.3 MG	33.5 MG
40 CFR Part 257, Subpart D, Y/N	N	N	N	N	N	N	N	N
Date of Construction								

Parameter	Pond # 35C	Pond # 31C	Pond # 15E	Pond # F-1	Pond # G-1	Pond # G-2	Pond # H-1	Pond # C
Use Designation: (T) (D) (C) or (E)	T, C	T, C	T, C	T, C	T, C	T, C	T, C	C, E
Associated Outfall Number	033	034	050	051	052	053	054	N/A
Liner Type (C) (I) (S) or (A)	none	none	none	none	none	none	none	I
Alt. Liner Attachment Reference	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Leak Detection System, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Wells, Y/N	N	N	N	N	N	N	N	N
Groundwater Monitoring Data Attachment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pond Bottom Located Above The Seasonal High-Water Table, Y/N	Y	Y	Y	Y	Y	Y	Y	Y
Length (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Width (ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max Depth From Water Surface (ft), Not Including Freeboard				16	12	15	13	
Freeboard (ft)	2	2	2	1	1	1	1	2
Surface Area (acres)				13.7	8.4	12.3	16.3	3.24
Storage Capacity (gallons)	138.3 MG	31.1 MG	536.2 MG	60.3 MG	27.6 MG	49.1 MG	76.2 MG	9.97
40 CFR Part 257, Subpart D, Y/N	N	N	N	N	N	N	N	N
Date of Construction								

Parameter	Pond # X-1	Pond # X-2	Pond # O	Pond # Y-1	Pond # Z-1	Pond # Z-2		
Use Designation: (T) (D) (C) or (E)	T,C	T,C	T,C	T,C	T,C	T,C		
Associated Outfall Number	055	056	057	058	059	060		
Liner Type (C) (I) (S) or (A)	none	none	none	none	none	none		
Alt. Liner Attachment Reference	N/A	N/A	N/A	N/A	N/A	N/A		
Leak Detection System, Y/N	N	N	N	N	N	N		
Groundwater Monitoring Wells, Y/N	N	N	N	N	N	N		
Groundwater Monitoring Data Attachment	N/A	N/A	N/A	N/A	N/A	N/A		
Pond Bottom Located Above The Seasonal High-Water Table, Y/N	Y	Y	Y	Y	Y	Y		
Length (ft)	N/A	N/A	N/A	N/A	N/A	N/A		
Width (ft)	N/A	N/A	N/A	N/A	N/A	N/A		
Max Depth From Water Surface (ft), Not Including Freeboard	25.0	23.0	9.5	22.0		22.0		
Freeboard (ft)	3	3	1	1		1		
Surface Area (acres)	14.6	17.4	0.7	17.7		15.7		
Storage Capacity (gallons)	28 MG	32.5 MG	1.4 MG	32 MG		26.3 MG		
40 CFR Part 257, Subpart D, Y/N								
Date of Construction								

EXHIBIT K

Outfall/Disposal Method Information

Outfall Number	Latitude - decimal	Longitude - decimal	Location (Final Discharge Pond)	Sampling Point	Permitted Daily Avg Flow (MGD)	Permitted Daily Max Flow (MGD)	Discharge Method	Discharge Msmnt Device	Discharge Continuous or Intermittent	Discharge Seasonal	Discharge Duration (hrs/day)	Discharge Duration (days/mo)	Discharge Duration (mo/yr)
001	28.69	-98.49	3	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
002	28.68	-98.49	13E	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
003	28.68	-98.48	A	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
004	28.68	-98.48	B	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
005	28.69	-98.48	D	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
006	28.69	-98.47	E	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
007	28.71	-98.38	23B	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
008	28.75	-98.35	36C	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
009	28.75	-98.4	17B	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
010	28.75	-98.39	18B	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
011	28.71	-98.44	6	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
012	28.71	-98.43	7	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
013	28.72	-98.4	9B	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
014	28.71	-98.41	10	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
015	28.71	-98.41	11	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
016	28.71	-98.44	H	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
017	28.71	-98.6	I	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
018	28.71	-98.43	J	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
019	28.72	-98.41	9B	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
020	28.75	-98.37	19B	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
021	28.75	-98.36	20B	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
022	28.73	-98.36	21B	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
023	28.72	-98.36	22B	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
024	28.69	-98.46	2	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
025	28.69	-98.46	5	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
026	28.69	-98.47	F	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
027	28.7	-98.46	G	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
028	28.7	-98.48	K	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
029	28.78	-98.36	29C	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
030	28.77	-98.37	38C	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
031	28.76	-98.36	37C	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
032	28.8	-98.34	30C	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
033	28.76	-98.32	35C	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
034	28.79	-98.33	31C	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
050	28.63	-98.51	15E	same	report only	report only	gravity	estimate	intermittent	no	variable	variable	variable
051	28.61	-98.51	F-1	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
052	28.62	-98.51	G-1	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
053	28.6	-98.53	G-2	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
054	28.59	-98.53	H-1	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
055	28.58	-98.55	X-1	Same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
056	28.59	-98.56	X-2	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
057	28.72	-98.43	O	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
058	28.56	-98.61	Y-1	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
059	28.53	-98.60	Z-1	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable
060	28.54	-98.61	Z-2	same	report only	report only	pumped	estimate	intermittent	no	variable	variable	variable

EXHIBIT L

Lignite mining involves disturbance of active mining areas for excavation of lignite. Stormwater runoff occurs whenever rainfall occurs. Stormwater in the mining area is routed to various mine sedimentation ponds. In the mine sedimentation ponds, the stormwater is commingled with mine pit water and mine depressurization water. The water stored in the ponds is either used for dust suppression on haul roads or it is eventually discharged.

EXHIBIT SPIF-A

DISCHARGE ROUTE DESCRIPTION

Via outfalls 001, 002, 003, 004, 005, 006 to unnamed tributaries, thence Caballos Creek, thence Souse Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 007 to unnamed tributary, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 008 to unnamed tributary, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 009 to unnamed tributary, thence Christine Creek, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfall 010 to Christine Creek, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 011, 012, 013, 014, 015, 016, 017, 018, 019 to unnamed tributaries, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 020, 021, 022, 023 to unnamed tributaries, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 024, 025, 026, 027, 028 to unnamed tributaries, thence Souse Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 029, 030, 031 to unnamed tributaries, thence Metate Creek, thence La Parita Creek, thence Lower Atascosa River Segment 2107.

Via outfalls 032, 033 unnamed tributaries, thence Lower Atascosa River Segment 2107.

Via outfalls 034, 035 to unnamed ditch, then unnamed tributaries, thence Lower Atascosa River Segment 2107.

Via outfall 050 to Hog Creek, thence La Jarita Creek, thence San Miguel Creek Segment 2108.

Via outfall 051 to unnamed tributary, thence La Jarita Creek, thence San Miguel Creek Segment 2108.

Via outfall 052 to unnamed ditch, thence La Jarita Creek, thence San Miguel Creek Segment 2108.

Via outfall 053 to unnamed tributary, thence San Miguel Creek Segment 2108.

Via outfall 054 to unnamed tributary/ditch, thence San Miguel Creek Segment 2108.

Via outfall 055 to Bruce Br, thence San Miguel Creek Segment 2108.

Via outfalls 056 to Far Live Oak Creek, thence San Miguel Creek Segment 2108.

Via outfall 057 to unnamed tributary, thence La Parita Creek, thence Lower Atascosa River Segment 2107

Via Outfall 058 to Ditch CD Z-2A, thence Bill Walker Cr., thence, Leoncita Cr., thence Frio River Segment 2104.

Via Outfall 059 to Bill Walker Cr., thence Leoncita Cr., thence Frio River Segment 2104.

Via Outfall 060 to Ditch CD Z-1A, thence Bill Walker Cr., thence Leoncita Cr., thence Frio River
Segment 2104.

EXHIBIT SPIF-B



PROJECT NO.	DESIGNED BY:
FILE NO:	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	

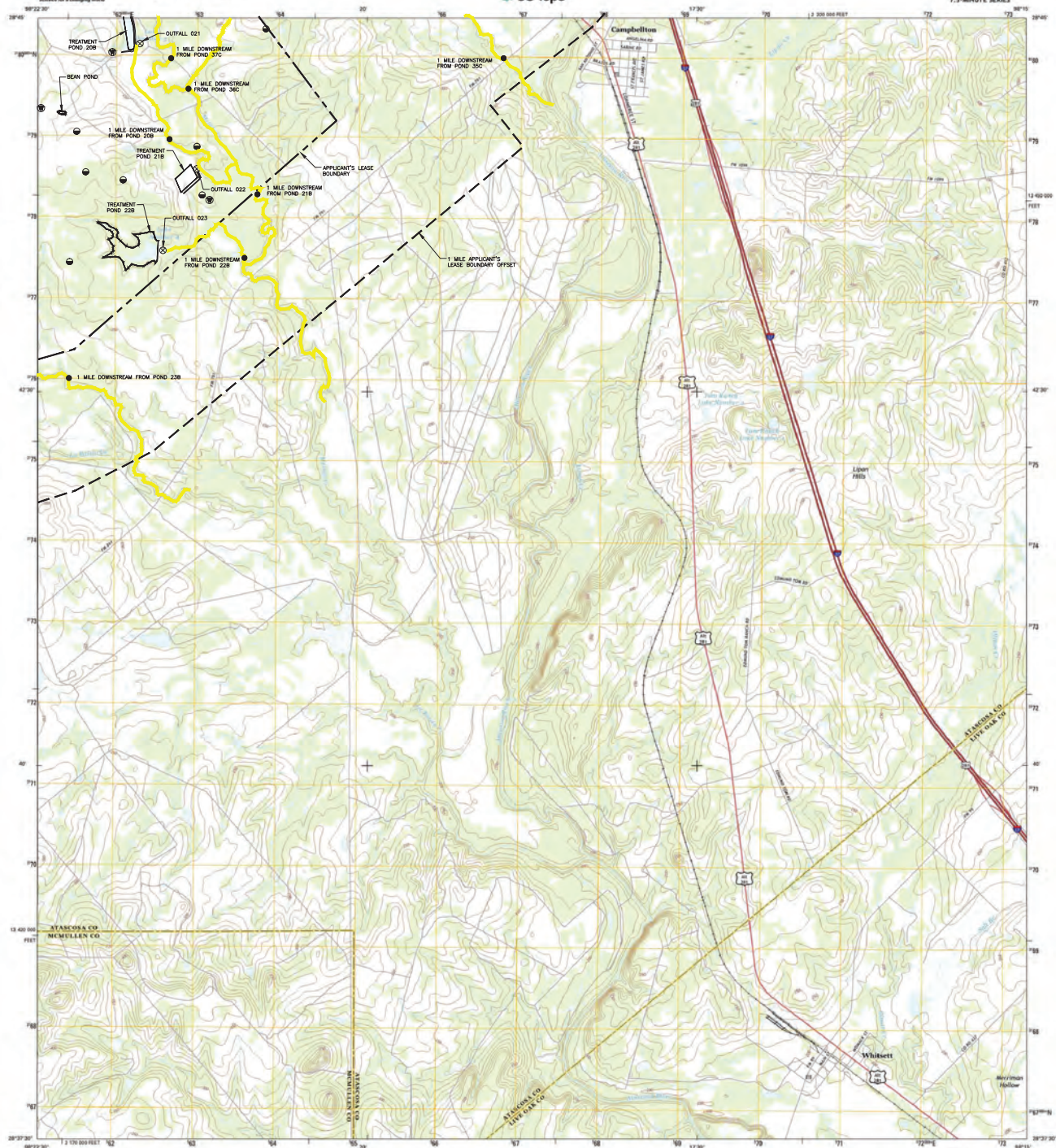
JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING
 TX REG. # F-**SM 000129**
 P.O. Box 162355 Austin, Texas 78716-2355
 Phone (512) 336-0706



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



WHITSETT QUADRANGLE
TEXAS
7.5-MINUTE SERIES



Produced by the United States Geological Survey

North arrow pointing to true north. Magnetic declination for this area is 11.5 degrees East in 2011. Declination may vary over time. Consult a declination table for the most current information.

This map is not a legal document. Boundaries may be shown for informational purposes only. It is not intended to be used for legal purposes.

Base map: USGS, May 2004

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Base map: USGS, May 2004

Base map: USGS, May 2004

Base map: USGS, May 2004

Base map: USGS, May 2004

LEGEND

- HIGHLIGHTED DISCHARGE ROUTE, EXTENDING 3 MILES FROM OUTFALL
- APPROXIMATE APPLICANT'S LEASE BOUNDARY
- 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET
- HAIL ROAD
- PROPOSED MINING LIMITS
- DITCH/SWALE
- DISCHARGE POINT (OUTFALL)
- WATER WELL
- MONITORING WELL

NOTES:

- NO SPRINGS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO PUBLIC SUPPLY WELLS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO SURFACE WATER SUPPLY INTAKES ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO WATER TREATMENT PLANTS ARE KNOWN TO EXIST WITHIN THE LIMITS OF THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO POTABLE WATER STORAGE FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.
- NO SEWAGE TREATMENT FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

BASE DRAWING PROVIDED BY:

COOSEY ENGINEERING, BOERNE, TEXAS

WESTWIND ENVIRONMENTAL, BOERNE, TEXAS

WESTWIND ENVIRONMENTAL, BOERNE, TEXAS

WESTWIND ENVIRONMENTAL, BOERNE, TEXAS

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WESTWIND ENVIRONMENTAL, BOERNE, TEXAS

WESTWIND ENVIRONMENTAL, BOERNE, TEXAS

SPIF MAP
USGS QUADRANGLE MAP
WHITSETT, TEXAS

SMECI PERMIT APPLICATION

PROJECT NO.	DESIGNED BY:
FILE NO.	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	
JAMES MIERTSCHIN & ASSOCIATES, INC ENVIRONMENTAL ENGINEERING TX REG. # F-000130 P.O. Box 162305 Austin, Texas 78716-2305 Phone (512) 327-2708	



PROJECT NO.	DESIGNED BY:
FILE NO:	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	

JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING
 TX REG. # F-**SM 000131**
P.O. Box 16285 Austin, Texas 78716-2805
Phone (512) 322-7709



JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING
TX REG. # F-2458
P.O. Box 162305 Austin, Texas 78716-2305
Phone (512) 127-2709



JAMES MIERTSCHIN & ASSOCIATES, INC
ENVIRONMENTAL ENGINEERING
TX REG. # F-2458
P.O. Box 162305 Austin, Texas 78716-2305
Phone (512) 327-2700

SM_000133



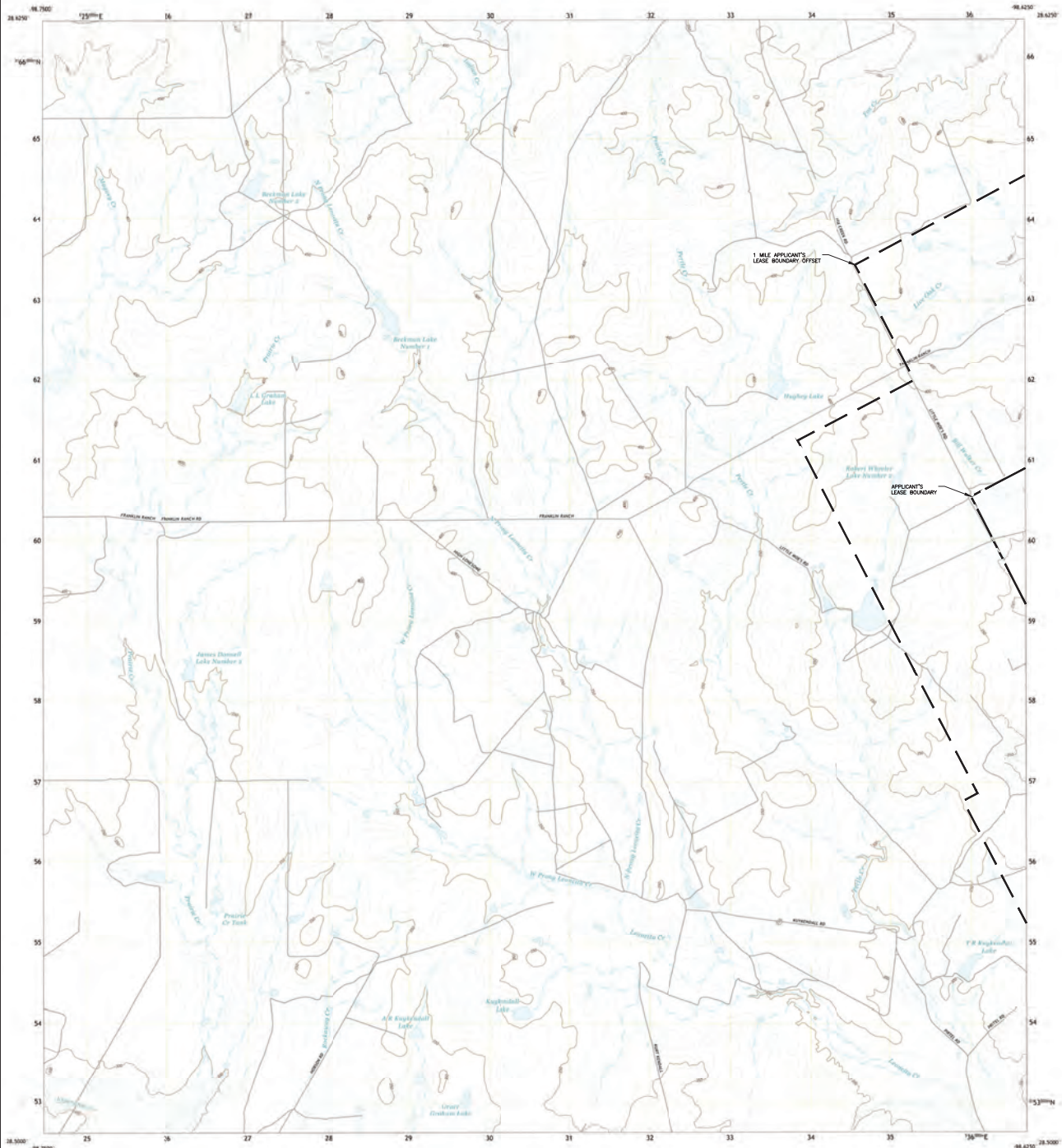
JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING
TX REG. # F-2458
P.O. Box 162305 Austin, Texas 78716-2305
Phone (512) 327-2708



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



NOTE: PERMITTED BOUNDARY CONTINUES OFF SHEET
PERTLE CREEK QUADRANGLE
TEXAS - MCULLEN COUNTY
7.5-MINUTE SERIES



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection used
1:50,000-meter grid/contour interval. Zone 14B
This map is not a legal document. No warranty can be
generated for this map. Private lands within government
jurisdiction are not shown. State boundaries follow
existing general laws.

Source: NAD83, November 2010-2016
Region: U.S. Census
Hydrography: National Hydrography Dataset
Contour: National Contour Dataset
Boundary: National Boundary Dataset
Wetlands: National Wetlands Inventory

LEGEND

- HIGHLIGHTED DISCHARGE ROUTE, EXTENDING 3 MILES FROM OUTFALL
- APPROXIMATE APPLICANT'S LEASE BOUNDARY
- 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET
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- WATER WELL
- MONITORING WELL

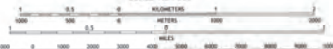
NOTES:
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NO SEWAGE TREATMENT FACILITIES ARE KNOWN TO EXIST WITHIN THE 1 MILE APPLICANT'S LEASE BOUNDARY OFFSET.

BASE DRAWING PROVIDED BY
COSSET ENGINEERING, BOZEMAN, TEXAS
WESTWARD ENVIRONMENTAL, BOZEMAN, TEXAS

UTM GRID AND 2011 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

UTM
Zone 14B
Datum: NAD83
Projection: UTM
Scale: 1:50,000

SCALE 1:24,000



CONTIGUOUS SHEET TO THE
NORTH AMERICAN DATUM OF 1983

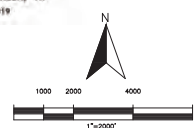
This map was produced in conformance with the
National Geospatial Program (NGP) Data Product Standards (DPS)
A metadata file associated with this product is available at www.usgs.gov



ROAD CLASSIFICATION

- Interstate
- State
- County
- Local
- Other

PERTLE CREEK, TX
2019



SPIF MAP
USGS QUADRANGLE MAP
PERTLE CREEK, TEXAS

SMECI PERMIT APPLICATION

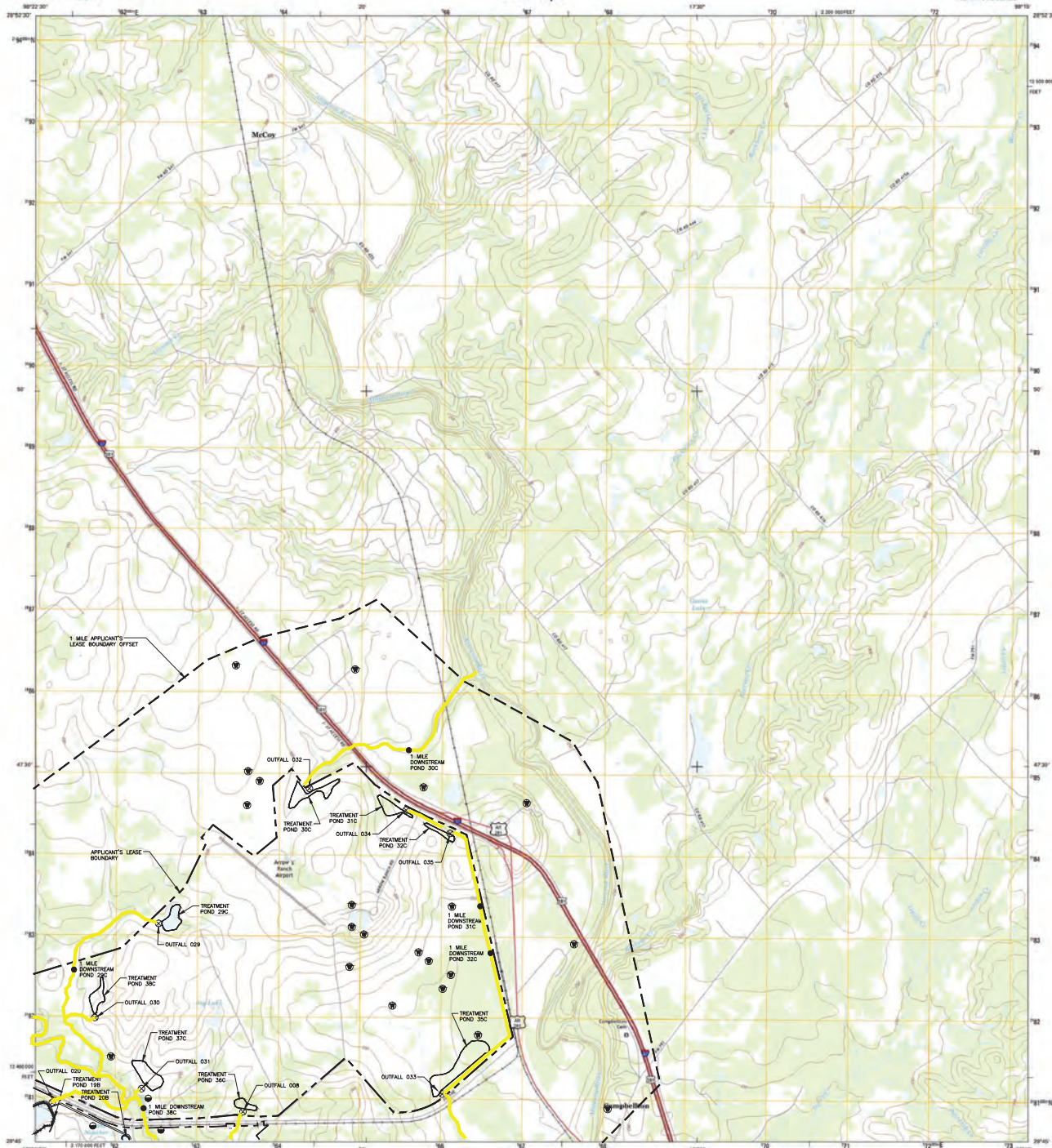
PROJECT NO.	DESIGNED BY:
FILE NO.	DRAWN BY:
DATE:	CHECKED BY:
SCALE: AS NOTED	
JAMES MIERTSCHIN & ASSOCIATES, INC ENVIRONMENTAL ENGINEERING TX REG. # F-2458 P.O. Box 162305 Austin, Texas 78716-2305 Phone (512) 327-2700	
SM-000135	



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



MCCOY QUADRANGLE
TEXAS-ATASCOSA CO.
7.5-MINUTE SERIES



JAMES MIERTSCHIN & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING (F-2458)
P.O. BOX 162305 ° AUSTIN, TEXAS 78716-2305 ° (512) 327-2708

13 June 2023

Mr. Thomas E. Starr, PE (MC 148)
Wastewater Permitting Section, Industrial Permits
Water Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RE: Supplement to Permit Application
TPDES No. WQ0002043000
San Miguel Electric Cooperative, Inc.
San Miguel Lignite Mine
(CN600132278, RN100226539)

Dear Mr. Starr:

San Miguel Electric Cooperative, Inc. (SMECI) has determined that the permit amendment application that was submitted to the agency on 1 April 2022 requires some supplemental information. The scope of the supplement is described below.

Application Administrative Report 1.0, Item 2.a, Page 3 of 13

Nathan Brown is no longer the General Manager. The current General Manager is Craig Courter. A revised page 3 is attached.

Application Administrative Report 1.0, Item 8.f, Page 6 of 13

SMECI wishes to revise the information on this page to reflect that most of the land associated with the mine operation is leased, not owned. This changes the response to Item 8.f, and it requires that a new Attachment of lease agreements be included. A new Exhibit M, relating to the rights to the land, has been prepared. A revised page 6 is attached.

The assemblage includes a 1931 Partition Deed, Memoranda of Leases, and the Granting Clause of the lease.

Under the 1931 Partition Deed and related leases San Miguel has a claim of ownership of the lignite, ability to extract it through surface mining methods, and all rights granted under the 1931 Partition Deed and the leases. The 1931 Partition Deed is the cornerstone document that forms the basis of San Miguel's right to enter the property subject to this application and perform all acts authorized under its terms.

The 1931 Partition Deed grants those holding an interest in the undivided coal estate “every right, privilege and easement incidental to such estate and necessary to the full enjoyment thereof, including the right to survey, geologize, [and] mine” and the right to “the use of all proper labor, equipment, machinery, transportation and any other means and facilities necessary to said operations . . . for all uses connected with such coal and kaolin mining.”

The parties to the partition and their successors in interest (now the current surface owners) have granted San Miguel, by way of a lease, the referenced rights. The leases also include language supporting San Miguel’s right to construct structures necessary for surface mining operations. An exemplar of the Granting Clause of a Lease is included herein. The Granting Clause grants San Miguel the right of “... entering upon, testing, investigation, exploring, prospecting, drilling, excavating, mining by any methods deemed desirable by Lessee, ... with rights of ingress, egress and regress to, on, over and across the lands covered hereby for all such purposes, including but not by way of limitation, building of roads, railroads, tram roads, conveyor systems, transportation pipelines, rights of way and necessary easements therefor, building electric transmission lines, pipelines, telephone lines and other structures thereon,”

Application Administrative Report 1.0, Item 11, Page 9 of 13

A new signature page is attached, prepared by the new General Manager.

Application Administrative Report 1.1, Item 1, Page 10 of 13

SMECI wishes to supplement the landowner information that was provided in the original application (located in Exhibit E). Exhibit E originally included the following maps:

- Map 1 X, Y, Z Area
- Map 2 Permit 60 Boundary
- Map 3 Permit 11H Boundary
- Map 4 Permit 11H Boundary (continued)

Each of the preceding maps was accompanied by a table of adjacent landowners. This supplement provides maps and tables that display the landowners inside the permit boundary. A revised page 10 is provided to identify the supplemental material as Exhibit E Supplement.

The supplemental maps are labelled:

- Map 1 Supplement
- Map 2 Supplement
- Map 3 Supplement
- Map 4 Supplement

Corresponding tables of landowners within the permit boundaries accompany the new supplemental maps. A color-coding scheme has been applied to the supplemental information to clarify which landowners have already been included in the original listings and which ones were

not included. Color codes are:

- Green = property owned by SMECI
- Blue = property owners that have already been notified due to other properties
- Pink = tracts that have one or more owners that did not receive prior notification

Four sets of labels for the landowners that did not receive prior notification are included with the supplemental material, along with labels for the original landowners.

SMECI legal counsel has discussed this supplement with the Executive Director's attorney Michael Parr. We understand that a combined notice (NORI and NAPD) will be prepared by the agency, and that the notice will be mailed to the newly added landowners as well as those previously on the mailing list. There is no need to re-publish the notice.

Thank you for the opportunity to provide this supplemental material. If you have any questions, please do not hesitate to call me at (512) 327-2708 or Mr. Abazari, attorney with Jackson Walker, at (512) 236-2239.

Yours truly,

James Miertschin & Associates, Inc.

A handwritten signature in black ink, appearing to read 'J. Miertschin', with a stylized, cursive script.

James Miertschin, PE, PhD

cc: Dave Burris, SMECI
Nellie Frisbee, SMECI
Ali Abazari, Jackson Walker

EXHIBIT ADMIN REPORT UPDATED PAGES

2. APPLICANT INFORMATION (Instructions, Pages 21-22)

a. Facility Owner (Owner of the facility must apply for the permit.)

- Provide the legal name of the entity (applicant) applying for this permit: San Miguel Electric Cooperative, Inc.
(The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.)
- If the applicant is currently a customer with the TCEQ, provide the Customer Number, which can be located using the [TCEQ's Central Registry Customer Search](#)¹: **CN600132278**
- Provide the name and title of the person signing the application. The person must be an executive official meeting signatory requirements in *30 TAC § 305.44*.

Mr. ☒ Ms. ☐ First/Last Name: Craig Courter

Title: General Manager

Credential:

b. Co-applicant Information

- Provide the legal name of the co-applicant applying for this permit, if applicable:
(The legal name must be spelled exactly as filed with the TX SOS, Texas Comptroller of Public Accounts, County, or in the legal documents forming the entity.)
- If the co-applicant is currently a customer with the TCEQ, provide the Customer Number, which can be located using the [TCEQ's Central Registry Customer Search](#): **CN**
- Provide the name and title of the person signing the application. The person must be an executive official meeting signatory requirements in *30 TAC § 305.44*.

Mr. ☐ Ms. ☐ First/Last Name:

Title:

Credential:

- Provide a brief description of the need for a co-permittee:

c. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete **Attachment 1** of the Administrative Report.

Attachment: A

3. APPLICATION CONTACT INFORMATION (Instructions, Page 22)

If the TCEQ needs additional information regarding this application, who should be contacted?

a. Mr. ☒ Ms. ☐ First/Last Name: David Burris

Credential:

Organization Name: San Miguel Electric Cooperative, Inc.

Title: Fuels Manager

Mailing Address: PO Box 280

City/State/ZIP Code: Jourdanton, TX, 78026

Phone No.: 830-784-3411

Fax No.: 830-784-3411

E-mail: dburris@smeci.net

Check one or both:

☒

Administrative Contact

☒

Technical Contact

¹ <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

3. Do the students at these schools attend a bilingual education program at another location?
- ☐ Yes ☒ No
4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?
- ☐ Yes ☒ No
5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

8. REGULATED ENTITY AND PERMITTED SITE INFORMATION (Instructions Pages 24-25)

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. [Search the TCEQ's Central Registry](#)³ to determine the RN or to see if the larger site may already be registered as a regulated site:

If the site is found, provide the assigned RN and the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

- a. TCEQ issued Regulated Entity Number (RN): **RN1002262539**
- b. Name of project or site (the name known by the community where located): San Miguel Lignite Mine
- c. Is the location address of the facility in the existing permit the same?
- ☒ Yes ☐ No
- d. If the facility is located in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County, additional information concerning protection of the Edwards Aquifer may be required.
- e. Owner of treatment facility: SMECI
- Ownership of Facility: ☐ Public ☒ Private ☐ Both ☐ Federal
- f. Owner of land where treatment facility is or will be:
- Mr. ☐ Ms. ☐ First/Last or Organization Name: Multiple landowners
- Mailing Address: varies City/State/ZIP Code: varies
- Phone No.: varies Fax No.: varies E-mail: NA
- If not the same as the facility owner, there must be a long-term lease agreement in effect for at least six years. In some cases, a lease may not suffice - see instructions. **Attachment:** M, E

- g. Owner of effluent TLAP disposal site (if applicable):
- Mr. ☐ Ms. ☐ First/Last or Organization Name:
- Mailing Address: City/State/ZIP Code:
- Phone No.: Fax No.: E-mail:
- If not the same as the facility owner, there must be a long-term lease agreement in effect for at least six years. **Attachment:**

³ <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>

11. SIGNATURE PAGE (Instructions, Page 29)

Permit No: WQ0002043000

Applicant Name: San Miguel Electric Cooperative, Inc.

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Craig Courter

Signatory title: General Manager

Signature:  Date: 5/31/2023
(Use blue ink)

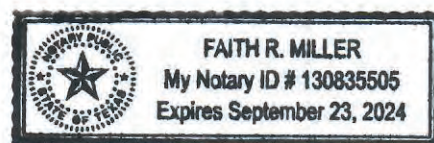
Subscribed and Sworn to before me by the said Matthew C. Courter
on this 31st day of May, 2023.

My commission expires on the 23rd day of September, 2024.


Notary Public

[SEAL]

Atascosa
County, Texas



If co-applicants are necessary, each entity must submit an original, separate signature page.

INDUSTRIAL ADMINISTRATIVE REPORT 1.1

The following information is required for **new** and **amendment** applications.

1. AFFECTED LANDOWNER INFORMATION (Instructions, Pages 30-32)

- a. Attach a landowners map or drawing, with scale, as applicable. Check the box next to each item to confirm it has been provided.
- ☒ The applicant's property boundaries.
 - ☒ The facility site boundaries within the applicant's property boundaries.
 - ☒ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone.
 - ☒ The property boundaries of all landowners surrounding the applicant's property. (**Note:** if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
 - ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream.
 - ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge.
 - ☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides.
 - ☐ The boundaries of the effluent disposal site (e.g., irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property.
 - ☐ The property boundaries of all landowners surrounding the applicant's property boundaries where the effluent disposal site is located.
 - ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners within one-quarter mile of the applicant's property boundaries where the sewage sludge land application site is located.
 - ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (e.g., sludge surface disposal site or sludge monofill) is located.

Attachment: Exhibit E and E Supplement

- b. Check the box next to the format of the landowners list:
- ☐ Readable/Writeable CD
 - ☒ Four sets of labels
- c. ☒ Check this box to confirm a separate list with the landowners' names and mailing addresses cross-referenced to the landowners map has been attached.

Attachment: Exhibit E

- d. Provide the source of the landowners' names and mailing addresses: County Appraisal District
- e. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?

☐ Yes ☒ No

If **yes**, provide the location and foreseeable impacts and effects this application has on the land(s):

EXHIBIT M – SUPPLEMENTAL LEASE INFORMATION

COAL AND LIGNITE LEASE

STATE OF TEXAS §
 §
COUNTY OF McMullen §

I. GRANTING CLAUSE.

Upon proper execution and acknowledgement of this lease by Lessor, Lessee shall pay to Lessor by check a cash bonus consideration of _____ per net acre covered by this lease. Lessor, for good and valuable consideration in hand paid, the receipt and sufficiency of which are hereby acknowledged, and of the covenants, agreements and conditions herein contained, hereby ASSIGNS, CONVEYS, GRANTS, LEASES and LETS exclusively unto Lessee for the purposes of entering upon, testing, investigating, exploring, prospecting, by use of core drills or otherwise, drilling, excavating, mining by any methods deemed desirable by Lessee, including but not limited to sinking shafts or by open pit or strip mining, producing, storing and transporting coal and lignite, and all minerals necessarily produced in association therewith (herein called the "Leased Substances"), with rights of ingress, egress and regress to, on, over and across the lands covered hereby for all such purposes, including, but not by way of limitation, the building of roads, railroads, tram roads, conveyor systems, transportation pipelines, rights of way and necessary easements therefor, building electric transmission lines, pipelines, telephone lines and other structures thereon, producing, saving, taking care of, storing, treating, disposing, processing, and transporting coal and lignite, and all minerals necessarily produced in association therewith, and the products and derivatives thereof, and/or created therefrom, including the return of Lessee's coal combustion by-products resulting from use of coal and lignite to, the following described land in McMullen County, Texas, ("Leased Premises") to-wit:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

This lease also covers and includes, in addition to that above described, all land, if any, contiguous or adjacent to or adjoining the land above described and (a) owned or claimed by the Lessor by limitation, prescription, possession, reversion or unrecorded instrument or (b) as to which Lessor has a preference right of acquisition. Lessor agrees to execute any supplemental instrument requested by Lessee for a more complete or accurate description of said land. For the purpose of determining the amount of any bonus or other payment hereunder, the Leased Premises shall be deemed to contain 11,743.95 acres, whether actually containing more or less, and the above recital of acreage in any tract shall be deemed to be the true acreage thereof, until such time as Lessee secures a land survey detailing the exact acreage covered by this lease, and at such time Lessor shall calculate all subsequent payments respecting surface acreage based on land surveys.

erty being located in Atascosa and McMullen Counties, Texas, and to do and perform all matters and things pertaining thereto as fully as I myself could do them;

NOW, THEREFORE, I, the said IREY SMITH BRODBENT, for good cause, do hereby revoke, countermand, and make void, said power of attorney and all powers and authorities therein given and contained and all matters and things which shall or may be acted, done or performed by virtue or means thereof in any manner whatsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of June, A.D. 1931.

Irey Smith Brodbent

David C. Vokes

Dorothy Kerr

State of Michigan :

County of Wayne :

SS

Before me, David Cooper Vokes, a Notary Public in and for said County and State, personally appeared IREY SMITH BRODBENT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose therein expressed.

Given under my hand and seal of office this 1st day of June, A.D. 1931.

(SEAL)

David Cooper Vokes, Notary

My Commission Expires: September 15, 1933.

Public, Wayne County, Michigan.

FILED FOR RECORD THIS 10th day of June A.D. 1931 at 9 o'clock A.M.

AND DULY RECORDED THIS 10th day of June A.D. 1931 at 11 o'clock A.M.

Julius Franklin County Clerk,
McMullen County, Texas.

STATE OF TEXAS :

COUNTY OF McMULLEN :

THIS INSTRUMENT made between Murray Franklin, joined by his wife, Rosa Franklin, Amie Franklin, a feme sole, Felix Franklin, a single man, Thomas Franklin, joined by his wife, Mary Franklin, John N. Franklin, joined by his wife, Thelma Franklin, Margaret Franklin Yeager, joined by her husband, Ewell Yeager, Sam Franklin, ~~joined by his wife,~~ ~~Martha Franklin,~~ Julius Franklin, joined by his wife Mabel Franklin, all of McMullen County, Texas, R.S. Franklin, Jr., joined by his wife, Lena Franklin, Green Franklin, joined by his wife, Verda Franklin, R.C. Franklin, joined by his wife, Rosabelle Franklin, all of Atascosa County, Texas, and Claude Franklin, of La Salle County, Texas, joined by his wife, Ida May Franklin, WITNESSETH:

1. That whereas, R.S. Franklin, of McMullen County, Texas, died intestate on April 1st, 1918, leaving his wife, Mrs. Minerva Franklin, surviving him, and ten sons and two daughters, as the sole surviving issue of their marriage, as follows, to wit: The above mentioned Murray Franklin, Amie Franklin, Felix Franklin, Thomas Franklin, John N. Franklin, Margaret Franklin Yeager, Sam Franklin, Julius Franklin, R.S. Franklin, Jr., Green Franklin, R.C. Franklin, and Claude Franklin.

That the said Mrs. Minerva Franklin died a feme sole and intestate in McMullen County, Texas, on February 4th, 1930, leaving surviving her all said next hereinabove mentioned twelve children as the issue of her marriage to the said R.S. Franklin, deceased, and all being over twenty-one years of age, and the sole heirs at law of said R.S. Franklin and Mrs. Minerva Franklin, deceased.

That no portion of said lands is community estate of any of these coparceners or their spouses, and none of them assert any equity, right, title or interest in any of said lands hereinafter partitioned, inconsistent with the terms and recitals of this instrument, or that would preclude such partition.

That said twelve children are the sole owners of the real property known as the Frank-

lin Ranch, situated in McMullen and Atascosa Counties, Texas, a part of said ranch lands being community estate of said R.S. Franklin and Mrs. Minerva Franklin, deceased, a part thereof being the separate estate of said Mrs. Minerva Franklin;

That the above mentioned Murray Franklin is the sole owner in his own right, by purchase, of an undivided 2500 acres in a portion of said Franklin Estate Lands hereinbefore mentioned. That there has been no partition of said Franklin Estate Lands, or any part thereof, among the heirs entitled to receive the same, except to this extent only: That during her lifetime, the said Mrs. Minerva Franklin, joined by her above mentioned children, as the sole heirs at law of said R.S. Franklin, deceased, conveyed unto the above mentioned Sam Franklin, one of said heirs, 923.7 acres of land out of the Austin and Williams Survey No. 950, Abstract No. 16, Cert. No. 5, and 253.2 acres out of the Day Land & Cattle Company Survey No. 1098 $\frac{1}{2}$, Abstract No. 1329, located in Atascosa County, Texas, which deed of conveyance, dated July 26th, 1928, is of record in the deed records of Atascosa County, Texas, in Volume 115, on pages 261-262, to which reference is here made for greater particularity. That said conveyance was made unto the said Sam Franklin as his part and portion of said lands to which he was entitled under the laws of descent and distribution as an inheritance from his father, the said R.S. Franklin, deceased. And

Whereas, no debts are due and owing said Franklin Estate, and it is the desire of all the heirs that said real property known as the Franklin Ranch should be equitably partitioned between them, and they have agreed:

A. That all Coal and Kaolin or Clay Products on or under said lands or any of them shall be reserved from this partition, and shall continue to be held and owned by said twelve heirs in common and in undivided interests as now, to them and each of them, their heirs and assigns, share and share alike.

B. That the conveyance to Sam Franklin hereinbefore mentioned be in all things confirmed, subject to the provision that he reconvey to the other eleven heirs jointly an undivided eleven-twelfth interest in all coal, kaolin or clay products thereon or thereunder.

C. That title to the home ranch, consisting of 250 acres out of the George E. Evans Survey No. 835, Abstract No. 180 [hereinafter referred to and described as Tract No. 12] shall be reserved from this partition and shall continue to be held by said twelve heirs equally in common and in undivided interests as now.

D. That the remainder of said lands (subject to the reservation of title to be held in common of all coal, kaolin or clay products thereon or thereunder) shall be equitably partitioned among said twelve heirs, share and share alike, except for this: that said Murray Franklin being the owner in his own right of an undivided 2500 acres in a portion of said Franklin Ranch lands, and having cast said interest into this partition in order that the same may be more economically and conveniently affected shall be equitably compensated by the award to him in this partition of a parcel of said lands of a value equal to the value of parcels allotted to the other heirs, plus the value of his said 2500 acre undivided interest.

Wherefore, it is hereby covenanted, granted, concluded and agreed by and between said parties, and each of them covenants, grants, concludes and agrees, for himself, themselves, his and their heirs and assigns, that a partition of said lands be made as follows, viz:

FIRST. The said Green Franklin of Atascosa County, Texas (except as below stated, shall from henceforth, have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and portion of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 1, being partition subdivision No. 1 of the Franklin Ranch Estate Land, as surveyed by W.S. Goff, County Surveyor of McMullen County, Texas, as shown by map or plat of said survey of record in the office of the County Clerk of said County and

251.4 acres out of Section No. 63, B.S. & F. Abstract No. 151,
 522.4 acres out of Section No. 65, B.S. & F. Abstract No. 152.
 678.2 acres out of Section No. 67, B.S. & F. Abstract No. 153.
 545.3 acres out of Section No. 57, B.S. & F. Abstract No. 148.
 174.5 acres out of Section No. 59, B.S. & F. Abstract No. 149.
 285.0 acres out of Section No. 61, B.S. & F. Abstract No. 150.
 362.0 acres out of Section No. 63, James B. Taylor, Abstract No. 637, and
 55.3 acres out of survey No. 9, Chas. S. Burbanks, Abstract No. 62.----aggregating 2816.1
 acres of land. And, as surveyed by said W.S. Goff, County Surveyor, particularly described by
 metes and bounds as follows:

Beginning at a post in fence on the west side of the county road from Tilden to San Antonio same being the South East corner of the R.S. Franklin Estate Ranch;

Thence North 89° 30' West with fence line between the Franklin and Skinner ranches at 3308 vrs. to a fence post corner of fence the North West corner of the Skinner ranch.

Thence South 39° 35' West with fence line between the Franklin and Skinner ranches at 784.8 vrs. to a stake and mound of hill rock set for the South West corner of this subdivision tract No. 1 same being the South East corner of Subdivision Tract No. 2 of the R.S. Franklin Ranch.

Thence North 27° West with the West line of this Tract No. 1 and the East line of Tract No. 2 at 3180.6 vrs. to a stake and mound of hill rock set on the South line of Section No. 33 J. Poitevent same being North 63° East 738.4 vrs. from a rock marked H the original South West corner of Section No. 33 and the North West corner of Section No. 63, B.S. & F. the South East corner of Section No. 35, J. Poitevent and the North East corner of Section No. 36, James B. Taylor.

Thence North 65° East with the line between section No. 33 J. Poitevent and Section No. 63, B.S. & F. at 1202.6 vrs. passed a rock marked I the original North East corner of Section No. 63, B.S. & F. the South East corner of section No. 33, J. Poitevent the South West corner of section No. 39, J. Poitevent and the beginning corner of section No. 57, B.S. & F. and at 3146.6 vrs. passed a stake the South East corner of section No. 39 from which found both witness trees marked X one brs. South 22° West 46 vrs. another brs. South 26 $\frac{1}{2}$ ° West 42 vrs. and at 4884.4 vrs. in all to a stake and rock set under fence on the West side of the Tilden and San Antonio Road for the North East corner of this Subdivision tract No. 1 and the South East corner of Subdivision Tract No. 3 of the R.S. Franklin Estate.

Thence with the fence on the West side of the County Road as follows South 28° East 436.3 vrs. South 15° 25' East 547.2 vrs. South 5° 55' East 1583.6 vrs. South 11° 40' East 1137.6 vrs. South 21° 50' East 383 vrs. South 0 $\frac{1}{2}$ -40' West 520 vrs. to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said Green Franklin, as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Green Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, and to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said Green Franklin, as one of them.

SECOND. The said John N. Franklin of McMullen County, Texas (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and proportion of

of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 2, being partition subdivision No. 2 of the Franklin Ranch Estate Land, as surveyed by W.S.Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

- ✓ 671.43 acres out of Survey No. 37, J. Poitevent, Abstract No. 382;
- 671.43 acres out of Survey No. 35, J. Poitevent, Abstract No. 383;
- ✓ 335.55 acres out of Survey No. 25, J. Poitevent, J. Poitevent, Abstract No. 378;
- ✓ 49.4 acres out of Survey No. 38, James B. Taylor, Abstract No. 638,
- ✓ 644 acres out of Survey No. 36, James B. Taylor, Abstract No. 635, 431 acres out of Survey No. 63, ~~B.S. & F. Abstract No. 63~~, B.S. & F. Abstract No. 15.1;
- ✓ 114.7 acres out of Survey No. 64, James B. Taylor, Abstract No. 634, and
- ✓ 22.5 acres out of Survey No. 66, W.G. Miles, Abstract No. 623, and 30 acres out of Survey No. 65, B.S. & F. Abstract No. 152.---- aggregating 2970.1 acres of land.

And, as surveyed by said W.S.Goff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at a rock marked 3 the South West corner of Tract No. 4 of the R.S. Franklin Ranch Subdivision same being the original South West corner of Survey No. 27 J. Poitevent, South East corner of section No. 24 L. Jacobs North West corner of Section No. 37, J. Poitevent and the North East corner of Section No. 23, J. Poitevent.

Thence North 63 East following section line between section 27 J. Poitevent, section 37, J. Poitevent, section 29, J. Poitevent, and Section 35, J. Poitevent at 3893.4 vrs. to a Rock marked II set for the South East corner of Tract No. 4 same being the North East Corner of this tract No. 2 and being the original corner of survey Nos. 29, 35, 33 J. Poitevent and No. 34 L. Jacobs.

Thence South 27 East following section line between section No. 35, J. Poitevent and Section No. 33, J. Poitevent at 1947 vrs. to a rock marked II the original South East corner of Section No. 35, J. Poitevent South West corner of Section No. 33, J. Poitevent, North East corner of section No. 36 James B. Taylor and North West Corner of Section No. 63 B.S. & F.

Thence North 63 East with section line between Section No. 33 J. Poitevent and Section No. 63 B.S. & F. at 738.4 vrs. at a stake and mound of hill rock for a North East corner of this tract No. 3.

Thence South 27 East crossing Survey No. 63, B.S. & F. and into survey No. 65, B.S. & F. at 3180.6 vrs. set a stake and Mound of Hill Rock about 10 feet from the Skinner fence line for corner of this tract No. 2.

Thence South 39° 35' West with the line between the Franklin and Skinner Ranch at 639 vrs. to a mound of petrified rock same being the corner of fence the present corner of the Franklin, Skinner and Henry Ranches.

Thence North 72° 15' West with fence line between the Franklin and Henry (the old C.W. Kaykendall) ranches at 3427 vrs. to a corner of fence from which the original witness tree to the South East corner of Section No. 25 hrs. South _____ West 58.3 vrs.

Thence South 63° 30' West with fence line between the Franklin and Henry Ranches at 1848 vrs. to a Post marked A the original S.W. corner of Section No. 25, J. Poitevent and corner in fence from which found the old witness tree marked A that hrs. South 6 East 151.5 vrs.

Thence North 27 West with fence line between the Franklin and the O.J. Dehan (Old Pyrtle Pasture) at 1017 vrs. to a rock marked and 1922 the North West corner of Section No. 25, J. Poitevent.

Thence North 63 East at 234 vrs. to another rock marked and 1922 for the South West corner of section No. 37, J. Poitevent.

Thence North 27 West with fence line between the Franklin and O.J.Dolan Ranches at 1947 vrs. to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said John N. Franklin as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said John N. Franklin, as his separate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said John N. Franklin, as one of them.

✓ THIRD. The said Murray Franklin of McMullen County, Texas, (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and proportion of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 3, being partitioned subdivision No. 3 of the Franklin Ranch Estate Land, as surveyed by W.S. Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

673.9 acres out of Section No. 34, L. Jacobs, Abstract No. 615;
669.5 acres out of Section No. 33, J. Poitevent, Abstract No. 384;
670.5 acres out of Section No. 39, J. Poitevent, Abstract No. 381;
674.5 acres out of Section No. 40, L. Jacobs, Abstract No. 614;
489.1 acres out of Section No. 41, J. Poitevent, Abstract No. 380;
189.3 acres out of Survey No. 835, Geo. E. Evans, Abstract No. 180;
370.6 acres out of Survey No. 960, C. Manchaca, Abstract No. 304;
672.5 acres out of Section No. 58, James B. Taylor, Abstract No. 636. 215.0 acres out of Section No. 60, James B. Taylor, Abstract No. 633.
129.1 acres out of Section No. 57, B.S. & F. Abstract No. 148. and 16 acres out of Section No. 59, B.S. & F. Abstract No. 149.---aggregating 5429.9 acres of land. And, as surveyed by said W.S. Goff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at a rock marked X the original North East Corner of Section No. 30 E.L. Taylor, and the South East corner of section No. 22, M. Franklin the South West corner of Section No. 32, M. Franklin and the North West corner of section No. 31, J. Poitevent from which an old mesquite tree marked X hrs. N. $31\frac{1}{2}$ E. 83 vrs. this rock is the North East corner of Tract No. 4 of the R.S. Franklin Estate Subdivision and the North West corner of this subdivisional tract No. 3.

Thence North 63 East with section line between section No. 31, J. Poitevent and section No. 32, M. Franklin at 1941 vrs. passed the North East corner of section No. 31 and the South East corner of section No. 32 and at 2538 vrs. in all to a rock marked M set in the West line of the Geo. E. Evans Survey No. 835 for a corner of this subd. tract No. 3.

Thence South $84^{\circ} 45'$ East crossing survey No. 835 Geo. E. Evans at 2174. 4 vrs. to the South West corner of Survey No. 834 T.F. Corry.

Thence North 75 East with the South line of the said T.F. Corry survey at 950 vrs. to the South East corner of same.

Thence South 23 East along the North East bank of the San Miguel creek at 1017 vrs. to a

stake about 18 vrs. North of the Bank of the San Miguel creek same being a division corner between the R.S. Franklin Estate and F.L. Henry.

Thence North with the fence division line between the R.S. Franklin Estate and F.L. Henry Tracts at 1360 vrs. to an iron pipe set in said fence for a corner of this Tract and the South west corner of an 183.5 acre tract surveyed for Tom Franklin out of the North portion of the Manchaca survey No. 960 and the south east portion of the Geo. Elliott Survey No. 959.

Thence East with the south line of the said Tom Franklin tract at 705 vrs. to an iron stake set in fence on the West side of the County Road leading from Tilden to San Antonio.

Thence South 0-15' West with the west line of said County road at 1256 vrs. the North High bank of the San Miguel Creek at 1385 vrs. in all to a stake on the south bank of the San Miguel Creek.

Thence South 43 West 74 vrs. to corner of fence on the South bank of San Miguel creek the corner of the T.P. Franklin Estate.

Thence South 0-5' West with the fence line between the R.S. Franklin Estate and the T.P. Franklin Estate at 1514 vrs. to corner of fence the South West corner of the T.P. Franklin Estate also the South West corner of the J.M. Hernandez Survey No. 34.

Thence East with the fence line of the R.S. Franklin Estate and the T.P. Franklin Estate same being the division line between the J.M. Hernandez Survey No. 34 and the James B. Taylor Section No. 60 at 1004 vrs. to a fence corner on the west side of the County Road from Tilden to San Antonio.

Thence South 6-30' East with fence on the west side of the County road at 568 vrs. to a stake.

Thence South 11 East 570 vrs. Thence South 28 East 220 vrs. to a stake and mound of rock set for the North East corner of Tract No. 1 of the R.S. Franklin Estate Subdivision and the South East corner of this Tract No. 3.

Thence South 63 West with the North line of Tract No. 1 of this subdivision at 1737.7 vrs. passed the South East corner of Section No. 39 and continuing South 63 West with south line of Section No. 39 J. Poitevent and North line of section No. 57, B.S. & F. at 3681.8 vrs. passed rock marked D the Original South West corner of Section No. 39 J. Poitevent and South East corner of Section No. 33 J. Poitevent the North East corner of Section No. 63 B.S. & F. and the North West corner of Section No. 57 B.S. & F. and at 5622.8 vrs in all to a rock marked R the original South West corner of section No. 33 J. Poitevent the South East corner of section No. 35 J. Poitevent and the North East corner of section No. 36 James B. Taylor the North West corner of section No. 63 B.S. & F. same being the South West corner of this tract No. 3 of the R.S. Franklin Subdivision.

Thence North 27 West with section line between section No. 33 and 35 J. Poitevent, 29 J. Poitevent and 34 L. Jacobs, 30 E.L. Taylor and 31 J. Poitevent at 5825.4 vrs. to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said Murray Franklin, as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Murray Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said Murray Franklin, as one of them

FOURTH. The said Thomas Franklin of McMullen County, Texas (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and proportion of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 4, being partition subdivision No. 4 of the Franklin Ranch Estate Land, as surveyed by W.S.Geff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

661.98 acres out of Survey No. 28 E.L.Taylor Abstract No. 740,

661.98 acres out of Survey No. 30 E.L.Taylor, Abstract No. 737,

675.56 acres out of Survey No. 27 J. Poitevent, Abstract No. 387 and

675.56 acres out of Survey No. 29 J. Poitevent, Abstract No. 386 ----aggregating 2675.08 acres of land. And, as surveyed by said W.S.Geff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at a rock marked X the original North East Corner of Survey No. 30, E.L.Taylor, The South East corner of Survey No. 22, M.Franklin, the South West Corner of Survey No. 32, M.Franklin and the North West corner of Survey No. 31, J. Poitevent from which a mesquit tree marked X hrs. N. $31\frac{1}{2}$ E. 83 vrs.

Thence South 27° East following the original section line between section No. 30 E.L.Taylor section No. 31 J. Poitevent section No. 29 J. Poitevent and section No. 34, L. Jacobs, and at 3878.6 vrs. set a rock marked T for the South East corner of this tract No. 4 same being the original South East corner of Section No. 29 J. Poitevent, South West corner of Section No. 34 L. Jacobs the North East corner of section No. 35 J. Poitevent and the North West corner of section No. 33 J. Poitevent.

Thence South 63° West following section line between section No. 29 J. Poitevent, section No. 35, J. Poitevent, section No. 27 J. Poitevent and Section No. 37 J. Poitevent at 3893.4 vrs. to a rock marked 3 the original South West corner of Section No. 27 J. Poitevent the North West corner of Section No. 37 J. Poitevent the North East corner section No. 23, J. Poitevent and the South East corner of Section No. 24, L. Jacobs.

Thence North 27° West following section line between Section No. 27 J. Poitevent and Section No. 24 L. Jacobs at 1959 vrs. passed a rock marked L.J. the original North West Corner of Section No. 27 J. Poitevent, the South West Corner of Section No. 28 E.L.Taylor the South East Corner of Survey No. 3, Susan Skinner and the North East corner of Survey No. 24 L. Jacobs and at 3878.6 vrs. in all to the North West corner of this tract No. 4 same being the original North West Corner of Section No. 28, E.L.Taylor the South West Corner of Survey No. 21, T. & N.O.R.R.Co. on the East line of the Susan Skinner Survey No. 3.

Thence North 63° East following Section line between Survey No. 28 E.L.Taylor, Survey No. 21, T. & N.O.R.R.Co. Section No. 30 E.L.Taylor and Section No. 22, M.Franklin at 3893.4 vrs. to place of beginning.

Second Parcel:

36 acres out of the Geo.Elliott Survey No. 959, Abstract No. 181, 127.5 acres out of the C.Manhaca Survey No. 960, Abstract No. 304----aggregating 163.5 acres of land. And, as surveyed by said W.S.Geff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at a corner of fence on the West side of the County Road leading from Tilden to San Antonio, Texas, the South East Corner of the Dilwerth Tract of land and the North East corner of this 163.5 acre survey.

Thence South $87^{\circ} 30'$ East with West side of said County Road at 223 vrs. to a stake.

Thence South $0-15'$ West with West side of County Road at 1125 vrs. to an Iron stake set

for the South East corner of this 163.5 acre survey.

Thence West 705 vrs. to an iron pipe set for the South West corner of this survey in fence the Division line between the F.L. Henry Tract and the R.S. Franklin Estate.

Thence North 1023 vrs. with the division fence line between the F.L. Henry Tract and the R.S. Franklin Estate at 1023 vrs. to fence corner.

Thence East with fence line between the F.L. Henry Tract and the R.S. Franklin Estate at 174 vrs. to a fence corner.

Thence North with fence line between F.L. Henry and the R.S. Franklin Estate at 387 vrs. to fence corner the North West Corner of the 36 acres of the Geo. Elliott Survey No. 959 and the South West corner of the old A.M. Dilworth Tract of land.

Thence East with fence line between the Dilworth Tract and the R.S. Franklin Estate at 523 vrs. to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said Thomas Franklin, as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Thomas Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinafore described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said Thomas Franklin, as one of them.

FIFTH. The said Felix Franklin of McMullen County, Texas (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance and to him and his heirs and assigns, for his part, share and proportion of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 5, being partition subdivision No. 5 of the Franklin Ranch Estate Land, as surveyed by W.S. Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said survey of record in the office of the County Clerk of said County and being:

819.6 acres out of survey No. 1, Mrs. M. Ellison, Abstract No. 756. 683.6 acres out of survey No. 45, J. Poitevent Abstract No. 377. 378.5 acres out of survey No. 45, E.L. Taylor, Abstract No. 735. 644.8 acres out of survey No. 3, Susan Skinner, Abstract No. 815.---Aggregating 2826.5 acres of land. And, as surveyed by said W.S. Goff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at the North East corner of the D. & A. Oppenheimer tract of land a corner of fence same being South 27° East 31.7 vrs. from the South West corner of Subdivision Tract No. 4 the original South West corner of Section No. 21 T. & N.O.R.R.Co. and the North West corner of Section No. 28 E.L. Taylor.

Thence South 62°25' West with the fence line between the Franklin and Oppenheimer Ranches at 2856 vrs. to a large Rock.

Thence South 27° 35' East at 147 vrs. to an old fence corner post.

Thence South 63° West with fence line of the Franklin and Oppenheimer Ranches at 1764 vrs. to a rock marked A the original South West corner of Section No. 45, J. Poitevent, from which a mesquite tree marked A vrs. South 65 West 14.7 vrs.

Thence North 27° 45' West with fence line between the R.S. Franklin Estate and R.S. Franklin Jr. at 2166 vrs. to a rock marked the North West corner of Section No. 45, J. Poitevent and the

North East Corner of section No. 2, R.S. Franklin also a corner of Section No. 1 T. & N.O.R.R. Co.

Thence North 82° East with the south east line of Section No. 1, T. & N.O.R.R.Co. at 945 vrs. to a stake set for the South East Corner of Section No. 1, T. & N.O.R.R.Co. on the North line of Section No. 45, J. Poitevent.

Thence North 0° 12' East with East line of the T. & N.O.R.R.Co.Sur. No. 1 and the West line of the Mrs. M.Ellison Survey No. 1 at 1487 vrs. passed the North East corner of Section No. 1 T. & N.O.R.R.Co. and at 2200.0 vrs. in all to a stake and mound of hill rock set for the North West corner of this tract No. 5.

Thence North 63° East crossing survey No. 1 Mrs. M.E..lison at 2684.2 vrs. to an iron stake and mound of hill rock for the North East corner of this tract No. 5, from which a mesquit tree marked F brs. South 53° 15' West 20 vrs.

Thence South 27° East at 134 vrs. passed the North East Corner of the Susan Skinner Survey No. 3 and the North West corner of Section No. 24, M.Franklin, and continuing South 27° East with the line of the Susan Skinner Survey No. 3 and the M. Franklin Section No. 24, and the T. & N.O.R.R.Co. Section No. 21 at 3965.8 vrs. in all to the place of beginning.)

And the other parties hereto do grant, release and confirm unto the said Felix Franklin, as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Felix Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S.Franklin and Mrs. Minerva Franklin, deceased, and the said Felix Franklin, as one of them.

SIXTH. The said Julius Franklin of McMullen County, Texas, (except as below stated, shall from henceforth have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and proportion of said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 6, being partition subdivision No. 6 of the Franklin Ranch Estate Land, as surveyed by W.S.Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

717.4 acres out of Survey No. 30, T. & N.O.R.R.Co. Abstract No. 876. 828.6 acres out of survey No. 3 Live Oak County School Land, Abstract No. 298.

111.6 acres out of survey No. 2/6 Mrs. M. Friar, Abstract No.662. 528.3 acres out of survey No. 1, Mrs. M.Ellison, Abstract No. 756, and 640 acres out of survey No. 10, T. & N.O. R.R.Co. Abstract No. 869.----aggregating 2825.9 acres of land. And, as surveyed by said W.S. Goff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at the North East corner of Tract No. 5 of the Franklin Subd. an iron Stake for corner from which a mesquite marked F brs. South 53° 15' West 20 vrs. same being the South East Corner of this tract No. 6.

Thence South 63° West crossing survey No. 1 Mrs. M.Ellison at 2684.2 vrs. to a stake and mound of hill rock for the North West corner of tract No. 5, also a corner of this tract No. 6.

Thence South 0° 12' West with the West line of tract No. 5 at 733.0 vrs. to the North East corner of section No. 1, T. & N.O. R.R. Co.

Thence West at 100 vrs. passed the South East Cor. of Section No. 10, T. & N.O.R.R.Co. on the North line of Section No. 1, T. & N.O.R.R.Co., and continuing west with the section line between section No. 10 and section No. 1, T. & N.O.R.R.Co. at 2000 vrs. in all to a stake and mound of hill rock for the South West Corner of section No. 10, 9, 8 and 1 all T. & N.O.R.R.Co. surveys.

Thence North with section line between sections Nos. 9 & 10 T. & N.O.R.R.Co. at 1900.8 vrs. to a stake and mound of hill rock set for the corner of sections No. 9, 10, 11 & 12 all T. & N. O.R.R.Co. sections.

Thence East with section line between section No. 10 & 11, T. & N.O.R.R.Co. at 1900.8 vrs. to a stake and mound of hill rock set for the North East corner of section No. 10 and South East corner of section No. 11.

Thence North with the East line of section No. 11, T. & N.O.R.R.Co. the west line of Survey No. 1, Mrs. M. Ellison, Survey No. 2.6 Mrs. M. Friar and Section No. 30, T. & N.O.R.R.Co. at 1900.8 vrs. to the North East corner of section No. 11, T. & N.O.R.R.Co.

Thence West with the section line between section No. 30 T. & N.O.R.R.Co. and Section No. 11, T. & N.O.R.R.Co. at 1909 vrs to a stake in fence set for the North West corner of Section No. 11 South West corner of Section No. 30, North East corner of section No. 12 and the South East corner of section No. 15 all of the T. & N.O.R.R.Co. Block.

Thence North 1° East following fence line between section No. 30 and section No. 15, T. & N.O.R.R.Co. at 2058 vrs. to a corner of fence and mound of hill rock for the North West corner of Section No. 30 and the North East corner of section No. 15 on the south line of section No. 29, all of the T. & N.O.R.R.Co. block.

Thence South 88° 55' East with the fence line between section No. 30 and section No. 29 at 1653 vrs. to a corner of fence on the west line of the Live Oak Co. School Land Survey No. 3.

Thence North 13° 17' West with fence line between the Live Oak Co. School Land and section No. 29 T. & N.O.R.R.Co. at 457 vrs to a corner of fence the supposed North West corner of the Live Oak County School Land (But could not find the rock corner as called for in the original field notes).

Thence North 75° 25' East following fence line between the Live Oak Co. School Land Survey No. 3 and the T. & N.O.R.R.Co. section No. 29 at 803.6 vrs. set a stake and mound of hill rock under fence for the North East corner of this Tract No. 5.

Thence South 24° East crossing the Live Oak Co. School Land and at 4960.5 vrs to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said Julius Franklin, as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Julius Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns, forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaelin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said Julius Franklin, as one of them.

SEVENTH. R.S. Franklin, Jr., of Atascosa County, Texas (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance and to him and his heirs and assigns, for his part, share and pre-

portion of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 7, being partition subdivision No. 7 of the Franklin Ranch Estate Land, as surveyed by W.S.Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:—

2112.4 acres out of the Live Oak County School Land Survey No. 3, Abstract No. 298,

300 acres out of the Mrs. A. Friar Survey No. 3/6, Abstract No. 661, 40 acres out of the Mrs. M. Ellison Survey No. 1, Abstract No. 758, and

655.5 acres out of the M. Franklin Section No. 24, Abstract No. 674---aggregating 3107.9 acres of land. And, as surveyed by said W.S.Goff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at a stake the North West corner of Section No. 21, T. & N.O.R.R.Co. the South West corner of Section No. 24, M. Franklin on the East line of the Susan Skinner Survey No. 3.

Thence North 27° West with the East line of the Susan Skinner Survey and the West line of the M. Franklin section at 1900.8 vrs. passed the North West corner of the M. Franklin Section No. 24, and the North East corner of the Susan Skinner survey and at 2034. vrs. to an iron stake set for the North East corner of Tract No. 5 and South East corner of Tract No. 6 of the R.S. Franklin Estate Subdivision from which a Mesquit tree marked F vrs. South 53° 15' West 20 vrs.

Thence North 24° West with the East line of Tract No. 6 of the R.S. Franklin Estate Subdivision at 4960.5 vrs. to a stake and mound of hill rock under fence on the North line of the Live Oak County School Land Survey No. 3 same being the North West corner of this tract No. 7 and the North East corner of Tract No. 6 of the R.S. Franklin Estate Subdivision.

Thence North 75° 25' East with the North line of the Live Oak County School Land Survey No. 3 at 716.4 vrs. to an iron 2 inch pipe set for the South West corner of the Murray Franklin Survey No. 526.

Thence South 15° 15' East with the West line of Tract No. 10 of the R.S. Franklin Estate Subdivision at 556.0 vrs. to a stake and mound of hill rock the South West corner of the tract No. 10 also a corner of this tract No. 7.

Thence North 74° 45' East with south line of Tract No. 10 of this Subd. at 1580.4 vrs. to a stake and mound of hill rock set for the South East corner of Tract No. 10 on the west line of Tract No. 9 of the R.S. Franklin Estate Subdivision same being a North East corner of this tract No. 7.

Thence South 15° 15' East with the west line of Tract No. 9 of the R.S. Franklin Estate Subdivision at 254 vrs. to a stake and mound of hill rock set for the South West corner of tract No. 9 and being an inner corner of this tract No. 7.

Thence North 74° 45' East with the south line of tract No. 9 of this Subd. at 1432.8 vrs. to a stake and mound of hill rock set for the North East corner of this Tract No. 7 same being the North West corner of Tract No. 8 of the Franklin Estate Subdivision.

Thence South 15° 15' East with the West line of Tract No. 8 at 3570.4 vrs. set a stake and mound of hill rock on the North line of Section No. 23 T. & N.O.R.R.Co. same being the South West corner of tract No. 8 and a South East corner of this tract No. 7.

Thence South 63° West with the North line of the Section No. 23, T. & N.O.R.R.Co. and South line of the Mrs. M. Friar Survey No. 3/6 1077.8 vrs. to a Stake and mound of hill rock for the North West corner of Section No. 23, T. & N.O.R.R.Co. and the North East corner of Section No. 24 M. Franklin.

Thence South 27° East with the west line of section No. 23 T. & N.O.R.R.Co. and East line of section No. 24 M. Franklin at 1900.8 vrs. to a stake and mound of hill rock for South

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West corner of section No. 23 T. & N.O.R.R.Co. the North West Corner of section No. 22 M. Franklin the South East corner of section No. 24 M. Franklin and the North East corner of section No. 21 T. & N.O.R.R.Co.

Thence South 63° West with the North line of section No. 21 T. & N.O.R.R.Co. and the South line of section No. 24 M. Franklin at 1946.7 vrs. to the place of beginning.)

And the other parties hereto do grant, release and confirm unto the said R.S. Franklin, Jr., as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said R.S. Franklin, Jr., as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described; it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said R.S. Franklin, Jr., as one of them.

EIGHTH. The said R.S. Franklin of Atascosa County, Texas, (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by himself, as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and proportion of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 8 being partition subdivision No. 8 of the Franklin Ranch Estate Land, as surveyed by W.S. Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

127.9 acres out of the L. Juneman Survey No. 838, Abstract No. 284. 174.6 acres out of the Thos. J. Hughes Survey No. 837, Abstract No. 227.

659.2 acres out of the Benj. T. Hughes Survey No. 856, Abstract No. 228. 1201.4 acres out of the Live Oak County School Land Survey No. 3, Abstract No. 298.

34 acres out of the R.W. Franklin Survey No. 42, Abstract No. 672, and 53 acres out of the Mrs. M. Friar Survey No. 3/6, Abstract No. 661----aggregating 2250.1 acres of land. And, as surveyed by said W.S. Goff, County Surveyor, Particularly described by metes and bounds as follows:

Beginning at a stake and mound of hill rock set on the North line of the T. & N.O.R.R.Co. section No. 23 for the South West corner of this tract No. 8 also the South East corner of Tract No. 7 of the R.S. Franklin Estate subdivision.

Thence North 15° 15' West with the east line of Tract No. 7 at 3570.4 vrs. to a stake and mound of hill rock set on the south line of Tract No. 9 for the North West Corner of this tract No. 8 the same being the North East corner of tract No. 7 of the Franklin Subd.

Thence North 74° 45' East with the South line of Tract No. 9 at 2719 vrs. to the channel of the San Miguel Creek for the North East corner of this Tract No. 8 and the South East corner of Tract No. 9. of the Franklin subdivision.

Thence down the San Miguel Creek with the following meanders as surveyed by D.W. Cobb for the division line between the S.F. Fisher (old G.W. Ballard) and the R.S. Franklin Ranches, South 66° East 177 vrs. South 20° East 777.6 vrs. South 69 East 252 vrs. South 82° East 1004.4 vrs. South 52° East 288 vrs. South 29° 30' East 547.2 vrs. South 0-20' East 540 vrs. South 16° 30' West 576 vrs. South 20 East 197 vrs. to a rock set for the South East corner of this Tract No. 8.

Thence South 75° 15' West 3070 vrs. to a stake and mound of hill rock set for the North

East Corner of Section No. 23 T. & N.O. R.R. Co.

Thence South 63 West with the North line of Section No. 23 T. & N.O.R.R.Co. and south line of the Mrs. M.Priar Survey No. 3/6 at 867' vrs. to the place of beginning.)

And the other parties hereto do grant, release and confirm unto the said R.S.Franklin, as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said R.C.Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S.Franklin and Mrs. Minerva Franklin, deceased, and the said R.C.Franklin, as one of them.

NINTH. The said Mrs. Margaret Franklin Yeager of McMullen County, Texas, (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by herself as her separate estate of inheritance, and to her and her heirs and assigns, for her part, share and proportion of the said lands and premises, all that tract or parcel of land situated in McMullen County, and Atascosa County, Texas, known and described as Tract No. 9 being partition subdivision No. 9 of the Franklin Ranch Estate Land, as surveyed by W.S.Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

324.1 acres out of the Chas. W.Walters Survey No. 840, Abstract No. 493, 324.1 acres out of the Wm.H.McCullough Survey No. 841, Abstract No. 1008.

641.4 acres out of the E.G. Howell Survey No. 842, Abstract No. 1018, 663.7 acres out of the E.G. Howell Survey No. 843, Abstract No. 1017, (342 acres out of the Live Oak County School Land Survey No. 3, Abstract No. 298.)

192.1 acres out of the L. Juneman Survey No. 838, Abstract No. 284, and 13.3 acres out of the Thomas J. Hughes Survey No. 837, Abstract No. 227.---aggregating 2500.7 acres of land. And, as surveyed by said W.S.Goff, County Surveyor, particularly described my metes and bounds as follows:

Beginning at a stake in the channel of the San Miguel Creek the North West corner of the Chas. W.Walters survey No. 840, the North East corner of the F.D.Chaumes Survey No. 839 the South East corner of the Austin and Williams survey No. 950 and the South East corner of the Day Land and Cattle Company survey No. 1090.

Thence North 74°45' East with the North line of the Chas. W. Walters survey No. 840, the Wm. H. McCullough survey No. 841, the E.G. Howell Survey No. 842, the G.E. Howell survey No. 843 and at 5726.8 vrs. to a stake and mound of hill rock set for the North East corner of the E.G. Howell survey No. 843.

Thence South 15°15' East with the East line of the E.G. Howell survey No. 843 at 1972 vrs. to a stake set in an old marked line the supposed North line of the Thos. J. Hughes Survey No. 837 and at 1978 vrs. in all to a stake set under fence.

Thence South 74°45' West following the fence line at 1900.8 vrs. passed the South West Corner of the E.G. Howell Survey No. 843 and the South East corner of the G.E. Howell Survey No. 842 and at 2004. vrs. to a stake set by D.W.Cobb, Surveyor of Atascosa County, Texas, for the North West corner of the Thos. J. Hughes survey No. 837 same being the division corner between the Franklin and the S.F.Fisher (old G.W.Ballard) Ranches.

Thence South 15°15' East at 378 vrs. to a stake in the channel of the san Miguel Creek.

Thence South 66° East at 554 vrs to a stake in the channel of the San Miguel Creek for the South East corner of this subdivision No. 9.

Thence South 74°45' West at 4151.8 vrs. to a stake and mound of hill rock set for the South West corner of this subdivision No. 9.

Thence North 15°15' West at 807 vrs cross the North line of the Live Oak County School Land Survey No. 3 and at 2707 vrs. in all to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said Margaret Franklin Yeager, as her separate estate and for her sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging unto the said Margaret Franklin Yeager, as her separate estate and for her, sole and separate use and benefit, her heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said Margaret Franklin Yeager, as one of them.

X TENTH: The said Miss Amie Franklin of McMullen County, Texas, (except as below stated) shall from henceforth have, hold, possess and enjoy in severalty, by herself as her separate estate of inheritance, and to her and her heirs and assigns, for her part, share and proportion of the said lands and premises, all that tract or parcel of land situated in McMullen and Atascosa Counties, Texas, known and described as Tract No. 10 being partition subdivision No. 10 of the Franklin Ranch Estate Land, as surveyed by W.S. Coff County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

1148 acres out of the Austin and Williams survey No. 950 Abstract No. 16, 130 acres out of the Day Land and Cattle Co. Survey No. 1098½, Abstract No. 1391, 160 acres out of the F.M. Drake Survey No. 839½, Abstract No. 987.

(156.68 acres out of the Jno. Roebuck Survey No. 512, Abstract No. 950, 80 acres out of the Murray Franklin Survey 526, Abstract No. 1105 and 320 acres out of the F. DeChannes Survey No. 839, Abstract No. 178 and 155.30 acres out of the Live Oak County School Land Survey No. 3 Abstract No. 298---aggregating 2160 acres of land. And, as surveyed by said W.S. Coff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at the North East corner of the James Fadden Survey No. 951 same being the North East corner of a field and the original corner witness trees having been grubbed and could not find same.)

Thence North 75° 10' West with the North line of the Austin and Williams survey No. 951 and the South line of the Austin and Williams Survey No. 950, at 996.5 vrs. to an iron stake set for the South East corner of Tract No. 12 of the R.S. Franklin Estate Subdivision.

Thence North 14° 50' East crossing the Austin and Williams Survey No. 950 and at 2823 vrs. to a rock marked A set in the North line of the Day Land and Cattle Co. Survey No. 1098½ for the North West corner of this tract No. 10 and the North East Corner of Tract No. 12 of the R.S. Franklin Estate Subd.

Thence South 66°30' East with the North fence line of the Day Land and Cattle Co. survey 554.4 vrs. to a mound of hill rock the original corner of the Day Land and Cattle Co. survey No. 1098½ from which found the original Mesquite witness trees marked U and brs. North 3 East 9 vrs. and another marked U brs. South 81 East 18 vrs.

Thence South 74° East with the North line of the Day Land and Cattle Co. survey at 2241 vrs. to a fence corner for the North East Corner of the Day Land and Cattle Co. survey No. 1098½ (Could not find old witness tree as described in original field notes)

Thence South 23°30' West with the East line of the Day Land and Cattle Co. Survey at 2942 vrs to a stake set in the bed of the San Miguel creek for a corner of the Day Land and Cattle Co. survey and the same being the South East corner of the Austin and Williams Survey No. 950, the North East corner of the F.DeChaumes survey No. 839, the North West corner of the Chas. W.Walters survey No. 840, the North East corner of the F.M.Drake survey No. 839½.

Thence South 15°15' East with the line between the F.DeChaumes and the Chas. W.Walters surveys at 1900.8 vrs. passed the South East corner of the F.DeChaumes Survey and the South West corner of the Chas. W.Walters survey at 2453 vrs. in all to a stake set for the south East corner of this Tract No. 10 same being the North East corner of the Subd. Tract No. 7 on the West line of Subd. Tract No. 9.

Thence South 74°45' West at 1580.4 vrs. to a stake set for the South West corner of this Subd. Tract No. 10 and an inner corner of the Subd. Tract No. 7 of the R.S.Franklin Estate Subdivision.

Thence North 15°15' West at 556 vrs. to an iron 2 inch pipe set in the North line of the Live Oak Co.School Land for the South West corner of the Murray Franklin survey No. 526.

Thence North 14°40' West with the west line of the Murray Franklin survey No. 526 at 780 vrs. to a stake set for the North West corner of the Murray Franklin Survey No. 526.

Thence South 89°20' West with south line of the Jno. Roebuck survey No. 512 at 384 vrs. set a stake for a South West corner of the Jno. Roebuck Survey No. 512.

Thence North 0°40' West with line of the Jno. Roebuck survey at 167 vrs. to another corner *Thence North 78°40' West at 116 vrs. to another corner of the Jno. Roebuck survey* of the Jno. Roebuck Survey and the South East corner of the James Fadden Survey No. 951.

Thence North 14°50' East with the East line of the James Fadden Survey No. 951 and the West line of the Jno. Roebuck Survey and the F.M.Drake survey No. 839½ at 1900.8 vrs. to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said Amie Franklin, as her separate estate and for her sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Amie Franklin, as her separate estate and for her, sole and separate use and benefit, her heirs and assigns forever.

Out of the grant hereby made there is, however, excepted, and reserved all coal and kaolin in place on or under said parcel of land hereinabove described; it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S.Franklin and Mrs. Minerva Franklin, deceased, and the said Amie Franklin, as one of them.

ELEVENTH. The said Claude Franklin of La Salle County, Texas, (except as below stated) shall from henceforth, have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and proportion of the said lands and premises, all that tract or parcel of land situated in McMullen County, Texas, known and described as Tract No. 11 being partition subdivision No. 11 of the Franklin Ranch Estate Land, as surveyed by W.S.Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

665.5 acres out of Survey No. 22 M.Franklin, Abstract No. 675,
653.4 acres out of Survey No. 32 M.Franklin, Abstract No. 673,
200.8 acres out of Survey No. 41, J. Poitevent, Abstract No. 380,

740.7 acres out of Survey No. 535 Geo.E.Evans, Abstract No. 180,
619.8 acres out of Survey No. 42, R.W.Franklin, Abstract No. 672,
140 acres out of Survey No. 3/6 Mrs. M.Friar, Abstract No. 661 and
140.7 acres out of Survey No. 514 R.S.Franklin, Abstract No. 113---aggregating 3150.9 acres
of land. And, as surveyed by said W.S.Goff, County Surveyor, particularly described by metes
and bounds as follows:

Beginning at a rock marked X set for the South West corner of section No. 22 M.Franklin
South East corner of section No. 21 T. & N.O.R.R.Co. North East corner of section No. 28 E.L.
Taylor and the North West corner of section No. 30 E.L.Taylor.

Thence North 27° West with section line between section No. 22 M.Franklin and No. 21 T.
& N.O.R.R.Co. at 1900.8 vrs. to a stake and mound of rock set for the North West corner of
section No. 22 M.Franklin, South East corner of section No. 24 M.Franklin, North East corner
of section No. 21 T. & N.O.R.R.Co. South West corner of section No. 23 T. & N.O.R.R.Co.)

Thence North 63° East with section line between section No. 23 T. & N.O.R.R.Co. and
Section No. 22 M.Franklin at 1946.7 vrs. to a stake for the South East corner of Section No.
23 T. & N.O. R.R.Co. South West corner of Survey No. 514 R.S. Franklin North East corner of
section No. 22 M. Franklin and the North West corner of Section No. 32 M.Franklin.

Thence North 27° West with section line between section No. 23 T. & N.O.R.R.Co. Survey No.
514 R.S.Franklin and Survey No. 3/6 Mrs. M.Friar at 1900.8 vrs. to a stake and mound of hill
rock set for the North East corner of section No. 23, T. & N.O. R.R.Co. Thence

Thence North 75°15' East with the south line of Tract No. 8 of the R.S.Franklin Estate
Subd. at 3070 vrs. to a rock set for the North East corner of this Tract No. 11 and South
East corner of Tract No. 8 of this Franklin subdivision.

Thence North 20° West 60 vrs. to a stake in south line of Benj. T. Hughes Survey No. 836
as located by D.W.Cobb Surveyor of Atascosa Co.

Thence North 74°45' East with south line of the Benj. T. Hughes survey No. 836 at 237 vrs.
to a mound of rock the North East corner of the R.W.Franklin Section No. 42 and the North
West corner of the Geo.E.Evans Survey No. 835.

Thence South 15-16 East with the West line of the Geo. E.Evans Survey at 353 vrs. to a stake
set on the North bank of the San Miguel creek and being a corner of a 296 acre survey out of
the Geo.E.Evans Survey, made by W.H. Fountain Surveyor for Geo.W.Ballard.

Thence South 75°15' East 482 vrs. to a stake, Thence South 60° East 662 vrs. to a stake
set for the South West corner of the said 296 acre tract, from which two Mesquite trees marked
by D.W.Cobb Surveyor vrs. North 34 West 29.2 vrs. and South 64 East 1.4 vrs.

Thence North 75°40' East 144 vrs. to the North West corner of a 250 acre tract made for ~~the~~
R.S.Franklin Estate Home.

Thence South 15° East with the west line of the 250 acre Tract at 1420 vrs. to a large
rock set for the South West Corner of the said 250 acre tract from which a large live oak Tree
marked F vrs. South 6° 45' West 16.5 vrs.

Thence North 75° East with the south line of the 250 acre tract at 1000 vrs. to a large
rock set in the west line of the Geo. Evans Survey No. 835 the south East corner of the 250
acre tract and a North East corner of this Tract No. 11.

Thence South 15° East with the west line of the Geo. Evans Survey at 1503 vrs. to the South
West Corner of the T.F.Corry Survey No. 834.

Thence North 84° 45' West crossing the Geo. E.Evans survey at 2174.4 vrs. to a large rock
set in the west line of the Geo.E. Evans survey for a corner of this tract No. 11 and a corner
of Tract No. 3 of the R.S.Franklin Estate Subdivision.

Thence South 63° West at 597 vrs. passed the South East corner of section No. 32 M.Franklin
and North East corner of Section No. 31 J. Poitevent and continuing South 63° West with sec-

tion line between section No. 32 M. Franklin and section No. 31 J. Poitevent at 2538 vrs. passed a rock marked X the original S.W. Corner of section No. 32 M. Franklin, North West corner of section No. 31 J. Poitevent, South East corner of section No. 22 M. Franklin and the North East corner of section No. 30 E. L. Taylor, and at 4484.7 vrs. in all to the place of beginning.

And the other parties hereto do grant, release and confirm unto the said Claude Franklin as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Claude Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said Claude Franklin, as one of them.

TWELFTH. The said Sam Franklin of McMullen County, Texas, (except as below stated) shall from henceforth, have, hold, possess and enjoy in severalty, by himself as his separate estate of inheritance, and to him and his heirs and assigns, for his part, share and proportion of the said lands and premises, all that tract or parcel of land situated in Atascosa County, Texas, known and described as Tract No. 12, being partition subdivision No. 12 of the Franklin Ranch Estate Land, as surveyed by W.S. Goff, County Surveyor of McMullen County, Texas, and as shown by map or plat of said Survey of record in the office of the County Clerk of said County and being:

1286.3 acres out of the Austin & Williams Survey No. 950, Abstract No. 16, 188.2 acres out of the Day Land and Cattle Co. Survey No. 1098 $\frac{1}{2}$, Abstract No. 1391, and 35 acres out of the R.S. Franklin Survey No. 1060 $\frac{1}{2}$, Abstract No. 1620, ---aggregating 1309.5 acres of land. And, as surveyed by said W.S. Goff, County Surveyor, particularly described by metes and bounds as follows:

Beginning at an iron stake set on the North line of the James M. Fadden survey No. 951 for the South East corner of this Tract No. 12 and the South West corner of Tract No. 10 of the R.S. Franklin Estate Subdivision.

Thence North 14° 50' East with the West line of Tract No. 10 crossing the Austin and Williams Survey No. 950 and 2823 vrs. to a rock marked A F set in the North line of the Day Land and Cattle Co. No. 1098 $\frac{1}{2}$, for the North West corner of Tract No. 10 and the North East corner of Tract No. 12.

Thence North 66° 30' West with the North fence line of the Day Land and Cattle Co. Survey No. 1098 $\frac{1}{2}$ at 1243 vrs. to a corner in fence the South East corner of the R.S. Franklin survey No. 1060 $\frac{1}{2}$.

Thence North 25° East with fence line at 515.4 vrs. to a pile of hill rock the North East corner of the R.S. Franklin Survey No. 1060 $\frac{1}{2}$ from which found the original witness trees that brs. South 20° West 30 $\frac{1}{2}$ vrs. and South 8° West 22 vrs.

Thence North 66° 30' West 570 vrs. to a corner in fence the North West corner of the R. S. Franklin Survey No. 1060 $\frac{1}{2}$, the original Mesquite Tree marked X brs. South 69° West 10 vrs.

Thence North 45° 30' East with fence at 103 vrs. to corner of fence an inner corner of the Day Land and Cattle Co. Survey No. 1098 $\frac{1}{2}$ from which found the original witness tree marked V brs. North 41° West 19 vrs. and another prong of same Mesqt. brs. marked V brs. North 44° West 19 vrs.

Thence North 44° 30' West with the North fence line of the Day Land and Cattle Co. Survey No. 1098 $\frac{1}{2}$ at 703 vrs. to a stake in fence set for the North West corner of this tract

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same being the North East corner of the West part of this Tract No. 12.

Thence South 14° 50' West at 3900 vrs. to a stake set in the North line of the Austin and Williams Survey No. 952 and the South line of the Austin and Williams Survey No. 950.

Thence South 75 East at 1230 vrs. with the fence line between the two Austin and Williams surveys to a corner in fence on the west side of the J.L. Himes field same being on the west line of the James Fadden Survey No. 951.

Thence North 14° 50' West with fence line at 53 vrs. to a large rock set in the ground for the North West corner of the James Fadden survey No. 951 from which found old marked Mesquite Tree marked X brs. North 83 East 5 vrs.

Thence South 75° 10' East with the North fence line of the James Fadden Survey No. 951 at 1030.5 vrs. to the place of beginning.

And the other parties hereto do grant release and confirm unto the said Sam Franklin, as his separate estate and for his sole and separate use and benefit, the premises above described; to have and to hold the above described premises, with all and singular the hereditaments and appurtenances thereto belonging, unto the said Sam Franklin, as his separate estate and for his, sole and separate use and benefit, his heirs and assigns forever.

Out of the grant hereby made there is, however, excepted and reserved all coal and kaolin in place on or under said parcel of land hereinabove described, it being the intention and understanding that the full ownership of said minerals in place on or under said land is reserved from this partition, to be held and owned jointly and in undivided equal interests by the hereinbefore mentioned surviving heirs of R.S. Franklin and Mrs. Minerva Franklin, deceased, and the said Sam Franklin, as one of them.

And the said Sam Franklin, joined by his wife, Kathleen Franklin, in consideration of the premises hereinbefore recited, does hereby expressly agree that Murray Franklin, Amie Franklin, Felix Franklin, Thomas Franklin, John N. Franklin, Margaret Franklin Yeager, Julius Franklin, R.S. Franklin, Jr., Green Franklin, R.C. Franklin and Claude Franklin shall hence forth have, hold, possess and enjoy as their separate estate, and to them, their heirs and assigns an undivided eleven-twelfths interest in all coal and kaolin or clay products on or under that certain 923.7 acres of land out of the Austin and Williams Survey No. 950, Abstract No. 16, Certificate No. 5, and 253.2 acres out of the Day Land & Cattle Company Survey No. 1098½, Abstract No. 1329, located in Atascosa County, Texas, and fully described by metes and bounds in that certain deed dated July 26th, 1929, executed by Mrs. Minerva Franklin, deceased, and the above mentioned brothers and sisters of said Sam Franklin, and recorded in the deed records of Atascosa County, Texas, in Volume 115, on pages 261-264, to which deed and said record thereof reference is here made for greater certainty of description of said parcel of land; and does hereby grant, release and confirm unto the said Murray Franklin, Amie Franklin, Felix Franklin, Thomas Franklin, John N. Franklin, Margaret Franklin Yeager, Julius Franklin, R.S. Franklin, Jr., Green Franklin, R.C. Franklin and Claude Franklin, as their separate estate, and for their sole and separate use and benefit, an undivided eleven-twelfth interest in all coal, kaolin or clay products on or under said parcel of land next hereinbefore mentioned. To have and to hold an undivided eleven twelfths interest in all said coal, kaolin or clay products on or under said parcel of land, with all and singular the hereditaments and appurtenances thereto belonging, unto them, as their separate estate, and for the sole and separate use of them, their heirs and assigns forever.

It being understood and the intention of the parties being that Partition Subdivision Tract No 12 allotted to Sam Franklin in this partition is composed of two parcels of land in one solid body, one of which is hereinabove described by metes and bounds and conveyed to him and the other of which (being his interest in his father's landed estate) was conveyed to him

by said deed recorded in Volume 115, on pages 261, 264 of the deed records of Atascosa County, Texas, which latter mentioned deed and the title thereby vested in Sam Franklin is in all things ratified and confirmed by the other parties hereto, except as to reservation of title to an undivided eleven twelfths interest in all coal, kaolin or clay products thereunder herein reconveyed unto his said eleven brothers and sisters by Sam Franklin;

THIRTEENTH. There is expressly reserved from this partition all that part and portion of said Franklin Estate Ranch Lands known as the Home Tract, and so designated on map or plat of this subdivision prepared by N.S.Goff, County Surveyor of McMullen County, Texas, and on file in the office of the County Clerk of McMullen County, Texas, to which reference is here made for greater certainty of description; being 250 acres of land and all improvements thereon out of the George Evans Survey No. 835, Abstract No. 180, described by metes and bounds as follows:

Beginning at a post corner in fence on the East line of the Geo.E.Evans Survey same being the South East Corner of a 296 acre survey made by W.H.Fountain Surveyor For Geo.W. Ballard out of the Northern part of the Geo.E.Evans Survey and the North East corner of the part owned by R.S.Franklin Estate from which an old marked mesquite tree brs. North 71 West 18 vrs. another North 72 West 24½ vrs.

Thence South 15° East with the fence line between the Geo. E.Evans Survey and the T.F. Corry Survey at 1026 vrs. to the channel of the San Miguel Creek at 1408 vrs. to a rock set for the South East Corner of this 250 acres.

Thence South 75° West 1000 vrs. to a large rock set for the South West corner of this 250 acre tract from which a large Live Oak tree marked F brs. South 6° 45' West 16.5 vrs.

Thence North 15° West 1420 vrs. to an iron pin set on the North bank of the San Miguel Creek for the North West corner of this tract.

Thence North 75° 40' East 1000 vrs. to the place of beginning.

And as to said 250 acre Home Tract it is hereby covenanted, granted, concluded and agreed by and between said parties, and each of them covenants, grants, concludes, and agrees, for himself, themselves, his and their heirs and assigns, that the said Murray Franklin, Amie Franklin, Felix Franklin, Thomas Franklin, John N.Franklin, Margaret Franklin Yeager, Sam Franklin, Julius Franklin, R.S.Franklin, Jr., Green Franklin, R.C.Franklin and Claude Franklin, hold, possess and enjoy as the separate estate of inheritance of them and each of them, in equal and undivided interests, said Home Tract and all improvements thereon and the title thereto.

And all the parties hereto do grant, release and confirm unto the said Murray Franklin, Amie Franklin, Felix Franklin, Thomas Franklin, John N.Franklin, Margaret Franklin Yeager, Sam Franklin, Julius Franklin, R.S. Franklin, Jr., Green Franklin, R.C.Franklin, and Claude Franklin, as the separate estate of them and each of them in equal undivided interest said Home Tract; to have and to hold the same in common, with all and singular their hereditaments and appurtenances thereto belonging, for the sole and separate use and benefit of them, of each of them, their heirs and assigns forever.

And all the parties hereto do expressly confirm the titles to said lands as partitioned hereby, expressly disclaiming each unto the other any and all rents and revenues heretofore accrued or due thereon, and every right, title or interest, community or separate legal or equitable in said lands or any of them, except as vested by this deed.

It being expressly stipulated and understood, however, that as to the reserved title and estate in all kaolin and coal on or under the lands hereinbefore mentioned the said Murray Franklin, Amie Franklin, Felix Franklin, Thomas Franklin, John N.Franklin, Margaret Franklin Yeager, Sam Franklin, Julius Franklin, R.S.Franklin, Jr., Green Franklin, R.C.Franklin, and

Claude Franklin, their agents, heirs and assigns, shall have and hold in common, every right, privilege and easement incidental to such estate and necessary to the full enjoyment thereof, including the right to survey, geologize, explore for, mine, refine, prepare for market, transport, remove and market from said premises, any and (or) all kaolin thereon or thereunder, with the right of access to said lands or any part of them for said purposes or any of them, with the use of all proper labor, equipment, machinery, transportation and other means and facilities necessary to said operations, including the right to construct on said premises tanks for the conservation of surface water, and to develop water by the drilling of wells, and to conserve and pump water from the San Miguel Creek for all uses connected with such coal and kaolin mining and development for commercial purposes.

And subject only to such reserve estate, it is expressly covenanted and provided that this conveyance and the titles by it vested are absolute and irrevocable in the grantees and the heirs and assigns of the grantees hereinbefore enumerated and to whom such grants are herein made, respectively; and that they and their several heirs and assigns have full right to encumber, lease, mortgage or convey, in whole or in part, the estates in them severally vested by this instrument; and especially, that no right of repartition of any of the lands hereinbefore described or any part thereof can or ever will be asserted or prosecuted by any of the parties hereto because of failure of title or partial failure of title to said lands hereby partitioned or any parcel or parcels thereof.

WITNESS our hands, this 11 day of May, 1931.

R.S.Franklin.	Murray Franklin.
Lena Franklin.	Rosa Franklin.
Green Franklin.	R.C.Franklin.
Felix Franklin.	Rosa Bell Franklin.
	Verda Franklin.
Margaret Franklin Yeager.	Amie Franklin.
Ewell Yeager.	Tom Franklin.
John Franklin.	Mary Franklin.
Sam Franklin.	Thelma Franklin.
Claude Franklin.	Ida May Franklin.
Julius Franklin.	Mabel Franklin.

The State of Texas:

County of McMullen: Before me, L.A. Martin, County Judge, in and for McMullen County, Texas, on this day personally appeared Murray Franklin, Amie Franklin, a femme sole, Felix Franklin, Thomas Franklin, John N.Franklin, Ewell Yeager, Sam Franklin, Julius Franklin, R.S.Franklin, Jr., Green Franklin, R.C.Franklin and Claude Franklin, known to me to be the persons whose names are subscribed to the foregoing instrument, and they each and severally acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 11th day of May 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :

County of McMullen : Before me, L.A. Martin, County Judge in and for McMullen County, Texas, on this day personally appeared Rosa Franklin, wife of the said Murray Franklin, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said Rosa Franklin acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge, in and for McMullen County, Texas, on this day personally appeared Mary Franklin, wife of the said Thomas Franklin, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mary Franklin acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office, this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge, in and for McMullen County, Texas, on this day personally appeared Thelma Franklin, wife of the said John N. Franklin, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Thelma Franklin acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge, in and for McMullen County, Texas, on this day personally appeared Margaret Franklin Yeager, wife of the said Ewell Yeager, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Margaret Franklin Yeager, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge in and for McMullen County, Texas, on this day personally appeared Mabel Franklin, wife of the said Julius Franklin, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said Mabel Franklin acknowledged such instrument to be her act and deed and she declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 11 day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge in and for McMullen County, Texas,
on this day personally appeared Lena Franklin, wife of R.S. Franklin, Jr., known to me to be
the person whose name is subscribed to the foregoing instrument, and having been examined by
me privily and apart from her husband, and having the same fully explained to her, she the
said Lena Franklin acknowledged such instrument to be her act and deed and she declared that
she had willingly signed the same for the purposes and consideration therein expressed, and
that she did not wish to retract it.

Given under my hand and seal of office, this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge in and for McMullen County, Texas,
on this day personally appeared Verda Franklin, wife of the said Green Franklin, known to me
to be the person whose name is subscribed to the foregoing instrument, and having been examined
by me privily and apart from her husband and having the same fully explained to her, she the
said Verda Franklin acknowledged such instrument to be her act and deed, and she declared that
she had willingly signed the same for the purposes and consideration therein expressed and that
she did not wish to retract it.

Given under my hand and seal of office, this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge in and for McMullen County,
Texas, on this day personally appeared Rosabelle Franklin, wife of the said H.C. Franklin
known to me to be the person whose name is subscribed to the foregoing instrument, and having
been examined by me privily and apart from her husband, and having the same fully explained to
her, she the said Rosabelle Franklin acknowledged such instrument to be her act and deed, and
she declared that she had willingly signed the same for the purposes and consideration therein
expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

The State of Texas :
County of McMullen : Before me, L.A. Martin, County Judge in and for McMullen County,
Texas, on this day personally appeared Ida May Franklin, wife of the said Claude Franklin,
known to me to be the person whose name is subscribed to the foregoing instrument, and having
been examined by me privily and apart from her husband, and having the same fully explained
to her, she the said Ida May Franklin acknowledged such instrument to be her act and deed, and
she declared that she had willingly signed the same for the purposes and consideration therein
expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 11th day of May, 1931.

L.A. Martin, County Judge,
McMullen County, Texas.

(Seal)

FILED FOR RECORD THIS 9th day of June A.D. 1931 at 9 o'clock A.M.

AND DULY RECORDED THIS 11th day of June A.D. 1931 at 4 o'clock P.M.

Julius Franklin County Clerk,
McMullen County, Texas.

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64174

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 4th day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Bonnie Doyle (whether one or more, "Lessor") whose address is 29514 Fairway Bluff Dr., Fair Oaks, TX 78015, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

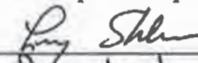
IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"


BONNIE DOYLE

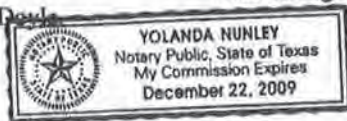
"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit corporation

By: 
Title: President
Date: October 1, 2008

STATE OF TEXAS §
COUNTY OF BEXAR §

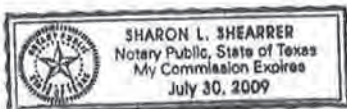
This instrument was acknowledged before me on the 11th day of September, 2008, by
Bonnie Deul



Yolanda Nunley
Notary Public, State of TEXAS
My Commission expires: 12/22/09

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 1st day of October, 2008, by
Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas
nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated
September 4, 2008 by and between Bonnie Doyle, as Lessor, and
San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 2:00 O'CLOCK P.M.
AND DULY RECORDED 11-13-08 AT 1:30 O'CLOCK P.M.
BY Doraiene Garza DEPUTY DORAIENE GARZA, CLERK
MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

64169

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 4th day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Bride Doyle Roberts (whether one or more, "Lessor") whose address is 600 Deerfoot Dr., Round Rock, TX 78664, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

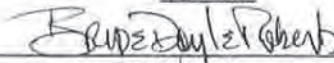
11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

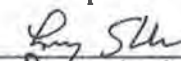
"LESSOR"



BRIDE DOYLE ROBERTS

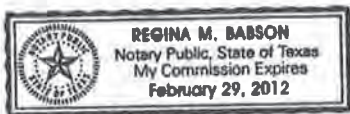
"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: 
Title: President
Date: October 1, 2008

STATE OF Texas §
§
COUNTY OF Williamson §

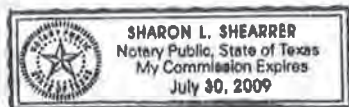
This instrument was acknowledged before me on the 9th day of September, 2008, by
Bride Doyle Roberts.



Regina M. Babson
Notary Public, State of Texas
My Commission expires: 2/29/2012

STATE OF TEXAS §
§
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 1st day of October, 2008, by
Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas
nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated September 4, 2008 by and between Bride Doyle Roberts, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835-A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 1:50 'CLOCK P. M.
AND DULY RECORDED 11-13-08 AT 2:50 'CLOCK P. M.
BY Candyn Rowe DEPUTY DORAIRENE GARZA, CLERK
MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE 64173

STATE OF TEXAS §
§
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 4th day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Bonnie Doyle and Bride Doyle Roberts, co-trustees of the Douglas Preston Trust (whether one or more, "Lessor") whose address is 29514 Fairway Bluff Dr., Fair Oaks, TX 78015, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

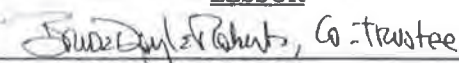
Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"


BONNIE DOYLE, CO-TRUSTEE

"LESSOR"


BRIDE DOYLE-ROBERTS, CO-TRUSTEE

463 270

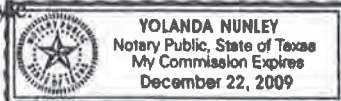
"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: Leroy Skloss
Title: President
Date: October 1, 2008

STATE OF TEXAS §
COUNTY OF BEXAR §

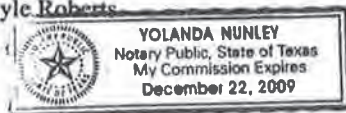
This instrument was acknowledged before me on the 11th day of September 2008, by Bonnie Doyle.



Yolanda Nunley
Notary Public, State of TEXAS
My Commission expires: 12/22/09

STATE OF TEXAS §
COUNTY OF BEXAR §

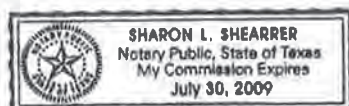
This instrument was acknowledged before me on the 16th day of September 2008, by Bride Doyle Roberts.



Yolanda Nunley
Notary Public, State of TEXAS
My Commission expires: 12/22/09

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 1st day of October 2008, by Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.,** a Texas nonprofit corporation, on behalf of said corporation.



Sharon L. Shearrer
Notary Public, State of Texas
My Commission expires: July 30, 2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated
September 4, 2008 by and between Bonnie Doyle and Bride Doyle
Roberts, co-trustees of the Douglas Preston Trust, as Lessor, and
San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 2:00 O'CLOCK P.
AND DULY RECORDED 11-13-08 AT 2:30 O'CLOCK A.
BY Carolyn Rowe DEPUTY DORAIRENE GARZA, CLERK
MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64160

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 22nd day of September, 2008, a Coal and Lignite Lease was made and entered into by and between George Allen Faucett (whether one or more, "Lessor") whose address is P.O. Box 367, Dawson, Texas 76639, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"


GEORGE ALLEN FAUCETT

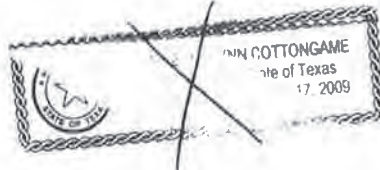
"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: Leroy Skloss
Title: President
Date: November 5, 2008

STATE OF Texas §
§
COUNTY OF miwano §

This instrument was acknowledged before me on the 29 day of SEPT., 2008, by George Allen Faucett.

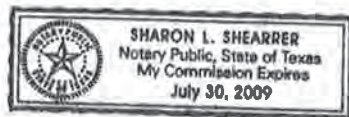


K. Cottongame
Notary Public, State of TEXAS
My Commission expires: 10.17.2009

STATE OF TEXAS §
§
COUNTY OF Atascosa §



This instrument was acknowledged before me on this 5 day of November, 2008, by Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated September 22, 2008 by and between George Allen Faucett, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD NOV 1 2 2008 AT 1:35 0'CLOCK P.M.
AND DULY RECORDED NOV 1 3 2008 AT 9:05 0'CLOCK A.M.
BY *Dorai Garza* DORAIRENE GARZA, CLERK
DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

64164

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 20th day of August, 2008, a Coal and Lignite Lease was made and entered into by and between Wilfred Chapman Bell (whether one or more, "Lessor") whose address is 161 FM 153, Smithville, TX 78957, as Lessor, and **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

Wilfred Chapman Bell
WILFRED CHAPMAN BELL

"LESSEE"

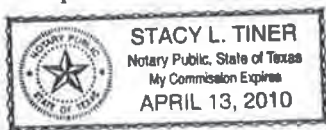
SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: Roy T. Sh...
Title: President
Date: Sept 4, 2008

v2 463 236

STATE OF Texas §
COUNTY OF Bastrop §

This instrument was acknowledged before me on the 27 day of August, 2008, by
Wilfred Chapman Bell.



Stacy L. Tiner
Notary Public, State of Texas
My Commission expires: April 13, 2010

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 4th day of September, 2008, by
Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas
nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: 07-30-2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated August 20, 2008 by and between Wilfred Chapman Bell, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 808, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD NOV 13 2008 AT 1:45 O'CLOCK P.M.
AND DULY RECORDED NOV 13 2008 AT 2:30 O'CLOCK P.M.
DORAIRENE GARZA, CLERK
DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64166

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 20th day of August, 2008, a Coal and Lignite Lease was made and entered into by and between Rachel Summers Eubanks (whether one or more, "Lessor") whose address is 2701 N. Grapevine Mills Blvd. Apt. 2417, Grapevine, TX 76501, as Lessor, and **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

Rachel Summers Eubanks

RACHEL SUMMERS EUBANKS

Richard Kay Eubanks
"LESSEE"

attorney-in-fact

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: *L. T. Shum*

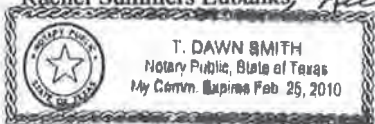
Title: *President*

Date: *Sept 4, 2008*

v? 463 242

STATE OF Texas §
COUNTY OF Denton §

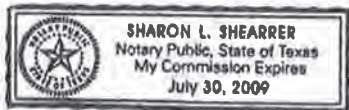
This instrument was acknowledged before me on the 28 day of August, 2008, by
Rachel Summers Eubanks, Richard Kay Eubanks, attorney in fact



T. Dawn Smith
Notary Public, State of Texas
My Commission expires: 02-25-2010

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 4th day of September, 2008, by
Leroy Skloss, President of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas
nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: 07-30-09

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated August 20, 2008 by and between Rachel Summers Eubanks, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD NOV 18 2008 AT 4:45 O'CLOCK P.M.
AND DULY RECORDED NOV 18 2008 AT 4:25 O'CLOCK P.M.
BY Candyn Dave DORAIRENE GARZA, CLERK
DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64165

STATE OF TEXAS

§

§

COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 20th day of August, 2008, a Coal and Lignite Lease was made and entered into by and between Gay Kirkland (whether one or more, "Lessor") whose address is 11 Bramlette Place, Longview, TX 75601, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

Gay Kirkland
GAY KIRKLAND

"LESSEE"

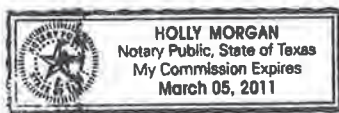
SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: Ray T. Stiles
Title: President
Date: Sept 4, 2008

v9: 463 p. 240

STATE OF Texas §
COUNTY OF Gregg §

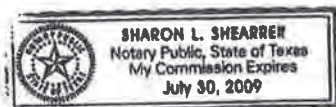
This instrument was acknowledged before me on the 27th day of August, 2008, by Gay Kirkland.



Holly Morgan
Notary Public, State of Texas
My Commission expires: March 5, 2011

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 4th day of September, 2008, by Leroy Skloss, President of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation, on behalf of said corporation.



Sharon L. Shearren
Notary Public, State of Texas
My Commission expires: 07-30-2009

FILED FOR RECORD NOV 13 2008 AT 1:45 O'CLOCK PM.
AND DULY RECORDED NOV 13 2008 AT 2:30 O'CLOCK PM.
BY Candlyn Lowe DEPUTY DORAIRENE GARZA, CLERK
MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64172

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 4th day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Margaret Ann Caron (whether one or more, "Lessor") whose address is 791 Rhode Ranch Rd., Tilden, TX 78072, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

Margaret Ann Caron
Margaret Ann Caron

"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: Ray Stiles
Title: President
Date: October 1, 2008

463 266

STATE OF Texas §
COUNTY OF Live Oak §

This instrument was acknowledged before me on the 9th day of September, 2008, by Margaret Ann Caron.

Bernadette Becker
Notary Public, State of Texas
My Commission expires: May 2, 2010



STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 1st day of October, 2008, by Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas nonprofit corporation, on behalf of said corporation.

Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

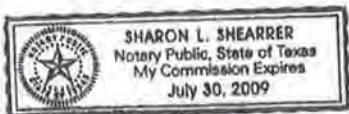


EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated September 4, 2008 by and between Margaret Ann Caron, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

~~THENCE~~ THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 2:00 O'CLOCK P.M.
AND DULY RECORDED 11-13-08 AT 4:30 O'CLOCK P.M.
BY Candyn Dave DEPUTY DORAIRENE GARZA, CLERK
MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64171

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 4th day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Mildred Fetterman (whether one or more, "Lessor") whose address is 125 Lauryn St., Three Rivers, TX 78071, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

Mildred Fetterman
Mildred Fetterman

"LESSEE"

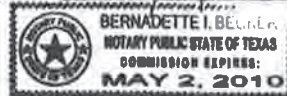
SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit corporation

By: Roy Shlu
Title: President
Date: October 1, 2008

STATE OF Texas §
COUNTY OF Live Oak §

This instrument was acknowledged before me on the 9th day of September, 2008, by Mildred Fetterman.

Bernadette Beck
Notary Public, State of Texas
My Commission expires: May 2, 2010



STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 1st day of October, 2008, by Leroy Skloss, President of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation, on behalf of said corporation.

Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

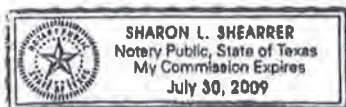


EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated September 4, 2008 by and between Mildred Fetterman, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 1:30 'CLOCK P.M.
AND DULY RECORDED 11-13-08 AT 1:28 'CLOCK P.M.
DORAIRENE GARZA, CLERK
BY Carolyn Rowe DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64167

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 21st day of August, 2008, a Coal and Lignite Lease was made and entered into by and between Jack E. Gorman (whether one or more, "Lessor") whose address is P.O. Box 171385, San Antonio, TX 78217, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:


11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

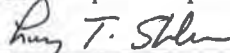
"LESSOR"



JACK E. GORMAN

"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: 

Title: President
Date: Sept 4, 2008

VO 463-246

STATE OF Texas §
COUNTY OF Bexar §

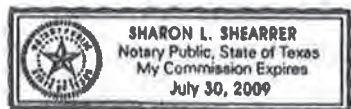
This instrument was acknowledged before me on the 26th day of August, 2008, by Jack E. Gorman.



Sheila D. Figueroa
Notary Public, State of Texas
My Commission expires: 11-10-09

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 4th day of September, 2008, by Leroy Skloss, President of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: 07-30-09

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated August 21, 2008 by and between Jack E. Gorman, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835 A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 1:50 O'CLOCK P.M.
AND DULY RECORDED 11-13-08 AT 1:25 O'CLOCK A.M.
BY Doraiene Garza DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64162

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 22nd day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Grady Edward Loy (whether one or more, "Lessor") whose address is C.P.O. Box 702, Tokyo, Japan 100-8692, as Lessor, and **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:


11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"


GRADY EDWARD LOY

"LESSEE"

**SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit corporation**

By: Leroy Skloss
Title: President
Date: November 5, 2008

JAPAN
CITY OF TOKYO
EMBASSY OF THE UNITED STATES OF AMERICA
STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on the _____ day of OCT 01 2008,
2008, by Grady Edward Loy.

Megan M. Phaneuf
Notary Public, State of _____
My Commission expires: INDEFINITE

STATE OF TEXAS

COUNTY OF Atascosa

**Megan M. Phaneuf
Vice Consul of the
United States of America**

This instrument was acknowledged before me on this 5 day of November,
2008, by Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC., a**
Texas nonprofit corporation, on behalf of said corporation.

Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

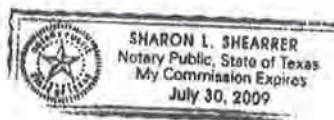


EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated
September 22, 2008 by and between Grady Edward Loy, as Lessor,
and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD NOV 12 2008 AT 1:40 P.M.
AND DULY RECORDED NOV 13 2008 AT 9:15 A.M.
DORAIRENE GARZA, CLERK
BY [Signature] DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64168

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 22nd day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Douglas Anson Loy (whether one or more, "Lessor") whose address is 5305 N. Via Alcalde, Tucson, Arizona 85718, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"


DOUGLAS ANSON LOY

v2 463 PAGE 250

"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: Leroy Skloss
Title: President
Date: October 1, 2008

STATE OF Arizona §
COUNTY OF Pima §

This instrument was acknowledged before me on the 26th day of September, 2008, by Douglas Anson Loy.



Rose M Evans
Notary Public, State of Arizona
My Commission expires: 02/03/2011

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 1st day of October, 2008, by Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas nonprofit corporation, on behalf of said corporation.



Sharon L Shearrer
Notary Public, State of Texas
My Commission expires: July 30, 2009

VD: 463-251

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated September 22, 2008 by and between Douglas Anson Loy, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835-A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 1:50 'CLOCK P.M.
AND DULY RECORDED 11-13-08 AT 2:30 'CLOCK P.M.
Carolyn Rive DORAIRENE GARZA, CLERK
DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64175

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 22nd day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Robert Stephen Peel (whether one or more, "Lessor") whose address is P.O. Box 2110, Ranchos de Taos, New Mexico 87557, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"




ROBERT STEPHEN PEEL

The foregoing instrument was acknowledged before me this 26th day of September, 2008, by Robert S. Peel

My commission expires 4/22/2011


Notary Public

"LESSEE"

**SAN MIGUEL ELECTRIC COOPERATIVE,
INC.,** a Texas nonprofit corporation

By: Leroy Skloss
Title: President
Date: 10/09/2008

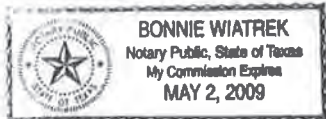
STATE OF _____ §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____,
2008, by Robert Stephen Peel.

Notary Public, State of _____
My Commission expires: _____

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 9th day of October,
2008, by Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.,** a
Texas nonprofit corporation, on behalf of said corporation.



Bonnie Wiatrek
Notary Public, State of Texas
My Commission expires: 5/02/2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated
September 22, 2008 by and between Robert Stephen Peel, as Lessor,
and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 2:00 'CLOCK P.
AND DULY RECORDED 11-13-08 AT 4:30 'CLOCK P.
BY Carolyn Lowe DORAIRENE GARZA, CLERK
DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

64163

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:


Be it remembered that on this 11th day of September, 2008, a Coal and Lignite Lease was made and entered into by and between T. L. Hairston, III and Angela Steinle Hairston, as co-trustees of the S & H Trust (whether one or more, "Lessor") whose address is P.O. Box 218, Jourdanton, Texas 78026, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

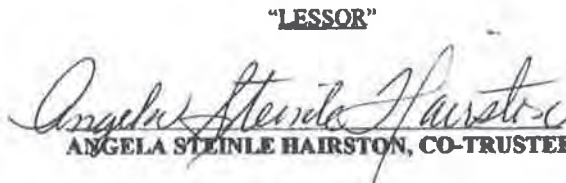
11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

T. L. HAIRSTON, III, CO-TRUSTEE

"LESSOR"

ANGELA STEINLE HAIRSTON, CO-TRUSTEE

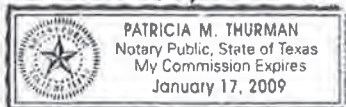
"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: Long John
Title: President
Date: 11-5-08

STATE OF TEXAS §
COUNTY OF ATASCOSA §

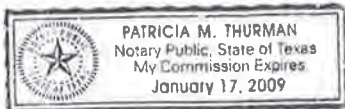
This instrument was acknowledged before me on the 14 day of October, 2008, by
T. L. Hairston, III, as Trustee of the S.M.E.C.



Patricia M. Thurman
Notary Public, State of _____
My Commission expires: _____

STATE OF TEXAS §
COUNTY OF ATASCOSA §

This instrument was acknowledged before me on the 14 day of October, 2008, by
Angela Steinle Hairston, as Trustee of the S.M.E.C.



Patricia M. Thurman
Notary Public, State of _____
My Commission expires: _____

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 5th day of November, 2008, by
Leroy Skloss, President of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas
nonprofit corporation, on behalf of said corporation.



Sharon L. Shearrer
Notary Public, State of Texas
My Commission expires: July 30, 2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated September 11, 2008 by and between T.L. Hairston, III, and Angela Steinle Hairston, as Co-Trustees for S & H Trust, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

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BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD NOV 12 2008 AT 1:40 O'CLOCK P.M.
AND DULY RECORDED NOV 13 2008 AT 2:20 O'CLOCK P.M.
BY Candyn Rowe DORAIRENE GARZA, CLERK
DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE 64170

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 11th day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Franklin Steinle (whether one or more, "Lessor") whose address is 6205 S. St. Highway 16, Jourdanton, Texas 78026, as Lessor, and **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

Franklin Steinle
FRANKLIN STEINLE

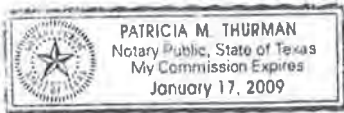
"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit corporation

By: Franklin Steinle
Title: President
Date: October 1, 2008

STATE OF TEXAS §
COUNTY OF ATASCOSA §

This instrument was acknowledged before me on the 16th day of September, 2008, by
Franklin Steinle.



Patricia M. Thurman
Notary Public, State of TEXAS
My Commission expires: 1-17-2009

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 1st day of October, 2008, by
Leroy Skloss, President of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas
nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated
September 11, 2008 by and between Franklin Steinle, as Lessor, and
San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835 A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD 11-12-08 AT 1:50 O'CLOCK P.M.
AND DULY RECORDED 11-13-08 AT 9:30 O'CLOCK A.M.
BY Dorai Rene Garza DEPUTY DORAI RENE GARZA, CLERK
MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE 64161

STATE OF TEXAS §
 §
COUNTY OF MCMULLEN §

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 22nd day of September, 2008, a Coal and Lignite Lease was made and entered into by and between Grady Ann McAllister (whether one or more, "Lessor") whose address is 714 Deer Trail, Jourdanton, Texas 78026, as Lessor, and SAN MIGUEL ELECTRIC COOPERATIVE, INC., of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in the McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date first above-written.

"LESSOR"

Grady Ann McAllister
GRADY ANN MCALLISTER

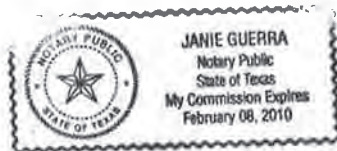
"LESSEE"

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit corporation

By: [Signature]
Title: President
Date: November 5, 2008

STATE OF Artes §
COUNTY OF Alameda §

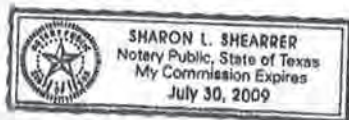
This instrument was acknowledged before me on the 9 day of October 2008, by Grady Ann McAllister.



Janie Guerra
Notary Public, State of Texas
My Commission expires: Feb. 8, 2010

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 5 day of November 2008, by Leroy Skloss, President of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas nonprofit corporation, on behalf of said corporation.



Sharon L. Shearer
Notary Public, State of Texas
My Commission expires: July 30, 2009

EXHIBIT "A"

(Attached to the Memorandum of Coal and Lignite Lease dated September 22, 2008 by and between Grady Ann McAllister, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 815, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD NOV 12 2008 AT 1:40 P. M.
AND DULY RECORDED NOV 13 2008 AT 9:10 A. M.
BY *[Signature]* DORATRENE GARZA, CLERK
DEPUTY MCMULLEN CO. TX

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.

MEMORANDUM OF COAL AND LIGNITE LEASE

STATE OF TEXAS }
 }
COUNTY OF MCMULLEN } KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 17th day of May, 2018, a Coal and Lignite Lease was made and entered into by and between **ROBERT W. ERRINGTON, and wife, FATIMA RODRIGUEZ ERRINGTON**, whose address is Post Office Box 241, Tilden, Texas 78072, (whether one or more, "Lessor"), as Lessor, and **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling, excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed Copies of the Lease are in the possession of Lessor and Lessee.

This instrument may be executed in any number of counterparts by different parties hereto and separate counterparts, each of which so extended and delivered shall be deemed to be an original, and all of which taken together shall constitute one and the same instrument; provided, however, should any one or more parties hereof fail to execute this instrument, it shall nevertheless be binding upon the party or parties executing same.

IN WITNESS WHEREOF, this instrument is executed on the date first herein written.

(signature page follows)

LESSOR:

ROBERT W. ERRINGTON

Signature: Robert W. Errington

FATIMA RODRIGUEZ ERRINGTON

Signature: Fatima Rodriguez Errington

LESSEE:

SAN MIGUEL ELECTRIC COOPERATIVE, INC.,
a Texas nonprofit corporation

By: [Signature]

Printed Name: Michael Kezar

Title: General Manager

NOTARY ACKNOWLEDGEMENTS

STATE OF TEXAS §

COUNTY OF Bexar §

This instrument was acknowledged before me on the 18th day of May, 2018, by Robert W. Errington.



Susan Cobarruvias
Notary Public, State of Texas
My Commission expires: July 11, 2019

STATE OF TEXAS

COUNTY OF Bexar

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This instrument was acknowledged before me on the 18th day of May, 2018, by Fatima Rodriguez Errington.



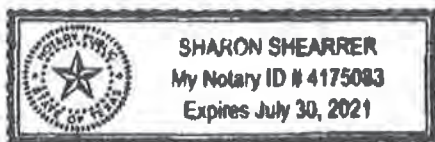
Susan Colarussia
Notary Public, State of Texas
My Commission expires: July 11, 2019

STATE OF TEXAS

COUNTY OF Atascosa

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This instrument was acknowledged before me on the 21st day of May, 2018, by Michael Kezar, as General Manager of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas nonprofit corporation, on behalf of said corporation.



Sharon Shearer
Notary Public, State of Texas
My commission expires: July 30, 2021

EXHIBIT "A"

(Attached to Memorandum of Coal and Lignite Lease dated May 17, 2018 by and between Robert W. Errington, and wife, Fatima Rodriguez Errington, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acres tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

FILED FOR RECORD

This May 22, 2018 at 11:24A
MATTIE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Victoria Rogers

THE STATE OF TEXAS
COUNTY OF McMULLEN
I, MATTIE SADOVSKY, Clerk of the County Court of said county, do hereby certify that the foregoing instrument of writing, with its certificate of authentication was filed for record in my office this May 22, 2018 at 11:24A and duly recorded the May 22, 2018 in the McMullen County Records of said County, in VOL. 144 on PAGE 888.
Witness my hand and the seal of the County Court of said County at the office in TILDEN, TEXAS the day and year last above written.

MATTIE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Victoria Rogers



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.

MEMORANDUM OF COAL AND LIGNITE LEASE

STATE OF TEXAS }
 }
COUNTY OF MCMULLEN }

KNOW ALL MEN BY THESE PRESENTS:

Be it remembered that on this 17th day of May, 2018, a Coal and Lignite Lease was made and entered into by and between **CAMILLA WILSON**, whose address is 1524 Wolf Bend Rd., Germantown, TX 38138, (whether one or more, "Lessor"), as Lessor, and **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, of Jourdanton, Texas ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78206, whereby Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling, excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in McMullen County, Texas (the "Lease"), more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed Copies of the Lease are in the possession of Lessor and Lessee.

This instrument may be executed in any number of counterparts by different parties hereto and separate counterparts, each of which so extended and delivered shall be deemed to be an original, and all of which taken together shall constitute one and the same instrument; provided, however, should any one or more parties hereof fail to execute this instrument, it shall nevertheless be binding upon the party or parties executing same.

IN WITNESS WHEREOF, this instrument is executed on the date first herein written.

(signature page follows)

LESSOR:

CAMILLA WILSON

Signature: Camilla Wilson

LESSEE:

SAN MIGUEL ELECTRIC COOPERATIVE, INC.,
a Texas nonprofit corporation

By: [Signature]

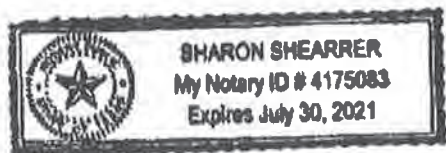
Printed Name: Mike Kezar

Title: General Manager

NOTARY ACKNOWLEDGEMENTS

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on the 25th day of June, 2018, by Camilla Wilson.



Sharon L Shearrer
Notary Public, State of Texas
My Commission expires: July 30, 2021

STATE OF TEXAS

COUNTY OF Atascosa

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This instrument was acknowledged before me on the 25th day of June, 2018, by Mike Kezar, as General Manager of **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas nonprofit corporation, on behalf of said corporation.



Sharon L Shearrer

Notary Public, State of Texas

My commission expires: July 30, 2021

EXHIBIT "A"

(Attached to Memorandum of Coal and Lignite Lease dated May 17, 2018 by and between Camilla Wilson, as Lessor, and San Miguel Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acres tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 36, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

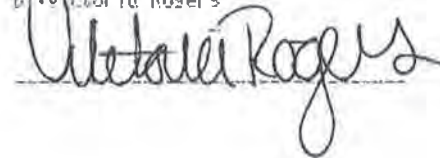
FILED FOR RECORD

This Jun 26, 2018 at 10:52A
MATTIE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Victoria Rogers

THE STATE OF TEXAS
COUNTY OF McMULLEN
I, MATTIE SADOVSKY, Clerk of the County Court
of said county, do hereby certify that the foregoing
instrument of writing, with its certificate of
authentication was filed for record in my office
this Jun 26, 2018 at 10:52A and duly recorded the
Jun 26, 2018 in the McMullen County Records of said
County in VOL 146 on PAGE 1.
Witness my hand and the seal of the County Court of said
County at the office in TILDEN, TEXAS
the day and year last above written.

MATTIE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Victoria Rogers



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.

COAL AND LIGNITE DEED

DATE: March 1, 2020

GRANTOR (whether one or more): **JOHN CHARLES AUSTIN and
ANNE CORBETT AUSTIN**

GRANTOR'S MAILING ADDRESS: 320 Cloverleaf Ave.
San Antonio, Texas 78209

GRANTEE (whether one or more): **SAN MIGUEL ELECTRIC
COOPERATIVE, INC.**

GRANTEE'S MAILING ADDRESS: P.O. Box 280
Jourdanton, Texas 78026

CONSIDERATION:

TEN DOLLARS (\$10.00) and other good and valuable consideration.

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

All valid and subsisting oil, gas and mineral leases and other instruments of record in McMullen County, Texas that affect the Subject Lands and/or the Conveyed Mineral Interest; rights of parties in possession and or prescriptive claims that affect the Subject Lands; and ad valorem taxes in connection with the Conveyed Mineral Interest, if any, for the current year and subsequent years, the payment of which Grantee assumes.

CONVEYANCE:

Grantor, for the Consideration and subject to the Exceptions from Conveyance and Warranty, grants, sells and conveys to Grantee, all of Grantor's undivided interest in all coal, lignite and other minerals necessarily produced in association therewith (the "Conveyed Substances") in, under and that may be produced from those certain lands situated in McMullen County, Texas, described in Exhibit "A" attached hereto and made a part hereof, INSO FAR AND ONLY INSO FAR as from the surface of the earth down to and including, but not below, the subsurface depth of two hundred fifty feet (250') (said lands as to such limited depths, the "Subject Lands"), together with the rights of ingress,

egress and regress to, on, over and across the surface of the Subject Lands, for the purposes of testing, investigating, exploring, prospecting by use of core drills or otherwise, drilling, excavating, mining by open pit or strip mining, producing, storing and transporting the Conveyed Substances, constructing, reworking, reCompleting or deepening any pit or strip for or in an endeavor to obtain production of the Conveyed Substances, and passive or active restoration, reclamation, backfilling, contouring or environmental monitoring of the Subject Lands, and producing and marketing of the Conveyed Substances (the "Conveyed Mineral Interest"). The Conveyed Mineral Interest does not include oil, gas, liquid or gaseous hydrocarbons, or geothermal steam.

TO HAVE AND TO HOLD the Conveyed Mineral Interest to Grantee, and Grantee's successors and assigns, forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to warrant and forever defend all and singular the Conveyed Mineral Interest to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Exceptions to Conveyance and Warranty.

GRANTOR:



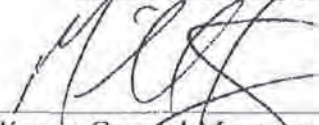
JOHN CHARLES AUSTIN



ANNE CORBETT AUSTIN

GRANTEE:

SAN MIGUEL ELECTRIC COOPERATIVE, INC.

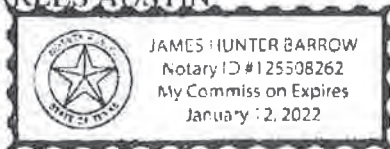
By: 

Mike Kezar, General Manager

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
 COUNTY OF BEXAR §

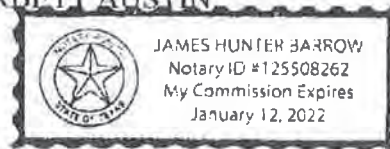
This instrument was acknowledged before me on this 5 day of March, 2020, by JOHN CHARLES AUSTIN



[Signature]
 Notary Public, State of Texas

STATE OF TEXAS §
 §
 COUNTY OF BEXAR §

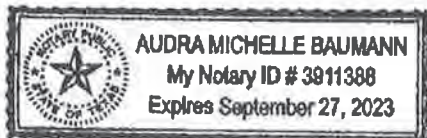
This instrument was acknowledged before me on this 5 day of March, 2020, by ANNE CORBETT AUSTIN



[Signature]
 Notary Public, State of Texas

STATE OF TEXAS §
 §
 COUNTY OF Bexar §

This instrument was acknowledged before me on the 5 day of March, 2020, by Mike Kezar, as General Manager of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit electric cooperative corporation, on behalf of said corporation.



[Signature]
 Notary Public, State of Texas
 My Commission expires: _____

EXHIBIT A

(Attached to Coal and Lignite Deed dated ~~March~~ 1, 2020, by and between John Charles Austin, as Grantor, and San Miguel Electric Cooperative, Inc., as Grantee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, Page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed), to wit:

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635 and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636 and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180 and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

4821-7913-9502, v. 3

FILED FOR RECORD

This Mar 10, 2020 at 01:21P
MATTIE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Victoria Streeter

THE STATE OF TEXAS
COUNTY OF McMULLEN
I, MATTIE SADOVSKY, Clerk of the County Court
of said county, do hereby certify that the foregoing
instrument of writing, with its certificate of
authentication was filed for record in my office
this Mar 10, 2020 at 01:21P and duly recorded the
Mar 10, 2020 in the McMullen County Records of said
County, in VOL 162 on PAGE 163.
Witness my hand and the seal of the County Court of said
County at the office in TILDEN, TEXAS
the day and year last above written.

MATTIE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Victoria Streeter



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SPECIAL WARRANTY DEED

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

WHEREAS, **JOHN CHARLES AUSTIN** and **ANNE CORBETT AUSTIN** a married couple claiming other property as their homestead, whose address is 320 Cloverleaf Ave, San Antonio, Texas 78209 (collectively "Grantor"), owns an undivided three quarters (3/4) cotenant interest in the hereinafter described property;

WHEREAS, it is the desire of Grantor to convey all of Grantor's right, title and interest in the hereinafter described lands, to **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas electric cooperative corporation ("Grantee") whose business address is P.O. Box 280, Jourdanton, Texas 78026; and

WHEREAS, Grantee accepts the hereinafter described lands by this deed.

NOW, THEREFORE, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto Grantee, subject to the reservations and exceptions hereinafter made, all of Grantor's right, title and interest, same being an undivided three quarters (3/4) cotenant interest in **847.84** acres of land, more or less, located in the County of McMullen, Texas, to-wit:

847.84 acres of land, more or less, being the same land more particularly described as the North one-half (N/2) of that certain 1,695.68-acre tract of land described as follows: 2,675.0 acres of land, more or less, composed of 661.98 acres, being all of the E. L. Taylor Survey No. 28, A-740; 661.98 acres, being all of the E. L. Taylor Survey No. 30, A-737; 675.56 acres, being all of the J. Poitevent Survey No. 27, A-387; and 675.56 acres, being all of the J. Poitevent Survey No. 29, A-386; and being the same land that was set aside to Tom Franklin in that certain Partition Deed of the R. S. Franklin Estate recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, LESS AND EXCEPT from said 2,675.0 acres, 979.40 acres, described as being 490 acres off the West side of the J. Poitevent Survey No. 27 and 489.40 acres off the West side of the E. L. Taylor Survey No. 28, being the same land conveyed from Tom Franklin to Margueritte Y. Wheeler and husband, by Deed dated May 22, 1945, recorded in Volume 38, page 104, Deed Records, McMullen County, Texas; said North one-half (N/2) of 1,695.68 acres, being the same lands more particularly described in that certain Correction Special Warranty Deed with Vendor's Lien dated May 8, 2009, from Charlie Ann Austin to John Charles Austin, recorded in Volume 486, page 290, Deed Records, McMullen County, Texas,

together with all interest of Grantor in (i) improvements, fences, gates, wells and fixtures located on the lands described above; (ii) all strips and gores between and abutting the lands described above whether owned or claimed by deed, limitations or otherwise; (iii) any land within or under the bed of the river, any creek, stream or waterway within, on, across, abutting or adjacent to the lands described above; (iv) any land constituting a highway, road, right-of-way or easement within, on, across, abutting or adjacent to the lands described above, including all land under or subject to Franklin Ranch Road; (v) all right, title and interest of Grantor to easements, acquired access rights (including permissive use access), utilities, water (including water rights and use agreements) and riparian rights appurtenant thereto and any appurtenances of any kind owned by Grantor benefiting the lands described above; (vi) all of Grantor's right, title and interest, if any, to lands described above enclosed within the fences to which Grantor has no record title; and (vii) all personal property claims or causes of action appurtenant to the lands described above. The above described lands and interests being referred to collectively herein as the "Property".

Grantor RESERVES from the Property and EXCEPTS from this deed, for Grantor and Grantor's heirs, successors, and assigns forever, all the oil, gas, and other liquid and gaseous hydrocarbons in and under and that may be produced from the Property, together with rights of ingress and egress for purposes of mining, drilling, exploring, operating, developing and marketing said oil and gas. This oil and gas reservation is subject to the following agreements of Grantor and Grantee:

1. If the oil and gas estate is subject to existing production or an existing oil and gas lease, this reservation includes the production, the lease, and all benefits from it;
2. Subject to rights of existing access under subsisting oil and gas leases, Grantor waives the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor. Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the Property; or the exploration or production of the oil, gas, and other liquid and gaseous hydrocarbons by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property;.
3. Grantee accepts the Property subject to the subsisting oil and gas leases, including the oil and gas lease to Mitchell Petroleum Land Services, Inc., referenced below, but Grantor assigns to Grantee the surface use provisions and all damage payments respecting existing and future wells and facilities that may be due to surface owner under such leases;
4. Grantee shall reasonably accommodate all existing oil and gas facilities and wells; and
5. Notwithstanding anything to the contrary contained in this reservation or deed, Grantor EXCEPTS from the above oil and gas reservation, and GRANTS, SELLS and CONVEYS unto Grantee: (a) all coal and lignite, and other hard mineral hydrocarbons, whether located on or at any depth under the surface of the lands described above; (b) all surface mined minerals; and (c) all coal and lignite leasehold interests held by or in favor of Grantor, as a lessor or participant in mining rights for coal, lignite or other surface mined minerals. The coal, lignite and surface mined mineral rights are

specifically excluded from the mineral reservation herein, it being the intent of Grantor and Grantee that all of Grantor's interests in such interest are assigned to Grantee.

This instrument covers and includes, without warranty, either express, implied or statutory, all of Grantor's right, title and interest in and to the surface estate only of any lands owned or claimed by Grantor adjacent or contiguous to the Property, although not included within the boundary or description of the Property.

Grantor represents, warrants to and covenants with Grantee that the Property is free and clear of all liens or encumbrances of any kind.

This conveyance of the Property is made by Grantor and accepted by Grantee subject to the following:

1. The matters set forth on Exhibit "A" to the extent same are valid and subsisting with no reviver or ratification intended;
2. Oil and Gas Lease dated July 7, 2009 from Charlie Ann Austin, Grantor and et al., as lessor, to Mitchell Petroleum Land Services, Inc., as lessee, recorded in Volume 473 Page 208, Official Public Records, McMullen County, Texas, as assigned to EOG Resource, Inc, by Assignment of Oil and Gas Leases dated June 16, 2010 recorded in Volume 487, Page 306, Official Public Records, McMullen County, Texas;
3. The prior severance of all oil and gas in, on, under and that may be produced from the Property; and
4. Real estate taxes and assessments for 2020, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes. Payment of all ad valorem taxes assessed against the surface estate of the Property is assumed by Grantee.


TO HAVE AND TO HOLD the Property, subject to the reservations and exceptions hereinabove recited, together with all and singular the rights and appurtenances thereto in anywise belonging, unto said Grantee, SAN MIGUEL ELECTRIC COOPERATIVE, INC., its successors, assigns and legal representatives, forever; and Grantor does hereby bind himself and his heirs, successors, and assigns to Warrant and Forever Defend all and singular the Property, subject to the reservations and exceptions hereinabove recited, unto the said Grantee, its successors, assigns and legal representatives, against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise.

[Signature page follows.]

This instrument is executed on the date of the acknowledgements appended hereto, but effective for all purposes as of March 1, 2020.

GRANTOR:

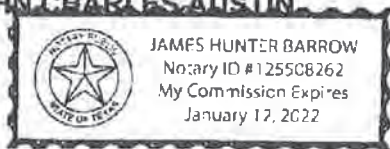

JOHN CHARLES AUSTIN

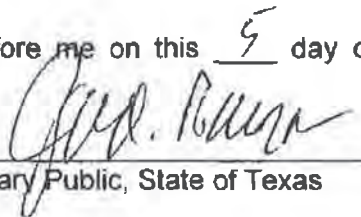

ANNE CORBETT AUSTIN

ACKNOWLEDGMENTS

STATE OF TEXAS §
COUNTY OF BEXAR §

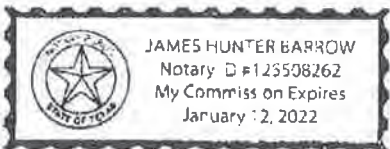
This instrument was acknowledged before me on this 5 day of March, 2020, by
JOHN CHARLES AUSTIN.

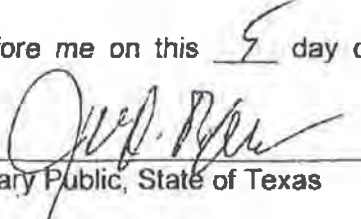



Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on this 5 day of March, 2020, by
ANNE CORBETT AUSTIN.




Notary Public, State of Texas

Grantee's Address, and after recording, return to:
SAN MIGUEL ELECTRIC COOPERATIVE, INC
Attn: Fuels Manager
P. O. Box 280
Jourdanton, TX 78026

EXHIBIT "A"

1. Right of Way Easement dated April 23, 1984, from Lottie Lee Lively to Charlie Ann Austin, et al, filed at Volume 231, Page 271, Deed Records, McMullen County, Texas.
2. Telephone Line Right of Way Easement dated August 20, 1990, from Charlie Ann Austin to Valley Telephone Cooperative, Inc., filed at Volume 317, Page 95, Deed Records, McMullen County, Texas.
3. Easement dated February 10, 2009, from John Charles Austin, et al, to South Texas Electric Cooperative, Inc, filed at Volume 466, Page 130, Deed Records, McMullen County, Texas.
4. Memorandum of Surface Site and Subsurface Easement Agreement dated February 1, 2011, from John Charles Austin, et al to EOG Resources, Inc., filed Volume 12, Page 144, Official Public Records, McMullen County, Texas.
5. Memorandum Giving Notice of Pipeline Easement Agreement dated February 17, 2011, from John C. Austin, et al, to EOG Resources, Inc, filed at Volume 14, Page 857, Official Public Records, McMullen County, Texas.
6. Memorandum Giving Notice of Pipeline Easement Agreement dated April 25, 2011, from John C. Austin, et al, to EOG Resources, Inc, filed at Volume 18, Page 240, Official Public Records, McMullen County, Texas.
7. Memorandum Giving Notice of Pipeline Easement Agreement dated April 25, 2011, from John C. Austin, et al, filed at Volume 25, Page 313, Official Public Records, McMullen County, Texas.
8. Memorandum Giving Notice of Pipeline Easement Agreement dated April 25, 2011, from John C. Austin, et al, filed at Volume 25, Page 319, Official Public Records, McMullen County, Texas.
9. Electric Line Easement dated April 29, 2014, from John Charles Austin, et al, to EOG Resources, Inc., filed at Volume 86, Page 632, Official Public Records, McMullen County, Texas.

4811-0297-5410, v. 4

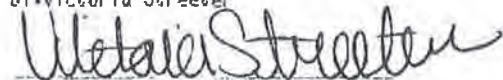
FILED FOR RECORD

This Mar 10, 2020 at 01:21P
MATTIE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Victoria Streeter

THE STATE OF TEXAS
COUNTY OF McMULLEN
I, MATTIE SADOVSKY, Clerk of the County Court
of said county, do hereby certify that the foregoing
instrument of writing, with its certificate of
authentication was filed for record in my office
this Mar 10, 2020 at 01:21P and duly recorded the
Mar 10, 2020 in the McMullen County Records of said
County, in VOL 162 on PAGE 158.
Witness my hand and the seal of the County Court of said
County at the office in TILDEN, TEXAS
the day and year last above written.

MATTIE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Victoria Streeter



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SPECIAL WARRANTY DEED

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

WHEREAS, **FRANKLIN SETTLEMENT HOLDINGS, LP** (formerly known as San Miguel Holdings, LP), a Texas limited partnership ("Grantor"), whose address is 1741 Beavers Knoll, Uvalde, Texas 78801-1120, owns an undivided one quarter (1/4) cotenant interest in the hereinafter described property;

WHEREAS, it is the desire of Grantor to convey all of Grantor's right, title and interest in the hereinafter described lands, to **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, a Texas electric cooperative corporation ("Grantee") whose business address is P.O. Box 280, Jourdanton, Texas 78026; and

WHEREAS, Grantee accepts the hereinafter described lands by this deed.

NOW, THEREFORE, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto Grantee, subject to the reservations and exceptions hereinafter made, all of Grantor's right, title and interest, same being an undivided one quarter (1/4) cotenant interest in **847.84** acres of land, more or less, located in the County of McMullen, Texas, to-wit:

847.84 acres of land, more or less, being the same land more particularly described as the North one-half (N/2) of that certain 1,695.68-acre tract of land described as follows: 2,675.0 acres of land, more or less, composed of 661.98 acres, being all of the E. L. Taylor Survey No. 28, A-740; 661.98 acres, being all of the E. L. Taylor Survey No. 30, A-737; 675.56 acres, being all of the J. Poitevent Survey No. 27, A-387; and 675.56 acres, being all of the J. Poitevent Survey No. 29, A-386; and being the same land that was set aside to Tom Franklin in that certain Partition Deed of the R. S. Franklin Estate recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, LESS AND EXCEPT from said 2,675.0 acres, 979.40 acres, described as being 490 acres off the West side of the J. Poitevent Survey No. 27 and 489.40 acres off the West side of the E. L. Taylor Survey No. 28, being the same land conveyed from Tom Franklin to Margueritte Y. Wheeler and husband, by Deed dated May 22, 1945, recorded in Volume 38, page 104, Deed Records, McMullen County, Texas; said North one-half (N/2) of 1,695.68 acres, being the same land and interests more

particularly described in that certain Deed dated May 15, 1964, from Mary Franklin, surviving widow and sole heir of Tom Franklin, deceased, to Charlie Ann Austin and her children, Joseph William Austin III, Thomas Murray Austin, Mary Ellen Austin and John Charles Austin, filed at Volume 91, Page 70, of the Deed Records, McMullen County, Texas,

together with all interest of Grantor in (i) improvements, fences, gates, wells and fixtures located on the lands described above; (ii) all strips and gores between and abutting the lands described above whether owned or claimed by deed, limitations or otherwise; (iii) any land within or under the bed of the river, any creek, stream or waterway within, on, across, abutting or adjacent to the lands described above; (iv) any land constituting a highway, road, right-of-way or easement within, on, across, abutting or adjacent to the lands described above, including all land under or subject to Franklin Ranch Road; (v) all right, title and interest of Grantor to easements, acquired access rights (including permissive use access), utilities, water (including water rights and use agreements but subject to the rights of dominant mineral estate owners and operators) and riparian rights appurtenant thereto and any appurtenances of any kind owned by Grantor benefiting the lands described above; (vi) all of Grantor's right, title and interest, if any, to lands described above enclosed within the fences to which Grantor has no record title; and (vii) all personal property claims or causes of action appurtenant to the lands described above. The above described lands and interests being referred to collectively herein as the "Property".

Grantor RESERVES from the Property and EXCEPTS from this deed, for Grantor and Grantor's heirs, successors, and assigns forever, all the oil, gas, and other liquid and gaseous hydrocarbons in and under and that may be produced from the Property, together with rights of ingress and egress for purposes of mining, drilling, exploring, operating, developing and marketing said oil and gas. This oil and gas reservation is subject to the following agreements of Grantor and Grantee:

1. If the oil and gas estate is subject to existing production or an existing oil and gas lease, this reservation includes the production, the lease, and all benefits from it;
2. Grantee accepts the Property subject to the subsisting oil and gas leases, including the oil and gas lease to Mitchell Petroleum Land Services, Inc. referenced below, but Grantor assigns to Grantee the surface use provisions and all damage payments respecting existing and future wells and facilities that may be due to surface owner under such leases;
3. Grantee shall reasonably accommodate all existing oil and gas facilities and wells; and
4. Notwithstanding anything to the contrary contained in this reservation or deed, Grantor EXCEPTS from the above oil and gas reservation, and GRANTS, SELLS and CONVEYS unto Grantee: (a) all coal and lignite, and other hard mineral hydrocarbons, whether located on or at any depth under the surface of the lands described above; (b) all surface mined minerals; and (c) all coal and lignite leasehold interests held by or in favor of Grantor, as a lessor or participant in mining rights for coal, lignite or other surface mined minerals. The coal, lignite

and surface mined mineral rights are specifically excluded from the mineral reservation herein, it being the intent of Grantor and Grantee that all of Grantor's interests in such interest are assigned to Grantee.

This instrument covers and includes, without warranty, either express, implied or statutory, all of Grantor's right, title and interest in and to the surface estate only of any lands owned or claimed by Grantor adjacent or contiguous to the Property, although not included within the boundary or description of the Property.

Grantor represents, warrants to and covenants with Grantee that the Property is free and clear of all liens or encumbrances of any kind.

This conveyance of the Property is made by Grantor and accepted by Grantee subject to the following:

1. The matters set forth on Exhibit "A" to the extent same are valid and subsisting with no reviver or ratification intended;
2. Oil and Gas Lease dated July 7, 2009 from Charlie Ann Austin, Grantor and et al., as lessor, to Mitchell Petroleum Land Services, Inc., as lessee, recorded in Volume 473 Page 208, Official Public Records, McMullen County, Texas, as assigned to EOG Resource, Inc, by Assignment of Oil and Gas Leases dated June 16, 2010 recorded in Volume 487, Page 306, Official Public Records, McMullen County, Texas;
3. The prior severance of all oil and gas in, on, under and that may be produced from the Property; and
4. Real estate taxes and assessments for 2020, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes. Payment of all ad valorem taxes assessed against the surface estate of the Property is assumed by Grantee.

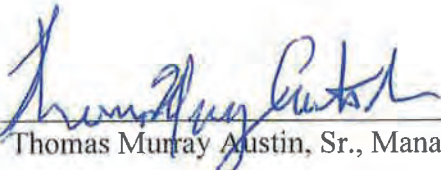
TO HAVE AND TO HOLD the Property, subject to the reservations and exceptions hereinabove recited, together with all and singular the rights and appurtenances thereto in anywise belonging, unto said Grantee, SAN MIGUEL ELECTRIC COOPERATIVE, INC., its successors, assigns and legal representatives, forever; and Grantor does hereby bind himself and his heirs, successors, and assigns to Warrant and Forever Defend all and singular the Property, subject to the reservations and exceptions hereinabove recited, unto the said Grantee, its successors, assigns and legal representatives, against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise.

This instrument is executed on the date of the acknowledgements appended hereto, but effective for all purposes as of June 1, 2020.

GRANTOR:

**FRANKLIN SETTLEMENT HOLDINGS, LP, a
Texas limited partnership**

By: Brasada Family Management, LLC, a Texas
limited liability company, General Partner

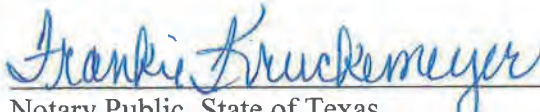
By: 
Thomas Murray Austin, Sr., Manager

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF UVALDE §

This instrument was acknowledged before me on this 10th day of June, 2020, by Thomas Murray Austin, Sr. as Manager of Brasada Family Management, LLC, a Texas limited liability company, the General Partner of FRANKLIN SETTLEMENT HOLDINGS, LP, a Texas limited partnership, on behalf of said limited partnership.




Notary Public, State of Texas

Grantee's Address, and after recording, return to:

SAN MIGUEL ELECTRIC COOPERATIVE, INC
Attn: Fuels Manager
P. O. Box 280
Jourdanton, TX 78026

EXHIBIT "A"

1. Right of Way Easement dated April 23, 1984, from Lottie Lee Lively to Charlie Ann Austin, et al, filed at Volume 231, Page 271, Deed Records, McMullen County, Texas.
2. Telephone Line Right of Way Easement dated August 20, 1990, from Charlie Ann Austin to Valley Telephone Cooperative, Inc., filed at Volume 317, Page 95, Deed Records, McMullen County, Texas.
3. Easement dated February 10, 2009, from John Charles Austin, et al, to South Texas Electric Cooperative, Inc., filed at Volume 466, Page 130, Deed Records, McMullen County, Texas.
4. Memorandum of Surface Site and Subsurface Easement Agreement dated February 1, 2011, from John Charles Austin, et al to EOG Resources, Inc., filed Volume 12, Page 144, Official Public Records, McMullen County, Texas.
5. Memorandum Giving Notice of Pipeline Easement Agreement dated February 17, 2011, from John C. Austin, et al, to EOG Resources, Inc., filed at Volume 14, Page 857, Official Public Records, McMullen County, Texas.
6. Memorandum Giving Notice of Pipeline Easement Agreement dated April 25, 2011, from John C. Austin, et al, to EOG Resources, Inc, filed at Volume 18, Page 240, Official Public Records, McMullen County, Texas.
7. Memorandum Giving Notice of Pipeline Easement Agreement dated April 25, 2011, from John C. Austin, et al, filed at Volume 25, Page 313, Official Public Records, McMullen County, Texas.
8. Memorandum Giving Notice of Pipeline Easement Agreement dated April 25, 2011, from John C. Austin, et al, filed at Volume 25, Page 319, Official Public Records, McMullen County, Texas.
9. Electric Line Easement dated April 29, 2014, from John Charles Austin, et al, to EOG Resources, Inc., filed at Volume 86, Page 632, Official Public Records, McMullen County, Texas.

FILED FOR RECORD

This Jun 11, 2020 at 09:30A
MATTIE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Victoria Streeter

THE STATE OF TEXAS
COUNTY OF McMULLEN
I, MATTIE SADOVSKY, Clerk of the County Court
of said county, do hereby certify that the foregoing
instrument of writing, with its certificate of
authentication was filed for record in my office
this Jun 11, 2020 at 09:30A and duly recorded the
Jun 11, 2020 in the McMullen County Records of said
County, in VOL 164 on PAGE 396.
Witness my hand and the seal of the County Court of said
County at the office in TILDEN, TEXAS
the day and year last above written. -

MATTIE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Victoria Streeter



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.

COAL AND LIGNITE DEED

DATE: December 10, 2020

GRANTOR (whether one or more): **CRAIG A. FRANKLIN,
KATHY F. SMITH,
WALTER K. FRANKLIN,
PEGGY F. STEINLE, each dealing in
their separate property and estate, and
CLAUDE FRANKLIN RANCH, LTD.,
a Texas limited partnership**

GRANTOR'S MAILING ADDRESS:

Craig A. Franklin
P.O. Box 253
Tilden, Texas 78072

Kathy F. Smith
P.O. Box 1676
Marble Falls, Texas 78654

Walter K. Franklin
P.O. Box 396
Tilden, Texas 78072-0396

Peggy F. Steinle
P.O. Box 93
Jourdanton, Texas 78026

Claude Franklin Ranch, Ltd.
P.O. Box 396
Tilden, Texas 78072-0396

GRANTEE (whether one or more):

**SAN MIGUEL ELECTRIC
COOPERATIVE, INC.**
a Texas nonprofit electric cooperative
corporation

GRANTEE'S MAILING ADDRESS:

P.O. Box 280
Jourdanton, Texas 78026

CONSIDERATION:

TEN DOLLARS (\$10.00) and other good and valuable consideration.

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

All valid and subsisting oil, gas and mineral leases and other instruments of record in McMullen County, Texas that affect the Subject Lands and/or the Conveyed Mineral Interest, rights of parties in possession and/or prescriptive claims that affect the Subject Lands; and ad valorem taxes in connection with the Conveyed Mineral Interest, if any, for the current year and subsequent years, the payment of which Grantee assumes.


CONVEYANCE:

Grantor, for the Consideration and subject to the Exceptions from Conveyance and Warranty, grants, sells and conveys to Grantee, all of Grantor's undivided interest in all coal, lignite, kaolin, and/or clay products (the "Conveyed Substances") in, under and that may be produced from those certain lands situated in McMullen County, Texas, described in Exhibit "A" attached hereto and made a part hereof, INsofar AND ONLY INsofar as from the surface of the earth down to and including, but not below, the subsurface depth of two hundred fifty feet (250') (said lands as to such limited depths, the "Subject Lands"), together with the rights of ingress, egress and regress to, on, over and across the surface of the Subject Lands, for the purposes of testing, investigating, exploring, prospecting by use of core drills or otherwise, drilling, excavating, mining by open pit or strip mining (but not otherwise), producing, storing and transporting the Conveyed Substances, constructing, reworking, recompleting or deepening any pit or strip for or in an endeavor to obtain production of the Conveyed Substances, and passive or active restoration, reclamation, backfilling, contouring or environmental monitoring of the Subject Lands, and producing and marketing of the Conveyed Substances, subject to that certain unrecorded Surface Use Agreement of even date herewith between Claude Franklin Ranch, Ltd. and Grantee pertaining and limited only to that certain portion of the Subject Lands as to which Claude Franklin Ranch, Ltd. owns the surface estate, as therein described (the "Conveyed Mineral Interest"). The Conveyed Mineral Interest does not include oil, gas, liquid or gaseous hydrocarbons, geothermal steam or uranium. The terms and provisions of the Surface Use Agreement constitute covenants running with the Subject Lands as to the Conveyed Mineral Interest limited insofar and only insofar as to that certain portion of the Subject Lands as to which Grantor owns the surface estate, as therein described, and will be binding as to the Conveyed Mineral Interest upon Grantee and Grantee's successors and assigns as to such limited portion of the Subject Lands.


TO HAVE AND TO HOLD the Conveyed Mineral Interest to Grantee, and Grantee's successors and assigns, forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to warrant and forever defend all and singular the Conveyed Mineral Interest to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through,

or under Grantor but not otherwise, except as to the Exceptions to Conveyance and Warranty.

GRANTOR:


CRAIG A. FRANKLIN, as his separate property and estate

KATHY F. SMITH, as her separate property and estate


WALTER K. FRANKLIN, as his separate property and estate


PEGGY F. STEINLE, as her separate property and estate

CLAUDE FRANKLIN RANCH, LTD.,
a Texas limited partnership


By: C. Franklin Management, LLC,
a Texas limited liability company,
its General Partner

By: 
Walter K. Franklin, President
of the General Partner

or under Grantor but not otherwise, except as to the Exceptions to Conveyance and Warranty.

GRANTOR:

CRAIG A. FRANKLIN, as his separate property and estate



KATHY F. SMITH, as her separate property and estate

WALTER K. FRANKLIN, as his separate property and estate

PEGGY F. STEINLE, as her separate property and estate

CLAUDE FRANKLIN RANCH, LTD.,
a Texas limited partnership

By: C. Franklin Management, LLC,
a Texas limited liability company,
its General Partner

By: _____
Walter K. Franklin, President
of the General Partner

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 9th day of December, 2020, by
Craig A. Franklin, as his separate property and estate.





Notary Public, State of Texas
My Commission expires: 5/16/2021

STATE OF TEXAS §
 §
COUNTY OF ' _____ §


This instrument was acknowledged before me on this _____ day of December, 2020, by
Kathy F. Smith, as her separate property and estate.

Notary Public, State of Texas
My Commission expires: _____

STATE OF TEXAS §
 §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 9th day of December, 2020, by
Peggy F. Steinle, as her separate property and estate.





Notary Public, State of Texas
My Commission expires: 5/16/2021

ACKNOWLEDGMENTS

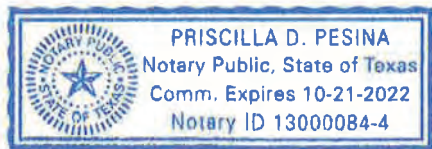
STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of December, 2020, by
Craig A. Franklin, as his separate property and estate.

Notary Public, State of Texas
My Commission expires: _____

STATE OF TEXAS §
 §
COUNTY OF Bexar §

This instrument was acknowledged before me on this 9th day of December, 2020, by
Kathy F. Smith, as her separate property and estate.



Priscilla D. Pesina
Notary Public, State of Texas
My Commission expires: 10-21-2022

STATE OF TEXAS §
 §
COUNTY OF _____ §


This instrument was acknowledged before me on this ____ day of December, 2020, by
Peggy F. Steinle, as her separate property and estate.

Notary Public, State of Texas
My Commission expires: _____

STATE OF TEXAS §
 §
COUNTY OF Atascosa §

This instrument was acknowledged before me on this 9th day of December, 2020, by Walter K. Franklin, individually, as his separate property and estate, and as President of C. Franklin Management, LLC, a Texas limited liability company, General Partner of Claude Franklin Ranch, Ltd., a Texas limited partnership, on behalf of said limited partnership.




Notary Public, State of Texas
My Commission expires: 5/16/2021

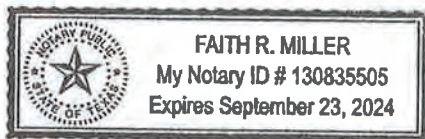
GRANTEE:

SAN MIGUEL ELECTRIC COOPERATIVE, INC.
a Texas nonprofit electric cooperative corporation

By: 
Mike Kezar, General Manager

STATE OF TEXAS §
 §
COUNTY OF Atascosa §

This instrument was acknowledged before me on the 8 day of December, 2020, by Mike Kezar, as General Manager of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit electric cooperative corporation, on behalf of said corporation.



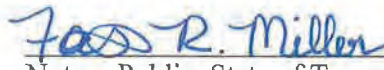

Notary Public, State of Texas
My Commission expires: September 23, 2024

EXHIBIT "A"**DESCRIPTION OF LAND**

(Attached to Coal and Lignite Deed dated December 10, 2020, by and between Craig A. Franklin, et al., as Grantor, and San Miguel Electric Cooperative, Inc., as Grantee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, Page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"), to wit:

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383 and Survey 25, A-378, and a part of the lands out of Survey 38, A-638 and Survey 36, A-635, and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623 and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385 and Survey 58, A-636, and a part of the lands out of Survey 835, A-180; Survey 960, A-304 and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387 and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All of the lands out of Survey 22, A-675 and Survey 32, A-673, and a part of the lands out of Survey 41, A-380 and Survey 835, A-180, and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract;"

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

4837-3296-7840, v. 10

FILED FOR RECORD

This Dec 14, 2020 at 12:57P
NATTE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Victoria Streater

THE STATE OF TEXAS
COUNTY OF McMULLEN
We, NATTE SADOVSKY, Clerk of the County Court
of said county, do hereby certify that the foregoing
instrument of writing, with its certificate of
authentication was filed for record in my office
this Dec 14, 2020 at 12:57P and duly recorded this
Dec 14, 2020 in the McMullen County Records of said
County in VOL 170 on PAGE 135.
Witness my hand and the seal of the County Court of said
County at the office in TULSA, TEXAS
the day and year last above written.

NATTE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Victoria Streater

MEMORANDUM OF COAL AND LIGNITE LEASE

STATE OF TEXAS

§

Know All Persons By These Presents:

§

COUNTY OF MCMULLEN

§

Be it remembered that on May 24, 2021, a Coal and Lignite Lease was made and entered into by and between **MCTEE L7 RANCH, LTD.** (whether one or more, "Lessor"), whose address is 3267 Bee Cave Road, Suite 107-81, Austin, Texas 78746-6773, as Lessor, and **SAN MIGUEL ELECTRIC COOPERATIVE, INC.**, of Jourdanton, Texas, ("Lessee") whose business address is Post Office Box 280, Jourdanton, Texas 78026, as Lessee (the "Lease").

Pursuant to the Lease, Lessor leased and let exclusively unto Lessee for the purpose of entering upon, testing, investigating, exploring, prospecting, drilling, excavating, mining, producing, storing and transporting coal and lignite and minerals necessarily produced in association therewith, all of the Lessor's interest in coal and lignite in those certain lands situated in McMullen County, Texas, more particularly described as follows:

11,743.95 acres of land, more or less, being more particularly described on Exhibit "A".

The Lease is for a primary term of twenty-nine (29) years and so long thereafter, as coal or lignite is produced from the leased premises. The Lease contains other terms and provisions which are by reference incorporated herein and made a part hereof in all respects as though the same were fully set forth herein.

Executed Copies of the Lease are in the possession of Lessor and Lessee.

IN WITNESS WHEREOF, this instrument is executed on the date fast herein written.

LESSOR:

MCTEE L7 RANCH, LTD.

By: McTee L7 Ranch Management, LLC

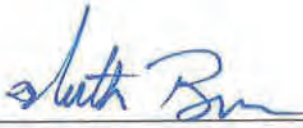
Its: General Partner

By: Elsie Wheeler McTee

Elsie Wheeler McTee, Manager of McTee L7 Ranch Management, LLC

LESSEE:

**SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit corporation**

By: 
Nathan Brown, General Manager/CEO

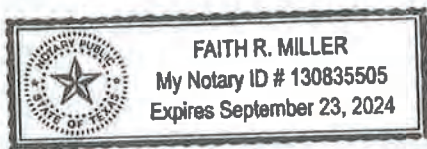
STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2021,
by Elsie Wheeler McTee, as Manager of McTee L7 Ranch Management, LLC, as General Partner
of McTee L7 Ranch, Ltd., on behalf of said limited partnership.

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF Atascosa §

This instrument was acknowledged before me on the 20 day of May, 2021,
by Nathan Brown, as General Manager/CEO of SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit electric cooperative corporation, on behalf of said corporation.




Notary Public, State of Texas

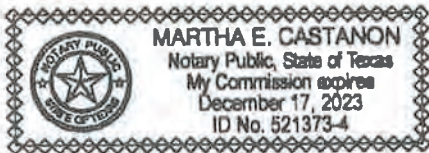
LESSEE:

**SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit corporation**

By: _____
Nathan Brown, General Manager/CEO

STATE OF TEXAS §
 §
COUNTY OF Bexar §

This instrument was acknowledged before me on the 27 day of May, 2021,
by Elsie Wheeler McTee, as Manager of McTee L7 Ranch Management, LLC, as General Partner
of McTee L7 Ranch, Ltd., on behalf of said limited partnership.



Martha E. Castanon
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2021,
by Nathan Brown, as General Manager/CEO of SAN MIGUEL ELECTRIC COOPERATIVE,
INC., a Texas nonprofit electric cooperative corporation, on behalf of said corporation.

Notary Public, State of Texas

EXHIBIT "A"

(Attached to Memorandum of Coal and Lignite Lease dated May 24, 2021 by
and between McTee L7 Ranch, Ltd., as Lessor, and San Miguel
Electric Cooperative, Inc., as Lessee.)

11,743.95 acres of land, more or less, comprising the following tracts out of the R. S. Franklin Ranch partitioned in that certain Partition Deed dated May 11, 1931, by and between the heirs of R. S. and Minerva Franklin, recorded in Volume 9, page 330, Deed Records, McMullen County, Texas, reference to which is hereby made for all purposes (the "1931 Partition Deed"):

Tract 1: All of the lands out of Survey 37, A-382; Survey 35, A-383; and Survey 25, A-378, and a part of the lands out of Survey 38, A-638, and Survey 36, A-635, and being the same lands more particularly described as a 2,970.1-acre tract identified as the "Second Tract" set aside to John N. Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Second Tract those lands out of Survey 63, A-151; Survey 64, A-634; Survey 66, A-623; and Survey 65, A-152;

Tract 2: All of the lands out of Survey 34, A-615; Survey 33, A-384; Survey 39, A-381; Survey 40, A-614; Survey 41, A-380; Survey 31, A-385; and Survey 58, A-636, and a part of the lands out of Survey 835, A-180; Survey 960, A-304; and Survey 41, A-380, and being the same lands more particularly described as a 5,429.9-acre tract identified as the "Third Tract" set aside to Murray Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Third Tract (i) that portion of Survey 960, A-304, lying north of the San Miguel Creek; (ii) all of the lands out of Survey 57, A-148; (iii) all of the lands out of Survey 60, A-633; and (iv) all of the lands out of Survey 59, A-149;

Tract 3: All of the lands in Survey 28, A-740; Survey 30, A-737; Survey 27, A-387; and Survey 29, A-386, and being the same lands more particularly described as a 2,675.08-acre tract identified as the first parcel out of the "Fourth Tract" set aside to Thomas Franklin in the 1931 Partition Deed;

Tract 4: All the lands out of Survey 22, A-675; and Survey 32, A-673, and a part of the lands out of Survey 41, A-380; and Survey 835, A-180, and being the same lands more particularly described as a 3,150.9-acre tract identified as the "Eleventh Tract" set aside to Claude Franklin in the 1931 Partition Deed, SAVE and EXCEPT from said Eleventh Tract (i) all of the lands out of Survey 3.6, A-661; (ii) all of the lands out of Survey 514, A-1113; (iii) all of the lands out of Survey 42, A-672; and (iv) that portion of Survey 41, A-380 and Survey 835, A-180, located north of the following line described by metes and bounds as follows:

BEGINNING at a point along the Eastern boundary line of Survey 32, A-673, said point being approximately 3,500 feet from the northeast corner of Survey 32 for the POINT OF BEGINNING;

THENCE in an easterly direction perpendicular to the eastern boundary line of

Survey 32, for a distance of approximately 2,000 feet to a point in the eastern boundary line of Survey 41, A-380;

THENCE in a southerly direction along the eastern boundary line of Survey 41, approximately 325 feet to a point;

THENCE in an easterly direction perpendicular to the eastern boundary line of Survey 41, for a distance of approximately 2,800 feet to a point;

THENCE in a northerly direction parallel to the eastern boundary line of Survey 835, A-180, approximately 600 feet to the southwestern corner of the "Thirteenth Tract" as described in the 1931 Partition Deed, also known as the "Home Tract";

THENCE in an easterly direction along the southern boundary line of the Home Tract to the eastern boundary line of Survey 835, for a POINT OF TERMINATION.

4847-1195-0570, v. 1

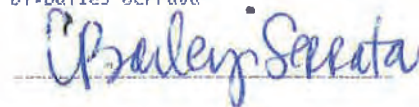
FILED FOR RECORD

This May 28, 2021 at 12:50P
MATTIE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Bailey Serrata

THE STATE OF TEXAS
COUNTY OF McMULLEN
I, MATTIE SADOVSKY, Clerk of the County Court
of said county, do hereby certify that the foregoing
instrument of writing, with its certificate of
authentication was filed for record in my office
this May 28, 2021 at 12:50P and duly recorded the
May 28, 2021 in the McMullen County Records of said
County, in VOL 174 on PAGE 577.
Witness my hand and the seal of the County Court of said
County at the office in TILDEN, TEXAS
the day and year last above written.

MATTIE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Bailey Serrata



Substances”); both with rights of ingress, egress and regress to, on, over and across the lands covered hereby for all such purposes, including, but not by way of limitation, the building of roads, railroads, tram roads, conveyor systems, transportation pipelines, rights of way and necessary easements therefor, building electric transmission lines, pipelines, telephone lines and other structures thereon, saving, storing, disposing, and transporting Leased Substances. All mining operations conducted by Lessee shall be in accordance with the Agreement and with federal, state, and local laws and the rules, regulations and orders of all governmental authorities having jurisdiction over such.

Incorporation of Agreement. The provisions set forth in the Agreement are hereby incorporated into this Memorandum as if set out in full herein. In the event of any conflict or inconsistency between the terms of this Memorandum and the terms of the Agreement, the terms of the Agreement shall govern and control for all purposes.

Effect of Memorandum. The sole purpose of this Memorandum is to give public notice of the Agreement. This Memorandum shall not modify in any manner the terms, conditions or intent of the Agreement.

Covenants Running with the Land. The provisions of the Agreement run with the said lands, and are binding upon and inure to the benefit of the parties and each other person having any interest therein during their ownership thereof, and their respective tenants, heirs, executors, administrators, successors and assigns.

Term. The Agreement remains in force and effect for so long as any of the Leases held by Lessee covering any part of the said lands remain in force and effect and until Lessee satisfies all of the requirements of the Agreement.

Executed Originals. Executed originals of the Agreement are in the possession of both Surface Owner and Lessee.

Multiple Counterparts. This Memorandum may be executed in multiple counterparts which shall be construed together as a single original instrument as though all parties had signed one instrument, and, when executed, each counterpart shall be binding upon and inure to the benefit of each of the parties executing the same, and such party’s heirs, devisees, legal representatives, successors and assigns.

Execution. In witness whereof, this Memorandum is executed as of the date acknowledged by the parties, but is made effective as of the 24th day of May, 2021.

[Signature Pages Follow]

SURFACE OWNER:

MCTEE L7 RANCH, LTD.

By: McTee L7 Ranch Management, LLC
Its: General Partner

By: Elsie Wheeler McTee
Elsie Wheeler McTee, Manager of
McTee L7 Ranch Management, LLC

Date: May 27, 2021

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF Bexar §

This instrument was acknowledged before me on the 27 day of May, 2021, by Elsie Wheeler McTee, as Manager of McTee L7 Ranch Management, LLC, as General Partner of MCTEE L7 RANCH, LTD., on behalf of said limited partnership.



Martha E. Castanon
Notary Public, State of Texas

My Commission expires: 12-17-2023

SURFACE OWNER:

MCTEE L7 RANCH, LTD.

By: McTee L7 Ranch Management, LLC
Its: General Partner

By: _____
Elsie Wheeler McTee, Manager of
McTee L7 Ranch Management, LLC

Date: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2021,
by Elsie Wheeler McTee, as Manager of McTee L7 Ranch Management, LLC, as General Partner
of MCTEE L7 RANCH, LTD., on behalf of said limited partnership.

Notary Public, State of Texas

My Commission expires: _____

LESSEE:

SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit electric cooperative corporation

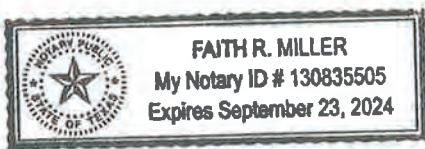
By: *Nathan Brown*
Nathan Brown, General Manager/CEO

Date: 05/20/21

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF Atascosa §

This instrument was acknowledged before me on the 20 day of May, 2021, by Nathan Brown, as General Manager/CEO of SAN MIGUEL ELECTRIC COOPERATIVE, INC., a Texas nonprofit electric cooperative corporation, on behalf of said corporation.



Faith R. Miller
Notary Public, State of Texas

My Commission expires: September 23, 2024

EXHIBIT "A"

DESCRIPTION OF LAND

(Attached to Surface Use Agreement dated May 24, 2021,
by and between McTee L7 Ranch Management, LLC, as Surface Owner,
and San Miguel Electric Cooperative, Inc., as Lessee.)

979.40 acres of land, more or less, described as being 490 acres off the West side of the J. Poitevent Survey No. 27, A-387, and 489.40 acres off the West side of the E.L. Taylor Survey No. 28, A-740, McMullen County, Texas, being the same land conveyed to Margueritte Y. Wheeler and Marie Wheeler, by Tom Franklin and wife, Mary Franklin, by Deed dated May 22, 1945, recorded in Volume 38, Page 104, Deed Records, McMullen County, Texas.

EXHIBIT "B"

PLAT

(Attached to Surface Use Agreement dated May 24, 2021,
by and between McTee L7 Ranch Management, LLC, as Surface Owner,
and San Miguel Electric Cooperative, Inc., as Lessee.)

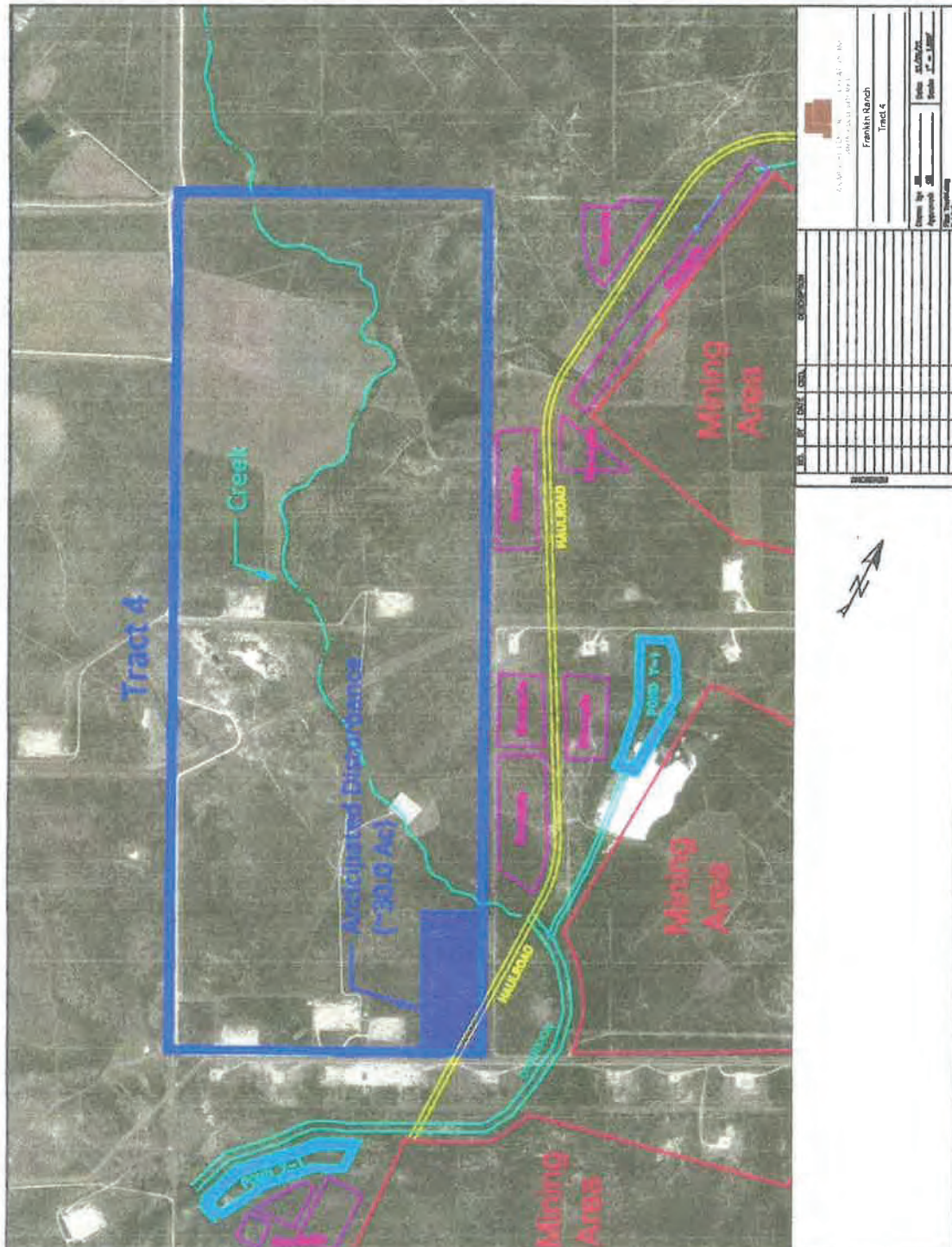


EXHIBIT "C"

FRANKLIN RANCH LANDS

(Attached to Surface Use Agreement dated May 24, 2021,
by and between McTee L7 Ranch Management, LLC, as Surface Owner,
and San Miguel Electric Cooperative, Inc., as Lessee.)

1. Coal and Lignite Lease dated September 4, 2008, from Bonnie Doyle, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 274, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
2. Coal and Lignite Lease dated September 4, 2008, from Bride Doyle Roberts, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 254, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
3. Coal and Lignite Lease dated September 4, 2008, from Bonnie Doyle and Bride Doyle Roberts, as Co-Trustees of the Douglas Preston Trust, as Lessors, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 270, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
4. Coal and Lignite Lease dated September 22, 2008, from George Allen Faucett, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 220, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
5. Coal and Lignite Lease dated August 20, 2008, from Wilfred Chapman Bell, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 236, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
6. Coal and Lignite Lease dated August 20, 2008, from Rachel Summers Eubanks, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 242, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
7. Coal and Lignite Lease dated August 20, 2008, from Gay Kirkland, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 244, Deed Records, McMullen County, Texas, covering 11,743.95 acres.

8. Coal and Lignite Lease dated May 17, 2018, from Robert W. Errington and wife, Fatima Rodriguez Errington, as Lessors, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 144, Page 888, Official Public Records, McMullen County, Texas, covering 11,743.95 acres.
9. Coal and Lignite Lease dated May 17, 2018, from Camilla Wilson, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 146, Page 1, Official Public Records, McMullen County, Texas, covering 11,743.95 acres.
10. Coal and Lignite Lease dated September 4, 2008, from Margaret Ann Caron, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 266, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
11. Coal and Lignite Lease dated September 4, 2008, from Mildred Fetterman, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 262, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
12. Coal and Lignite Lease dated August 21, 2008, from Jack E. Gorman, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 246, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
13. Coal and Lignite Lease dated September 22, 2008, from Grady Edward Loy, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 228, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
14. Coal and Lignite Lease dated September 22, 2008, from Douglas Anson Loy, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 250, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
15. Coal and Lignite Lease dated September 22, 2008, from Robert Stephen Peel, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 278, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
16. Coal and Lignite Lease dated September 11, 2008, from T.L. Hairston, III and Angela Steinle Hairston, as Co-Trustees of the S & H Trust, as Lessors, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 232, Deed Records, McMullen County, Texas, covering 11,743.95 acres.

17. Coal and Lignite Lease dated September 11, 2008, from Franklin Steinle, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 258, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
18. Coal and Lignite Lease dated September 22, 2008, from Grady Ann McAllister, as Lessor, to San Miguel Electric Cooperative, Inc., as Lessee, recorded by Memorandum of Coal and Lignite Lease in Volume 463, Page 224, Deed Records, McMullen County, Texas, covering 11,743.95 acres.
19. Coal and Lignite Deed dated July 24, 2018, from Mary Catherine Kessler and Donald Haynes, Jr., as Surface Owners, to San Miguel Electric Cooperative, Inc., as Lessee, recorded in Volume 147, Page 454, Official Public Records, McMullen County, Texas.
20. Coal and Lignite Deed dated March 1, 2020, from John Charles Austin and Anne Corbett Austin, as Surface Owners, to San Miguel Electric Cooperative, Inc., as Lessee, recorded in Volume 162, Page 163, Official Public Records, McMullen County, Texas.
21. Special Warranty Deed dated June 1, 2020, from Franklin Settlement Holdings, LP (formerly known as San Miguel Holdings, LP), as Surface Owner, to San Miguel Electric Cooperative, Inc., as Lessee, recorded in Volume 164, Page 396, Official Public Records, McMullen County, Texas.
22. Coal and Lignite Deed dated December 10, 2020, from Craig A. Franklin, Kathy F. Smith, Walter K. Franklin, Peggy F. Steinle, each dealing in their separate property and estate, and Claude Franklin Ranch, Ltd., as Surface Owners, to San Miguel Electric Cooperative, Inc., as Lessee, recorded in Volume 170, Page 135, Official Public Records, McMullen County, Texas.

EXHIBIT "D"

DISTURBED ACREAGE

(Attached to Surface Use Agreement dated May 24, 2021,
by and between McTee L7 Ranch Management, LLC, as Surface Owner,
and San Miguel Electric Cooperative, Inc., as Lessee.)

FILED FOR RECORD

This May 28, 2021 at 12:50P
MATTIE SADOVSKY
CLERK COUNTY COURT McMULLEN CO. TX
BY: Bailey Serrata

THE STATE OF TEXAS
COUNTY OF McMULLEN
I, MATTIE SADOVSKY, Clerk of the County Court
of said county, do hereby certify that the foregoing
instrument of writing, with its certificate of
authentication was filed for record in my office
this May 28, 2021 at 12:50P and duly recorded the
May 28, 2021 in the McMullen County Records of said
County, in VOL 174 on PAGE 582.
Witness my hand and the seal of the County Court of said
County at the office in TILDEN, TEXAS
the day and year last above written.

MATTIE SADOVSKY
CLERK, COUNTY COURT, McMULLEN COUNTY, TEXAS

BY: Bailey Serrata

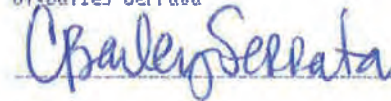
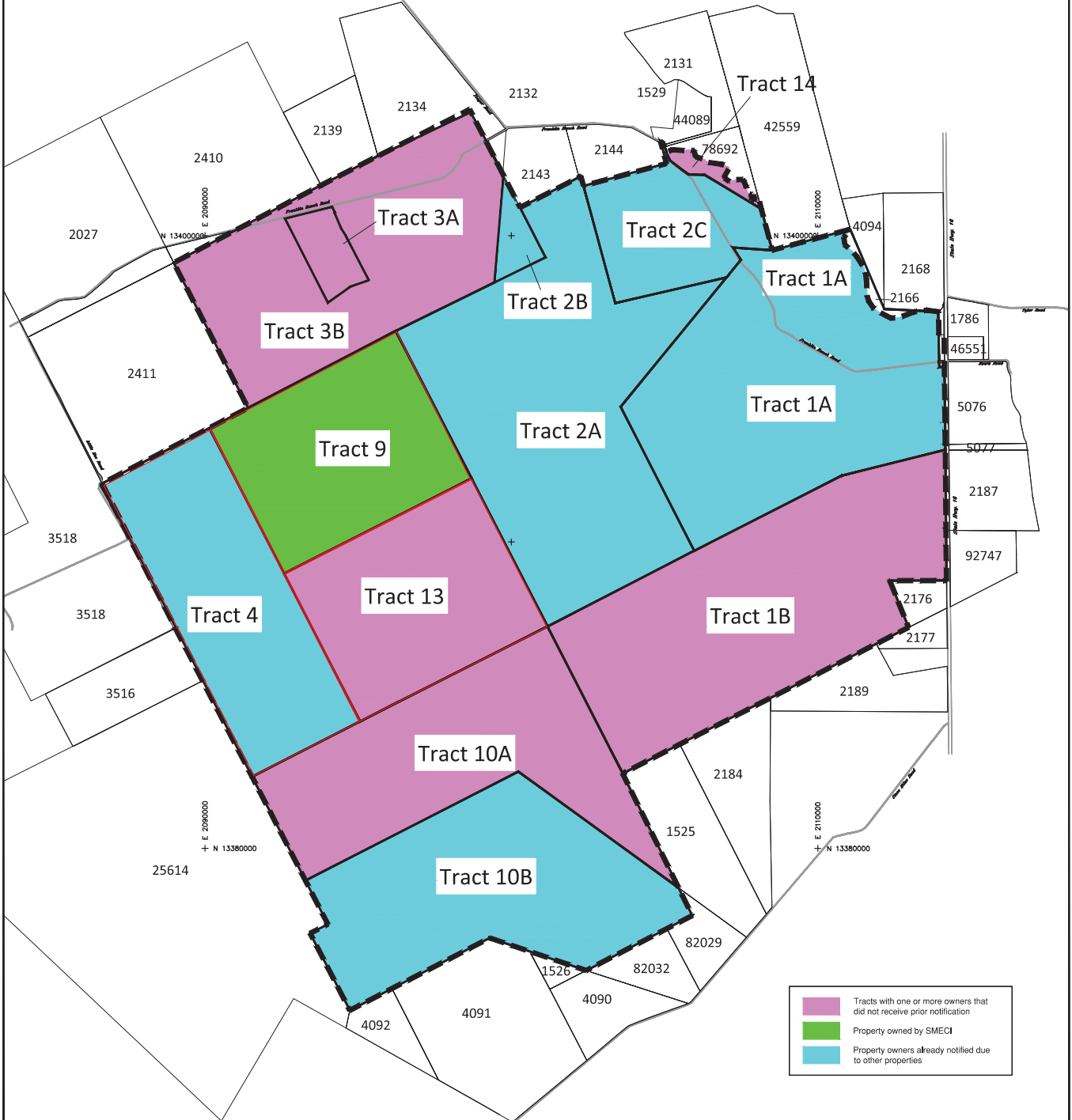


EXHIBIT E – SUPPLEMENTAL LANDOWNER INFORMATION

MAP 1 Supplement



Tracts with one or more owners that did not receive prior notification
 Property owned by SMECI
 Property owners already notified due to other properties

LEGEND

--- PERMIT BOUNDARY
 --- TRACT BOUNDARY*

*Tracts are contiguous parcels of property owned by the same landowner.
 Property Information from the McMullen County Appraisal District

		+			
SEA		NO.	BY	DATE	DESCRIPTION
APPROVALS		1	DESIGNED BY	DATE	DESCRIPTION
		2	DRAWN BY	DATE	DESCRIPTION
		3	CHECKED BY	DATE	DESCRIPTION
		4	APPROVED BY	DATE	DESCRIPTION
		5	DATE		
		6	PROJECT NO.		
		7	PROJECT NAME		
		8	PROJECT LOCATION		
		9	PROJECT OWNER		
		10	PROJECT CONTACT		
	11	PROJECT PHONE			
	12	PROJECT FAX			
	13	PROJECT EMAIL			
	14	PROJECT WEBSITE			
	15	PROJECT ADDRESS			
	16	PROJECT CITY			
	17	PROJECT STATE			
	18	PROJECT ZIP			
	19	PROJECT COUNTY			
	20	PROJECT DISTRICT			
	21	PROJECT TRACT			
	22	PROJECT SUBTRACT			
	23	PROJECT LOT			
	24	PROJECT ACRES			
	25	PROJECT VALUE			
	26	PROJECT TAXES			
	27	PROJECT RENT			
	28	PROJECT PROFIT			
	29	PROJECT LOSS			
	30	PROJECT BREAK-EVEN			
	31	PROJECT RISK			
	32	PROJECT RETURN			
	33	PROJECT SENSITIVITY			
	34	PROJECT SCENARIO			
	35	PROJECT ASSUMPTIONS			
	36	PROJECT LIMITATIONS			
	37	PROJECT DISCLOSURES			
	38	PROJECT DISCLAIMERS			
	39	PROJECT WAIVERS			
	40	PROJECT RELEASES			
	41	PROJECT INDEMNITIES			
	42	PROJECT ASSIGNMENTS			
	43	PROJECT SUBROGATIONS			
	44	PROJECT SEVERITIES			
	45	PROJECT ATTORNEYS			
	46	PROJECT ENGINEERS			
	47	PROJECT ARCHITECTS			
	48	PROJECT CONSULTANTS			
	49	PROJECT SPECIALISTS			
	50	PROJECT SUBCONTRACTORS			
	51	PROJECT VENDORS			
	52	PROJECT SUPPLIERS			
	53	PROJECT DISTRIBUTORS			
	54	PROJECT RETAILERS			
	55	PROJECT WHOLESALE			
	56	PROJECT MANUFACTURERS			
	57	PROJECT IMPORTERS			
	58	PROJECT EXPORTERS			
	59	PROJECT SHIPPERS			
	60	PROJECT CARRIERS			
	61	PROJECT FREIGHT			
	62	PROJECT LOGISTICS			
	63	PROJECT SUPPLY CHAIN			
	64	PROJECT DEMAND			
	65	PROJECT INVENTORY			
	66	PROJECT ORDER			
	67	PROJECT DELIVERY			
	68	PROJECT RECEIPT			
	69	PROJECT PAYMENT			
	70	PROJECT CREDIT			
	71	PROJECT DEBT			
	72	PROJECT EQUITY			
	73	PROJECT LIABILITIES			
	74	PROJECT ASSETS			
	75	PROJECT NET WORTH			
	76	PROJECT BALANCE SHEET			
	77	PROJECT INCOME STATEMENT			
	78	PROJECT CASH FLOW STATEMENT			
	79	PROJECT STATEMENT OF WORK			
	80	PROJECT SCOPE OF WORK			
	81	PROJECT SCHEDULE			
	82	PROJECT BUDGET			
	83	PROJECT COSTS			
	84	PROJECT REVENUE			
	85	PROJECT PROFIT MARGIN			
	86	PROJECT BREAK-EVEN POINT			
	87	PROJECT RISK FACTORS			
	88	PROJECT MITIGATION STRATEGIES			
	89	PROJECT CONTINGENCY PLANS			
	90	PROJECT EMERGENCY PROCEDURES			
	91	PROJECT SAFETY PROTOCOLS			
	92	PROJECT ENVIRONMENTAL IMPACT			
	93	PROJECT SOCIAL IMPACT			
	94	PROJECT ECONOMIC IMPACT			
	95	PROJECT CULTURAL IMPACT			
	96	PROJECT HISTORIC IMPACT			
	97	PROJECT ARCHITECTURAL IMPACT			
	98	PROJECT LANDSCAPE IMPACT			
	99	PROJECT VISUAL IMPACT			
	100	PROJECT SOUND IMPACT			
	101	PROJECT VIBRATION IMPACT			
	102	PROJECT AIR QUALITY IMPACT			
	103	PROJECT WATER QUALITY IMPACT			
	104	PROJECT SOIL QUALITY IMPACT			
	105	PROJECT GEOTECHNICAL IMPACT			
	106	PROJECT SEISMIC IMPACT			
	107	PROJECT CLIMATE IMPACT			
	108	PROJECT BIODIVERSITY IMPACT			
	109	PROJECT ECOSYSTEM IMPACT			
	110	PROJECT WILDLIFE IMPACT			
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	116	PROJECT RADIATION IMPACT			
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	363	PROJECT			

MAP 1 SUPPLEMENT LANDOWNERS TABLE
Permit Area X, Y and Z
Legal and Equitable Surface Owners Within the Permit Boundary
(Records Search Conducted January 2021)

COLOR property owned by SMECI
CODING property owners already notified
LEGEND property owners not yet notified

Tract Number	Surface Owner's Name	Address	City	State	Zip	Lease or Deed w/ SMEC	Date Recorded
1A	Rodney and Bobbie Swaim Family Limited Partnership	151 Franklin Ranch Road	Jourdanton	TX	78026	UL	
1B	Arthur Wayne Swaim	PO Box 406	Tilden	TX	78072	UL	
	Robert Murray Swaim	PO Box 100	Tilden	TX	78072	UL	
2A, 2B and 2C	Lee F. Lively	PO Box 449	Giddings	TX	78942	UL	
3A	Craig Franklin	PO Box 253	Tilden	TX	78072	D	12/14/2020*
3B	Claude Franklin Ranch, Ltd.	PO Box 396	Tilden	TX	78072	D, SUA	12/14/2020*
4	McTee L7 Ranch, Ltd.	3267 Bee Caves Rd Ste 107-81	Austin	TX	78746	Ls	5/28/2021
9	San Miguel Electric Cooperative, Inc.	PO Box 280	Jourdanton	TX	78026	D	3/10/2020; 6/11/2020
10A	Shorty Investments, Ltd.	619 Hillsong	San Antonio	TX	78258	UL	
	Barbara Bacon	971 Oakwood	San Antonio	TX	78228	UL	
	Mono's Dream, Ltd.	P.O. Box 66/105 Harrod St	Oakville	TX	78060	UL	
	Marjorie E. Stephenson	PO Box 609	Charlotte	TX	78011	UL	
	Leslie Robb Stephenson, as Trustee of the Robb Stephenson Lifetime Trust	1144 FM 3352	Moore	TX	78057	UL	
	MarRo, Ltd.	10020 Hunters Run	College Station	TX	77845	UL	
	Robert Howard Mosier	10020 Hunters Run	College Station	TX	77845	UL	
	Brenda Mosier Duerer	3458 County Road 707	Kosse	TX	76653	UL	

MAP 1 SUPPLEMENT LANDOWNERS TABLE
Permit Area X, Y and Z
Legal and Equitable Surface Owners Within the Permit Boundary
(Records Search Conducted January 2021)

Tract Number	Surface Owner's Name	Address	City	State	Zip	Lease or Deed w/ SMEC	Date Recorded
	Linda Kay Manley	7902 FM 979	Cameron	TX	76520	UL	
	Chester W. Mosier	16534 County Rd 164	Iola	TX	77861	UL	
10B	Robert W. Errington and wife, Fatima Rodriguez Errington	PO Box 241	Tilden	TX	78072	Ls, SUA	5/22/2018
	Camilla Wilson	1524 Wolf Bend Rd	Germantown	TN	35138	Ls, SUA	6/26/2018
13, 14	Mary Catherine Kessler	PO Box 543	Tilden	TX	78072	D, SUA	8/22/2018*
	Donald Haynes, Jr.	PO Box 543	Tilden	TX	78072	D, SUA	8/22/2018*
	Kathy F. Smith	P.O. Box 1676	Marble Falls	TX	78654	UL	
	Peggy F. Steinle	P.O. Box 93	Jourdanton	TX	78026	UL	

Ls=lease
D=deed
UL=unleased
SUA= Surface Use Agreement

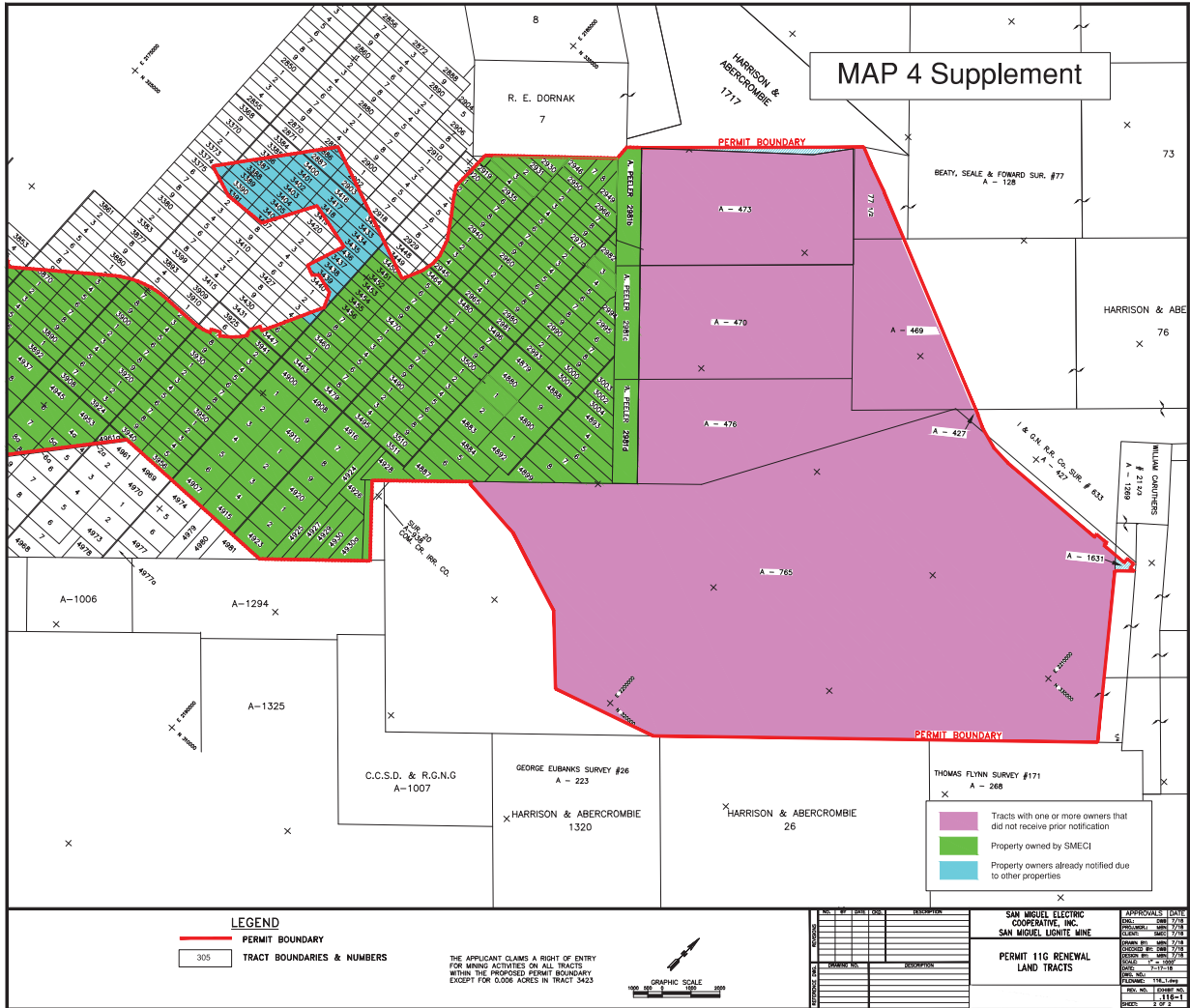
*=coal deed

MAP 2 SUPPLEMENT LANDOWNERS TABLE
SAN MIGUEL LIGNITE MINE, PERMIT 60
LEGAL AND EQUITABLE SURFACE OWNERS WITHIN THE PERMIT BOUNDARY

Tract Number	Lease Hold Interest *	Owner's Name	Address	City	State	Zip
SL-01, SL-02 and SL-03	S, C, O&G	Nancy Wheeler Plumlee	P.O. Box 150	Giddings	TX	78942
SL-04, SL-06, SL-07, SL-08 and SL-09	S	Nancy Wheeler Plumlee	P.O. Box 150	Giddings	TX	78942
SL-10	S, M	Marnie Rayes Garcia	P.O. Box 855	Pleasanton	TX	78064
SL-11	S, C	San Miguel Electric Cooperative	PO Box 280	Jourdanton	TX	78026
SL-112	S	Nancy Wheeler Plumlee	P.O. Box 150	Giddings	TX	78942

* S = Surface Owner, M = Mineral Owner, O&G = oil and gas owner, C = coal owner

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MAPS 3 AND 4 SUPPLEMENT LANDOWNERS TABLE
SAN MIGUEL LIGNITE MINE PERMIT 11H
PERMIT AREA LEGAL AND EQUITABLE OWNERS OF RECORD

COLOR property owned by SMECI
CODING property owners already notified
LEGEND property owners not yet notified

LEASE INFORMATION DEED OF RECORDS							
TRACT #	Lease Hold Interest (1)	CURRENT OWNER	REMARKS: Documentation of Right to Enter	COUNTY (2)	DATE	VOLUME	PAGES
3725-3732	S, C, O&G	Justin Alonzo Peeler/	Lease Amendment No. 1	A	August 24, 1966	311	105-109
		A.M. Peeler Ranch, LLC					
		100 La Parita Road					
		Jourdanton, Texas 78026					
3741-3748	S, C, O&G	Justin Alonzo Peeler/	Lease Amendment No. 1	A	August 24, 1966	311	105-109
		A.M. Peeler, Jr. and wife,					
		Barbara Gene Peeler					
		100 La Parita Road					
4177- 4179	S, C, O&G	Justin Alonzo Peeler/	Warranty Deed	A	November 26, 1975	423	347
		A.M. Peeler Ranch, LLC					
		100 La Parita Road					
		Jourdanton, Texas 78026					
4419-4423 4161-4176	S, C, O&G	A.M. Peeler, Jr.	Lease Amendment No. 2	A/M	September 23, 1975	421	279-288
		100 La Parita Road					
		Jourdanton, Texas 78026					
2901-2903 2918 3373-3375 3384-3389, 3391 3400-3407 3416-3420 3423, 3432-3441, 3449 2885-2887	S, C, O&G	A.M. Peeler, Jr.	Flood Easement	A	January 1, 1994	1	606-610
		100 La Parita Road					
		Jourdanton, Texas 78026					
4405-4406	S, C, O&G	A.M. Peeler, Jr.	Powerline Easement	A	Nov. 1979	515	287-293
		100 La Parita Road					
		Jourdanton, Texas 78026					
J. Poitevent(b)		San Miguel Electric Cooperative, Inc.					
A-1368a		P.O. Box 280					
368-369		Jourdanton, Texas 78026					
4844a-4848a							

MAPS 3 AND 4 SUPPLEMENT LANDOWNERS TABLE
SAN MIGUEL LIGNITE MINE PERMIT 11H
PERMIT AREA LEGAL AND EQUITABLE OWNERS OF RECORD

COLOR property owned by SMECI
CODING property owners already notified
LEGEND property owners not yet notified

LEASE INFORMATION DEED OF RECORDS							
TRACT #	Lease Hold Interest (1)	CURRENT OWNER	REMARKS: Documentation of Right to Enter	COUNTY (2)	DATE	VOLUME	PAGES
4860-4864	S&C		Settlement Agreement	A	March 22, 1993	Case No. 92-23198, Harris County, Tx.	
4865a-4871a							
4874-4875							
4932-4942							
4943a-4944a							
4945-4947							
4948a-4950a							
4953							
4954a-4956a							
4961a-4962a							
4982a							
3856a	S&C	San Miguel Electric Cooperative, Inc.	Assignment of lignite lease to SMEC	A/M	January 8, 1989	791	651-657
4606 ½ -4647		P.O. Box 280					
4732-4735		Jourdanton, Texas 78026					
4742-4746, 4751-4760							
4761 ½							
4766 ½							
Church Tract No. 14							
4763-4769							
4771-4779 ½							
6559a-6560							
3896A, 4191, 4832, 4833, 3855, 3856, 4407a, 4423	S	San Miguel Electric Cooperative, Inc. P.O. Box 280 Jourdanton, Texas 78026	Warranty Deed and Easement for Water Wells	A	November 9, 1979	516	334-345
2978	S&C	San Miguel Electric Cooperative, Inc.		A	August 1, 1978	486	230-268
2990		P.O. Box 280					
3860		Jourdanton, Texas 78026					
3888							
3915							
4447							
4929-4930							
SMCE 13, SMEC 14, 4, 5, 6, and 8a	S&C	San Miguel Electric Cooperative, Inc. P.O. Box 280 Jourdanton, Texas 78026	General Warranty Deed	M	March 18, 2016	119	792-816

MAPS 3 AND 4 SUPPLEMENT LANDOWNERS TABLE
SAN MIGUEL LIGNITE MINE PERMIT 11H
PERMIT AREA LEGAL AND EQUITABLE OWNERS OF RECORD

COLOR property owned by SMECI
CODING property owners already notified
LEGEND property owners not yet notified

LEASE INFORMATION DEED OF RECORDS							
TRACT #	Lease Hold Interest (1)	CURRENT OWNER	REMARKS: Documentation of Right to Enter	COUNTY (2)	DATE	VOLUME	PAGES
3466	S&C	San Miguel Electric Cooperative, Inc.		A	October 20, 1978	492	153-154
3501		P.O. Box 280		A	September 22, 1978	490	193-196
3886		Jourdanton, Texas 78026		A	May 7, 1982	594	181-184
3924				A	May 18, 1987	781	867-869
3950				A	March 31, 1988	795	188-191
4770				A	November 3, 1997	81	842-844
4192	S	San Miguel Electric Cooperative, Inc.		A	October 29, 1976	449	15-17
4208		P.O. Box 280					
4446		Jourdanton, Texas 78026					
4408-4409	S	San Miguel Electric Cooperative, Inc.		A	September 21, 2021	217947 (Serial Number)	43 pgs.
4424-4429		P.O. Box 280					
4865-4871		Jourdanton, Texas 78026					
4430-4445							
4448-4461							
4795, 4810-4811							
6554-6557							
3, 16 and 16a							
4822-4827							
4832-4843							
4849-4859							
3842-3844							
3912-3914							
3916-3923							
3855-3859							
4872-4873							
4982-4985							
A-1368, 4936a							
3868-3876			Special Warranty Deed				
3881-3885, 3887							
3889-3892							
3896-3908							
3925-3949							
3951-3956							
3444-3447							

MAPS 3 AND 4 SUPPLEMENT LANDOWNERS TABLE
SAN MIGUEL LIGNITE MINE PERMIT 11H
PERMIT AREA LEGAL AND EQUITABLE OWNERS OF RECORD

COLOR property owned by SMECI
CODING property owners already notified
LEGEND property owners not yet notified

LEASE INFORMATION DEED OF RECORDS							
TRACT #	Lease Hold Interest (1)	CURRENT OWNER	REMARKS: Documentation of Right to Enter	COUNTY (2)	DATE	VOLUME	PAGES
3450a-3457							
3458-3463							
3464a, 3465a							
3467-3500							
3502-3511							
4900-4928, 4930a							
2907, 2919a-2925a							
2930-2941							
2942a-2945a							
2946-2977							
2979-2989							
2991-3004							
4879-4899							
2981b, 2981c, 2981d							
4379-4381	S, C, O&G	Ida Mae Henry Kaiser	Revised lignite lease: Updated information in 2004	A	October 25, 1981	592	239-254
4393-4397		P.O. Box 246					
4408a-4409a		Jourdanton, Texas 78026					
4410-4413							
4425a-4429a							
6557A, 6558 and 6559	S, C, O&G	Ida Mae Henry Kaiser	Revised lignite lease: Updated information in 2004	A	October 25, 1981	592	239-254
		P.O. Box 246					
		Jourdanton, Texas 78026					
		Billy Wayne Kaiser Jr.					
		P.O. Box 40					
		Jourdanton, Texas 78026					
1&2	S, C, O&G	Marnie Rayes Garcia	Original lignite lease	A/M	January 1, 2016	81357	113
		P.O. Box 855					
		Pleasanton, TX 78064					
7	S, C, O&G	MBF HOLDINGS MCMULLEN LP	Original lignite lease	M	Sept. 6, 1990	317	378-389
		600 Round Rock Dr. West #103					
		Round Rock, TX 78681					

MAPS 3 AND 4 SUPPLEMENT LANDOWNERS TABLE
SAN MIGUEL LIGNITE MINE PERMIT 11H
PERMIT AREA LEGAL AND EQUITABLE OWNERS OF RECORD

COLOR property owned by SMECI
CODING property owners already notified
LEGEND property owners not yet notified

LEASE INFORMATION DEED OF RECORDS							
TRACT #	Lease Hold Interest (1)	CURRENT OWNER	REMARKS: Documentation of Right to Enter	COUNTY (2)	DATE	VOLUME	PAGES
4795a, 4811, 6555	S, C, O&G	EOG RESOURCES INC	Special Warranty Deed	A	July 26, 2011	123500 (Serial Number)	
		P.O. Box 4362					
		Houston, TX 77210-4362					
3390, 4432	S, C, O&G	Jason Byron Peeler	Special Warranty Deed	A	August 12, 2014	154614 (Serial Number)	
		3007 FM 539					
		Floresville, TX 78114					
3443	S, C, O&G	Jason Byron Peeler	Cash Warranty Deed	A	July 14, 2010	114460 (Serial Number)	
		3007 FM 539					
		Floresville, TX 78114					
A-470, A-473, 1717, 771/2, A-469, A-476, A-427, A-765 and A-1631	S, C, O&G	DJH Ranch LP	Coal and Lignite Lease	A	September 30, 1994	17	350
		c/o Mr. Edwin H. Knight, Jr.					
		712 Main Street Ste 1900					
		Houston, TX 77002-3220					
		Cat Hil Arrow S LLC					
		1000 Louisiana Ste 7000					
		Houston, Texas 77002					

(1) S = surface interest; C = coal interest; O&G = oil and gas interest

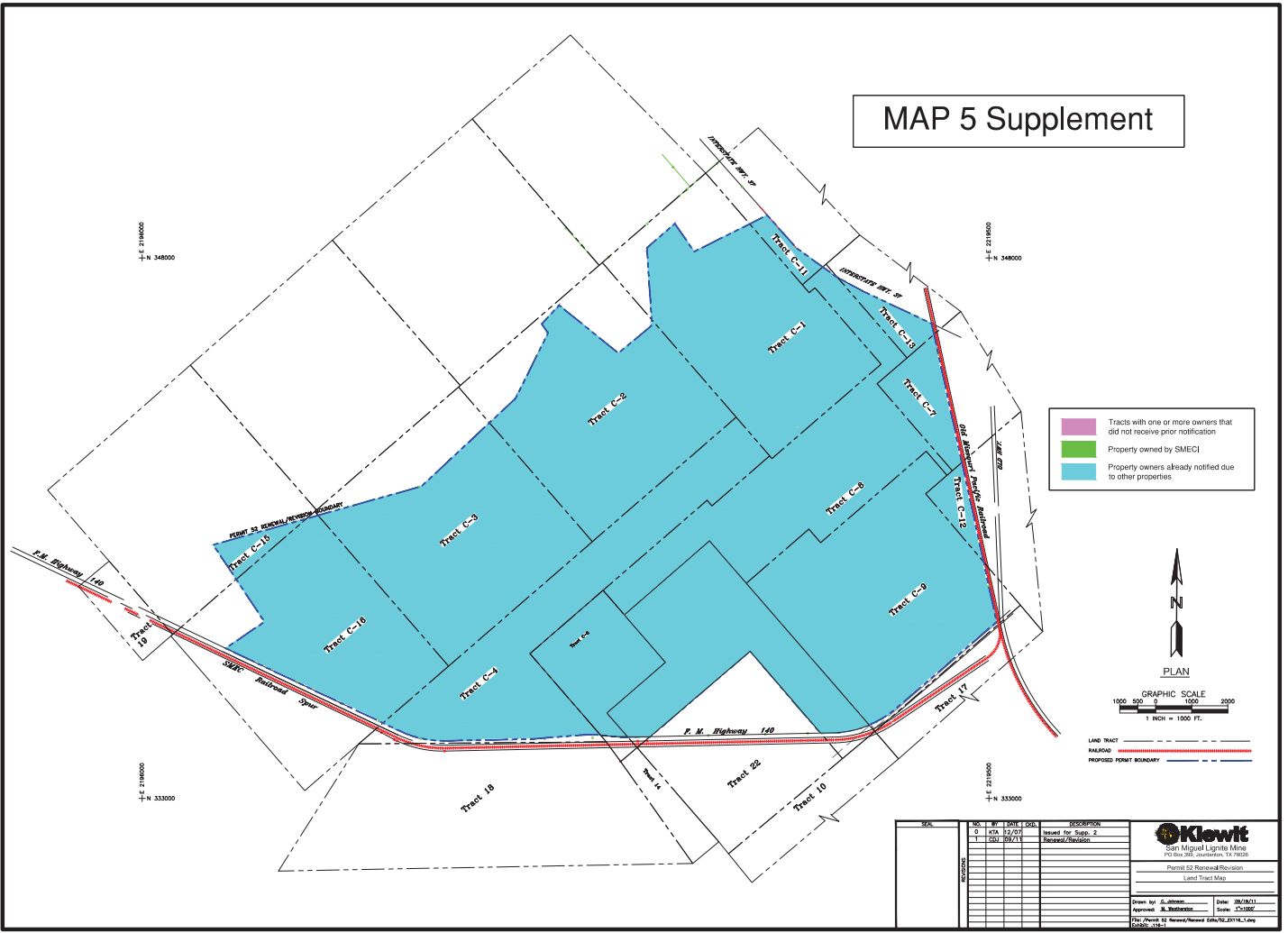
(2) A = Atascosa County; M = McMullen County

*These entries are mineral interests only and a search of County tax records in September 2021 reveal no new addresses or address "unknown" for these entries.

These are the "last known addresses".

#Mineral owners only with no surface rights.

MAP 5 Supplement



MAP 5 SUPPLEMENT LANDOWNERS TABLE
SAN MIGUEL LIGNITE MINE (52A)
LEGAL AND EQUITABLE SURFACE OWNERS OF RECORD INSIDE PERMIT BOUNDARY
(Records search October 2021)

COLOR property owned by SMECI
CODING property owners already notified
LEGEND property owners not yet notified

Tract No.	Owner			County
C-1	Seventy Four Ranch c/o Benchmark AD Velorem	P.O. Box 700925	San Antonio, TX 78270	A
C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-11, C-12, C-13, C-15, C-16	DJH Ranching, LP c/o Mr. Edwin H. Knight, Jr.	712 Main St., Ste. 1900	Houston, TX 77002-3220	A