

# TCEQ Interoffice Memorandum

---

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Joshua Schauer, Project Manager  
Water Rights Permitting Team

DATE: December 9, 2020

SUBJECT: Conargo, LLC  
ADJ 3653  
CN605564707, RN106507106  
Application No. 12-3653C to Amend Certificate of Adjudication No. 12-3653  
Texas Water Code § 11.122, Limited Mailed Notice Required  
Leon River, Brazos River Basin  
Comanche County

The application and partial fees were received on June 15, 2020. Additional information and fees were received on November 12, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 9, 2020. Limited notice is required pursuant to Title 30 Texas Administrative Code § 295.158 (c)(2)(E).

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

*Joshua Schauer*

\_\_\_\_\_  
Joshua Schauer, 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*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 9, 2020

Mr. Richard George, Environmental Consultant  
Enviro-Ag Engineering, Inc.  
9855 FM 847  
Dublin, Texas 76446

VIA E-MAIL

RE: Conargo, LLC  
ADJ 3653  
CN605564707, RN106507106  
Application No. 12-3653C to Amend Certificate of Adjudication No. 12-3653  
Texas Water Code § 11.122, Limited Mailed Notice Required  
Leon River, Brazos River Basin  
Comanche County

Dear Mr. George:

This acknowledges receipt, November 12, 2020, of additional information and fees in the amount of \$94.08 (receipt No. M105010, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 9, 2020. 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 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



20-NOV-20 11:32 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>
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU	M105010 123653C	1441 111920		BS00083977 D1801246	20-NOV-20	-\$94.08
	NOTICE FEES WUP WATER USE PERMITS	CONARGO LLC	VHERNAND	CK			
						Total (Fee Code):	-\$94.08

RECEIVED  
NOV 24 2020  
Water Availability Division



20-NOV-20 11:32 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	M105011	1012		BS00083977	20-NOV-20	-\$100.00
	WUP	3446	111920	N	D1801246		
WATER USE PERMITS		SIMS, CARSON	VHERNAND	CK			
	WUP	M105012	10161		BS00083977	20-NOV-20	-\$91.14
	WUP	123653D	111920	N	D1801246		
WATER USE PERMITS		NATURAL DAIRY GROWER LAND LP	VHERNAND	CK			
	WUP	M105013	102		BS00083977	20-NOV-20	-\$567.42
	WUP	123629B	111920	N	D1801246		
WATER USE PERMITS		FRANK VOLLEMAN FAMILY LP	VHERNAND	CK			
	WUP	M105014	10163		BS00083977	20-NOV-20	-\$573.30
	WUP	123642A	111920	N	D1801246		
WATER USE PERMITS		NATURAL DAIRY GROWER LAND LP	VHERNAND	CK			

RECEIVED  
NOV 24 2020

Water Availability Division





20-NOV-20 11:32 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	M105015	10162		BS00083977	20-NOV-20	-\$88.20
	WUP	123636C	111920	N	D1801246		
WATER USE PERMITS		NATURAL	VHERNAND	CK			
		DAIRY					
		GROWER LAND					
		LP					
	WUP	M105016	10160		BS00083977	20-NOV-20	-\$111.72
	WUP	122814A	111920	N	D1801246		
WATER USE PERMITS		NATURAL	VHERNAND	CK			
		DAIRY					
		GROWER LAND					
		LP					
Total (Fee Code):							-\$1,531.78
Grand Total:							-\$1,625.86

RECEIVED

NOV 24 2020

Water Availability Division



20-NOV-20 01:04 PM

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	M104654	1206		BS00083909	18-NOV-20	-\$100.00
	WUP	141600	111720	N	D1801187		
WATER USE PERMITS		SQ	VHERNAND	CK			
		ENVIRONMENT					
		AL LLC					
	WUP	M104655	1507		BS00083909	18-NOV-20	-\$112.50
	WUP	220	111720	N	D1801187		
WATER USE PERMITS		RBWR LLC	VHERNAND	CK			
	WUP	M104656	100689		BS00083909	18-NOV-20	-\$111.25
	WUP	2012	111720	N	D1801187		
WATER USE PERMITS		KERR COUNTY	VHERNAND	CK			
	WUP	M104657	100690		BS00083909	18-NOV-20	-\$111.25
	WUP	2013	111720	N	D1801187		
WATER USE PERMITS		KERR COUNTY	VHERNAND	CK			
	WUP	M104658	100691		BS00083909	18-NOV-20	-\$111.25
	WUP	2014	111720	N	D1801187		
WATER USE PERMITS		KERR COUNTY	VHERNAND	CK			
	WUP	M104659	100692		BS00083909	18-NOV-20	-\$111.25
	WUP	2015	111720	N	D1801187		
WATER USE PERMITS		KERR COUNTY	VHERNAND	CK			

RECEIVED

NOV 24 2020

Water Availability Division



20-NOV-20 01:04 PM

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	M104660	100693		BS00083909	18-NOV-20	-\$111.25
	WUP	2016	111720	N	D1801187		
	WATER USE PERMITS	KERR COUNTY	VHERNAND	CK			
					Total (Fee Code):		-\$768.75
					Grand Total:		-\$768.75

RECEIVED  
NOV 24 2020  
Water Availability Division



Corporate Office:  
3404 Airway Blvd.  
Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

November 11, 2020

TCEQ

Attn: Joshua Schauer  
Water Rights Permitting & Availability (MC-160)  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Conargo, LLC  
App. No. 12-3653C

Mr. Schauer,

Attached please find the response to the RFI dated October 16, 2020 for the above referenced application. Please call or email me if you have any questions.

Respectfully Submitted,

Richard George  
Enviro-Ag Engineering, Inc.  
Office # 254-233-9948



Conargo, LLC

**RFI Response:**

1. The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2016 Region G Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with the application.
2. The applicant would like to withdraw the proposed off-channel storage as a use of the water in this application.
3. Attached please find the formation paperwork for Conargo, LLC.
4. Attached please find a check for \$94.08 for the fees due.

Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709



Filed in the Office of the  
Secretary of State of Texas  
Filing #: 800972421 05/01/2008  
Document #: 214070730002  
Image Generated Electronically  
for Web Filing

Filing Fee: \$300

### Certificate of Formation Limited Liability Company

#### Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

**Conargo, LLC**

The name of the entity must contain the words "Limited Liability Company" or "Limited Company," or an accepted abbreviation of such terms. The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

#### Article 2 - Registered Agent and Registered Office

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

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

**Marcel H. Volleman**

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

Street Address:

**1741 CR 353 Dublin TX 76446**

#### Article 3 - Governing Authority

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Managing Member 1: **Marcel H. Volleman**

Title: **Managing Member**

Address: **1741 CR 353 Dublin TX, USA 76446**

#### Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

#### Supplemental Provisions / Information

##### APPOINTMENT OF AGENT FOR ELECTRONIC FILING

The undersigned hereby appoints and authorizes The Allen Firm, P.C., by and through any of its attorneys, to act as agent for the Company for the limited purpose of filing this Certificate of Formation electronically with the Secretary of State, if electronic filing is available.

[The attached addendum, if any, is incorporated herein by reference.]



**Organizer**

The name and address of the organizer are set forth below.

**Marcel H. Volleman      1741 CR 353, Dublin, Texas 76446**

**Effectiveness of Filing**

A. This document becomes effective when the document is filed by the secretary of state.

**OR**

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

**Execution**

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

**Marcel H. Volleman, by his appointed agent, The Allen Firm, P.C. by Josh C. Allen**

Signature of Organizer

FILING OFFICE COPY

**CERTIFICATE OF FORMATION OF  
CONARGO, L.L.C.  
A TEXAS LIMITED LIABILITY COMPANY**

This Certificate of Formation is submitted for filing pursuant to the applicable provisions of the Texas Business Organizations Code.

**ARTICLE I  
ENTITY NAME AND TYPE**

The name and type of filing entity being formed are: Conargo, L.L.C., a Texas Limited Liability Company (hereinafter "Company").

**ARTICLE II  
PURPOSE**

The purpose for which the Company is organized is any lawful purpose which may be undertaken by the company in accordance with the applicable provisions of the Texas Business Organizations Code.

**ARTICLE III  
REGISTERED OFFICE AND REGISTERED AGENT**

The initial registered agent is an individual resident of the state whose name is Marcel H. Volleman. The business address of the initial registered agent and the initial registered office is: 1741 CR 353, Dublin, Texas 76446.

**ARTICLE IV  
PRINCIPAL OFFICE**

The address of the Company's principal office in this state is: 1741 CR 353, Dublin, Texas 76446.

**ARTICLE V  
ORGANIZER**

The name and address of the organizer is: Marcel H. Volleman, 1741 CR 353, Dublin, Texas 76446.

**ARTICLE VI  
GOVERNING AUTHORITY**

The company shall be managed by its Members. The name and address of the initial Member is:

Marcel H. Volleman  
1741 CR 353  
Dublin, Texas 76446





**ARTICLE VII  
EFFECTIVE DATE OF FILING**

This Certificate of Formation becomes effective when the document is filed with the Secretary of State.


**ARTICLE VIII  
APPOINTMENT OF AGENT FOR ELECTRONIC FILING**

The undersigned hereby appoints and authorizes The Allen Firm, P.C., by and through any of its attorneys, to act as agent for the Company for the limited purpose of filing this Certificate of Formation electronically with the Secretary of State, if electronic filing is available.

**ARTICLE IX  
EXECUTION**

This document is signed subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: May 1, 2008



---

Marcel H. Volleman, Organizer

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*

October 16, 2020

Mr. Richard George, Environmental Consultant  
Enviro-Ag Engineering, Inc.  
9855 FM 847  
Dublin, Texas 76446

VIA E-MAIL

RE: Conargo, LLC  
ADJ 3653  
CN605564707, RN106507106  
Application No. 12-3653C to Amend Certificate of Adjudication No. 12-3653  
Texas Water Code § 11.122, Limited Mailed Notice Required  
Leon River, Brazos River Basin  
Comanche County

Dear Mr. George:

This acknowledges receipt, on June 15, 2020, of the application and fees in the amount of \$112.50 (Receipt No. M020669 attached).

Additional information and fees are required before the application can be declared administratively complete.

1. Provide information regarding how the application addresses a water supply need in a manner that is consistent with the state water plan of the applicable approved regional water plan (Section 4. A. of the *Technical Information Report*). Refer to the second example on page 15 from the Instructions for Completing the Water Right Permitting Application (Form TCEQ-10214A-inst) for assistance.
2. Provide the location and capacity of the proposed off-channel reservoir described in the application summary including the latitude and longitude in decimal degrees, to at least six decimal places.
3. Provide written evidence that Marcell Volleman has the authority to sign the application for Conargo, LLC pursuant to 30 Texas Administrative Code (TAC) § 295.14(5), which states:

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.

4. Remit fees in the amount of **\$ 94.08** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (\$100.00 x 1 amendments)	\$	100.00
Recording Fee	\$	12.50

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

How is our customer service? [tceq.texas.gov/customerurvey](http://tceq.texas.gov/customerurvey)

printed on recycled paper

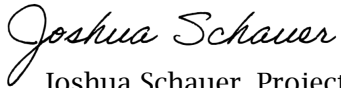
Conargo, LLC  
Application No. 12-3653C  
October 16, 2020  
Page 2 of 2

Notice Fee (\$2.94 X 32 WR Holders)	\$	94.08
<hr/>		
TOTAL FEES	\$	206.58
FEES RECEIVED	\$	112.50
<hr/>		
<b>BALANCE DUE</b>	<b>\$</b>	<b>94.08</b>

Please submit the requested information and fees by November 16, 2020 or the application may be returned pursuant to Title 30 TAC § 281.18.

If you have any questions concerning this matter, please contact me via email at [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or by telephone at (512) 2391371.

Sincerely,



Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Permitting and Availability Section

Attachment



Corporate Office:  
3404 Airway Blvd.  
Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

6/4/2020

TCEQ  
Water Availability Division (MC-160)  
P.O. Box 13087  
Austin, TX 78711-3087

Re: CONARGO, LLC (CN 605564707)  
App. to Amend COA 12-3653A

To Whom It May Concern,

Enclosed please find the Amendment Application for the above referenced permit. A check for \$112.50 is enclosed for the required filing & recording fees. Please call me if you have any questions 254-233-9948. Please submit all correspondence regarding this application to me at the Central Texas Office addressed at the top of the page.

Sincerely,

Richard George  
Environmental Consultant  
Enviro-Ag. Engineering, Inc.

**RECEIVED**

JUN 15 2020

Water Availability Division

# 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): CONARGO, LLC

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	
<input checked="" type="checkbox"/>	<b>Administrative Information Report</b>	<input checked="" type="checkbox"/>	<b>Worksheet 3.0</b>
<input type="checkbox"/>	Additional Co-Applicant Information	<input type="checkbox"/>	Additional W.S 3.0 for each Point
<input type="checkbox"/>	Additional Co-Applicant Signature Pages	<input type="checkbox"/>	Recorded Deeds for Diversion Points
<input type="checkbox"/>	Written Evidence of Signature Authority	<input type="checkbox"/>	Consent For Diversion Access
<input checked="" type="checkbox"/>	<b>Technical Information Report</b>	<input type="checkbox"/>	<b>Worksheet 4.0</b>
<input type="checkbox"/>	USGS Map (or equivalent)	<input type="checkbox"/>	TPDES Permit(s)
<input type="checkbox"/>	Map Showing Project Details	<input type="checkbox"/>	WWTP Discharge Data
<input type="checkbox"/>	Original Photographs	<input type="checkbox"/>	24-hour Pump Test
<input type="checkbox"/>	Water Availability Analysis	<input type="checkbox"/>	Groundwater Well Permit
<input checked="" type="checkbox"/>	<b>Worksheet 1.0</b>	<input type="checkbox"/>	Signed Water Supply Contract
<input type="checkbox"/>	Recorded Deeds for Irrigated Land	<input type="checkbox"/>	<b>Worksheet 4.1</b>
<input type="checkbox"/>	Consent For Irrigation Land	<input type="checkbox"/>	<b>Worksheet 5.0</b>
<input type="checkbox"/>	<b>Worksheet 1.1</b>	<input type="checkbox"/>	Addendum to Worksheet 5.0
<input type="checkbox"/>	Addendum to Worksheet 1.1	<input type="checkbox"/>	<b>Worksheet 6.0</b>
<input type="checkbox"/>	<b>Worksheet 1.2</b>	<input type="checkbox"/>	Water Conservation Plan(s)
<input type="checkbox"/>	Addendum to Worksheet 1.2	<input type="checkbox"/>	Drought Contingency Plan(s)
<input type="checkbox"/>	<b>Worksheet 2.0</b>	<input type="checkbox"/>	Documentation of Adoption
<input type="checkbox"/>	Additional W.S 2.0 for Each Reservoir	<input type="checkbox"/>	<b>Worksheet 7.0</b>
<input type="checkbox"/>	Dam Safety Documents	<input type="checkbox"/>	Accounting Plan
<input type="checkbox"/>	Notice(s) to Governing Bodies	<input type="checkbox"/>	<b>Worksheet 8.0</b>
<input type="checkbox"/>	Recorded Deeds for Inundated Land	<input type="checkbox"/>	Fees
<input type="checkbox"/>	Consent For Inundation Land		

**For Commission Use Only:**

Proposed/Current Water Right Number: \_\_\_\_\_

Basin: \_\_\_\_\_ Watermaster area Y/N: \_\_\_\_\_

**RECEIVED**

JUN 15 2020

Water Availability Division

# 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) 239-4691.**

## 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."

CONARGO, LLC is submitting an application to amend COA 12-3653A pertaining to their 258  
acre-feet of water purchased from Larry Wayne Adams. The proposed amendment application  
will add places of use, authorizing a total of 2,859.958 acres of land to be irrigated and add 7  
diversion reaches. Proposed land to be irrigated includes land owned by CONARGO, LLC, land  
owned by Natural Dairy Grower Land, LP, land leased by Natural Dairy Grower Company and  
land owned by Frank Volleman Family, LP. Letters of Consent to Irrigate are included for all  
land not owned by the applicant. The applicant also proposes adding Off-Channel Storage  
as an additional use of the water (location & volume tbd). The 258 acre-feet of water owned by  
CONARGO, LLC shall only be appurtenant to the land owned by CONARGO, LLC.

2. APPLICANT INFORMATION (Instructions, Page. 6 )

a. Applicant

Indicate the number of Applicants/Co-Applicants 1  
(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?

CONARGO, LLC

*(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 : 605564707 ( 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: Marcel Volleman

Title: Director/Managing Member

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Yes

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: CONARGO, LLC

Mailing Address: P.O. Box 35

City: Dublin

State: Texas

ZIP Code: 76446

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32036927013 SOS Charter (filing) Number: 0800972421

### 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: Richard George

Title: Environmental Consultant

Organization Name: Enviro-Ag. Engineering, Inc.

Mailing Address: 9855 FM 847

City: Dublin

State: TX

ZIP Code: 76446

Phone No.: 254-233-9948

Extension:

Fax No.:

E-mail Address: [REDACTED]



**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:

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

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) 239-4691, prior to submitting your application.

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

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).

Applicant has submitted all required TWDB surveys of groundwater and surface water? **Yes / No** N/A  
No submittals have been required to be submitted by the applicant to date as they just purchased the adjudicated water in 2019.

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Marcel Volleman for CONARGO, LLC Director/Managing Member  
(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.

Signature: *Marcel Volleman for Conargo LLC* Date: 12.23.19  
(Use blue ink)

Subscribed and Sworn to before me by the said

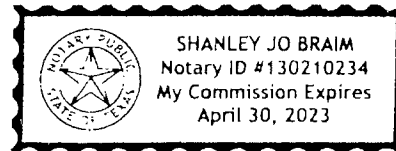
on this 23<sup>rd</sup> day of December, 20 19.

My commission expires on the 30<sup>th</sup> day of April, 20 23.

Notary Public Shanley Braim

[SEAL]

County, Texas Comanche



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



### Franchise Tax Account Status

As of : 06/15/2018 16:27:11

**This Page is Not Sufficient for Filings with the Secretary of State**

CONARGO, LLC	
<b>Texas Taxpayer Number</b>	32036927013
<b>Mailing Address</b>	1741 COUNTY ROAD 353 DUBLIN, TX 76446-6045
<b>Right to Transact Business in Texas</b>	ACTIVE
<b>State of Formation</b>	TX
<b>Effective SOS Registration Date</b>	05/01/2008
<b>Texas SOS File Number</b>	0800972421
<b>Registered Agent Name</b>	MARCEL H. VOLLEMAN
<b>Registered Office Street Address</b>	1741 CR 353 DUBLIN, TX 76446



## Public Information Report

**Public Information Report**  
**CONARGO, LLC**  
Report Year :2013

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

<b>Title</b>	<b>Name and Address</b>
DIRECTOR	<b>MARCEL H VOLLEMAN</b> 1741 CR 353 DUBLIN, TX 76446
MANAGING M	<b>MARCEL H VOLLEMAN</b> 1741 CR 353 DUBLIN, TX 76446

# 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 strongly encouraged 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 call Water Availability Division at (512) 239-4691 to schedule a meeting.** Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N N (If yes, date : N/A ).

### 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 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 N (If yes, indicate the Certificate or Permit number: N/A )

*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?* N/A Y / N

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

*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. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: 12-3653A

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

List of water rights to sever	Combine into this ONE water right
N/A	N/A

- 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**  **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**  **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**  **Y**

***If yes, submit:***

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

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? **Y / N**  **Y**

***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)

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N**  **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**  **N** ***If yes, call the Water Availability Division at (512) 239-4691 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":

Conservation practices are implemented on-site which are consistent with the

---

Brazos (Region G) Water Planning Group for irrigation. These include irrigation timing,

---

brush/weed control practices and land leveling to utilize water usage and prevent

---

waste/runoff. \*Conservation/management strategies (BMPs) can be located in the

---

2016 Brazos G Regional Water Plan Volume II-Water Conservation Section--pg. 2-29.

---

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

Attachment B

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>

\_\_\_\_\_ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

1. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of \_\_\_\_\_ 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 \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.
- ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

***A copy of the deed(s) or other acceptable instrument 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 documentation supporting Applicant's right to use the land described.***

***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.***

**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**
258	Agricultural Irrigation	Agricultural Irrigation, Livestock & Off-Channel Storage	Land in Comanche County owned by Larry Wayne Adams (exact locations unknown).	2,859.958 acres in Comanche County as outlined in the attached Deeds/Maps.

*\*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 2,859.958 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 2,859.958 acres in Comanche County, TX.
  - ii) Location of land to be irrigated: In the Attachment C 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.*** CONARGO Deeds - Attachment D;

Lease/Letters of Consent/Non CONARGO Deeds - Attachment E

***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.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required. Attachment A
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WCP - Attachment F

## WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (such as certain amendments to special conditions or changes to off-channel storage). These criteria address whether the proposed amendment will impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is **not required** for Applications in the Rio Grande Basin requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is **not required** for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

### 1. The “Marshall Criteria” (Instructions, Page. 21)

Submit responses on a supplemental attachment titled “Marshall Criteria” in a manner that conforms to the paragraphs (a) - (g) below:

#### Attachment A

- a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment 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. The state and regional water plans are available for download at:  
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet is **required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. A \_\_\_\_\_ Upstream Limit of Diversion Reach No. A-A' North
  3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the Alexander Hodge Original Survey No. \_\_\_\_\_, Abstract No. 426, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.901931°N, Longitude -98.427146°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 2
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. \_\_\_\_\_ Diversion Point No.
2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
3. A' \_\_\_\_\_ Downstream Limit of Diversion Reach No. A-A' North

b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the William M. Vance Original Survey No. \_\_\_\_\_, Abstract No. 980, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.879919°N, Longitude -98.414662°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 2
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. <sup>A</sup> \_\_\_\_\_ Upstream Limit of Diversion Reach No. A-A' South
  3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point**<sup>7,13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3,195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7,13</sup> \_\_\_\_\_ cfs or <sup>3,195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): South Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the J. Browne Original Survey No. \_\_\_\_\_, Abstract No. 59, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.782110 °N, Longitude -98.450480 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
  3. A' \_\_\_\_\_ Downstream Limit of Diversion Reach No. A-A' South
- b. Maximum Rate of Diversion for **this new point** <sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* <sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): South Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the William H. Murray Original Survey No. \_\_\_\_\_, Abstract No. 641, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.790818 °N, Longitude -98.437541 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. <sup>B</sup> \_\_\_\_\_ Upstream Limit of Diversion Reach No. <sup>B-B'</sup>
  3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3,195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3,195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed Tributary, South Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the A. Davis Original Survey No. \_\_\_\_\_, Abstract No. 243, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.768137 °N, Longitude -98.447875 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet is **required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
  3. B' \_\_\_\_\_ Downstream Limit of Diversion Reach No. B-B'
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)

- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm

- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed Tributary of South Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the J. Browne Original Survey No. \_\_\_\_\_, Abstract No. 59, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.787533°N, Longitude -98.444225°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. C \_\_\_\_\_ Upstream Limit of Diversion Reach No. C-C'
  3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)

- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm

- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed Tributary of Walnut Creek, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the T. Gilbert Original Survey No. \_\_\_\_\_, Abstract No. 383, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.773764 °N, Longitude -98.437648 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
  3. C' \_\_\_\_\_ Downstream Limit of Diversion Reach No. C-C'
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3,195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3,195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed Tributary of Walnut Creek, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the T. Gilbert Original Survey No. \_\_\_\_\_, Abstract No. 383, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.785178°N, Longitude -98.436032°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. <sup>D</sup> \_\_\_\_\_ Upstream Limit of Diversion Reach No. <sup>D-D'</sup>
  3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3,195</sup> \_\_\_\_\_ gpm (gallons per minute)

- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3,195</sup> \_\_\_\_\_ gpm

- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Contiguous Reach on South Leon River & Leon River (Brazos River Basin)
- b. Zip Code: 76455
- c. Location of point: In the M. Mahoney Original Survey No. \_\_\_\_\_, Abstract No. 652, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.847988 °N, Longitude -98.370722 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 3
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
  3. D' \_\_\_\_\_ Downstream Limit of Diversion Reach No. D-D'
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3,195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3,195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Contiguous Reach on South Leon River & ending on Leon River (Brazos River Basin)
- b. Zip Code: 76455
- c. Location of point: In the H. McCaleb Original Survey No. \_\_\_\_\_, Abstract No. 666, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.855678 °N, Longitude -98.318098 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 3
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. \_\_\_\_\_ Diversion Point No.
2. E \_\_\_\_\_ Upstream Limit of Diversion Reach No. E-E'
3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** <sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* <sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed Tributary of Walnut Creek, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the J Cadenhead Original Survey No. \_\_\_\_\_, Abstract No. 150, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.765684 °N, Longitude -98.430702 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.      Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet is **required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
  3. E' \_\_\_\_\_ Downstream Limit of Diversion Reach No. E-E'
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Unnamed Tributary of Walnut Creek, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the T. Gilbert Original Survey No. \_\_\_\_\_, Abstract No. 383, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.772118 °N, Longitude -98.433832 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 1
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet is **required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. F \_\_\_\_\_ Upstream Limit of Diversion Reach No. F-F'
  3. \_\_\_\_\_ Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Indian Creek, tributary of Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the A. Hodge Original Survey No. \_\_\_\_\_, Abstract No. 426, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.887671 °N, Longitude -98.430754 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 2
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g. maps).*

### 1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. \_\_\_\_\_ Diversion Point No.
  2. \_\_\_\_\_ Upstream Limit of Diversion Reach No.
  3. F' \_\_\_\_\_ Downstream Limit of Diversion Reach No. F-F'
- b. Maximum Rate of Diversion for **this new point**<sup>7.13</sup> \_\_\_\_\_ cfs (cubic feet per second) or <sup>3.195</sup> \_\_\_\_\_ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? **Y / NY**  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*<sup>7.13</sup> \_\_\_\_\_ cfs or <sup>3.195</sup> \_\_\_\_\_ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / NN**

*\*\* An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

- e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

- f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. **Y / NN**

If yes, the drainage area is \_\_\_\_\_ sq. miles.

*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4691, prior to submitting application)*



## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Indian Creek, tributary of Leon River, Brazos River Basin
- b. Zip Code: 76455
- c. Location of point: In the A. Hodge Original Survey No. \_\_\_\_\_, Abstract No. 426, Comanche County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude 31.900242 °N, Longitude -98.422109 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 2
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### 1. **New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach A-A' North

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include:
  - N/A
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

## 2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications: N/A

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### 1. **New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach A-A' South

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include:
  - N/A
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

**2. Alternate Sources of Water and/or Bed and Banks Applications**

For all bed and banks applications: N/A

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### **1. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach B-B'

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.



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

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include:  
N/A
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

## 2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications: N/A

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### **1. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach C-C'

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include:
  - N/A
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

## 2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications: N/A

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### 1. **New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach D-D'

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include:
  - N/A
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

## 2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications: N/A

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.



## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### **1. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach E-E'

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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

**d. Waterbody Recreational Uses**

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include:
  - N/A
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

**2. Alternate Sources of Water and/or Bed and Banks Applications**

For all bed and banks applications: N/A

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

## WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

### 1. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Proposed Diversion Reach F-F'

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: Creek

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- Primary contact recreation (swimming or direct contact with water)
- Secondary contact recreation (fishing, canoeing, or limited contact with water)
- Non-contact recreation

Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).  
1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include:  
N/A
  - i. A brief description of the area that will be inundated by the reservoir.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
  - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

## 2. Alternate Sources of Water and/or Bed and Banks Applications

For all bed and banks applications: N/A

- a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

- b. An assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

If the alternate source is treated return flows, provide the TPDES permit number \_\_\_\_\_

If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:

- a. Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

- b. If groundwater will be used, provide the depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

## 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 512-239-4691, or e-mail [wras@tceq.texas.gov](mailto: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 Attachment F

- 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.
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 Y

## 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





## **Marshall Criteria**

**a.** This application meets the administrative code requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 TAC Ch. 281, 295, and 297.

**b.** The specific proposed use of water in this amendment application is for agricultural crop irrigation. Beneficial use is defined in TWC §11.002 #4 as, "...use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose and shall include conserved water (TWC§11.002 #4)."

For agricultural crop irrigation, the submitted application meets the following criteria outlined in TWC Section 11 as beneficial use: TWC §11.023 #2 clearly identifies agricultural use as a purpose for which water may be, "appropriated, stored or diverted," if the water has not been set aside, or needed to meet freshwater and downstream instream flow needs (TWC §11.023 #2). Agricultural use is defined in TWC §11.002 #12 (A) as, "cultivating the soil to produce crops for human food, animal feed...", which is the applicant's proposed purposes (TWC §11.002 #12 A). Off-Channel storage in the proposed application would be for subsequent agricultural use as well.

**c.** No detrimental effects are anticipated to public welfare, including the well-being of humans and the environment, as a result of the proposed amendment.

**d.** No effects are anticipated as a result of the proposed amendment on groundwater or groundwater recharge.

**e.** CONARGO, LLC, is located within the Region G Planning Group (Brazos). The proposed amendment addresses a water supply need that is consistent with state and regional water plan management strategies pertaining to irrigation.

Conservation practices are implemented to reduce evaporation and eliminate runoff during times when the irrigation systems are run. The irrigation systems used are typically operated in the early morning or late evening hours when the temperature is lower to reduce evaporation. Irrigation is closely monitored on site and the systems are shut down when or before the soil reaches its water holding capacity. This conservation practice prevents over-watering of the field and eliminates wasteful runoff.

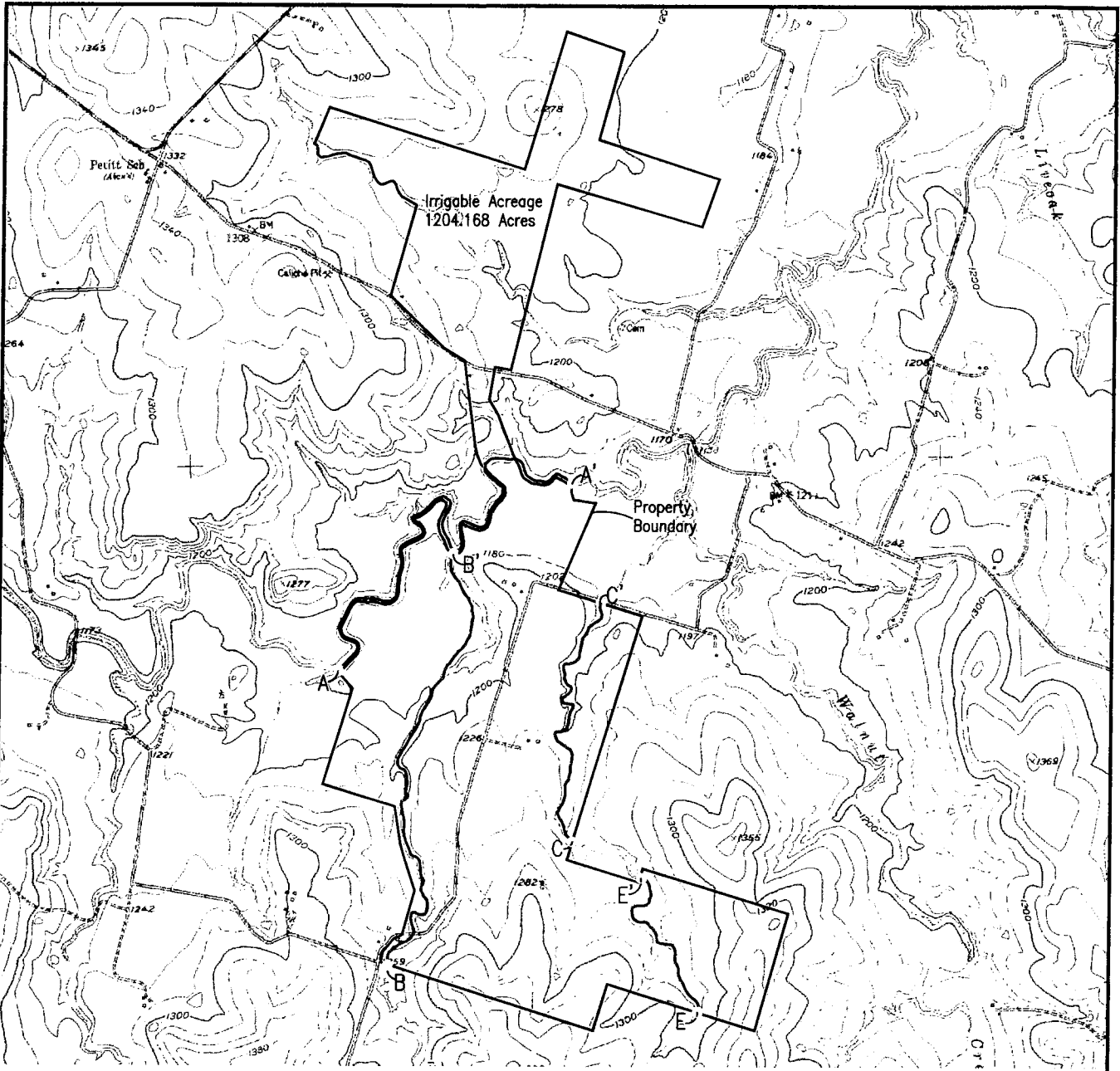
Brush/weed control is also practiced to aid in water conservation. Weeds and invasive species are killed or removed to reduce unwanted water consumption, thus leaving more irrigation water in the soil to be utilized by the production crop as intended.

Land leveling is also utilized on cultivated land to increase water infiltration into the soil and eliminate water runoff when irrigating.

\*Conservation/management strategies (BMPs) can be located in the 2016 Brazos G Regional Water Plan Volume II-Water Conservation Section (Irrigation Water Conservation)-pg. 2-29

**f.** A Water Conservation is attached (Attachment F). A Drought Contingency Plan is not required with this application.

**g.** The proposed amendment adds diversion reaches, increases the irrigable acreage for the applicant's portion of the total water allotted in the permit and adds off channel storage as a purpose of use. No additional allocations of state water or diversion rate are being requested. As a result of the proposed amendment, no impact on water right holders or the environment is anticipated.

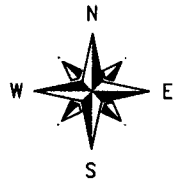


Map Revised 4/24/2020

**LEGEND:**

- Denotes Diversion Segments A-A' South, B-B', C-C' & E-E'
- Denotes Diversion Segment Upper/Lower Boundaries

Note: Irrigable acreage is anywhere inside the property boundary.



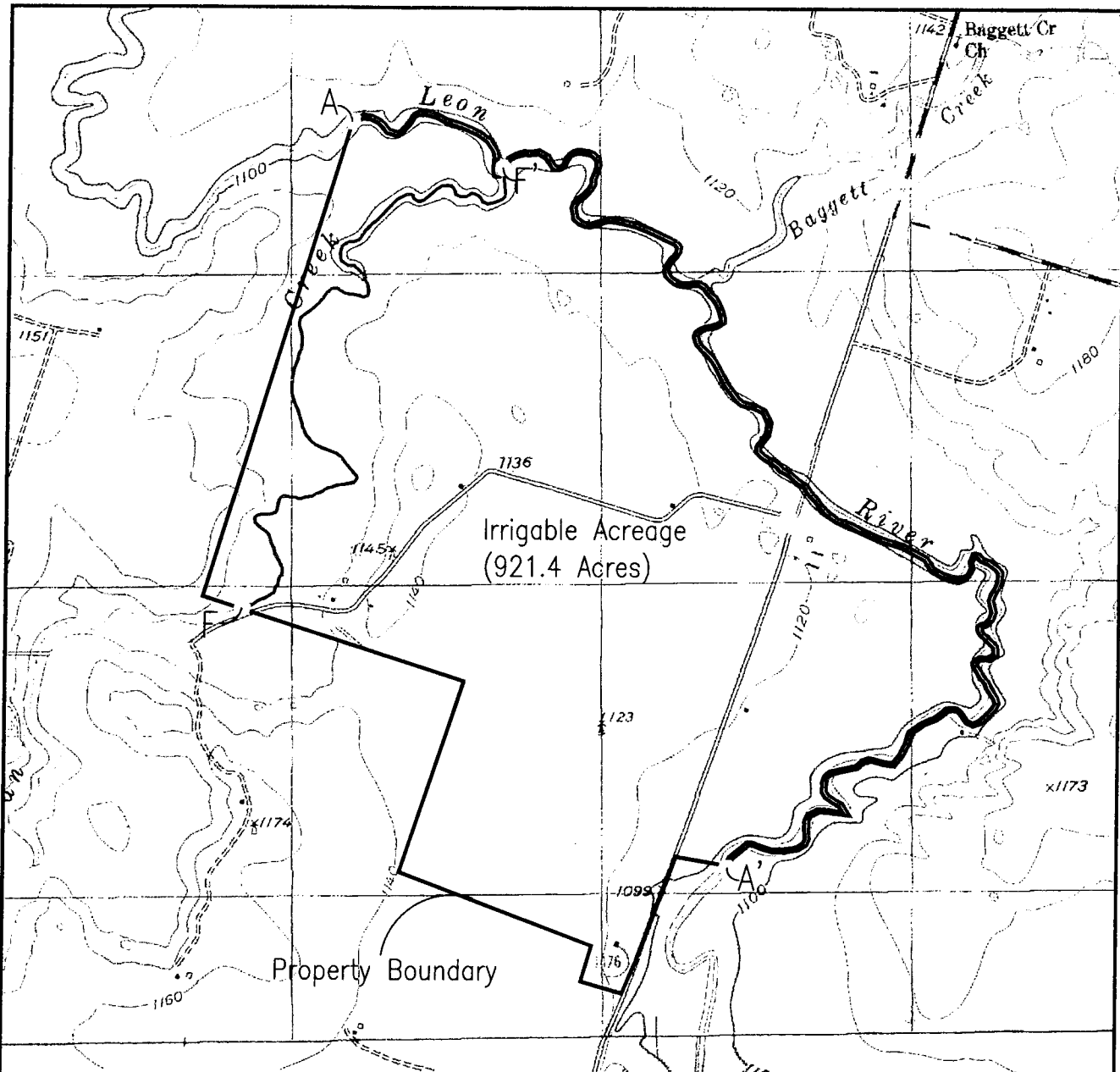
SCALED AS SHOWN

Source: USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed May 2013.

CONARGO, LLC  
Dublin, TX  
Erath County

Attachment B  
Site Map 1  
Irrigable Acreage South

**ENVIRO-AG**  
**ENGINEERING, INC.**  
Enviro-Ag Engineering, Inc.  
ENGINEERING CONSULTANTS  
3404 Airway Boulevard  
AMARILLO, TEXAS 79118  
TEL (806) 353-6123 FAX (806) 353-4132



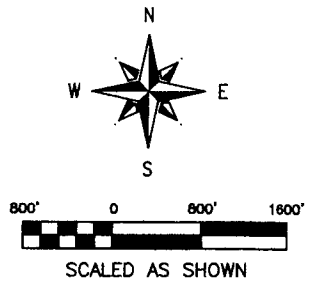
Map Generated 5/21/2020

**LEGEND:**

- Denotes Diversion Segment A-A' North & F-F'
- - - Denotes Diversion Segment Upper/Lower Boundary

Note: Irrigable acreage is anywhere inside the property boundary.

Source: USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed Nov. 2017

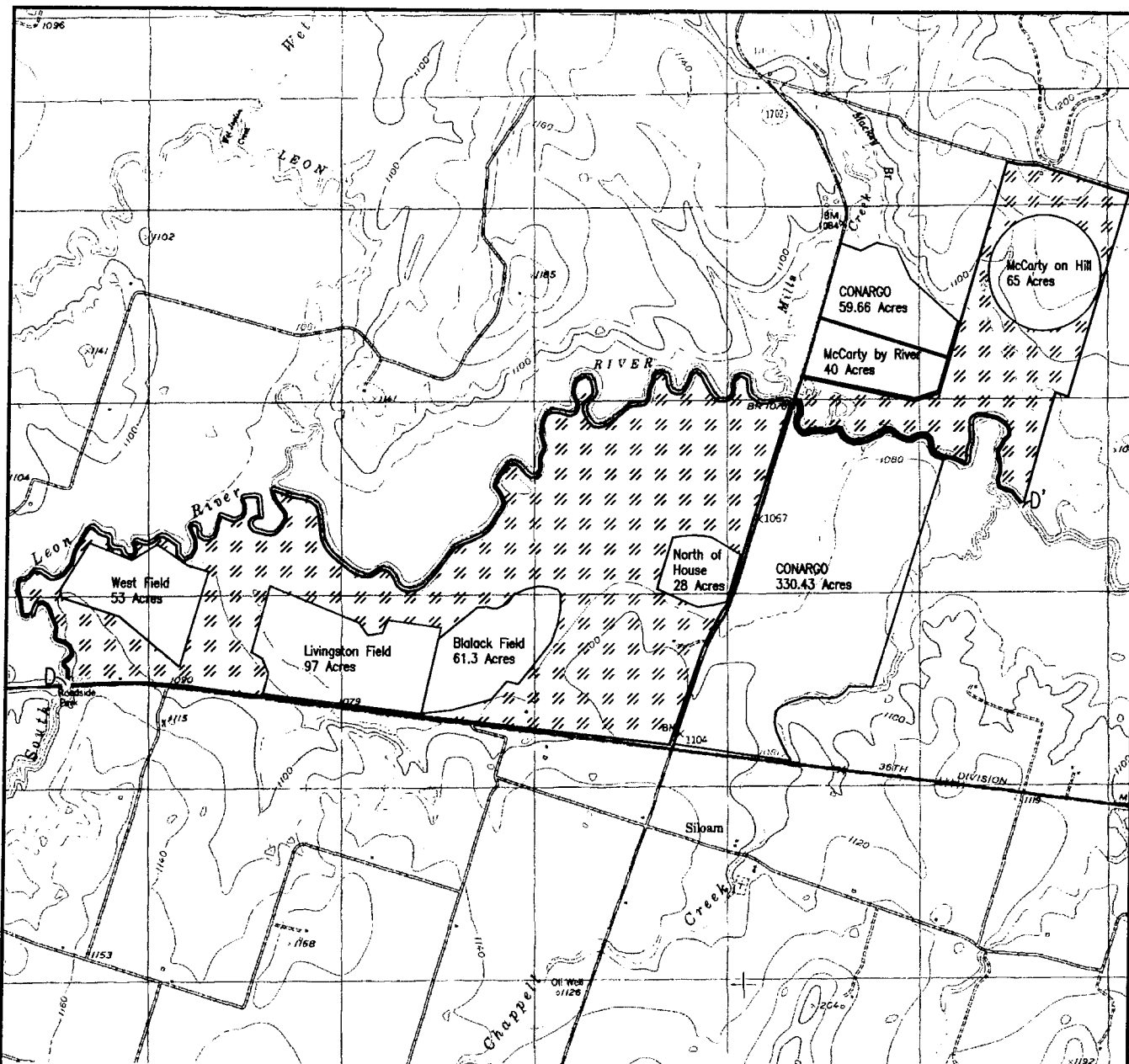


CONARGO, LLC  
Dublin, TX  
Erath County

Attachment B  
Site Map 2  
Irrigable Acreage North





**ENVIRO-AG**  
**EAF**  
**ENGINEERING, INC.**

Enviro-Ag Engineering, Inc.  
ENGINEERING CONSULTANTS  
3404 Airway Boulevard  
AMARILLO, TEXAS 79118  
TEL (806) 353-6123 FAX (806) 353-4132



Map Generated 4/29/2020

**LEGEND:**

-  Denotes Land Owned by Larry Wayne Adams (non-irrigation)
-  Denotes Diversion Segment D-D'
-  Denotes Diversion Segment Upper/Lower Boundary
-  Denotes Irrigable Acreage Field Boundary



SCALED AS SHOWN

Source: USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed May 2013.

CONARGO, LLC  
Dublin, TX  
Erath County

Attachment B  
Site Map 3  
Irrigable Acreage East



Enviro-Ag Engineering, Inc.  
ENGINEERING CONSULTANTS  
3404 Airway Boulevard  
AMARILLO, TEXAS 79118  
TEL (806) 353-6123 FAX (806) 353-4132

Attachment C

TCEQ Form 10214C Pg. 6 Section 2(b)ii

Location of land to be irrigated:

(2,859.958 Acres) In the C. Howard Survey, Abstract No. 443, the A. McCaleb Survey, Abstract No. 664, the A. Estes Survey, Abstract No. 286, the A E Hodge Survey, Abstract No. 426, the W M Vance Survey, Abstract No. 980, the J C Donley Survey, Abstract No. 246, the W Kigler Survey, Abstract No. 596, the W H Murry Survey, Abstract No. 641, the J H Browne Survey, Abstract No. 59, the T Y Gilbert Survey, Abstract No. 383, the A J Davis Survey, Abstract No. 243, the J. Cadenhead Survey, Abstract No. 150, the S Pipken Survey, Abstract No. 768, the A. Smothers Survey, Abstract No. 836, the J McConnell Survey, Abstract No. 651, the J Brennan Survey, Abstract No. 50, and the M. Mahoney Survey, Abstract No. 652 in Comanche County, TX – Brazos River Basin.

Attachment D

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.

**WARRANTY DEED WITH VENDOR'S LIEN**

**DATE:** JUNE 29, 2017

**GRANTOR:** LARRY ADAMS and wife, SHERI ADAMS

**GRANTOR'S MAILING ADDRESS (INCLUDING COUNTY):** P.O. BOX 172, GUSTINE, COMANCHE, TEXAS 76455

**GRANTEE:** CONARGO, LLC, A Texas Limited Liability Company

**GRANTEE'S MAILING ADDRESS (INCLUDING COUNTY):** P.O. BOX 35, DUBLIN, ERATH COUNTY, TEXAS, 76446

**CONSIDERATION:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, and in further consideration that Grantee herein has executed and delivered to Central Texas Land Bank, FLCA, a Real Estate Lien Note of even date herewith, payable to the order of Central Texas Land Bank, in the original principal sum of \$727,500.00, the payment of which Note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Central Texas Land Bank, FLCA and by a first-lien deed of trust of even date from Conargo, LLC, A Texas Limited Liability Company, as Grantor, to Boyd J. Chambers, Trustee.

**PROPERTY (INCLUDING ANY IMPROVEMENTS):**

All that certain lot, tract, or parcel of land being 59.66 acres, out of the C. Howard Survey, Abstract Number 443, Comanche County, Texas, and being more particularly described in Exhibit A, attached hereto and fully incorporated herein for all purposes.

,together with: a) all improvements and fixtures attached to the real property; b) all access rights and easement rights, claims, and permits; c) all cooperative or association memberships; d) all rights, title and interest of Grantor in and to all water located beneath and on the surface of the real property, together with all related water rights; e) all privileges and appurtenances pertaining to the real property; and f) strips or gores adjoining said real property.

**RESERVATIONS FROM CONVEYANCE: NONE**

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

- 1) Easement dated March 20, 1999, executed by Rita Thompson to Comanche County Electric Cooperative Association, recorded in Volume 779, Page 137, Deed Records of Comanche County, Texas.
- 2) Right of Way Easement from C.R. Rinehart, et ux to General Telephone of the Southwest, dated October 29, 1964, recorded in Volume 322, page 137, Deed Records of Comanche County, Texas.





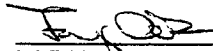
- 3) Mineral Reservation as described in Warranty Deed dated October 3, 1984, executed by Ralph S. Bridwell, et ux to Mike Langford, et al, recorded in Volume 585, Page 176, Deed Records of Comanche County, Texas.
- 4) Amended Water Permit dated June 23, 2003, recorded in Volume 3, Page 419, Water Permit Records of Comanche County, Texas.


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 to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors 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.

The vendor's lien against and superior title to the Property are retained until the Real Estate Lien Note described above is fully paid according to its terms, at which time this deed will become absolute.

Central Texas Land Bank, FLCA, at Grantee's request, has paid in cash to Grantor, that portion of the purchase price of the Property that is evidenced by the Note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Central Texas Land Bank, FLCA, and are transferred and assigned to Central Texas Land Bank, FLCA without recourse against Grantor.

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

  
 \_\_\_\_\_  
 LARRY ADAMS

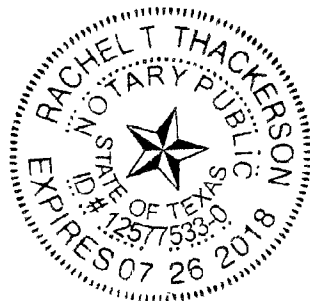
  
 \_\_\_\_\_  
 SHERI ADAMS

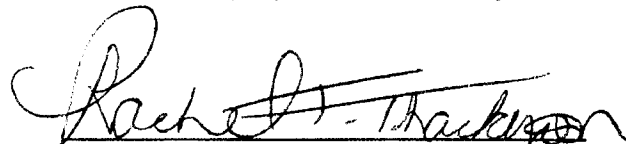
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 29<sup>th</sup> day of June, 2017, by LARRY ADAMS.



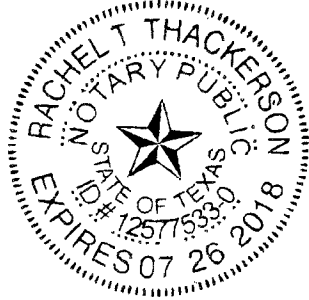
  
 \_\_\_\_\_  
 Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 20<sup>th</sup> day of June, 2017, by SHERI ADAMS.



*Rachel T. Thackerson*  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
COWBOY COUNTRY TITLE, LLC  
1915-A, West Washington,  
Stephenville, Texas 76401

## EXHIBIT A

Being 59.66 acres of land, situated in Comanche County, Texas, out of the C. HOWARD SURVEY, ABSTRACT NUMBER 443, and being out of a 206.75 acre tract of land that is described in a deed from Rita M. Thompson, et vir, to Larry W. Adams, recorded in Volume 785 at Page 306, Deed Records of Comanche County, Texas, and further described as follows;

**BEGINNING**, at a 1/4 inch iron rod set in the East Right of Way line of F. M. Highway 1702, and being in the South line of said 206.75 acre tract, and being the occupied Northwest corner of a 74.5 acre Second Tract, that is described in a deed from Grace Olana Adams, to Larry W. Adams, Trustee, recorded in Volume 962 at Page 56, said Deed Records, for the Southwest corner of this tract;

**THENCE**, N 14° 55' 19" E 1303.61 feet, with the East Right of Way line of F. M. Highway 1702, to a 1/2 inch iron rod set, for the Northwest corner of this tract;

**THENCE**, S 64° 42' 28" E 396.04 feet, to a 1/2 inch iron rod set, N 77° 47' 42" E 95.34 feet, to a 16 inch pecan tree, N 60° 17' 43" E 319.88 feet, to a 3 pipe post, S 56° 37' 37" E 20.86 feet, with a fence, to a 3 pipe post, S 62° 31' 08" E 99.47 feet, with a fence, to a 3 pipe post, S 65° 08' 10" E 116.50 feet, with a fence, to a 3 pipe post, S 31° 44' 30" E 138.30 feet, with a fence, to a 2 pipe post, S 33° 40' 04" E 375.23 feet, with a fence, to a 2 pipe post, S 05° 35' 58" W 82.48 feet, with a fence, to a 3 pipe post, and S 48° 17' 01" E 1085.72 feet, with a fence, to a 3 pipe post found in the East line of said 206.75 acre tract, for the Northeast corner of this tract;

**THENCE**, S 16° 34' 11" W 611.98 feet, with a fence, along the East line of said 206.75 acre tract, to a 1/2 inch iron rod set at the Southeast corner of said 206.75 acre tract, and being in the North line of said 74.5 acre tract, for the Southeast corner of this tract;

**THENCE**, N 73° 13' 55" W 2281.81 feet, with a fence, along the South line of said 206.75, and the North line of said 74.5 acre tract, to the point of beginning and containing 59.66 acres of land.

④ 438.00  
Cowboy Country Title

FILED FOR RECORD  
AT 10:20 O'CLOCK A M

AUG 4 2017

*Ruby Lesley*  
County Clerk, Comanche Co., Texas

**FILED**

AT 10:30 O'CLOCK A M  
ON THE 4<sup>th</sup> DAY OF August  
A.D., 2017.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS

BY *Amy Huddleston*  
DEPUTY

**STATE OF TEXAS  
COUNTY OF COMANCHE**

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the Deed  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 1027 PAGE 176  
RECORDED 08-01-2016

env: Cowboy Country Title

**COPY**

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.

**WARRANTY DEED WITH VENDOR'S LIEN**

**DATE:** JUNE 29, 2017

**GRANTOR:** LARRY ADAMS, Trustee of the ARLENE DENNING TRUST, created under Instrument dated April 1, 2013

**GRANTOR'S MAILING ADDRESS (INCLUDING COUNTY):** P.O. BOX 172, GUSTINE, COMANCHE COUNTY, TEXAS 76445

**GRANTEE:** CONARGO, LLC, A Texas Limited Liability Company

**GRANTEE'S MAILING ADDRESS (INCLUDING COUNTY):** P.O. BOX 35, DUBLIN, ERATH COUNTY, TEXAS, 76446

**CONSIDERATION:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, and in further consideration that Grantee herein has executed and delivered two (2) notes of even date and referred to as the first-lien note and the second-lien note. The first-lien note is payable to the order of Central Texas Land Bank, FLCA, in the original principal sum of \$727,500.00 The first lien note is secured by the first and superior vendor's lien against, and superior title to, the Property retained in this deed in favor of Central Texas Land Bank, FLCA, and by a first-lien deed of trust of even date from Conargo, LLC, A Texas Limited Liability Company, as Grantor, to Boyd J. Chambers, Trustee. The second-lien note is payable to the order of Arlene Denning Trust, in the original principal sum of \$478,624.59. The second-lien note is secured by a second and inferior vendor's lien against, and superior title to, the Property retained in this deed and is also secured by a second-lien deed of trust of even date from Conargo, LLC, A Texas Limited Liability Company as Grantor, to Scott D. Allen, Trustee.

**PROPERTY (INCLUDING ANY IMPROVEMENTS):**

All that certain lot, tract, or parcel of land being 330.43 acres, out of the A. McCaleb Survey, Abstract Number 664 and the A. Estes Survey, Abstract Number 286, Comanche County, Texas, and being more particularly described in Exhibit A, attached hereto and fully incorporated herein for all purposes.

,together with: a) all improvements and fixtures attached to the real property; b) all access rights and easement rights, claims, and permits; c) all cooperative or association memberships; d) all rights, title and interest of Grantor in and to all water located beneath and on the surface of the real property, together with all related water rights; e) all privileges and appurtenances pertaining to the real property; and f) strips or gores adjoining said real property.

**RESERVATIONS FROM CONVEYANCE: NONE**



**EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

- 1) Right of Way granted by R.M. Daniel to E.W. Strickland, by instrument dated September 19, 1934, recorded at Volume 200, page 90, Deed Records of Comanche County, Texas.
- 2) Right of Way granted by R.M. Daniel et al to the State of Texas for channel easement appurtenant to highway, by instrument dated March 14, 1952, recorded at Volume 270, page 95, Deed Records of Comanche County, Texas.
- 3) Right of Way granted by Lilla Daniel to General Telephone Company, by Instrument dated February 21, 1961 and recorded at Volume 306, page 115, Deed Records of Comanche County, Texas.
- 4) Easement dated September 14, 1999, executed by Grace Adams to Comanche County Electric Cooperative Association recorded in Volume 783, page 322, Deed Records of Comanche County, Texas.
- 5) Easement dated February 20, 2007, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 892, page 522, Deed Records of Comanche County, Texas.
- 6) Easement dated May 7, 1998, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 769, page 361, Deed Records of Comanche County, Texas.
- 7) Easement dated December 19, 1997, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 762, page 5, Deed Records of Comanche County, Texas.
- 8) Easement dated September 30, 1997, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 760, page 345, Deed Records of Comanche County, Texas.
- 9) Easement dated March 11, 1997, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 752, page 246, Deed Records of Comanche County, Texas.
- 10) Easement dated March 22, 1996, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 740, page 470, Deed Records of Comanche County, Texas.
- 11) Lease Agreement from Grace Adams to Capitol Towers, LTD., dated December 15, 2007, recorded in Volume 899, page 154, Deed Records of Comanche County, Texas.
- 12) Agreement between Grace Adams and GTP Towers I, LLC, dated December 19, 2008, recorded in Volume 910, page 497, Deed Records of Comanche County, Texas.
- 13) Assignment of Lease from Capitol Towers, LTD., to GTP Towers I, dated December 19, 2008, recorded in Volume 972, page 340, Deed Records of Comanche County, Texas.
- 14) Assignment of lease from GTP Towers I, LTD., to GTP Acquisitions Partners I, dated February 4, 2015, recorded in Volume 991, page 313, Deed Records of Comanche County, Texas.

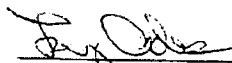
- 15) Assignment of Lease from GTP Acquisitions Partners I to GTP Acquisitions Partners II, dated November 11, 2015, recorded in Volume 993, page 127, Deed Records of Comanche County, Texas.
- 16) Deed of Trust dated March 26, 2015, executed by DCS Towers Sub, LLC, GTP Acquisition Partners II, LLC to Walter A. Wilson, Trustee, for the benefit of The Bank of New York Mellon, recorded in Volume 399, page 286, Deed of Trust Records of Comanche County, Texas.
- 17) Deed of Trust dated February 4, 2015, executed by GTP Acquisition Partners II, LLC to William Z. Fairbanks, Jr., Trustee, for the benefit of The Bank of New York Mellon, recorded in Volume 397, Page 484, Deed of Trust Records of Comanche County, Texas.

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 to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors 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.

The vendor's lien against and superior title to the Property are retained until the Real Estate Lien Note described above is fully paid according to its terms, at which time this deed will become absolute.

Central Texas Land Bank, FLCA, at Grantee's request, has paid in cash to Grantor, that portion of the purchase price of the Property that is evidenced by the first-lien note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Central Texas Land Bank, FLCA, and are transferred and assigned to Central Texas Land Bank, FLCA without recourse on Grantor to secure the first-lien note. The second and inferior vendor's lien against and superior title to the Property are retained for the benefit of Arlene Denning Trust to secure the second-lien note. Arlene Denning Trust agrees that the second and inferior vendor's lien against and superior title to the Property are and will remain subordinate and inferior to all liens securing the first-lien note, regardless of the frequency or manner of renewal, extension, or alteration of any part of the first-lien note or the liens securing it.

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



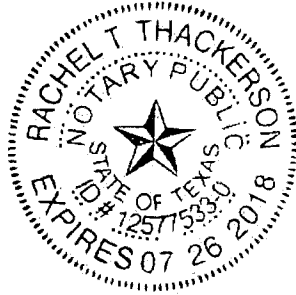
LARRY ADAMS, Trustee of the ARLENE DENNING TRUST, created under Instrument dated April 1, 2013

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 29<sup>th</sup> day of June, 2017, by LARRY ADAMS, Trustee of the ARLENE DENNING TRUST, created under Instrument dated April 1, 2013.



*Rachel T. Thackerston*  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
COWBOY COUNTRY TITLE  
1915-A West Washington  
Stephenville, Texas 76401



EXHIBIT A

Being 330.43 acres of land, situated in Comanche County, Texas, of which 230.66 acres is out of the A. McCALLEN SURVEY, ABSTRACT NUMBER 664, and the remaining 99.77 acre is out of the A. ESTES SURVEY, ABSTRACT NUMBER 286, and being out of a 335.70 acre tract of land that is described in a deed from Grace Olens Adams, to Larry W. Adams, Trustee, recorded in Volume 762 at Page 61, Deed Records of Comanche County, Texas, and being out of a 74.5 acre Second Tract and a 1 acre Seventh Tract, that is described in a deed from Grace Olens Adams, to Larry W. Adams, Trustee, recorded in Volume 962 at Page 56, said Deed Records, and further described as follows:

BEGINNING, at a 1/2 inch iron rod set, at the intersection of the East Right of Way line of P. M. Highway 1702, and the North Right of Way line of State Highway 36, and being the Southwest corner of said 335.70 acre tract, for the Southwest corner of this tract;

THENCE, with the East Right of Way line of P. M. Highway 1702, as follows, N 18° 12' 19" E 1612.89 feet, to a 1/2 inch iron rod set, with the arc of a curve to the right having a Radius of 1867.08 feet, an Arc length of 431.77 feet, and being subtended by a Chord of N 24° 49' 49" E 430.81 feet, to a 1/2 inch iron rod set, N 31° 27' 19" E 232.10 feet, to a 1/2 inch iron rod set, with the arc of a curve to the left having a Radius of 1949.86 feet, an Arc length of 501.96 feet, and being subtended by a Chord of N 24° 04' 49" E 500.58 feet, to a 1/2 inch iron rod set, N 16° 42' 19" E 2349.44 feet, to a 1/2 inch iron rod set, and N 17° 10' 19" E 1053.51 feet, to a point in the center bed of the Leon River, from which a reference 3/4 inch iron rod set, on the South bank, bears S 17° 10' 19" W 44.38 feet, for the Northwest corner of this tract;

THENCE, with the center bed of the Leon River, as follows, S 41° 51' 54" E 111.89 feet, to a point, S 03° 39' 22" E 26.93 feet, to a point, S 21° 14' 58" W 115.98 feet, to a point, S 26° 57' 34" W 136.25 feet, to a point, S 30° 26' 03" E 179.43 feet, to a point, S 56° 24' 31" E 125.13 feet, to a point, N 66° 08' 00" E 71.64 feet, to a point, N 83° 12' 28" E 149.55 feet, to a point, S 83° 32' 19" E 93.29 feet, to a point, S 86° 19' 58" E 76.90 feet, to a point, N 72° 24' 59" E 200.71 feet, to a point, S 74° 22' 04" E 37.08 feet, to a point, S 46° 55' 46" E 38.46 feet, to a point, S 27° 47' 07" E 59.40 feet, to a point, S 04° 37' 55" W 110.99 feet, to a point, N 89° 39' 18" E 134.84 feet, to a point, S 79° 21' 01" E 139.65 feet, to a point, N 73° 40' 30" E 181.26 feet, to a point, N 77° 40' 07" E 80.77 feet, to a point, N 56° 37' 44" E 136.74 feet, to a point, N 36° 44' 23" E 75.21 feet, to a point, N 73° 11' 11" E 102.75 feet, to a point, S 66° 06' 12" E 34.47 feet, to a point, S 45° 39' 46" E 47.70 feet, to a point, S 33° 35' 52" E 64.85 feet, to a point, S 64° 55' 29" E 71.13 feet, to a point, S 72° 12' 30" E 221.60 feet, to a point, N 77° 36' 17" E 214.87 feet, to a point, S 80° 47' 19" E 95.21 feet, to a point, S 80° 18' 52" E 13.73 feet, to a point, S 16° 14' 44" E 106.61 feet, to a point, S 05° 21' 49" W 83.09 feet, to a point, S 45° 39' 51" E 125.68 feet, to a point, and S 72° 39' 50" E 151.07 feet, to a point in the East line of said 1 acre tract, and being the Northwest corner of a 219 acre tract of land that is described in a deed to Larry Adams, recorded in Volume 783 at Page 446, said Deed Records, from which a reference 3 inch pipe post on the South bank, bears S 17° 45' 41" W 50.00 feet, for the Northeast corner of this tract;

THENCE, S 17° 45' 41" W 205.24 feet, part way with a fence, to a 3 pipe post, S 02° 16' 29" W 19.78 feet, with a fence, to a 3 pipe post, S 16° 32' 45" W 578.38 feet, with a fence, to a 3 pipe post, S 16° 57' 58" W 595.98 feet, with a fence, to a 3 pipe post, S 17° 57' 21" W 561.73 feet, with a fence, to a 3 pipe post, S 42° 49' 10" W 54.71 feet, to a 1/2 inch iron rod set, S 06° 10' 39" W 236.70 feet, to a 3 pipe post, S 17° 18' 08" W 1011.27 feet, with a fence, to a 3 pipe post, N 77° 36' 28" W 10.96 feet, to a 3 pipe post, S 17° 28' 05" W 527.64 feet, to a 3 inch pipe post, and S 31° 40' 27" E 6.99 feet, to a 3 pipe post found in the East line of said 335.70 acre tract, and being the Southwest corner of said 219 acre tract, and being the Northwest corner of a 77.04 acre tract of land that is described in a deed to Joe David McKee, Jr., recorded in Volume 825 at Page 180, said Deed Records, for a corner of this tract;

THENCE, with a fence, along the East line of said 335.70 acre tract, and the West line of said 77.04 acre tract, as follows, S 17° 29' 50" W 326.03 feet, to a 20 inch pecan tree, N 80° 03' 29" W 140.06 feet, to a 22 inch pecan tree, S 58° 56' 32" W 111.71 feet, to a 1/2 inch iron rod set, N 64° 02' 59" W 162.25 feet, to a 42 inch pecan tree, S 26° 10' 37" W 133.98 feet, to a 30 inch pecan tree, S 53° 38' 18" W 69.19 feet, to a 23 inch pecan tree, S 61° 41' 26" W 208.26 feet, to a 1/2 inch iron rod set, N 68° 30' 48" W 237.14 feet, to a 1/2 inch iron rod set, N 84° 15' 33" W 152.61 feet, to a 1/2 inch iron rod set, S 60° 31' 38" W 164.78 feet, to a 1/2 inch iron rod set, S 85° 04' 24" W 61.16 feet, to a 30 inch pecan tree, S 79° 11' 31" W 107.03 feet, to a 1/2 inch iron rod set, S 61° 04' 00" W 132.62 feet, to a 32 inch pecan tree, S 56° 16' 35" W 112.31 feet, to a 1/2 inch iron rod set, S 30° 23' 00" W 120.98 feet, to a 30 inch pecan tree, S 11° 11' 55" W 100.94 feet, to a 18 inch pecan tree, S 35° 41' 03" E 65.95 feet, to a 26 inch pecan tree, S 64° 30' 02" E 91.31 feet, to a 1/2 inch iron rod set, S 15° 36' 31" E 122.20 feet, to a 1/2 inch iron rod set, S 03° 10' 41" W 59.78 feet, to a 24 inch pecan tree, S 20° 02' 37" E 282.47 feet, to a 1/2 inch iron rod set, and S 49° 50' 56" W 172.27 feet, to a 1/2 inch iron rod set in the North Right of Way line of State Highway 36, for the Southeast corner of this tract;

THENCE, with the North Right of Way line of State Highway 36, as follows, N 83° 13' 50" W 629.09 feet, to a concrete marker, N 06° 46' 10" E 131.36 feet, to a 1/2 inch iron rod set, N 83° 13' 50" W 192.38 feet, to a 1/2 inch iron rod set, S 06° 46' 10" W 101.22 feet, to a concrete marker, and N 83° 13' 50" W 1002.81 feet, to the point of beginning and containing 330.43 acres of land.

542.00  
Cowboy Country Site

FILED FOR RECORD  
AT 10:30 O'CLOCK A.M.

AUG 4 2017

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

FILED

AT 10:30 O'CLOCK A.M.  
ON THE 4<sup>th</sup> DAY OF August  
A.D. 2017

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS

BY *Amy Huddleston*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the Deed  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 1027 PAGE 180  
RECORDED 08-01-2017

w:  
Cowboy Country Site

THE STATE OF TEXAS  
COUNTY OF COMANCHE

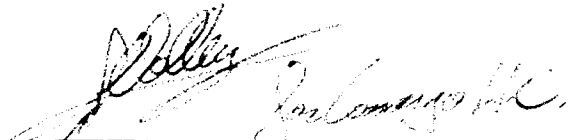
**Consent to Irrigate:**

This agreement is made on the 23 day of December, 2019 between land owner Natural Dairy Grower Land, LP and irrigator, CONARGO, LLC. Natural Dairy Grower Land, LP does hereby grant authorization to CONARGO, LLC to irrigate on all tracts of land owned by Natural Dairy Grower Land, LP outlined in the warranty deed(s) included in (Attachment E).

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the agreement.



Frank Volleman for Natural Dairy Grower Land, LP

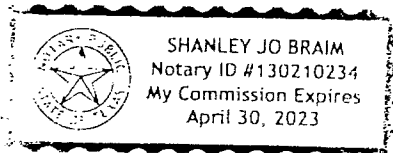


Marcel Volleman for CONARGO, LLC

STATE OF TEXAS  
COUNTY OF Comanche

I, the undersigned Notary Public in and for said County and State, hereby certify that Frank Volleman & Marcel Volleman whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

GIVEN under my hand and seal this 23rd day of December, 2019.



Shanley Braim  
Notary Public  
My Commission Expires:  
April 30, 2023



## Franchise Tax Account Status

As of : 12/05/2019 10:15:32

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

### NATURAL DAIRY GROWER LAND, LP

**Texas Taxpayer Number** 32045916148

**Mailing Address** 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 01/01/2012

**Texas SOS File Number** 0801516789

**Registered Agent Name** FRANK VOLLEMAN

**Registered Office Street Address** 600 CR 252 GUSTINE, TX 76455

# Public Information Report

## Public Information Report NATURAL DAIRY GROWER LAND, LP

Report Year :2019

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
GENERAL PA	<b>VOLLEMAN MANAGEMENT (GP), LLC, A TEXAS LIMITED LIA</b> 600 CR 252 GUSTINE, TX 76455



## Franchise Tax Account Status

As of : 12/05/2019 10:46:16

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

### VOLLEMAN MANAGEMENT (GP), LLC

**Texas Taxpayer Number** 32045916320

**Mailing Address** 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 01/01/2012

**Texas SOS File Number** 0801516762

**Registered Agent Name** FRANK VOLLEMAN

**Registered Office Street Address** 600 CR 252 GUSTINE, TX 76455

# Public Information Report

**Public Information Report**  
**VOLLEMAN MANAGEMENT (GP), LLC**  
Report Year :2018

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
MEMBER	<b>ANNETTE VOLLEMAN</b> 600 CR 252 GUSTINE, TX 76455
MEMBER	<b>FRANK VOLLEMAN</b> 600 CR 252 GUSTINE, TX 76455

North  
South

COB

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.

**ASSUMPTION WARRANTY DEED**

**DATE:** DECEMBER 29, 2011, but effective JANUARY 1, 2012  
**GRANTOR:** FRANK VOLLEMAN and wife, ANNETTE VOLLEMAN  
**GRANTOR'S MAILING ADDRESS: (INCLUDING COUNTY):** 600 CR 252, GUSTINE, COMANCHE COUNTY, TEXAS 76455  
**GRANTEE:** NATURAL DAIRY GROWER LAND, LP, A Texas Limited Partnership  
**GRANTEE'S MAILING ADDRESS: (INCLUDING COUNTY):** 600 CR 252, GUSTINE, COMANCHE COUNTY, TEXAS 76455

**CONSIDERATION:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed and for which no liens are either retained or implied and Grantee's assumption of and agreement to pay, according to the terms of each note, the following:

\* **TRACT ONE:**

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO HUNDRED THREE THOUSAND EIGHT HUNDRED FIFTEEN AND NO/100 DOLLARS (\$203,815.00), dated March 23, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Carolyn Smith. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated March 23, 2010, executed by Carolyn Smith, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee, and additionally secured by a Deed of Trust dated March 23, 2010, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to James H. Dudley, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.





\* \*

**TRACT TWO:**

(1) The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO HUNDRED SEVENTY-FOUR THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$274,600.00), dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Lone Star, FLCA. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated November 20, 2007, executed by Bobby Clark and wife, Gail Clark, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to Jason M. Johnson, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

(2) The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00), dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Bobby Clark and wife, Gail Clark. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated November 20, 2007, executed by Bobby Clark and wife, Gail Clark, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to Jason M. Johnson, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

**TRACT THREE:**

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$350,000.00), dated April 29, 2009, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Mack Stark and wife, Lavon Stark. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated April 29, 2009, executed by Mack Stark and wife, Lavon Stark, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated April 20, 2009, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to James H. Dudley, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

**TRACT FOUR:**

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of ONE MILLION THREE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$1,380,000.00), dated April 18, 2011, executed by Natural Dairy Grower Company, A Texas Corporation, to Central Texas Land Bank, FLCA and additionally secured by a Deed of Trust dated April 18, 2011, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to Boyd J. Chambers, as Trustee, recorded in Volume 360, Page 130, Deed of Trust Records, Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

**TRACT FIVE:**

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of SIXTY-SIX THOUSAND SIX HUNDRED SIXTY-SEVEN AND NO/100 DOLLARS (\$66,667.00) dated January 16, 2008, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Garry Clyde Davis and wife, Janice Davis. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated January 16, 2008, executed by Garry Clyde Davis and wife, Janice Davis, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated January 16, 2008, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to John E. Gleaton, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

**TRACT SIX:**

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated September 27, 2010, executed by Gayland G. Stephens and wife, Julie Stephens, as Grantor, to Natural Dairy Grower, A Texas Corporation, as Grantee, recorded in Volume 929, Page 469, Real Records of Comanche County, Texas, and additionally secured by a Deed of Trust dated September 27, 2010, which Deed of Trust covers Tracts One through Six, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

**PROPERTY (INCLUDING ANY IMPROVEMENTS):**

**TRACT ONE:**

All that certain lot, tract, or parcel of land being 106.14 acres, more or less, being out of and a part of the survey patented to James M. Alexander, assignee of William H. Murry, by patent dated December 11, 1843, being Patent No. 287, Volume No. 131, Abstract No. 641, Comanche County, Texas, and being more particularly described as Tract One in Exhibit A, attached hereto and fully incorporated herein for all purposes.

↙  
South  
Land

**TRACT TWO:**

All that certain lot, tract, or parcel of land being 167.33 acres, out of the W.H. Murray Survey, Abstract No. 641, Comanche County, Texas, and being more particularly described as Tract Two in Exhibit B, attached hereto and fully incorporated herein for all purposes.

↘

**TRACT THREE:**

**PARCEL ONE:**

All that certain lot, tract, or parcel of land being 77.4 acres, more or less, out of the James Hamilton Survey, Abstract No. 455, Comanche County, Texas, and being more particularly described as Tract Three, Parcel One in Exhibit C, attached hereto and fully incorporated herein for all purposes.

North  
Land

**PARCEL TWO:**

All that certain lot, tract, or parcel of land being situated in Comanche County, Texas, about 2 miles West of the town of Gustine; and being out of and a part of the James Hamilton Survey No. 83, Abstract No. 453, Patent No. 302, Volume 1, and being a part of the land conveyed by E.F. Adcock and wife, Mary Adcock, to L.S. Adcock, January 9, 1909, and recorded in Volume 76, Page 273, Deed Records of Comanche County, Texas, and being more particularly described as Tract Three, Parcel Two in Exhibit C, attached hereto and fully incorporated herein for all purposes.

**TRACT FOUR:**

**PARCEL ONE:**

All that certain lot, tract, or parcel of land being 190.057 acres, out of the James Hamilton Survey 83, Abstract Number 453, Comanche County, Texas, and being more particularly described as Tract Four, Parcel One in Exhibit D, attached hereto and fully incorporated herein for all purposes.

**PARCEL TWO:**

All that certain lot, tract, or parcel of land being 126.483 acres, out of the James Hamilton Survey 82, Abstract Number 455, Comanche County, Texas, and being more particularly described as Tract Four, Parcel Two in Exhibit D, attached hereto and fully incorporated herein for all purposes.

**PARCEL THREE:**

All that certain lot, tract, or parcel of land being 170.37 acres, out of the Green Lee Survey, Abstract Number 621, Comanche County, Texas, and being more particularly described as Tract Four, Parcel Three in Exhibit D, attached hereto and fully incorporated herein for all purposes.

**PARCEL FOUR:**

All that certain lot, tract, or parcel of land being 20.00 acres, out of the William Cox Survey, Abstract Number 210, Comanche County, Texas, and being more particularly described as Tract Four, Parcel Four in Exhibit D, attached hereto and fully incorporated herein for all purposes.

**TRACT FIVE:**

**PARCEL ONE:**

All that certain lot, tract, or parcel of land being 24.633 acres, more or less, out of the Samuel Jones Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Five, Parcel One in Exhibit E, attached hereto and fully incorporated herein for all purposes.

**TRACT TWO:**

All that certain lot, tract, or parcel of land being 19.602 acres, more or less, out of the Samuel Jones Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Five, Parcel Two in Exhibit E, attached hereto and fully incorporated herein for all purposes.

**TRACT SIX:**

**PARCEL ONE:**

All that certain lot, tract, or parcel of land being 137.3 acres, out of the John C. Donley Survey, Abstract No. 246, Comanche County, Texas, and being more particularly described as Tract Six, Parcel One in Exhibit F, attached hereto and fully incorporated herein for all purposes.

**PARCEL TWO:**

All that certain lot, tract, or parcel of land being 221.5 acres, out of the A.E. Hodge Survey, Abstract No. 426, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Two in Exhibit F, attached hereto and fully incorporated herein for all purposes.

**PARCEL THREE:**

All that certain lot, tract, or parcel of land being 141.10 acres, out of the A.E. Hodge Survey, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Three in Exhibit F, attached hereto and fully incorporated herein for all purposes.

**PARCEL FOUR:**

All that certain lot, tract, or parcel of land being 25 acres, out of the Alexandria E. Hodge Comanche County, Texas, and being more particularly described as Tract Six, Parcel Four in Exhibit F, attached hereto and fully incorporated herein for all purposes.

**PARCEL FIVE:**

All that certain lot, tract, or parcel of land being 33 acres, out of the Alexander E. Hodge Survey, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Five in Exhibit F, attached hereto and fully incorporated herein for all purposes.

**PARCEL SIX:**

All that certain lot, tract, or parcel of land being 16 acres, out of the Alexander E. Hodge Survey, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Six in Exhibit F, attached hereto and fully incorporated herein for all purposes.

**EASEMENT TRACT:**

Together with all of Grantor's rights title and interest, in and to that certain easement executed by Cullen Stephens and wife, Florine Stephens, as Grantor, to A.L. Reese, as Grantee, for the purpose of constructing, reconstructing, repairing, patrolling, laying, and maintaining a water supply easement over and across a 60 2/3 acres tract of land out of the William Vance Survey, Abstract 980, Comanche County, Texas.

The Easement terms, restrictions and requirements (including annual required payment) are described in the Easement, recorded in Volume 354, Page 288, Official Public Records, Comanche County, Texas.

The above-described Easement was subsequently transferred to Seller by Deed recorded in Volume 606, Page 30, Deed Records, Comanche County, Texas, and by Deed recorded in Volume 605, Page 94, Deed Records, Comanche County, Texas.

**TRACT SEVEN:**

All that certain lot, tract, or parcel of land being 3.20 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Seven in Exhibit G, attached hereto and fully incorporated herein for all purposes.

**TRACT EIGHT:**

All that certain lot, tract, or parcel of land being 2.28 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Eight in Exhibit H, attached hereto and fully incorporated herein for all purposes.

**RESERVATIONS FROM CONVEYANCE: NONE**

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:** Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, all oral and written leases, mineral interests outstanding in persons other than Grantor, and other instruments that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, liens described as part of

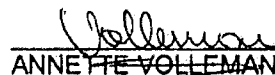
the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; and taxes for 2011, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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 to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors 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 when the claim is by, through, or under Grantor but not otherwise, 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.



FRANK VOLLEMAN



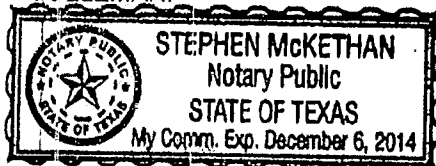
ANNETTE VOLLEMAN

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 21<sup>st</sup> day of December, 2011, by FRANK VOLLEMAN.





Notary Public, State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 29<sup>th</sup> day of December, 2011, by ANNETTE VOLLEMAN.



Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
THE ALLEN FIRM, P.C.  
A Texas Professional Corporation  
181 South Graham Street  
Stephenville, Texas 76401

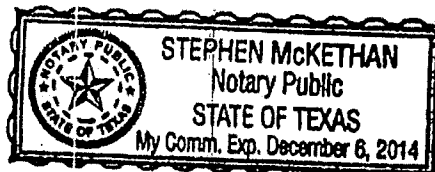


EXHIBIT A

TRACT ONE:

106.14 acres of land, more or less, being out of and a part of the survey patented to James M. Alexander, assignee of William H. Murry, by patent dated December 11, 1843, being Patent No. 287, Volume No. 131, Abstract No. 641, and being described in two tracts, as follows:

FIRST TRACT:

46.14 acres of land, more or less, described by metes and bounds as follows, to-wit:  
BEGINNING at the SE corner of a 200 acre tract conveyed by J. M. Cobbs to J. A. Cobbs, by deed dated 5 April, 1886, recorded in Volume R, Page 319, Deed Records of Comanche County, Texas, said beginning point being 1100 yards S. 19 W. and 880 yards S. 71 E. from the NW corner of the James M. Alexander Survey;  
THENCE N. 19 E. 331 vrs. along the E. line of said Cobbs tract;  
THENCE S. 71 E. 790 vrs.;  
THENCE S. 19 W. 331 vrs. to the S. line of 200 acres conveyed to G. W. Bean by J. E. Rector, by deed dated 16 August, 1883, recorded in Volume O, Page 290, Deed Records of Comanche County, Texas;  
THENCE N. 71 W. 790 vrs. with the S. line said Bean tract to the place of beginning.

SECOND TRACT:

60 acres of land, more or less, described by metes and bounds as follows, to-wit:  
BEGINNING at the same beginning point as First Tract above;  
THENCE N. 71 W. with the S. line of said Cobbs tract, 352 yards;  
THENCE N. 19 E. 825 yards;  
THENCE S. 71 E. 352 yards to the E. line of said Cobbs 200 acre tract;  
THENCE S. 19 W. 825 yards to the beginning point, and being the East 80 acres of said Cobbs 200 acre tract, less and except 20 acres of the North end sold by R. L. Smith and wife, to J. L. Patton, deed dated 3 February, 1914, of record in Volume 95, Page 616, Deed Records of Comanche County, Texas.  
Being the same land and premises described in Warranty Deed dated July 20, 1972, from Stanley A. Glenn et ux to J. S. Couch et al of record in Vol. 379, Page 350, Deed Records of Comanche County, Texas, to which reference is here made for all legal purposes.

**EXHIBIT B**

**TRACT TWO:**

All that certain 167.33 acre tract of land out of the W.H. Murray Survey, Abstract No. 641, Comanche County, Texas, being all of that certain 100 acre tract described as Sixth Tract, part of that certain 25 acre tract described as Seventh Tract, part of that certain 87 acre tract described as First Tract and part of that certain 8 1/3 acre tract described as Eleventh Tract described in deed from Margaret Callaway, Administratrix to Allan A. Striegler and J. Paul Cook by deed dated July 13, 1976, and recorded in Volume 435, Page 359, of deed records of Comanche County, Texas and described as follows:

**BEGINNING** at an iron rod set at the intersection of the N right of way line of F.M. Hwy. 2486 and the W line of the W.H. Murray Survey, in the W line of the Allen Streigler 25 acre tract for the SW corner of this tract;

**THENCE** N 18° 34' 20" E along a fence line, 2758.6' to an iron rod set at the NW corner of the Streigler 100 acre tract for the NW corner of this tract;

**THENCE** along a fence line along the N line of said 100 acre tract as follows, S 70° 53' E, 315.1' to an iron rod set at a fence corner, S 70° 09' 30" E, 1277.8" to a fence corner post and S 70° 25' E, 619.1' to an iron rod set at the occupied NE corner of said 100 acre tract for the NE corner of this tract;

**THENCE** along a fence line along the occupied E lines of said 100 acre tract and 87 acre tract as follows, S 19° 25' W, 1175.8' to an iron rod set at a fence corner post, S 19° 20' 30" W, 654.5' to an iron rod set at a fence corner, S 12° 25' E, 190.3' to an iron spike set in a 3" elm tree fence corner, S 02° 49' E, 45.3' to an iron spike set in a 6" live oak tree fence corner, S 12° 23' W, 137.1' to an iron rod set at a fence corner, S 14° 21' E, 131.8' to a 4" live oak tree fence corner, S 25° 45' E, 59.8' to an iron rod set at intersection of fence lines, S 21° 24' W, 220.0' to an iron rod set in fence and S 18° 45' W, 778.6' to a corner in the N right of way line of F.M. Hwy. 2486 for the SE corner of this tract, from which an iron rod referenced monument set at a fence corner post bears N 18° 45' E, 1.7';

**THENCE** along the N line of F.M. Hwy. 2486 as follows, N 77° 04' W 601.8' to the beginning of a curve, continuing along a curve to the right, radius = 1382.40', long chord = N 60° 39' W, 783.26', along a curve distance of 794.1' to the end of said curve, N 44° 13' 30" W, 918.0' to the beginning of a curve, continuing along a curve to the left, radius = 1959.86', long chord = N 74° 54' 20" W, 251.05'; along a curve distance of 251.2' to the place of beginning and containing 167.33 acres of land in Comanche, Texas.

Save and except, and there is hereby excluded herefrom, that certain mineral interest reserved and described in Warranty Deed dated September 18, 1980, from Allen Striegler and Paul Cook to Jimmie D. Lee and wife, Sherrie Lee, recorded in Volume 509, Page 284, Deed Records of Comanche County, Texas, to which reference is here made for a description of such interest, and that certain mineral interest described in the mineral reservation in favor of J.K. Wilhelm, et ux, as shown on record in Volume 318, Page 62, Deed Records of Comanche County, Texas, to which reference is here made for a description of such interest.



**EXHIBIT C**

**TRACT THREE:**

**PARCEL 1:**

All that certain 77.4 acres of land, more or less, situated in Comanche County, Texas, out of the James Hamilton Survey, Abstract No. 455, and described as follows:

BEGINNING at a stake set in the South line of said James Hamilton Survey, at a point 717 varas North 71 deg. West from the SE corner of said Survey, same being the SW corner of 90.4 acres sold to L. A. and D. L. Redwine;

THENCE North 71 deg. West with said South line 717 varas to a stake for the SW corner of this tract;

THENCE North 19 deg. East 659 varas to a stake in the South R.O.W. line of Highway No. 36, for the NW corner of this tract;

THENCE South 62 deg. East with said R.O.W. line 721 varas to a stake in the West line of said Redwine tract of 90.4 acres, for the NE corner of this tract;

THENCE South 19 deg. West 564 varas to the place of beginning.

**PARCEL 2:**

All that certain lot, tract or parcel of land situated in Comanche County, Texas, about 2 miles West of the town of Gustine, and being out of and a part of the James Hamilton Survey No. 83, Abstract No. 453, Patent No. 302, Volume 1, and being a part of the land conveyed by E. F. Adcock and wife, Mary Adcock, to L. S. Adcock, January 9, 1909, and recorded in

Volume 76, Page 273; Deed Records of Comanche County, Texas, described by metes and bounds as follows:

BEGINNING at a stake and fence post set in the ground on the North line of James Hamilton Survey No. 83, and the South line of James Survey No. 82, said point being 486.1 varas No. 71 deg. W from the NE corner of James Hamilton Survey No. 83, and the SE corner of James Hamilton Survey No. 82, for the NE corner of this tract;

THENCE S 18 deg. 24' W with fence now in place, 773.28 vrs; to a stake driven in the ground for the SE corner of this tract;

THENCE N 69 deg. W with fence now in place 471.96 varas to a stake and fence post set in the ground for the SW corner of this tract;

THENCE N 19 deg. E with fence now in place, 756.72 vrs. to a stake and fence post set in the ground on the North line of James Hamilton Survey No. 83, and the South line of James Hamilton Survey No. 82, for the NW corner of this tract;

THENCE S 71 deg. E with fence now in place on the North line of Survey No. 83, and the South line of James Hamilton Survey No. 82, 463.57 vrs. to the place of beginning, and containing 63.3397 acres of land.

Being the same land and premises described in Warranty Deed dated April 9, 1993, from Sue Simpson Biggs to Mack Stark and wife, Lavon Stark, recorded in Volume 708, Page 184, Deed Records of Comanche County, Texas, to which record reference is here made for all purposes.

**EXHIBIT D**

**TRACT FOUR:**

**Property (including any improvements): Tract One:** Being 190.057 acres of land, situated in Comanche County, Texas, and being 152.515 acres out of the JAMES HAMILTON SURVEY 83, ABSTRACT NUMBER 453, and the remaining 37.992 acres is out of the JAMES HAMILTON SURVEY 82, ABSTRACT NUMBER 455, and being the land that is described as a 110.44 acre tract in a deed from T. J. Edwards, et al to W. N. Edwards, recorded in Volume 155 at Page 367, Deed Records of Comanche County, Texas, and a 80.5 acre tract that is described in a deed from J. T. Edwards, et al to J. H. Edwards, recorded in Volume 155 at Page 422, said Deed Records, and further described as follows:

**BEGINNING**, at a concrete marker found in the East line of Comanche County Road Number 403, and being in the Southwest corner of said 110.44 acre tract, and being in the North line of 23.939 acre tract of land that is described in a deed to Franklin G. Rankin, recorded in Volume 728 at Page 555, said Deed Records, for the Southwest corner of this tract;

**THENCE**, with a fence along the East line of said County Road as follows, N 23 deg. 06' 27" E for a distance of 311.14 feet, to a 1/2 inch iron rod set, N 24 deg. 43' 09" E for a distance of 28.98 feet, to a 1/2 inch iron rod set, N 05 deg. 16' 03" E for a distance of 41.83 feet, to a 1/2 inch iron rod set, N 18 deg. 39' 30" E for a distance of 1574.78 feet, to a 1/2 inch iron rod set, N 18 deg. 53' 13" E for a distance of 650.85 feet, to a 1/2 inch iron rod set, N 19 deg. 32' 06" E for a distance of 1059.68 feet, to a 1/2 inch iron rod set, and N 18 deg. 29' 36" E for a distance of 953.36 feet, to a 1/2 inch iron rod found in the South Right of Way line of State Highway 36, and being the Northwest corner of said 110.44 acre tract, for the Northwest corner of this tract;

**THENCE**, S 63 deg. 45' 20" E for a distance of 349.37 feet, with the South Right of Way line of State Highway 36, to a 1/2 inch iron rod found at the Northwest corner of a 5.00 acre tract that is described in a deed to Robert T. Jonson, et ux, recorded in Volume 571 at Page 460, said Deed Records, for a corner of this tract;

**THENCE**, S 18 deg. 10' 55" W for a distance of 789.57 feet, with a fence to a 1/2 inch iron rod found at the Southwest corner of said 5.00 acre tract, and being in the West line of a former 50.66 acre tract that is described in a deed to Darla C. Deal, recorded in Volume 589 at Page 240, said Deed Records;

**THENCE**, S 18 deg. 09' 04" W for a distance of 432.36 feet, with a fence to a 1/2 inch iron rod set in a fence corner at the Southwest corner of said 50.66 acre tract, for a corner of this tract;

**THENCE**, S 71 deg. 19' 02" E for a distance of 582.10 feet, with a fence, to a 3/8 inch iron rod found at the Northwest corner of a 126.483 acre tract that is described in a deed to Arnold C. Pettijohn, et ux, recorded in Volume 697 at Page 477, said Deed Records, for a corner of this tract;

**THENCE**, S 18 deg. 17' 25" W for a distance of 987.47 feet, with a fence, to a 3/8 inch iron rod found in a fence corner at a corner of said 126.483 acre tract, for a corner of this tract;

**THENCE**, 71 deg. 12' 23" E for a distance of 473.84 feet, with a fence to a 3/8 inch iron rod found, S 66 deg. 46' 45" E for a distance of 162.86 feet, with a fence to a spike set in a 16 inch Elm tree, and S 71 deg. 25' 08" E for a distance of 1272.44 feet, with a fence, to a 1/2 inch iron rod set in a fence corner at the Northeast corner of said 80.5 acre tract, and being a corner of said 126.483 acre tract, for a corner of this tract;

**THENCE**, S 17 deg. 40' 28" W for a distance of 36.83 feet, to a 3/8 inch iron rod found, S 19 deg. 00' 51" W for a distance of 1224.63 feet, with a fence to a 1/2 inch iron rod set and S 18 deg. 54' 23" W for a distance of 1273.07 feet, to a 1/2 inch iron rod set at the Southeast corner of said 80.5 acre tract and being in the West line of said 126.483 acre tract, and being in the North line of a 58 acre tract that is described in Volume 476 at Page 447, said Deed Records, for the Southeast corner of this tract;

**THENCE**, N 71 deg. 55' 23" W for a distance of 892.35 feet, with a fence to a 1/2 inch iron rod set in a fence corner at the Northwest corner of said 58 acre tract and being in the East line of a 44.47 acre tract that is described in a deed to Jarrell A. Hurst, recorded in Volume 617 at Page 214, said Deed Records, for a corner of this tract;

**THENCE**, N 18 deg. 50' 07" E for a distance of 187.74 feet, with a fence, to a 1/2 inch iron rod set in a fence corner at the Northeast corner of said 44.47 acre tract, for a corner of this tract;

**THENCE**, N 71 deg. 11' 27" W for a distance of 1356.07 feet, with a fence to a 1/2 inch iron rod found in a fence corner at the Northwest corner of said 44.47 acre tract and being the Northeast corner of said 23.939 acre tract, and N 71 deg. 09' 22" W for a distance of 627.07 feet, with a fence to the point of beginning and containing 190.507 acres of land.

**Tract Two:** Being 126.483 acres of land, situated in Comanche County, Texas, and being 66.475 acres out of the JAMES HAMILTON SURVEY 82, ABSTRACT NUMBER 455 and 60.008 acres out of the JAMES HAMILTON SURVEY 83, ABSTRACT NUMBER 453, and being the land that is described in a deed from Milton C. Lawdermilk to Lonnie Tate, et ux, and recorded in Volume 596, Page 234, Deed Records of Comanche County, Texas, and further described as follows:

**BEGINNING**, at an iron rod found in place in a fence corner on the South line of Survey 82 and the North line of Survey 83, and being 3196.7 feet S 71 degrees 28' E of the Northwest corner of Survey 82, for a corner of this tract;

**THENCE**, S 17 degrees 49' 58" W 1179.61 feet, an iron rod, S 38 degrees 27' E 7.18 feet, an iron rod and S 19 degrees 16' 36" W 1243.47 feet, all with a fence on the occupied East line of a former 62.5 acre tract of land that is described in a deed recorded in Volume 155, Page 425, said Deed Records, to an iron rod set in a fence corner for the Southeast corner of this tract;

**THENCE**, N 72 degrees 02' 53" W 1076.96 feet, with a fence to an iron rod set in a fence corner at the Southwest corner of said 62.5 acre tract, for a Southerly Southwest corner of this tract;

**THENCE**, N 18 degrees 57' 35" E 1260.35 feet, an iron rod, N 19 degrees 03' 56" E 1247.91 feet, an iron rod and N 18 degrees 08' 20" E 37.06 feet, all with a fence to an iron rod set in a fence corner, for an internal corner of this tract;

**THENCE**, N 71 degrees 21' 58" W 1272.92 feet, an iron rod, N 66 degrees 38' 49" W 162.24 feet, an iron rod and N 71 degrees 07' 50" W 474.03 feet, all with a fence and the occupied South line of a 63.669 acre Third Tract of land described in Volume 596, Page 234, said Deed Records, to an iron rod set in a fence corner for a Northerly Southwest corner of this tract;

**THENCE**, N 18 degrees 22' 10" E 987.75 feet, with an old fence line to an iron rod found in place at the Northwest corner of said 63.669 acre tract, for the Northwest corner of this tract;

**THENCE**, S 71 degrees 18' 21" E 2345.62 feet, with a fence to an iron rod set in a fence corner at the Northwest corner of a 3 acre tract, for an external corner of this tract;

**THENCE**, S 17 degrees 43' 02" W 226.82 feet, with a fence to an iron rod at the Southwest corner of a 3 acre tract, for an internal corner of this tract;

**THENCE**, S 70 degrees 58' 09" E 205.84 feet, with a fence to an iron rod found at the Northwest corner of a former 3.708 acre tract of land that is described in a Builders and Mechanic's Lien Contract that is recorded in Volume X, Page 148 of the M&M Records of Comanche County, Texas, and S 71 degrees 13' E 368.79 feet, with a fence to an iron rod found in place on the West side of a 30 wide access road, for the Northeast corner of this tract;

**THENCE**, S 18 degrees 26' 21" W 426.70 feet, to an iron rod at the Southeast corner of said 3.708 acre tract and S 18 degrees 18' 24" W 334.79 feet, with a fence and the West side of said 30 foot access road, for an internal corner of this tract;

**THENCE**, S 70 degrees 31' 23" E 35.38 feet, with a fence across the end of access road, to an iron rod set in a fence corner, and S 17 degrees 19' 14" W 115.07 feet, with a fence to the point of beginning and containing 126.483 acres of land.

**Tract Three:** Being a 170.37 acre tract of land in Comanche County, Texas, being out of the Green Lee Survey, Abstract No. 621, and the William Cox Survey No. 151, Abstract No. 210, also being out of that tract described in a Receiver's Deed from P. M. Fagan to Ed Duke dated December 1, 1942, and recorded in Volume 219, Page 570, Deed Records of Comanche County, Texas, and said 170.37 acre tract being herein described by metes and bounds as follows:

**BEGINNING**, at a concrete monument and corner post set on the Northwest corner of said Cox survey and the Northwest corner of said Duke tract for the Northwest corner hereof;

**THENCE**, S 71° 44' E., 1803.0 feet with a fence on the North line of said Cox survey to an iron pin for a corner hereof;

**THENCE**, S 19° 08' W., 901.6 feet to an iron pin for a corner hereof;

**THENCE**, S 77° 49' E., 1036.6 feet to a point in the center line of a county road and in the East line of said Cox survey and the East line of said Duke tract for the Northeast corner hereof;

**THENCE**, S 19° 08' W., 2328.3 feet with said center line of a county road and said East line of the Cox survey to a point from which an iron pin set in a fence bears 20 feet N. 70° 16' W., for the Southeast corner hereof;

**THENCE**, N 70° 16' W 1889.2 feet to an iron pin set in a fence on a West line of said Duke tract for a corner hereof;

**THENCE**, N 18° 54' E 410.2 feet to a concrete monument and corner post set on a corner of said Cox survey and corner of said Lee Survey for a corner hereof;

**THENCE**, N 71° W 896.3 feet with a fence on the South line of said Cox Survey and the North line of said Lee Survey and a South line of said Duke tract to a concrete monument and corner post set on the Southwest corner of said Cox Survey for the Southwest corner hereof;

**THENCE**, N 18° 54' E 2649.7 feet along a fence on the West line of said Cox Survey to the place of beginning and containing 170.37 acres of land.

**Tract Four:** 20 acres of land in Comanche County, Texas, being out of the William Cox Survey No. 11, Abstract No. 210, and also being out of that tract described in a Receiver's Deed from P. M. Fagan to Ed Duke, dated December 1, 1942, and recorded in Volume 219, Page 570 of the Deed Records of Comanche County, Texas, and said 20 acres being described as follows:

**BEGINNING**, at a point in the center of a county road and in the West line of the James Hamilton Survey No. 82, and on the NE corner of said Cox Survey and the Northeast corner of said Duke tract, said point from which a concrete monument and corner post set in the West line of said road bears 20 feet N. 71° 44' W for the NE corner hereof;

**THENCE**, S 19° 08' W., 791.7 feet with said center line of a county road, and said East line of the Duke tract to a point from which an iron pin set in a fence on the West line of said County Road bears 20 feet N 77° 49' W for the SE corner hereof;

**THENCE**, N 77° 49' W 1036.6 feet to an iron pin for the SW corner hereof;

**THENCE**, N 19° 09' E 901.5 feet to an iron pin set in a fence on the North line of said Duke tract and the North line of said Cox Survey for the NW corner hereof;

**THENCE**, S 71° 44' E 1029.0 feet with said fence on the North line of the Duke tract to the place of beginning, containing 20.0 acres of land.

**EXHIBIT E**

**TRACT FIVE:**

**Tract One:** Being 24.633 acres of land, more or less, situated in Comanche County, Texas, out of the Samuel Jones Survey, Abstract No. 577, and being part of a 63 acre tract of land that is described in a Deed from Mrs. M. Stewart, et vir to M. F. Harkins, et ux, recorded in Volume 217 at Page 526, Deed Records of Comanche County, Texas, and further described as follows:

**BEGINNING**, at a 3/8 inch iron rod found in a fence corner at the Northeast corner of said 63 acre tract, and being the Northeast corner of said James Survey, and being an internal corner of a 100 acre tract of land that is recorded in Volume 234 at Page 244, said Deed Records, for the Northeast corner of this tract;

**THENCE**, S 00 degrees 08' 35" E 596.16 feet, with a fence, to a point in the East line of said 63 acre tract, from which a 3/8 inch iron rod found bears S 00 degrees 08' 35" E 42.20 feet, for the Southeast corner of this tract;

**THENCE**, S 88 degrees 58' 38" W 1748.94 feet, to a 1/2 inch iron rod set in a fence on the East line of Comanche County Road Number 324, for the Southwest corner of this tract;

**THENCE**, N 01 degrees 55' 14" W 620.99 feet, with a fence along the East line of said County Rod, to a 1/2 inch iron rod set in a fence corner, for the Northwest corner of this tract;

**THENCE**, N 89 degrees 30' 45" E 735.47 feet, with a fence, to a 3/8 inch iron rod found in a fence corner at the Southeast corner of a 14.2 acre tract of land that is described in Volume 343 at Page 517, and N 89 degrees 58' 27" E 1032.54 feet, to the point of beginning and containing 24.633 acres

of land, more or less.

**Tract Two:** Being 19.602 acres of land, more or less, situated in Comanche County, Texas, out of the Samuel Jones Survey, Abstract Number 577, and being part of a 63 acre tract of land that is described in a Deed from Mrs. M. Stewart, et vir to M. F. Harkins, et ux, recorded in Volume 217 at Page 526, Deed Records of Comanche County, Texas, and further described as follows:

**BEGINNING** at a 1/2 inch iron rod set in a fence corner at the Northwest corner of said 63 acre tract, and being the Northwest corner of said Jones Survey, and being the Southwest corner of a 44 acre tract of land that is described in a deed recorded in Volume 637 at Page 435, said Deed Records, and being in the East line of a 100 acre Second Tract of land that is described in a deed to Carl D. Hall, recorded in Volume 637 at Page 435, said Deed Records, for the Northwest corner of this tract;

**THENCE** N 89 degrees 34' 45" E 1350.12 feet, with a fence along the North line of said 63 acre tract, to a 3/8 inch iron rod found in a fence corner on the West line of Comanche County Road Number 324 and being the Southeast corner of a 6.933 acre tract of land that is described in a deed to Armando Lopez, recorded in Volume 731 at Page 51, said Deed Records, for the Northeast corner of this tract;

**THENCE** S 01 degrees 55' 14" E 661.23 feet, with the West line of said County Road, to a point in a deed gully, from which a reference iron rod set bears N 39 degrees 41' 08" E 53.36 feet, for the Southeast corner of this tract;

**THENCE** N 88 degrees 45' 10" W 875.15 feet, to a 1/2 inch iron rod set and N 80 degrees 49' 09" W 499.49 feet, to a 1/2 inch iron rod set in a fence on the West line of said 63 acre tract and being the East line of said 100 acre tract, for the Southwest corner of this tract;

**THENCE** N 00 degrees 26' 13" W 552.21 feet, with a fence, to the point of beginning and containing 19.602 acres of land, more or less.

**EXHIBIT F**

**TRACT SIX:**

**PARCEL ONE:**

**Tract One:** A tract of land located in Comanche County, Texas, and being 137.3 acres of the John C. Donley Survey, Abstract No. 246, and being a part of 248.6 acres of said survey deeded to W. M. Odell, said 137.3 acres described by metes and bounds as follows:

**BEGINNING** at the N. E. corner of said John C. Donley Survey;  
**THENCE** North 69 West with North line of said 987 vrs. for N. W. corner of this;  
**THENCE** South 19 West with West line of said W. M. Odell 248.6 acre tract, 773.7 vrs. for the SW corner of this and the NW corner of 111.25 acres deeded by Marcy C. Moore and husband, C. C. Moore to Maudie Redwine, et al;  
**THENCE** South 71 East 792 vrs. for corner;  
**THENCE** South 19 West 150 vrs. for corner;  
**THENCE** South 71 East 195 vrs. for corner in East line said Donley Survey;  
**THENCE** North 19 East with said East line 923 vrs. to the place of beginning.

**PARCEL TWO:**

**Tract Three:** Being all that certain 221 1/2 acres of land, more or less, out of the A. E. Hodge Survey, Abstract No. 426, Patent No. 630, Vol. 6, Cert. No. 134, and described as follows:

**BEGINNING** in the South line of said Hodge Survey, 840 vrs. S. 71 E from its S. W. corner, and at the S. E. corner of the Thos W. Dunlap tract of 425 acres out of said Hodge Survey, a stone set in ground from which a B. J. mkd X brs. S 10 1/2 E. 9.6 vrs;  
**THENCE** S 71 E with said South line at 187 vrs. cross Indian Creek, at 214 vrs. cross Comanche and Waco Road, at 635 vrs. to S. W. corner of J. N. Walker tract a pile of stone from which a P.O. brs. S 83 E 20.2 vrs;  
**THENCE** N 20 E with Walker's West line at 230 vrs. cross public road, at 807 vrs. to corner;  
**THENCE** S 71 E 23 vrs. to corner;  
**THENCE** N 19 E 1000 vrs. crossing Indian Creek at 1155 vrs. to center bed of Leon River;  
**THENCE** up said river with its meanderings S 52 W 120 vrs; N 56 W 35 vrs; N 1 W 83 vrs; S 67 1/2 W 61 vrs; S 48 W 53 vrs; S 85 W 43 vrs; N 37 W 39 vrs; S 88 W 75 vrs. to the N. E. corner of said Dunlap tract, from which an Elm brs S 6 vrs;  
**THENCE** S 19 W with Dunlap's East line 1890 vrs. to the place of beginning.

**PARCEL THREE:**

**Tract Four:** All that certain one hundred and forty one and one tenth ( 141.1) acres of the A. E. Hodge Survey, described by field notes as follows:

**BEGINNING** at the NW corner of the Price twenty five acres out of said Hodge Survey, an iron rod in ground on top of a small hill for SW corner of this tract;  
**THENCE** N 19 E 197 vrs round stake in ground for corner;  
**THENCE** South 71 E 250 vrs another corner this tract;  
**THENCE** N 19 E 1150 vrs to center bed Leon River; the NW corner this tract;  
**THENCE** down said river with its meanderings to a point N 19 E 1088 vrs from the NE corner of said 25 acre tract;  
**THENCE** South 19 W 1088 vrs to the NE corner said 25 acres;  
**THENCE** North 17 W with North line said 25 acres, 650 vrs to the beginning.

**PARCEL FOUR:**

**Tract Five:** All that certain parcel of land located in Comanche County, Texas, out of Alexandria E. Hodge Survey, being that part of the John N. Walker Estate conveyed by Gib Callaway, as Executor to Maud Byrd as her part of the estate, described as follows:

**BEGINNING** on the W line of a 93 acre tract sold to John N. Walker by deed recorded in Vol. K, Page 388, Deed Records of Comanche County, Texas, at a point 179 vrs. S. of the N. E. corner of said 93 acres, which is also the S. W. corner of a tract of 100 acres conveyed by Gib Callaway, Executor, to Mrs. Mattie Williams and Mrs. Ida Cody, for the N. E. corner of this tract;  
**THENCE** S 71 E with the N. line of Mrs. Williams Sub-div. 650 vrs to the E. line of said 93 acres for the N. E. corner of this;  
**THENCE** S. 19 W. with said E. line 205 vrs. to a stake for the corner of this Sub-Div;  
**THENCE** N. 71 W 581 vrs. to a stake in the field for a corner of this;  
**THENCE** S. 19 W. 83 vrs to a stake in the field for another corner;  
**THENCE** N. 71 W. 80 vrs. to a stake in the W. line of the said 93 acres for the S. W. corner of this Sub-Div;  
**THENCE** N. 19 E. 288 vrs. to the place of beginning and containing 25 acres of land, more or less.

**PARCEL FIVE:**

**Tract Six:** All that certain lot, tract or parcel of land situated in Comanche County, Texas, being a part of the Alexander E. Hodge Survey, and being out of a 93 acre tract heretofore sold to J. N. Walker by M. Hodge and W. W. Miller, as shown by deed recorded in Volume K at Page 388 of the Deed Records of Comanche County, Texas;

**BEGINNING** at a point on the West line of the said 93 acre tract, at the Southwest corner of the Mrs. Maud Bird 25 acre subdivision for the Northwest corner of this;

**THENCE** South 71 East 80 vrs. to a corner in the field;

**THENCE** North 19 W. 83 vrs. with said Maud Bird line for corner;

**THENCE** South 71 East 383 vrs. to a stake in the Maud Bird line for the Northeast corner of this tract;

**THENCE** South 19 West 457 vrs. to a stake in the South line of the Hodge Survey for the Southeast corner of this tract;

**THENCE** North 71 West 461 vrs. to the Southwest corner of the said John Walker 93 acre tract, for the Southwest corner of this tract;

**THENCE** North 19 East 374 vrs. to the place of beginning, containing 33 acres of land, more or less.

**PARCEL SIX:**

**Tract Seven:** All that certain lot, tract or parcel of land situated in Comanche County, Texas, being a part of a former 93 acre tract out of the Alexander E. Hodge Survey heretofore sold to J. N. Walker by M. Hodge and W. W. Miller, as shown by Deed Records in Volume K at Page 388 of the Deed Records of Comanche County, Texas;

**BEGINNING** at a point in the South line of Maud Bird Subdivision and at the Northeast corner of the said Mrs. Pearl Miller tract for the Northwest corner of this tract;

**THENCE** South 71 East 198 vrs. with the South line of the Maud Bird Subdivision to the Southeast corner of the said Maud Bird tract in the East line of the said 93 acre tract for the Northeast corner of this;

**THENCE** South 19 West with the East line of the said 93 acre tract, 457 vrs. to the Southeast corner of said tract for the Southeast corner of this;

**THENCE** North 71 West with the South line of the original Hodge Survey 198 vrs. to a stake for the Southwest corner of this tract and the Southeast corner of the Pearl Miller tract;

**THENCE** North 19 East 457 vrs. to the place of beginning, and containing 16 acres of land, more or less.

**EXHIBIT G**

**TRACT SEVEN:**

**PROPERTY (including any improvements):** All that certain lot, tract or parcel of land being 3.20 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and described by metes and bounds as follows:

**BEGINNING** at the Northeast corner of that certain 17.248 acre tract described in Warranty Deed from Nerrell Burney to Paul Fisher dated September 11, 2000, and recorded in Volume 795, Page 264, Deed Records of Comanche County, Texas;

**THENCE** North 88° 58' 38" E, 1748.94 feet to a point in the East line of County Road 324;

**THENCE** South 39° 41' 11" W, 53.35 feet to a point in the West line of County Road 324;

**THENCE** South along the West line of County Road 324, crossing said County Road to the South side of County Road 324 for the Southwest corner of this tract;

**THENCE** North 87° 40' 18" E, along the South side of County Road 318 to the Northeast corner of that certain 2.99 acre tract of land described in Warranty Deed from Paul Fisher to Janis L. Wells dated July 15, 2010, and recorded in Volume 927, Page 82, Deed Records of Comanche County, Texas, for an internal corner of this tract;

**THENCE** North 00° 49' 53" E to a point in County Road 318 approximately 25 feet;

**THENCE** North 84° 49' 02" E, 512.01 feet to a point in County Road 318;

**THENCE** North 87° 50' 45" E 334.00 feet, to a point in County Road 318;

**THENCE** South 85° 38' 48" E 165.64 feet, to a point in County Road 318;

**THENCE** South 66° 08' 38" East 425.39 feet, to a point for the Southeast corner of this tract;

**THENCE** North 00° 08' 35" West, to the place of beginning.



**EXHIBIT H**

**TRACT EIGHT:**

**PROPERTY (including any improvements):** All that certain lot, tract or parcel of land being 2.28 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and described by metes and bounds as follows:

**BEGINNING** at the Northwest corner of that certain 17.248 acre tract described in Warranty Deed from Nerrell Bruney to Paul Fisher dated September 11, 2000, and recorded in Volume 795, Page 264, Deed Records of Comanche County, Texas;

**THENCE** South 80° 49' 15" E, 499.55';

**THENCE** south 88° 45' 10" E, 875.15' to a point in the West line of County Road No. 324 for the Northeast corner of this tract;

**THENCE** South along the West side of County Road 324, crossing said county road to the South side of County Road 324 for the Southeast corner of this tract;

**THENCE** in a Westerly direction along the South line of County Road 324 to a point in the West line of the above mentioned 17.248 acre tract for the Southwest corner of this tract;

**THENCE** North 1° 10' 02" E, to the place of beginning.

FILED FOR RECORD  
AT 11:52 O'CLOCK A M

JAN 3 2012

*Ruby Lesley*

Clerk, County Court Comanche Co., Texas

*env. The Allen Firm*

⑈ 79.00  
CK The Allen Firm

FILED

AT 11:50 O'CLOCK A M  
ON THE 3 DAY OF January  
A.D., 2012.

*Ruby Lesley*  
\_\_\_\_\_  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY Ann. Schwartz

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was F  
on the date and at the time stamped herec  
me and was duly RECORDED in the Volum  
Page of the Deed  
Records of Comanche County, Texas.



*Ruby Lesley*  
\_\_\_\_\_  
County Clerk, Comanche Co.,

VOL. 944 PAGE 187

1401

**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:**

**WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** June 27, 2012

**Grantor:** INANTHA BETH HOWELL, SYLVIA ANN WATKINS and CULLEN STEPHENS, JR.

**Grantor's Mailing Address:** 4571 County Road 176, Stephenville, Erath County, Texas 76401; 5901 Highway 1476, Comanche, Comanche County, Texas 76442 and P.O. Box 83, Gustine, Comanche County, Texas 76455

**Grantee:** NATURAL DAIRY GROWER LAND, L.P.

**Grantee's Mailing Address:** 600 County Road 252, Gustine, Comanche County, Texas 76455

**Consideration:** TEN AND NO/100 (\$10.00) DOLLARS, cash in hand paid, the receipt of which is hereby acknowledged, and the execution and delivery of one note in the original principal sum of ONE MILLION ONE HUNDRED EIGHTY FIVE THOUSAND EIGHT HUNDRED EIGHTY AND NO/100 (\$1,185,880.00) DOLLARS, and is executed by Grantee, payable to the order of Inantha Beth Howell, Sylvia Ann Watkins and Cullen Stephens, Jr. It is secured by a vendor's lien retained in this deed and by a deed of trust from Grantee to John E. Gleaton, Trustee, said note bearing interest and being due and payable as therein stated.

**Property (including any improvements): Tract One:** Being 192.11 acres of land, situated in Comanche County, Texas, out of the Alexander Hodge Survey, Abstract Number 426, and being part of the land that is described in a deed from Floriene Stephens to Inantha Beth Howell, Sylvia Ann Watkins and Cullen Stephens, Jr., recorded in Volume 796 at Page 305, Deed Records of Comanche County, Texas, and being all of a 1 acre tract of land that is described in a deed to W. F. Rambo, recorded in Volume 152 at Page 175, said Deed Records, and further described as follows:

**BEGINNING,** at a ½ inch iron rod set in the North line of Comanche County Road Number 304, and being at the occupied Southwest corner of said Stephens tract, and being the occupied Southeast corner of a tract of land that is described in a deed to Natural Dairy Grower Company, recorded in Volume 929 at Page 469, said Deed Records, for the Southwest corner of this tract;

**THENCE,** with a fence along the West line of said Stephens tract and the East line of said Natural Dairy Grower Company tract, as follows, N 19° 32' 22" E 2245.76 feet, to a 3 inch pipe post, N 20° 11' 35" E 1026.55 feet, to a 3 inch pipe post, N 20° 03' 00" E 1054.80 feet, to a 3 inch pipe post, and N 19° 21' 38" E 420.23 feet, to the center bed of the Leon River, from which a reference 3 inch pipe post bears S 19° 21' 38" W 46.33 feet, for the Northwest corner of this tract;

**THENCE,** down stream with the center bed of the Leon River, as follows, S 33° 21' 05" E 48.12 feet, to a point, S 50° 46' 03" E 118.65 feet, to a point, S 81° 37' 12" E 77.80 feet, to a point, N 81°

COPY

03° 52" E 133.03 feet, to a point, S 56° 20' 49" E 80.35 feet, to a point, S 46° 21' 09" E 175.52 feet, to a point, S 14° 45' 16" E 154.56 feet, to a point, S 16° 58' 29" E 62.82 feet, to a point, S 05° 10' 40" E 65.78 feet, to a point, S 70° 45' 47" W 74.68 feet, to a point, S 82° 44' 45" W 103.51 feet, to a point, S 56° 08' 24" W 90.13 feet, to a point, S 18° 10' 44" W 60.69 feet, to a point, S 16° 28' 02" E 50.42 feet, to a point, S 38° 28' 55" E 163.28 feet, to a point, S 28° 53' 05" E 283.68 feet, to a point, S 33° 04' 02" E 171.38 feet, to a point, S 44° 09' 36" E 161.99 feet, to a point, S 74° 32' 44" E 140.33 feet, to a point, S 59° 36' 48" E 109.68 feet, to a point, S 38° 01' 02" E 77.85 feet, to a point, S 07° 38' 59" E 142.78 feet, to a point, S 13° 50' 47" W 56.82 feet, to a point, S 39° 27' 37" W 38.85 feet, to a point, S 44° 28' 39" W 106.94 feet, to a point, S 05° 28' 46" W 26.80 feet, to a point, S 50° 48' 26" E 404.15 feet, to a point, S 51° 57' 04" E 198.88 feet, to a point in the West Right of Way line of F. M. Highway 1476, from which a reference ½ inch iron rod set bears S 18° 28' 12" W 43.62 feet, for the Northeast corner of this tract;

**THENCE**, with the West Right of Way line of F. M. Highway 1476, as follows, S 18° 28' 12" W 330.23 feet, to a ½ inch iron rod set, N 78° 42' 48" W 252.00 feet, to a ½ inch iron rod set, S 18° 28' 12" W 37.00 feet, to a ½ inch iron rod set, S 64° 20' 48" E 252.00 feet, to a ½ inch iron rod set, S 18° 28' 12" W 2013.88 feet, to a ½ inch iron rod set, with the arc of a curve to the right, having a Radius of 5681.47 feet, and an Arc length of 327.23 feet, and being subtended by a Chord S 20° 07' 12" W 327.17 feet, to a ½ inch iron rod set, and S 21° 46' 12" W 351.73 feet, to a ½ inch iron rod set in the North line of Comanche County Road Number 304, for the Southeast corner of this tract;

**THENCE**, N 70° 00' 33" W 2144.85 feet, with a fence along the North line of Comanche County Road Number 304, to the point of beginning and containing 192.11 acres of land

**Tract Two:** Being 139.36 acres of land, situated in Comanche County, Texas, out of the William M. Vance Survey, Abstract Number 980, and being part of the land that is described in a deed from Floriene Stephens to Inantha Beth Howell, Sylvia Ann Watkins and Cullen Stephens, recorded in Volume 800 at Page 372, Deed Records of Comanche County, Texas, and being part of a 78 acre tract of land that is described in a deed to W. L. Stephens, recorded in Volume 97 at Page 348, said Deed Records, and further described as follows:

**BEGINNING**, at a ½ inch iron rod found in the East Right of Way line of F. M. Highway 1476, and being the Northwest corner of a 16.03 acre tract of land that is described in a deed to Sylvia Ann Watkins, recorded in Volume 806 at Page 286, said Deed Records, for the Southwest corner of this tract;

**THENCE**, with the East Right of Way line of F. M. Highway 1476, as follows, N 21° 46' 12" E 565.92 feet, to a ½ inch iron rod set, with the Arc of a curve to the left, having a Radius of 5781.47 feet, and an Arc length of 332.99 feet, and being subtended by a Chord of N 20° 07' 12" E 332.94 feet, to a ½ inch iron rod set, and N 18° 28' 12" E 2376.69 feet, to a point in the center bed of the Leon River, from which a reference ½ inch iron rod set bears S 18° 28' 12" W 49.57 feet, for the Northwest corner of this tract;

**THENCE**, down stream with the center bed of the Leon River, as follows, S 35° 16' 29" E 25.95 feet, to a point, S 44° 50' 55" E 298.27 feet, to a point, S 71° 02' 19" E 143.62 feet, to a point, S 60° 10' 07" E 337.42 feet, to a point, S 73° 48' 22" E 123.62 feet, to a point, S 62° 45' 04" E 275.05 feet, to a point, S 62° 19' 28" E 202.37 feet, to a point, S 43° 47' 42" E 234.18 feet, to a point, S 71° 08' 10" E 122.45 feet, to a point, N 89° 37' 54" E 125.37 feet, to a point, N 55° 40' 49" E 73.95 feet, to a point, N 11° 10' 15" E 112.68 feet, to a point, N 18° 1' 02" E 113.16 feet, to a point, S 63° 59' 21" E 89.48 feet, to a point, S 58° 28' 16" E 193.21 feet, to a point, S 58° 51' 24" E 58.61 feet, to a

point, S 07° 09' 48" E 93.06 feet, to a point, S 00° 10' 38" E 104.50 feet, to a point, S 32° 08' 26" W 185.56 feet, to a point, S 04° 51' 21" W 60.95 feet, to a point, S 37° 02' 14" E 49.18 feet, to a point, S 10° 58' 46" E 71.69 feet, to a point, S 42° 12' 21" W 111.44 feet, to a point, S 62° 45' 43" W 69.88 feet, to a point, S 05° 42' 40" W 39.65 feet, to a point, S 34° 54' 06" E 173.47 feet, to a point, S 56° 33' 22" E 146.32 feet, to a point, S 58° 48' 14" W 94.96 feet, to a point, S 63° 32' 02" W 47.76 feet, to a point, S 88° 14' 35" W 124.93 feet, to a point, S 68° 46' 27" W 24.36 feet, to a point, S 09° 48' 31" W 63.17 feet, to a point, S 28° 23' 16" E 245.58 feet, to a point, S 44° 12' 20" E 104.72 feet, to a point, S 10° 33' 09" E 115.72 feet, to a point, S 42° 54' 14" W 164.45 feet, to a point, S 48° 36' 57" W 141.88 feet, to a point, S 56° 52' 34" W 56.06 feet, to a point, N 81° 17' 04" W 62.25 feet, to a point, N 48° 43' 13" W 72.59 feet, to a point, N 32° 16' 15" W 124.76 feet, to a point, N 88° 03' 47" W 94.78 feet, to a point, S 57° 40' 43" W 167.93 feet, to a point, S 65° 56' 37" W 175.03 feet, to a point, S 34° 13' 17" W 161.24 feet, to a point, S 21° 26' 54" W 174.51 feet, to a point, S 30° 02' 04" W 77.81 feet, to a point, S 46° 46' 25" W 101.91 feet, to a point, N 85° 57' 58" W 103.86 feet, to a point, N 61° 18' 02" W 116.23 feet, to a point, N 86° 45' 22" W 44.06 feet, to a point, S 63° 36' 59" W 186.92 feet, to a point, S 83° 01' 00" W 166.60 feet, to a point, S 73° 12' 57" W 79.76 feet, to a point, S 41° 51' 36" W 82.91 feet, to a point, S 17° 44' 40" E 145.30 feet, to a point, S 46° 45' 14" E 70.92 feet, to a point, S 64° 29' 19" E 143.05 feet, to a point, S 50° 28' 38" E 68.57 feet, to a point, S 46° 07' 13" W 83.47 feet, to a point, N 85° 41' 02" W 78.23 feet, to a point, N 76° 59' 39" W 191.49 feet, to a point, S 71° 57' 58" W 92.43 feet, to a point, S 50° 55' 08" W 59.72 feet, to a point, and S 08° 27' 29" W 34.02 feet, to the Northeast corner of said 16.03 acre tract, from which a reference ½ inch iron rod found bears N 70° 06' 52" W 45.89 feet, for the Southeast corner of this tract;

**THENCE**, N 70° 06' 52" W 1104.61 feet, with the North line of said 16.03 acre tract to the point of beginning and containing 139.36 acres of land.

**Reservation:** There is hereby reserved unto Cullen Stephens, Jr., a right to the use and occupancy of the family residence which he presently occupies and located on the subject property for and during his lifetime.

**Reservations from and Exceptions to Conveyance and Warranty:** Right of Way Easement dated October 18, 1960, executed by Cullen Stephens, et ux to General Telephone Company of the Southwest, recorded in Volume 306, Page 105, Deed Records of Comanche County, Texas.

Certificate of Adjudication dated April 5, 1985, between Texas Water Commission and Cullen Stephens, recorded in Volume 2, Page 236, Water Permit Records of Comanche County, Texas.

This conveyance is made subject to any visible or apparent easements on or across said land which do not appear of record; and all easements, restrictions, reservations, and encumbrances of record, and unpaid ad valorem taxes, if any.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend

all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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

*Inantha B Howell*

INANTHA BETH HOWELL

*Sylvia Ann Watkins*

SYLVIA ANN WATKINS

*Cullen Stephens, Jr*

CULLEN STEPHENS, JR

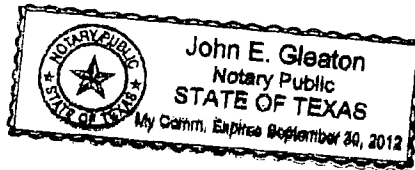
THE STATE OF TEXAS

COUNTY OF COMANCHE

This instrument was acknowledged before me on the 27<sup>th</sup> day of June, 2012, by INANTHA BETH HOWELL, SYLVIA ANN WATKINS and CULLEN STEPHENS, JR.

*John E. Gleaton*  
\_\_\_\_\_  
Notary Public, State of Texas

After Record, Return to:  
Natural Dairy Grower Land, L.P.  
600 County Road 252  
Gustine, Texas 76455



④ 23<sup>00</sup> C.C.A.C.

FILED FOR RECORD  
AT 4:10 O'CLOCK P M

JUN 28 2012

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

FILED

AT 4:10 O'CLOCK P M  
ON THE 28 DAY OF June  
A.D., 2012.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY Amy Schwartz

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the Deed  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL 951 PAGE 455  
RECORDED 6-29-12

**WARRANTY DEED**  
**Adjudicated Water Rights**

**THE STATE OF TEXAS**

§

**COUNTY OF COMANCHE**

§ **KNOW ALL MEN BY THESE PRESENTS:**

§

That **SYLVIA ANN WATKINS**, 5581 Highway 1476, Comanche, Comanche County, Texas 76442, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid by **NATURAL DAIRY GROWER LAND, L.P.**, 600 County Road 252, Gustine, Comanche County, Texas 76455, has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto the said **NATURAL DAIRY GROWER LAND, L.P.**, the following described property:

Being 130 acre-feet of water per annum from the Leon River to irrigate a maximum of 125 acres of land out of a 16.03 acres of land, situated in Comanche County, Texas, out of the William W. Vance Survey, Abstract No. 980, and being part of a 60.66 acre tract of land that is described in deed from Effie Kennedy, et al, to Cullen Stephens, et ux, recorded in Volume 282, Page 455, Deed Records of Comanche County, Texas, and further described as follows:  
**BEGINNING**, 3 inch pipe post found in the East Right of Way line of FM Highway 1476, and being the Southwest corner of said 60.66 acre tract and the Northwest corner of a 118.5 acre tract of land that is described in a deed to O.A. Dickey, et ux, recorded in Volume 280, Page 145, said Deed Records, for the Southwest corner of this tract;  
**THENCE**, N. 23° 28' 08" E. 818.53 feet, with the East Right of Way line of FM Highway 1476, to a ½" iron rod set, for the Northwest corner of this tract;  
**THENCE**, S. 68° 19' 35" E. 1104.61 feet, to a point in the center of the Leon River, and being in the East line of said 60.66 acre tract and the West line of a 133.25 acre tract of land that is described in a deed to Gayland Wayne Carson, recorded in Volume 797, Page 125, said Deed Records, from which a reference ½" iron rod set on the West bank of the Leon River bears N. 68° 19' 35" W. 45.16 feet, for the Northeast corner of this tract;  
**THENCE**, down stream with the center of the Leon River, as follows, S 26° 27' 52" W. 20.02 feet, S. 05° 05' 24" W. 100.68 feet, S. 08° 04' 43" W. 79.27 feet, S. 12° 17' 58" W. 57.64 feet, S. 56° 45' 06" W. 134.51 feet, S 80° 24' 38" W. 112.77 feet, S. 86° 55' 00" W. 67.85 feet, N. 81° 45' 35" W. 118.45 feet, N. 65° 09' 16" W. 167.94 feet, N. 80° 58' 45" W. 72.52 feet, S. 69° 34' 12" W 91.27 feet, S. 47° 59' 40" W. 135.19 feet, and S. 23° 26' 57" W. 135.19 feet, to a point in the South line of said Vance Survey and being the Southeast corner of said 60.66 acre tract, from which a reference ½" iron rod set on the West bank of the Leon River, bears N. 68° 09' 36" W. 42.50 feet, for the Southeast corner of this tract;  
**THENCE**, N. 68° 09' 36" W. 480.29 feet, with the South line of said 60.66 acre tract, to the point of beginning and containing 16.03 acres of land.

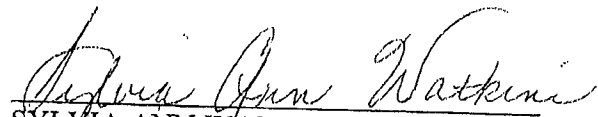
Being a portion of the same property described in Certificate of Adjudication No. 12-3649, recorded in Volume 2, Page 236, Water Permit Records of Comanche County, Texas.

TO HAVE AND TO HOLD the above described Adjudicated Water Rights, together with all and singular, the rights and appurtenances thereto in anywise belonging to the said **Sylvia Ann**



Watkins., her heirs, executors and administrators, to Warranty and Forever Defend all and singular the said premises unto the said **Natural Dairy Grower Land, L.P.**, its successors and assigns against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

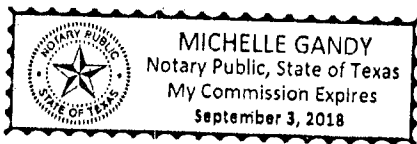
WITNESS my hand to Comanche, Texas, this 20<sup>th</sup> day of July, 2015.

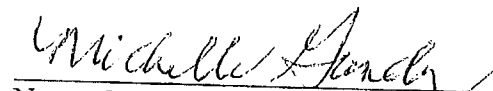
  
SYLVIA ANN WATKINS

STATE OF TEXAS

COUNTY OF COMANCHE

This instrument was acknowledged before me on the 20<sup>th</sup> day of July, 2015, by SYLVIA ANN WATKINS.



  
Notary Public, State of Texas

Return to:  
Natural Dairy Grower Land, L.P.  
600 County Road 252  
Gustine, Texas 76455

② 30.6000AC  
CHG

FILED FOR RECORD  
AT 2:30 O'CLOCK P M

JUL 21 2015

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

FILED

AT 2:30 O'CLOCK P M  
ON THE 21 DAY OF July  
A.D., 2015.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Amy Huddleston*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon  
and was duly RECORDED in the Volume #  
Page of the DEED  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Te

VOL. 994 PAGE 248  
RECORDED 7-22-15

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**WARRANTY DEED WITH VENDOR'S LIEN**

**DATE:** October 28, 2014

**GRANTOR:** Janice R. Schuetz, a single woman

**GRANTOR'S MAILING ADDRESS:**

8651 FM 1476, Gustine, Comanche County, Texas 76455

**GRANTEE:** Natural Dairy Grower Land, LP

**GRANTEE'S MAILING ADDRESS:**

600 CR 252, Gustine, Comanche County, Texas 76455

**CONSIDERATION:** TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, and the execution and delivery of one certain note, of even date herewith, executed by Natural Dairy Grower Land, LP payable to the order of Central Texas Land Bank, FLCA, in the original principal sum of \$86,100.00, bearing interest and being due and payable according to the terms as are more fully set forth in said note, reference to which is here made for all purposes. The note is secured by a vendor's lien herein and hereby retained and by a Deed of Trust, of even date herewith, executed by Natural Dairy Grower Land, LP to Boyd J. Chambers, Trustee.

**Property (including any improvements):**

**TRACT I:**

Being 33.74 acres of land, situated in Comanche County, Texas, out of the **WILLIAM KIGLER SURVEY, ABSTRACT NUMBER 596**, and being out of a 160 acre Tract I that is described in a deed from Gen Morgan, et ux, to Kenneth W. Schuetz, et ux, recorded in Volume 732 at Page 477, Deed Records of Comanche County, Texas, and further described as follows:

**BEGINNING**, at a 3/8" inch iron rod found at a corner of said 160 acre tract, and being the Northwest corner of a 167.33 acre Tract Two that is described in a deed to Natural Dairy Grower Land, LP, recorded in Volume 944 at Page 187, said Deed Records, and being in the East line of said Kigler Survey, and being in the West line of the William H. Murry Survey, Abstract Number 641, for the Northeast corner of this tract;

**THENCE**, S 17° 06' 26" W 1140.34 feet, with a fence along the East line of 160 acre tract, and the West line of 167.33 acre tract, to a 5 inch pipe post found at the occupied Southeast corner of said 160 acre tract, and being the Northeast corner of a 106.469 acre tract of land that is described in a deed to Donald Huffinaster, recorded in Volume 978 at Page 378, said Deed Records, for the Southeast corner of this tract;

**THENCE**, with a fence along the South line of said 160 acre tract, and the North line of said 106.469 acre tract as follows, N 89° 01' 19" W 15.99 feet, to a 4 inch pipe post found, N 36° 18' 39" W 534.84 feet, to a 3/8 inch iron rod found, N 53° 34' 42" W 609.21 feet, to a 4 inch pipe post found, N 65° 21' 47" W 377.40 feet, to a 4 inch pipe post found, and N 82° 51' 11"

W 425.13 feet, to the Northeast corner of a 0.33 acre Tract Two that is described in a deed to Donald Huffmaster, recorded in Volume 937 at Page 311, said Deed Records, and being a corner of a 62.10 acre Second Tract that is described in a deed to Harriet Marguerite Chambers, recorded in Volume 937 at Page 314, said Deed Records, from which a ½ inch iron rod found bears, S 46° 32' 42" W 4.80 feet, for a corner of this tract;

**THENCE**, with a fence along the occupied South line of said 160 acre tract, as follows, N 35° 56' 28" W 72.85 feet, to a 3 inch pipe post found, and N 64° 41' 13" W 128.06 feet, to a 3 inch iron pipe corner post found at the occupied Southwest corner of said 160 acre tract, and being the occupied East line of said 62.10 acre tract, for the Southwest corner of this tract;

**THENCE**, with a fence along the occupied West line of said 160 acre tract, and the occupied East line of said 62.10 acre tract, as follows, N 06° 18' 15" E 151.04 feet, to a 3 inch iron pipe post found, N 17° 13' 54" E 52.65 feet, to a 3 inch pipe post found, N 23° 53' 27" E 287.05 feet, to a 3 inch pipe post found, and N 27° 40' 53" E 116.76 feet, to a ½ inch iron rod set, for the Northwest corner of this tract;

**THENCE**, S 72° 28' 39" E 1970.51 feet, to the point of beginning and containing 33.74 acres of land.

Being the same land and premises described in plat and field notes dated October 21, 2014, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

#### **TRACT 2: EASEMENT TRACT**

Being the centerline of a 30 foot wide Roadway Easement, situated in Comanche County, Texas, out of the **WILLIAM KIGLER SURVEY, ABSTRACT NUMBER 596**, and being out of 160 acre Tract I and a 40 acre Tract II that is described in a deed from Glen Morgan, et ux, to Kenneth W. Schuetz, et ux, recorded in Volume 732 at Page 477, Deed Records of Comanche County, Texas, and further described as follows:

**BEGINNING**, at ½ inch iron rod set in the Southeast Right of Way line of F.M. Highway 1476, and being the center of an existing road, in the Northwest line of said 40 acre tract, from which a ½ inch iron rod found at the Northwest corner of said 40 acre tract bears, N 54° 13' 02" E 1344.33 feet, and a 3 inch pipe corner post found at the Northeast corner of said 160 acre tract bears, N 89° 02' 26" E 3381.95 feet, for the North end of this 30 foot wide Roadway Easement;

**THENCE**, with the center of an existing roadway, as follows, S 44° 23' 10" E 191.30 feet, to a point, S 30° 11' 09" E 407.72 feet, to a point, S 61° 10' 12" E 76.63 feet, to a point, S 82° 55' 15" E 166.10 feet, to a point, S 64° 46' 08" E 198.17 feet, to a point, S 51° 37' 57" E 253.76 feet, to a point, S 63° 33' 56" E 137.01 feet, to a point, S 74° 57' 11" E 109.11 feet, to a point, S 39° 33' 56" E 88.17 feet, to a point, S 00° 06' 52" E 76.62 feet, to a point, S 29° 47' 55" W 114.98 feet, to a point, S 06° 55' 26" W 199.08 feet, to a point, S 54° 46' 52" W 309.15 feet, to a point, S 41° 46' 04" W 138.37 feet, to a point, S 16° 26' 13" W 141.39 feet, to a point, S 35° 24' 30" W 153.90 feet, to a point, and S 58° 12' 22" W 63.59 feet, to a ½ inch iron rod set in the North line of a 33.74 acre tract of land surveyed this day by me, from which a ½ inch iron rod set at the Northwest corner of said 33.74 acre tract bears, N 72° 28' 39" W 228.50 feet, for the South end of this 30 foot wide Roadway Easement.

Being the same land and premises described in plat and field notes dated October 21, 2014, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

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

Mineral Reservation as set out in a Warranty Deed dated October 8, 1954, from H. C. Little and wife, Stella Little to the Veteran's Land Board of the State of Texas, recorded in Volume 279, Page 552, Deed Records of Comanche County, Texas. (Tract 1)

Mineral Reservation as set out in a Warranty Deed dated October 8, 1954, from H. C. Little and wife, Stella Little to the Veteran's Land Board of the State of Texas, recorded in Volume 280, Page 82, Deed Records of Comanche County, Texas. (Tracts 1 & 2)

Easement and Right of Way dated March 28, 1961, from Glen Morgan and wife, Imageane Morgan to General Telephone Company of the Southwest, recorded in Volume 307, Page 599, Deed Records of Comanche County, Texas. (Tracts 1 and 2)

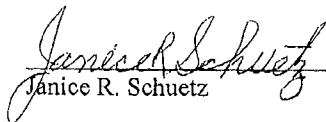
And being subject to all other mineral reservations, easements and restrictions properly of record in Comanche County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The Central Texas Land Bank, FLCA, at the instance and request of Grantee herein, having advanced and paid to Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described \$86,100.00 note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Central Texas Land Bank, FLCA, and the same are hereby transferred, assigned, sold and conveyed to the Central Texas Land Bank, FLCA, its successors and assigns, the payee named in said note without recourse on Grantor.

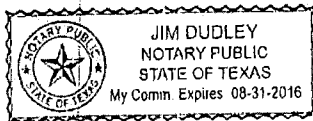
The vendor's lien against and superior title to the property are retained until each note described is fully paid according to it's terms, at which time this deed shall become absolute.

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

  
Janice R. Schuetz

THE STATE OF TEXAS  
COUNTY OF COMANCHE

This instrument was acknowledged before me on the 28th day of October, 2014, by Janice R. Schuetz.



  
NOTARY PUBLIC

FILED FOR RECORD  
NOV 20 1937

15  
12

1119  
STATE OF TEXAS  
COUNTY OF LEMING  
I, *[Signature]*  
County Clerk  
do hereby certify that  
the within and foregoing is  
a true and correct copy  
of the original as  
filed for record in  
my office on the 11th day  
of November 1937.

STATE OF TEXAS  
COUNTY OF LEMING  
I, *[Signature]*  
County Clerk  
do hereby certify that  
the within and foregoing is  
a true and correct copy  
of the original as  
filed for record in  
my office on the 11th day  
of November 1937.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**WARRANTY DEED WITH VENDOR'S LIEN**

**DATE:** April 20, 2015

**GRANTOR:** Lane's Green Oaks, Inc. acting by and through its President, Bill Lane,

**GRANTOR'S MAILING ADDRESS:**

1601 County Road 248, Gustine, Comanche County, Texas 76455-5717

**GRANTEE:** Natural Dairy Grower Land, LP

**GRANTEE'S MAILING ADDRESS:**

600 County Road 252, Gustine, Comanche County, Texas 76455

**CONSIDERATION:** TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, and the execution and delivery of one certain note, of even date herewith, executed by Natural Dairy Grower Land, LP payable to the order of Central Texas Land Bank FLCA, in the original principal sum of \$138,400.00, bearing interest and being due and payable according to the terms as are more fully set forth in said note, reference to which is here made for all purposes. The note is secured by a vendor's lien herein and hereby retained and by a Deed of Trust, of even date herewith, executed by Natural Dairy Grower Land, LP to Boyd J. Chambers, Trustee.

**Property (including any improvements):**

Being 34.62 acres of land, situated in Comanche County, Texas, out of the **ALLEN J. DAVIS SURVEY, ABSTRACT NUMBER 243**, and being out of a 130.44 acre tract of land that is described in a deed from Ralph Coleman, to Green Oaks, Dairy, Inc., recorded in Volume 492 at Page 506, Deed Records of Comanche County, Texas, and further described as follows:

**BEGINNING** at a ½ inch iron rod found at the occupied Northeast corner of said 130.44 acre tract, and being the Southeast corner of a 331.62 acre tract of land that is described in a deed to Frank Volleman Family, LP, recorded in Volume 944 at Page 163, said Deed Records, for the Northeast corner of this tract;

**THENCE**, with a fence along the East line Comanche County Road Number 252, as follows, S 00° 44' 05" W 715.16 feet to a ½ inch iron rod set, S 08° 35' 22" E 23.42 feet, to a ½ inch iron rod set, S 00° 21' 20" W 424.49 feet, to a ½ inch iron rod set, S 26° 30' 19" W 148.14 feet, to a ½ inch iron rod set, S 35° 13' 06" W 245.17 feet, to a ½ inch iron rod set, S 59° 34' 59" W 20.60 feet, to a ½ inch iron rod set, S 36° 08' 55" W 377.52 feet, to a ½ inch iron rod set, and S 51° 37' 31" W 17.61 feet, to a ½ inch iron rod set, for the Southeast corner of this tract;

**THENCE**, S 82° 15' 19" W 418.65 feet, with a fence along the North line of Comanche County Road Number 252, to a ½ inch iron rod set, for the Southwest corner of this tract;

**THENCE**, crossing said 130.44 acre tract, as follows, N 13° 32' 30" E 990.12 feet, to a ½ inch iron rod set, N 31° 38' 12" W 381.91 feet, to a ½ inch iron rod set, N 17° 43' 22" W

485.81 feet, to a ½ inch iron rod set, and N 03° 47' 48" W 440.92 feet, to a point in the South line of said 331.62 acre tract, from which a ½ inch iron rod set bears N 03° 47' 48" W 5.15 feet, for the Northwest corner of this tract;

**THENCE**, S 73° 06' 00" E 1076.00 feet, with the South line of said 331.62 acre tract, to the point of beginning and containing 34.62 acres of land.

Being the same land and premises described in plat and field notes dated March 16, 2015, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

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

Easement dated August 20, 1013, executed by Lane's Green Oaks, Inc. to Bridge Tex Pipeline, recorded in Volume 969, Page 63, Deed Records of Comanche County, Texas.

Overhead Electric Line across the subject property as shown on survey dated March 16, 2015, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

And being subject to all other mineral reservations, easements and restrictions properly of record in Comanche County, Texas.


Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

Central Texas Land Bank FLCA, at the instance and request of Grantee herein, having advanced and paid to Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described \$138,400.00 note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Central Texas Land Bank FLCA, and the same are hereby transferred, assigned, sold and conveyed to the Central Texas Land Bank FLCA, its successors and assigns, the payee named in said note without recourse on Grantor.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to it's terms, at which time this deed shall become absolute.

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

LANE'S GREEN OAKS, INC.

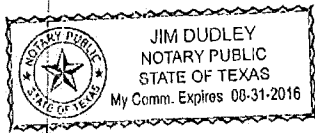
By:   
Bill Lane, President

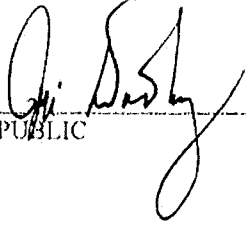


THE STATE OF TEXAS

COUNTY OF COMANCHE

This instrument was acknowledged before me on the 20th day of April, 2015, by Bill Lane, President of Lane's Green Oaks, Inc., a Texas Corporation, on behalf of said corporation.



  
NOTARY PUBLIC

②134.00 CLK  
WINDMILL #1000000000  
JHD

FILED FOR RECORD  
AT 1:00 O'CLOCK P.M.

APR 20 2015

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas  
JHD

FILED

AT 1:00 O'CLOCK P.M.  
ON THE 20 DAY OF APRIL  
A.D., 2015.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Anna L. Hester*

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the DEED  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas  
VOL. 991 PAGE 262

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**GENERAL WARRANTY DEED**

**DATE:** JANUARY 2, 2013

**GRANTOR:** NATURAL DAIRY GROWER COMPANY,  
A Texas Corporation

**GRANTOR'S MAILING ADDRESS  
(INCLUDING COUNTY)** 600 CR 252, GUSTINE,  
COMANCHE COUNTY, TEXAS 76455

**GRANTEE:** NATURAL DAIRY GROWER LAND, LP  
A Texas Limited Partnership

**GRANTEE'S MAILING ADDRESS  
(INCLUDING COUNTY)** 600 CR 252, GUSTINE,  
COMANCHE COUNTY, TEXAS 76455

**CONSIDERATION:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed and for which no liens are either retained or implied.

**PROPERTY (INCLUDING ANY IMPROVEMENTS):**

Being 7.08 acre tract of land, situated in Comanche County, Texas, out of the William M. Murry Survey, Abstract Number 641, and being part of a 129.93 acre Tract One, and all of a 1.36 acre Tract Two, that is described in a deed from Cecil M. Neel, et ux, to Lawrence C. Petta, recorded in Volume 684 at Page 378, Deed Records of Comanche County, Texas.

**RESERVATIONS FROM CONVEYANCE:** NONE

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, all oral and written leases, mineral interests outstanding in persons other than Grantor, and other instruments that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or protrusions, or any overlapping



of improvements; homestead or community property or survivorship rights, if any, liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; and taxes for 2012, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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 to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors 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.

NATURAL DAIRY GROWER COMPANY,  
A Texas Corporation

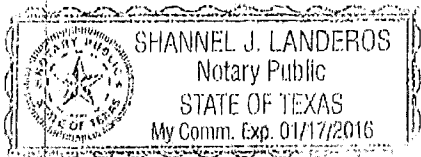
By:   
FRANK VOLLEMAN, President

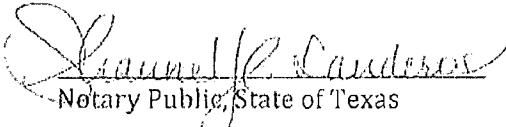
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 18 day of November, 2013, by FRANK VOLLEMAN, President of Natural Dairy Grower Company, A Texas Corporation.



  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
THE ALLEN FIRM, P.C.  
A Texas Professional Corporation  
181 South Graham Street  
Stephenville, Texas 76401

FILED FOR RECORD  
AT 2:15 O'CLOCK P.M.

DEC 2 2013

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

ENV. THE ALLEN FIRM, P.C.  
181 S. GRAHAM  
STEPHENVILLE, TX 76401

② 20.00  
CHK THE ALLEN FIRM

FILED  
AT 2:15 O'CLOCK P.M.  
ON THE 2 DAY OF December  
A.D., 2013.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Amy Schwartz*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the Deed  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 971 PAGE 2810  
RECORDED 12-3-13

## SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

ACT 26989-STT

**Effective Date:** December 30, 2019**Grantors:** Frank Brand a/k/a Eltje Frans Brand a/k/a E. Frans Brand, a/k/a Eltje Fran Brand and Joni Brand**Grantor(s) Mailing Address:**P. O. Box 11  
Energy, Texas 76452**Grantee:** Natural Dairy Grower Land, LP**Grantee(s) Mailing Address:**600 County Road 252  
Gustine, Texas 76455

**CONSIDERATION:** Ten Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee, the receipt of which is hereby acknowledged, and the further consideration of loan proceeds from a promissory note by the Grantee to Central Texas Land Bank, FLCA, in the principal amount of One Million Seventy Thousand Eight Hundred and NO/100 Dollars (\$1,070,800.00) (hereinafter called "Noteholder") the receipt of which is hereby acknowledged; said sum having been advanced by said Noteholder at the special instance and request of Grantee herein and used as a part of the purchase price of the hereinafter described Property and to evidence which said Grantee has this day executed that certain promissory note ("Note") of even date herewith payable to the order of said Noteholder, and said Note bearing interest at the rate and payable as provided in said Note, and said Note being secured by a vendor's lien on the hereinafter described property and said Note being additionally secured by a Deed of Trust of even date herewith from Grantee to Boyd J. Chambers, Trustee.

**Property (including any improvements):**

A. All of Grantors' rights, title, and interest in the property described in Exhibit "A," attached hereto and incorporated herein by reference for all purposes, together with all improvements thereon and all rights, privileges and appurtenances pertaining thereto, including but not limited to claims and permits, easements, water rights, and all rights and obligations of applicable government programs for 2020 and thereafter (Grantors reserve all government payments attributable to 2019). Included with the conveyance are the following items, if any: irrigation equipment, irrigation pumps, electric panels, center pivots, electric motors, underground irrigation pipe, underground electric lines, gas lines, and all other property owned by Grantors that is attached to the above described real Property except the livestock panels and corrals.

B. All of the groundwater rights in and under the Property, subject to the rules of the groundwater district, if any.

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

A. Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the Property; rights of any adjoining owners in any walls, fences, and turn rows situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2019, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

B. Rights of adjoining owners in fences or turn rows situated on a common boundary.

C. All oil, gas, and other minerals reserved by prior owners.

D. The terms of any valid oil and gas or other mineral lease or wind energy lease as shown of record in the Office of the County Clerk of Comanche County, Texas.

E. Grantors reserve wind rights equal to an undivided fifty percent (50%) of the proceeds of or value of any and all royalties, lease payments, bonus payments, rental payments in lieu of royalties, or other benefits directly or indirectly paid or accrued for, or in anticipation of, or in connection with, the generation and transmission of electrical power converted from wind energy on the Property. Grantee shall have all executive rights to negotiate and execute any future wind lease. Grantee shall be entitled to receive all payments for surface damages related to any wind lease.

F. Grantors reserve all oil, gas and other minerals owned by Grantors.

G. Grantors and Grantee acknowledge that a Pipeline Right of Way and Easement Grant, more particularly described as that Pipeline Right of Way and Easement Grant between Eltje Frans Brand (also known as E. Frans Brand and Frank Brand) and wife, Joni Brand, Grantors, and Wink to Webster Pipeline, LLC, Grantee, dated April 23, 2019, is to be constructed at a future date.

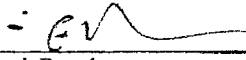
H. Grantors and Grantee acknowledge that Triple J Farm and Ranch Partnership will be granted a 40 foot right of way easement along the south boundary of the property to access his property from the nearest county road. Grantors shall receive all payments for clearing and related work on the easement, even if received after the date of Closing. Triple J Farm and Ranch Partnership will be allowed to continue to use the current easement and roadway for a period of six (6) months or until the new roadway is completed, whichever is earlier.

Grantors, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grant, sell, and convey to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee,

Grantee's successors or assigns forever. Grantors bind Grantors and Grantors' successors to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through and under Grantors, but not otherwise.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.


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

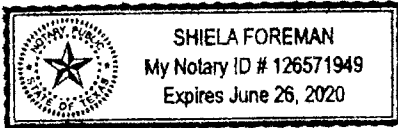
  
\_\_\_\_\_  
Frank Brand

  
\_\_\_\_\_  
Joni Brand

STATE OF TEXAS §  
COUNTY OF Comanche §

This instrument was acknowledged before me on the 30 day of December, 2019, by Frank Brand.

  
\_\_\_\_\_  
Notary Public, State of Texas





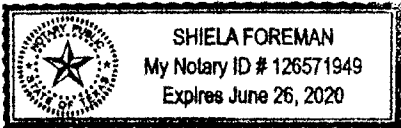
STATE OF TEXAS

COUNTY OF Comanche

50  
50  
50

This instrument was acknowledged before me on the 30 day of December, 2019, by  
Joni Brand.

Shiela Foreman  
Notary Public, State of Texas



**AFTER RECORDING, RETURN TO:**  
Lynn Tate  
Underwood Law Firm, P.C  
P. O. Box 9158  
Amarillo, Texas 79105

**EXHIBIT "A"**

Tract One: All that certain 527.98 acres of land out of the Thomas Y. Gilbert Survey, Abstract No. 383, Allen J. Survey, Abstract No. 243, and J. F. Cadenhead Survey, Abstract No. 150, situated in Comanche County, Texas, and being the same lands conveyed from Porter Franks, et ux, to Gayle Victor Isham, Jr., et ux, on May 5, 1965, and of record in Volume 324, Page 111, of the Deed Records of Comanche County, Texas, except for a 5.302 acre tract of land conveyed from Gayle Victor Isham, Jr., et ux to Bill B. Lane, recorded in Volume 355, Page 240, Deed Records of Comanche County, Texas, and described as follows:

Beginning at the Northwest corner of the said Davis Survey, for a Western Northwest corner of this tract;

Thence S. 71-55 E. 798.5 vrs. with fence to the center of county road;

Thence N. 16-28 E. 548.3 vrs. with the center of the county road, for a Northerly Northwest corner of this tract;

Thence S. 74-31 E. 722.3 vrs. with fence, for a Northerly Northeast corner;

Thence S. 17-36 W. 581.1 vrs. to an inner Northerly corner;

Thence S. 71-55 E. 466.3 vrs. to another inner corner and the Northeast corner of the said Davis Survey;

Thence N. 18-36 E. 85.5 vrs. with the West line of the Cadenhead Survey to the Northwest corner of the said Cadenhead Survey;

Thence S. 72-45 E. 941.4 vrs. with the North line of said Cadenhead Survey to the Eastern Northeast corner of this tract;

Thence S. 18-43 W. 751.3 vrs. with fence to the Southeast corner of this tract;

Thence N. 72-45 E. 961.6 vrs. with a dim fence line to an inner Southerly corner on the West line of said Cadenhead Survey;

Thence S. 18-26 W. 297.4 vrs. with fence to an outer Southerly corner of this tract;

Thence N. 71-3 7 W. 1884.7 vrs. to the Southwest corner of this tract, and the Southeast corner of said 5.302 acre land tract;

Thence N. 18-23 E. 344.9 vrs. with fence to an inner Westerly corner;

Thence N. 71-37 W. 88.9 vrs. with fence to a stake on the West line of said Davis Survey;

Thence N. 20-29 E. 609.0 vrs. to the point of Beginning, and calculated to contain 527.98 acres of land.

**Save and except** for a 5.302 acre tract of land conveyed from Gayle Victor Isham, Jr., et ux to Bill B. Lane, recorded in Volume 355, Page 240, Deed Records of Comanche County, Texas

**Save and except:** One certain 130.44 acre tract of land conveyed to Ralph Coleman, being the West 130.44 acre tract out of the above 527.98 acre Tract.

**Save and except** 4.20 acres described in deed dated May 11, 2001, executed by Frank Brand as Grantor to Frank Volleman and wife, Annette Volleman, as Grantee recorded as Volume 807, Page 351 Deed Records of Comanche County, Texas.

RECORDED  
MAY 11 2001  
COMANCHE COUNTY TEXAS

**FILED FOR RECORD**  
**AT 2:00 O'CLOCK P M**

JAN 2 2020

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

*Cima*  
⑥ 4600

**FILED**  
AT 2:00 O'CLOCK P M  
ON THE 2<sup>nd</sup> DAY OF January  
A.D., 2020

*Ruby Lesley*  
\_\_\_\_\_  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Amy Huddleston*  
\_\_\_\_\_  
DEPUTY

**STATE OF TEXAS**  
**COUNTY OF COMANCHE**

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the 1065  
Records of Comanche County, Texas.



*Ruby Lesley*  
\_\_\_\_\_  
County Clerk, Comanche Co., Texas

VOL. 1065 PAGE 125  
RECORDED 01-03-2020

*Cima*

THE STATE OF TEXAS  
COUNTY OF COMANCHE

Consent to Irrigate:

This agreement is made on the 23 day of December, 2019 between land owner Frank Volleman Family, LP and irrigator, CONARGO, LLC. Frank Volleman Family, LP does hereby grant authorization to CONARGO, LLC to irrigate on all tracts of land owned by Frank Volleman Family, LP outlined in the warranty deed(s) included in (Attachment E).

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the agreement.



Frank Volleman for Frank Volleman Family, LP

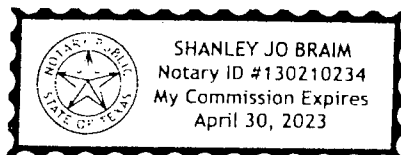


Marcel Volleman for CONARGO, LLC

STATE OF TEXAS  
COUNTY OF Comanche

I, the undersigned Notary Public in and for said County and State, hereby certify that Frank Volleman & Marcel Volleman whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

GIVEN under my hand and seal this 23<sup>rd</sup> day of December, 2019.



Shanley Braim  
Notary Public  
My Commission Expires:  
April 30, 2023



### Franchise Tax Account Status

As of : 06/15/2018 16:27:11

**This Page is Not Sufficient for Filings with the Secretary of State**

<b>CONARGO, LLC</b>	
<b>Texas Taxpayer Number</b>	32036927013
<b>Mailing Address</b>	1741 COUNTY ROAD 353 DUBLIN, TX 76446-6045
<b>Right to Transact Business in Texas</b>	ACTIVE
<b>State of Formation</b>	TX
<b>Effective SOS Registration Date</b>	05/01/2008
<b>Texas SOS File Number</b>	0800972421
<b>Registered Agent Name</b>	MARCEL H. VOLLEMAN
<b>Registered Office Street Address</b>	1741 CR 353 DUBLIN, TX 76446



## Public Information Report

### Public Information Report

**CONARGO, LLC**

Report Year :2013

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
DIRECTOR	<b>MARCEL H VOLLEMAN</b> 1741 CR 353 DUBLIN, TX 76446
MANAGING M	<b>MARCEL H VOLLEMAN</b> 1741 CR 353 DUBLIN, TX 76446



## Franchise Tax Account Status

As of : 12/05/2019 10:12:09

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

### FRANK VOLLEMAN FAMILY, LP

**Texas Taxpayer Number** 32045916197

**Mailing Address** 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 01/01/2012

**Texas SOS File Number** 0801516782

**Registered Agent Name** FRANK VOLLEMAN

**Registered Office Street Address** 600 CR 252 GUSTINE, TX 76455



# Public Information Report

**Public Information Report**  
**FRANK VOLLEMAN FAMILY, LP**  
Report Year :2019

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
GENERAL PA	<b>VOLLEMAN MANAGEMENT (GP), LLC</b> 600 CR 252 GUSTINE, TX 76455



## Franchise Tax Account Status

As of : 12/05/2019 10:12:59

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

### VOLLEMAN MANAGEMENT (GP), LLC

**Texas Taxpayer Number** 32045916320

**Mailing Address** 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 01/01/2012

**Texas SOS File Number** 0801516762

**Registered Agent Name** FRANK VOLLEMAN

**Registered Office Street Address** 600 CR 252 GUSTINE, TX 76455

# Public Information Report

**Public Information Report**  
**VOLLEMAN MANAGEMENT (GP), LLC**  
Report Year :2018

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

<b>Title</b>	<b>Name and Address</b>
MEMBER	<b>ANNETTE VOLLEMAN</b> 600 CR 252 GUSTINE, TX 76455
MEMBER	<b>FRANK VOLLEMAN</b> 600 CR 252 GUSTINE, TX 76455

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.

**ASSUMPTION WARRANTY DEED**

**DATE:** DECEMBER 29, 2011, but effective JANUARY 1, 2012

**GRANTOR:** FRANK VOLLEMAN and wife, ANNETTE VOLLEMAN

**GRANTOR'S MAILING ADDRESS:  
(INCLUDING COUNTY):** 600 CR 252, GUSTINE,  
COMANCHE COUNTY, TEXAS 76455

**GRANTEE:** FRANK VOLLEMAN FAMILY, LP, A Texas Limited Partnership

**GRANTEE'S MAILING ADDRESS:  
(INCLUDING COUNTY):** 600 CR 252, GUSTINE,  
COMANCHE COUNTY, TEXAS 76455

**CONSIDERATION:** TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed and for which no liens are either retained or implied and Grantee's assumption of and agreement to pay, according to the terms of each note, the following:

(1) The unpaid principal and earned interest as of January 1, 2012, on that certain Loan Commitment Note in the original principal sum of THREE MILLION ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$3,100,000.00) dated April 23, 2003, executed by Frank Volleman and wife, Annette Volleman, payable to the order of Wells Fargo Bank, National Association. The note is secured by a Deed of Trust dated April 23, 2003 executed by Frank Volleman and wife, Annette Volleman, as Grantor, in favor of Wells Fargo Bank, National Association, recorded in Volume 275, Page 379, Deed of Trust Records of Comanche County, Texas; said Note and lien being modified by that certain 2004 Renewal, Extension and Modification Agreement dated April 14, 2004 and recorded in Volume 843, Page 375, Deed Records of Comanche County, Texas; and modified by that certain Renewal, Extension and Modification Agreement dated May 6, 2009 given Clerk's Document No. 1213, and recorded in Volume 914, Page 307, Deed Records of Comanche County, Texas; and modified by that certain Third Renewal, Extension and Modification Agreement Regarding 2003 Deed of Trust dated May 31, 2011, given Clerk's Document No. 1155 and recorded in Volume 937, Page 391, Deed Records of Comanche County, Texas; and modified by that certain Fourth Renewal, Extension and Modification Agreement Regarding 2003 Deed of Trust dated December 29, 2011 to be effective January 1, 2012 and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Deed Records of Comanche County, Texas.

(2) The unpaid principal and earned interest as of January 1, 2012, on that certain Loan Commitment Note in the original principal sum of ONE MILLION FIVE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$1,550,000.00) dated April 14, 2004, executed by Frank Volleman and wife, Annette Volleman, payable to the order of Wells Fargo Bank, National Association. The note is secured by a Deed of Trust dated April 14, 2004 executed by Frank Volleman and wife, Annette Volleman, as Grantor, in favor of Wells Fargo Bank, National Association, recorded in Volume 285, Page 484, Deed of Trust Records of Comanche County, Texas; said Note and lien being modified by that certain 2005 Renewal, Extension and Modification Agreement dated May 31, 2005 and recorded in Volume 863, Page 188, Deed Records of Comanche County, Texas; and modified by that certain Renewal, Extension and Modification Agreement dated May 6, 2009 given Clerk's Document No. 1212, and recorded in Volume 914, Page 301, Deed Records of Comanche County, Texas; and modified by that certain Third Renewal, Extension and Modification Agreement Regarding 2004 Deed of Trust dated May 31, 2011, given Clerk's Document No. 1155 and recorded in Volume 937, Page 391, Deed Records of Comanche County, Texas.



and modified by that certain Fourth Renewal, Extension and Modification Agreement Regarding 2004 Deed of Trust dated December 29, 2011 to be effective January 1, 2011, and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Deed Records of Comanche County, Texas.

**PROPERTY (INCLUDING ANY IMPROVEMENTS):**

**TRACT ONE:**

All that certain lot, tract, or parcel of land being 331.62 acres, out of the W.H. Murray Survey, Abstract No. 383 and the J.H. Brown Survey, Abstract No. 59, Comanche County, Texas, and being more particularly described as Tract One in Exhibit A, attached hereto and fully incorporated herein for all purposes.

**TRACT TWO:**

All that certain lot, tract, or parcel of land being 131.40 acres, out of the Thomas Y. Gilbert Survey, Abstract No. 383, Comanche County, Texas, SAVE AND EXCEPT, 86.29 acres, out of the Thomas Y. Gilbert Survey, Abstract No. 383, Comanche County, Texas, and being more particularly described as Tract Two in Exhibit A, attached hereto and fully incorporated herein for all purposes.

**TRACT THREE:**


All that certain lot, tract, or parcel of land being 4.20 acres, out of the Thomas Y. Gilbert Survey, Abstract No. 383, Comanche County, Texas, and being more particularly described as Tract Three in Exhibit A, attached hereto and fully incorporated herein for all purposes.

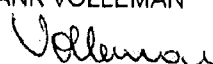
**RESERVATIONS FROM CONVEYANCE: NONE**

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:** Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, all oral and written leases, mineral interests outstanding in persons other than Grantor, and other instruments that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; and taxes for 2011, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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 to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors 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 when the claim is by, through, or under Grantor but not otherwise, 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.

  
\_\_\_\_\_  
FRANK VOLLEMAN

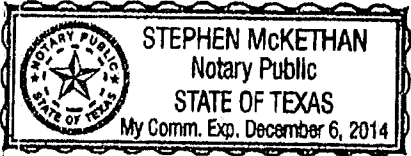
  
\_\_\_\_\_  
ANNETTE VOLLEMAN

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 29<sup>th</sup> day of December, 2011, by FRANK VOLLEMAN.



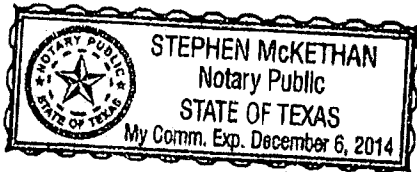
[Signature]  
Notary Public, State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 29<sup>th</sup> day of December, 2011, by ANNETTE VOLLEMAN.



[Signature]  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
THE ALLEN FIRM, P.C.  
A Texas Professional Corporation  
181 South Graham Street  
Stephenville, Texas 76401

EXHIBIT A

**TRACT ONE:**

All that certain 331.62 acre tract of land, being part of the W. H. Murray Survey, Abstract No. 383, and part of the J. H. Brown Survey, Abstract No. 59, in Comanche County, Texas, being all of Parcel One, being described as First Tract of 220 acres, Second Tract of 28 2/3 acres and Third Tract as 1 acre and all of Parcel Two of 80.71 acres of land, all being described in deed from Cecil M. Neel, et ux Jewell D. Neel to W. R. Surface, et ux, Elsie J. Surface, dated February 7, 1992, and recorded in Volume 691, Page 363 of the Deed Records of Comanche County, Texas, and described in one tract as follows:

**BEGINNING** at the intersection of the centerline of the South Leon River and the west line of the T. Y. Gilbert Survey, being the NW corner of the W. R. Surface 80.71 acre tract, for a corner of this tract, from which an iron rod found at a fence corner post at the NW corner of the T. Y. Gilbert Survey bears N 18° 35' 13" E, 1069.75'

**THENCE** down the center of the said river, being along the west lines of said 80.71 acre tract and east lines of a 129.93 acre tract described as a save and except in deed to W. R. Surface as follows, N 71° 20' 31" E, 26.20', N 48° 48' 56" E, 230.84', N 41° 21' 41" E, 154.47', N 68° 56' 40" E, 103.27', N 88° 42' 06" E, 65.16', S 40° 13' 49" E, 55.31', S 10° 36' 30" E, 80.58', S 28° 22' 05" W, 390.45', S 05° 41' 30" E, 210.53', S 38° 28' 43" E, 85.06', S 21° 58' 51" E, 206.42', S 27° 37' 49" E, 114.79', N 68° 12' 29" E, 105.78', N 15° 10' E, 171.76', N 24° 42' 51" W, 141.64', N 16° 13' W 95.76', N 22° 42' 20" E, 225.29', S 78° 06' 10" E, 102.05', N 55° 25' 34" E, 53.24', N 27° 03' 26" E, 112.94', N 01° 45' 50" W, 95.32', N 17° 32' 04" E, 122.56', N 32° 53' 43" E, 133.36', N 54° 09' 36" E, 210.91', N 24° 08' 50" E, 59.21', N 25° 05' 45" W, 133.72', N 89° 53' 19" W, 74.27', N 66° 39' 01" W, 56.95', N 34° 44' 08" W, 218.63', N 21° 24' 02" W, 131.94', N 50° 18' 44" E, 249.04', N 89° 53' 44" E, 60.0', S 66° 45' 26" E, 143.75', S 89° 57' 39" E, 105.05' to the intersection of the mouth of Wildcat Branch, being the SE corner of said 129.93 acre tract and the SW corner of a 1.36 acre tract, N 89° 13' 30" E, 160.45', and S 13° 40' 38" E, 59.68' to the SE corner of said 1.36 acre tract, for a corner of this tract;

**THENCE** S 53° 18' 43" W, 13.43' to an inner corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** S 27° 39' 47" W along a fence line, 175.97' to an iron rod found at a fence corner post at an inner corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** S 63° 35' 20" E along a fence line, 106.66' to an iron rod found at a corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** S 65° 37' 03" E, 73.93' to a point in centerline of the Leon River, for a corner of this tract;

**THENCE** down the center of the Leon River as follows, S 66° 01' 26" E, 118.56', S 43° 18' 32" E, 60.12', S 78° 24' 48" E, 175.25', and N 44° 22' 31" E, 113.86' to an external corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** S 73° 55' 16" E, at 50.66' pass an iron rod found at a fence corner post on the east bank of said River, continuing along a fence line in all 376.42' to an iron rod found at a fence corner post at a corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** S 12° 26' 05" E along a fence line and extension thereof, 250.67' to an iron rod found at an inner corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** S 78° 01' 58" E, 422.43' to an iron rod found at a fence corner post at the NE corner of said 80.71 acre tract, for the NE corner of this tract;

**THENCE** S 24° 44' 40" W along a fence line, 1595.60' to an iron rod found at a fence corner post in the north line of a County Road, being the SE corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** N 71° 44' 51" W along a fence line along the north line of said road, 514.15' to an iron rod found at a fence corner post at an inner corner of said 80.71 acre tract, for a corner of this tract;

**THENCE** S 18° 12' 47" W along the west line of said County Road, at 19.5' pass an external corner of said 80.71 acre tract and the NE corner of the W. R. Surface 220 acre tract, continuing in all 4417.79' to an iron rod set at a fence corner post at the SE corner of said 220 acre tract, for the SE corner of this tract;

**THENCE** N 71° 28' 56" W, crossing and recrossing a fence line, at 2198.93' pass the SW corner of said 220 acre tract and the SE corner of the W. R. Surface 28 2/3 acre tract, continuing in all 2406.80' to an iron rod set at a fence corner post at the SW corner of said 28 2/3 acre tract, for the SW corner of this tract;

**THENCE** N 18° 35' 02" E along a fence line, 1697.18' to an iron rod set at a fence corner post at an inner corner of said 28 2/3 acre tract, for a corner of this tract;

**THENCE** N 35° 09' 51" W along a fence line, at 322.89' pass an iron rod set at the end of said fence, continuing in all 406.88' to a point in the centerline of the Leon River, being at an external corner of said 28 2/3 acre tract, for a corner of this tract;

**THENCE** down the centerline of said River and the west lines of the W. R. Surface 28 2/3 acre tract and 1 acre tract as follows, N 62° 14' 48" E, 86.53', N 33° 22' 58" E, 187.49', N 46° 54' 33" E, 255.88', N 14° 49' 23" W, 78.95', S 88° 19' 44" W, 179.68', N 55° 42' 03" W, 226.12', N 00° 34' 32" E, 163.61', N 31° 50' 59" E, 250.98', N 23° 17' 55" E, 231.97', N 70° 01' 12" E, 117.48', N 73° 39' 13" E, 218.08', S 52° 29' 28" E, 100.79', S 77° 04' 15" E, 121.46', N 82° 39' 28" E, 278.51', N 12° 02' 56" E, 109.00', N 13° 07' 07" E, 124.86', N 03° 08' 14" W, 146.90', N 14° 10' 15" E, 304.56', N 31° 29' 47" W, 82.08', N 08° 23' 07" W, 145.64', and N 65° 20' 55" E, 280.69' to a point in the east line of the J. H. Brown Survey and west line of the T. Y. Gilbert Survey, being in the west line of said 80.71 acre tract, for a corner of this tract, being located 56.25', N 18° 35' 13" E from the SW corner of said 80.71 acre tract and NW corner of said 220 acre tract;

**THENCE** N 18° 35' 13" E along the west line of said 80.71 acre tract, crossing the Leon River, 486.88' to the place of beginning and containing 331.62 acres of land with approximately 5.53 acres being out of the W. H. Murray Survey, 30.53 acres out of the J. H. Brown Survey and 295.56 acres out of the T. Y. Gilbert Survey.

**TRACT TWO:**

All that certain lot, tract or parcel of land situated in Comanche County, Texas, out of the Thomas Y. Gilbert Survey, Abstract No. 383, containing 131.4 acres of land, described as follows;

**BEGINNING** at the NW corner of a division of said Gilbert Survey made for J. Proctor and D. D. Proctor and at the NE corner of a division of said W. J. Rollins;

**THENCE** South 19° West with Rollins East line 1035 vrs. for the SW corner of this tract;

**THENCE** South 73.5 East 728 vrs. stone set in ground on the East line Proctor Division;

**THENCE** North 19° East 1006 vrs. for the NE corner of this tract;

**THENCE** North 71° West 726 vrs. to the place of beginning.

**LESS AND EXCEPT, HOWEVER,** All that certain 86.29 acres of land, situated in Comanche



County, Texas, out of the Thomas Y. Gilbert Survey, A-383, and being part of a 131.4 acre tract of land that is described in a deed from Albert G. Leddy, Sr., et ux to Frank Volleman, et ux, recorded in Volume 776 at Page 280, Deed Records of Comanche County, Texas, and further described as follows:

**BEGINNING**, a 3 inch pipe post found in a fence corner at the Southeast corner of said 131.4 acre tract, and being the Northeast corner of a 292.238 acre tract of land that is described in Volume 784 at Page 183, said Deed Records, and being in the West line of a 435.03 acre tract of land that is described in Volume 373 at Page 384, said Deed Records, for the Southeast corner of this tract;

**THENCE**, N 74° 41' 44" W 1685.26 feet, with a fence along the South line of said 131.4 acre tract and the North line of said 393.238 acre tract, to a ½ inch iron rod found, and being in the East line of a proposed New County Road, for the Southwest corner of this tract;

**THENCE**, with the East line of said proposed New County Road, as follows, N 34° 16' 03" E 1063.11 feet, to a ½ inch iron rod found, N 26° 55' 33" E 1809.61 feet, to a ½ inch iron rod found, and N 67° 20' 08" E 61.70 feet, to a ½ inch iron rod found in the South line of Comanche County Road Number 252, for the Northwest corner of this tract;

**THENCE**, S 71° 17' 41" E 1048.62 feet, with the South line of said County Road 252, to a 3 inch pipe post found in the East line of said 131.4 acre tract and being in the West line of said 435.03 acre tract, for the Northeast corner of this tract;

**THENCE**, S 17° 48' 20" W 2774.60 feet, with the East line of said 131.4 acre tract and the West line of said 435.03 acre tract, and being along the general course of a fence, to the point of beginning and containing 86.29 acres of land.

**TRACT THREE:**

Being 4.20 acres of land, situated in Comanche County, Texas, out of the Thomas Y. Gilbert Survey, Abstract No. 383, and being part of a 392.238 acre tract of land that is described in deed from Harold R. Dillard, et al to Frank Brand, recorded in Volume 784 at Page 183, Deed Records of Comanche County, Texas, and further described as follows;

**BEGINNING** at the northwest corner of said 392.238 acre tract, and being in the center of Comanche County Road Number 252, and being the Southwest corner of a 131.4 acre tract of land that is described in a deed from Albert G. Leddy, Sr., et ux to Frank Volleman, et ux, recorded in Volume 776 at Page 280, said Deed Records, for the Northwest corner of this tract;

**THENCE** S 74° 41' 45" E at 21.00 feet pass a reference 3 inch pipe post and continue on for a total distance of 321.12 feet, to a ½ inch iron rod set in a fence on the North line of said 392.238 acre tract, and being in the South line of said 131.4 acre tract, for the Northeast corner of this tract;

**THENCE** S 32° 58' 33" W 1196.70 feet, to a point in the center of said County Road, and being in the West line of said 392.238 acre tract, from which a reference ½ inch iron rod set in a fence line bears N 32° 58' 33" E 70.98 feet, for the Southwest corner of this tract;

**THENCE** N 17° 25' 16" E 1141.00 feet, with the West line of said 392.238 acre tract and the center of said County Road, to the point of beginning and containing 4.20 acres of land, of which 0.53 of an acre is within the limits of the County Road.

⑥ \$31.00  
CK The Allen Firm

FILED FOR RECORD  
AT 11:50 O'CLOCK A M

JAN 3 2012

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

Chu. The Allen Firm

FILED

AT 11:50 O'CLOCK A M  
ON THE 3 DAY OF January  
A.D., 2012.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Amy Schwartz*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this Instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the Lead  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 944 PAGE 163  
RECORDED 1-4-12


THE STATE OF TEXAS  
COUNTY OF COMANCHE

Consent to Convey:

This agreement is made on the 30 day of April, 2020 between land owner Larry Wayne Adams and irrigator, CONARGO, LLC. I, Larry Wayne Adams, do hereby grant authorization to CONARGO, LLC to convey irrigation water from the Leon River across any land owned by me to all tracts of land CONARGO is authorized to irrigate on as outlined in Attachment E.

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the agreement.

  
Larry Wayne Adams

  
Marcel Volleman for CONARGO, LLC

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed and has hereto affixed grantor's hand and seal this 30 day of April, 2020.

IN WITNESS WHEREOF, the grantor has caused this instrument to be executed and has hereto affixed grantor's hand and seal this 30 day of April, 2020.

STATE OF TEXAS  
COUNTY OF Erath

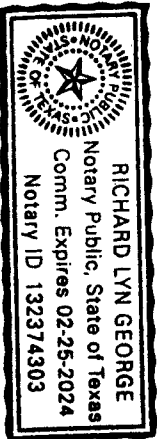
STATE OF TEXAS  
COUNTY OF Erath

I, the undersigned Notary Public in and for said County and State, hereby certify that Larry Wayne Adams, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

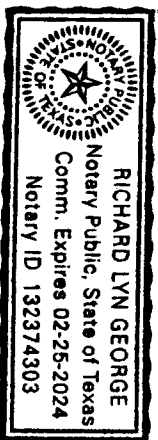
I, the undersigned Notary Public in and for said County and State, hereby certify that Marcel Volleman, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

GIVEN under my hand and seal this 30 day of April, 2020.

GIVEN under my hand and seal this 30 day of April, 2020.



Notary Public  
My Commission Expires:  
Feb. 25, 2024



Notary Public  
My Commission Expires:  
Feb. 25, 2024

THE STATE OF TEXAS  
COUNTY OF COMANCHE

**Consent to Irrigate:**

This agreement is made on the 23 day of December, 2019 between land lessee Natural Dairy Grower, LLC (Natural Dairy Grower Company) and irrigator, CONARGO, LLC. Natural Dairy Grower Company does hereby grant authorization to CONARGO, LLC to irrigate on all leased land owned by Larry Adams (344.3 acres) outlined in the application map (Attachment B, Site Map 3) & attached lease & warranty deed(s) included in (Attachment E).

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the agreement.

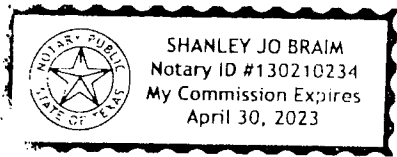
F. Volle  
Frank Volleman for Natural Dairy Grower, LLC

Marcel Volleman for CONARGO LLC  
Marcel Volleman for CONARGO, LLC

STATE OF TEXAS  
COUNTY OF Comanche

I, the undersigned Notary Public in and for said County and State, hereby certify that ~~Frank Volleman & Marcel Volleman~~ whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

GIVEN under my hand and seal this 23<sup>rd</sup> day of December, 2019.



Shanley Braim  
Notary Public  
My Commission Expires:  
April 30, 2023



## Franchise Tax Account Status

As of : 12/05/2019 10:11:06

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

### NATURAL DAIRY GROWER, LLC

**Texas Taxpayer Number** 32017122394

**Mailing Address** 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 01/05/2019

**Texas SOS File Number** 0803202804

**Registered Agent Name** FRANK VOLLEMAN

**Registered Office Street Address** 600 CR 252 GUSTINE, TX 76455



## Franchise Tax Account Status

As of : 06/15/2018 16:27:11

**This Page is Not Sufficient for Filings with the Secretary of State**

### CONARGO, LLC

**Texas Taxpayer Number** 32036927013

**Mailing Address** 1741 COUNTY ROAD 353 DUBLIN, TX 76446-6045

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 05/01/2008

**Texas SOS File Number** 0800972421

**Registered Agent Name** MARCEL H. VOLLEMAN

**Registered Office Street Address** 1741 CR 353 DUBLIN, TX 76446



## Public Information Report

**Public Information Report**  
**CONARGO, LLC**  
Report Year :2013

Information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.texas.gov](mailto:open.records@cpa.texas.gov) or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
DIRECTOR	<b>MARCEL H VOLLEMAN</b> 1741 CR 353 DUBLIN, TX 76446
MANAGING M	<b>MARCEL H VOLLEMAN</b> 1741 CR 353 DUBLIN, TX 76446

February 7, 2017

Lease Agreement

Lessor: Larry Adams

Lessee: Natural Dairy Grower Company

Lessor agrees to lease unto Lessee several tracts of land including:

- West Field: 53 Acres
- Livingston Field: 97 Acres
- ~~Boucher Field~~: 36 Acres
- ~~Daniels Bottom~~: 70 Acres
- ~~Upper South~~: 37.5 Acres
- Blalack Field: 61.3 Acres
- North of House: 28 Acres
- ~~Antenna Field~~: 42 Acres
- ~~Feed Lot~~: 30 Acres
- McCarty by River: 40 Acres
- McCarty on Hill: 65 Acres
- ~~2 Daniels Fields~~: 60 Acres

For a total of ~~620~~ Acres.

344.3 - Currently leased

Locations on  
Site Map 3

The lease shall commence on September 19, 2016 and end in the fall of 2026, after the last crop is harvested on cultivated fields and the last cutting is done on coastal/tifton fields.

---

This lease will also included the use of 870 acre feet of Senior Water Rights.

Lessee will pay all electric costs to run wells, pivots and pumps as related to the irrigation of the leased land.



February 7, 2017

Lessor: R. Ober

Date: 2-15-17

Lessee: F. Voll - for Mutual Dairy

Date: 2-7-17 Gramer


Addendum to "Lease Agreement" Dated February 7, 2017

The following tracts have been removed from this lease agreement and the yearly lease has been adjusted to \$28,035.00 ( $\$45,540.00 - \$17,505.00 = \$28,035.00$ ). All other conditions remain.

Tracts Removed:

- Boucher Field- 36 Acres (36 X \$90.00= \$3,240.00)
- Daniels Bottom- 70 Acres (70 X \$90.00= \$6,300.00)
- Upper South- 37.5 Acres (37.5 X \$90.00= \$3,375.00)
- 2 Daniels Fields- 60 Acres (60 X \$45.00= \$2,700.00)
- Antenna Field- 42 Acres (42 X \$45.00= \$1,890.00)

TOTAL: \$17,505.00

Lessor: 

Date: 

Lessee: 

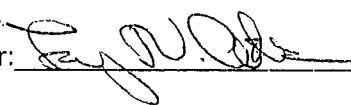
Date: 11-29-17.

Second Addendum to "Lease Agreement" Dated February 7, 2017

The following tract has been removed from this lease agreement and the yearly lease has been adjusted to \$26,685.00 (\$28,035 - \$1350 = \$26,685 ). All other conditions remain.

Tract Removed:

- Feedlot Field -30 Acres (30ac X \$45.00 = \$1350.00 )

Lessor: 

Date: 12-10-18.

Lessee: 

Date: 12-10-18.

275.5

**SPECIAL WARRANTY DEED**

**2439**

Effective Date: February 17, 2014

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Trustee

Grantor's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:


Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

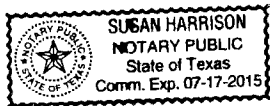
Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

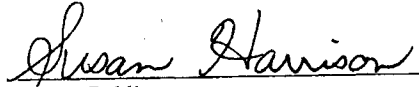
  
\_\_\_\_\_  
GRACE OLENA ADAMS, by LARRY W. ADAMS,  
Trustee

AFTER RECORDING RETURN TO:  
Krueger Law Firm, PLLC  
Attn: David A. Krueger  
6201 Technology Drive, Suite 106  
Frisco, Texas 75033

STATE OF TEXAS                    §  
  §  
COUNTY OF COMANCHE        §

This instrument was acknowledged before me on November 14<sup>th</sup>, 2014 by LARRY W. ADAMS, in his capacity as Power of Attorney for GRACE OLENA ADAMS.



  
\_\_\_\_\_  
Notary Public

**EXHIBIT "A"**

The real property located at in Comanche County, Texas more fully described as:

All that certain tract of land situated in the County of Comanche and State of Texas being 6.1 acres of land.

**First Tract:** Being 320 acres, more or less, and being all the Stewart (S.W.) Pinkin Survey in said County and State, being Patent No. 602, Abstract No. 768.

**Second Tract:** Being 71 acres, more or less, a part of and out of the Anson L. Estes Survey in said County and State, described by metes and bounds as follows, to wit:

BEGINNING at a point in the S. line of the said Pipkin Survey, and the North line of said Estes Survey, which beginning point is located 190 foot in a westerly direction from the S.E. corner of said Pipkin Survey;

Thence in a southerly direction and with public road, to a state in N. side of State Highway No. 36, for the S.E. corner this tract, a total distance of 787.68 vrs., state in A.F. Gaines S. line for the S.W. corner of this tract;

Thence in a Northerly direction and with F. Gaines said E. line, 884.88 vrs. To S. line of said Pipkin Survey, stake for N.W. corner of this tract at A.F. Gaines most easterly N.E. corner;

Thence in an Easterly direction and with the dividing line between said Pipkin and Estes Surveys to the point of beginning, containing 71 acres, more or less and being all of that certain tract of 108 acres sold to W.S. Price by Dan McMillan by deed of record in the Deed Records of Comanche County, Texas, save and except 37 acres of said 308 acre tract heretofore sold by said W.S. Price to Young. It is understood and agreed and made a condition hereof that said 71 acres of land herein conveyed and described as in second tract is conveyed subject to all the terms and conditions and mineral deed heretofore executed by said W.S. Price and covering 27 acres out of said 108 acre tract of land. The two tracts herein described and conveyed contain in the aggregate 391 acres, more or less, and being the identical lands described in and conveyed by deed from W.S. Price and Wife, Lula Price, to W.S. Price Jr., dated December 27, 1944, of record in Vol. 226, Page 216, of the Deed Records of Comanche County, Texas.

FILED 21st DAY OF November, 2014, AT 10:45 O'CLOCK A.M.

RECORDED 24th DAY OF November, 2014, AT 9:00 O'CLOCK A.M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Amy Huddleston DEPUTY

**SPECIAL WARRANTY DEED**

Effective Date: April 1, 2013

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Power of Attorney

Grantor's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

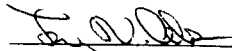
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

April 1, 2013

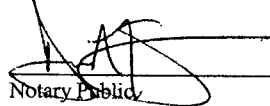


GRACE OLENA ADAMS, by LARRY W. ADAMS,  
Power of Attorney.

AFTER RECORDING RETURN TO:  
Krueger Law Firm, PLLC  
Attn: David A. Krueger  
6201 Technology Drive, Suite 106  
Frisco, Texas 75033

STATE OF TEXAS            §  
  §  
COUNTY OF DALLAS       §

This instrument was acknowledged before me on April 1, 2013 by LARRY W. ADAMS, in his capacity as Power of Attorney for GRACE OLENA ADAMS.

  
Notary Public



**EXHIBIT "A"**

The real property located at in Comanche County, Texas more fully described as:

**FIRST TRACT:**

19 1/2 acres of land located in a survey of 200 acres of land out of the A. Smothers, Jason Brennan and M. D. Mahoney surveys situated in Comanche County, Texas, on the waters of the North and South forks of the Leon River, made for L. A. Livingston by virtue of his ownership, described as follows:  
Beginning at the N. E. corner of First Tract described in deed from Martha Livingston et al to L. A. Livingston, March 7, 1912, recorded in Vol. 196, Page 48, of the Deed Records of Comanche County, Texas, in the center of the Leon River, for the N.E. corner of this tract;  
THENCE up the Leon River, with its meanderings, the following courses and distances:  
N. 54° 05' W. 250 vrs.; N. 29° 32' W. 90 vrs.; N. 13° 57' W. 77 vrs.; N 1° 22' W 85 vrs.;  
N. 14° 22' W. 77 vrs.; N. 45° 40' W. 40 vrs.; N. 74° 00' W. 290 vrs. to the North and South fork of said Leon River.  
THENCE up the said South fork of the Leon River, the following courses and distances:  
S. 15° 31' E. 97 vrs.; S. 43° 48' E. 75 vrs.; S. 29° 53' E. 34 vrs.; S. 9° 00' W. 18 vrs.;  
S. 15° 47' W. 83 vrs.; S. 70° 22' W. 50 vrs.; N. 75° 25' W. 24 vrs.; N. 59° 13' W. 59 vrs.; N. 26° 15' W. 27 vrs.; N. 11° 05' E. 13 vrs.; N. 55° 04' E. 15 vrs.;  
N. 83° 10' E. 49 vrs.; N. 19° 42' E. 46 vrs.; N. 21° 26' W. 67 vrs.; N. 9° 47' W. 37 vrs.; N. 58° 58' W. 50 vrs.; N. 67° 45' W. 100.6 vrs.; S. 9° 28' E. 83 vrs.;  
S. 7° 32' W. 55 vrs.; S. 65° 17' W. 41 vrs.; N. 66° 30' W. 114 vrs.; S. 16° 15' W. 140 vrs.; S. 77° 15' W. 69 vrs.; N. 8° 00' W. 90 vrs.; N. 60° 40' W. 27 vrs.;  
S. 66° 40' W. 57 vrs.; S. 9° 32' W. 31 vrs.; S. 38° 00' E. 66 vrs.; (S. 9° 32' W. 31 vrs.; S. 38° 00' E. 66 vrs.); S. 9° 40' W. 95 vrs.; S. 63° 05' W. 56 vrs.;  
to a point in the center of the South fork of the Leon River for the N. W. corner of this tract;  
THENCE S. 21° 10' S) 12.5 vrs. to a point on the south bank of said river for a corner of this tract in the north line of a cultivated field called the "west field";  
THENCE S. 69° 17' E., with the north line of said "west field" 185.5 vrs to a 6" cedar post for the N. E. corner of said field and an inside corner of this tract;  
THENCE S. 19° 55' W., with the east line of said field, 611 vrs. to a railroad tie for the S. E. corner of said field and an inside corner of this tract;  
THENCE N. 70° 05' W. 595 vrs. to a corner of this tract;  
THENCE S. 19° 55' W. 87.4 vrs. to a corner of this tract;  
THENCE S. 70° 05' E. 232 vrs. to a corner of this tract;  
THENCE S. 8° 55' W. 129 vrs. to an iron pipe in the north right of way of Highway No. 36 for the S. W. corner of this tract;  
THENCE with said North Right of Way, the following courses and distances:  
N. 82° 15' E. 42.4 vrs.; N. 80° 40' E. 137 vrs.; S. 83° 45' E. 92 vrs.;  
S. 82° 20' E. 75 vrs.; S. 81° 05' E. 119 vrs.; S. 76° 00' E. 40 vrs.;  
S. 81° 10' E. 854.2 vrs.; to a 6" cedar post for the S. E. corner of this tract in said North Right of Way;  
THENCE N. 13° 20' E. 104 vrs. to a R. R. Tie corner post for corner of this tract;  
THENCE N. 1° 45' W. 154.7 vrs to a 5" cedar post for a corner of this tract;  
THENCE N. 19° 30' E. 550 vrs. to the place of beginning;  
Save and except the 167.5 acres of land deeded to Wayne Adams by L. A. Livingston, Jr. and wife, Judy Livingston, in deed dated August 20, 1968, recorded in Volume 346, Page 324, of Deed Records of Comanche County, Texas;  
There being approximately 14 acres in the M. D. Mahoney survey, 40 acres in the Jason Brennan Survey and 152 acres in the A. Smothers Survey.

AS ORIGINAL

SECOND TRACT:  
 110.96 acres of land out of the A. Smothers and M. D. Mahoney surveys, situated in Comanche County, Texas, on the South fork of the Leon River, made for L. A. Livingston Estate described as follows:  
 BEGINNING at a petrified stump pointed out to me by L. A. Livingston for the S.W. corner of the A. Smothers and N. W. corner of the M. D. Mahoney surveys;  
 THENCE S. 20° W. with old wire fence 157 vrs. to the center of the South Fork of the Leon River;  
 THENCE up said river, the following courses and distances;  
 N. 57° 30' E. 36 vrs.; N. 18° 30' E. 68 vrs.; East 67 vrs.;  
 S. 15° E. 66 vrs.; S. 21° 10' E. 81 vrs.; S. 12° 20' W. 77 vrs.;  
 S. 59° 10' E. 97 vrs.; S. 21° 50' E. 43 vrs.; S. 40° W. 92 vrs.;  
 S. 22° 35' E. 42 vrs.; S. 14° 10' E. 58 vrs.; to the North right of way of Highway 16, for the South corner of this tract;  
 THENCE with said right-of-way, S. 82° 49' E. 153.5 vrs. and N. 89° 35' E. 152 vrs. to an iron pipe in said North right-of-way for the Southwest corner of a 206 acre tract and a Southeast corner of this tract;  
 THENCE N. 69° 35' E. 172 vrs. to a corner of this tract and a corner of said 206 acre tract;  
 THENCE N. 70° 51' W. 232 vrs. for a corner of said 206 acre tract and a corner of this tract;  
 THENCE N. 19° 55' E. 87.4 vrs. to a corner of said 206 acre tract and a corner of this tract;  
 THENCE S. 70° 05' E. 595 vrs. to a Railroad Tie at the S.E. corner of a field for a corner of said 206 acre tract and the S.E. corner of this tract;  
 THENCE N. 19° 55' E. with east line of said field 611 vrs. to a 6" cedar post for the N.E. corner of said field, a corner of said 206 acre tract and the N.E. corner of this tract;  
 THENCE N. 68° 17' W. with North line of said field 185.5 vrs. to a corner on South bank of said river for a corner of said 206 acre tract and a corner of this tract;  
 THENCE N. 21° 10' E. 12.5 vrs. to the center of said river;  
 THENCE up said river the following courses and distances:  
 N. 48° 36' W. 29 vrs.; N. 19° 49' E. 72 vrs.; N. 59° 51' W. 148 vrs.;  
 S. 58° 59' W. 88 vrs.; S. 73° 07' W. 91 vrs.; South 86 vrs.;  
 S. 71° 13' W. 33 vrs.; N. 26° 32' W. 66 vrs.; N. 82° 58' W. 64 vrs.;  
 N. 0° 37' W. 71 vrs.; N. 67° 11' W. 65 vrs.; N. 52° 00' W. 90 vrs.;  
 S. 34° 50' W. 172 vrs.; S. 30° 13' W. 101 vrs.; S. 51° 25' W. 93 vrs.;  
 N. 80° 55' W. 29 vrs.; N. 25° 25' W. 46 vrs.; N. 81° 10' W. 13 vrs.;  
 to the West line of the A. Smothers Survey;  
 THENCE S. 20° W. 150 vrs. to the place of beginning, there being approximately 20 acres out of the A. Smothers Survey, and 21 acres out of the M. D. Mahoney Survey; to be taken that said 41 acres be taken as described in Field Notes prepared by L. A. Livingston.

FILED 5th DAY OF April 2013, AT 2:00 O'CLOCK P.M.

RECORDED 8th DAY OF April 2013, AT 9:00 O'CLOCK A.M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Amy Schwartz DEPUTY

GIFT DEED

2926

THE STATE OF TEXAS ( )

COUNTY OF COMANCHE ( ) KNOW ALL MEN BY THESE PRESENTS:

That I, GRACE OLENA ADAMS, of Comanche County, Texas, for and in consideration of the natural love and affection that I have for my son LARRY WAYNE ADAMS, have GIVEN, GRANTED and CONVEYED, and do by these presents GIVE, GRANT, CONVEY, SET OVER and DELIVER unto LARRY WAYNE ADAMS of Box 112, Gustine, Texas 76455, the following described property:

FIRST TRACT:

All that certain lot, tract or parcel of land in Comanche County, Texas, being out of and a part of the A. Smothers Survey, Abstract No: 836; and the A. L. Estes Survey, Abstract no. 286, described by metes and bounds as follows:

BEGINNING at a point on the WBL of the A. L. Estes Survey, 108 vrs. South 19 deg. 20' West from the NW corner of the A. L. Estes Survey, a stake under a wire fence the beginning corner of this survey;

THENCE North 71 deg. 00' West along said fence, a distance of 77 vrs. to an 8" cedar fence post a corner of this tract;

THENCE South 58 deg. 20' West along a wire fence line a distance of 528.84 vrs. to an 8" corner cedar fence post a corner of this tract;

THENCE North 83 deg. 12' West along a wire fence line a total distance of 245.16 vrs. to a 16" hackberry tree grown up on said corner in wire fence line the most Southerly NW corner of this tract;

THENCE South 19 deg. 00' West along a wire fence line a total distance of 487.44 vrs. to a large corner fence post on the NBL of State Highway No. 36, the SW corner of this tract;

THENCE North 82 deg. 10' East along said North ROW line of Highway No. 36, a total distance of 875.44 vrs. to a break in said fence.

THENCE North 11 deg. 40' East and with said fence line a distance of 13.6 vrs. to a 6" cedar fence post a corner of this tract;

THENCE North 82 deg. 10' East along said ROW fence line a total distance of 191.5 vrs. to a 5" cedar fence post the SE corner of this tract;

THENCE North 19 deg. 00' East and along an old fence line a distance of 775 vrs. to a 3" corner post the NE corner of this tract;

THENCE North 71 deg. 00' West along a new fence line a total distance of 537.19 vrs. to the place of beginning, containing 134.57 acres of land.

SECOND TRACT:

All that certain lot, tract or parcel of land situated in Comanche County, Texas, about 17 miles East of the City of Comanche, Texas, and being a part of the C. B. Howard Survey, Abst. No. 443, and described by metes and bounds as follows:

BEGINNING at a point in the center of a county road on the North

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

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.

line of C. B. Howard Survey, and the South line of B. F. Reed Survey, 746.6 feet S 71 deg. E from the original NW corner of the C. B. Howard Survey, said point being a corner of the North 46.97 acre tract of R. M. Alexander 162.97 acre tract on the SW ROW line of Farm Road No. 591, for the NW corner of this tract; THENCE S 42 deg. 30' E with SW ROW line of said Farm Road, 108 feet to a corner of this tract, and a corner of said 46.97 acre tract;

THENCE S 12 deg. 30' E 325 feet to a point for the SW corner of this tract, and a corner of said 46.97 acre tract;

THENCE S 70 deg. E crossing center line of said Farm Road No. 591, at 400 feet and a total distance of 746 feet to the SE corner of this tract in the center of Mill Branch;

THENCE up the center of Mill Branch N 5 deg. E 350 feet to the center of a county road on the North line of C. B. Howard Survey, and the South line of B. F. Reed Survey for the NE corner of this tract;

THENCE N 71 deg. W with center line of said county road, 910 feet to the place of beginning, and containing 6 acres of land, SAVE AND EXCEPT, 1.04 acres deeded to the County of Comanche, Texas, for Farm Road No. 591.

THIRD TRACT:

All that certain parcel of land in Comanche County, Texas, about 17 miles East of the City of Comanche, Texas, and being a part of the C. B. Howard Survey, Abst. No. 443, and the S Pipkin Survey, and being more particularly described as follows:

BEGINNING at a point in the East or South East line of Dr. J. W. Applewhite 45.8 acre tract and the SW corner of a 46.97 acre tract, said point being 1475 feet S 19 deg. W of the NE corner of said Dr. Applewhite 45.8 acre tract, said point being the NW corner of this tract;

THENCE S 19 deg. W with the East or South East line of said 45.8 acre tract, crossing the South or Southwest line of C. B. Howard Survey, and the North or Northeast line of S. Pipkin Survey, at 2044.4 feet and a total distance of 2139 feet to a fence post for the SW or West corner of this tract;

THENCE S 71 deg. E with fence now in place, 1928 feet to the center of Mill Branch for the SE or South corner of this tract;

THENCE up said Mill Branch with its meanders as follows: N 33 deg. 30' W. 219.4 feet; N 80 deg. E 247.2 feet; N 32 deg. E 161.1 feet; N 31 deg. 30' W 141.6 feet; N 17 deg. 30' W 188.8 feet; N 52 deg. E 197.2 feet; N 20 deg. 30' E 341.6 feet; N 38 deg. E 111.1 feet; N 80 deg. E 263.8 feet; N 36 deg. 15' E 172.2 feet; S 75 deg. 30' E 80 feet crossing center line of concrete bridge over said branch; S 82 deg. 45' E 152.7 feet; E 55 deg. E 86.1 feet; S 1 deg. 30' E 202.7 feet; S 40 deg. E 72.2 feet; N 69 deg. 15' E 222.2 feet; N 46 deg. E 119.4 feet; N 12 deg. E 186.1 feet; N 14 deg. 30' W 191.6 feet; N 32 deg. 30' W 127.7 feet; N 26 deg. 15' E 80 feet to the Northeast or East corner of this tract, and the Southeast or South corner of 46.97 acre tract;

THENCE N 71 deg. W with South or Southwest line of said 46.97 acre tract crossing center line of FM Road at 750 feet and a total distance of 2800 feet to the place of beginning, and containing 110 acres of land.

FOURTH TRACT:

All that certain lot and parcel of land situated in Comanche County, Texas, about 17 miles East of the City of Comanche, and being a part of the C. B. Howard Survey, Abst. No. 443, and being more particularly described as follows:

BEGINNING at a point in the center of a county road on the North line of C. B. Howard Survey, and the South line of B. F. Reed Survey 566.6 feet S 71 E from the original NW corner of C. B. Howard Survey, said point being the NE corner of Dr. J. W. Applewhite 45.8 acre tract and the NW corner of this tract;

THENCE S 71 deg. E with the Northeast line of said Howard Survey, and the SW line of B. F. Reed Survey, 180 feet to the SW ROW

line of Farm Road No. 591 for a corner of this tract;  
 THENCE S 42. deg. 30' E with SW ROW line of said Farm Road 108 feet to a corner of this tract, and a corner of a school tract;  
 THENCE S 12 deg. 30' E with SW line of school tract 325 feet to the SW corner of said school tract and a corner of this tract;  
 THENCE S 70 deg. E with SW line of said school tract crossing center line of said FM Road at 400 feet and a total distance of 746 feet to a corner of this tract in the center of Mill Branch and the South or SouthEast corner of said school tract;  
 THENCE down said branch with its meanders as follows: S 15 deg. E 98 feet; S 72 deg. 30' E 194.4 feet;  
 THENCE S 12 deg. E 1027.7 feet to the SW corner of the Wm. Sisson tract, and a corner of this tract on the NE ROW line of said FM Road;  
 THENCE S 71 deg. E 713.8 feet to the SE corner of said Wm. Sissons tract and a corner of this tract in the center of Mackey Branch;  
 THENCE down said branch as follows: S 27 d eg. 30' E 144.4 feet; S 8 deg. 30' W 80 feet to the SE or South corner of this tract in the center of said branch;  
 THENCE N 71 deg. W crossing center line of said FM Road at 750 feet and a total distance of 2800 feet to the Southwest or West corner of this tract in the East line of Dr. J. W. Applewhite 45.8 acre tract;  
 THENCE N 19 deg. E with the East line of said 45.8 acre tract, 1475 feet to the place of beginning, and containing 46.97 acres of land, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said LARRY WAYNE ADAMS, his heirs and assigns, forever; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever defend all and singular, the said premises unto the said LARRY WAYNE ADAMS, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS MY HAND this 30th, day of December, 1992.

*Grace Olena Adams*  
 GRACE OLENA ADAMS

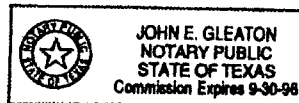
THE STATE OF TEXAS ( )

COUNTY OF COMANCHE ( )

This instrument was acknowledged before me on the 30th day of December, 1992, by Grace Olena Adams.

*John E. Gleaton*  
 Notary Public, State of Texas

Page 3



FILED 30th DAY OF December 1992, AT 2:10 O'CLOCK P. M.

RECORDED 4th DAY OF January 1993, AT 9:00 O'CLOCK A. M.

BY Betha Sumner DEPUTY BETTY CONWAY, County Clerk

BOOK **704** PAGE **120**

**SPECIAL WARRANTY DEED**

2438

Effective Date: February 17, 2014

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Trustee

Grantor's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

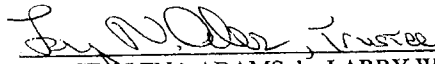
Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

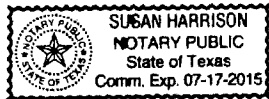
Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

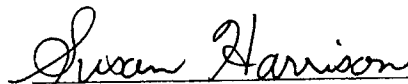
  
\_\_\_\_\_  
GRACE OLENA ADAMS, by LARRY W. ADAMS,  
Trustee

AFTER RECORDING RETURN TO:  
Krueger Law Firm, PLLC  
Attn: David A. Krueger  
6201 Technology Drive, Suite 106  
Frisco, Texas 75033

STATE OF TEXAS                   §  
  §  
COUNTY OF COMANCHE       §

This instrument was acknowledged before me on November 14<sup>th</sup>, 2014 by LARRY W. ADAMS, in his capacity as Trustee for GRACE OLENA ADAMS.



  
\_\_\_\_\_  
Notary Public



**EXHIBIT "A"**

The real property located at in Comanche County, Texas more fully described as:

All that certain tract of land situated in the County of Comanche and State of Texas being 108.51 acres of land and being part of:

**First Tract:** Being 320 acres, more or less, and being all the Stewart (S.W.) Pinkin Survey in said County and State, being Patent No. 602, Abstract No. 768.

**Second Tract:** Being 71 acres, more or less, a part of and out of the Anson L. Estes Survey in said County and State, described by metes and bounds as follows, to wit:

BEGINNING at a point in the S. line of the said Pipkin Survey, and the North line of said Estes Survey, which beginning point is located 190 foot in a westerly direction from the S.E. corner of said Pipkin Survey;

Thence in a southerly direction and with public road, to a state in N. side of State Highway No. 36, for the S.E. corner this tract, a total distance of 787.68 vrs., state in A.F. Gaines S. line for the S.W. corner of this tract;

Thence in a Northerly direction and with F. Gaines said E. line, 884.88 vrs. To S. line of said Pipkin Survey, stake for N.W. corner of this tract at A.F. Gaines most easterly N.E. corner;

Thence in an Easterly direction and with the dividing line between said Pipkin and Estes Surveys to the point of beginning, containing 71 acres, more or less and being all of that certain tract of 108 acres sold to W.S. Price by Dan McMillan by deed of record in the Deed Records of Comanche County, Texas, save and except 37 acres of said 308 acre tract heretofore sold by said W.S. Price to Young. It is understood and agreed and made a condition hereof that said 71 acres of land herein conveyed and described as in second tract is conveyed subject to all the terms and conditions and mineral deed heretofore executed by said W.S. Price and covering 27 acres out of said 108 acre tract of land. The two tracts herein described and conveyed contain in the aggregate 391 acres, more or less, and being the identical lands described in and conveyed by deed from W.S. Price and Wife, Lula Price, to W.S. Price Jr., dated December 27, 1944, of record in Vol. 226, Page 216, of the Deed Records of Comanche County, Texas.

FILED \_\_\_\_\_ 21st \_\_\_\_\_ DAY OF \_\_\_\_\_ November \_\_\_\_\_, 2014, AT \_\_\_\_\_ 10:45 \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M.

RECORDED \_\_\_\_\_ 24th \_\_\_\_\_ DAY OF \_\_\_\_\_ November \_\_\_\_\_, 2014, AT \_\_\_\_\_ 9:00 \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Amy Huddleston DEPUTY

2437

**SPECIAL WARRANTY DEED**

Effective Date: February 17, 2014

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Trustee

Grantor's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:


Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

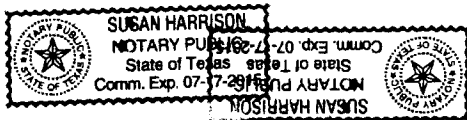
Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

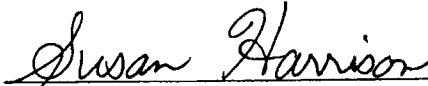
  
\_\_\_\_\_  
GRACE OLENA ADAMS, by LARRY W. ADAMS,  
Trustee.

AFTER RECORDING RETURN TO:  
Krueger Law Firm, PLLC  
Attn: David A. Krueger  
6201 Technology Drive, Suite 106  
Frisco, Texas 75033

STATE OF TEXAS                   §  
  §  
COUNTY OF COMANCHE       §

This instrument was acknowledged before me on November 14<sup>th</sup>, 2014 by LARRY W. ADAMS, in his capacity as Trustee for GRACE OLENA ADAMS.



  
\_\_\_\_\_  
Notary Public

**EXHIBIT "A"**

The real property located at in Comanche County, Texas more fully described as:

All that certain tract of land situated in the County of Comanche and State of Texas being 283 acres of land.

**First Tract:** Being 320 acres, more or less, and being all the Stewart (S.W.) Pinkin Survey in said County and State, being Patent No. 602, Abstract No. 768.

**Second Tract:** Being 71 acres, more or less, a part of and out of the Anson L. Estes Survey in said County and State, described by metes and bounds as follows, to wit:

BEGINNING at a point in the S. line of the said Pipkin Survey, and the North line of said Estes Survey, which beginning point is located 190 foot in a westerly direction from the S.E. corner of said Pipkin Survey;

Thence in a southerly direction and with public road, to a state in N. side of State Highway No. 36, for the S.E. corner this tract, a total distance of 787.68 vrs., state in A.F. Gaines S. line for the S.W. corner of this tract;

Thence in a Northerly direction and with F. Gaines said E. line, 884.88 vrs. To S. line of said Pipkin Survey, stake for N.W. corner of this tract at A.F. Gaines most easterly N.E. corner;

Thence in an Easterly direction and with the dividing line between said Pipkin and Estes Surveys to the point of beginning, containing 71 acres, more or less and being all of that certain tract of 108 acres sold to W.S. Price by Dan McMillan by deed of record in the Deed Records of Comanche County, Texas, save and except 37 acres of said 308 acre tract heretofore sold by said W.S. Price to Young. It is understood and agreed and made a condition hereof that said 71 acres of land herein conveyed and described as in second tract is conveyed subject to all the terms and conditions and mineral deed heretofore executed by said W.S. Price and covering 27 acres out of said 108 acre tract of land. The two tracts herein described and conveyed contain in the aggregate 391 acres, more or less, and being the identical lands described in and conveyed by deed from W.S. Price and Wife, Lula Price, to W.S. Price Jr., dated December 27, 1944, of record in Vol. 226, Page 216, of the Deed Records of Comanche County, Texas.

FILED \_\_\_\_\_ 21st \_\_\_\_\_ DAY OF \_\_\_\_\_ November \_\_\_\_\_, 2014, AT \_\_\_\_\_ 10:45 \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A \_\_\_\_\_ M.

RECORDED \_\_\_\_\_ 24th \_\_\_\_\_ DAY OF \_\_\_\_\_ November \_\_\_\_\_, 2014, AT \_\_\_\_\_ 9:00 \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A \_\_\_\_\_ M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Amey Huddleston DEPUTY

SPECIAL WARRANTY DEED

Effective Date: April 1, 2013

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Power of Attorney

Grantor's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702  
Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.


Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

April 1, 2013

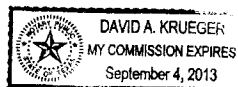


GRACE OLENA ADAMS, by LARRY W. ADAMS,  
Power of Attorney.

AFTER RECORDING RETURN TO:  
Krueger Law Firm, PLLC  
Attn: David A. Krueger  
6201 Technology Drive, Suite 106  
Frisco, Texas 75033

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

This instrument was acknowledged before me on April 1, 2013 by LARRY W. ADAMS, in his capacity as Power of Attorney for GRACE OLENA ADAMS.



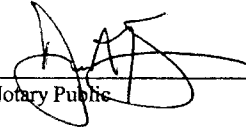
  
Notary Public

EXHIBIT "A"

The real property located at in Comanche County, Texas more fully described as:

FIRST TRACT: All that certain tract of land situated in the County of Comanche and State of Texas being 80 acres of land, more or less, out the C.B. Howard Survey, Patent No. 766, Vol.6,;  
BEGINNING 356 vrs; N 71° W from the original N.E. corner of said Howard Survey;  
THENCE S. 19 W. 1268 vrs to the original S. line stake in S. line for S.E. corner;  
THENCE N. 71°W. 356 vrs. to a stake for corner in S. line of grant for S.W. corner of this tract;  
THENCE N. 19 E. 1268 vrs. a stake in N. line said Howard Survey for N.W. corner of this tract;  
THENCE S. 71°E. 356 vrs. to the place of beginning.

SECOND TRACT: Being 74.5 acres out of the A. McCaleb Survey as follows;  
BEGINNING at a stake on the N. bank of the Leon River in the W. line of said McCaleb survey;  
THENCE N. 19 E. 364 vrs. to the original N.W. corner of said survey;  
THENCE S. 71 e. 950 vrs. to the N.E. corner of said survey;  
THENCE S. 19 W. crosses Leon River 112 vrs. from bed of said river, a stake for corner on E. boundary line of said survey.  
THENCE N. 71 W 75 vrs. to a rock for corner;  
THENCE N. 19 E. 166 vrs. for corner of S. bank of said river from which an elm marked X brs. N. 76 E. 5 vrs;  
THENCE N. 80-15 W. 112.5 vrs. for corner from which a burr oak mkd X brs for corner;  
THENCE up said river with its S. bank far enough back on the level ground to build a fence to a stake for another corner and W. of the mouth of a slough from which an elm mkd X brs. S 30.5 W. 8.6 vrs.;  
THENCE N. 19 E. to a stake on the N. bank of said river for corner from which an elm mkd X brs. N. 85 W. 3 vrs.;  
THENCE up said river far enough back from the top of the bank on level ground to build a fence to place of beginning; These field notes contain 83.5 acres, there being reserved 4 acres being S. of Leon River;

THIRD TRACT:  
24 acres out of the Chas B. Howard Survey, described as follows;  
Being the N.W. quarter of 100 acre tract out of said Howard Survey in the name of W.D. Thomas;  
BEGINNING at a stake 934 vrs. N. 71 W. from the original N.E. corner of the said Howard Survey for the N.E. corner of this;  
THENCE N. 71 W. with the N. boundary line of said survey 60 vrs.;  
THENCE S. 19 W. 40 vrs. to a stake for corner;  
THENCE N. 71 W. 162 vrs. to a stake for corner;  
THENCE S. 18-30 W. with W. boundary line of said 100 acre tract 600 vrs. to a stake for the S.W. corner a post oak and elm brs. N. 36 E. 4 vrs;  
THENCE S. 71 E. 220.5 vrs. to a stake for the S.E. corner;  
THENCE N. 19 e. 640 vrs. to the place of beginning;

FOURTH TRACT:

All that certain tract or parcel of land situated in Comanche County, Texas, on the waters of the North Leon River, and being out of the Chas B. Howard Survey, and described by field notes as follows;

BEGINNING at a stake the S.W. corner of the J.A. Thomas tract for the N.W. corner of this tract, a P.O. brs N. 36 E. 4 vrs.;

THENCE S. 18.5 W. 647 vrs. to a stake for S.W. corner;

THENCE S. 71 E. 215.5 vrs. to a stake for S.E. corner;

THENCE N. 19 E. 647 vrs. to a stake for N.E. corner of this tract and S.E. corner J.A. Thomas tract and S.W. corner of a tract sold to Mrs. Nannie Wall;

THENCE N. 71 W. 220.5 vrs. to the place of beginning, containing 25 acres of land.

FIFTH TRACT:

25 acres situated on the waters of the North Leon river and more particularly described as follows; The N.E. quarter of a 100 acre tract out of the Chas B. Howard Survey, in the name of W.D. Thomas, and beginning at a stake 712 vrs. N. 71 W. from the original N.E. corner of said survey for the N.E. corner of this;

THENCE N. 71 W. with the N. boundary line of said Howard Survey 222 vrs.; to a stake in the N. line of said Howard survey for the N.W. corner of this;

THENCE S. 19 W. 640 vrs. to a stake for the S.W. corner of this;

THENCE S. 71 E. 220.5 vrs. to a stake on E. line of said 100 acre tract for the S.E. corner of this;

THENCE N. 19 E. with the E. line of said 100 acre tract, 640 vrs. to the place of beginning and containing 25 acres of land.

SIXTH TRACT:

All that certain tract or parcel of land situated in Comanche County, State of Texas, being a part of the Chas B. Howard Survey, and more fully described as follows, to-wit:

BEGINNING at a stake in the S. boundary line of the Howard Survey and the S.E. Corner of the W. E. Thomas tract for the S.W. corner of this;

THENCE S. 71 E. 215.5 vrs. to a stake for corner, being the S.E. corner of the original 100 acre of W.D. Thomas;

THENCE E. 19 E. 647 vrs. to stake for N.E. corner of this tract;

THENCE N. 71 W. 220.5 vrs. to the N.E. corner of the W.E. Thomas S.E. corner of the J.A. Thomas and S.W. corner of the Mrs. Nannie Wall tract for the N.W. corner of this;

THENCE S. 19 W. 647 vrs. to the place of beginning, containing 25 acres, more or less;

SEVENTH TRACT:

All that certain tract or parcel of land lying the County of Comanche, State of Texas, described as follows, to-wit;

A portion of a certain three acre tract, more or less, out of the A. McCaleb Survey, Comanche County, Texas, said three acres, more or less, being described as follows;

BEGINNING in the E. line of the A. McCaleb survey, at a point N. 19 E. 1243 vrs. from the original S.E. corner of said Survey;

THENCE N. 71 W. 75 vrs. a corner;

THENCE N. 19 E. 166 vrs. a corner from which an elm mkd X brs; N. 76 E.3 vrs.;



THENCE N. 80-115 W. 111.5 vrs. a corner of the S. bank of the Leon River at which a Burr Oak mkd X for corner;  
THENCE down and along the S. bank of the Leon River, with its meanderings to where it crosses the E. line of the said McCaleb Survey.  
THENCE S. 19 W. to the place of beginning.  
The said Leon River having changed its course across the above described tract. It is the intention of this deed to convey all land lying between the S. bank of said river in its original course and the N. bank of said river in its present course, wherein same crosses the land above described and containing one acre of land, more or less;

EIGHTH TRACT:

5 acres of land out of A. McCaleb Survey, commencing at a stake 256 vrs. from the original N.E. corner of the A. McCaleb Survey, 256 vrs. S. 19 E. to a stake for a beginning corner of the E. boundary line of the aforesaid A. McCaleb Survey;  
THENCE S. 19 W. 332 vrs. to a stake on N. bank of N Leon River;  
THENCE up the meanderings of said Leon River to a stake on N. bank of said Leon River;  
THENCE S. 71 E. 137 vrs. to a stake this being for corner, containing 5 acres.

NINTH TRACT:

50.5 acres of land out of the A. McCaleb Survey, of land in Comanche County, Texas, bounded as follows;  
BEGINNING 516.5 vrs. N. 71 W. from the N.E. corner of said survey, for the N.E. corner of this tract;  
THENCE N. 71 W. 516.5 vrs. to the N.W. corner of said survey;  
THENCE S. 19 W. 590 vrs. to the Leon River for the S.W. corner of this tract;  
THENCE down said stream with its meanderings to the S.W. corner of a tract sold by William Conway to C. Westmoreland;  
THENCE N. to the place of beginning.

TENTH TRACT:

Plus land described in deed dated April 11, 1955, from Lilla Daniel et al, to E.R. McCarty and wife, and recorded in Vol. 318, page 144, of the deed records of Comanche County, Texas, and containing approximately 2 acres of land, and less the land described in a quitclaim deed from E.H. McCarty and wife, Ella McCarty to Mrs. Lilla Daniel, dated April 11, 1955 and recorded in Vol. 317, page 607, of the Deed Records of Comanche County, Texas, and containing approximately 2 acres of land.

**TOTAL ACREAGE herein conveyed covers 315 acres, more or less.**

FILED 5th DAY OF April, 2013, AT 2:00 O'CLOCK P.M.  
RECORDED 8th DAY OF April, 2013, AT 9:00 O'CLOCK A.M.

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Amy Schwartz DEPUTY

WARRANTY DEED

THE STATE OF TEXAS                    ()  
COUNTY OF COMANCHE                 () KNOW ALL MEN BY THESE PRESENTS:

That Grace Olena Adams, Independent Executrix of the Estate of Wayne Kenneth Adams, Deceased, pursuant to the power and authority given to the Independent Executrix of the Estate of Wayne Kenneth Adams, Deceased, as set out in the Last Will and Testament of Wayne Kenneth Adams, Deceased, which has been duly offered and admitted to Probate herein and under the terms of which Grace Olena Adams was appointed Independent Executrix of such Estate and to which the said Grace Olena Adams has been duly appointed, qualified and in such capacity is acting herein; joined by Grace Olena Adams, individually, and Shelba Arlene Denning have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto LARRY WAYNE ADAMS of the County of Comanche, State of Texas, all those various tracts of land hereinafter described, lying and situated in Comanche County, Texas, viz:

PARCEL AFIRST TRACT:

All that certain tract or parcel of land situated in Comanche County, Texas out of the J. P. Berger Survey, Abstract No. 62, and more fully described by field notes as follows:

PARCEL A cont'd

BEGINNING at the N E cor of a 33.6 acre tract formerly owned by J. H. Mayes for S E cor of this tract;

THENCE North 19 East 807 vrs. to Leon River;

THENCE up said stream with its meanderings to the West boundary line of said Berger Survey for N W cor of this tract;

THENCE South 19 West 643 vrs to a stake for S W cor of this tract;

THENCE South 71 East 350 vrs. to the place of beginning, and containing 45 acres of land, more or less, being the same land described in a deed from P. H. Hutson, et ux, to N. E. Palmer, Jr., dated January 28, 1915, recorded in Volume 102, page 320 of the Deed Records of Comanche County, Texas, to which deed and record reference is here made for all legal purposes.

SECOND TRACT:

All that certain tract or parcel of land situated in Comanche County, Texas and being a part of the J. P. Berger Survey, Abstract No. 62, and more fully described by field notes as follows:

BEGINNING at a stake in the East line of the original grant and 560 vrs North 19 East from the original S E cor of same;

THENCE North 19 East with the original East line of the grant 720 vrs to cor in the center bed of Leon River;

THENCE up said Leon River with its center bed North 55-1/2 West 120 vrs; North 86-1/2 West 115 vrs; South 81 West 100 vrs; North 3 West 62 vrs; North 45 West 82 vrs; South 88 West 108 vrs; South 80 West 90 vrs; North 14 West 88 vrs; North 21 West 35 vrs to corner in the center of the bed of said river, the same being the N E cor of the Solman Ingram 78.6 acre sub'd of said Berger Survey;

THENCE South 19 West 789 vrs. to the N W cor of the W. Z. Bolton 65.7 acre sub'd of said survey from which a P O brs S 65-1/2 E 6-2/3 vrs. another brs S 10 E 6-2/5 vrs;

THENCE South 71 East 663 vrs to the place of beginning and containing 69.1 acres of land, more or less; and being the same land described in a deed from N. E. Palmer, Jr., to J. W. Robinson dated February 10, 1919, recorded in Volume 137, page 115 of the Deed Records of Comanche County, Texas, to which deed and record reference is here made for all legal purpose

PARCEL A cont'd

The conveyance of said Parcel A is subject to the following:

- (a) Rights of the State of Texas and any agency thereof in and to any portion of the above described property lying within the bed and banks of a navigable stream;
- (b) Easements and Rights-of-Way in, upon and across the land, not of record but apparent upon the ground.

PARCEL B

TRACT ONE:

All that certain tract or parcel of land out of the Joseph R. Berger Survey, Abstract No. 62, Patent No. 589, Volume 4, dated July 17, 1848, in Comanche County, Texas, described as follows:

BEGINNING at the SW corner of said Berger Survey;

THENCE S 71° E with the S line same 1013 vrs. to the SW corner of the George T. Chappell Survey for the SE corner of this;

THENCE N 19° E with the E line Berger and W line Chappell 560 vrs. for NE corner;

THENCE N 71° W 663 vrs. for corner;

THENCE S 19° W 33 vrs. for corner;

THENCE N 71° W 350 vrs. for NW corner in W line of said Berger Survey;

THENCE S 19° W with said W line 527 vrs. to the Place of Beginning. Being the same land described in Deed from Jesse Banner, et ux to the Veterans Land Board of Texas, dated April 13, 1954, and recorded in Volume 274, Page 532, Deed Records of Comanche County, Texas.

TRACT TWO: RIGHT-OF-WAY EASEMENT

BEGINNING at the SE corner of the 98.4 acre tract described above, which is also the SE corner of the Joseph P. Berger Survey, Abstract No. 62, for the SW corner of said easement;

THENCE E with the S line of the Chappell Survey, to the SE corner thereof, in the W line of the Custline and Hazel Dell public road right-of-way;

THENCE N with said right-of-way 30 feet for the NE corner;

THENCE W parallel with the S line of said Chappell Survey to the W line thereof and the E line of said 98.4 acre tract;

THENCE S 19° W 30 feet to the Place of Beginning. Being the same easement and right-of-way granted by Charlie Rinehart and wife, Johnnie Rinehart, and Leona Allen and husband, Jesse Allen, to Jesse Banner, by instrument dated February 23, 1954, and recorded in the Deed Records of Comanche County, Texas.

SAVE AND EXCEPT from tract one (1) of this Parcel B that certain undivided one-half (1/2) interest in the oil, gas and other minerals in and under that may be produced from said tract one(1) of this Parcel B, as heretofore reserved to Edwin R. Ware and wife, Lela Ware, their heirs and assigns, in deed dated October 19, 1984, and recorded at Vol. 585, page 461, Deed Record of Comanche County, Texas.

The conveyance of this Parcel B is SUBJECT TO easements and Rights-of-Way in, upon and across the land, not of record but apparent upon the ground.

PARCEL C

lots, tracts or parcels of land situated in Comanche County, Texas, out of the A. E. Hodge Survey, Abstract No. 426, and described as follows:  
FIRST TRACT: Being 45 acres, more or less, a part of the Alex E. Hodge Survey, and more particularly described by field notes following, to-wit: Beginning at a stake from which a P O marked H. Bears S 34 1/2 W 16-2/5 varas which beginning point is on the East line of the said A. E. Hodge Survey 835 varas N 19 E from the point where said E line crosses the Leon River.

THENCE N 19 E with said E line 261 varas to the NE corner this tract.  
THENCE N 71 W 60 varas stone Md;  
THENCE S 19 W 260 vrs a stake for corner;  
THENCE N 71 W 320 vrs. to stone for NW corner near the E Bank of Baggett Creek;  
THENCE S 19 W 550 vrs. to SW corner on N bank of Leon;  
THENCE down said stream 180 vrs. to a Burr Oak mkd T;  
THENCE S 71 E 200 vrs to SE corner in East line of said A E Hodge Survey and elm mkd T Brs S 83 E 4-1/2 varas.  
THENCE N 19 E 660 varas to the place of Beginning.  
SECOND TRACT: 7-1/2 acres being a part of the A E Hodge Survey, lying and being situated in said Comanche County and State of Texas, and BEGINNING at the NW corner of a 45 acre tract of land, out of the said Hodge Survey for George Schwab, for SW Corner of this Survey,  
THENCE S 71 E 320 varas with line of said Schwab Survey a corner the SE corner of this Survey;  
THENCE N 19 E 132-1/3 varas a stake for NE corner of this survey S PO mkd X bears N 37 E 14 varas;  
THENCE N 71 380 varas to center of Baggett Creek for NW corner of this survey;

THENCE down said Creek to a point in said Creek 10 varas N 19 E of Beginning;  
THENCE S 19 W 10 varas to place of beginning and containing 7-1/2 acres, more or less.

THIRD TRACT: all that certain tract or parcel of land in Comanche County, Texas and being 4.66 acres out of the A. E. Hodge Survey and beginning at the SE corner of a 45 acre tract for George Schwab;

THENCE N 71° W 210 varas to Center Leon;  
THENCE down same S 10° E 77 varas S 74° W 51 varas. S 38° E 133 varas;  
THENCE S 71° E 60 varas, S 45° E 66 varas to East line said Hodge Survey;  
THENCE North 19° E with said line 204 varas to beginning.

Being the same land conveyed by Joe Gaines et ux to T. E. Kelley, et ux, by deed dated December 13, 1954, recorded in Vol. 280, page 156, DRCCT.

FOURTH TRACT: Being approximately 50 acres off of the South side of the 90 acre tract conveyed by J. N. Evans, et ux to T. E. Kelley, et ux by deed dated January 8, 1944, recorded in Vol. 223, page 98, DRCCT, which said 50 acres is described as follows, to-wit;

BEGINNING at a stake 350.5 vrs S 19 W from the NE corner of the A. E. Hodge Survey, for the BEGINNING POINT of this tract;  
THENCE approximately 578 vrs. to twin oaks in the West line of the above mentioned 90 acres, which said point is 477 vrs S 19 W from the Northwest corner of the above mentioned 90 acre tract;  
THENCE South 19 West continuing with the West line of the said 90 acres to a corner in the channel of Baggett Creek;  
THENCE down said Baggett Creek with its meanderings to mouth of same to the N Leon River;

PARCEL C cont'd

THENCE down North Leon River to SW corner of 45 acres surveyed for George Swab;  
THENCE N 19 E 590 vrs to center of Baggett Creek;  
THENCE up said Baggett Creek with its meanderings to NW corner of 7-1/2 acres of land owned by said Swab;  
THENCE N 71 E 380 vrs. to stake for corner from which a Spanish Oak brs S 37 E 14 vrs;  
THENCE N 19 E 127 vrs to stone pile for corner;  
THENCE S 71 E 60 vrs to rock for corner;  
THENCE N 19 E 344.5 vrs to the place of beginning.

PARCEL D

56.03 acre tract of land in Comanche County, Texas, being out of and a part of the M. D. Mahoney Survey, Abstract No. 652, also being all of that certain 19.53 acre Second Tract and out of and a part of that certain 100 acre First Tract described in a deed from R. W. Neal to J. D. Allen dated December 11, 1958, and recorded in Vol. 294, page 378, of the Deed Records of Comanche County, Texas, and said 56.03 acre tract being herein described as one tract by metes and bounds as follows:

BEGINNING at an iron pin set by a concrete marker on the East line of a county road and on the East line of said First Tract, said pin being about 1325 vrs. North 19° East of and 3.6 vrs. North 71° West of the Southeast corner of said Mahoney Survey for the Southeast corner hereof;  
THENCE North 71° 10' West with a fence and at 609 vrs. pass an iron pin and concrete marker set by a corner post and then for a total distance of 665.0 vrs to a point in the center of the South Leon River and the West line of said First Tract for the Southwest corner hereof;  
THENCE with the meanderings of said center of the South Leon River and the West line of said First Tract as follows: North 24° 56' East 16.5 vrs; North 28° 33' East 41.3 vrs; North 32° 43' East 50.4 vrs; North 28° 20' East 35.1 vrs; North 0° 39' West 28.4 vrs; North 4° 36' East 20.4 vrs; North 9° 28' East 39.0 vrs.; North 7° 17' West 45.0 vrs; North 18° 52' East 20.5 vrs; North 41° 51' East 26.5 vrs; South 88° 51' East 20.7 vrs; South 85° 40' East 20.0 vrs; North 37° 27' East and at about 10 vrs. pass over the Northwest corner of said First Tract and Southwest corner of said Second Tract and then with the West line of said Second Tract for a total distance of 34.0 vrs; North 43° 51' East 16.4 vrs; North 1° West 41.1 vrs. to a point on the intersection of said centerline of the South Leon River and the South R.O.W. line of Highway No. 36 and on the Northwest corner of said Second Tract for the Northwest corner hereof;  
THENCE with the South highway R.O.W. line and North line of said Second Tract as follows: North 88° 45' East 79.0 vrs; South 86° 24' East 101.0 vrs; North 89° 34' East 87.2 vrs; North 82° 43' East 81.8 vrs; South 88° 09' East 109.8 vrs; South 83° 06' East 148.0 vrs. to an iron pin set by a corner post on the East line of a county road for the Northeast corner hereof;  
THENCE South 19° 06' West with a fence on an East line of said Second Tract and at about 150 vrs. cross a bend in said County Road for a total distance of 186 vrs. to an iron pin set on the West side of said road on an inside corner of said Second Tract for an inside corner hereof;  
THENCE South 68° 54' East 39.6 vrs. with a North line of said Second Tract across said county road to an iron pin set by a corner post on an inside corner of said Second Tract and 3.6 vrs. North 71° West from the East line of said Mahoney Tract for an inside corner hereof;  
THENCE South 19° West with the East line of a county road and on an East line of said Second Tract and at 70 vrs. pass over the Southeast corner and the Northeast corner of said First Tract and then for a total distance of 395.7 vrs. to the place of beginning, and containing 56.03 acres of land, more or less.

PARCEL D cont'd

LESS, AND EXCEPT, HOWEVER, all that certain 19.1 acre tract of land heretofore Granted, Sold and Conveyed by Grantors herein, as set out and described in Warranty Deed dated December 31, 1976, recorded in Vol. 441, Page 314, Deed Records, Comanche County, Texas.

This conveyance is SUBJECT TO the following:

- (a) Outstanding undivided one-half (1/2) of one-eighth (1/8) non-participating royalty interest reserved in Deed from L. A. Livingston et ux to R. W. Neal, Jr., dated July 15, 1952, and recorded at Vol. 268, page 411, Deed Records of Comanche County, Texas.
- (b) Right-of-way easement granted by J. E. Allen et ux to General Telephone Company of the Southwest, dated December 14, 1960, and recorded at Vol. 307, page 12, Deed Records of Comanche County, Texas.
- (c) Visible and apparent easements on or across the land.

PARCEL E

66-54/100 acres of land out of the following surveys, Jas. Brennen Survey, Abstract No. 50, M. D. Mahoney, Abstract No. 652, by virtue of said land is situated in Comanche County, Texas, about — miles— from, the county seat, and described by metes and bounds as follows, to-wit:

BEGINNING at a point in the EBL of the Jas. Brennen Survey, and in the EBL of a 79 acre tract, that is out of the Jas. Brennen Survey, S 19 W 54 vrs. from intersection with the SBL of Highway 36;

THENCE S 19 W 405-7/10 vrs. to SEC of said 79 acre tract, for the SEC of the tract herein described;

THENCE N 71-20 W 944 vrs. along wire fence, to fence corner for the SWC of this, on WBL of Jas. Brennen Survey and EBL of the M. D. Mahoney Survey;

THENCE W 19 E 73-8/10 vrs. to fence corner, for the "L" corner of this;

THENCE N 71 W 40-7/10 vrs. to fence corner for the Western SWC of this;

THENCE N 19 E 199-8/10 vrs. to fence corner on the SBL of Highway 36, for the NWC;

THENCE S 81-32 E 1005-7/10 vrs. along the SBL of highway, to a live stock underpass, for Northern NEC of this;

THENCE S 9 E 56 vrs. to the place of beginning, containing 65-07/100 acres out of the Jas. Brennen Survey, and 1-47/100 acres out of the M. E. Mahoney Survey, a total of 66-54/100 acres.

**AS ORIGINAL**

PARCEL E cont'd

LESS AND EXCEPT: 1.400 acres of land out of and part of a 1-47/100 acre tract of land out of the Michael D. Mahoney Survey, Abstract No. 652, Comanche County, Texas, and part of a 65-7/10 acre tract of land out of the James Brennen Survey, Abstract No. 50, Comanche County, Texas, conveyed by L. A. Livingston to S. V. Black, et ux, by deed dated May 25, 1953, and recorded in Volume 274, page 148, Deed Records of Comanche County, Texas, said 1.400 acres of land being more particularly described as follows, to-wit:

BEGINNING at a stake in the existing South ROW line 50 feet Southerly opposite proposed State Highway 36 centerline Station 793-19.3' said Station being North 81° 37' West a distance of 127.2 feet from a point in the East boundary line of the Michael D. Mahoney Survey; said point being North 19° 01' East a distance of 594 feet from the Southeast corner of the S. V. Black 1-47/100 acre tract and North 19° 01' East a distance of 824 feet from the Southwest corner of the S. V. Black 65-7/10 acre tract;  
THENCE South 19° 01' West a distance of 30.6 feet to a stake 80 feet Southerly opposite centerline Station 792/96.6;  
THENCE Easterly parallel to and 80 feet Southerly opposite to centerline having a 1° 00' curve to right a distance of 63.7 feet to a stake 80 feet Southerly opposite P. T. centerline station 793/61.2 (end of a 1° 00' curve to right with a central angle of 9° 46');  
THENCE South 82° 55' East for a distance of 438.9 feet to a stake 70 feet Southerly opposite centerline Station 798/00 for angle;  
THENCE South 81° 37' East a distance of 2433 feet to a stake in the East boundary line of the John McConnell Survey; said stake being 70 feet Southerly opposite centerline Station 822/33;  
THENCE North 18° 54' East along said East boundary line a distance of 20.34 feet to a stake 50 feet Southerly opposite centerline Station 822/36.7;  
THENCE North 81° 37' West along existing ROW line a distance of 2875.5 feet to a stake 50 feet Southerly opposite P. T. centerline Station 793/61.2 (end of said 1° 00' curve);  
THENCE around said curve along said existing ROW line a distance of 41.6 feet to the place of beginning, and containing 1.400 acres of land.

The conveyance made by this instrument is in partition and distribution to LARRY WAYNE ADAMS the land to be received by him from the Estate of Wayne Kenneth Adams, Deceased, under the terms of the Last Will and Testament of Wayne Kenneth Adams, Deceased, which gave Grace Olena Adams, Independent Executrix of such Estate, absolute descretion to select property to be distributed in satisfaction of any devise or bequest provided



for therein and Grace Olena Adams, individually, and Shelba Arlene Denning join as Grantors herein, for valuable consideration receipt and sufficiency of which is hereby acknowledged and confessed, so that LARRY WAYNE ADAMS shall hereafter own the land and premises herein described in fee simple and the Grantors hereinabove named shall not hereafter have or enjoy any right, title to, or interest in the lands and property being herein conveyed. The lands herein conveyed to LARRY WAYNE ADAMS have a value of \$124,312.50 for PARCEL A AND B; a value of \$69,675.00 for PARCEL C; and a value of \$82,962.27 for PARCEL D AND E as shown by the INVENTORY AND APPRAISEMENT and U.S. ESTATE TAX RETURN duly filed in the Estate of Wayne Kenneth Adams, Deceased.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said LARRY WAYNE ADAMS, his heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said LARRY WAYNE ADAMS, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

-8-  
PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.  
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.

WITNESS OUR HANDS at Comanche, Texas this 28th  
day of February 1990.

Grace Olena Adams  
GRACE OLENA ADAMS, Individually

Shelba Arlene Denning  
SHELBA ARLENE DENNING

ESTATE OF WAYNE KENNETH ADAMS,  
DECEASED

by: Grace Olena Adams  
GRACE OLENA ADAMS, INDEPENDENT  
EXECUTRIX OF THE ESTATE  
OF WAYNE KENNETH ADAMS, DECEASED

THE STATE OF TEXAS ( )

COUNTY OF COMANCHE ( )

This instrument was acknowledged before me on the  
28th day of February, 1990 by Grace Olena Adams and Shelba  
Arlene Denning.

Anne Suddert  
NOTARY PUBLIC, STATE OF TEXAS



ANNE SUDDERTH, Notary Public  
in and for The State of Texas  
Commission Expires 2-18-93

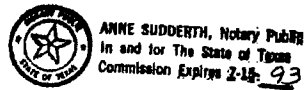
THE STATE OF TEXAS ( )

COUNTY OF COMANCHE ( )

This instrument was acknowledged before me on the  
28th day of February, 1990 by Grace Olena Adams, Independent

Executrix of the Estate of Wayne Kenneth Adams, Deceased.

Anne Suddeth  
NOTARY PUBLIC, STATE OF TEXAS



-10-

FILED 1st DAY OF March, 1990, AT 2:00 O'CLOCK P. M.

RECORDED 2nd DAY OF March, 1990, AT 9:00 O'CLOCK A. M.

BETTY CONWAY, COUNTY CLERK

BY Letha Sumner DEPUTY

---

---

THE  
GRACE OLENA ADAMS

---

FAMILY TRUST

---

---

TABLE OF CONTENTS

	Page
ARTICLE I.....	1
ESTABLISHMENT OF TRUST.....	1
1.1.    General Name of Trust .....	1
1.2.    Initial Assets of Trust.....	1
1.3.    Amendability and Revocability of Trust .....	1
(a)    Amendable and Revocable Period of Trust .....	1
(b)    Irrevocable Period of Trust.....	1
1.4.    Special Definitions for Agreement .....	1
(a)    "Settlor".....	1
(b)    "Beneficiary" or "Beneficiaries" .....	2
(c)    "GST" and "GSTT" .....	2
(d)    "GSTT Exemption" .....	2
(e)    "Inclusion Ratio".....	2
(f)    "Personal Effects" .....	2
1.5.    Distributions During Settlor's Lifetime.....	2
ARTICLE II.....	3
TRUSTEE PROVISIONS .....	3
2.1.    Settlor's Appointment of Co-Trustees .....	3
(a)    Designation of Successor Trustees .....	3
(b)    Appointment or Removal of Trustees .....	3
2.2.    Provisions Pertaining to the Appointment of Successor Trustees .....	4
(a)    Successor Trustee .....	4
(b)    Suspension of Powers of Previous or Resigning Trustee .....	4
(c)    Acceptance of Assets by Successor Trustee .....	4
(d)    Liability for Predecessor Fiduciaries.....	4
(e)    Successor Trustee's Powers and Liabilities .....	4
(f)    No Duty of Investigation by Successor Trustees .....	5
(g)    Designation and References to Trustees .....	5
2.3.    Special Trustee Co-Administration Provisions.....	5
(a)    Custody of Trust Assets.....	5
(b)    Actions of Single Trustee Authorized .....	5
(c)    Agreement Among Co-Trustees.....	5
(d)    Delegation of Duties by a Trustee .....	6
(e)    Disclaimer of Powers, Duties and Responsibilities .....	6
ARTICLE III.....	6
DIVISION AND DISTRIBUTION OF TRUST ESTATE FOLLOWING SETTLOR'S DEATH.....	6
3.1.    Division and Distribution of Personal Effects .....	6
(a)    Distribution to Children or Descendants .....	6
(b)    Division and Distribution of Property Between Children or Descendants .....	7
(c)    Ultimate Disposition of Personal Effects .....	7

3.2.	Division Date .....	7
3.3.	Settlor's Directions to Create Exempt and Nonexempt GSTT Shares .....	7
3.4.	Distribution of GSTT Exempt Trust Estate and Division of GSTT Nonexempt Trust Estate into Separate Shares .....	8
(a)	Division and Distribution of GSTT Exempt Trust Estate: .....	8
(b)	Division and Administration of GSTT Nonexempt Trust Estate .....	8
ARTICLE IV .....		9
TRUST PROVISIONS FOR SETTLOR'S CHILDREN AND DESCENDANTS .....		9
4.1.	Creation of Separate Nonexempt Trusts and Continued Trust Administration for Children or Descendants .....	9
(a)	Establishment of Separate Trust(s) .....	9
(b)	Beneficiary of Trust(s) .....	9
(c)	Designation of Trust(s) .....	9
(d)	Special Trustee Provisions for Larry .....	9
(e)	Larry's Power to Appoint Additional and Successor Trustees .....	9
4.2.	Discretionary Distributions of Income and Principal .....	10
4.3.	Termination of Children's Nonexempt Trusts and Distributions of Remaining Trust Estates .....	10
(a)	Termination Date .....	11
(b)	General Power of Appointment Over Nonexempt Trust .....	11
(c)	Distribution of Remaining Nonexempt Trust Estates .....	11
(d)	Obligation to Pay Share of Estate Taxes .....	11
4.4.	Administration and Termination of Nonexempt Trusts for Grandchildren .....	12
(a)	Establishment of Separate Nonexempt Trusts .....	12
(b)	Special Income and Principal Distributions to Grandchildren .....	13
	[1] Age Twenty-Five (25) Years .....	13
	[2] Age Thirty (30) Years .....	13
	[3] Age Thirty-Five (35) Years .....	13
(c)	Alternative Terminating Distributions .....	13
4.5.	Continuation of Nonexempt Trust for More Remote Descendants .....	13
ARTICLE V .....		14
MISCELLANEOUS TRUST PROVISIONS AND INCORPORATION OF STANDARD TRUST PROVISIONS .....		14
5.1.	Alternative Distributions of Property .....	14
(a)	Distribution to Descendants .....	14
(b)	Ultimate Distribution to Heirs .....	14
5.2.	Standard Trust Provisions .....	14
5.3.	Powers Cumulative .....	14
SIGNATURES .....		15
ACKNOWLEDGMENTS .....		16

**PRIMARY PORTION OF THE  
GRACE OLENA ADAMS FAMILY TRUST AGREEMENT**

This AGREEMENT OF TRUST is executed by GRACE OLENA ADAMS in order to create this Family Trust on the terms, conditions and provisions as set forth below in this Trust Agreement.

**ARTICLE I**

**ESTABLISHMENT OF TRUST**

**1.1. General Name of Trust.** The general name of the Trust shall be THE GRACE OLENA ADAMS FAMILY TRUST. For convenience, it will be referred to at times in this Agreement as the "Trust" unless a more specific trust is indicated.

**1.2. Initial Assets of Trust.** The initial assets of the Trust shall consist of those assets described on the attached Exhibit "B" which is hereby incorporated by reference for all purposes of this Trust Agreement.

**1.3. Amendability and Revocability of Trust.** This Trust shall either be revocable or irrevocable pursuant to the following applicable provisions:

(a) **Amendable and Revocable Period of Trust:** Settlor [including Settlor's agents or appointed representatives] expressly reserves the power to amend or revoke this Agreement at any time during Settlor's lifetime by delivering to the Trustee any writing which sets forth the terms of the amendment or revocation.

(b) **Irrevocable Period of Trust:** This Trust shall become irrevocable and shall not thereafter be subject to amendment or revocation upon the death of Settlor.

**1.4. Special Definitions for Agreement.** The following terms shall have the indicated meanings for purposes of this Agreement:

(a) **"Settlor":** References to "Settlor" shall mean GRACE OLENA ADAMS.

(b) **"Beneficiary" or "Beneficiaries"**: References to a "Beneficiary" or "Beneficiaries" shall mean the initial as well as successor beneficiary or beneficiaries of the Trust.

(c) **"GST" and "GSTT"**: References to "GST" shall mean "generation-skipping transfer", and to "GSTT" shall mean "generation-skipping transfer tax(es)", both in the context of Chapter 13 of the Code or any successor statute.

(d) **"GSTT Exemption"**: References to "GSTT Exemption" shall mean the exemption from GSTT treatment then in effect as provided by Section 2631 of the Code or any successor statute.

(e) **"Inclusion Ratio"**: References to the "Inclusion Ratio" shall mean, for GSTT purposes, the net result from applying the formula specified by Section 2642 of the Code.

(f) **"Personal Effects"**: References to "Personal Effects" shall mean any personal property [broadly construed] owned by the Trust, and shall include, as examples only, the Trust's interest in the following items which it owns at the time of Settlor's death: household furnishings [again, broadly construed]; paintings, sculptures, and other items of art work; personal automobiles and boats [including any equipment associated with either]; recreational property and equipment [such as mobile homes, vans, and the like]; all club memberships; frequent flyer miles and bonuses; and all items of jewelry, clothing and books. The definition of personal effects specifically includes all insurance policies associated with such items.

Settlor does not intend, however, to include under this Section any tangible personal property of a business or investment nature, such as office files, business equipment or business automobiles, and other such business or investment items.

**1.5. Distributions During Settlor's Lifetime.** In the event any property (other than a minimum initial asset to fund the Trust or the mere inchoate right of the Trust to receive the proceeds of any insurance policy or employee benefit plan) is transferred to the Trust during Settlor's lifetime, the Trustee shall distribute to or for the benefit of Settlor [during Settlor's lifetime] so much of the net income and/or principal of the Trust as shall be appropriate or necessary to provide for Settlor's health, maintenance and support [broadly construed]. In addition, the Trustee shall distribute to or for the benefit of Settlor so much or all of the income and/or principal of the



Trust as Settlor shall direct in writing. These distributions may be made directly to or for the benefit of Settlor without the intervention of any legal guardian.

## ARTICLE II.

### TRUSTEE PROVISIONS

2.1. Settlor's Appointment of Co-Trustees. The initial Co-Trustees of this Trust shall be GRACE OLENA ADAMS and LARRY WAYNE ADAMS.

(a) Designation of Successor Trustees: In the event both GRACE OLENA ADAMS and LARRY WAYNE ADAMS fail, refuse or cease to serve as Trustee of the Trust, Settlor appoints GAYLON STEPHENS to serve as Trustee of the Trust.

(b) Appointment or Removal of Trustees: Settlor reserves the power during her lifetime to appoint additional Trustees or remove any Trustee of this Trust. Settlor may exercise these powers by delivering a written instrument or letter to all other then serving Trustees [if any] which evidences not only the appointment or removal, but in the case of an appointment, the additional Trustee's acceptance of the terms, provisions and conditions of this Trust Agreement. Settlor's appointment of any additional Trustees pursuant to this provision shall supersede all other Trustee appointments provided by the Trust Agreement unless otherwise specified by Settlor.

(c) Incapacity of Trustee: Should any question arise with regard to the capacity of any Trustee to serve subsequent to such Trustee being appointed pursuant to any provision of the Trust, such Trustee must provide proof of his or her capacity to continue serving as Trustee upon written request by the following individuals, in the order given: [1] Any Co-Trustee, if applicable; [2] Settlor, while living and competent, or, if not; [3] a majority of the then living, competent adult children of Settlor, if any, or, if none; [4] a majority of the then living, competent adult Beneficiaries of the Trust who, at such time, are then entitled to distributions of income from the Trust, if any, or, if none; [5] a majority of the parents or natural custodians or natural or appointed guardians of the then living minor and/or incompetent Beneficiaries of the Trust who are then entitled to current distributions of income. Such proof shall be in the form of a written report from a qualified medical doctor licensed to practice medicine in the state of Texas. If any Trustee fails or refuses to provide adequate proof of his or her capacity to continue serving as Trustee within thirty (30) days of receiving such written request, such

Trustee will be removed as Trustee and a successor Trustee will be appointed pursuant to paragraph (a) of Section 2.2 of this Trust.

**2.2. Provisions Pertaining to the Appointment of Successor Trustees.** The

successor Trustees of the Trust may or shall be appointed according to the following provisions:

(a) **Successor Trustee:** Should all named and/or designated Trustees for any reason cease or fail to serve, a successor Trustee shall immediately be appointed by the following individuals, in the order given: [1] Settlor, while she is living and competent, or, if not; [2] a majority of the then living, competent adult Beneficiaries of the Trust who, at such time, are then entitled to distributions of income from the Trust, if any, or, if none; [3] a majority of the parents or natural custodians or natural or appointed guardians of the then living minor and/or incompetent Beneficiaries of the Trust who are then entitled to current distributions of income.

(b) **Suspension of Powers of Previous or Resigning Trustee:** The previous or resigning Trustee shall be relieved of all further liabilities, responsibilities, and duties under this Trust Agreement upon [1] the appointment, qualification, and acceptance of the position by a successor Trustee if any is required, and [2] the delivery of all assets of that respective Trustee then in its possession either to its respective successor Trustee or to any other then serving Trustee.

(c) **Acceptance of Assets by Successor Trustee:** Settlor has provided that upon the appointment of a successor Trustee the previous or resigning Trustee, or its representatives, shall deliver all assets of the Trust then in its possession to its respective successor or to any other then serving Trustee. The respective successor Trustee or any other then serving Trustee is authorized, but not directed, to accept such assets [if any] based upon the accounting and/or other written instrumentation as given by that previous or resigning Trustee or its representatives.

(d) **Liability for Predecessor Fiduciaries:** In no event shall any Trustee, whether original or successor, be liable for the actions, inactions, or default of any existing or prior Trustee, Co-Trustee, legal representative, executor, or administrator from whom distributions may be received [any of such fiduciaries being referred to as "Prior Fiduciaries"] or for failure to contest the accounting as rendered by such Prior Fiduciaries.

(e) **Successor Trustee's Powers and Liabilities:** The successor Trustee shall succeed to all of the powers, duties, and responsibilities of the previous or resigning Trustee upon the effective resignation, termination, or removal of such prior Trustee and the written acceptance of the position, as a Trustee, by the respective successor Trustee.

(f) **No Duty of Investigation by Successor Trustees:** In no event shall the terms and provisions of this Trust Agreement be interpreted or construed to require any successor Trustee to investigate the prior acts or omissions of any Prior Fiduciaries, except to the extent that the successor Trustee has actual notice or knowledge of any act or omission of the Prior Fiduciaries contrary to the terms of this Trust Agreement. Settlor is incorporating this provision into the Trust Agreement in hopes of reducing the expenses and delays of any change in Trustees. Accordingly, the successor Trustee is not required to go beyond the facts and representations as known to it in succeeding to the position of Trustee, subject, of course, to the provisions regarding known irregularities or violations.

(g) **Designation and References to Trustees:** Any specific reference in this Trust Agreement to a "Related Trustee" shall mean Settlor or any Beneficiary in their capacity as a Trustee of the Trust. Any specific reference to an "Independent Trustee" shall be in reference to a Trustee who is not a Settlor or Beneficiary. Otherwise, any general reference to "Trustee" or "Trustees" shall include all Trustees which may be serving at that time.

2.3. **Special Trustee Co-Administration Provisions.** The following special provisions shall apply in the event Co-Trustees are serving for the Trust:

---

(a) **Custody of Trust Assets:** Any Trustee shall have the right to maintain sole custody and possession of any and all Trust assets capable of being reduced to custody and possession and, to the extent this right of custody is exercised by a Trustee, the remaining Trustees shall be under no obligation to maintain custody and possession with respect to these assets. Settlor hereby specifically directs that to the extent any corporate Trustee maintains custody and possession of any Trust asset, the remaining Trustee shall abide by such decision and shall not be liable or responsible for maintaining custody or possession of such assets.

(b) **Actions of Single Trustee Authorized:** For convenience, it is unnecessary for all Trustees to participate in any given transaction. Accordingly, all third parties dealing with the Trust or a single Trustee may rely exclusively upon such acting Trustee and are fully protected in conducting such business or transaction with that Trustee only. This provision shall be construed as fully exonerating such third parties from any duty, liability, or responsibility for dealing with less than all the then serving Trustees.

(c) **Agreement Among Co-Trustees:** No action may be taken unless a majority of the then serving Co-Trustees are in agreement. If a disagreement should arise among the Co-Trustees concerning the administration of this Trust, and provided such matters are not exclusively delegated to one of the remaining Trustees by this Trust Agreement, the decision and judgment of Settlor

shall be binding upon any other person or entity that may then be serving as a Co-Trustee. The remaining Co-Trustees shall be fully protected and shall not be held responsible or liable for any consequence that may evolve from the contrary decision or judgment of either a majority of the Trustees or of the Related Trustee.

However, this paragraph (c) shall not be construed as in any way limiting the third party reliance provisions outlined immediately above in paragraph (b) of this Section.

(d) **Delegation of Duties by a Trustee:** Any Trustee may, with the written consent of the remaining Trustees, be relieved of any or all powers, authority, duties, and discretion vested in or imposed upon that Trustee by this Trust Agreement by delivering to the remaining then serving Trustees a written statement delegating these powers, authority, duties, and discretion to them. Any act performed according to such written statement shall be binding upon all persons interested in this Trust.

(e) **Disclaimer of Powers, Duties and Responsibilities:** Any Trustee may disclaim, in whole or in part, any specific or general power, duty, or responsibility imposed by law or by the terms of this Trust Agreement. Thereafter, the remaining Co-Trustees shall exercise sole power, duty, or responsibility over such disclaimed powers, duties, or responsibilities. Such disclaimer shall not, however, affect the remaining non-disclaimed powers, duties, and responsibilities of such Trustee.

### ARTICLE III.

#### **DIVISION AND DISTRIBUTION OF TRUST ESTATE FOLLOWING SETTLOR'S DEATH**

The Trustee shall divide, administer and distribute the Trust Estate following Settlor's death in accordance with the following provisions:

3.1. **Division and Distribution of Personal Effects.** The Trustee shall divide and distribute all of the Personal Effects held by the Trust following Settlor's death in accordance with the following provisions:

(a) **Distribution to Children or Descendants:** The Trustee shall distribute the Personal Effects held by the Trust within a reasonable period of time following Settlor's death to the then living children of Settlor. If all of Settlor's children have predeceased Settlor, then the Trustee shall distribute such property to Settlor's then living descendants.

To the extent any minor descendant of Settlor becomes entitled to such assets, the Trustee shall retain such descendant's share of such assets as custodian for such minor descendant under the Texas Uniform Transfers to Minors Act.

(b) **Division and Distribution of Property Between Children or Descendants:** The Trustee shall divide, partition and distribute the Personal Effects between Settlor's children or descendants [should they become entitled to any of these assets] as they may agree among themselves. Should they fail to agree as to how this property [in whole or in part] shall be distributed between them, then the Trustee, in its sole discretion, shall have the following alternative powers over such unagreed upon Personal Effects and property items: [1] to divide, partition and distribute such items among Settlor's children or descendants in such manner as it deems fair and equitable; [2] to sell any of such items and include the proceeds in the remaining Trust Estate, although the Trustee shall give all of such Beneficiaries the initial opportunity to purchase such items; or [3] to regard any of such unagreed upon items as part of the remaining Trust Estate, thereby disposing of such items pursuant to the remaining provisions of this Trust Agreement.

Settlor may leave a letter or written memorandum to the Trustee that sets forth her desire as to how certain items of Personal Effects should be divided between the Beneficiaries. Settlor does not intend that such a letter or any written memorandum [if any] be construed as an amendment or addition to this Trust Agreement. However, Settlor requests that her children and descendants respect her wishes as expressed in such letter or written memorandum in deciding how to divide the Personal Effects held by the Trust. Settlor directs that the good faith decisions and actions of the Trustee shall be final and conclusive.

Any costs or expenses of transporting any of such property to Settlor's children or descendants shall be borne by that respective individual.

(c) **Ultimate Disposition of Personal Effects:** This property shall be distributed pursuant to the remaining provisions of this Trust Agreement if Settlor's children and descendants predecease her.

**3.2. Division Date.** The "Division Date" for purposes of dividing the remaining Trust Estate shall be that date selected by the Trustee to implement the required divisions, allocations and distributions as specified below.

**3.3. Settlor's Directions to Create Exempt and Nonexempt GSTT Shares.**  
Settlor has designed this Trust to take into account the complexities created by the GSTT provisions

of the Code. As such, Settlor is providing for the division of the remaining Trust Estates following her death into two broad categories, one consisting of a GSTT exempt Trust Estate portion and the remaining consisting of a GSTT nonexempt Trust Estate portion. Settlor hereby directs the Trustee to establish and administer any and all separate Trusts for the surviving Beneficiaries in strict accordance with such GSTT shares and, when necessary, to establish two sets of separate Trusts, the first consisting of the exempt GSTT Trust Estate and the second consisting of the nonexempt GSTT Trust Estate. A separate Trust established and funded with exempt GSTT properties will be referred to at times as an "Exempt Trust", and a separate Trust established and funded with nonexempt GSTT properties will be referred to as a "Nonexempt Trust".

Settlor recognizes that this direction may create the necessity of establishing and administering at least TWO (2) identical Trusts for the same Beneficiary, one consisting of exempt GSTT properties and the other consisting of nonexempt GSTT properties. However, the complexities and tax problems posed by the GSTT laws necessitate this procedure and Settlor expects the Trustee to comply with these directions in order to mitigate potential transfer taxes.

**3.4. Distribution of GSTT Exempt Trust Estate and Division of GSTT Nonexempt Trust Estate into Separate Shares.** The Trustee shall distribute and/or divide the remaining Trust Estate into separate shares in accordance with the following provisions within a reasonable period of time following the Division Date:

(a) **Division and Distribution of GSTT Exempt Trust Estate:** The Trustee shall distribute the GSTT Exempt Trust Estate to the Trustee and its successors of THE GRACE OLENA ADAMS DYNASTY TRUST created by Trust Agreement dated December 1, 2005 to be held and administered pursuant to the terms and provisions of such Trust Agreement.

(b) **Division and Administration of GSTT Nonexempt Trust Estate**  
The Trustee shall divide the GSTT Nonexempt Trust Estate between and among the children and descendants of Settlor in shares of approximately equal value, ONE (1) share for each then living child of Settlor, and ONE (1) share for the collective benefit of the then

living descendants on a per stirpes basis of any deceased child of Settlor. The Trustee shall administer and distribute the GSTT Nonexempt Trust Estate shares in accordance with the provisions of Article IV.

**ARTICLE IV.**

**TRUST PROVISIONS FOR  
SETTLOR'S CHILDREN AND DESCENDANTS**

The provisions of this Article IV shall become applicable following the Division Date as to the Nonexempt Trusts to be established for the benefit of Settlor's children and descendants.

**4.1. Creation of Separate Nonexempt Trusts and Continued Trust Administration for Children or Descendants.** The Trustee shall establish a separate Nonexempt Trust(s) for the benefit of Settlor's children or descendants in accordance with the following provisions:

---

(a) **Establishment of Separate Trust(s):** The Trustee shall establish a separate Trust for each then living child and a separate Trust for each then living descendant of a deceased child of Settlor and shall allocate such child's or descendant's share of the GSTT Nonexempt Trust Estate to such separate Trust in accordance with paragraph (b) of Section 3.4, above.

(b) **Beneficiary of Trust(s):** The Beneficiary of each such separate Trust(s) shall be the then living child and/or the then living descendant of a deceased child of Settlor.

(c) **Designation of Trust(s):** Each separate Trust established for the benefit of a child or the descendant of a deceased child shall be named after the child or descendant for whose benefit it has been established. For administrative convenience, the Trustee is authorized to conduct the affairs of the separate Trusts under the general name of this Trust.

(d) **Special Trustee Provisions for Larry:** LARRY WAYNE ADAMS shall become the sole Trustee of the separate Nonexempt Trust established for his benefit and shall become the sole Trustee of the separate Nonexempt Trust established for the benefit of SHELBA ARLENE DENNING.

(e) **Larry's Power to Appoint Additional and Successor Trustees:** LARRY WAYNE ADAMS shall have the power to appoint additional

Trustees of his and/or SHELBA ARLENE DENNING's separate Nonexempt Trust and/or designate any one or more successor Trustees of his and/or SHELBA ARLENE DENNING's separate Nonexempt Trust. LARRY WAYNE ADAMS may exercise these powers by delivering a written instrument or letter to all other then serving Trustees [if any] which evidences not only the appointment but the additional or successor Trustee's acceptance of the appointment subject to the terms, provisions and conditions of this Trust Agreement.

**4.2. Discretionary Distributions of Income and Principal.** The Trustee may distribute so much or all of the net income and/or principal of a separate Trust to or for the benefit of the respective Beneficiary as, when added to other sources of funds reasonably available to him or her at that time, is necessary or appropriate to provide for his or her health, education, maintenance and support in accordance with his or her respective standard of living maintained at that time. The Independent Trustee (only) may also distribute so much or all of the net income and/or principal of a separate Trust to or for the benefit of the respective Beneficiary at any time and from time to time when the Independent Trustee, in its sole and absolute discretion, determines that such a distribution or distributions is advisable or appropriate for any purpose and for any reason.

Settlor directs that the distributions to or for the benefit of a Beneficiary shall be made (if at all) solely out of the separate Trust established for the benefit of that respective Beneficiary. Taking into account the different needs of the Beneficiaries that may arise from time to time, the Trustee is specifically authorized to make distributions to or for the benefit of the Beneficiaries out of their respective separate Trusts in unequal amounts and at different times. In all events, however, the Trustee's decision and actions will be final and binding upon all Beneficiaries, their heirs, descendants and successors in interest (if any).

**4.3. Termination of Children's Nonexempt Trusts and Distributions of Remaining Trust Estates.** Each Nonexempt Trust shall terminate and the Trustee shall distribute the remaining Trust Estate pursuant to the following:



(a) **Termination Date:** A separate Nonexempt Trust shall terminate as of the date of death of the respective child of Settlor for whose benefit such Nonexempt Trust was established.

(b) **General Power of Appointment Over Nonexempt Trust:** Each Beneficiary shall have the general power to appoint any remaining Trust Estate of a Nonexempt Trust established for his or her benefit if such Beneficiary dies before receiving distribution of the entire Trust Estate.

Any remaining Trust Estate of a Nonexempt Trust shall be distributed in accordance with the remaining provisions of this Section of the Trust Agreement to the extent the Beneficiary fails to exercise such general power.

(c) **Distribution of Remaining Nonexempt Trust Estates:** The Trustee shall distribute the remaining Nonexempt Trust Estate established for a Beneficiary following his or her death according to the following applicable provisions, in the order specified subject, however, to the applicable provisions of this Trust Agreement regarding continued trust administration because of the age or incompetency of a Beneficiary and subject to the applicable provisions regarding the reserves and withholding of taxes: [1] to the then living descendants of such deceased Beneficiary on a per stirpes basis, if any, or, if none, then [2] to his or her then living sibling(s) and the then living descendants of any then deceased sibling(s), on a per stirpes basis.

---

Settlor hereby directs, however, that any part of such Trust Estate that would otherwise be distributed to a Beneficiary for whose benefit a separate Nonexempt Trust has been established under this Trust Agreement shall instead be added to such Beneficiary's own separate Nonexempt Trust. Further, Settlor hereby directs that the share for any descendants of a deceased Beneficiary or descendants of a deceased sibling of such deceased Beneficiary shall be retained by the Trustee in a separate Nonexempt Trust to be established and administered pursuant to the provisions of this Section of the Trust Agreement.

(d) **Obligation to Pay Share of Estate Taxes:** Prior to making any distribution above, the Trustee shall establish a reserve out of the Nonexempt Trust Estate of a Beneficiary's Trust in an amount which, in the sole opinion of the Trustee, shall be sufficient to pay a pro rata portion of the estate and inheritance taxes of the Beneficiary's Estate attributable to the includability of the Nonexempt Trust Estate in such Beneficiary's Estate for federal and state estate and inheritance tax purposes by virtue of the exercise or nonexercise of the general power of appointment by such Beneficiary. The share of these taxes shall be determined by multiplying the net estate taxes payable for the Beneficiary's Estate by a fraction, the numerator of which is the net value of the Nonexempt Trust Estate over which such Beneficiary had a general power of appointment, and the denominator of which is the amount which for federal estate tax purposes is utilized to determine the tentative estate tax under Section 2001(c) of the Code in effect at the date of death of the

Beneficiary. Values as utilized and finally determined for federal estate tax purposes shall be utilized by the Trustee for purposes of this formula.

The Trustee shall distribute the amount of such taxes to the executor or administrator of the Beneficiary's Estate on or before TEN (10) days of the date or dates on which the Executor is required to make payment or payments [if payable in installments] to the Internal Revenue Service. To the extent that the Beneficiary's Estate incurs interest obligations on its estate and/or inheritance taxes, then the Trustee shall increase its payment or payments for its share of such interest, calculated by the same formula specified above.

Settlor hereby directs that any and all federal, state or local laws which are inconsistent with or contrary to the provisions of this paragraph shall be inapplicable and void as to this Trust, including but not limited to Section 322A of the Texas Probate Code.

Once the Trustee is satisfied that it no longer has any liabilities with respect to such taxes and interest, the Trustee shall distribute any remaining Nonexempt Trust Estate according to the applicable provisions pertaining to the Trust. No Trust Beneficiary shall be entitled to reimbursement from the Beneficiary's Estate for these payments made by the Trustee from such Beneficiary's separate Trust.

---

**4.4. Administration and Termination of Nonexempt Trusts for Grandchildren.** Settlor has previously provided that the descendants of a deceased child will receive a portion of the Nonexempt Trust Estate to the extent that the child has not received complete distribution of his Trust Estate and does not fully exercise any applicable powers of appointment, or predeceases Settlor. Settlor hereby directs that the Trustee shall retain a grandchild's share of any Nonexempt Trust Estate if the grandchild is below the age of THIRTY-FIVE (35) years at the time such share or portion of a share would otherwise be distributable to such grandchild.

(a) **Establishment of Separate Nonexempt Trusts:** The Trustee shall establish a separate Nonexempt Trust for such grandchild, consistent with Settlor's prior directions. Income and principal distributions may be made from the Trust to or for the benefit of the grandchild in accordance with the provisions of Section 4.2, above.

(b) **Special Income and Principal Distributions to Grandchildren:** The Trustee shall distribute all of the then accumulated income and the applicable principal distributions described in this Section to or for the benefit of each then living and competent grandchild of Settlor from his or her separate Trust within a reasonable period of time following the attainment of the age or ages specified below.

[1] **Age Twenty-Five (25) Years:** The Trustee shall distribute all of the then accumulated income and ONE-THIRD (1/3) of the remaining Trust Estate when the grandchild attains the age of TWENTY-FIVE (25) years.

[2] **Age Thirty (30) Years:** The Trustee shall distribute all of the then accumulated income and ONE-HALF (1/2) of the balance of the remaining Trust Estate when the grandchild attains the age of THIRTY (30) years.

[3] **Age Thirty-Five (35) Years:** The Trustee shall distribute all of the then accumulated income and all of the remaining Trust Estate when the grandchild attains the age of THIRTY-FIVE (35) years.

---

(c) **Alternative Terminating Distributions:** If a grandchild dies prior to attaining the age of THIRTY-FIVE (35) years, his or her separate Nonexempt Trust shall terminate and the Trust Estate shall be distributed as follows: [1] such grandchild shall have a general power of appointment; and [2] the remaining Trust Estate passing in default of such grandchild exercising such general power of appointment shall be distributed in accordance with the provisions of Section 4.3(c), above.

**4.5. Continuation of Nonexempt Trust for More Remote Descendants.** In the unlikely but possible event that any more remote descendants of Settlor (other than her children and grandchildren) shall become entitled to a portion of the Trust, the Trustee shall administer and distribute such share in accordance with the provisions of Section 4.4, above. However, the Trustee shall distribute all of the Nonexempt Trust Estate of each Trust to the more remote descendant upon his or her attaining the age of TWENTY-ONE (21) years, provided he or she is then living and competent, whereupon such Trust will terminate.

ARTICLE V.

**MISCELLANEOUS TRUST PROVISIONS  
AND INCORPORATION OF STANDARD TRUST PROVISIONS**

5.1. **Alternative Distributions of Property.** The provisions of this Section shall become applicable if and to the extent the other provisions of this Trust Agreement do not fully dispose of the Trust Estate. In such event, the Trustee shall distribute such undisposed of property according to the following applicable provisions. Settlor hereby further directs that any distribution which would otherwise be made to an individual that is below the age of TWENTY-ONE (21) years shall be subject instead to continued trust administration pursuant to Section 4.5 above.

(a) **Distribution to Descendants:** The Trustee shall distribute such undisposed of Trust Estate to the then living descendants of Settlor on a per stirpes basis. If Settlor has no then living descendants, the provisions of paragraph (b) below shall be applicable.

---

(b) **Ultimate Distribution to Heirs:** In the event that all or a portion of the Trust Estate still remains undistributed, then the Trustee shall distribute such property to the heirs at law of Settlor. For these purposes, heirs at law shall be determined as of the time of such distribution under the laws of descent and distribution of the State of Texas applicable to an intestate's separate personal property.

5.2. **Standard Trust Provisions.** The terms, provisions and conditions of Exhibit "A" (STANDARD TRUST PROVISIONS) shall be construed as a part of this Trust Agreement for all purposes as though included in the primary portion hereof. The provisions of this primary portion of the Trust Agreement shall, however, in all events control the administration of the Trust unless specifically provided otherwise in such Exhibit.

5.3. **Powers Cumulative.** The Trustee shall have all of the rights, powers and privileges as set forth in the Texas Trust Code (or its successor statute) governing the powers and responsibilities of Trustees. In the event, however, that any provisions of such Code in any way

conflict or otherwise do not conform to the terms of this Trust Agreement (including the STANDARD TRUST PROVISIONS), then the provisions of this Trust Agreement shall in all events control the administration of the Trust to the maximum extent permitted by law.

This TRUST AGREEMENT shall extend to and be binding upon all heirs, executors, administrators, legal representatives, and successors, respectively, of the parties to this Agreement, and shall be effective as of the date of Settlor's signature.

**DATE**

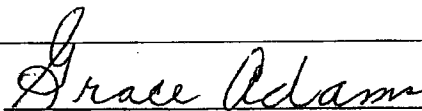
**SIGNATURE**

December 1, 2005



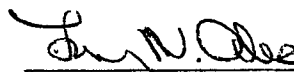
GRACE OLENA ADAMS, Settlor

December 1, 2005



GRACE OLENA ADAMS, Co-Trustee

December 1, 2005



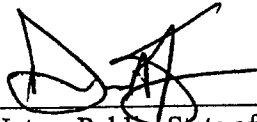
LARRY WAYNE ADAMS, Co-Trustee

STATE OF TEXAS                   §  
  §  
COUNTY OF COMANCHE         §

This instrument was acknowledged before me on December 1, 2005  
by GRACE OLENA ADAMS, Settlor and Co-Trustee.

(S E A L)



  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

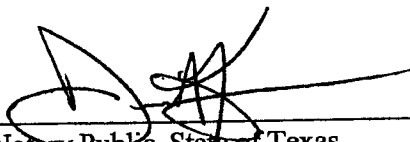
Printed or Stamped Name:  
\_\_\_\_\_

STATE OF TEXAS                   §  
  §  
COUNTY OF COMANCHE         §

This instrument was acknowledged before me on December 1, 2005  
by LARRY WAYNE ADAMS, Co-Trustee.

(S E A L)



  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

Printed or Stamped Name:  
\_\_\_\_\_



## Texas Commission on Environmental Quality

### Water Availability Division

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

Telephone (512) 239-4691, 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) 239-4691.

*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

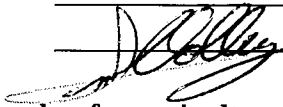
Name: CONARGO, LLC

Address: P.O. Box 35, Dublin, TX 76446

Telephone Number: (817) 832-3564 Fax: (     )

Form Completed By: Richard George

Title: Environmental Consultant

Signature:  Date: 12 / 23 / 19

**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.**

**I. BACKGROUND DATA**

**A. Water Use**

1. Annual diversion appropriated or requested (in acre-feet): 258
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

Actual totals may vary monthly depending on weather conditions (i.e. heat, precipitation, wind, etc... not to exceed 258 acre-feet annually.

January	February	March	April
<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>
May	June	July	August
<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>
September	October	November	December
<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>
<b>Total All Months</b>			<u>258</u>

3. In the table below, list the type of crop(s), growing season, and acres irrigated per year.

<u>Type of crop</u>	<u>Growing Season (Months)</u>	<u>Acres irrigated/year</u>
<u>Tifton Coastal</u>	<u>April-September</u>	<u>2,283.558</u>
<u>Sorghum/Corn</u>	<u>March-August</u>	<u>2,283.558</u>
<u>Small Grain (Rye/Wheat)</u>	<u>September-March</u>	<u>Up to 2,859.958</u>
<b>Total acres irrigated</b>		<u>2,859.958</u>

4. Are crops rotated seasonally or annually?     Yes                       No

If yes, please describe: Cultivated crops are rotated seasonally. All crops may be rotated seasonally/annually depending on economic feasibility and nutritional demand.

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

Dominant soils are clays, loams, sandy clay & sandy clay loams.

**B. Irrigation system information**

1. 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.



Existing irrigation systems are center pivots fitted with MESA drop nozzles for increased efficiency in application and reduced evaporation losses. The pivots are fed by portable pumps and water is conveyed from the pumps to the pivots via sealed pipeline. If more than one diversion pump is utilized simultaneously, the diversion rate will not exceed 3195 gpm. As more technological advances are made, the applicant will upgrade the systems accordingly when it is economically feasible. Future additions may be made with the possibility of additional center pivots being installed. A reel gun is planned for future irrigation on land not under center pivots.

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%.

Flowmeters are installed on all diversion pipes with +/- accuracy ratings of 3-5%.

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.

The current pivot efficiency ratings are estimated at 85%. Although not currently planned, any future modifications made to the equipment will maintain or increase the current efficiency of the existing systems and any new systems installed will target an 85% or higher efficiency rating as well.

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

- a. 5-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85 %
- b. 10-year goal:  
Savings in acre-feet                      or system efficiency as a percentage 85 %

*(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).

Existing center pivots are fitted with high efficiency MESA drop nozzles and the systems are fed by a sealed pipeline to avoid leaks/waste.

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

All irrigation equipment is routinely maintained and repaired to maintain maximum operating efficiency. The systems are closely monitored during operation and any leaks found during inspections are promptly repaired to avoid water losses and increase conservation.

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).

The center pivot irrigation systems are run during optimal weather conditions such as low wind, early morning, or late evening to avoid high losses due to wind and evaporation.

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.).

Weed control practices are implemented throughout the year to rid out weeds and unwanted/invasive plants. Land leveling & terracing are also practiced where applicable to eliminate runoff from steep slopes and increase the infiltration rate of the water into the soil.

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

Center pivots are monitored during operation and fields are not watered over their water holding capacity. Irrigation systems are shut off before any tail water runoff occurs.

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

All irrigation equipment is maintained to operate at the highest level of efficiency and is monitored during operation to prevent any water waste and achieve maximum water conservation.

## **II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER**

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.

Attachment G

Note: All photos in Attachment G were taken on the bank directly adjacent to the upstream and downstream diversion limit locations (1 photo facing upstream and 1 photo facing downstream.) All photos correspond with the upstream and downstream limits as noted in the maps (Attachment B Site Maps 1, 2 & 3 – limits marked as yellow dots.)



Photo 1: (Reach A-A' North) Upstream Limit A Looking Upstream



Photo 2: (Reach A-A' North) Upstream Limit A Looking Downstream



Photo 3: (Reach A-A' North) Downstream Limit A' Looking Upstream



Photo 4: (Reach A-A' North) Downstream Limit A' Looking Downstream

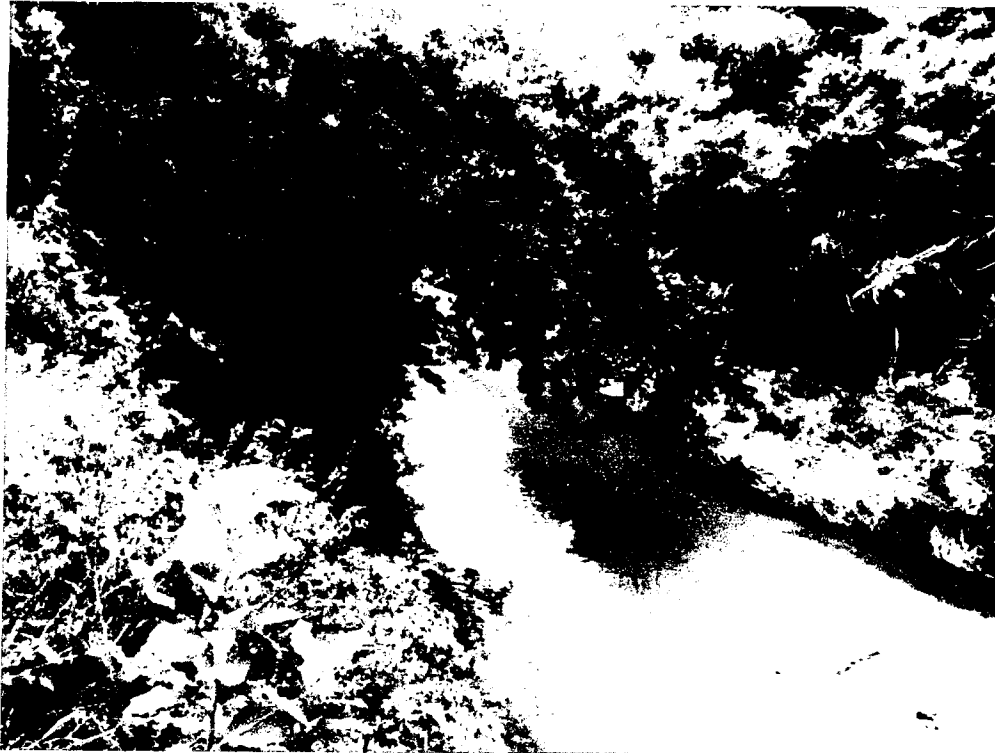


Photo 5: (Reach A-A' South) Upstream Limit A Looking Upstream

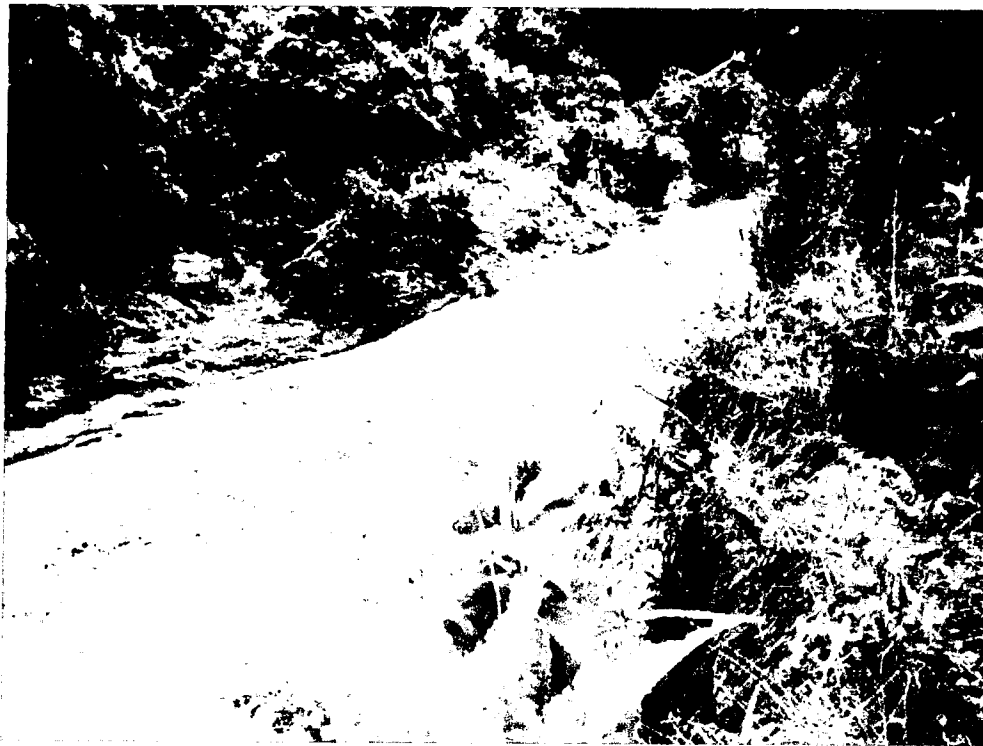


Photo 6: (Reach A-A' South) Upstream Limit A Looking Downstream

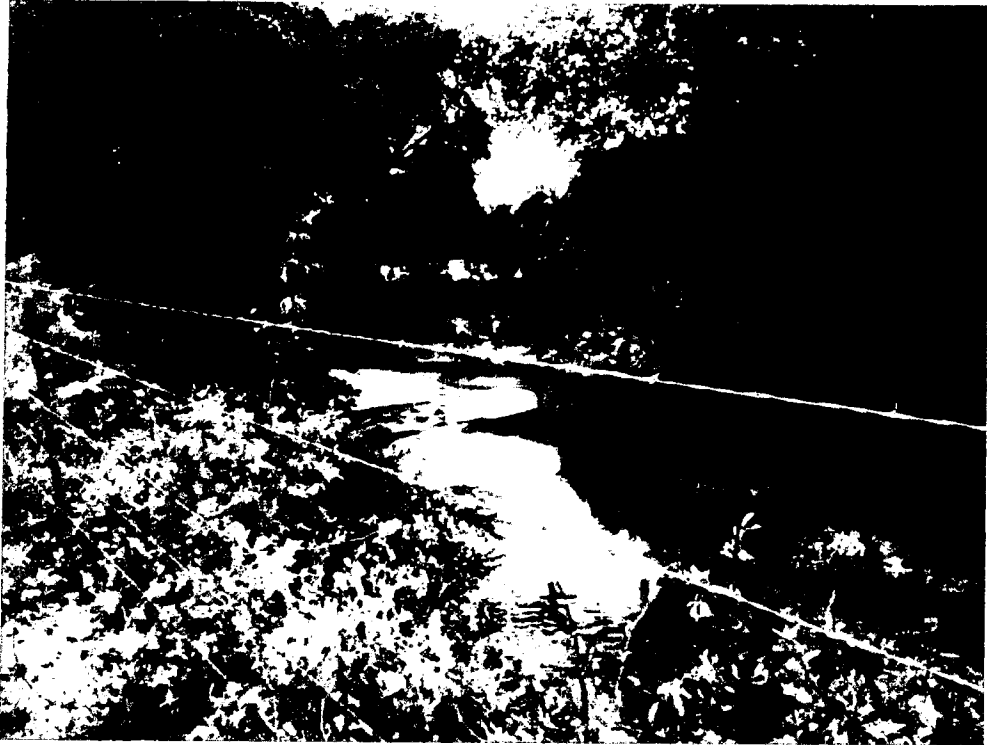


Photo 7: (Reach A-A' South) Downstream Limit A' Looking Upstream



Photo 8: (Reach A-A' South) Downstream Limit A' Looking Downstream



Photo 9: (Reach B-B') Upstream Limit B Looking Upstream



Photo 10: (Reach B-B') Upstream Limit B Looking Downstream



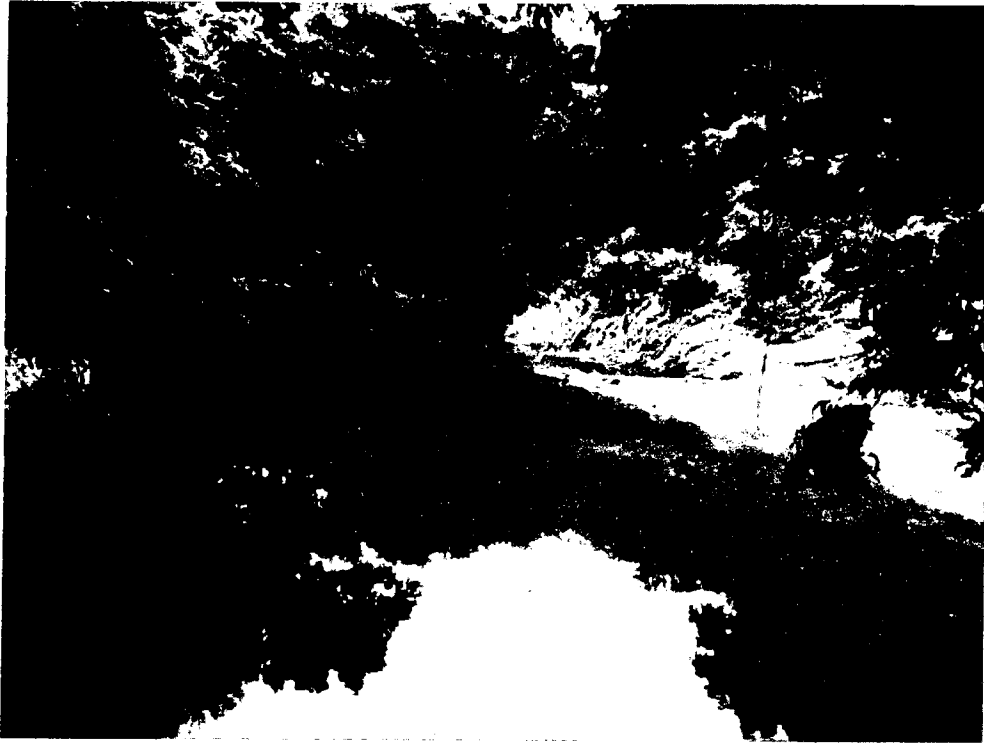


Photo 11: (Reach B-B') Downstream Limit B' Looking Upstream



Photo 12: (Reach B-B') Downstream Limit B' Looking Downstream



Photo 13: (Reach C-C') Upstream Limit C Looking Upstream



Photo 14: (Reach C-C') Upstream Limit C Looking Downstream



Photo 15: (Reach C-C') Downstream Limit C' Looking Upstream



Photo 16: (Reach C-C') Downstream Limit C' Looking Downstream



Photo 17: (Reach D-D') Upstream Limit D Looking Upstream



Photo 18: (Reach D-D') Upstream Limit D Looking Downstream



Photo 19: (Reach D-D') Downstream Limit D' Looking Upstream



Photo 20: (Reach D-D') Downstream Limit D' Looking Downstream



Photo 21: (Reach E-E') Upstream Limit E Looking Upstream



Photo 22: (Reach E-E') Upstream Limit E Looking Downstream

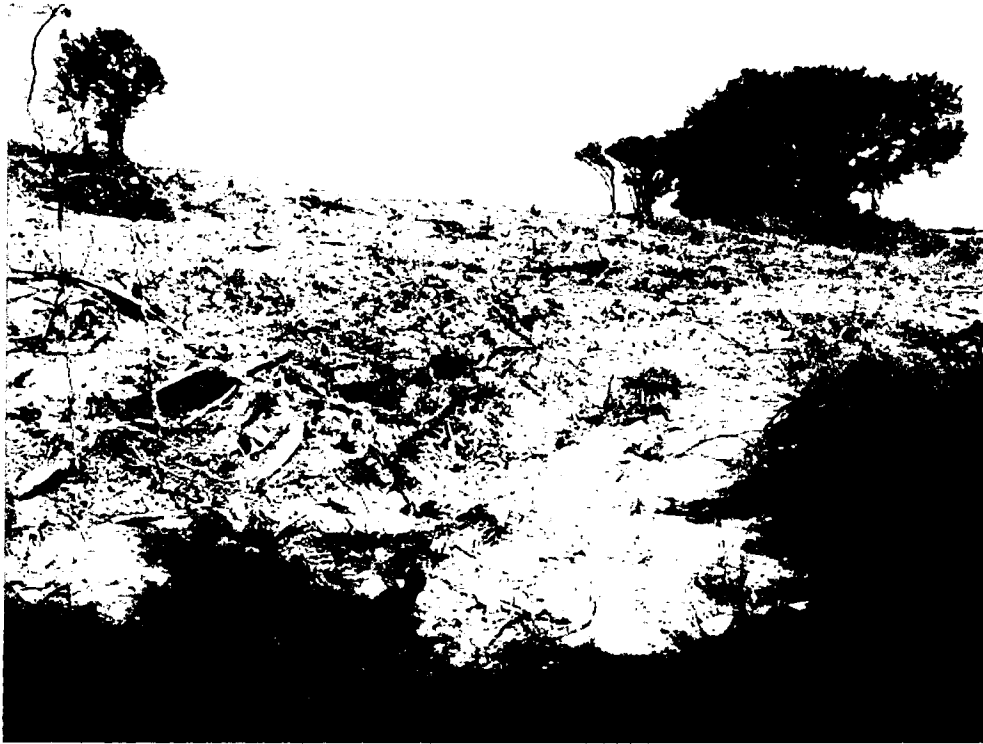


Photo 23: (Reach E-E') Downstream Limit E' Looking Upstream



Photo 24: (Reach E-E') Downstream Limit E' Looking Downstream



Photo 25: (Reach F-F') Upstream Limit F Looking Upstream



Photo 26: (Reach F-F') Upstream Limit F Looking Downstream





Photo 27: (Reach F-F') Downstream Limit F' Looking Upstream



Photo 28: (Reach F-F') Downstream Limit F' Looking Downstream