

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Jenna Rollins, Project Manager
Water Rights Permitting Team

DATE: January 30, 2023

SUBJECT: Burns Brothers, Ltd.
ADJ 421
CN604678342, RN105025456
Application No. 23-421H to Amend Certificate of Adjudication
No. 23-421
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

The application and fees were received on November 9, 2022. Additional information was received on December 16, 2022 and January 23, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 30, 2023. Notice is not required pursuant to Title 30 Texas Administrative Code § 303.42(2).

All fees have been paid and the application is sufficient for filing.

Jenna Rollins

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 30, 2023

Mr. Glenn Jarvis, Attorney
Law Offices of Glenn Jarvis
1801 S 2nd St. Ste. 550
McAllen, Texas 78503-1353

VIA E-MAIL

RE: Burns Brothers, Ltd.
ADJ 421
CN604678342, RN105025456
Application No. 23-421H to Amend Certificate of Adjudication No. 23-421
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Jarvis:

This acknowledges receipt, on January 23, 2023, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on January 30, 2023. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at jenna.rollins@tceq.texas.gov or by phone at 512-239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Jenna Rollins

From: [REDACTED]
Sent: Monday, January 23, 2023 8:25 AM
To: Jenna Rollins
Cc: burnschr@gmail.com
Subject: Re: Burns Brothers Ltd. Application No. 23-421H

Ms. Rollins,

Please allow this email as Applicant's response to your January 18, 2023 letter requesting additional information in regards to Application No. 23-421H to amend Certificate of Adjudication No. 23-421. This information relates to the Attachment C Water Conservation Plan to the Application wherein it is stated that diverted water will be stored in two off-channel reservoirs, Applicant's response is as follows:

- a. The Application is requesting that diverted water will be stored in two (2) off-channel reservoirs.
- b. The capacity of Reservoir 1 is 60 acre feet, and the capacity of Reservoir 2 is 5 acre feet for a total of 65 acre feet.
- c. Applicant agrees that Staff's calculated coordinates for a point on each of the two reservoirs is as stated in your letter is correct: that is,

Reservoir 1: Latitude 26.342816 and Longitude -98.144634
Reservoir 2: Latitude 26.341404 and Longitude -98.142496

Please allow this as an amendment containing additional information relating to Applicant's Application and its Water Conservation Plan. If additional clarification is needed please advise me.

Regards,

Glenn Jarvis
Attorney for Applicant in captioned matter

Glenn Jarvis
Law Offices of Glenn Jarvis
Vantage Bank Texas Bldg.
1801 S. 2nd St., Ste. 550
McAllen, TX 78503
(956) 682-2660 -ph
(956) 618-2660 -fax

[REDACTED]
www.GlennJarvis.com

CONFIDENTIALITY NOTICE: This Email is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is legally privileged. The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, use, dissemination, forwarding, printing, copying, disclosure or distribution by persons other than the intended recipient(s) is prohibited and may be unlawful. You must delete this message and any copy of it (in any form) without disclosing it. If you believe this message has been sent to you in error, please notify the sender by replying to this transmission, or by calling LAW OFFICES OF GLENN JARVIS (956) 682-2660. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature. Thank you for your cooperation.

-----Original Message-----

From: Jenna Rollins <Jenna.Rollins@tceq.texas.gov>

To: Glenn Jarvis [REDACTED]

Sent: Wed, Jan 18, 2023 4:00 pm

Subject: Burns Brothers Ltd. Application No. 23-421H

Dear Mr. Jarvis,

Please see the attached request for information letter for Burns Brothers Ltd., application No. 23-421H, and provide a response by 2/17/23.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 18, 2023

Mr. Glenn Jarvis
Law Offices of Glenn Jarvis
1801 S 2nd St. Ste. 550
McAllen, Texas 78503-1353

VIA E-MAIL

RE: Burns Brothers, Ltd.
ADJ 421
CN604678342, RN105025456
Application No. 23-421H to Amend Certificate of Adjudication No. 23-421
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Jarvis:

This acknowledges receipt of additional information on December 16, 2022.

Additional information is required before the application can be declared administratively complete.

Provide additional information for each proposed off-channel reservoir. Staff notes that the application (Attachment C Water Conservation Plan) indicates that diverted water will be stored in two off-channel reservoirs.

- a. Confirm that the application is requesting to store the diverted water in two off-channel reservoirs.
- b. Provide the capacity of each off-channel reservoir in acre-feet.
- c. Confirm the location of the off-channel reservoirs. Staff has calculated coordinates for a point on each of the two reservoirs in the table below:

Reservoir Name	Latitude	Longitude
Reservoir 1	26.342816°	-98.144634°
Reservoir 2	26.341404°	-98.142496°

Please provide the requested information by February 17, 2023 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Mr. Glenn Jarvis
Application No. 23-421H
January 18, 2023
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Jenna Rollins

From: Leonor Cadena [REDACTED]
Sent: Friday, December 16, 2022 3:53 PM
To: Jenna Rollins
Cc: [REDACTED]
Subject: Burns Brothers,Ltd; ADJ 421; CN404678342, RN105025456
Attachments: Rollins 12-16-22.pdf; BURNS- UPDATED Wtr Consvr Plan.pdf; BURNS Receipt [fees pd].pdf

Ms. Rollins,

The enclosed letter with attachments will follow via regular mail. Thank you. Leonor Cadena

Leonor L. Cadena
Legal Secretary
Law Offices of Glenn Jarvis
Vantage Bank Texas Bldg.
1801 S. 2nd St., Ste. 550
McAllen, TX 78503
(956) 682-2660 -phone
(956) 618-2660 -fax

[REDACTED]
www.GlennJarvis.com

CONFIDENTIALITY NOTICE: This Email is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is legally privileged. The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, use, dissemination, forwarding, printing, copying, disclosure or distribution by persons other than the intended recipient(s) is prohibited and may be unlawful. You must delete this message and any copy of it (in any form) without disclosing it. If you believe this message has been sent to you in error, please notify the sender by replying to this transmission, or by calling LAW OFFICES OF GLENN JARVIS (956) 682-2660. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature. Thank you for your cooperation.

Law Offices
of

GLENN JARVIS

Telephone (956) 682-2660

Telefax (956) 618-2660

Vantage Bank Texas Bldg.
1801 South Second Street, Suite 550
McAllen, Texas 78503
www.GlennJarvis.com

December 16, 2022

Ms. Jenna Rollins, Proj. Mgr.
Water Rights Permitting Team
Water Rights Permitting & Availability Sec.
Texas Commission on Environmental Qual.
P.O. Box 13087
Austin, TX 78711-3087

**Via Electronic Transmission
and
Via Regular U. S. Mail**

RE: Burns Brothers, Ltd.
ADJ 421
CN604678342, RN105025456
Application No. 23-421H to Amend Certificate of Adjudication No. 23-421
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Ms. Rollins:

This is in response to your letter of November 30, 2022, regarding the above captioned matter. In response to paragraphs 1 and 2 of your letter dealing with the accuracy of the meter described in the Application and use of water in the Rio Grande Basin, the Applicant for clarification has revised its Water Conservation Plan in Section I.B.2. by adding language that the meter from the source of supply has accuracy of plus or minus 5.0%, and in the Introduction page of the Plan that the use of the water is in the Rio Grande Basin as it was originally adjudicated. I am enclosing a copy of the revised Water Conservation Plan to replace the Water Conservation Plan attached to Application filed by the Applicant as an amendment to the Application.

The water rights are to the Rio Grande River, and the use is near the original place of use in Hidalgo County as adjudicated, and not from a source outside of the Rio Grande Basin located in the Nueces-Rio Grande Basin. This is also to confirm that the Applicant is requesting to change the place of use, and not add another place of use.

With respect to the fees owed in your letter of \$119.19, this amount has been paid. Enclosed is copy of TCEQ receipt dated December 08, 2022, of that amount representing Rio Grande Watermaster Assessment.

Very truly yours,

Glenn Jarvis

Glenn Jarvis

GJ:lhc

Encl.

xc: Mr. Chris Burns - [REDACTED]
Mr. Kent Burns - [REDACTED]
Mr. Todd Gilliland - [REDACTED]

Your transaction is complete. Thank you for using TCEQ ePay.

Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt and the vouchers for your records. An email receipt has also been sent.

Transaction Information

Trace Number: 582EA000516136
 Date: 12/08/2022 10:33 AM
 Payment Method: ACH - Authorization 0031311494
 ePay Actor: BURNS BROTHERS LTD
 Actor Email: [REDACTED]
 IP: 99.197.66.38
 TCEQ Amount: \$119.19
 Texas.gov Price: \$119.19*

* This service is provided by Texas.gov, the official website of Texas. The price of this service includes funds that support the ongoing operations and enhancements of Texas.gov, which is provided by a third party in partnership with the State.

Payment Contact Information

Name: KENT BURNS
 Company: BURNS BROTHERS LTD
 Address: 4216 N I69C, EDINBURG, TX 78542
 Phone: 956-380-0006

Cart Items

Click on the voucher number to see the voucher details.

Voucher	Fee Description	AR Number	Amount
604592	RIO GRANDE WATERMASTER ASSESSMENT	22012543	\$119.19
TCEQ Amount:			\$119.19

[ePay Again](#) [Exit ePay](#)

Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt for your records.

[Site Help](#) | [Disclaimer](#) | [Web Policies](#) | [Accessibility](#) | [Our Compact with Texans](#) | [TCEQ Homeland Security](#) | [Contact Us](#)
 Statewide Links: [Texas.gov](#) | [Texas Homeland Security](#) | [TRAIL Statewide Archive](#) | [Texas Veterans Portal](#)

© 2002-2022 Texas Commission on Environmental Quality



Texas Commission on Environmental Quality

Water Availability Division

MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-2214

System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

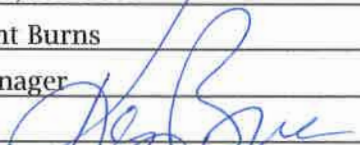
Name: Burns Brothers Ltd

Address: 4216 N. US Hwy 281, Edinburg, TX 78542

Telephone Number: (956)380-0006 Fax: ()

Form Completed By: Kent Burns

Title: Manager

Signature:  Date: 12/15/2022

A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

INTRODUCTION

Burns Brothers, Ltd., currently is filing an Application with the TCEQ to change the place of use of its Water Rights to the Rio Grande to other property owned by it. The new place of use is near the previous place of use of other land which it owned in Hidalgo County, Texas, where it had access to more water rights and water allocation than is covered by the pending TCEQ Application and was primarily engaged in irrigation. The reason for changing the place of use is that the Water Rights associated with the previous place of use was reserved when the land was sold to a third party.

The Water Rights available involved in the TCEQ Application is the right to divert a maximum of 164.14 acre feet per annum from the Rio Grande River, within the Rio Grande Basin, for agricultural and recreational use in Hidalgo County, Texas, under the terms of Certificate of Adjudication No. 23-421 owned by it. Water from the Rio Grande is arranged to be diverted and delivered by an adjoining Irrigation District who charges diversion from the Rio Grande under the Water Rights a conveyance loss factor of 40% incurred from the Rio Grande to the delivery point of this land in reporting diversions under the Water Rights to the Rio Grande Watermaster. This leaves a net deliverable to the delivery point of 98.4624 acre feet depending upon available water allocated to the Water Rights by the Rio Grande Watermaster.

This Plan is for the new place of use containing 109 acres containing 2 reservoirs (lakes) and open ditches with a surface area of approximately 14.3 acres leaving 94.7 acres of land for agricultural or recreational use in Hidalgo County, Texas, near the former place of use in Hidalgo County, Texas. Water is held in the reservoirs or lakes for recreational use, but can be used for agricultural use in a more limited amount than in the previous place of use. Most water will be for recreational use purposes, and an irrigation system is planned to be established depending upon available water.

The water supply for these uses will have available a limited amount of groundwater to supplement the supply for use. An aerial map is showing a description of the land and water facilities is shown in FIGURE I below.

This Water Conservation Plan is only for that portion of the water rights planned to be used for agricultural use on 20.6 acres portion of the 94.7 acres available for such use depending upon available water supply.

FIGURE I



I. BACKGROUND DATA

A. Water Use For Irrigation Purposes

- Annual diversion appropriated or requested (in acre-feet): **The total maximum amount of water from the Rio Grande authorized is 164.104 acre feet per annum.**
- In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year. **Since most of the available Rio Grande water will be used for recreational purposes, the amount of water available for irrigation is interruptible and initially is estimated to be 40 acre feet per annum distributed in the months shown below when available:**

January	February	March	April
2.97	2.10	2.62	4.54
May	June	July	August
3.49	3.32	3.84	3.84
September	October	November	December
4.72	3.14	2.80	2.62
Total Months			All 40.00

- In the table below, list the type of crop(s), growing season, and acres irrigated per year. **Under the circumstances described, the type of crops which can be viably grown will depend upon available water for irrigation. At this time, it appears that the following crops will be grown:**

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Live oak trees	12	12.3
Ornamentals	12	3.0
Grass	12	5.3
Total acres irrigated		20.6

- Are crops rotated seasonally or annually? Yes No

If yes, please describe:

- Describe soil type (including permeability characteristics, if applicable).

Sandy loam

B. Irrigation system information

- Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this

WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application. See FIGURE I

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

Meter, See FIGURE I above which is used for recreational use water and also for agricultural use water supply and the meter measures with accuracy of within plus or minus 5%.

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

We are not planning in the next 5 years to change our system as it relates to recreational use, however, depending upon available water supply, irrigation will be delivered from the Ditch and reservoirs for row crop irrigation and development of best management practices, such as drip irrigation, because of available reservoir storage to achieve maximum beneficial use.

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal:
Savings in acre-feet: **80**

Plan is also to use well water to offset the inefficiency of transferring water from District supplier by the application of the 40% conveyance loss factor.

- b. 10-year goal:
Savings in acre-feet **80** or system efficiency as a percentage %

(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

Yes No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

As indicated, drip irrigation.

2. Describe any methods that will be used for water loss control and leak detection and repair.

Meter, ditches, and lakes are visually monitored daily.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

Receiving and movement of water for irrigation use will be scheduled for late evening to early morning hours.

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

There is no runoff in our system and infiltration of rain is facilitated by land leveling and sloping towards our ditches and reservoirs. The ditches and reservoirs are open systems and thereby captures rain.

5. Describe any methods for recovery and reuse of tail water runoff.

See Paragraph 4 above, any irrigation tail water would be recovered in the ditches.

6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

A water well was installed at the point of delivery to help supply water to the system to offset evaporation, the 40% loss of transferring water from the diversion point to our meter, and cover available Rio Grande water in drought periods. The well supplies approximately 300 gal/min or 1.3 acre-feet per day.

II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER N/A

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

Jenna Rollins

From: Jenna Rollins
Sent: Wednesday, November 30, 2022 3:00 PM
To: Glenn Jarvis
Subject: Burns Brothers Ltd. Application No. 23-421H
Attachments: Burns_Brothers_Ltd_23-421H_RFI_Sent_11.30.2022.pdf

Dear Mr. Jarvis,

Please see the attached request for information letter for Burns Brothers Ltd., application No. 23-421H, and provide a response by 12/30/22.

Thank you,
Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
512-239-1845

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 30, 2022

Mr. Glenn Jarvis
Law Offices of Glenn Jarvis
1801 S 2nd St. Ste. 550
McAllen, Texas 78503-1353

VIA E-MAIL

RE: Burns Brothers, Ltd.
ADJ 421
CN604678342, RN105025456
Application No. 23-421H to Amend Certificate of Adjudication No. 23-421
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

Dear Mr. Jarvis:

This acknowledges receipt, on November 9, 2022, of the referenced application, and fees in the amount of \$112.50 (Receipt No. M304135, copy attached).

Additional information is required before the application can be declared administratively complete.

1. Provide additional information concerning the submitted water conservation plan for agricultural use to comply with Title 30 Texas Administrative Code (TAC) § 288.4.

Confirm that the meter used to measure and account for the amount of water diverted from the source of supply, described in Section I.B.2. of the water conservation plan is within an accuracy of plus or minus 5.0%.

2. Confirm Burns Brothers, Ltd. is requesting to add a place of use for agricultural and recreational purposes in Hidalgo County within the Rio Grande Basin as shown on Worksheet 1.0 of the application. If the application is requesting to use water for agricultural and recreational purposes within the portion of Hidalgo County in the Nueces-Rio Grande Coastal Basin, provide a completed Worksheet 1.1.

Please provide the requested information by December 30, 2022 or the application may be returned pursuant to Title 30 TAC § 281.18.

Commission records indicate that as of November 22, 2022, Burns Brothers, Ltd. has outstanding fees or penalties in the amount of \$119.19 within one or more program areas, see attachment. Please remit these fees as soon as possible to facilitate the processing of this application. You may contact Financial Administration at (512) 239-0300 for the latest outstanding balance and more detailed information on the amount owed.

Mr. Glenn Jarvis
Application No. 23-421H
November 30, 2022
Page 2 of 2

If you have any questions concerning this matter, please contact me via email at jenna.rollins@tceq.texas.gov or by telephone at (512) 239-1845.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Rollins".

Jenna Rollins, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments



21-NOV-22 09:45 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M304133	511		BS00098877	21-NOV-22	-\$2,751.25
	WUP	453849069	111822	N	D3800716		
WATER USE PERMITS		KURKI, VIJAY/ASHIK A	RHDAVIS	CK			
	WUP	M304134	512		BS00098877	21-NOV-22	-\$2,751.25
	WUP	453849069	111822	N	D3800716		
WATER USE PERMITS		KURKI, VIJAY/ASHIK A	RHDAVIS	CK			
	WUP	M304135	7320		BS00098877	21-NOV-22	-\$112.50
	WUP	23421	111822	N	D3800716		
WATER USE PERMITS		JARVIS, GLENN (LAW OFFICES)	RHDAVIS	CK			
Total (Fee Code):							-\$5,615.00
Grand Total:							-\$7,225.00

RECEIVED
NOV 22 2022
Water Availability Division

November 30, 2022

RE: Burns Brothers, Ltd.
ADJ 421
CN604678342, RN105025456
Application No. 23-421H to Amend Certificate of Adjudication No. 23-421
Texas Water Code § 11.122, Not Requiring Notice
Rio Grande, Rio Grande Basin
Hidalgo County

The staff of the Texas Commission on Environmental Quality (TCEQ) has determined that payment of the following fees and/or penalties by *Burns Brothers, Ltd.* is required before your application to amend Certificate of Adjudication No. 23-421H can be declared administratively complete:

Fees

The fees owed are Rio Grande Watermaster Fees in the amount of **\$119.19** for account No. 22012543.

Please be advised that failure to pay fees/penalties within 30 days will result in additional administrative actions affecting your fee accounts and your application with TCEQ. With respect to fees and/or penalties, these actions may include enforcement and collections efforts to recover the debt owed to the state. Regarding your permit applications, additional administrative actions may include return of your applications (forfeiting the application fees), or a contested case hearing that may result in the denial of your applications.

If you believe that your liability for any portion of the delinquency noted above has been discharged in bankruptcy, or if you are presently a debtor in a pending bankruptcy proceeding, please immediately furnish the undersigned with file-stamped copies of the following pleadings from the bankruptcy court where your bankruptcy case was/is filed: (1) Bankruptcy Petition; (2) Schedules and Statement of Affairs; (3) Creditor Matrix/Matrices; and (4) Discharge Order or Confirmation Order. Please mail those copies to the TCEQ at P.O. Box 13087, Mail Code 132, Austin, TX 78711-3087, and include any additional documents from the bankruptcy court that you believe are relevant to your responsibilities for the noted delinquency. We will immediately review these pleadings and take appropriate action regarding your permit applications.

Payment may be made through the following methods: cash, check, ACH (electronic check), money order, or credit card through TCEQ's electronic payment portal (e-pay). Additional information regarding payment options is available at <https://www.tceq.texas.gov/agency/financial/fees/delin#payment>. Upon payment, please send documentation reflecting payment of all delinquent fees and penalties to the *[Name of program(s) fees/penalties are in]*. If you have any questions regarding your application, you may contact Jenna Rollins at jenna.rollins@tceq.texas.gov. If you have any questions regarding the delinquencies, please use the attached list of fee coordinators for contact information. Please use Mail Code 160 when responding by mail.

TCEQ Program Fee Coordinators

FEE	FEE TYPE	PROGRAM FEE COORD.
AEF	AIR EMISSIONS FEE	AQPI Division (512) 239-1459
AST	ABOVEGROUND STORAGE TANKS	PST Registration Team (512) 239-2160
BLP	WATERSHED MGMT. BENEF. LAND APPLIC.	Michael Anstice (512) 239-4327
BWM	BRAZOS WATERMASTER	Molly Mohler (254) 761-3027
BYP	RADIOACTIVE BY-PRODUCT FEE	Tom Robichaux (512) 239-6455
CDP	HW COMMERCIAL (COUNTY)	Susie Medrano (512) 239-0517
CRW	CONCHO RIVER WATERMASTER	Angela Sander (210) 416-3997
CWQ	CONSOLIDATED WATER QUALITY FEE	WQ Applications Team (512) 239-4671
DCR	DRYCLEANING REGISTRATION FEE	Drycleaner Reg. Team (512) 239- 2160
EIF	AIR INSPECTION FEE	AQPI Division (512) 239-1459
GPS	GENERAL PERMIT STORMWATER FEE	Stormwater Permit Team (512) 239-3700
GPW	GENERAL PERMIT WASTEWATER FEE	Stormwater Permit Team (512) 239-4671
HWF	HAZARDOUS WASTE FACILITY	Susie Medrano (512) 239-0517
HWG	HAZARDOUS WASTE GENERATION	Andi Windham (512) 239-1325
HWX	HW COMMERCIAL (MGMT. FEES)	Susie Medrano (512) 239-0517
ILP	INNOCENT LANDOWNER	Jennifer Westerman (512) 239- 4199
NWF	NONHAZARDOUS WASTE FACILITY	Susie Medrano (512) 239-0517
NWG	NONHAZARDOUS WASTE GENERATION	Andi Windham (512) 239-1325
PHS	PUBLIC HEALTH SERVICE	Public Drinking Water (512) 239- 4691
RGR	RIO GRANDE WATERMASTER	Georgina Bermea (956) 430-6039
RLA	RADIOACTIVE SUBSTANCE LICENSING FEE	Kathryn Ploch (512) 239-6577
RAF	REGULATORY ASSESSMENT FEE	Teri Cisneros (512) 239-6963
SDP	SURFACE DISPOSAL FEE	Michael Anstice (512) 239-4327
STX	SOUTH TEXAS WATERMASTER	Angela Sander (210) 416-3997
SWD	SOLID WASTE DISPOSAL FACILITIES	Susie Medrano (512) 239-0517
SWM	SOLID WASTE MEDICAL TRANSPORTER FEE	Gwinda Casper (512) 239-6814
T2M, T2NM, T2PE	TIER II CHEMICAL REPORTING	Ann Adams (512) 239-5064
TOX	TOXIC REPORTING FEE	Blake Kidd (512) 239-1441
UST	UNDERGROUND STORAGE TANKS	PST Registration Team (512) 239-2160
VCP	VOLUNTARY CLEAN-UP	Jennifer Westerman (512) 239- 4199
WMB	WATERSHED MGMT. BENEF. LAND USE	ARP Team (512) 239-4671

WMS	WATERSHED MGMT. SLUDGE HAULERS	Gwinda Casper (512) 239-6814
WRU	WU REGULATORY ASSESSMENT FEES	Terri Cisneros (512) 239-6963
WTR	WASTEWATER TRTMT. RESRCH. COUNCIL	Pamela Ezeani (512) 239-0351
<u>WUF</u>	<u>WATER USE ASSESSMENT (WTR. RIGHTS)</u>	<u>Rebecca DuPont (512) 239-6329</u>

For invoice copies, or an explanation of late fees and cost recovery fees, please call the Revenue Section at (512) 239-5136 or (512) 239-0355. For an explanation of the fee assessment, please call the Program Fee Coordinator listed above for the applicable fee.



21-NOV-22 09:45 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M304133	511		BS00098877	21-NOV-22	-\$2,751.25
	WUP	453849069	111822	N	D3800716		
WATER USE PERMITS		KURKI, VIJAY/ASHIK A	RHDAVIS	CK			
	WUP	M304134	512		BS00098877	21-NOV-22	-\$2,751.25
	WUP	453849069	111822	N	D3800716		
WATER USE PERMITS		KURKI, VIJAY/ASHIK A	RHDAVIS	CK			
	WUP	M304135	7320		BS00098877	21-NOV-22	-\$112.50
	WUP	23421	111822	N	D3800716		
WATER USE PERMITS		JARVIS, GLENN (LAW OFFICES)	RHDAVIS	CK			
Total (Fee Code):							-\$5,615.00
Grand Total:							-\$7,225.00

RECEIVED
NOV 22 2022
Water Availability Division

Law Offices

of

GLENN JARVIS

Telephone (956) 682-2660

Telefax (956) 618-2660

Vantage Bank Texas Bldg.
1801 South Second Street, Suite 550
McAllen, Texas 78503
www.GlennJarvis.com

November 8, 2022

Ms. Jenna Rollins
Water Rights Permitting Team
Water Rights Permitting & Availability Section
Texas Comm. On Environmental Quality
P. O. Box 13087, Capitol Station
Austin, TX 78711-3087

Via Electronic Transmission

RE: Application for Amendment to Certificate of Adjudication No. 23-421

Dear Ms. Rollins,

On behalf of the Burns Brothers, Ltd., I am enclosing original executed copy of TCEQ Water Rights Permitting Application pertaining to the requested Amendment to Certificate of Adjudication No. 23-421, which includes the Administrative Information Report (including the Administrative Checklist) and those applicable pages of the Technical Information Report, including Attachments A-C (Water Conservation Plan).

Enclosed is my office check no. 7320 in the amount of \$112.50 made payable to the Cashier representing the filing and recording fees.

Thank you for your attention and assistance in this matter. Should you need further information regarding the enclosed Application, please contact me.

Very truly yours,



Glenn Jarvis

GJ:llc

Encl.

xc: Mr. Chris Burns

Mr. Kent Burns

Mr. Todd Gilliland

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): _____

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N		Y/N	
_____	Administrative Information Report	_____	Worksheet 3.0
_____	Additional Co-Applicant Information	_____	Additional W.S 3.0 for each Point
_____	Additional Co-Applicant Signature Pages	_____	Recorded Deeds for Diversion Points
_____	Written Evidence of Signature Authority	_____	Consent For Diversion Access
_____	Technical Information Report	_____	Worksheet 4.0
_____	USGS Map (or equivalent)	_____	TPDES Permit(s)
_____	Map Showing Project Details	_____	WWTP Discharge Data
_____	Original Photographs	_____	Groundwater Well Permit
_____	Water Availability Analysis	_____	Signed Water Supply Contract
_____	Worksheet 1.0	_____	Worksheet 4.1
_____	Recorded Deeds for Irrigated Land	_____	Worksheet 5.0
_____	Consent For Irrigation Land	_____	Addendum to Worksheet 5.0
_____	Worksheet 1.1	_____	Worksheet 6.0
_____	Addendum to Worksheet 1.1	_____	Water Conservation Plan(s)
_____	Worksheet 1.2	_____	Drought Contingency Plan(s)
_____	Additional W.S 2.0 for Each Reservoir	_____	Documentation of Adoption
_____	Dam Safety Documents	_____	Worksheet 7.0
_____	Notice(s) to Governing Bodies	_____	Accounting Plan
_____	Recorded Deeds for Inundated Land	_____	Worksheet 8.0
_____	Consent For Inundation Land	_____	Fees

ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

*****Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4600.**

1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

****If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2, does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.***

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

**Indicate the number of Applicants/Co-Applicants _____
(Include a copy of this section for each Co-Applicant, if any)**

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at

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

CN : _____ (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: _____

Title: _____

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N _____ **See Attachment B.**

What is the applicant’s mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Indicate an X next to the type of Applicant:

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Estate |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government |
| <input type="checkbox"/> County Government | <input type="checkbox"/> City Government |
| <input type="checkbox"/> Other Government | <input type="checkbox"/> Other _____ |

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____



**4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION
(Instructions, Page. 9)**

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following: **N/A**

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** _____

If **yes**, provide the following information:

Account number: _____ Amount past due: _____

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No** _____

If **yes**, please provide the following information:

Enforcement order number: _____ Amount past due: _____

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicants may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No** _____

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No _____

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Kent Burns General Partner
(Typed or printed name) (Title)

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 Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Burns Brothers, Ltd. by SKC Management Co. LLC, General Partner

Signature: [Handwritten Signature] Date: 11-4-2022
(Use blue ink) KENT BURNS

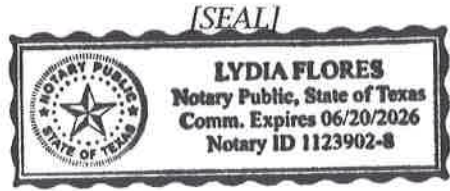
Subscribed and Sworn to before me by the said Kent Burns

on this 4th day of November, 2022.

My commission expires on the 20th day of June, 2024.

[Handwritten Signature]
Notary Public

Hidalgo
County, Texas



If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: _____

1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

State Water is: *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N _____
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N _____ (If yes, indicate the Certificate or Permit number: _____)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N _____

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N _____ (If yes, indicate the Term Certificate or Permit number: _____)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 - Environmental Information Worksheet**
- **Worksheet 6.0 - Water Conservation Information Worksheet**
- **Worksheet 7.0 - Accounting Plan Information Worksheet**
- **Worksheet 8.0 - Calculation of Fees**
- **Fees calculated on Worksheet 8.0 - see instructions Page. 34.**
- **Maps - See instructions Page. 15.**
- **Photographs - See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: _____

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N _____ (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N _____

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N _____

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N _____
If yes, submit:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: "Marshall Criteria"** N/A

d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N _____
If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 - Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N _____

If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N_____ *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N_____

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N_____

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

- b. Did the Applicant perform its own Water Availability Analysis? **Y / N**_____

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- c. Does the application include required Maps? (**Instructions Page. 15**) **Y / N**_____

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

*If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."

**If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

- i. Applicant proposes to irrigate a total of 109 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 109 acres in HIDALGO County, TX. **See Attachment A, Exhibit 4**
- ii. Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described. See Attachment A

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin. **N/A**
- d. See Worksheet 1.2, Marshall Criteria, and submit if required. **N/A**
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

Instructions, Page 31.

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
**including return flows, contract water, or other State Water.*

b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____~~Agricultural Use, including~~ irrigation. See 30 TAC § 288.4. **See Attachment C**
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

**If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N____

c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N____

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. ____Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. ____Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. ____Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N____

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u>	
	a. Less than 100	\$100.00
	b. 100 - 5,000	\$250.00
	c. 5,001 - 10,000	\$500.00
	d. 10,001 - 250,000	\$1,000.00
	e. More than 250,000	\$2,000.00
Recording Fee		
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	100.00
	OR Sever and Combine: \$100 x _____ of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 112.50

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		
Recording Fee		
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 3297309

Billable Pages: 7

Recorded On: January 04, 2022 03:05 PM

Number of Pages: 8

*****Examined and Charged as Follows*****

Total Recording: \$ 60.00

*****THIS PAGE IS PART OF THE DOCUMENT*****

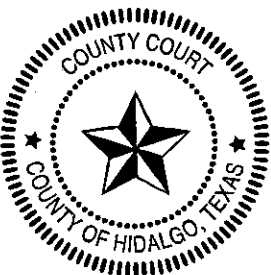
Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document No: 3297309
Receipt No: 20220104000320
Recorded On: January 04, 2022 03:05 PM
Deputy Clerk: Elisa Castillo
Station: CH-1-CC-K32

Record and Return To:

Corporation Service Company
919 North 1000 West
Logan UT 84321



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas

STG/AN SIERRA TITLE
GF# 289999

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.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HIDALGO §

THAT CM HIDALGO PROPERTIES, LLC, a Texas limited partnership, hereinafter called "Grantor", for and in consideration of the amount of Ten and no/100ths DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt and sufficiency of which are hereby acknowledged, and in connection therewith as evidence of part of the consideration so paid, Grantee has executed and delivered one certain promissory note of even date herewith payable to the order of Grantor in the amount of \$553,973.56 as therein provided and bearing interest at the rate therein specified, providing for acceleration of maturity and for attorneys' fees, the payment of which promissory note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to LUKE BURNS, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto GAURANGA DREAM RANCH LLC, a Texas limited liability company, herein referred to as "Grantee", whose address is 8 The Green, Suite 8677, Dover, Delaware 19901, the real property described on **Exhibit A** attached hereto and incorporated herein by reference ("Land"), together with all Grantor's right, title, and interest in and to all structures, fixtures, buildings, and improvements located on such Land, adjacent streets, alleys, and rights-of-way, easement rights, and all other appurtenances pertaining to such Land.

This conveyance, however, is made and accepted subject to the matters described on **Exhibit B** attached hereto and made a part hereof (collectively, the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee and Grantee's successors and assigns forever, subject to the matters set forth herein; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee's successors and assigns against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

Grantor hereby RESERVES for itself, its successors and assigns forever, and there is excluded from this conveyance, one-half (1/2) of all of Grantor's right, title and interest in and to any and all oil, gas, sulfur, hydrocarbons and other minerals in, on and under and that may be produced from the Property or any portion thereof, including any lands pooled, unitized or communitized therewith, respectively, including all executory rights related thereto, together with one-half (1/2) of all of Grantor's rights in working and net revenue interests, royalties, payments and executory rights in and to the oil, gas, sulfur, hydrocarbon and mineral fee and mineral leasehold estates and other mineral rights and assets appurtenant to such Property or any portion thereof, respectively (such reserved rights, the "Mineral Reservation"). Notwithstanding the foregoing, subject to the terms and conditions of the Deed of Trust executed by Grantee in favor of Grantor of even date herewith (including the right of entry set forth in Section 2.1(g) thereof), Grantor waives, releases and relinquishes any and all rights to ingress and egress

to, from and over the surface of the Property for the purposes of exploring or prospecting for or developing, drilling, producing, transporting, mining, treating or storing minerals, or conducting operations of whatsoever nature with respect to the exploration for, exploitation of, mining, production, processing, transporting, and marketing of oil, gas, sulfur or other minerals from the Property; provided, however, that nothing shall restrict or prohibit the pooling or unitization of the portion of the Mineral Reservation with land other than the Property, or the exploration or production of any oil, gas or other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property below the surface thereof, or by any other method that does not require ingress and egress in or over or use of the surface of the Property, provided that these operations do not materially interfere with the surface improvements or operations and do not interfere with the surface or subsurface support of any improvements constructed, or reasonably planned to be constructed, on the Property at the time of such exploration or production of any oil, gas or other minerals.

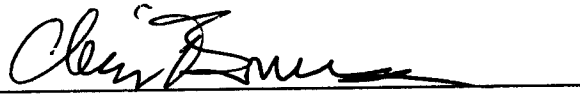
Grantor hereby RESERVES, and there is excluded from the conveyance, all water rights of GRANTOR to the Rio Grande pertaining to the property herein conveyed, including, but not limited to, the right to divert and use not to exceed 164.104 acre feet per annum allocated upon a Class B irrigation priority of allocation from the Rio Grande, Rio Grande Basin, for agricultural and recreational purposes as evidenced by Certificate of Adjudication No.23-421,as amended, and including, but not limited to, Amendment To A Certificate of Adjudication No. 23-421G issued by the Texas Commission on Environmental Quality.

The vendor's lien, as well as the superior title in and to all of the Property, is retained against the Land until the above described promissory note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Special Warranty Deed shall become absolute. Such vendor's lien, together with the superior title to the Land, is retained herein for the benefit of Grantor.

EXECUTED as of the 31st day of December, 2021.

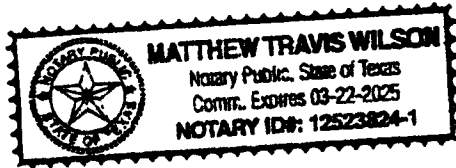
GRANTOR:

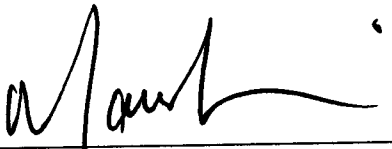
CM HIDALGO PROPERTIES, LLC,
a Texas limited liability company

By: 
Name: Chris L. Burns
Title: Manager

THE STATE OF TEXAS §
 §
COUNTY OF Hidalgo §

This instrument was acknowledged before me on the 30 day of December, 2021, by Chris L. Burns, Manager of CM Hidalgo Properties, LLC, a a Texas limited liability company, on behalf of said company.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After Recording Return To:
Sierra Title of Hidalgo County, Inc.
3401 N. 10th Street
McAllen, Texas 78501
Attention: Matt Wilson

EXHIBIT "A"

Legal Description

METES AND BOUNDS DESCRIPTION

100.769 ACRES BEING:

**OUT OF TRACT 150, SAN SALVADOR DE TULE GRANT,
HIDALGO COUNTY, TEXAS**

A tract of land containing 100.769 acres situated in the County of Hidalgo, Texas, being a part or portion out of Tract 150, San Salvador De Tule Grant, according to the plat thereof recorded in Volume 10, Pages 58-60, Hidalgo County Map Records, said 100.769 acres were conveyed to CM Hidalgo Properties, LLC., a Texas Limited Liability Company, by virtue of a Warranty Deed recorded under Document Number 2354329, Hidalgo County Official Records, said 100.769 acres also being more particularly described as follows:

BEGINNING at a No. 4 rebar set on the Southwest corner of said Tract 150, for the Southwest corner of this herein described tract;

THENCE, N 09° 09' 07" E along the West line of said Tract 150 San Salvador de Tule Grant, a distance of 1,294.48 feet to a No. 4 rebar set for the Northwest corner of this tract;

THENCE, S 80° 51' 53" E a distance of 3,389.80 feet to a No. 4 rebar set for the Northeast corner of this tract;

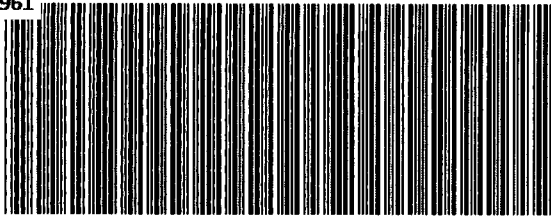
3THENCE, S 09° 03' 09" W a distance of 1,294.48 feet to a No. 4 rebar set, from which a No. 4 rebar found bears **S 66° 19' 05" E** a distance of 59.62 feet, for the Southeast corner of this tract;

THENCE, N 80° 51' 53" W along the South line of said Tract 150 San Salvador de Tule Grant, a distance of 3,392.05 feet to the **POINT OF BEGINNING** and containing 100.769 acres of land, more or less.

EXHIBIT "B"**Permitted Encumbrances**

- a. Right of way easement granted to Magic Valley Electric Cooperative, Inc., a corporation, by Frances Morrow Bulatkin, dated August 31, 1967, filed for record in the Office of the County Clerk of Hidalgo County, Texas in Volume 1186, Page 679, Deed Records Hidalgo County, Texas; the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.
- b. Access Easement Agreement granted to Marvin L. Jackson, by Duane E. Jackson, dated August 17, 1993, filed for record on August 26, 1993 in the Office of the County Clerk of Hidalgo County, Texas, under Clerk's Document No. 340812; the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.
- c. Easements and Conditions as shown on the Map or Plat thereof, filed for record in Volume 10, Page 58, Map Records Hidalgo County, Texas.
- d. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved to grantor in that certain deed from J. C. Looney to South Texas Development Company, dated April 17, 1945, filed for record in the Office of the County Clerk of Hidalgo County, Texas in Volume 557, Page 405, Deed Records Hidalgo County, Texas, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.
- e. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved to grantor in that certain deed from Frances Morrow Bulatkin to Morris E. Jackson, dated May 22, 1970, filed for record in the Office of the County Clerk of Hidalgo County, Texas in Volume 1258, Page 626, Deed Records Hidalgo County, Texas, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.
- f. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved in Partition Deed dated August 17, 1993, filed for record on August 26, 1993 in the Office of the County Clerk of Hidalgo County, Texas, under Clerk's Document No. 340816, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.

- g. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved to grantor in that certain deed from Duane E. Jackson to Rodrigo Elizondo, Jr., dated February 10, 1995, filed for record on February 15, 1995 in the Office of the County Clerk of Hidalgo County, Texas, under Clerk's Document No. 436112, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.
- h. All leases, grants, exceptions or reservations of coal, lignite, oil, gas, and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the public records.
- i. Prescriptive rights for roads, public or private, ditches, canals and/or utilities which are not a part of the public record, but visible from an inspection of the proposed insured land(s), including, but not limited to, those as shown on the survey prepared by Melden & Hunt, Inc. Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.
- j. Except to those certain fences, and to any claim or assertion of ownership by adjacent land owner(s) in and to that land lying between the established property line of the insured land and said fence(s), the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021
- k. Except to any conflicts which may arise due to those Commuity Panels, the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.



VG-120-2022-3350961

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 3350961

Billable Pages: 3

Recorded On: June 10, 2022 10:44 AM

Number of Pages: 4

*****Examined and Charged as Follows*****

Total Recording: \$ 44.00

*****THIS PAGE IS PART OF THE DOCUMENT*****

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

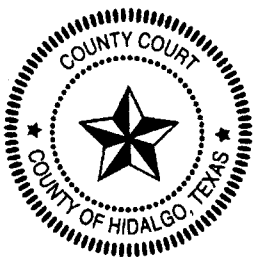
File Information:

Document No: 3350961
Receipt No: 20220610000108
Recorded On: June 10, 2022 10:44 AM
Deputy Clerk: Horacio Garza
Station: CH-1-CC-K12

Record and Return To:

Law Offices of Glenn Jarvis
1801 South Second St, Ste 550

MCALLEN TX 78503



STATE OF TEXAS
COUNTY OF HIDALGO

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas

CHAPTER 11, SEC. 11.008, TEXAS PROPERTY CODE, 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.

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

WATER RIGHTS CONVEYANCE

WHEREAS, **CM HIDALGO PROPERTIES, LLC**, a Texas Limited Partnership (hereinafter referred to as "GRANTOR"), owns water rights to the Rio Grande pursuant to Certificate of Adjudication No. 23-421G; and

WHEREAS, **GRANTOR** has agreed to sell, convey, transfer, and assign to **BURNS BROTHERS, LTD.**, a Texas Limited Partnership, 4216 N. U.S. Hwy 281, Edinburg, Hidalgo County, Texas, 78042, water rights amounting to the right to divert and use a maximum of up to **164.104 acre feet** of water per annum from the Rio Grande for agricultural and recreational purposes allocated with a Class B irrigation use priority, being water rights authorized and owned by **GRANTOR** evidenced by **Certificate of Adjudication No. 23-421G**, an Amendment to Certificate of Adjudication No. 23-421 issued by the Texas Commission on Environmental Quality.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That **GRANTOR**, in consideration of the sum of TEN (\$10.00) DOLLARS to it in hand paid by the **BURNS BROTHERS, LTD.**, hereinafter referred to as "GRANTEE", together with other valuable consideration, receipt of which is hereby acknowledged, does hereby **SELL, ASSIGN, TRANSFER AND CONVEY** to **GRANTEE** the right to divert and use a maximum of up to **164.104 acre feet** of water per annum from the Rio Grande for agricultural and recreational use

purposes allocated with a Class B use priority of allocation, described above, being those water rights owned by GRANTOR evidenced by **Certificate of Adjudication No. 23-421G**, and hereinafter referred to as the "Water Rights."

GRANTOR does hereby expressly sever the Water Rights here conveyed from its prior place of use, and from any other water rights owned by GRANTOR, and no other rights of GRANTOR are hereby conveyed except the Water Rights and GRANTOR does hereby expressly authorize the Texas Commission on Environmental Quality ("TCEQ"), or its successor, or such agency or governmental body or authority having jurisdiction over the subject matter hereof, to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights; and GRANTOR does hereby agree to execute such other instruments as shall be necessary and required by the TCEQ or other applicable authority in regard hereto.

TO HAVE AND TO HOLD the Water Rights together with all and singular the rights and appurtenances thereto, in any way belonging unto GRANTEE, its successors and assigns forever, and GRANTOR does hereby bind itself, its agents, representatives, successors, and assigns, to warrant and forever defend all and singular the Water Rights unto the said GRANTEE, and its successors and assigns, against every person whomsoever lawfully claiming or to claim the Water Rights.

DATED and effective this 7th day of June, 2022.

GRANTOR:

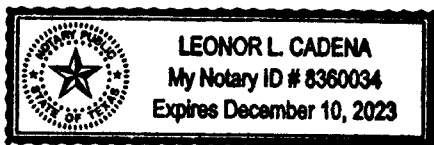
**CM Hidalgo Properties, LLC,
a Texas Limited Partnership**

By: Chris L. Burns
Chris L. Burns
Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on this 7th day of June, 2022, by Chris L. Burns, Manager of CM Hidalgo Properties, LLC, a Texas Limited Partnership, on behalf of said Limited Partnership and in the capacity as stated, to certify which witness my hand and seal of office.



Leonor L. Cadena
Notary Public in and for the State of Texas

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 18, 2022

Mr. Chris Burns
1707 E. Larkspur Ave.
McAllen, Texas 78501-3856

VIA-EMAIL

RE: Change of Ownership
Certificate of Adjudication No. 23-421

Dear Mr. Burns:

This acknowledges receipt of the Surface Water Rights Change of Ownership Application on July 18, 2022, and receipt of the fees in the amount of \$100 (Receipt No. M219320) on July 15, 2022.

TCEQ Change of Ownership Memorandum attached.

If you have any questions concerning this matter, please contact me via e-mail at Jazzmin.Hernandez@tceq.texas.gov or by telephone at (512) 239-1444.

Sincerely,

A handwritten signature in cursive script that reads "Jazzmin M. Hernandez".

Jazzmin Hernandez, Project Manager
Water Rights Compliance Assurance Team
Water Availability Section

Attachment

cc: Rio Grande Watermaster's Office

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management **Date:** August 18, 2022
Through: ^{AMS} Bert Galvan, Team Leader **Certificate of Adjudication No.** 23-421
Water Rights Compliance Assurance Team **Source County:** Hidalgo
From: Jazzmin Hernandez, Project Manager **Source Basin:** Rio Grande
Water Rights Compliance Assurance Team
Subject: Change of Ownership
Delete: CM Hidalgo Properties, LLC, as part owner
Add: BURNS BROTHERS, LTD., as part owners

Conveyance Documents Reviewed

Title	Dated	Doc. No.
Water Rights Conveyance	06/07/2022	3350961

The change of ownership application and \$100 recording fee (Receipt No. M219320) were received on July 18, 2022. The review of the application was completed on August 18, 2022. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicants from the Official Public Records of Hidalgo County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

1. BURNS BROTHERS, LTD.
4216 S. U.S. Hwy 281
Edinburg, TX 78540
2. City of Edinburg
P.O. Box 1079
Edinburg, TX 78540-1079
3. H.B. White
C/O H C WID #5
P.O. Box 614
Progresso, TX 78589-0614
4. FJ Management, Inc.
185 S. State St., Ste. 1300
Salt Lake City, UT 84111-1537
5. George Garcia
401 Carolina Ave.
Mission, TX 78572-6846
6. Maria G. Garcia
401 Caroline Ave.
Mission, TX 78572-6846
7. Lucio E. Gonzales Jr.
P.O. Box 2507
Roma, TX 78584-2507
8. A. A. Martin
RR 5 Box 1109
Edinburg, TX 78541-9805

- | | |
|--|---|
| <p>9. Harriette Martin
RR 5 Box 1109
Edinburg, TX 78541-9805</p> <p>11. Jose Ruiz
P.O. Box 536
Elsa, TX 78543-0536</p> <p>13. Mary R. Vera
P.O. Box 894
Orange Grove, TX 78372-0894</p> <p>15. Guadalupe Cancino
709 S. Bicentennial Blvd.
McAllen, TX 78501-5219</p> <p>17. State of Texas
c/o City of Edinburg
PO Box 1079
Edinburg, TX 78540-1079</p> | <p>10. E.R. Norman
C/O H C WID #5
P.O. Box 614
Progresso, TX 78579-0614</p> <p>12. Maria De Jesus Ruiz
P.O. Box 536
Elsa, TX 78543-0536</p> <p>14. Rene Recio Vera
P.O. Box 894
Orange Grove, TX 78372-0894</p> <p>16. Nicolas R. Cancio
709 S. Bicentennial Blvd.
McAllen, TX 78501-5219</p> |
|--|---|

The owners of record have been updated as follows:

Authorization 1: Diversion of 164.104 acre-feet of Class B water per year from the Rio Grande for Recreational and agricultural purposes in Hidalgo County. No land was conveyed.

Owner Names	Amount	Purpose
BURNS BROTHERS, LTD.	164.104 ac-ft	Recreational & Agricultural

Authorization 2: Diversion of 30.75 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 12.3 acres of land in Santa Cruz Ranch Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
A. A. Martin, and Harriette Martin	30.75 ac-ft	Agricultural

Authorization 3: Diversion of 40.405 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.932 acres in Block 37 and 14.23 acres in Block 39 located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
E.R. Norman, and H.B. White	40.405 ac-ft	Agricultural

Authorization 4: Diversion of 5.0 acre-feet of Class B water per year from the Rio Grande for mining purposes in Hidalgo County. No land was conveyed.

Owner Names	Amount	Purpose
Lucio E. Gonzales Jr.	5.0 ac-ft	Mining

Authorization 5: Diversion of 2.5 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.0 acre of land in Lot 3, Saucedo Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
George Garcia, and Maria G. Garcia	2.5 ac-ft	Agricultural

Authorization 6: Diversion of 2.5 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.0 acre of land in Lot 2, Saucedo Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
Jose Ruiz, and Maria De Jesus Ruiz	2.5 ac-ft	Agricultural

Authorization 7: Diversion of 2.5 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.0 acre of land in Lot 4, Saucedo Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
Mary R. Vera, and Rene Recio Vera	2.5 ac-ft	Agricultural

Authorization 8: Diversion of 2.55 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.02 acres of land in Block 39 located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
Guadalupe Cancio, and Nicolas R. Cancio	2.55 ac-ft	Agricultural

Authorization 9: Diversion of 0.905 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.128 acres of land out of 741.75 acres in Lots I & J located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
State of Texas	0.905 ac-ft	Agricultural

Authorization 10: Diversion of 12.236 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 15.251 acres of land out of 741.75 acres in Lot I located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
FJ Management	12.236 ac-ft	Agricultural

Authorization 11: Diversion of 10.37 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 12.925 acres of land out of 741.75 acres in Lot I & J located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
City of Edinburg	10.37 ac-ft	Agricultural

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant, unless the water right is expressly reserved or excepted from conveyance, or is conveyed separately from the land. *See* Texas Water Code §11.040(a) and 30 Texas Administrative Code (TAC) § 297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. *See* 30 TAC § 297.81(b).

This water right falls under the jurisdiction of the Rio Grande Watermaster Program. Prior to diverting, please contact the Rio Grande Watermaster's Office at (800) 609-1219.



Jazzmin M. Hernandez

August 26, 2022

**METES AND BOUNDS DESCRIPTION
109.000 ACRES
OUT OF LOTS 6 AND 7,
LA SIENNA DEVELOPMENT SUBDIVISION
LOTS 40, 49, 50, 51 AND 52
SANTA CRUZ RANCH,
CITY OF EDINBURG,
HIDALGO COUNTY, TEXAS**

A tract of land containing 109.000 acres situated in the City of Edinburg, County of Hidalgo Texas, being a part or portion out of Lots 6 and 7, La Sienna Development Subdivision, according to the plat thereof recorded in Volume 53, Pages 124-126, Hidalgo County Map Records, and a part or portion out of Lots 40, 49, 50, 51 and 52, Santa Cruz Ranch, according to the plat thereof recorded in Volume Z, Pages 160-161, Hidalgo County Deed Records, said 109.000 acres out of a certain tract conveyed to SKC DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP, by virtue of a Warranty Deed recorded under Document Number 1205101, Hidalgo County Official Records, said 109.000 acres also being more particularly described as follows:

BEGINNING at a No. 5 rebar found at the Southernmost Southeast corner of said Lot 7, for the Southernmost Southeast corner of this herein described tract;

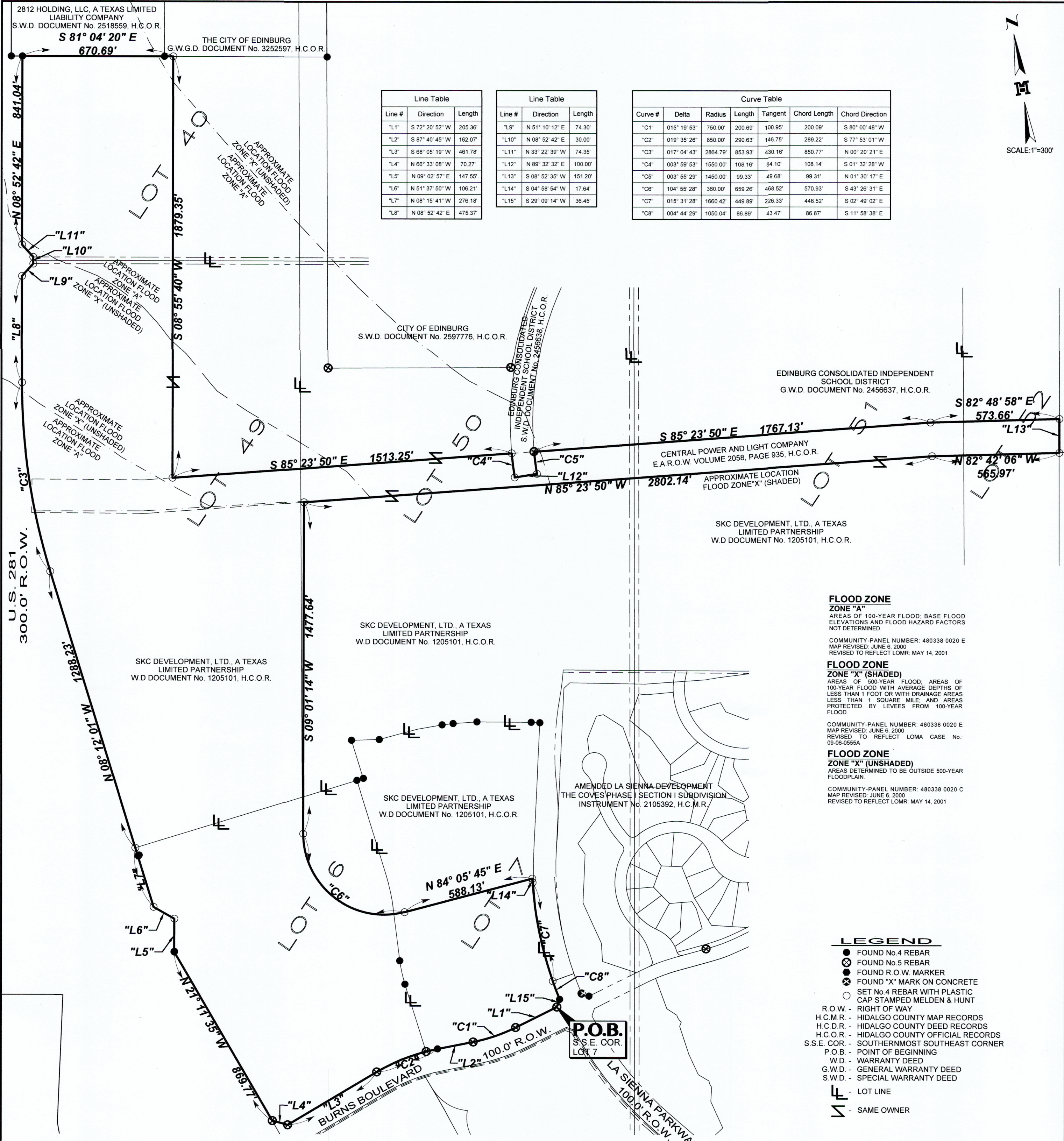
1. THENCE, S 72° 20' 52" W a distance of 205.36 feet to a No. 5 rebar found for an angle point of this tract;
2. THENCE, in a Southwesterly direction, along a curve to the right, with a central angle of 15° 19' 53", a radius of 750.00 feet, an arc length of 200.69 feet, a tangent of 100.95 feet, and a chord that bears S 80° 00' 48" W a distance of 200.09 feet to a No. 5 rebar found for an angle point of this tract;
3. THENCE, S 87° 40' 45" W a distance of 162.07 feet to a No. 4 rebar found for the an angle point of this tract;
4. THENCE, in a Southwesterly direction, along a curve to the left, with a central angle of 19° 35' 26", a radius of 850.00 feet, an arc length of 290.63 feet, a tangent of 146.75 feet, and a chord that bears S 77° 53' 01" W a distance of 289.22 feet to a No. 5 rebar found for an angle point of this tract;
5. THENCE, S 68° 05' 19" W a distance of 461.78 feet to a No. 5 rebar found for the Southernmost Southwest corner of this tract;
6. THENCE, N 66° 33' 08" W a distance of 70.27 feet to a No. 5 rebar found for the Northernmost Southwest corner of this tract;

7. THENCE, N 21° 11' 35" W a distance of 869.77 feet to a No. 4 rebar set for an outside corner of this tract;
8. THENCE, N 09° 02' 57" E a distance of 147.55 feet to a No. 4 rebar set for an inside corner of this tract;
9. THENCE, N 51° 37' 50" W a distance of 106.21 feet to a No. 4 rebar set for an outside corner of this tract;
10. THENCE, N 08° 15' 41" W a distance of 276.18 feet to a No. 4 rebar set for an angle corner of this tract;
11. THENCE, N 08° 12' 01" W a distance of 1,288.23 feet to a No. 4 rebar set for an angle point of this tract;
12. THENCE, in a Northeasterly direction, along a curve to the left, with a central angle of 17° 04' 43", a radius of 2864.79 feet, an arc length of 853.93 feet, a tangent of 430.16 feet, and a chord that bears N 00° 20' 21" E a distance of 850.77 feet to a No. 4 rebar set for an angle point of this tract;
13. THENCE, N 08° 52' 42" E a distance of 475.37 feet to a No. 4 rebar set for an outside corner of this tract;
14. THENCE, N 51° 10' 12" E a distance of 74.30 feet to a No. 4 rebar set for an inside corner of this tract;
15. THENCE, N 08° 52' 42" E a distance of 30.00 feet to a No. 4 rebar set for an inside corner of this tract;
16. THENCE, N 33° 22' 39" W a distance of 74.35 feet to a No. 4 rebar set for an outside corner of this tract;
17. THENCE, N 08° 52' 42" E a distance of 841.04 feet to a No. 4 rebar set for the Northwest corner of this tract;
18. THENCE, S 81° 04' 20" E a distance of 670.69 feet to a No. 4 rebar set for the Northernmost Northeast corner of this tract;
19. THENCE, S 08° 55' 40" W a distance of 1,879.35 feet to a No. 4 rebar set for an inside corner of this tract;
20. THENCE, S 85° 23' 50" E a distance of 1,513.25 feet to a No. 4 rebar set for an outside corner of this tract;
21. THENCE, in a Southwesterly direction, along a curve to the left, with a central angle of 03° 59' 53", a radius of 1,550.00 feet, an arc length of 108.16 feet, a

tangent of 54.10 feet, and a chord that bears S 01° 32' 28" W a distance of 108.14 feet to a No. 4 rebar set for an inside corner of this tract;

22. THENCE, N 89° 32' 32" E a distance of 100.00 feet to a No. 4 rebar set for an inside corner of this tract;
23. THENCE, in a Northeasterly direction, along a curve to the right, with a central angle of 03° 55' 29", a radius of 1,450.00 feet, an arc length of 99.33 feet, a tangent of 49.68 feet, and a chord that bears N 01° 30' 17" E a distance of 99.31 feet to a No. 4 rebar set for an inside corner of this tract;
24. THENCE, S 85° 23' 50" E a distance of 1,767.13 feet to a No. 4 rebar set for an outside corner of this tract;
25. THENCE, S 82° 48' 58" E a distance of 573.66 feet to a No. 4 rebar set for the Southernmost Northeast corner of this tract;
26. THENCE, S 08° 52' 35" W a distance of 151.20 feet to a No. 4 rebar set for an outside corner of this tract;
27. THENCE, N 82° 42' 06" W a distance of 565.97 feet to a No. 4 rebar set for an inside corner of this tract;
28. THENCE, N 85° 23' 50" W a distance of 2,802.14 feet to a No. 4 rebar set for an inside corner of this tract;
29. THENCE, S 09° 01' 14" W a distance of 1,477.64 feet to a No. 4 rebar set for an angle point of this tract;
30. THENCE, in a Southeasterly direction, along a curve to the left, with a central angle of 104° 55' 28", a radius of 360.00 feet, an arc length of 659.26 feet, a tangent of 468.52 feet, and a chord that bears S 43° 26' 31" E a distance of 570.93 feet to a No. 4 rebar set for an angle point of this tract;
31. THENCE, N 84° 05' 45" E a distance of 588.13 feet to a No. 4 rebar set for an outside corner of this tract;
32. THENCE, S 04° 58' 54" W a distance of 17.64 feet to a No. 4 rebar set for an angle point of this tract;
33. THENCE, in a Southeasterly direction, along a curve to the left, with a central angle of 15° 31' 28", a radius of 1,660.42 feet, an arc length of 449.89 feet, a tangent of 226.33 feet, and a chord that bears S 02° 49' 02" E a distance of 448.52 feet to a No. 4 rebar set for an angle point of this tract;

34. THENCE, in a Southeasterly direction, along a curve to the left, with a central angle of $04^{\circ} 44' 29''$, a radius of 1,050.04 feet, an arc length of 86.89 feet, a tangent of 43.47 feet, and a chord that bears S $11^{\circ} 58' 38''$ E a distance of 86.87 feet to a No. 4 rebar found for an outside corner of this tract;
35. THENCE, S $29^{\circ} 09' 14''$ W a distance of 36.45 feet to the POINT OF BEGINNING and containing 109.000 acres of land, more or less.



Line #	Direction	Length
"L1"	S 72° 20' 52" W	205.36'
"L2"	S 87° 40' 45" W	162.07'
"L3"	S 68° 05' 19" W	461.78'
"L4"	N 66° 33' 08" W	70.27'
"L5"	N 09° 02' 57" E	147.55'
"L6"	N 51° 37' 50" W	106.21'
"L7"	N 08° 15' 41" W	276.18'
"L8"	N 08° 52' 42" E	475.37'

Line #	Direction	Length
"L9"	N 51° 10' 12" E	74.30'
"L10"	N 08° 52' 42" E	30.00'
"L11"	N 33° 22' 39" W	74.35'
"L12"	N 89° 32' 32" E	100.00'
"L13"	S 08° 52' 35" W	151.20'
"L14"	S 04° 58' 54" W	17.64'
"L15"	S 29° 09' 14" W	36.45'

Curve #	Delta	Radius	Length	Tangent	Chord Length	Chord Direction
"C1"	015° 19' 53"	750.00'	200.69'	100.95'	200.09'	S 80° 00' 48" W
"C2"	019° 35' 26"	850.00'	290.63'	146.75'	289.22'	S 77° 53' 01" W
"C3"	017° 04' 43"	2864.79'	853.93'	430.16'	850.77'	N 00° 20' 21" E
"C4"	003° 59' 53"	1550.00'	108.16'	54.10'	108.14'	S 01° 32' 28" W
"C5"	003° 55' 29"	1450.00'	99.33'	49.68'	99.31'	N 01° 30' 17" E
"C6"	104° 55' 28"	360.00'	659.26'	468.52'	570.93'	S 43° 26' 31" E
"C7"	015° 31' 28"	1660.42'	449.89'	226.33'	448.52'	S 02° 49' 02" E
"C8"	004° 44' 29"	1050.04'	86.89'	43.47'	86.87'	S 11° 58' 38" E



FLOOD ZONE
ZONE "A"
 AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
 COMMUNITY-PANEL NUMBER: 480338 0020 E
 MAP REVISED: JUNE 6, 2000
 REVISED TO REFLECT LOMR: MAY 14, 2001

FLOOD ZONE
ZONE "X" (SHADED)
 AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.
 COMMUNITY-PANEL NUMBER: 480338 0020 E
 MAP REVISED: JUNE 6, 2000
 REVISED TO REFLECT LOMA CASE No.: 09-06-0555A

FLOOD ZONE
ZONE "X" (UNSHADED)
 AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.
 COMMUNITY-PANEL NUMBER: 480338 0020 C
 MAP REVISED: JUNE 6, 2000
 REVISED TO REFLECT LOMR: MAY 14, 2001

- LEGEND**
- FOUND No.4 REBAR
 - ⊗ FOUND No.5 REBAR
 - FOUND R.O.W. MARKER
 - ⊗ FOUND "X" MARK ON CONCRETE
 - SET No.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT
 - R.O.W. - RIGHT OF WAY
 - H.C.M.R. - HIDALGO COUNTY MAP RECORDS
 - H.C.D.R. - HIDALGO COUNTY DEED RECORDS
 - H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
 - S.S.E. COR. - SOUTHERNMOST SOUTHEAST CORNER
 - P.O.B. - POINT OF BEGINNING
 - W.D. - WARRANTY DEED
 - G.W.D. - GENERAL WARRANTY DEED
 - S.W.D. - SPECIAL WARRANTY DEED
 - ┌┐ - LOT LINE
 - ≡ - SAME OWNER

**PLAT SHOWING
 109.000 ACRES
 OUT OF LOTS 6 AND 7,
 LA SIENNA DEVELOPMENT SUBDIVISION
 VOLUME 53, PAGES 124-126, H.C.M.R.
 LOTS 40, 49, 50, 51 AND 52
 SANTA CRUZ RANCH,
 VOLUME Z, PAGES 160-161, H.C.M.R.
 CITY OF EDINBURG,
 HIDALGO COUNTY, TEXAS**

I, RUBEN JAMES DE JESUS, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE ON THE GROUND ON 08/23/2022 UNDER MY DIRECTION AND SUPERVISION.

9-16-2022
 RUBEN JAMES DE JESUS, RPLS No. 6813 DATE:



M MELDEN & HUNT INC.
 CONSULTANTS • ENGINEERS • SURVEYORS
 TBPELS No.10096900

BOOK: T, PG.
 DATE: 09/16/2022
 JOB No. 22682
 FILE NAME: 22682
 DRAWN BY: J.G.

115 W. McINTYRE
 EDINBURG, TX 78541
 PH: (956) 381-0981
 FAX: (956) 381-1839
 ESTABLISHED 1947
 www.meldenandhunt.com

© COPYRIGHT 2022 MELDEN & HUNT, INC. ALL RIGHTS RESERVED

STATE OF TEXAS
COUNTY OF HIDALGO

WARRANTY DEED

DATE: May 29, 2003

GRANTOR: BILL L. BURNS, a single man

GRANTOR'S MAILING ADDRESS (including county): P. O. Box 3746, McAllen, Hidalgo County, Texas 78502-3746

GRANTEE: SKC DEVELOPMENT, LTD., a Texas limited partnership

GRANTEE'S MAILING ADDRESS (including county): P. O. Box 3746, McAllen, Hidalgo County, Texas 78502-3746

CONSIDERATION: Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration, including conveyance to Grantor of a ninety-nine percent (99%) limited partnership interest in Grantee.

PROPERTY: See Exhibit "A" attached hereto and incorporated herein for all purposes.

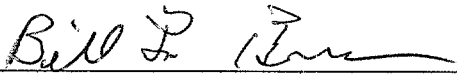
RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. All mineral reservations of record.
2. All Oil, Gas and Mineral Leases of record, if any.
3. Any rules, regulations, rights of way and easements in favor of water district which property is located.
4. All easements and restrictions of record and all visible easements.
5. Standby fees, taxes and assessments by any taxing authority for the year 2002 and subsequent years and subsequent taxes and assessments for prior years due to change in land usage or ownership.
6. Grantor hereby reserves unto Grantor, his heirs and assigns, all of Grantor's interest, if any, in all oil, gas and other minerals that are appurtenant to or that may be produced from the Property.
7. Grantor hereby reserves unto Grantor, his heirs and assigns, 163 acres of Class "B" water rights which are appurtenant to the Property, said water rights being a portion of water rights evidenced by Certificate of Adjudication No. 23-421 issued by the Texas

Commission Environmental Quality, Grantor having already contracted to sell such water rights to Dizdar Development Ltd. ("Dizdar") pursuant to the terms of that certain Water Rights Sales Contract between Grantor and Dizdar dated February 25, 2003.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and heirs to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

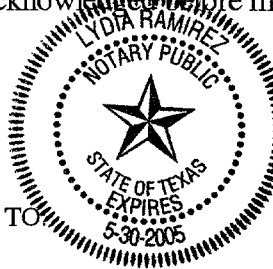
When the context requires, singular nouns and pronouns include the plural.



BILL L. BURNS

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on the 29th day of May, 2003, by BILL L. BURNS.




Notary Public, State of Texas

AFTER RECORDING, RETURN TO

KITTLEMAN, THOMAS, RAMIREZ & GONZALES, P.L.L.C.
Attorneys at Law
P. O. Box 1416
McAllen, Texas 78505-1416

lr:cwk/2003/Bill Burns-SKC Development.wd

File Number 1364/074

EXHIBIT "A"

Real Property

A tract of land containing 741.75 acres, situated in Hidalgo County, Texas and also being a part or portion of Lots J, I, 40, 43, 49 and 52, and all of Lots 41, 42, 50 and 51, SANTA CRUZ RANCH SUBDIVISION (Deed Reference: Volume Z, Page 161, H.C.D.R.) and said 741.75 acres also being more particularly described as follows:

BEGINNING on a # 4 rebar found on the east line of said Lot J and the north right-of-way line of Monte Cristo Road (F.M. 1925), for the southeast corner of this tract, said rebar bears N 08° 38' 33" E a distance of 40.00 feet from the southeast corner of said Lot J;

THENCE N 82° 08' 20" W, along the north right-of-way line of said Monte Cristo Road a distance of 2061.98 feet to a pipe found for an angle corner of this tract;

THENCE N 81° 38' 03" W, continuing along the north right-of-way line of said Monte Cristo Road a distance of 797.96 feet to a # 4 rebar found on the east right-of-way line of U.S. 281 Expressway, for the most southerly southwest corner of this tract;

THENCE N 48° 16' 24" W (N 48° 03' 13" W), along the east right-of-way of U.S. 281 Expressway a distance 90.80 feet (90.60 feet) to a # 4 rebar found on a curve of said U.S. 281 Expressway east right-of-way line, for the most western southwest corner of this tract;

THENCE, along the east right-of-way line of U.S. 281 Expressway and said curve to the left with a radius of 4583.66 feet (4583.66 feet), an interior angle of 21° 03' 18" (30° 17' 05"), an arc length of 1684.39 feet (2422.78 feet), a tangent of 851.80 feet (1240.40 feet) and a chord that bears N 12° 19' 48" W a distance of 1674.93 feet to a # 4 rebar found for an angle corner of this tract;

THENCE N 21° 38' 11" W (N 21° 09' 47" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 1043.67 feet (1043.91 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 28' 04" E (N 08° 51' 38" E), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 147.45 feet (115.65 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 51° 59' 15" W (N 51° 28' 15" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 106.02 feet (106.03 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 15' 00" W (N 08° 12' 36" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 1564.27 feet (1565.93 feet) to a # 4 rebar found on a curve of said U. S. 281 Expressway east right-of-way line, for an angle corner of this tract;

THENCE, along the east right-of way line of U.S. 281 Expressway and said curve to the right with a radius of 2901.40 feet (2864.79 feet), an interior angle of 16° 50' 24" (17° 04' 43"), an arc length of 852.76 feet (853.94 feet), a tangent of 429.48 feet (430.16 feet) and a chord that bears N 00° 11' 00" W a distance of 849.58 feet to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 17' 17" E (N 08° 52' 07" E), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 474.92 feet (475.37 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 50° 34' 50" E (N 51° 09' 37" E), continuing along the east right-of-way of U.S. 281 Expressway, a distance of 74.89 feet (74.30 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 09° 01' 00" E, a distance of 30.01 feet to a # 4 rebar found for an angle corner of this tract;

THENCE N 33° 50' 48" W (N 33° 23' 14" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 74.46 feet (74.36 feet), to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 23' 00" E (N 08° 52' 07" E), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 851.50 feet (839.94 feet) to a point for an angle corner of this tract;

THENCE S 81° 19' 21" E (S 81° 05' 30" E), a distance of 626.11 feet (631.54 feet), to a pipe found for an angle corner of this tract;

THENCE N 08° 36' 05" E (N 08° 50' 38" E), a distance of 329.00 feet (329.97 feet), to a pipe found for an angle corner of this tract;

THENCE N 81° 19' 11" W (N 81° 05' 30" W), a distance of 682.18 feet (681.40 feet), to a pipe found on the east right-of-way line of U.S. 281 Expressway for an angle corner of this tract;

THENCE N 08° 22' 58" E (N 08° 52' 07" E) along the east right-of-way line of U.S. 281 Expressway, a distance of 852.42 feet to a # 4 rebar set on the north line of Lot 40, Santa Cruz Ranch Subdivision, for the northwest corner of this tract;

THENCE S 81° 39' 56" E (S 81° 37' 00" E), along the north lot lines of Lots 40, 41, 42 and 43, Santa Cruz Ranch Subdivision, a distance of 4820.35 feet to a # 4 rebar set on the west boundary line of Santa Cruz Gardens Subdivision No. 3 for the northeast corner of this tract;

THENCE S 08° 38' 33" W (S 08° 23' 00" W) along said west boundary line, a distance of 7663.07 feet to the POINT OF BEGINNING and containing 741.75 gross acres of land, of which 13.05 acres lie on dedicated Road R.O.W., leaving 728.70 net acres of land, more or less.

SAVE AND EXCEPT TRACT OF LAND SOLD TO FLYING J:

A tract of land containing 15.251 acres situated in the County of Hidalgo, Texas, being a part or portion of Lot "I", SANTA CRUZ RANCH SUBDIVISION, according to the plat thereof recorded in Volume Z, Page 161, Hidalgo County, Deed Records, said 15.251 acres also being a part or portion of a 741.75 acre tract out of Lots 40, 41, 42, 43, 49, 50, 51, 52, I and J in said Santa Cruz Ranch Subdivision, which said 741.75 acre tract was conveyed to Bill L. Burns by virtue of a Warranty Deed recorded in under Document 343198, Hidalgo County Official Records, said 15.251 acres also being more particularly described as follows:

BEGINNING at an iron rod found on the intersection of the East line of Lot "I", Santa Cruz Ranch Subdivision and the North right of way line Montecristo Road (F.M. 1925), for the Southeast corner of this tract;

THENCE, North 82 degrees 09 minutes 02 seconds West along the North right-of-way line of Montecristo Road (F.M. 1925) according to a Warranty Deed from Bill L. Burns to the State of Texas, recorded under Document No. 891396, Hidalgo County Official Records, a distance of 171.05 feet to an iron rod found for an angle point of this tract;

THENCE, North 80 degrees 59 minutes 02 seconds West continuing along said North right-of-way line of Montecristo Road (F.M. 1925), a distance of 687.43 feet to an iron rod found for the southernmost Southwest corner of this tract;

THENCE, North 47 degrees 15 minutes 27 seconds West (North 48 degrees 01 minutes 58 seconds in said Document No. 891396), along a right of way clip line, a distance of 95.97 feet (96.34 feet in said Document No. 891396) to an iron rod found for the westernmost Southwest corner of this tract;

THENCE, along the East right-of-way line of U.S. Expressway 281 and a curve to the left, with a central angle 7 degrees 54 minutes 08 seconds, a radius of 4583.66 feet, an arc length of 632.17 feet, a tangent of 316.59 feet, and chord that bears North 05 degrees 28 minutes 06 seconds West a distance of 631.67 feet to an iron rod set for the Northwest corner of this tract;

THENCE, South 80 degrees 59 minutes 02 seconds East a distance of 1093.84 feet to an iron rod set on East lien of Lot "I", for the Northeast corner of this tract;

THENCE, South 08 degrees 48 minutes 27 seconds West along the East line of Lot "I", a distance of 661.39 feet to the POINT OF BEGINNING, and containing 15.251 acres of land, more or less.

SAVE AND EXCEPT TRACT DONATED TO CITY OF EDINBURG:

Tract I: Being a 9.098 acres of land out of Lot "J", Santa Cruz Ranch Subdivision, Hidalgo County, Texas, as per map recorded in Volume "Z", Page 161, Deed Records of Hidalgo County, Texas, being out of the same land described in a Warranty Deed recorded in Document No. 343198, Official Records of Hidalgo County, Texas, said 9.098 acres tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a half (1/2) inch iron rod found at the intersection of the North right-of-way line of Monte Cristo Road, and the East boundary line of Lot "J", for the Southeast corner of this tract of land and the POINT OF BEGINNING, said Southeast corner bears North 08°40'00" East, a distance of 39.10 feet from the Southeast corner of Lot "J";

THENCE North 81°24'00" West, with the North right-of-way line of Monte Cristo Road (F.M. 1925), a distance of 150.00 feet to a half (1/2) inch iron rod set for the Southwest corner of this tract of land;

THENCE North 08°40'00" East, a distance of 2643.00 feet to a half (1/2) inch iron rod set for the Northwest corner of this tract of land;

THENCE South 81°24'00" East, a distance of 150.00 feet to a half (1/2) inch iron rod found at the East boundary line of said Lot "J", for the Northeast corner of this tract of land;

THENCE South 08°40'00" West, with the East boundary line of said Lot "J", also being the West boundary line of Santa Cruz Gardens Unit No. 3, recorded in Volume 9, Page 3, Map Records of Hidalgo County, Texas, a distance of 2643.00 feet to the POINT OF BEGINNING, containing 9.098 acres of land, more or less, 2643.00.

Tract II: 60' Road R.O.W.

A tract of land containing 3.827 acres (166,718.6 square feet) situated in the County of Hidalgo, Texas, being 0.127 of one acre (5,516.8 sq. ft.) out of Lot "I" and 3.700 acres (161,201.8 sq. ft.) out of Lot "J", Santa Cruz Ranch Subdivision, according to the map recorded in Volume "Z", Page 161, Hidalgo County Deed Records, said 3.827 acres (166,718.6 sq. ft.) also being more particularly described as follows:

BEGINNING at an iron rod set on the South right-of-way line of a 30.00 foot County Road for the Northeast corner of this tract, said iron rod bears S 08° 48' 27" W a distance of 15.00 feet, and S 80° 54' 54" E a distance of 55.00 feet from the Northeast corner of Lot "I" and the Northwest corner of Lot "J", Santa Cruz Ranch Subdivision;

1. THENCE, S 53° 56' 46" W along a proposed right-of-way clip line, a distance of 35.27 feet to an iron rod set for an inside corner of this tract;
2. THENCE, in a Southeasterly direction along the East line of the hereby proposed 60.00 feet road right-of-way, being a curve to the left with a central angle of 47° 31' 44", a radius of 774.89 feet, an arc length of 642.80 feet, a tangent of 341.19 feet, and a chord that bears S 14° 58' 03" E a distance of 624.53 feet to an iron rod set for the point of curvature for a curve to the right;
3. THENCE, in a Southeasterly direction along the East line of the hereby proposed 60.00 feet road right-of-way, being a curve to the right with a central angle of 47° 32' 32", a radius of 834.89 feet, an arc length of 692.73 feet, a tangent of 367.71 feet, and a chord that bears S 14° 57' 44" E a distance of 673.03 feet to an iron rod set for the point of tangency;
4. THENCE, S 08° 48' 27" W along the East line of the hereby proposed 60.00 feet road right-of-way, a distance of 1371.63 feet to an iron rod set for an inside corner of this tract;
5. THENCE, S 36° 40' 18" E along a proposed right-of-way clip line, a distance of 35.06 feet to an iron rod set for the Southeast corner of this tract;
6. THENCE, N 82° 09' 02" W along the North right-of-way line of Monte Cristo Road (F.M. 1925), a distance of 110.01 feet to an iron rod set for the Southwest corner of this tract, which said iron rod bears S 82° 09' 02" E a distance of 468.12 feet from an iron rod found for the Southeast corner of Flying "J", a Subdivision not yet recorded;
7. THENCE, N 53° 19' 42" E along a proposed right-of-way clip line, a distance of 35.65 feet to an iron rod set for an inside corner of this tract;
8. THENCE, N 08° 48' 27" E along the West line of the hereby proposed 60.00 feet road right-of-way, a distance of 1362.74 feet to an iron rod set for the point of curvature for a curve to the left;

9. THENCE, in a Northwesterly direction along the West line of the hereby proposed 60.00 feet road right-of-way, being a curve to the left with a central angle of $47^{\circ} 32' 22''$, a radius of 774.89 feet, an arc length of 642.95 feet, a tangent of 341.28 feet, and a chord that bears $N 14^{\circ} 57' 44'' W$ a distance of 624.66 feet to an iron rod set for the point of curvature for a curve to the right;
10. THENCE, in a Northwesterly direction along the West line of the hereby proposed 60.00 feet road right-of-way, being a curve to the right with a central angle of $47^{\circ} 32' 58''$, a radius of 834.89 feet, an arc length of 692.87 feet, a tangent of 367.79 feet, and a chord that bears $N 14^{\circ} 57' 26'' W$ a distance of 673.16 feet to an iron rod set for an inside corner of this tract;
11. THENCE, $N 36^{\circ} 03' 14'' W$ along a proposed right-of-way clip line, a distance of 35.44 feet to an iron rod set for the Northwest corner of this tract;
12. THENCE, $S 80^{\circ} 54' 54'' E$ along the South right-of-way line of the above mentioned 30.00 foot County Road, at a distance of 55.00 feet pass the East line of Lot "I" and the West line of Lot "J", continuing a total distance of 110.00 feet to the POINT OF BEGINNING, and containing 3.827 acres (166,718.6 sq. ft.) of land, more or less.

Filed for Record in:
 Hidalgo County
 by J. D. Salinas, III
 County Clerk
 On: Jun 03, 2003 at 01:52P
 As a Recording
 Document Number: 1205101
 Total Fees : 26.00
 Receipt Number - 5022976
 By: Anna Maria Muniz, Deputy



Office of the Secretary of State

November 10, 2006

Attn: Marissa Vargas

Kittleman Thomas Ramirez Gonzales PLLC
P O Box 1416
McAllen, TX 78505 USA

RE: BURNS BROTHERS, LTD.

File Number: 800209540

File Date: 11/08/2006

It has been our pleasure to file the amendment to the certificate or application of limited partnership for the referenced limited partnership. This letter may be used as evidence of the filing and payment of the filing fee.

If we may be of further service at any time, please let us know.

Sincerely,

Corporations Section
Statutory Filings Division
(512) 463-5555



Office of the Secretary of State

CERTIFICATE OF FILING OF

BURNS BROTHERS, LTD.
Filing Number: 800209540

[formerly: SKC Development, Ltd.]

The undersigned, as Secretary of State of Texas, hereby certifies that an amendment to the certificate of limited partnership or the application for registration as a foreign limited partnership for the above named limited partnership has been received in this office and filed as provided by law on the date shown below.

Accordingly, the undersigned, as Secretary of State hereby issues this Certificate evidencing the filing in this office.

Dated: 11/08/2006
Effective: 11/08/2006



A handwritten signature in black ink that reads "Roger Williams".

Roger Williams
Secretary of State

Form 424
(Revised 01/06)

Return in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: See instructions



Certificate of Amendment

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas
NOV 08 2006
Corporations Section

Entity Information

The name of the filing entity is:

SKC DEVELOPMENT, LTD.

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- | | |
|--|---|
| <input type="checkbox"/> For-profit Corporation | <input type="checkbox"/> Professional Corporation |
| <input type="checkbox"/> Nonprofit Corporation | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association | <input type="checkbox"/> Professional Association |
| <input type="checkbox"/> Limited Liability Company | <input checked="" type="checkbox"/> Limited Partnership |

The file number issued to the filing entity by the secretary of state is: 800209540

The date of formation of the entity is: June 2, 2003

Amendments

1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

BURNS BROTHERS, LTD.

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

Registered Agent
(Complete either A or B, but not both. Also complete C.)

A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The registered agent is an individual resident of the state whose name is:

First Name *M.I.* *Last Name* *Suffix*

C. The business address of the registered agent and the registered office address is:

Street Address (No P.O. Box) *City* *TX*
State *Zip Code*

3. Other Added, Altered, or Deleted Provisions

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:

Alter each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

Delete each of the provisions identified below from the certificate of formation.

Statement of Approval

The amendments to the certificate of formation have been approved by _____
_____ by the governing documents of the entity.

Effectiveness of Filing (Select either A, B, or C.)

- A. This document becomes effective when the document is filed by the secretary of state.
- B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____
- The following event or fact will cause the document to take effect in the manner described below:
- _____
- _____

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: October 17, 2006

SKC MANAGEMENT COMPANY, L.L.C.

Its Sole General Partner

By: 
SANDY BURNS, President

Signature and title of authorized person(s) (see instructions)

SUMMARY OF REQUEST

RE: APPLICATION TO AMEND RIGHTS UNDER CERTIFICATE OF ADJUDICATION NO. 23-421G

The Applicant is requesting to change the place of use of its water rights. The following represents the background and summary of the purpose of this request in support of its request for an Amendment to Certificate of Adjudication No. 23-421, as amended, including Amendment to Certificate of Adjudication No. 23-421G:

1. Applicant's predecessor in title, CM Hidalgo Properties, LLC conveyed to Gauranga Dream Ranch LLC the existing place of use owned then by it under Amendment to Certificate of Adjudication No. 23-421G, that is, the right to divert and use not to exceed 164.104 acre feet per annum from the Rio Grande, Rio Grande Basin, allocated on Class B irrigation priority basis for agricultural and recreational use purposes ("the Water Rights") by Special Warranty Deed executed December 30, 2021, of record as Document No. 3297309. As described in said Deed, the then existing place of use of the Water Rights was a certain 100.769 acre tract out of Tract 150, San Salvador De Tule Grant in Hidalgo County, Texas, as described in Exhibit "A" attached to said Deed. A copy of said Deed is attached to this Attachment A, as Exhibit 1. In this Deed, the Grantor specifically reserved the Water Rights in Page 2 of the Deed.


2. Later, CM Hidalgo Properties, LLC conveyed the Water Rights to Burns Brothers, Ltd. by Water Rights Conveyance dated June 7, 2022, of record as Document No. 3350961 in the Official Real Estate Records of Hidalgo County, Texas, a copy of this Conveyance is attached hereto as Attachment A, Exhibit 2. This Conveyance was filed with the Commission for a Change of Ownership. The Change of Ownership Commission transmittal letter and the Change of Ownership Memorandum dated August 18, 2022, is attached hereto as Attachment A, Exhibit 3.

3. Applicant has other land owned by it for designation as the new place of use of the Water Rights. The new place of use requested by this Application is a certain 109 acre tract out of Lots 40, 49, 50, 51, and 52, Santa Cruz Ranch, as more specifically described on Attachment A, Exhibit 4, attached hereto. Applicant owns this 109 acre tract, which is located within a larger tract of 741.75 acres covered by Warranty Deed, dated May 29, 2003, of record as Document No. 1205101, attached hereto as Attachment A, Exhibit 5 by virtue of being the successor to SKC Development, LTD., as shown by Change of Name Certificate, dated November 8, 2006, attached as Attachment A, Exhibit 6.

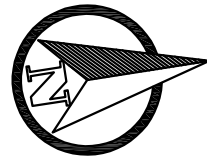
It is noted that the legal description in the 2003 Deed contains 3 excepted tracts out of the larger tract of 741.75 acres described by metes and bounds and with references to other recorded deeds. This makes it difficult to understand what has been conveyed to third parties, and the remaining tract out of the 741.75 still owned by Applicant under the 2003 Deed.

For further clarification of the land owned by Applicant, including the said 109 acre tract out of the 741.75 acre tract, there is attached, as Attachment A, Exhibit 7, is a Survey entitled "Water Rights Exhibit" showing the location of the excepted tracts and the 109 acre tract within the larger 741.75 acre tract. This shows that the 109 acre tract lies within the larger tract of 741.75 acres, which is owned by Applicant.

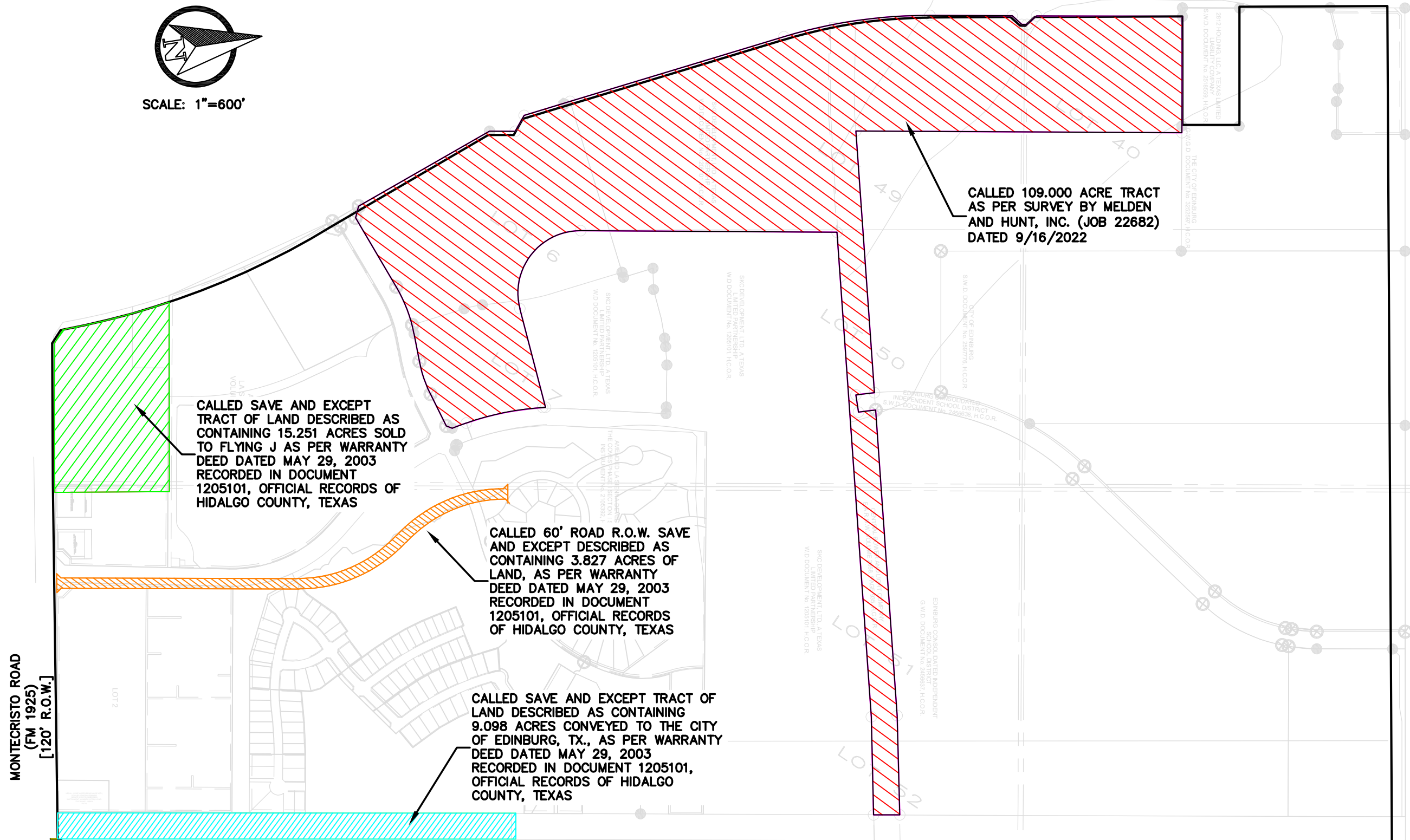
4. Applicant is requesting that the place of use of the Water Rights be changed to the 109 acre tract described upon Attachment A, Exhibit 4 attached hereto.

Applicant's Tax Identification No.: _____  _____

U.S. HWY 281 [VARIABLE R.O.W.]



SCALE: 1"=600'



CALLLED 109.000 ACRE TRACT AS PER SURVEY BY MELDEN AND HUNT, INC. (JOB 22682) DATED 9/16/2022

CALLLED SAVE AND EXCEPT TRACT OF LAND DESCRIBED AS CONTAINING 15.251 ACRES SOLD TO FLYING J AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

CALLLED 60' ROAD R.O.W. SAVE AND EXCEPT DESCRIBED AS CONTAINING 3.827 ACRES OF LAND, AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

CALLLED SAVE AND EXCEPT TRACT OF LAND DESCRIBED AS CONTAINING 9.098 ACRES CONVEYED TO THE CITY OF EDINBURG, TX., AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

CALLLED 741.75 ACRE TRACT AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

MONTECRISTO ROAD (FM 1925) [120' R.O.W.]



Carrizales Land Surveying, LLC

Texas Registered Surveying Firm
TBPELS FIRM No:10194417
4807 Gondola Avenue,
Edinburg, TX 78542
Office: 956-567-2167
www.cls.land

WATER RIGHTS EXHIBIT

NOTES:

1. THIS EXHIBIT HAS BEEN CREATED BY ABSTRACTING TRACTS AS DESCRIBED IN WARRANTY DEED DATED MAY 29, 2003 AND RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY TEXAS, AND A SIGNED AND SEALED SURVEY PRODUCED BY MELDEN AND HUNT (SEE LABEL).
2. THIS IS AN EXHIBIT MEANT TO SHOW THE TRACT BOUNDARY FROM SAID RECORDED DEED AND SAID CALLLED 109.000 ACRE SURVEY BY MELDEN AND HUNT, INC., AND IS NOT AN "ON THE GROUND" SURVEY AND SHOULD NOT BE PERCEIVED AS SUCH.
3. THIS EXHIBIT WAS CREATED BY CARRIZALES LAND SURVEYING, LLC, A TEXAS REGISTERED LAND SURVEYING FIRM.

BURNS BROTHERS, LTD

4216 N. US Hwy 281

Edinburg, TX 78542

Meeting Minutes

January 3, 2022

Present: Sandy Burns, Kent Burns

Next meeting:

I. Announcements

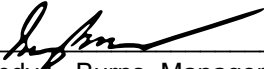
The undersigned being the managers of SKC Management Co., LLC, general partner of Burns Brothers, Ltd have by unanimous consent given signature authority to Kent Burns for business with the Texas Commission on Environmental Quality Agency (TCEQ) pertaining to issues concerning water rights.

II. Discussion

None



Kent Burns, Manager



Sandy L. Burns, Manager




Texas Commission on Environmental Quality
Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

**System Inventory and Water Conservation Plan
for Individually-Operated Irrigation Systems**

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name: Burns Brothers Ltd
Address: 4216 N. US Hwy 281, Edinburg, TX 78542
Telephone Number: (956)380-0006 Fax: ()
Form Completed By: Kent Burns
Title: Manager
Signature:  Date: 11/04/2022

A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

ATTACHMENT C

INTRODUCTION

Burns Brothers, Ltd., currently is filing an Application with the TCEQ to change the place of use of its Water Rights to the Rio Grande to other property owned by it. The new place of use is near the previous place of use of other land which it owned in Hidalgo County, Texas, where it had access to more water rights and water allocation than is covered by the pending TCEQ Application and was primarily engaged in irrigation. The reason for changing the place of use is that the Water Rights associated with the previous place of use was reserved when the land was sold to a third party.

The Water Rights available involved in the TCEQ Application is the right to divert a maximum of 164.14 acre feet per annum from the Rio Grande for agricultural and recreational use under the terms of Certificate of Adjudication No. 23-421 owned by it. Water from the Rio Grande is arranged to be diverted and delivered by an adjoining Irrigation District who charges diversion from the Rio Grande under the Water Rights a conveyance loss factor of 40% incurred from the Rio Grande to the delivery point of this land in reporting diversions under the Water Rights to the Rio Grande Watermaster. This leaves a net deliverable to the delivery point of 98.4624 acre feet depending upon available water allocated to the Water Rights by the Rio Grande Watermaster.

This Plan is for the new place of use containing 109 acres containing 2 reservoirs (lakes) and open ditches with a surface area of approximately 14.3 acres leaving 94.7 acres of land for agricultural or recreational use. Water is held in the reservoirs or lakes for recreational use, but can be used for agricultural use in a more limited amount than in the previous place of use. Most water will be for recreational use purposes, and an irrigation system is planned to be established depending upon available water.

The water supply for these uses will have available a limited amount of groundwater to supplement the supply for use. An aerial map is showing a description of the land and water facilities is shown in FIGURE I below.

This Water Conservation Plan is only for that portion of the water rights planned to be used for agricultural use on 20.6 acres portion of the 94.7 acres available for such use depending upon available water supply.

FIGURE I



I. BACKGROUND DATA

A. Water Use For Irrigation Purposes

- Annual diversion appropriated or requested (in acre-feet): **The total maximum amount of water from the Rio Grande authorized is 164.104 acre feet per annum.**
- In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year. **Since most of the available Rio Grande water will be used for recreational purposes, the amount of water available for irrigation is interruptible and initially is estimated to be 40 acre feet per annum distributed in the months shown below when available:**

January	February	March	April
2.97	2.10	2.62	4.54
May	June	July	August
3.49	3.32	3.84	3.84
September	October	November	December
4.72	3.14	2.80	2.62
Total Months			All 40.00

- In the table below, list the type of crop(s), growing season, and acres irrigated per year. **Under the circumstances described, the type of crops which can be viably grown will depend upon available water for irrigation. At this time, it appears that the following crops will be grown:**

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Live oak trees	12	12.3
Ornamentals	12	3.0
Grass	12	5.3
Total acres irrigated		20.6

- Are crops rotated seasonally or annually? Yes No

If yes, please describe:

- Describe soil type (including permeability characteristics, if applicable).

Sandy loam

B. Irrigation system information

- Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this

WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application. See FIGURE I

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

Meter, See FIGURE I above which is used for recreational use water and also for agricultural use water supply.

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

We are not planning in the next 5 years to change our system as it relates to recreational use, however, depending upon available water supply, irrigation will be delivered from the Ditch and reservoirs for row crop irrigation and development of best management practices, such as drip irrigation, because of available reservoir storage to achieve maximum beneficial use.

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal:
Savings in acre-feet: **80**

Plan is also to use well water to offset the inefficiency of transferring water from District supplier by the application of the 40% conveyance loss factor.

- b. 10-year goal:
Savings in acre-feet **80** or system efficiency as a percentage %

(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

Yes No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

As indicated, drip irrigation.

2. Describe any methods that will be used for water loss control and leak detection and repair.

Meter, ditches, and lakes are visually monitored daily.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

Receiving and movement of water for irrigation use will be scheduled for late evening to early morning hours.

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

There is no runoff in our system and infiltration of rain is facilitated by land leveling and sloping towards our ditches and reservoirs. The ditches and reservoirs are open systems and thereby captures rain.

5. Describe any methods for recovery and reuse of tail water runoff.

See Paragraph 4 above, any irrigation tail water would be recovered in the ditches.

6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

A water well was installed at the point of delivery to help supply water to the system to offset evaporation, the 40% loss of transferring water from the diversion point to our meter, and cover available Rio Grande water in drought periods. The well supplies approximately 300 gal/min or 1.3 acre-feet per day.

II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER N/A

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.



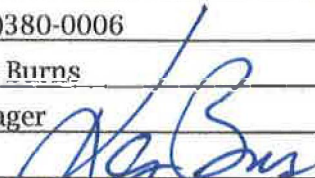
Texas Commission on Environmental Quality
Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

**System Inventory and Water Conservation Plan
for Individually-Operated Irrigation Systems**

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.

Contact Information

Name: Burns Brothers Ltd
Address: 4216 N. US Hwy 281, Edinburg, TX 78542
Telephone Number: (956)380-0006 Fax: ()
Form Completed By: Kent Burns
Title: Manager
Signature:  Date: 11/04/2022

A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

INTRODUCTION

Burns Brothers, Ltd., currently is filing an Application with the TCEQ to change the place of use of its Water Rights to the Rio Grande to other property owned by it. The new place of use is near the previous place of use of other land which it owned in Hidalgo County, Texas, where it had access to more water rights and water allocation than is covered by the pending TCEQ Application and was primarily engaged in irrigation. The reason for changing the place of use is that the Water Rights associated with the previous place of use was reserved when the land was sold to a third party.

The Water Rights available involved in the TCEQ Application is the right to divert a maximum of 164.14 acre feet per annum from the Rio Grande for agricultural and recreational use under the terms of Certificate of Adjudication No. 23-421 owned by it. Water from the Rio Grande is arranged to be diverted and delivered by an adjoining Irrigation District who charges diversion from the Rio Grande under the Water Rights a conveyance loss factor of 40% incurred from the Rio Grande to the delivery point of this land in reporting diversions under the Water Rights to the Rio Grande Watermaster. This leaves a net deliverable to the delivery point of 98.4624 acre feet depending upon available water allocated to the Water Rights by the Rio Grande Watermaster.

This Plan is for the new place of use containing 109 acres containing 2 reservoirs (lakes) and open ditches with a surface area of approximately 14.3 acres leaving 94.7 acres of land for agricultural or recreational use. Water is held in the reservoirs or lakes for recreational use, but can be used for agricultural use in a more limited amount than in the previous place of use. Most water will be for recreational use purposes, and an irrigation system is planned to be established depending upon available water.

The water supply for these uses will have available a limited amount of groundwater to supplement the supply for use. An aerial map is showing a description of the land and water facilities is shown in FIGURE I below.

This Water Conservation Plan is only for that portion of the water rights planned to be used for agricultural use on 20.6 acres portion of the 94.7 acres available for such use depending upon available water supply.

FIGURE I



I. BACKGROUND DATA

A. Water Use For Irrigation Purposes

- Annual diversion appropriated or requested (in acre-feet): **The total maximum amount of water from the Rio Grande authorized is 164.104 acre feet per annum.**
- In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year. **Since most of the available Rio Grande water will be used for recreational purposes, the amount of water available for irrigation is interruptible and initially is estimated to be 40 acre feet per annum distributed in the months shown below when available:**

January	February	March	April
2.97	2.10	2.62	4.54
May	June	July	August
3.49	3.32	3.84	3.84
September	October	November	December
4.72	3.14	2.80	2.62
Total Months			All 40.00

- In the table below, list the type of crop(s), growing season, and acres irrigated per year. **Under the circumstances described, the type of crops which can be viably grown will depend upon available water for irrigation. At this time, it appears that the following crops will be grown:**

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Live oak trees	12	12.3
Ornamentals	12	3.0
Grass	12	5.3
Total acres irrigated		20.6

- Are crops rotated seasonally or annually? Yes No

If yes, please describe:

- Describe soil type (including permeability characteristics, if applicable).

Sandy loam

B. Irrigation system information

- Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this

WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application. See FIGURE I

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

Meter, See FIGURE I above which is used for recreational use water and also for agricultural use water supply.

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

We are not planning in the next 5 years to change our system as it relates to recreational use, however, depending upon available water supply, irrigation will be delivered from the Ditch and reservoirs for row crop irrigation and development of best management practices, such as drip irrigation, because of available reservoir storage to achieve maximum beneficial use.

Quantified 5-year and 10-year targets for water savings:

- a. 5-year goal:
Savings in acre-feet: **80**

Plan is also to use well water to offset the inefficiency of transferring water from District supplier by the application of the 40% conveyance loss factor.

- b. 10-year goal:
Savings in acre-feet **80** or system efficiency as a percentage %

(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

Yes No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

C. Conservation practices

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

As indicated, drip irrigation.

2. Describe any methods that will be used for water loss control and leak detection and repair.

Meter, ditches, and lakes are visually monitored daily.

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

Receiving and movement of water for irrigation use will be scheduled for late evening to early morning hours.

4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

There is no runoff in our system and infiltration of rain is facilitated by land leveling and sloping towards our ditches and reservoirs. The ditches and reservoirs are open systems and thereby captures rain.

5. Describe any methods for recovery and reuse of tail water runoff.

See Paragraph 4 above, any irrigation tail water would be recovered in the ditches.

6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

A water well was installed at the point of delivery to help supply water to the system to offset evaporation, the 40% loss of transferring water from the diversion point to our meter, and cover available Rio Grande water in drought periods. The well supplies approximately 300 gal/min or 1.3 acre-feet per day.

II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER N/A

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

Law Offices
of

GLENN JARVIS

Telephone (956) 682-2660

Telefax (956) 618-2660

Vantage Bank Texas Bldg.
1801 South Second Street, Suite 550
McAllen, Texas 78503
www.GlennJarvis.com

November 8, 2022

Texas Comm. On Environmental Quality
Water Availability Division, MC-160
P. O. Box 13087, Capitol Station
Austin, TX 78711-3087

Via Electronic Transmission

RE: Burns Brothers Ltd.
Application for Amendment to Certificate of Adjudication No. 23-421

Dear Water Availability Division,

On behalf of the Burns Brothers, Ltd., I am enclosing original executed copy of the completed TCEQ Form 10238 (System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems) for your files.

Please file this Plan amongst the documents of the above-mentioned Application.

Thank you for your attention and assistance in this matter. Should you need further information regarding the enclosed Application, please contact me.

Very truly yours,



Glenn Jarvis

GJ:llc

Encl.

xc: Ms. Jenna Rollins
Jenna.Rollins@tceq.texas.gov

Mr. Chris Burns


Mr. Kent Burns


Mr. Todd Gilliland
