

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek Project Manager
Water Rights Permitting Team

DATE: August 19, 2022

SUBJECT: Gridiron Creek Ranch – River Bluff, Ltd
ADJ 2634
CN606004141, RN103924775
Application No. 14-2634A to Amend Certificate of Adjudication No.
14-2634
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Burnet County

The application and fees were received on June 30, 2022. Additional information was received on August 9, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 19, 2022. Limited mailed notice is required to interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(C).

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

Natalia Ponebshek

Natalia Ponebshek, 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

August 19, 2022

Mr. Lynn Sherman, Attorney at Law
Lynn Sherman Law Firm and Consulting
P.O. Box 5605
Austin, TX 78763

VIA E-MAIL

RE: Gridiron Creek Ranch - River Bluff, Ltd
ADJ 2634
CN606004141, RN103924775
Application No. 14-2634A to Amend Certificate of Adjudication No. 14-2634
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Burnet County

Dear Mr. Sherman:

This acknowledges receipt on August 9, 2022 of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 19, 2022. 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 Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Natalia Ponebshek

From: Lynn Sherman [REDACTED]
Sent: Tuesday, August 9, 2022 11:20 AM
To: Natalia Ponebshek
Cc: [REDACTED]
Subject: RE: Gridiron Creek Ranch - River Bluff, LTD 14-2634A RFI
Attachments: Authority to Sign.pdf

Natalia—

Attached is written evidence that Doyle Simons is authorized to sign the application for Gridiron Creek Ranch – River Bluff, Ltd., as requested in your email from yesterday. See specifically the first paragraph of the document’s first section entitled “General Authorization of Doyle R. Simons, President of the Company”, which provides as follows: “Doyle R. Simons, the President of the Company, is hereby authorized to act on behalf of the Company, both for the Company itself and in the Company's capacity as the General Partner of Gridiron Creek Ranch -River Bluff, Ltd, a Texas limited partnership . . .”

Feel free to call me if you have any questions or need any additional information.

Lynn Sherman

[REDACTED] /512.431.6515
P.O. Box 5605, Austin, Texas, 78705

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Monday, August 8, 2022 4:46 PM
To: Lynn Sherman [REDACTED]
Subject: Gridiron Creek Ranch - River Bluff, LTD 14-2634A RFI

Please find the attached request for information for the abovementioned application. A response is due by September 7, 2022.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

**JOINT WRITTEN CONSENT
OF
THE MEMBERS AND MANAGERS
OF
GRIDIRON CREEK RANCH – RIVER BLUFF GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY**

January 19, 2022

The undersigned, being all of the Members and Managers of Gridiron Creek Ranch – River Bluff GP, LLC, a Texas limited liability company (the “**Company**”), pursuant to the provisions of the Texas Business Organizations Code, and the Company Agreement of the Company dated as of October 20, 2021, hereby consent to and approve the following resolutions and each and every action effected thereby.

1. General Authorization of Doyle R. Simons, President of the Company.

RESOLVED, that Doyle R. Simons, the President of the Company, is hereby authorized to act on behalf of the Company, both for the Company itself and in the Company’s capacity as the General Partner of Gridiron Creek Ranch – River Bluff, Ltd, a Texas limited partnership (the “**Partnership**”), to (a) take, or cause to be taken, any and all such action, in the name and on behalf of the Company (for itself or the Partnership), as in his judgment shall be necessary, desirable or appropriate in connection with the property owned by the Partnership; and (b) sign, execute, certify to, verify, acknowledge, deliver, accept, file, and record any and all instruments and documents in connection therewith.

RESOLVED, that any and all action taken by any manager, officer or member of the Company in effecting the purposes of the foregoing resolutions prior to the date this written consent is actually executed is hereby ratified, approved, confirmed, and adopted in all respects.

2. Counterparts and Facsimile Signatures.

RESOLVED, that this written consent may be executed in multiple counterparts, each of which shall be deemed an original for all purposes, and all of which together shall constitute one and the same instrument; and further.


RESOLVED, that each such multiple counterpart of this written consent may be transmitted via facsimile or other similar electronic means and executed by one or more of the undersigned, and a facsimile of the signature of one or more of the undersigned shall be deemed an original signature for all purposes and have the same force and effect as a manually-signed original.

[Signature Page Follows]

3547306.1

Executed on the dates set forth below to be effective as of the date first set forth above.

**MEMBERS AND MANAGERS OF
GRIDIRON CREEK RANCH – RIVER BLUFF GP, LLC:**


Doyle R. Simons, Member and Manager


Joan Alane Simons, Member and Manager

3547306.1

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Monday, August 8, 2022 4:46 PM
To: Lynn Sherman
Subject: Gridiron Creek Ranch - River Bluff, LTD 14-2634A RFI
Attachments: gridiron_creek_ranch_river_bluff_ltd_14-2634A_RFI_Sent_8.8.2022.pdf

Please find the attached request for information for the abovementioned application. A response is due by September 7, 2022.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 8, 2022

Mr. Lynn Sherman, Attorney at Law
Lynn Sherman Law Firm and Consulting
P.O. Box 5605
Austin, TX 78763

VIA E-MAIL

RE: Gridiron Creek Ranch – River Bluff, Ltd
ADJ 2634
CN606004141, RN103924775
Application No. 14-2634A to Amend Certificate of Adjudication No. 14-2634
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Burnet County

Dear Mr. Sherman:

This acknowledges receipt, on June 30, 2022, of the referenced application and fees in the amount of \$284.11 (Receipt No. M218620, copy attached).

Before the application can be declared administratively complete, provide written evidence that Doyle Simmons is authorized to sign the application for Gridiron Creek Ranch – River Bluff, Ltd., pursuant to Title 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.

Please provide the requested information by September 7, 2022 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 e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment



Basis2 Receipt Report by Endorsement Number

AUG-08-22 04:36 PM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
GRIDIRON CREEK RANCH RIVER BLUFF LTD	M218620	ADJ142634	LYNN SHERMAN LAW FIRM AND CONSULTING PLLC	CK	5452		BS00095716	27-JUN-22	\$284.11

LYNN SHERMAN

P.O. Box 5605 Austin, TX 78763 • Phone: 512.431.6515 • [REDACTED]

June 24, 2022

APPLICATION FILED VIA FTPS SITE UPLOAD
APPLICATION FEES TRANSMITTED HEREIN

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 8711-3088

RE: Water Rights Amendment Application filed by Gridiron Creek Ranch – River Bluff, Ltd. re:
Amendment of CA 14-2634


Dear Sir or Madame:

Earlier today via the TCEQ FTPS Site, Gridiron Creek Ranch – River Bluff, Ltd. filed a water rights amendment application pertaining to its CA 14-2634 (hereinafter the “Application”).

Enclosed you will find the \$284.11 application fee associated with the Application, as calculated on Worksheet 8.0 of the Application’s Technical Information Report, which also is enclosed.

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

Sincerely,


Lynn Sherman

Enclosures:

1. Check for \$284.11 constituting the application fee for the Application
2. Worksheet 8.0 of the Application’s , entitled “Calculation of Fees”

WVP

WORKSHEET 8.0 CALCULATION OF FEES

OFFICE OF THE REGISTER
OF STATE COURTS, PROBATE
CLERK
TCEQ

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$). <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	\$0.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x ^{293.216} Number of acres that will be irrigated with State Water. **	\$146.61
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x <u>144</u> Maximum annual diversion of State Water in acre-feet. **	\$0.00
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	\$0.00
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	\$0.00
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$ 171.61

RECEIVED

JUN 28 2022

Water Availability Division

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		
Recording Fee		
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 284.11



27-JUN-22 10:53 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description
Account#
Account Name

Fee Code
Account#

Ref#1
Ref#2
Paid In By

Check Number
Card Auth.
User Data

CC Type
Tran Code
Rec Code

Slip Key
Document#
Tran Date

Tran Amount

WTR USE PERMITS
WUP
WUP
WATER USE PERMITS

M218620
ADJ142634
LYNN
SHERMAN LAW
FIRM AND
CONSULTING
PLLC

5452
062722
RHDAVIS
N
CK

BS00095716
D2802959
27-JUN-22
- \$284.11

Total (Fee Code) : - \$284.11

Grand Total: - \$12,928.90

RECEIVED
JUN 28 2022
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.

APPLICANT(S): GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., - CA 14-2634 (ATTACHED)*

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

☒ **Administrative Information Report**
☐ Additional Co-Applicant Information
☐ Additional Co-Applicant Signature Pages
☒ Written Evidence of Signature Authority
☒ **Technical Information Report**
☒ USGS Map (or equivalent)
☐ Map Showing Project Details
☐ Original Photographs**
☐ Water Availability Analysis
☒ **Worksheet 1.0**
☒ Recorded Deeds for Irrigated Land
☐ Consent For Irrigation Land
☐ **Worksheet 1.1**
☐ Addendum to Worksheet 1.1
☐ **Worksheet 1.2**
☐ Addendum to Worksheet 1.2
☐ **Worksheet 2.0**
☐ Additional W.S 2.0 for Each Reservoir
☐ Dam Safety Documents
☐ Notice(s) to Governing Bodies
☐ Recorded Deeds for Inundated Land
☐ Consent For Inundation Land

Y/N

☒ **Worksheet 3.0**
☐ Additional W.S 3.0 for each Point
☒ Recorded Deeds for Diversion Points
☐ Consent For Diversion Access
☐ **Worksheet 4.0**
☐ TPDES Permit(s)
☐ WWTP Discharge Data
☐ 24-hour Pump Test
☐ Groundwater Well Permit
☐ Signed Water Supply Contract
☐ **Worksheet 4.1**
☒ **Worksheet 5.0**
☐ Addendum to Worksheet 5.0
☐ **Worksheet 6.0**
☐ Water Conservation Plan(s)
☐ Drought Contingency Plan(s)
☐ Documentation of Adoption
☐ **Worksheet 7.0**
☐ Accounting Plan
☒ **Worksheet 8.0**
☒ Fees

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

*CA 14-2634 is attached hereto as Exhibit 1.

**Photographs are attached as Exhibit 2.

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

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

1. **Purpose of Use:** In lieu of the authorized diversion of 144 acre-feet of water per year to "irrigate", add the authorization to use that amount for all other agricultural purposes, by amending CA 14-2634 to change the "use" language from "irrigate" to "agriculture", as defined in Section 11.002(12) of the Texas Water Code.
2. **Place of Use:** In addition to the "60 acres of land out of a 80.28 acre tract located in the John Bryan Survey 11, Abstract 66, Burnet County, Texas," on which water diverted under CA 14-2634 is currently authorized for use, add an authorization to use water diverted under CA 14-2634 for agricultural purposes on:
 - a. all of the 84.05 acres located in the John Bryan Survey 11, Abstract 66, Burnet County, Texas, which are comprised of 3 adjacent parcels that include the 80.28 acres currently referenced in CA 14-2634, all of which being more fully described by metes and bounds in the **General Warranty Deed into Gridiron Creek Ranch - River Bluff, Ltd.** attached hereto in **Exhibit 3**, Page 10 of 12;
 - b. the 4.88 acre tract of the John Bryan Survey No. 11, Abstract No. 66, Burnet County, Texas, as more fully described by metes and bounds in the **General Warranty Deed into Gridiron Creek Ranch - River Bluff, Ltd.** attached hereto in **Exhibit 3**, Page 9 of 12;
 - c. the 283.453 acre tract of land out of the N.M. Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, as more fully described by metes and bounds in the **General Warranty Deed into Gridiron Creek Ranch - River Bluff, Ltd.** attached hereto in **Exhibit 3**, Page 5 of 12; and
 - d. the 1.233 acre non-exclusive access easement out of the N.M Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, as more fully described by metes and bounds in the **General Warranty Deed into Gridiron Creek Ranch - River Bluff, Ltd.** attached hereto in **Exhibit 3**, Page 7 of 12.*

****See also Surface Water Rights Change Ownership Form attached as Exhibit 4.***

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?

Gridiron Creek Ranch - River Bluff, Ltd.

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

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

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

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

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

First/Last Name: Doyle R. Simons

Title: Manager of General Partner, Gridiron Creek Ranch - River Bluff GP, LLC, a Texas limited liability company, its Managing General Partner

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: Gridiron Creek Ranch - River Bluff, Ltd. c/o Doyle R. Simons*

Mailing Address: P.O. Box 758

City: Spicewood

State: Texas

ZIP Code: 78669

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 Limited Partnership**

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32081559521 SOS Charter (filing) Number: 804284052

*See Joint Written Consent attached as Exhibit 5

**See Gridiron Creek Ranch - River Bluff, Ltd., Certificate of Formation attached as Exhibit 6

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: Lynn Sherman, Attorney at Law

Title:

Organization Name: Lynn Sherman Law Firm and Consulting

Mailing Address: P. O. Box 5605

City: Austin

State: Texas

ZIP Code: 78763

Phone No.: 512/431-6515

Extension:

Fax No.:

E-mail Address:



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

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

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

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) 239-4600, prior to submitting your application.

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

Applicant has submitted all required TWDB surveys of groundwater and surface water? ~~Yes / No~~ **N.A.***

***Applicant's ownership of CA 14-2634 has only recently commenced.**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Doyle R. Simons, Manager of General Partner, GRIDIRON CREEK RANCH – RIVER BLUFF GP, LLC
(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: Doyle R. Simons Date: 3/18/22
(Use blue ink)

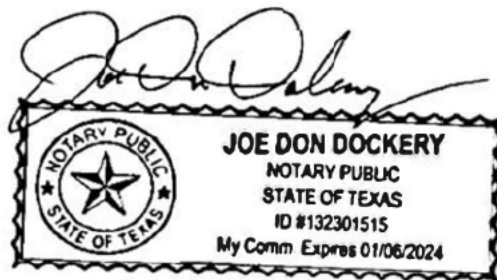
Subscribed and Sworn to before me by the said

on this 18TH day of MARCH, 2022.

My commission expires on the 19TH day of JANUARY, 2024.

Notary Public

County, Texas



[SEAL]

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

ADMINISTRATIVE INFORMATION REPORT

EXHIBIT 1

CERTIFICATE OF ADJUDICATION

ADJ # 002634

☒ AC = Certificate of Adjudication

☐ CO = Correspondence

☐ EX = Exhibits

☐ MA = Maps

☐ RP = Reports

☐ TR = Transcripts

VOLUME # 001

INCLUSIVE DATES: 1983-97

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-2634 OWNER: William Albert Scholl
Route 2, Box 10
Marble Falls, TX 78654

COUNTY: Burnet PRIORITY DATE: December 31, 1953

WATERCOURSE: Colorado River BASIN: Colorado River
(Lake Travis)

WHEREAS, by final decree of the 33rd Judicial District Court of Burnet County, in Cause No. 8605, In Re: The Adjudication of Water Rights in the Middle Colorado River Segment of the Colorado River Basin, dated March 18, 1982, a right was recognized under Claim 11518 authorizing William Albert Scholl to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to William Albert Scholl, subject to the following terms and conditions;

1. USE

Owner is authorized to divert and use not to exceed 144 acre-feet of water per annum from the Colorado River (Lake Travis) to irrigate a maximum of 60 acres of land out of a 80.28 acre tract located in the John Bryan Survey 11, Abstract 66, Burnet County, Texas, said 80.28 being described as follows:

- (1) BEGINNING at a point on the south bank of the Colorado River at the lower corner of the upper one-half of the John Bryan Survey 11;
- (2) THENCE S 01°W, 1720.0 varas to a point in the center of the Old Marble Falls and Spicewood Public Road;
- (3) THENCE S 88°E, 257.0 varas along the center of said road to an iron pin;
- (4) THENCE N 01°E, 1522.5 varas to a point for a corner;
- (5) THENCE N 29°45'E, 167.0 varas to a point for a corner;
- (6) THENCE N 32°20'W, 125.0 varas to a point on the low bank of the Colorado River;
- (7) THENCE up said river S 68°01'W, 199.8 varas and N 70°W, 89.5 varas to the place of beginning.

2. DIVERSION

- A. Location:
At a point on the Colorado River (Lake Travis) in the John Bryan Survey 11, Abstract 66, Burnet County, Texas.
- B. Maximum Rate: 0.60 cfs (270 gpm).

3. PRIORITY

The time priority of owner's right is December 31, 1953.

The locations of pertinent features related to this certificate are shown on Page 24 of the Middle Colorado River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 33rd Judicial District Court of Burnet County, Texas, in Cause No. 8605, In Re: The Adjudication of Water Rights in the Middle Colorado River Segment of the Colorado River Basin, dated March 18, 1982, and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Colorado River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the water right owned by the owner or seller at the time of the transaction.

TEXAS WATER COMMISSION

/s/ Felix McDonald
Felix McDonald, Chairman

DATE ISSUED:

APR 31 1983

ATTEST:

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

TEXAS WATER COMMISSION
INTEROFFICE MEMORANDUM

To: Central Records Date: October 2, 1989

From: Water Rights Certificate of Adjudication No. 14-2634
Administration Section Application No. _____ Permit No. _____

Subject: Change of Ownership Claim No. _____ Certified Filing No. _____
Burnet County
Colorado River Basin

Delete William Albert Scholl as xxxx owner

Add Moustapha Abou-Samra, et ux (Joan Estelle Abou-Samra) as xxxx owners

Deed dated August 23, 1989, checked
has been and found to cover
xxxxxxx

all xxxxx
of the
xxxx water right

Ownership of Record with Addresses and Remarks:

Moustapha Abou-Samra, et ux
(Joan Estelle Abou-Samra)
557 Via Cielito
Ventura, California 93003

Initiated by Mohamed A. Ready

Approved: Tamara Buck Water Rights Administration Section

Change noted:
10/23/89
Permit Control/Date

PM 10:27
Central Records/Date

GG-121

DMF-2GG-100

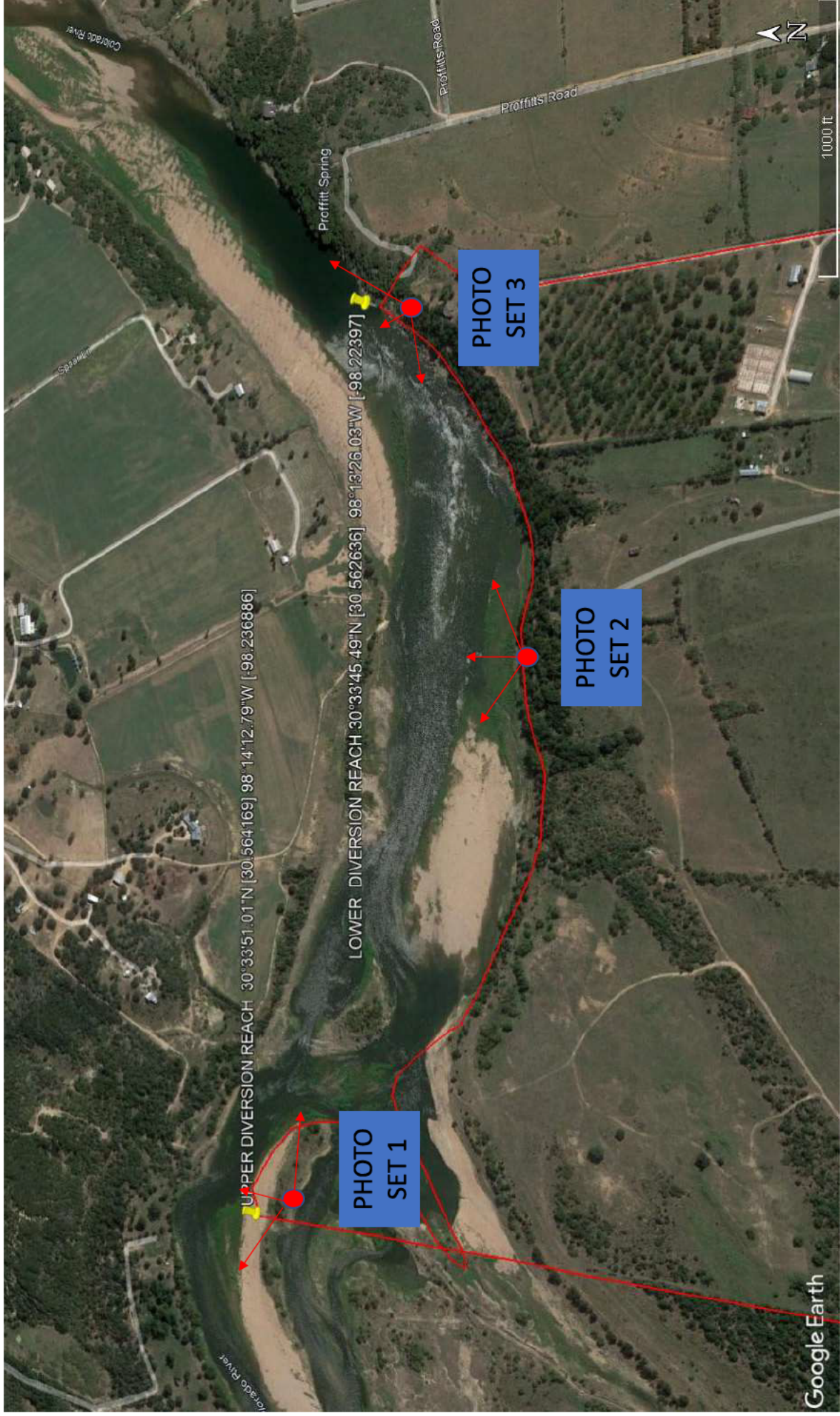


THIS MAP IS A PORTION OF PAGE
NO. 24 OF 31 PAGES OF THE MIDDLE
COLORADO RIVER SEGMENT CERTIFICATES
OF ADJUDICATION MAPS.

SCALE: 1" = 1770' APPROX.

ADMINISTRATIVE INFORMATION REPORT

EXHIBIT 2





**COLORADO RIVER/LAKE TRAVIS
LOOKING DOWNSTREAM**



**COLORADO RIVER/LAKE TRAVIS
LOOKING NORTH**



**COLORADO RIVER/LAKE TRAVIS
LOOKING UPSTREAM**

**PHOTO SET 1 : GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., PHOTOGRAPHS TAKEN ON MARCH 17, 2022,
AT UPPER DIVERSION REACH 30°33'51.01"N [30.564169] 98°14'12.79"W [-98.236886] (Source: Doyle R. Simons)**



COLORADO RIVER/LAKE TRAVIS
LOOKING DOWNSTREAM



COLORADO RIVER/LAKE TRAVIS
LOOKING NORTH



COLORADO RIVER/LAKE TRAVIS
LOOKING UPSTREAM

PHOTO SET 2 : GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., PHOTOGRAPHS TAKEN ON MARCH 17, 2022,
AT A LOCATION LOCATED APPROXIMATELY HALFWAY BETWEEN LOWER DIVERSION REACH 30°33'45.49"N
[30.562636] 98°13'26.03"W [-98.22397] AND UPPER DIVERSION REACH 30°33'51.01"N [30.564169]
98°14'12.79"W [-98.236886] (Source: Doyle R. Simons)



COLORADO RIVER/LAKE TRAVIS
LOOKING DOWNSTREAM



COLORADO RIVER/LAKE TRAVIS
LOOKING NORTH



COLORADO RIVER/LAKE TRAVIS
LOOKING UPSTREAM

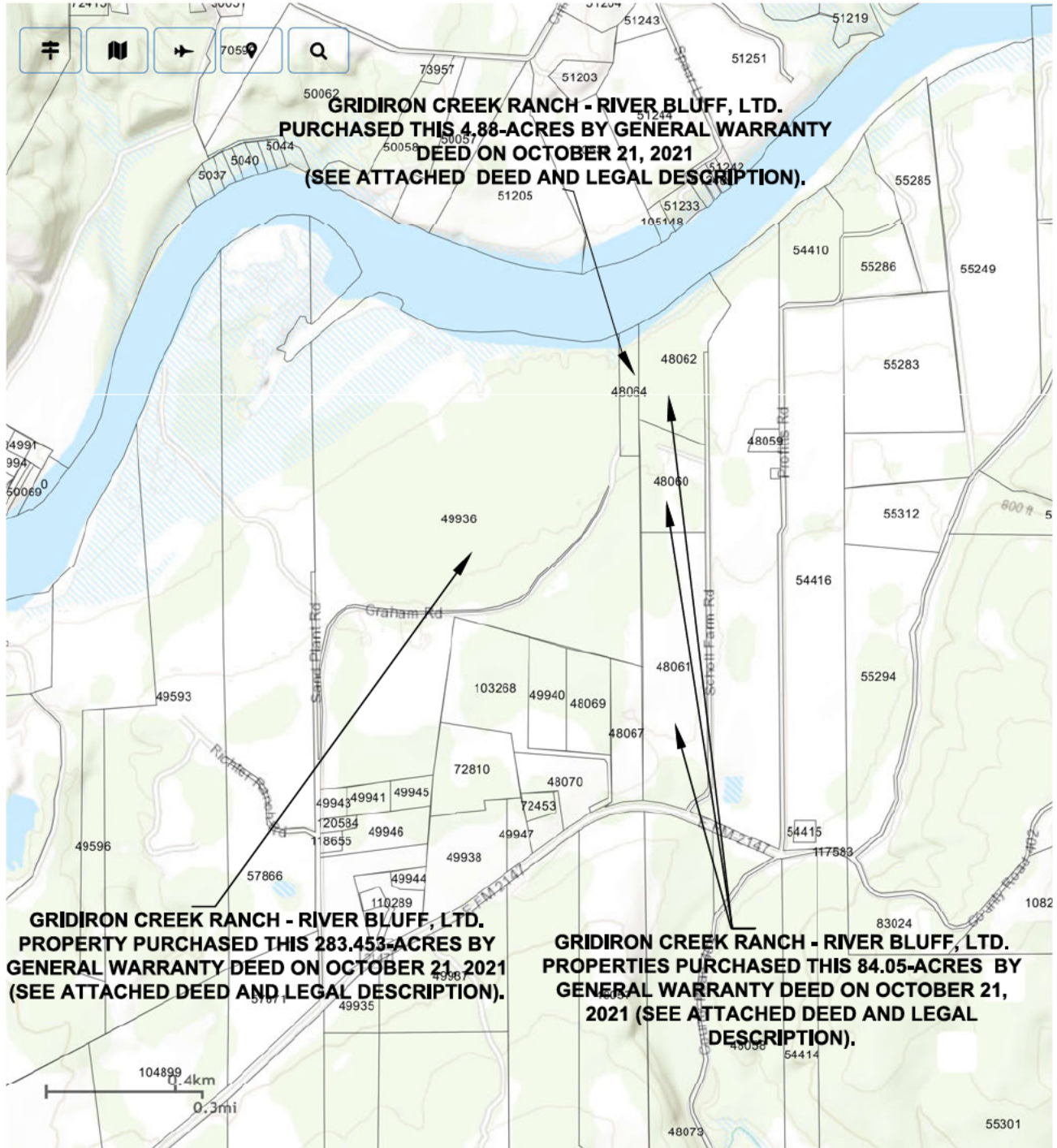
PHOTO SET 3: GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., PHOTOGRAPHS TAKEN ON MARCH 17, 2022,
AT LOWER DIVERSION REACH 30°33'45.49"N 98°13'26.03"W [30.562636] 98°13'26.03"W [-98.22397] (Source: Doyle R. Simons)

ADMINISTRATIVE INFORMATION REPORT

EXHIBIT 3

GRIDIRON CREEK RANCH - RIVER BLUFF, LTD. PROPERTY MAP

(Source: Burnet Central Appraisal District - Modified by DGRA, Inc.)



Note: the 1.233 acre non-exclusive access easement that comprises the remainder of the 373.616 acres is difficult to identify on this map. However, a description of its metes and bounds is provided in the General Warranty Deed into Gridiron Creek Ranch - River Bluff, Ltd. (Page 7 of 12) that is attached in Exhibit 3.



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
(CONTRIBUTION DEED)**

Effective Date: October 21, 2021

Grantor: DOYLE R. SIMONS and JOAN ALANE SIMONS

Grantor's Mailing Address:
1720 CR 404
Spicewood, Texas 78669
Burnet County

Grantee: GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., a Texas limited partnership

Grantee's Mailing Address:
1720 CR 404
Spicewood, Texas 78669
Burnet, County

Consideration: Grantor conveys the Property (as defined in this Deed below) for the purpose of contributing to the capital of the Grantee in exchange for limited partnership interests in the Grantor and other valuable consideration paid to the Grantor, the receipt and sufficiency of which are hereby acknowledged.

Property: The tracts of land located in Burnet County, Texas and described on Exhibit A attached hereto and made a part hereof for all purposes (the "**Land**"), together with any and all improvements thereon and the rights, privileges, hereditaments, and appurtenances pertaining to such real property, and the Additional Property (as described below).

Reservations: None

Exceptions to Conveyance and Warranty: This deed is executed and delivered subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to all or any part of the Property, and standby fees, taxes and assessments by any taxing authority for the year of 2021, and subsequent years. Ad valorem taxes on the Property for the current and subsequent years are assumed by Grantee. Notwithstanding the Exceptions to Conveyance and Warranty set forth herein, Grantor does not by execution of this deed and the exceptions stated herein encumber, reinstate, ratify, confirm or affirm any prior restrictions, encumbrances, easements, covenants and conditions affecting all or any

part of the Property that are not valid and existing as of the date hereof.

Additional Property: For the same consideration recited above, Grantor hereby GIVES, CONTRIBUTES, GRANTS, TRANSFERS, and CONVEYS without warranty, express or implied, all of the interest, if any, of Grantor in (i) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land.

Grantor, for the consideration and subject to the Exceptions to Conveyance and Warranty, GIVES, CONTRIBUTES, GRANTS, TRANSFERS 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 successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, legal representatives and 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, and except as to the Exceptions to Conveyance and Warranty.

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

THE PARTIES HERETO ACKNOWLEDGE THAT NO RESPONSIBILITY FOR THE VALIDITY OF REAL ESTATE TITLE IS ASSUMED BY THE FIRM AND/OR THE ATTORNEY PREPARING THIS INSTRUMENT.

[SIGNATURE AND NOTARY ON THE FOLLOWING PAGE]

EXECUTED on the date set forth in the acknowledgments below to be effective as of the date first set forth above.


DOYLE R. SIMONS


JOAN ALANE SIMONS

THE STATE OF TEXAS

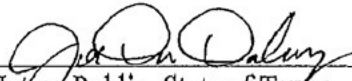
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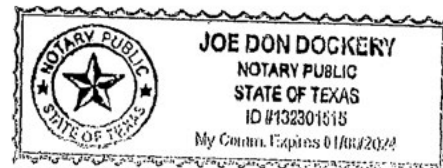
COUNTY OF BURNET

§

§

This instrument was acknowledged before me on October 27, 2021, by Doyle R. Simons.


Notary Public, State of Texas



THE STATE OF TEXAS

§

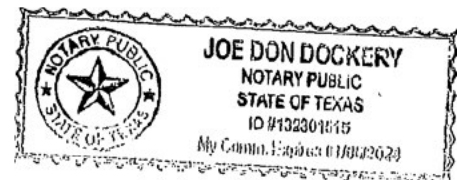
COUNTY OF BURNET

§

§

This instrument was acknowledged before me on October 27, 2021, by Joan Alane Simons.


Notary Public, State of Texas



AFTER RECORDING RETURN TO:

DuBois, Bryant & Campbell LLP
Attn: Michele Mobley
303 Colorado, Suite 2300
Austin, Texas 78701

EXHIBIT A

1. **Vinson Tract.**
 - a. A 283.453 acre tract of land, more or less, out of the N.M. Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-1(a)** attached hereto and made a part hereof for all purposes;
 - b. A 1.233 acre non-exclusive access easement out of the N.M. Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-1(b)** attached hereto and made a part hereof for all purposes; and
 - c. Together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
2. **Graham Tract.** A. 4.88 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-2** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
3. **Abou-Samra Trust Tract.** A. 84.05 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-3** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights (including those water rights referenced in Certificate of Adjudication No. 002634), claims, permits, strips and gores, easements and cooperative or association memberships.

BEING A 283.453 ACRE TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE JNO. BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING ALL OF A 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND FURTHER INCLUDING APPROXIMATELY 15 ACRES OF LAND LYING BELOW THE APPROXIMATE 681 ELEVATION CONTOUR OF LAKE TRAVIS, SAID 283.453 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at a northerly southeast corner of said Vinson tract and the northeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Samra, Et Ux in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for a northerly southeast corner hereof;

THENCE North 76°13'45" West, along a south line of said 246.13 acre tract and hereof, generally along a fence, and the north line of said Dockery tract of record in Volume 481, then the north line of a 10.00 acre tract described in document to Joe Don Dockery, Et Al in Volume 1358, Page 959 of the Official Public Records of Burnet County, Texas, then the north line of a remnant of a 142.41 acre tract described in document to M.F. O'Connor, III in Volume 295, Page 818 of the Deed Records of Burnet County, Texas, and then a called 19.38 acre tract described in document to William Mitchell, III, Et Al in Document No. 201408951 of the Official Public Records of Burnet County, Texas, for a total distance of 1947.21' to a 4" steel pipe fence post at the northwest corner of said Mitchell tract, for an interior corner of said Vinson tract and hereof;

THENCE South 06°36'03" West, along an east line of said Vinson tract, generally along a fence, and the west line of said Mitchell tract and then the west line of a called 15.00 acre tract described in document to E.P. Benini, in Document No. 201502349, of the Official Public Records of Burnet County, Texas, a distance of 1591.11' to a 4" steel pipe fence post at the most southerly southeast corner of said Vinson tract and hereof at the northeast corner of a called 2.95 acre tract described in document to Jose Rojas, Et Ux in Volume 1260, Page 985 of the Official Public Records of Burnet County, Texas;

THENCE South 81°30'38" West, along the south line of said Vinson tract and hereof, generally along a fence, and the north line of said 2.95 acre tract, and then the north line of a called 3.00 acre tract described in document to Alvaro Rojas, Sr., Et Al in Document No. 200906296 of the Official Public Records of Burnet County, Texas and then the north line of a called 2.00 acre tract described in document to Lola B. Gillette in Document No. 201401715 of the Official Public Records of Burnet County, Texas, at a distance of 1151.20' pass the northeast corner of a 20' wide access easement of record in Volume 71, Page 395 of the Deed Records of Burnet County, Texas also being on the east side of a roadway and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, for a total distance of 1171.34' to a 4" steel pipe fence post at the northwest corner of said 2.00 acre tract and said access easement, and the southwest corner of said Vinson tract and hereof, along the east line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd in Volume 877, Page 318 of the Official Public Records of Burnet County, Texas;

THENCE along the common line of said Vinson tract and said Richter tract, generally along and east of a fence, the following courses and distances:

- 1) North 01°20'16" West, a distance of 1219.34' to a 4" steel pipe fence post;
- 2) North 02°25'17" West, at a distance of 1564.28' pass 5.7' east of a 4" steel pipe fence post, at a distance of 3163.62' pass a 4" steel pipe fence post at the end of said fence near the waters of Lake Travis/Colorado River, thence over and across said waters, for a total distance of 4413.29' to a calculated corner inundated by said waters at the northeast corner of said Richter tract and the northwest corner of said Vinson tract, along the approximate record south bank of the Colorado River;

THENCE with the approximate record south bank of said Colorado River and its meanders, along a line of calculated corners, the following courses and distances:

- 1) South 66°56'55" East, a distance of 608.04';
- 2) South 29°44'44" East, a distance of 512.64';
- 3) South 56°25'22" East, a distance of 525.83';
- 4) South 79°07'16" East, a distance of 250.44';
- 5) South 85°20'54" East, a distance of 601.14';
- 6) South 88°39'48" East, a distance of 417.33';
- 7) North 89°33'22" East, a distance of 418.86';
- 8) North 84°19'50" East, a distance of 228.64' to a calculated corner at the intersection of the west line of a called 4.878 acre tract described in document to Ronald G. Graham, Et Ux in Volume 182, Page 639 of the Deed Records of Burnet County, Texas and said approximate record river bank, for the northeast corner hereof;

THENCE along the east line of said Vinson tract and hereof the following courses and distances:

- 1) South 01°51'50" East, at a distance of 25.02' pass the record northwest corner of said Graham tract, at a distance of 217.23' pass a 4" steel pipe fence post, and continuing generally along a fence, at a distance of 1034.18' pass a 4" steel pipe fence post on the north side of a gate, roadway, and said apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, and crossing said gate, roadway, and easement, for a total distance of 1172.62' to a 4" steel pipe fence corner post at the southwest corner of said Graham tract;
- 2) North 88°17'03" East, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post at the southeast corner of said Graham tract along the west line of said 84.05 acre tract;
- 3) South 01°47'53" East, along the west line of said 84.05 acre tract, generally along a fence, a distance of 2118.97', to the Point of Beginning, and containing 283.453 acres, more or less.

BEING A 1.233 ACRE PROPOSED ACCESS TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE WM. WOODS SURVEY NO. 10, ABSTRACT NO. 990 IN BURNET COUNTY, TEXAS, AND EXTENDING FROM THE SOUTHWEST CORNER OF A CALLED 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A 283.453 ACRE TRACT, SURVEYED THIS DAY, AND INCLUDING ALL OF THAT 20' WIDE EASEMENT RESERVED ALONG THE WEST LINE OF A 144.60 ACRE TRACT OF RECORD IN VOLUME 71, PAGE 395 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 20' WIDE EASEMENT NOW CROSSING THE WEST 20' OF A CALLED 2.00 ACRE TRACT DESCRIBED IN DOCUMENT TO LOLA B. GILLETTE IN DOCUMENT NO. 201401715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, THE WEST 20' OF A CALLED 6.57 ACRE TRACT DESCRIBED IN DOCUMENT TO ALVARO ROJAS, SR., ET AL IN DOCUMENT NO. 200906296 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND THE WEST 20' OF A CALLED 15.00 ACRE TRACT DESCRIBED IN DOCUMENT TO PEYMAN BERENJI, ET AL IN DOCUMENT NO. 201510772, AND INCLUDING A 0.086 ACRE PORTION OF A REMNANT TRACT OF A CALLED 149.6 ACRE TRACT DESCRIBED IN DOCUMENT TO LARRY LEROY BOWLES IN VOLUME 532, PAGE 105 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS, AND FURTHER INCLUDING 0.282 ACRE PORTION OF AN APPARENT REMNANT TRACT OUT OF A CALLED 192 ACRE TRACT DESCRIBED IN DOCUMENT TO EDWARD EBELING, ET UX IN VOLUME 110, PAGE 274 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, AND EXTENDING TO THE NORTH RIGHT-OF-WAY LINE OF R.M. HIGHWAY NO. 2147, SAID 1.233 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at the southwest corner of said Vinson tract and said 283.453 acre tract, at the northwest corner of said Gillette tract, for the northwest corner hereof;

THENCE North 81°30'38" East, along the south line of said Vinson tract and said 283.453 acre tract and the north line of said Gillette tract, a distance of 20.14' to a calculated corner, for the northeast corner hereof;

THENCE South 01°44'52" East, along the east line of said 20' wide access easement, crossing said Gillette tract, said Rojas tract, and said Berenji tract, at a distance of 1880.81' cross the south line of said Berenji tract and said 144.60 acre tract and the north line of said Bowles tract, whence a 1/2" iron pin found at the southwest corner of said 144.60 acre tract and said Berenji tract and the northwest corner of said Bowles tract bears South 63°50'45" West 21.96', and continuing along an extension of the east line of said 20' wide access easement crossing said Bowles remnant tract, for a total distance of 2063.84' to a calculated corner along the north right-of-way line of said R.M. Highway No. 2147, for the southeast corner hereof;

THENCE South 45°19'06" West, along said Highway right-of-way line and the south line hereof, at a distance of a 27.32' pass the southwest corner of said Bowles remnant tract and the southeast corner of said Ebeling remnant tract, for a total distance of 56.78' to a calculated corner at the southwest corner of said Ebeling remnant tract and the southeast corner of a called 19.376 acre tract described in document to Richter Investment Partnership, Ltd in Volume 1125, Page 608 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE North $01^{\circ}05'11''$ West, along the east line of said 19.376 acre tract and the west line of said Ebeling remnant tract, at a distance of 1.5' pass a 3" steel pipe fence post, for a total distance of 696.59' to a 1/2" iron pin found at the northwest corner of said Ebeling remnant tract and the northeast corner of said 19.376 acre tract along the south line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd, for a northwesterly corner hereof;

THENCE North $65^{\circ}03'24''$ East, along the north line of said Ebeling tract and the south line of said 321.7 acre tract, a distance of 14.72' to a calculated corner at the southeast corner of said 321.7 acre tract and the northeast said Ebeling remnant tract along the west line of said 144.06 acre tract and the west line of said Berenji tract, for an interior corner hereof;

THENCE North $01^{\circ}44'52''$ West, along the west line of said 144.06 acre tract, the west line of said Berenji tract, the west line of said Rojas tract, and the west line of said Gillette tract, a distance of 1397.80', to the Point of Beginning, and containing 1.233 acres, more or less.

BEING 4.88 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING OUT OF A CALLED 4.878 ACRE TRACT DESCRIBED IN DOCUMENT TO RONALD G. GRAHAM AND WIFE, PHYLLIS GRAHAM, RECORDED IN VOLUME 182, PAGE 639 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 4.88 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 4" cedar fence post at the southeast corner of said Graham tract and a southerly northeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Samra, Et Ux, recorded in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for the southeast corner hereof;

THENCE South 88°17'03" West, along the south line of said Graham tract and hereof and a north line of said 283.453 acre tract, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post, at the southwest corner of said Graham tract and an interior corner of said 283.453 acre tract, for the southwest corner hereof;

THENCE North 01°51'50" West, along the west line of said Graham tract and hereof and the east line of said 283.453 acre tract, generally along a fence, at a distance of 138.44', pass a 4" steel pipe fence post on the north side of a gate, roadway, and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, at a distance of 955.39', pass a 4" steel pipe fence post and leave said fence, continuing along an unfenced line, for a total distance of 1147.60' to a calculated point at the northwest corner of said Graham tract along the called the south bank of the Colorado River, called to be at an elevation of 683 ft. in said recorded Graham document, for the northwest corner hereof;

THENCE North 66°11'10" East, along the north line of said Graham tract and hereof, with the south bank of said River, a distance of 160.30' to a calculated point at the record northeast corner of said Graham tract, for the northeast corner hereof;

THENCE South 17°51'37" East, along the east line of said Graham tract and hereof, at a distance of 33.97', pass a 4" cedar fence post, and continuing, generally along a fence, for a total distance of 105.42' to a 6" cedar fence post on a high bank, along the west line of said 84.05 acre tract, for an angle point in the east line of said Graham tract and hereof;

THENCE along the east line of said Graham tract and the west line of said 84.05 acre tract, generally along a fence, the following courses and distances:

- 1) South 02°19'35" East, a distance of 747.70' to a 6" cedar fence post;
- 2) South 01°38'52" East, a distance of 358.97', to the POINT OF BEGINNING, and containing 4.88 acres, more or less.

BEING A 84.05 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NUMBER 66 IN BURNET COUNTY, TEXAS AND BEING ALL OF A CALLED 84.05 ACRE TRACT DESCRIBED IN DOCUMENT TO MOUSTAPHA ABOU-SAMRA, ET AL, RECORDED IN DOCUMENT NO. 201902361 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 84.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT Type 1 concrete right-of-way monument at the southeast corner of said Moustapha Abou-Samra tract and hereof and the southwest corner of Tract 2, a called 160 acre tract described in document to Horace Kenneth Proffitt, Et Ux, recorded in Volume 175, Page 300 of the Deed Records of Burnet County, Texas, along the north right-of-way line of F.M. Highway No. 2147, for the southeast corner hereof;

THENCE along the south line of said Moustapha Abou-Samra tract and hereof and the north right-of-way line of said Highway, the following courses and distances:

- 1) North 88°54'36" West, a distance of 259.72' to a TXDOT Type 1 concrete right-of-way monument;
- 2) North 87°30'06" West, a distance of 56.76' to a 1/2" iron pin set with a Cuplin property Cap;
- 3) Along a curve to the left having an arc length of 385.45', a radius of 1195.92', a chord bearing of North 80°45'38" West, and a chord length of 383.78' to a calculated point at the southwest corner of said Moustapha Abou-Samra tract at the southeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, recorded in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, for the Southwest corner hereof, whence a 1/2" iron pin found bears South 01°34'56" East, a distance of 0.92';

THENCE along the west line of said Moustapha Abou-Samra tract and hereof, generally along a fence, the following courses and distances:

- 1) North 01°34'56" West, a distance of 1332.86' to a 3" steel pipe fence post at the northeast corner of said Dockery tract and the southeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas;
- 2) North 01°47'53" West, a distance of 2118.97' to a 3" steel pipe fence post at a southerly northeast corner of said 283.453 acre tract and the southeast corner of a called 4.88 acre tract described in document to Gridiron Creek Ranch, Ltd, recorded in Document No. 201809528 of the Official Public Records of Burnet County, Texas;
- 3) North 01°38'52" West, a distance of 358.97' to a 6" cedar fence post
- 4) North 02°19'35" West, at a distance of 747.7' pass a 6" cedar fence post at a northeast corner of said 4.88 acre tract and for a total distance of 1272.45' to a calculated point called to be along the record southerly low bank of the Colorado River, presently inundated by the waters of Lake Travis at the northwest corner of said Moustapha Abou-Samra tract, for the northwest corner hereof;

THENCE along the north line of said Moustapha Abou-Samra tract and hereof called to be the southerly record low bank of the Colorado River, presently inundated by the waters of Lake Travis, the following courses and distances:

- 1) South 72°34'17" East, a distance of 209.53' to a calculated point;
- 2) North 65°26'13" East, a distance of 554.71' to a calculated point at the northeast corner of said Moustapha Abou-Samra tract and the northwest corner of said Proffitt tract, for the northeast corner hereof;

THENCE along the east line of said Moustapha Abou-Samra tract and hereof and the west line of said Proffitt tract, the following courses and distances:

- 1) South 41°07'43" East, at a distance of 141.03' pass a 32" live oak tree and continuing generally along a fence, for a total distance of 386.53' to a 6" cedar fence post;
- 2) South 31°05'47" West, generally along a fence, a distance of 456.44' to a 1/2" iron pin found;
- 3) South 01°41'58" East, generally along a fence, at a distance of 369.77' pass 3.3' east of a 6" cedar fence post, at a distance of 1041.59' pass 4.45' east of a 6" cedar fence post, at a distance of 2909.31' pass 0.30' west of a 6" cedar fence post, at a distance of 4030.01' pass a 6" cedar fence post on line, for a total distance of 4637.43, to the POINT OF BEGINNING, and containing 84.05 acres, more or less.

CUPPLIN & ASSOCIATES
SURVEYORS

LEGEND

- ① 4" STEEL PIPE FOUND
- ② SYSTEM SPRINKLER FOUND
- ③ CURE POINT
- ④ VOLUME/PRICE
- ⑤ P.A.R.C. PLAT RECORDS BURKET CO.
- ⑥ D.B.R.C. DEED RECORDS BURKET CO.
- ⑦ P.A.R.C. PLAT RECORDS BURKET CO.
- ⑧ D.B.R.C. DEED RECORDS BURKET CO.
- ⑨ D.B.R.C. DEED RECORDS BURKET CO.
- ⑩ C.V. CONTROLLING MONUMENT
- ⑪ RECORD INFO/ADJUST
- ⑫ RECORD ADJUSTMENT
- ⑬ UNITARY POLE
- ⑭ EXTENDED DUTY
- ⑮ WIRE FENCE

NOTES

- 1) PORTIONS OF THE SUBJECT PROPERTY ARE LOCATED WITHIN POLE AS (ARRELS) WITHIN THE (100 YD FLOOD) AS ORIGINALLY DESCRIBED ON TOLLA F.I.R.M., MAP NO. 20100018550-10, EFFECTIVE 2/13/2012.
- 2) DATE OF RECORDS ARE TO THE TEXAS COMMISSION SYSTEM, CENTRAL FILE, ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, A CONVERSION SCALE FACTOR OF 1.000123802117 WAS APPLIED.
- 3) SUBJECT TO ALL CURRENT SUBDIVISION REGULATIONS OF BURKET COUNTY, TEXAS.
- 4) 2017 AERIAL PHOTO PROVIDED BY GOOGLE EARTH.

LAND TITLE SURVEY

LEGAL DESCRIPTION: BEING A 4.88 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, DISTRICT NO. 88 IN BURKET COUNTY, TEXAS, AND BEING OUT OF A CALLED 4.878 ACRE TRACT DESCRIBED IN DOCUMENT TO RONALD O. GRAHAM AND VITE, PHYLLIS GRAHAM, RECORDED IN VOLUME 182, PAGE 638 OF THE DEED RECORDS OF BURKET COUNTY, TEXAS, SAID 4.88 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION OF EVEN DATE TO ACCOMPANY THIS SURVEY.

EXCLUSIVELY TO THE PARTIES INVOLVED IN THE TITLE COMMITMENT PREPARED BY HIGHLAND LAKES TITLE CO., INC. 20100018550-10 EFFECTIVE DATE: AUGUST 7, 2018 ISSUED: AUGUST 10, 2018

SCHEDULE "B" ITEMS FOR THE ABOVE OUTLINED TITLE COMMITMENT THAT PERTAIN TO EASEMENTS AND SETBACK RESTRICTIONS ARE LISTED AND SUBJECT TO THE FOLLOWING:

SUBJECT TO CURRENT TERMS AND CONDITIONS OF LAND USE AND SUBDIVISION REGULATIONS OF BURKET COUNTY, TEXAS

RESTRICTIVE COVENANTS: HEREBY DELETED

I HEREBY CERTIFY EXCLUSIVELY TO HIGHLAND LAKES TITLE, ORIGINATOR ORIGIN, LTD., THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2018, CUPPLIN & ASSOCIATES, INC. CO.

Ky P. Cuppl DATED 8/27/2018
STATE OF TEXAS, P.A.R.C. NO. 18550

PREPARED FOR: HIGHLAND LAKES TITLE CO.	DATE: 8/27/2018	SCALE: 1" = 700'	DATE: 8/27/2018
BY: KY P. CUPPLIN	DATE: 8/27/2018	SCALE: 1" = 700'	DATE: 8/27/2018
REVIEWED BY: KY P. CUPPLIN	DATE: 8/27/2018	SCALE: 1" = 700'	DATE: 8/27/2018
APPROVED BY: KY P. CUPPLIN	DATE: 8/27/2018	SCALE: 1" = 700'	DATE: 8/27/2018

REVISIONS

ADMINISTRATIVE INFORMATION REPORT

EXHIBIT 4

SURFACE WATER RIGHTS CHANGE OF OWNERSHIP FORM

This Form is required to update the TCEQ ownership records of surface water rights in Texas. Submit a separate form for each water right. **See accompanying instructions regarding completion of this Form.** If you require additional assistance, you may contact the Water Rights Compliance Assurance Team (WRCAT) at (512) 239-4600.

1. Indicate: **Water Rights Permit No.** _____ and **River Basin No.** _____, *or*
Certificate of Adjudication No. CA 14-2634
2. Provide the contact information for the person TCEQ may contact while processing this form. Please verify that the mailing address is recognized by the US Postal Service (USPS) on the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.
Contact Name: Lynn Sherman, Attorney at Law
Mailing Address: P. O. Box 5605
City: _____ State: _____ ZIP Code + four: 78763
Telephone No(s). Home: _____ Office: 512/431-6515
Email Address: lsherman@h2otx.com
3. Provide the Full Legal Name of each new owner of the water right and the address information of each owner (for Notices and communications once the water right ownership has been updated) in the spaces below. ****Note - The names of the new owner(s) must match the legal recorded conveyance documents that prove the change of ownership. Additionally, if a new owner is an entity, the legal name must match the name as filed with the Texas Secretary of State, County, or any other legal documents forming the entity.***

Please verify that the mailing address is recognized by the USPS website at <https://tools.usps.com/go/ZipLookupAction!input.action>.

First New Owner's Name(s): Gridiron Creek Ranch - River Bluff, Ltd.
Mailing Address: P.O. Box 758
City: Spicewood State: Texas ZIP Code + four: 78669
Telephone No(s). Home: _____ Office: 512/632-5724
Email Address: doylesimons@earthlink.net

Submit additional new owners name(s) and address(es) below or on a supplemental sheet.

Additional New Owner(s) Contact Information:

N.A.

- a. Is any new owner a Corporation, a Limited Partnership, a Limited Liability Company, or Limited Liability Partnership registered with the Texas Secretary of State?
Yes or No YES.

If yes, provide Secretary of State Filing Number(s): 804284052. You may verify an entity's name and filing number at <http://www.sos.state.tx.us/corp/sosda/index.shtml>

4. If a new owner is currently a customer with the TCEQ, provide the Customer Number (CN) below. You may search for an Owner's CN on the TCEQ website at <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN: _____ (leave blank if the new owner does not yet have a CN).

5. Pursuant to [Title 30 Texas Administrative Code \(TAC\) Sections 297.81-297.83](#), relating to Conveyances of Land and Water Rights, **the following additional items must be submitted or the Form may be returned without processing.**

- a. This "**Change of Ownership**" Form fully completed, signed.
- b. Documents establishing a **complete chain of title** from the owner of record to the new owner. All such conveyance documents must be copies of **Certified** and/or **Recorded** documents on file in applicable county property records. (These documents usually consist of **deeds and other such conveyances or**, in case of an inheritance usually, the (a) **will**, (b) **probate order** and (c) **will inventory**.) Include as attachments to this submission copies of these conveyance documents. If your files are too large to be submitted via e-mail, utilize TCEQ's FTP ([FTP Help Site](#)), and e-mail [WRCAT](#) for directions on how to transfer these files. **DEEDS ATTACHED**
- c. **\$100 recording fee** for processing the Change of Ownership Form for the water right. Make your remittance payable at [TCEQ ePay](#). Please indicate your voucher number or provide a copy in the submission e-mail. **FEE ATTACHED**

6. **Please Note** - if the water right is located in an area of a river basin under the jurisdiction of a TCEQ Watermaster, the water right may not be used if there are any outstanding penalties, fees, or interest related to the water right. You may contact the applicable Watermaster to verify there are no outstanding fees, penalties, and interest related to the water right. **Rio Grande Watermaster, (956) 430-6046; Concho Watermaster and South Texas Watermaster, (210) 490-3096; Brazos Watermaster, (254) 761-3006. N.A.**

I certify that the Surface Water Rights Change of Ownership Form submitted is complete and accurate to the best of my knowledge. By entering my name below and pressing the “Sign and Submit” button, I certify that:

1. I, Doyle R. Simons, am of sound mind.
2. I have the authority to submit this information.
3. I am knowingly and intentionally submitting a Surface Water Rights Change of Ownership Form for the above state Surface Water Right.
4. I am aware that an owner of a water right or his or her agent shall promptly inform the Executive Director of any transfer of water right or change of the owner’s address.
5. I am aware that intentionally or knowingly making or causing to be made false material statements or representation in this Surface Water Rights Change of Ownership Form is a criminal offense subject to criminal penalties.
6. By entering my name and pressing the “Sign and Submit” button, I am executing an electronic signature equivalent to my written signature.

☐ This signature constitutes an electronic signature legally equivalent to my written signature.

Signature (Required) 

SIGN and SUBMIT

Submit, E-mail, or Mail this completed form and all required items to:

**Texas Commission on Environmental Quality
Water Rights Compliance Assurance Team (WRCAT)
PO Box 13088, MC-160
Austin, Texas 78711-3088**

Telephone (512) 239-4600

WRCOO@tceq.texas.gov

ATTACHMENTS

Deeds establishing chain of title from
the owner of record to the new owner

1. **CA 14-2634 Owner of Record, Moustapha Abou- Samra, et ux (Joan E. Abou-Samra)**, Co-Trustees of the Abou-Samra 2013 Revocable Trust dated August 2, 2013, conveying the 84.05 acres to **Gridiron Creek Ranch, Ltd.**
2. **Gridiron Creek Ranch, Ltd.** conveying the 84.05 acres to **Doyle R. Simons and Joan Alane Simons**. (See Exhibit A to deed, No. 4 re: "Abou-Samra Trust Tract")
3. **Doyle R. Simons and Joan Alane Simons** conveying the 84.05 acres to **Gridiron Creek Ranch – River Bluff, Ltd.** (See Exhibit A to deed, No. 3 re: "Abou-Samra Trust Tract")

202103835

ELECTRONICALLY RECORDED

Official Public Records

3/15/2021 11:28 AM



Janet Parker

Janet Parker, County Clerk

Burnet County, TX

Pages: 5

D

Fee: \$ 42.00

GF#2021020718B-MF

WARRANTY DEED

(Burnet County, Texas)

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.

Date: Executed as of date of acknowledgement to be effective March 15, 2021

Grantor: MOUSTAPHA ABOU-SAMRA and JOAN E. ABOU-SAMRA, Co-Trustees of THE ABOU-SAMRA 2013 REVOCABLE FAMILY TRUST dated August 2, 2013

Grantor's Mailing Address: 3838 E. FM 2147, Marble Falls, Burnet County, Texas 78654

Grantee: GRIDIRON CREEK RANCH, LTD, a Texas limited partnership

Consideration: Cash and other good and valuable consideration.

Property (including any improvements):

Being 84.05 acres of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, Burnet County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights (including those water rights referenced in Certificate of Adjudication No. 002634), claims, permits, strips and gores, easements, and cooperative or association memberships.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

(1) Restrictions, covenants, conditions, easements and reservations, if any, relating to the Property, but only to the extent they are still in effect, shown of record in Burnet County, Texas;

(2) All zoning laws, regulations, and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the Property;

(3) Ad valorem taxes and assessments for the current calendar year have been prorated as of the date hereof, and Grantee assumes and agrees to pay all taxes and assessments for the current year prior to delinquency. This conveyance of the Property to Grantee, or a subsequent change in the use of the Property, may result in the imposition of additional tax plus interest as a penalty for the conveyance or the change in use of the Property. Grantee assumes and agrees to pay any additional

taxes which may be assessed against the Property for any prior years as a result of this conveyance or any change in usage of the Property by Grantee, or Grantee's heirs, successors and assigns.

Grantor, for the Consideration, receipt of which is acknowledged, and subject to the Reservations from Conveyance 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 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 Conveyance and Exceptions to Conveyance and Warranty.

The contract between Grantor as the Seller and Grantee as the Buyer may contain obligations or limitations as to warranties. To the extent the contract provides for such obligations or limitations to survive the contract or this conveyance, then the obligations or limitations shall be deemed incorporated in this deed by reference. The warranty of title in this deed is not affected by and is expressly excluded from the limitations described in this paragraph.

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

THE ABOU-SAMRA 2013 REVOCABLE
FAMILY TRUST dated August 2, 2013

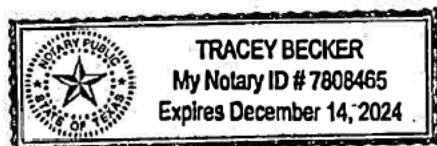
By: 
MOUSTAPHA ABOU-SAMRA, Trustee

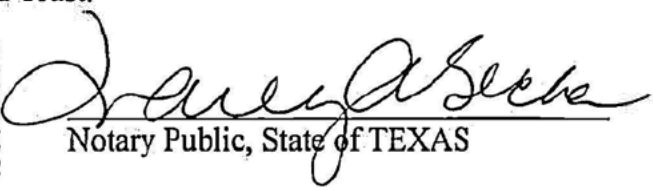
By: 
JOANE E. ABOU-SAMRA, Trustee

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BURNET §

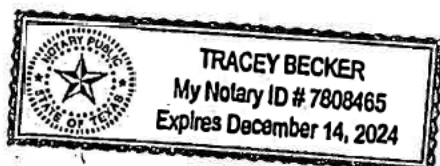
This instrument was acknowledged before me on March 15, 2021, by MOUSTAPHA ABOU-SAMRA, Trustee of THE ABOU-SAMRA 2013 REVOCABLE FAMILY TRUST dated August 2, 2013, on behalf of said Trust.




Notary Public, State of TEXAS

STATE OF TEXAS §
 §
COUNTY OF BURNET §

This instrument was acknowledged before me on March 15, 2021, by JOANE. ABOU-SAMRA, Trustee of THE ABOU-SAMRA 2013 REVOCABLE FAMILY TRUST dated August 2, 2013, on behalf of said Trust.



Tracey Becker
Notary Public, State of TEXAS

Grantee's Mailing Address:
(REQUIRED FOR FILING)

P O Box 758

Spicewood, TX 78669

After Recording Return To:
HIGHLAND LAKES TITLE
PO Box 177
Marble Falls, Texas 78654

BEING A 84.05 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NUMBER 66 IN BURNET COUNTY, TEXAS AND BEING ALL OF A CALLED 84.05 ACRE TRACT DESCRIBED IN DOCUMENT TO MOUSTAPHA ABOU-SAMRA, ET AL, RECORDED IN DOCUMENT NO. 201902361 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 84.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT Type I concrete right-of-way monument at the southeast corner of said Moustapha Abou-Samra tract and hereof and the southwest corner of Tract 2, a called 160 acre tract described in document to Horace Kenneth Proffitt, Et Ux, recorded in Volume 175, Page 300 of the Deed Records of Burnet County, Texas, along the north right-of-way line of F.M. Highway No. 2147, for the southeast corner hereof;

THENCE along the south line of said Moustapha Abou-Samra tract and hereof and the north right-of-way line of said Highway, the following courses and distances:

- 1) North 88°54'36" West, a distance of 259.72' to a TXDOT Type I concrete right-of-way monument;
- 2) North 87°30'06" West, a distance of 56.76' to a 1/2" iron pin set with a Cuplin property Cap;
- 3) Along a curve to the left having an arc length of 385.45', a radius of 1195.92', a chord bearing of North 80°45'38" West, and a chord length of 383.78' to a calculated point at the southwest corner of said Moustapha Abou-Samra tract at the southeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, recorded in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, for the Southwest corner hereof, whence a 1/2" iron pin found bears South 01°34'56" East, a distance of 0.92';

THENCE along the west line of said Moustapha Abou-Samra tract and hereof, generally along a fence, the following courses and distances:

- 1) North 01°34'56" West, a distance of 1332.86' to a 3" steel pipe fence post at the northeast corner of said Dockery tract and the southeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas;
- 2) North 01°47'53" West, a distance of 2118.97' to a 3" steel pipe fence post at a southerly northeast corner of said 283.453 acre tract and the southeast corner of a called 4.88 acre tract described in document to Gridiron Creek Ranch, Ltd, recorded in Document No. 201809528 of the Official Public Records of Burnet County, Texas;
- 3) North 01°38'52" West, a distance of 358.97' to a 6" cedar fence post
- 4) North 02°19'35" West, at a distance of 747.7' pass a 6" cedar fence post at a northeast corner of said 4.88 acre tract and for a total distance of 1272.45' to a calculated point called to be along the record southerly low bank of the Colorado River, presently inundated by the waters of Lake Travis at the northwest corner of said Moustapha Abou-Samra tract, for the northwest corner hereof;

THENCE along the north line of said Moustapha Abou-Samra tract and hereof called to be the southerly record low bank of the Colorado River, presently inundated by the waters of Lake Travis, the following courses and distances:

- 1) South 72°34'17" East, a distance of 209.53' to a calculated point;
- 2) North 65°26'13" East, a distance of 554.71' to a calculated point at the northeast corner of said Moustapha Abou-Samra tract and the northwest corner of said Proffitt tract, for the northeast corner hereof;

THENCE along the east line of said Moustapha Abou-Samra tract and hereof and the west line of said Proffitt tract, the following courses and distances:

- 1) South 41°07'43" East, at a distance of 141.03' pass a 32" live oak tree and continuing generally along a fence, for a total distance of 386.53' to a 6" cedar fence post;
- 2) South 31°05'47" West, generally along a fence, a distance of 456.44' to a 1/2" iron pin found;
- 3) South 01°41'58" East, generally along a fence, at a distance of 369.77' pass 3.3' east of a 6" cedar fence post, at a distance of 1041.59' pass 4.45' east of a 6" cedar fence post, at a distance of 2909.31' pass 0.50' west of a 6" cedar fence post, at a distance of 4030.01' pass a 6" cedar fence post on line, for a total distance of 4637.43, to the POINT OF BEGINNING, and containing 84.05 acres, more or less.



Janet Parker, County Clerk

Burnet County, TX

Pages: 14

D

Fee: \$ 78.00

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
(DISTRIBUTION DEED)**

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

KNOW ALL MEN BY THESE PRESENTS:

THAT, GRIDIRON CREEK RANCH, LTD., a Texas limited partnership ("Grantor"), as a distribution from Grantor to the DOYLE R. SIMONS and JOAN ALANE SIMONS, its limited partners (collectively, "Grantees"), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has GRANTED, DISTRIBUTED, CONVEYED, ASSIGNED AND DELIVERED and by these presents does GRANT, DISTRIBUTE, CONVEY, ASSIGN AND DELIVER, all of Grantor's right, title and interest in and to the real property situated in Burnet County, Texas (the "Property"), and described in Exhibit A attached hereto and made a part hereof for all purposes, together with all and singular the rights, privileges, hereditaments, and appurtenances pertaining to such real property, to the Grantees in undivided interests in the percentages set forth opposite their respective names below:

<u>Grantees</u>	<u>Percentage Interest</u>
Doyle R. Simons 1720 CR 404 Spicewood, Texas 78669	50%
Joan Alane Simons 1720 CR 404 Spicewood, Texas 78669	50%

For the same consideration recited above, Grantor hereby GRANTS, CONVEYS, ASSIGNS AND DELIVERS without warranty (notwithstanding the special warranty of title set forth below), express or implied, an undivided interest of Grantor, if any, in (i) strips or gores between the Property and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the improvements, rights, and appurtenances thereto in any wise belonging, unto Grantees, their respective successors and assigns forever; and Grantor does hereby bind itself and its heirs, executors, administrators, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantees, their respective successors and assigns, against every person whomsoever lawfully claiming or to claim

part of the Property that are not valid and existing as of the date hereof.

Additional Property: For the same consideration recited above, Grantor hereby GIVES, CONTRIBUTES, GRANTS, TRANSFERS, and CONVEYS without warranty, express or implied, all of the interest, if any, of Grantor in (i) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land.

Grantor, for the consideration and subject to the Exceptions to Conveyance and Warranty, GIVES, CONTRIBUTES, GRANTS, TRANSFERS 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 successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, legal representatives and 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, and except as to the Exceptions to Conveyance and Warranty.


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

THE PARTIES HERETO ACKNOWLEDGE THAT NO RESPONSIBILITY FOR THE VALIDITY OF REAL ESTATE TITLE IS ASSUMED BY THE FIRM AND/OR THE ATTORNEY PREPARING THIS INSTRUMENT.

[SIGNATURE AND NOTARY ON THE FOLLOWING PAGE]

EXECUTED on the date set forth in the acknowledgments below to be effective as of October 20, 2021.

GRIDIRON CREEK RANCH, LTD.,
a Texas limited partnership
GRIDIRON CREEK RANCH GP, LLC,
a Texas limited liability company and its
Managing General Partner

By: 
Doyle R. Simons, Manager

By: 
Joan Alane Simons, Manager

THE STATE OF TEXAS

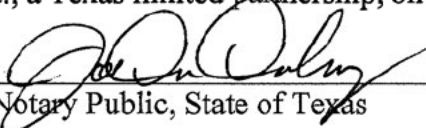
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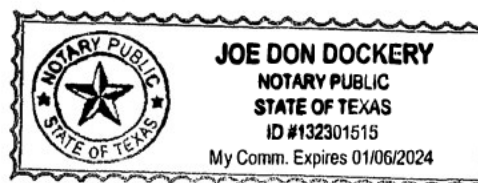
COUNTY OF BURNET

§

§

This instrument was acknowledged before me on October 27, 2021, by Doyle R. Simons, Manager of Gridiron Creek Ranch GP, LLC, a Texas limited liability company and the Managing General Partner of Gridiron Creek Ranch, Ltd., a Texas limited partnership, on behalf of such entities.


Notary Public, State of Texas



THE STATE OF TEXAS

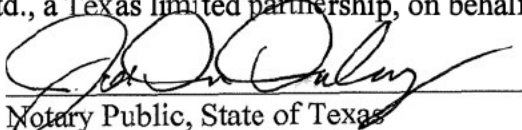
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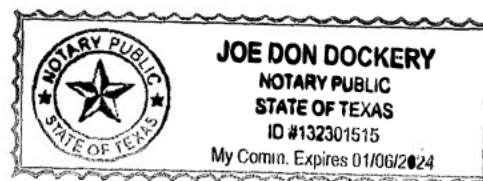
COUNTY OF BURNET

§

§

This instrument was acknowledged before me on October 27, 2021, by Joan Alane Simons, Manager of Gridiron Creek Ranch GP, LLC, a Texas limited liability company and the Managing General Partner of Gridiron Creek Ranch, Ltd., a Texas limited partnership, on behalf of such entities.


Notary Public, State of Texas



AFTER RECORDING RETURN TO:

DuBois, Bryant & Campbell LLP

Attn: Michele Mobley

303 Colorado, Suite 2300

Austin, Texas 78701

EXHIBIT A

1. **CEWY Limited Partnership Tract.** A 341.98 acre tract of land out of the William R. Roberts Survey No. 13, Abstract No. 714 and the Benjiman J. White Survey No. 443, Abstract No. 991 in Burnet County, Texas; said 341.98 acre tract of land being more specifically described by metes and bounds in **Exhibit A-1** attached hereto and made a part hereof for all purposes.
2. **Vinson Tract.**
 - a. A 283.453 acre tract of land, more or less, out of the N.M. Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-2(a)** attached hereto and made a part hereof for all purposes;
 - b. A 1.233 acre non-exclusive access easement out of the N.M. Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-2(b)** attached hereto and made a part hereof for all purposes; and
 - c. Together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
3. **Graham Tract.** A. 4.88 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-3** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
4. **Abou-Samra Trust Tract.** A. 84.05 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-4** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights (including those water rights referenced in Certificate of Adjudication No. 002634), claims, permits, strips and gores, easements and cooperative or association memberships.

HAMBRIGHT LAND SURVEYINGP.O. BOX 1226
JOHNSON CITY, TEXAS 78636PHONE: (830) 868-2574
FAX: (830) 868-2576

JANUARY 8, 2013, JOB NO. 013-001, FIELD NOTE NO. 013-001,
PROJECT: 341.98 ACRES

FIELD NOTES

A DESCRIPTION OF A 341.98 ACRE TRACT OF LAND BEING ALL OF THAT 341.995 ACRE TRACT OF LAND DESCRIBED IN CLERKS FILE NO. 200809637 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SITUATED IN THE WILLIAM R. ROBERTS SURVEY NO. 13, ABSTRACT NO. 714 AND THE BENJIMAN J. WHITE SURVEY NO. 443, ABSTRACT NO. 991 IN SAID COUNTY, SAID 341.98 ACRES AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found for the southwest corner of said 341.98 acres, being in the north line of tract of land conveyed to Lower Colorado River Authority (LCRA) being described in Volume 546, Page 901 of the Official Public Records of said County and being the southeast corner of remaining portion of that certain 481.4 acre tract of land described in Volume 113, Page 443 of the Deed Records of said County;

THENCE along the west line of said 341.98 acres, being the east line of said remaining portion of 481.4 acres, the following five (5) courses:

1. N07°10'27"E, 1060.02 feet to a ½ inch iron rod found,
2. N19°33'34"E, 1087.11 feet to a ½ inch iron rod found,
3. N37°49'27"E, 774.62 feet to a ½ inch iron rod found,
4. N60°56'54"E, 493.18 feet to a ½ inch iron rod found,
5. N05°53'27"E, 383.82 feet to a ½ inch iron found for the northwest corner of said 341.98 acres, being the southwest corner of that certain tract of land described in Volume 1209, Page 1010 of the Official Public Records of said County;

THENCE along the north line of said 341.98 acres, being the south line of said tract described in Volume 1209, Page 1010, the following six (6) courses:

1. N87°37'30"E, 1257.02 feet to a ½ inch iron rod set,
2. S51°20'33"E, 305.00 feet to a ½ inch iron rod found,
3. N62°22'10"E, 682.01 feet to a ½ inch iron rod found,
4. S80°32'33"E, 1561.03 feet to a ½ inch iron rod found,
5. S18°39'53"E, 265.02 feet to a ½ inch iron rod found,
6. S78°49'02"E, at 631.27 feet pass a 60d nail found, a total distance of 1100.00 feet to a calculated point in the original low bank of the Colorado River (Lake Travis) for the northeast corner of said 341.98 acres, being the southeast corner of said tract described in Volume 1209, Page 1010;

HAMBRIGHT LAND SURVEYING

P.O. BOX 1226
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574
FAX: (830) 868-2576

THENCE along the east line of said 341.98 acres, being the original low bank of said River, S20°35'14"W, 1260.00 feet to a point and S03°45'37"E, 675.37 feet to a point for the southeast corner of said 341.98 acres, being the northeast corner of said LCRA tract described in Volume 546, Page 901;

THENCE along the south line of said 341.98 acres, being the north line of said LCRA tract described in Volume 546, Page 901, the following ten (10) courses;

1. S86°10'54"W, 226.87 feet to a ½ inch iron rod found,
2. N89°35'47"W, 111.39 feet to a ½ inch iron rod found,
3. S89°17'49"W, 1281.55 feet to a ½ inch iron rod found,
4. N85°14'03"W, 180.63 feet to a ½ inch iron rod found,
5. S89°17'52"W, 1387.08 feet to a 3 inch metal post,
6. S00°14'30"W, 839.57 feet to a 3 inch metal post,
7. S89°32'06"W, 541.92 feet to a calculated point,
8. S89°32'06"W, 964.46 feet to a 3 inch metal post,
9. S47°19'12"W, 13.99 feet to a 3 inch metal post,
10. S89°23'48"W, 1218.48 feet to the POINT OF BEGINNING containing 341.98 acres of land, more or less.



BEING A 283.453 ACRE TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE JNO. BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING ALL OF A 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND FURTHER INCLUDING APPROXIMATELY 15 ACRES OF LAND LYING BELOW THE APPROXIMATE 681 ELEVATION CONTOUR OF LAKE TRAVIS, SAID 283.453 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at a northerly southeast corner of said Vinson tract and the northeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Samra, Et Ux in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for a northerly southeast corner hereof;

THENCE North 76°13'45" West, along a south line of said 246.13 acre tract and hereof, generally along a fence, and the north line of said Dockery tract of record in Volume 481, then the north line of a 10.00 acre tract described in document to Joe Don Dockery, Et Al in Volume 1358, Page 959 of the Official Public Records of Burnet County, Texas, then the north line of a remnant of a 142.41 acre tract described in document to M.F. O'Connor, III in Volume 295, Page 818 of the Deed Records of Burnet County, Texas, and then a called 19.38 acre tract described in document to William Mitchell, III, Et Al in Document No. 201408951 of the Official Public Records of Burnet County, Texas, for a total distance of 1947.21' to a 4" steel pipe fence post at the northwest corner of said Mitchell tract, for an interior corner of said Vinson tract and hereof;

THENCE South 06°36'03" West, along an east line of said Vinson tract, generally along a fence, and the west line of said Mitchell tract and then the west line of a called 15.00 acre tract described in document to E.P. Benini, in Document No. 201502349, of the Official Public Records of Burnet County, Texas, a distance of 1591.11' to a 4" steel pipe fence post at the most southerly southeast corner of said Vinson tract and hereof at the northeast corner of a called 2.95 acre tract described in document to Jose Rojas, Et Ux in Volume 1260, Page 985 of the Official Public Records of Burnet County, Texas;

THENCE South 81°30'38" West, along the south line of said Vinson tract and hereof, generally along a fence, and the north line of said 2.95 acre tract, and then the north line of a called 3.00 acre tract described in document to Alvaro Rojas, Sr., Et Al in Document No. 200906296 of the Official Public Records of Burnet County, Texas and then the north line of a called 2.00 acre tract described in document to Lola B. Gillette in Document No. 201401715 of the Official Public Records of Burnet County, Texas, at a distance of 1151.20' pass the northeast corner of a 20' wide access easement of record in Volume 71, Page 395 of the Deed Records of Burnet County, Texas also being on the east side of a roadway and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, for a total distance of 1171.34' to a 4" steel pipe fence post at the northwest corner of said 2.00 acre tract and said access easement, and the southwest corner of said Vinson tract and hereof, along the east line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd in Volume 877, Page 318 of the Official Public Records of Burnet County, Texas;

THENCE along the common line of said Vinson tract and said Richter tract, generally along and east of a fence, the following courses and distances:

- 1) North 01°20'16" West, a distance of 1219.34' to a 4" steel pipe fence post;
- 2) North 02°25'17" West, at a distance of 1564.28' pass 5.7' east of a 4" steel pipe fence post, at a distance of 3163.62' pass a 4" steel pipe fence post at the end of said fence near the waters of Lake Travis/Colorado River, thence over and across said waters, for a total distance of 4413.29' to a calculated corner inundated by said waters at the northeast corner of said Richter tract and the northwest corner of said Vinson tract, along the approximate record south bank of the Colorado River;

THENCE with the approximate record south bank of said Colorado River and its meanders, along a line of calculated corners, the following courses and distances:

- 1) South 66°56'55" East, a distance of 608.04';
- 2) South 29°44'44" East, a distance of 512.64';
- 3) South 56°25'22" East, a distance of 525.83';
- 4) South 79°07'16" East, a distance of 250.44';
- 5) South 85°20'54" East, a distance of 601.14';
- 6) South 88°39'48" East, a distance of 417.33';
- 7) North 89°33'22" East, a distance of 418.86';
- 8) North 84°19'50" East, a distance of 228.64' to a calculated corner at the intersection of the west line of a called 4.878 acre tract described in document to Ronald G. Graham, Et Ux in Volume 182, Page 639 of the Deed Records of Burnet County, Texas and said approximate record river bank, for the northeast corner hereof;

THENCE along the east line of said Vinson tract and hereof the following courses and distances:

- 1) South 01°51'50" East, at a distance of 25.02' pass the record northwest corner of said Graham tract, at a distance of 217.23' pass a 4" steel pipe fence post, and continuing generally along a fence, at a distance of 1034.18' pass a 4" steel pipe fence post on the north side of a gate, roadway, and said apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, and crossing said gate, roadway, and easement, for a total distance of 1172.62' to a 4" steel pipe fence corner post at the southwest corner of said Graham tract;
- 2) North 88°17'03" East, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post at the southeast corner of said Graham tract along the west line of said 84.05 acre tract;
- 3) South 01°47'53" East, along the west line of said 84.05 acre tract, generally along a fence, a distance of 2118.97', to the Point of Beginning, and containing 283.453 acres, more or less.

BEING A 1.233 ACRE PROPOSED ACCESS TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE WM. WOODS SURVEY NO. 10, ABSTRACT NO. 990 IN BURNET COUNTY, TEXAS, AND EXTENDING FROM THE SOUTHWEST CORNER OF A CALLED 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A 283.453 ACRE TRACT, SURVEYED THIS DAY, AND INCLUDING ALL OF THAT 20' WIDE EASEMENT RESERVED ALONG THE WEST LINE OF A 144.60 ACRE TRACT OF RECORD IN VOLUME 71, PAGE 395 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 20' WIDE EASEMENT NOW CROSSING THE WEST 20' OF A CALLED 2.00 ACRE TRACT DESCRIBED IN DOCUMENT TO LOLA B. GILLETTE IN DOCUMENT NO. 201401715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, THE WEST 20' OF A CALLED 6.57 ACRE TRACT DESCRIBED IN DOCUMENT TO ALVARO ROJAS, SR., ET AL IN DOCUMENT NO. 200906296 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND THE WEST 20' OF A CALLED 15.00 ACRE TRACT DESCRIBED IN DOCUMENT TO PEYMAN BERENJI, ET AL IN DOCUMENT NO. 201510772, AND INCLUDING A 0.086 ACRE PORTION OF A REMNANT TRACT OF A CALLED 149.6 ACRE TRACT DESCRIBED IN DOCUMENT TO LARRY LEROY BOWLES IN VOLUME 532, PAGE 105 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS, AND FURTHER INCLUDING 0.282 ACRE PORTION OF AN APPARENT REMNANT TRACT OUT OF A CALLED 192 ACRE TRACT DESCRIBED IN DOCUMENT TO EDWARD EBELING, ET UX IN VOLUME 110, PAGE 274 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, AND EXTENDING TO THE NORTH RIGHT-OF-WAY LINE OF R.M. HIGHWAY NO. 2147, SAID 1.233 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at the southwest corner of said Vinson tract and said 283.453 acre tract, at the northwest corner of said Gillette tract, for the northwest corner hereof;

THENCE North 81°30'38" East, along the south line of said Vinson tract and said 283.453 acre tract and the north line of said Gillette tract, a distance of 20.14' to a calculated corner, for the northeast corner hereof;

THENCE South 01°44'52" East, along the east line of said 20' wide access easement, crossing said Gillette tract, said Rojas tract, and said Berenji tract, at a distance of 1880.81' cross the south line of said Berenji tract and said 144.60 acre tract and the north line of said Bowles tract, whence a 1/2" iron pin found at the southwest corner of said 144.60 acre tract and said Berenji tract and the northwest corner of said Bowles tract bears South 63°50'45" West 21.96', and continuing along an extension of the east line of said 20' wide access easement crossing said Bowles remnant tract, for a total distance of 2063.84' to a calculated corner along the north right-of-way line of said R.M. Highway No. 2147, for the southeast corner hereof;

THENCE South 45°19'06" West, along said Highway right-of-way line and the south line hereof, at a distance of a 27.32' pass the southwest corner of said Bowles remnant tract and the southeast corner of said Ebeling remnant tract, for a total distance of 56.78' to a calculated corner at the southwest corner of said Ebeling remnant tract and the southeast corner of a called 19.376 acre tract described in document to Richter Investment Partnership, Ltd in Volume 1125, Page 608 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE North 01°05'11" West, along the east line of said 19.376 acre tract and the west line of said Ebeling remnant tract, at a distance of 1.5' pass a 3" steel pipe fence post, for a total distance of 696.59' to a 1/2" iron pin found at the northwest corner of said Ebeling remnant tract and the northeast corner of said 19.376 acre tract along the south line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd, for a northwesterly corner hereof;

THENCE North 65°03'24" East, along the north line of said Ebeling tract and the south line of said 321.7 acre tract, a distance of 14.72' to a calculated corner at the southeast corner of said 321.7 acre tract and the northeast said Ebeling remnant tract along the west line of said 144.06 acre tract and the west line of said Berenji tract, for an interior corner hereof;

THENCE North 01°44'52" West, along the west line of said 144.06 acre tract, the west line of said Berenji tract, the west line of said Rojas tract, and the west line of said Gillette tract, a distance of 1397.80', to the Point of Beginning, and containing 1.233 acres, more or less.

BEING 4.88 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING OUT OF A CALLED 4.878 ACRE TRACT DESCRIBED IN DOCUMENT TO RONALD G. GRAHAM AND WIFE, PHYLLIS GRAHAM, RECORDED IN VOLUME 182, PAGE 639 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 4.88 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 4" cedar fence post at the southeast corner of said Graham tract and a southerly northeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Samra, Et Ux, recorded in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for the southeast corner hereof;

THENCE South $88^{\circ}17'03''$ West, along the south line of said Graham tract and hereof and a north line of said 283.453 acre tract, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post, at the southwest corner of said Graham tract and an interior corner of said 283.453 acre tract, for the southwest corner hereof;

THENCE North $01^{\circ}51'50''$ West, along the west line of said Graham tract and hereof and the east line of said 283.453 acre tract, generally along a fence, at a distance of 138.44', pass a 4" steel pipe fence post on the north side of a gate, roadway, and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, at a distance of 955.39', pass a 4" steel pipe fence post and leave said fence, continuing along an unfenced line, for a total distance of 1147.60' to a calculated point at the northwest corner of said Graham tract along the called the south bank of the Colorado River, called to be at an elevation of 683 ft. in said recorded Graham document, for the northwest corner hereof;

THENCE North $66^{\circ}11'10''$ East, along the north line of said Graham tract and hereof, with the south bank of said River, a distance of 160.30' to a calculated point at the record northeast corner of said Graham tract, for the northeast corner hereof;

THENCE South $17^{\circ}51'37''$ East, along the east line of said Graham tract and hereof, at a distance of 33.97', pass a 4" cedar fence post, and continuing, generally along a fence, for a total distance of 105.42' to a 6" cedar fence post on a high bank, along the west line of said 84.05 acre tract, for an angle point in the east line of said Graham tract and hereof;

THENCE along the east line of said Graham tract and the west line of said 84.05 acre tract, generally along a fence, the following courses and distances;

- 1) South $02^{\circ}19'35''$ East, a distance of 747.70' to a 6" cedar fence post;
- 2) South $01^{\circ}38'52''$ East, a distance of 358.97', to the **POINT OF BEGINNING**, and containing 4.88 acres, more or less,

BEING A 84.05 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NUMBER 66 IN BURNET COUNTY, TEXAS AND BEING ALL OF A CALLED 84.05 ACRE TRACT DESCRIBED IN DOCUMENT TO MOUSTAPHA ABOU-SAMRA, ET AL, RECORDED IN DOCUMENT NO. 201902361 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 84.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT Type I concrete right-of-way monument at the southeast corner of said Moustapha Abou-Samra tract and hereof and the southwest corner of Tract 2, a called 160 acre tract described in document to Horace Kenneth Proffitt, Et Ux, recorded in Volume 175, Page 300 of the Deed Records of Burnet County, Texas, along the north right-of-way line of F.M. Highway No. 2147, for the southeast corner hereof;

THENCE along the south line of said Moustapha Abou-Samra tract and hereof and the north right-of-way line of said Highway, the following courses and distances:

- 1) North 88°54'36" West, a distance of 259.72' to a TXDOT Type I concrete right-of-way monument;
- 2) North 87°30'06" West, a distance of 56.76' to a 1/2" iron pin set with a Cuplin property Cap;
- 3) Along a curve to the left having an arc length of 385.45', a radius of 1195.92', a chord bearing of North 80°45'38" West, and a chord length of 383.78' to a calculated point at the southwest corner of said Moustapha Abou-Samra tract at the southeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, recorded in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, for the Southwest corner hereof, whence a 1/2" iron pin found bears South 01°34'56" East, a distance of 0.92';

THENCE along the west line of said Moustapha Abou-Samra tract and hereof, generally along a fence, the following courses and distances:

- 1) North 01°34'56" West, a distance of 1332.86' to a 3" steel pipe fence post at the northeast corner of said Dockery tract and the southeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas;
- 2) North 01°47'53" West, a distance of 2118.97' to a 3" steel pipe fence post at a southerly northeast corner of said 283.453 acre tract and the southeast corner of a called 4.88 acre tract described in document to Gridiron Creek Ranch, Ltd, recorded in Document No. 201809528 of the Official Public Records of Burnet County, Texas;
- 3) North 01°38'52" West, a distance of 358.97' to a 6" cedar fence post
- 4) North 02°19'35" West, at a distance of 747.7' pass a 6" cedar fence post at a northeast corner of said 4.88 acre tract and for a total distance of 1272.45' to a calculated point called to be along the record southerly low bank of the Colorado River, presently inundated by the waters of Lake Travis at the northwest corner of said Moustapha Abou-Samra tract, for the northwest corner hereof;

THENCE along the north line of said Moustapha Abou-Samra tract and hereof called to be the southerly record low bank of the Colorado River, presently inundated by the waters of Lake Travis, the following courses and distances:

- 1) South $72^{\circ}34'17''$ East, a distance of 209.53' to a calculated point;
- 2) North $65^{\circ}26'13''$ East, a distance of 554.71' to a calculated point at the northeast corner of said Moustapha Abou-Samra tract and the northwest corner of said Proffitt tract, for the northeast corner hereof;

THENCE along the east line of said Moustapha Abou-Samra tract and hereof and the west line of said Proffitt tract, the following courses and distances:

- 1) South $41^{\circ}07'43''$ East, at a distance of 141.03' pass a 32" live oak tree and continuing generally along a fence, for a total distance of 386.53' to a 6" cedar fence post;
- 2) South $31^{\circ}05'47''$ West, generally along a fence, a distance of 456.44' to a 1/2" iron pin found;
- 3) South $01^{\circ}41'58''$ East, generally along a fence, at a distance of 369.77' pass 3.3' east of a 6" cedar fence post, at a distance of 1041.59' pass 4.45' east of a 6" cedar fence post, at a distance of 2909.31' pass 0.50' west of a 6" cedar fence post, at a distance of 4030.01' pass a 6" cedar fence post on line, for a total distance of 4637.43, to the **POINT OF BEGINNING**, and containing 84.05 acres, more or less.



Janet Parker

Janet Parker, County Clerk
Burnet County, TX

Pages: 12 D Fee: \$ 70.00

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
(CONTRIBUTION DEED)**

Effective Date: October 21, 2021

Grantor: DOYLE R. SIMONS and JOAN ALANE SIMONS

Grantor's Mailing Address:
1720 CR 404
Spicewood, Texas 78669
Burnet County

Grantee: GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., a Texas limited
partnership

Grantee's Mailing Address:
1720 CR 404
Spicewood, Texas 78669
Burnet, County

Consideration: Grantor conveys the Property (as defined in this Deed below) for the purpose of contributing to the capital of the Grantee in exchange for limited partnership interests in the Grantor and other valuable consideration paid to the Grantor, the receipt and sufficiency of which are hereby acknowledged.

Property: The tracts of land located in Burnet County, Texas and described on Exhibit A attached hereto and made a part hereof for all purposes (the "**Land**"), together with any and all improvements thereon and the rights, privileges, hereditaments, and appurtenances pertaining to such real property, and the Additional Property (as described below).

Reservations: None

Exceptions to Conveyance and Warranty: This deed is executed and delivered subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to all or any part of the Property, and standby fees, taxes and assessments by any taxing authority for the year of 2021, and subsequent years. Ad valorem taxes on the Property for the current and subsequent years are assumed by Grantee. Notwithstanding the Exceptions to Conveyance and Warranty set forth herein, Grantor does not by execution of this deed and the exceptions stated herein encumber, reinstate, ratify, confirm or affirm any prior restrictions, encumbrances, easements, covenants and conditions affecting all or any

part of the Property that are not valid and existing as of the date hereof.

Additional Property: For the same consideration recited above, Grantor hereby GIVES, CONTRIBUTES, GRANTS, TRANSFERS, and CONVEYS without warranty, express or implied, all of the interest, if any, of Grantor in (i) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land.

Grantor, for the consideration and subject to the Exceptions to Conveyance and Warranty, GIVES, CONTRIBUTES, GRANTS, TRANSFERS 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 successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, legal representatives and 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, and except as to the Exceptions to Conveyance and Warranty.

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

THE PARTIES HERETO ACKNOWLEDGE THAT NO RESPONSIBILITY FOR THE VALIDITY OF REAL ESTATE TITLE IS ASSUMED BY THE FIRM AND/OR THE ATTORNEY PREPARING THIS INSTRUMENT.

[SIGNATURE AND NOTARY ON THE FOLLOWING PAGE]

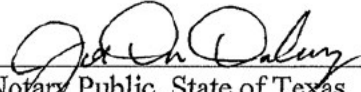
EXECUTED on the date set forth in the acknowledgments below to be effective as of the date first set forth above.

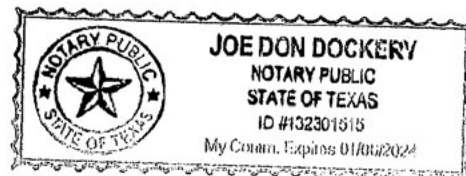

DOYLER, SIMONS


JOAN ALANE SIMONS

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

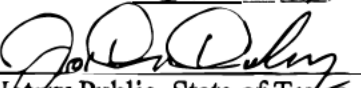
This instrument was acknowledged before me on October 27, 2021, by Doyle R. Simons.

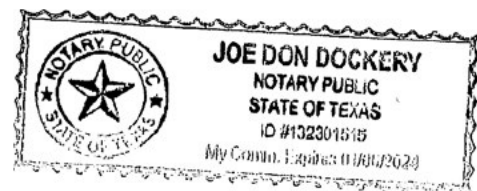

Notary Public, State of Texas



THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

This instrument was acknowledged before me on October 27, 2021, by Joan Alane Simons.


Notary Public, State of Texas



AFTER RECORDING RETURN TO:
DuBois, Bryant & Campbell LLP
Attn: Michele Mobley
303 Colorado, Suite 2300
Austin, Texas 78701

EXHIBIT A

1. **Vinson Tract.**
 - a. A 283.453 acre tract of land, more or less, out of the N.M. Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-1(a)** attached hereto and made a part hereof for all purposes;
 - b. A 1.233 acre non-exclusive access easement out of the N.M Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-1(b)** attached hereto and made a part hereof for all purposes; and
 - c. Together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
2. **Graham Tract.** A. 4.88 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-2** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
3. **Abou-Samra Trust Tract.** A. 84.05 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-3** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights (including those water rights referenced in Certificate of Adjudication No. 002634), claims, permits, strips and gores, easements and cooperative or association memberships.

BEING A 283.453 ACRE TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE JNO. BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING ALL OF A 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND FURTHER INCLUDING APPROXIMATELY 15 ACRES OF LAND LYING BELOW THE APPROXIMATE 681 ELEVATION CONTOUR OF LAKE TRAVIS, SAID 283.453 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at a northerly southeast corner of said Vinson tract and the northeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Sanwa, Et Ux in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for a northerly southeast corner hereof;

THENCE North 76°13'45" West, along a south line of said 246.13 acre tract and hereof, generally along a fence, and the north line of said Dockery tract of record in Volume 481, then the north line of a 10.00 acre tract described in document to Joe Don Dockery, Et Al in Volume 1358, Page 959 of the Official Public Records of Burnet County, Texas, then the north line of a remnant of a 142.41 acre tract described in document to M.F. O'Connor, III in Volume 295, Page 818 of the Deed Records of Burnet County, Texas, and then a called 19.38 acre tract described in document to William Mitchell, III, Et Al in Document No. 201408951 of the Official Public Records of Burnet County, Texas, for a total distance of 1947.21' to a 4" steel pipe fence post at the northwest corner of said Mitchell tract, for an interior corner of said Vinson tract and hereof;

THENCE South 06°36'03" West, along an east line of said Vinson tract, generally along a fence, and the west line of said Mitchell tract and then the west line of a called 15.00 acre tract described in document to E.P. Benini, in Document No. 201502349, of the Official Public Records of Burnet County, Texas, a distance of 1591.11' to a 4" steel pipe fence post at the most southerly southeast corner of said Vinson tract and hereof at the northeast corner of a called 2.95 acre tract described in document to Jose Rojas, Et Ux in Volume 1260, Page 985 of the Official Public Records of Burnet County, Texas;

THENCE South 81°30'38" West, along the south line of said Vinson tract and hereof, generally along a fence, and the north line of said 2.95 acre tract, and then the north line of a called 3.00 acre tract described in document to Alvaro Rojas, Sr., Et Al in Document No. 200906296 of the Official Public Records of Burnet County, Texas and then the north line of a called 2.00 acre tract described in document to Lola B. Gillette in Document No. 201401715 of the Official Public Records of Burnet County, Texas, at a distance of 1151.20' pass the northeast corner of a 20' wide access easement of record in Volume 71, Page 395 of the Deed Records of Burnet County, Texas also being on the east side of a roadway and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, for a total distance of 1171.34' to a 4" steel pipe fence post at the northwest corner of said 2.00 acre tract and said access easement, and the southwest corner of said Vinson tract and hereof, along the east line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd in Volume 877, Page 318 of the Official Public Records of Burnet County, Texas;

THENCE along the common line of said Vinson tract and said Richter tract, generally along and east of a fence, the following courses and distances:

- 1) North 01°20'16" West, a distance of 1219.34' to a 4" steel pipe fence post;
- 2) North 02°25'17" West, at a distance of 1564.28' pass 5.7' east of a 4" steel pipe fence post, at a distance of 3163.62' pass a 4" steel pipe fence post at the end of said fence near the waters of Lake Travis/Colorado River, thence over and across said waters, for a total distance of 4413.29' to a calculated corner inundated by said waters at the northeast corner of said Richter tract and the northwest corner of said Vinson tract, along the approximate record south bank of the Colorado River;

THENCE with the approximate record south bank of said Colorado River and its meanders, along a line of calculated corners, the following courses and distances:

- 1) South 66°56'55" East, a distance of 608.04';
- 2) South 29°44'44" East, a distance of 512.64';
- 3) South 56°25'22" East, a distance of 525.83';
- 4) South 79°07'16" East, a distance of 250.44';
- 5) South 85°20'54" East, a distance of 601.14';
- 6) South 88°39'48" East, a distance of 417.33';
- 7) North 89°33'22" East, a distance of 418.86';
- 8) North 84°19'50" East, a distance of 228.64' to a calculated corner at the intersection of the west line of a called 4.878 acre tract described in document to Ronald G. Graham, Et Ux in Volume 182, Page 639 of the Deed Records of Burnet County, Texas and said approximate record river bank, for the northeast corner hereof;

THENCE along the east line of said Vinson tract and hereof the following courses and distances:

- 1) South 01°51'50" East, at a distance of 25.02' pass the record northwest corner of said Graham tract, at a distance of 217.23' pass a 4" steel pipe fence post, and continuing generally along a fence, at a distance of 1034.18' pass a 4" steel pipe fence post on the north side of a gate, roadway, and said apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, and crossing said gate, roadway, and easement, for a total distance of 1172.62' to a 4" steel pipe fence corner post at the southwest corner of said Graham tract;
- 2) North 88°17'03" East, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post at the southeast corner of said Graham tract along the west line of said 84.05 acre tract;
- 3) South 01°47'53" East, along the west line of said 84.05 acre tract, generally along a fence, a distance of 2118.97', to the Point of Beginning, and containing 283.453 acres, more or less.

BEING A 1.233 ACRE PROPOSED ACCESS TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE WM. WOODS SURVEY NO. 10, ABSTRACT NO. 990 IN BURNET COUNTY, TEXAS, AND EXTENDING FROM THE SOUTHWEST CORNER OF A CALLED 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A 283.453 ACRE TRACT, SURVEYED THIS DAY, AND INCLUDING ALL OF THAT 20' WIDE EASEMENT RESERVED ALONG THE WEST LINE OF A 144.60 ACRE TRACT OF RECORD IN VOLUME 71, PAGE 395 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 20' WIDE EASEMENT NOW CROSSING THE WEST 20' OF A CALLED 2.00 ACRE TRACT DESCRIBED IN DOCUMENT TO LOLA B. GILLETTE IN DOCUMENT NO. 201401715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, THE WEST 20' OF A CALLED 6.57 ACRE TRACT DESCRIBED IN DOCUMENT TO ALVARO ROJAS, SR., ET AL IN DOCUMENT NO. 200906296 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND THE WEST 20' OF A CALLED 15.00 ACRE TRACT DESCRIBED IN DOCUMENT TO PEYMAN BERENJI, ET AL IN DOCUMENT NO. 201510772, AND INCLUDING A 0.086 ACRE PORTION OF A REMNANT TRACT OF A CALLED 149.6 ACRE TRACT DESCRIBED IN DOCUMENT TO LARRY LEROY BOWLES IN VOLUME 532, PAGE 105 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS, AND FURTHER INCLUDING 0.282 ACRE PORTION OF AN APPARENT REMNANT TRACT OUT OF A CALLED 192 ACRE TRACT DESCRIBED IN DOCUMENT TO EDWARD EBELING, ET UX IN VOLUME 110, PAGE 274 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, AND EXTENDING TO THE NORTH RIGHT-OF-WAY LINE OF R.M. HIGHWAY NO. 2147, SAID 1.233 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at the southwest corner of said Vinson tract and said 283.453 acre tract, at the northwest corner of said Gillette tract, for the northwest corner hereof;

THENCE North 81°30'38" East, along the south line of said Vinson tract and said 283.453 acre tract and the north line of said Gillette tract, a distance of 20.14' to a calculated corner, for the northeast corner hereof;

THENCE South 01°44'52" East, along the east line of said 20' wide access easement, crossing said Gillette tract, said Rojas tract, and said Berenji tract, at a distance of 1880.81' cross the south line of said Berenji tract and said 144.60 acre tract and the north line of said Bowles tract, whence a 1/2" iron pin found at the southwest corner of said 144.60 acre tract and said Berenji tract and the northwest corner of said Bowles tract bears South 63°50'45" West 21.96', and continuing along an extension of the east line of said 20' wide access easement crossing said Bowles remnant tract, for a total distance of 2063.84' to a calculated corner along the north right-of-way line of said R.M. Highway No. 2147, for the southeast corner hereof;

THENCE South 45°19'06" West, along said Highway right-of-way line and the south line hereof, at a distance of a 27.32' pass the southwest corner of said Bowles remnant tract and the southeast corner of said Ebeling remnant tract, for a total distance of 56.78' to a calculated corner at the southwest corner of said Ebeling remnant tract and the southeast corner of a called 19.376 acre tract described in document to Richter Investment Partnership, Ltd in Volume 1125, Page 608 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE North 01°05'11" West, along the east line of said 19.376 acre tract and the west line of said Ebeling remnant tract, at a distance of 1.5' pass a 3" steel pipe fence post, for a total distance of 696.59' to a 1/2" iron pin found at the northwest corner of said Ebeling remnant tract and the northeast corner of said 19.376 acre tract along the south line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd, for a northwesterly corner hereof;

THENCE North 65°03'24" East, along the north line of said Ebeling tract and the south line of said 321.7 acre tract, a distance of 14.72' to a calculated corner at the southeast corner of said 321.7 acre tract and the northeast said Ebeling remnant tract along the west line of said 144.06 acre tract and the west line of said Berenji tract, for an interior corner hereof;

THENCE North 01°44'52" West, along the west line of said 144.06 acre tract, the west line of said Berenji tract, the west line of said Rojas tract, and the west line of said Gillette tract, a distance of 1397.80', to the Point of Beginning, and containing 1.233 acres, more or less.

BEING 4.88 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING OUT OF A CALLED 4.878 ACRE TRACT DESCRIBED IN DOCUMENT TO RONALD G. GRAHAM AND WIFE, PHYLLIS GRAHAM, RECORDED IN VOLUME 182, PAGE 639 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 4.88 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 4" cedar fence post at the southeast corner of said Graham tract and a southerly northeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Samra, Et Ux, recorded in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for the southeast corner hereof;

THENCE South 88°17'03" West, along the south line of said Graham tract and hereof and a north line of said 283.453 acre tract, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post, at the southwest corner of said Graham tract and an interior corner of said 283.453 acre tract, for the southwest corner hereof;

THENCE North 01°51'50" West, along the west line of said Graham tract and hereof and the east line of said 283.453 acre tract, generally along a fence, at a distance of 138.44', pass a 4" steel pipe fence post on the north side of a gate, roadway, and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, at a distance of 955.39', pass a 4" steel pipe fence post and leave said fence, continuing along an unfenced line, for a total distance of 1147.60' to a calculated point at the northwest corner of said Graham tract along the called the south bank of the Colorado River, called to be at an elevation of 683 ft. in said recorded Graham document, for the northwest corner hereof;

THENCE North 66°11'10" East, along the north line of said Graham tract and hereof, with the south bank of said River, a distance of 160.30' to a calculated point at the record northeast corner of said Graham tract, for the northeast corner hereof;

THENCE South 17°51'37" East, along the east line of said Graham tract and hereof, at a distance of 33.97', pass a 4" cedar fence post, and continuing, generally along a fence, for a total distance of 105.42' to a 6" cedar fence post on a high bank, along the west line of said 84.05 acre tract, for an angle point in the east line of said Graham tract and hereof;

THENCE along the east line of said Graham tract and the west line of said 84.05 acre tract, generally along a fence, the following courses and distances:

- 1) South 02°19'35" East, a distance of 747.70' to a 6" cedar fence post;
- 2) South 01°38'52" East, a distance of 358.97', to the POINT OF BEGINNING, and containing 4.88 acres, more or less.

BEING A 84.05 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NUMBER 66 IN BURNET COUNTY, TEXAS AND BEING ALL OF A CALLED 84.05 ACRE TRACT DESCRIBED IN DOCUMENT TO MOUSTAPHA ABOU-SAMRA, ET AL, RECORDED IN DOCUMENT NO. 201902361 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 84.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT Type I concrete right-of-way monument at the southeast corner of said Moustapha Abou-Samra tract and hereof and the southwest corner of Tract 2, a called 160 acre tract described in document to Horace Kenneth Proffitt, Et Ux, recorded in Volume 175, Page 300 of the Deed Records of Burnet County, Texas, along the north right-of-way line of F.M. Highway No. 2147, for the southeast corner hereof;

THENCE along the south line of said Moustapha Abou-Samra tract and hereof and the north right-of-way line of said Highway, the following courses and distances:

- 1) North 88°54'36" West, a distance of 259.72' to a TXDOT Type I concrete right-of-way monument;
- 2) North 87°30'06" West, a distance of 56.76' to a 1/2" iron pin set with a Cuplin property Cap;
- 3) Along a curve to the left having an arc length of 385.45', a radius of 1195.92', a chord bearing of North 80°45'38" West, and a chord length of 383.78' to a calculated point at the southwest corner of said Moustapha Abou-Samra tract at the southeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, recorded in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, for the Southwest corner hereof, whence a 1/2" iron pin found bears South 01°34'56" East, a distance of 0.92';

THENCE along the west line of said Moustapha Abou-Samra tract and hereof, generally along a fence, the following courses and distances:

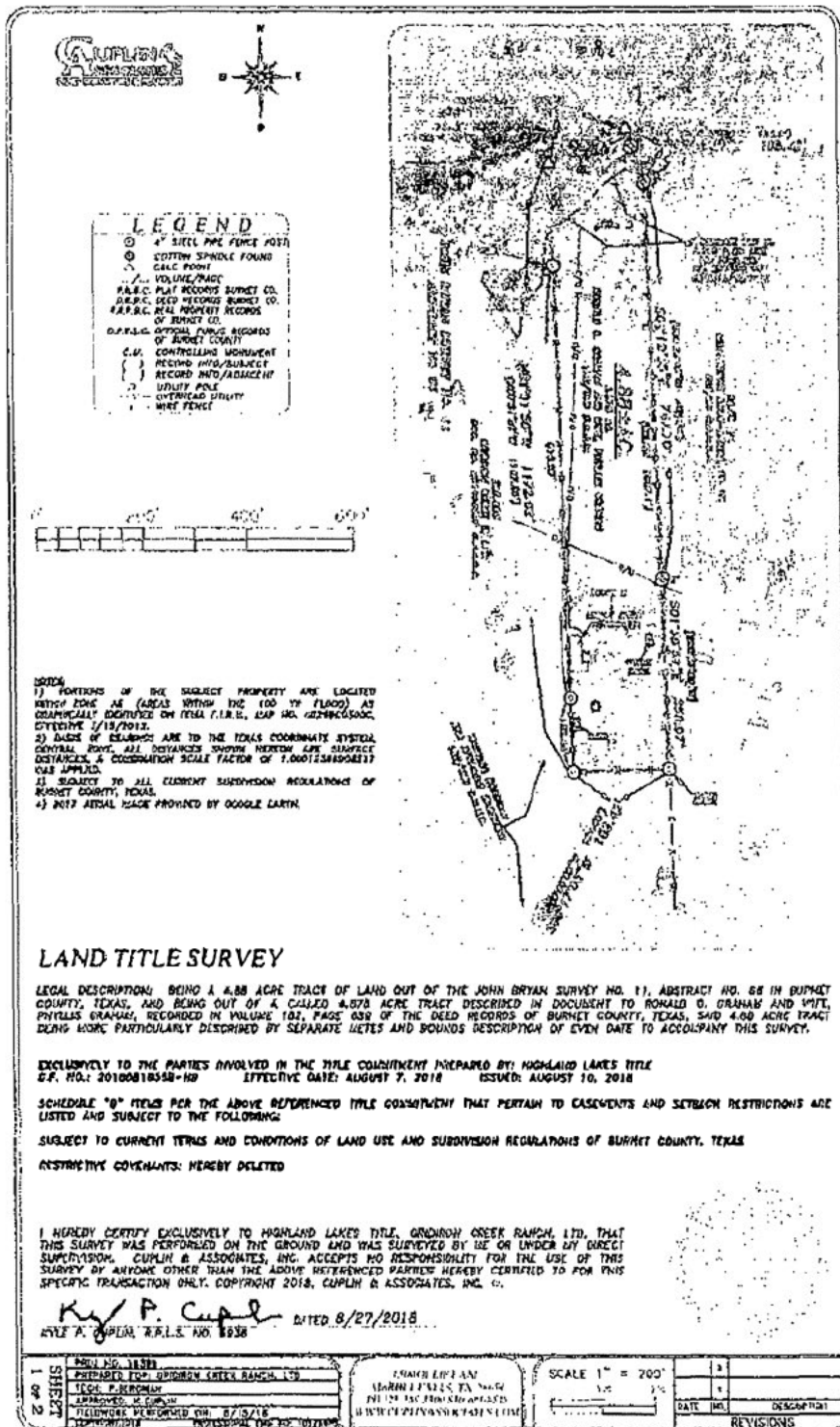
- 1) North 01°34'56" West, a distance of 1332.86' to a 3" steel pipe fence post at the northeast corner of said Dockery tract and the southeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas;
- 2) North 01°47'53" West, a distance of 2118.97' to a 3" steel pipe fence post at a southerly northeast corner of said 283.453 acre tract and the southeast corner of a called 4.88 acre tract described in document to Gridiron Creek Ranch, Ltd, recorded in Document No. 201809528 of the Official Public Records of Burnet County, Texas;
- 3) North 01°38'52" West, a distance of 358.97' to a 6" cedar fence post
- 4) North 02°19'35" West, at a distance of 747.7' pass a 6" cedar fence post at a northeast corner of said 4.88 acre tract and for a total distance of 1272.45' to a calculated point called to be along the record southerly low bank of the Colorado River, presently inundated by the waters of Lake Travis at the northwest corner of said Moustapha Abou-Samra tract, for the northwest corner hereof;

THENCE along the north line of said Moustapha Abou-Samra tract and hereof called to be the southerly record low bank of the Colorado River, presently inundated by the waters of Lake Travis, the following courses and distances:

- 1) South 72°34'17" East, a distance of 209.53' to a calculated point;
- 2) North 65°26'13" East, a distance of 554.71' to a calculated point at the northeast corner of said Moustapha Abou-Samra tract and the northwest corner of said Proffitt tract, for the northeast corner hereof;

THENCE along the east line of said Moustapha Abou-Samra tract and hereof and the west line of said Proffitt tract, the following courses and distances:

- 1) South 41°07'43" East, at a distance of 141.03' pass a 32" live oak tree and continuing generally along a fence, for a total distance of 386.53' to a 6" cedar fence post;
- 2) South 31°05'47" West, generally along a fence, a distance of 456.44' to a 1/2" iron pin found;
- 3) South 01°41'58" East, generally along a fence, at a distance of 369.77' pass 3.3' east of a 6" cedar fence post, at a distance of 1041.59' pass 4.45' east of a 6" cedar fence post, at a distance of 2909.31' pass 0.50' west of a 6" cedar fence post, at a distance of 4030.01' pass a 6" cedar fence post on line, for a total distance of 4637.43, to the POINT OF BEGINNING, and containing 84.05 acres, more or less.



ADMINISTRATIVE INFORMATION REPORT

EXHIBIT 5

**JOINT WRITTEN CONSENT
OF
THE MEMBERS AND MANAGERS
OF
GRIDIRON CREEK RANCH – RIVER BLUFF GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY**

January 19, 2022

The undersigned, being all of the Members and Managers of Gridiron Creek Ranch – River Bluff GP, LLC, a Texas limited liability company (the “Company”), pursuant to the provisions of the Texas Business Organizations Code, and the Company Agreement of the Company dated as of October 20, 2021, hereby consent to and approve the following resolutions and each and every action effected thereby.

1. General Authorization of Doyle R. Simons, President of the Company.

RESOLVED, that Doyle R. Simons, the President of the Company, is hereby authorized to act on behalf of the Company, both for the Company itself and in the Company’s capacity as the General Partner of Gridiron Creek Ranch – River Bluff, Ltd, a Texas limited partnership (the “Partnership”), to (a) take, or cause to be taken, any and all such action, in the name and on behalf of the Company (for itself or the Partnership), as in his judgment shall be necessary, desirable or appropriate in connection with the property owned by the Partnership; and (b) sign, execute, certify to, verify, acknowledge, deliver, accept, file, and record any and all instruments and documents in connection therewith.

RESOLVED, that any and all action taken by any manager, officer or member of the Company in effecting the purposes of the foregoing resolutions prior to the date this written consent is actually executed is hereby ratified, approved, confirmed, and adopted in all respects.

2. Counterparts and Facsimile Signatures.

RESOLVED, that this written consent may be executed in multiple counterparts, each of which shall be deemed an original for all purposes, and all of which together shall constitute one and the same instrument; and further.


RESOLVED, that each such multiple counterpart of this written consent may be transmitted via facsimile or other similar electronic means and executed by one or more of the undersigned, and a facsimile of the signature of one or more of the undersigned shall be deemed an original signature for all purposes and have the same force and effect as a manually-signed original.

[Signature Page Follows]

3547306.1

Executed on the dates set forth below to be effective as of the date first set forth above.

**MEMBERS AND MANAGERS OF
GRIDIRON CREEK RANCH – RIVER BLUFF GP, LLC:**


Doyle R. Simons, Member and Manager


Joan Alane Simons, Member and Manager

3547306.1

ADMINISTRATIVE INFORMATION REPORT

EXHIBIT 6

**CERTIFICATE OF FORMATION
OF
GRIDIRON CREEK RANCH - RIVER BLUFF, LTD.
A Texas Limited Partnership**

1. The name of the limited partnership is Gridiron Creek Ranch - River Bluff, Ltd. (the "Partnership").
2. The type of entity being formed is a limited partnership.
3. The address of the initial registered office of the Partnership is 1720 CR 404, Spicewood, Texas 78669, and the name of the initial registered agent of the Partnership at such address is Doyle R. Simons.
4. The name, the mailing address, and the street address of the business or residence of the general partner of the Partnership are as follows:

Gridiron Creek Ranch - River Bluff GP, LLC
1720 CR 404
Spicewood, Texas 78669

5. The address of the principal office of the Partnership in the United States where its partnership records are to be kept or made available under Section 153.511 of the Texas Business Organizations Code is 1720 CR 404, Spicewood, Texas 78669.

EXECUTED on this the 20th day of October, 2021.

GENERAL PARTNER:

GRIDIRON CREEK RANCH - RIVER BLUFF
GP, LLC,

By: Doyle R. Simons
Doyle R. Simons, Manager

By: Joan Alane Simons
Joan Alane Simons, Manager

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, Applicant 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) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N YES (If yes, date : April 5, 2022).

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: CA 14-2634

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

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

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / ☒ N
*If yes, application is a new appropriation for the increased amount, complete **Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.***
- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / ☒ N
*If yes, application is a new appropriation for the entire amount, complete **Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.***
- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? ☒ Y / N
If yes, submit:
- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
 - **Worksheet 1.2 - Notice: “Marshall Criteria”**
- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? ☒ Y / N
If yes, submit:
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
 - **Worksheet 5.0 – Environmental Information** (Required for any new diversion points that are not already authorized in a water right)
- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / ☒ N
*If yes, submit: **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir)*

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)

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

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

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

The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2021 Region K Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application. ***See also ATTACHMENT 4a.***

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

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

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

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) (Include losses for Bed and Banks)	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>
<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>

N.A. 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:

a. 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 _____ 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**
Same as specified in CA 14-2634	Same as specified in CA 14-2634	See " <u>Responses to 'Amendments - Purpose or Place of Use'</u> ", attached	See " <u>Responses to 'Amendments - Purpose or Place of Use'</u> ", attached	See " <u>Responses to 'Amendments - Purpose or Place of Use'</u> ", attached

**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:
- Applicant proposes to irrigate a total of 373.616 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 373.616 acres in Burnet County, TX. **See PROPERTY MAPS, attached: 1) USGS 7.5 Minute Smithwick Quad Sheet; and 2) Parcel Map**
 - Location of land to be irrigated: In the [**See DEED, attached**] Original Survey No. _____, Abstract No. [**See DEED, attached**].

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.

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.

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / **N**

1. Interbasin Transfer Request (Instructions, Page. 20)

- Provide the Basin of Origin. _____
- Provide the quantity of water to be transferred (acre-feet). _____
- Provide the Basin(s) and count(y/ies) where use will occur in the space below:

2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N__
- The proposed transfer is from a basin to an adjoining coastal basin? Y/N__
- The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N__
- The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N__

3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
 - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
 - (ii) the amount and purposes of use in the receiving basin for which water is needed;
 - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
 - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
 - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
 - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

N.A.

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:

- 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 2.0

Impoundment/Dam Information

This worksheet is **required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g. maps).

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: _____
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: _____.
- c. The impoundment is on-channel _____ or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N _____
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N _____
- d. Is the impoundment structure already constructed? Y / N _____
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: _____
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N _____
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N _____
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N _____
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? Y / N _____
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N _____
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / N _____
 - b. Plans (with engineer's seal) for the structure required. Y / N _____
 - c. Engineer's signed and sealed hazard classification required. Y / N _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N _____

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:_____.
 2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. Y/N_____
- If yes, the drainage area is _____sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):_____
- b. Zip Code: _____
- c. In the _____ Original Survey No. _____, Abstract No. _____,
_____ County, Texas.

**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude _____°N, Longitude _____°W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- di. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____
- dii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N_____

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):

**See PHOTOGRAPHS and MAP OF
UPPER AND LOWER REACH LIMITS
FOR DIVERSION POINTS, attached.**

1. ☐ Diversion Point No.
2. ☒ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** [no change]* cfs (cubic feet per second)
or [no change]* gpm (gallons per minute) ***Same as currently specified in CA 14-2634.**

c. Does this point share a diversion rate with other points? Y / ☒ N
*If yes, submit Maximum **Combined** Rate of Diversion for all
points/reaches _____ cfs or _____ gpm*

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

*** 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
<input checked="" type="checkbox"/>	Directly from stream	Proposed - See description below*
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

***Location: At any point on the reach of the Colorado River (Lake Travis) from the Upper Reach Diversion Limit (located at 30.564169° -98.236886°) to the Lower Reach Diversion Limit (located at (located at 30.562636° -98.22397°), along the appurtenant 373.616 acres requested to be used for agricultural purposes under this Amendment.**

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 / ☒ N

If yes, the drainage area is _____ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Colorado River (Lake Travis)
- b. Zip Code: 78669
- c. Location of point: In the No. N.M. Dawson Survey and the John Bryan Survey Original Survey No. 270 and 11, respectively, Abstract No. 265 and 66, respectively Burnet 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 30.564169 and Longitude -98.236886*

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): Goggle Earth 08/23/2018 Imagery
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. **See Map, attached**
- g. If the Plan of Diversion is complicated and not readily discernable from looking at themap, attach additional sheets that fully explain the plan of diversion. **N.A.**

***The location of the diversion reach requested herein is any point along the south bank of the Colorado River (Lake Travis) located between: i) the Upper Diversion Reach Limit at latitude 30.564169' and longitude -98.236886' in the N.M. Dawson Survey No. 270, Abstract No. 265, in Burnet County, Texas; and ii) the Lower Diversion Reach Limit at latitude 30.562636' and longitude -98.22397' in the John Bryan Survey No. 11, Abstract No. 66, in Burnet County Texas.**

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. ☒ Downstream Limit of Diversion Reach No.

See PHOTOGRAPHS and MAP OF UPPER AND LOWER REACH LIMITS FOR DIVERSION POINTS, attached.

b. Maximum Rate of Diversion for **this new point** [no change]* cfs (cubic feet per second) or [no change]*gpm (gallons per minute) ***Same as currently specified in CA 14-2634.**

c. Does this point share a diversion rate with other points? Y / ☒ N
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* _____ cfs or _____ gpm

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

*** 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
<input checked="" type="checkbox"/>	Directly from stream	Proposed - See description below*
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

***Location: At any point on the reach of the Colorado River (Lake Travis) from the Upper Reach Diversion Limit (located at 30.564169° -98.236886°) to the Lower Reach Diversion Limit (located at (located at 30.562636° -98.22397°), along the appurtenant 373.616 acres requested to be used for agricultural purposes under this Amendment.**

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 / ☒ N

If yes, the drainage area is _____ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Colorado River (Lake Travis)
- b. Zip Code: 78669
- c. Location of point: In the John Bryan Original Survey No. 11, Abstract No. 66 Burnet 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 30.562636 and Longitude -98.22397

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): Goggle Earth 08/23/2018 Imagery
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. **See Map, attached**
- 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. **N.A.**

***The location of the diversion reach requested herein is any point along the south bank of the Colorado River (Lake Travis) located between: i) the Upper Diversion Reach Limit at latitude 30.564169' and longitude -98.236886' in the N.M. Dawson Survey No. 270, Abstract No. 265, in Burnet County, Texas; and ii) the Lower Diversion Reach Limit at latitude 30.562636' and longitude -98.22397' in the John Bryan Survey No. 11, Abstract No. 66, in Burnet County Texas.**

N.A.
WORKSHEET 4.0
DISCHARGE
INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____ % and explain the method of calculation:_____

Is the source of the discharged water return flows? Y / N_____ If yes, provide the following information:

1. The TPDES Permit Number(s)._____ (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

PLEASE NOTE: If Applicant is not the discharger of the return flows, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater_____, surface water_____?
 5. If any percentage is surface water, provide the base water right number(s)_____.
- c. Is the source of the water being discharged groundwater? Y / N_____ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:_____
 2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbrrpt.asp>. Additionally, provide well numbers or identifiers_____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N_____ If yes, provide the signed contract(s).
- cii. Identify any other source of the water_____

N.A.

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g. maps). **Instructions, Page 27.**

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is _____ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of _____ cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code _____
- f. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- g. Point is at:
Latitude _____ °N, Longitude _____ °W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- h. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): _____

Map submitted must clearly identify each discharge point. See instructions Page. 15.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

Submersible pump will have screen to avoid impingement and entrainment of aquatic organisms.

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

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

N.A.

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

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.
2. If the application includes a proposed reservoir, also include:
 - 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.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

- i. Submit 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.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number_____

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

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.

- iii. 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 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

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

1. Request for a new appropriation or use of State Water. N.A.
2. Request to amend water right to increase appropriation of State Water. N.A.
3. Request to amend water right to extend a term. N.A.
4. Request to amend water right to change a place of use. N.A.
**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. N.A.
**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____

2. Drought Contingency Plans

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	\$0.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x ^{293.216} Number of acres that will be irrigated with State Water. **	\$146.61
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x <u>144</u> Maximum annual diversion of State Water in acre-feet. **	\$0.00
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	\$0.00
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	\$0.00
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$ 171.61

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		
Recording Fee		
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 284.11

**Responses to
“Amendments –
Purpose or
Place of Use”
Table**

Responses to “Amendments – Purpose or Place of Use” Table

Proposed Purpose(s) of Use:

In addition to the authorized diversion of 144 acre-feet of water per year for agricultural purposes to irrigate a specified amount of acreage, add authorization to use that amount for all other agricultural purposes, by amending CA 14-2634 to change the "use" language from "irrigate" to "agriculture", as defined in Section 11.002(12) of the Texas Water Code.

Existing Place(s) of Use:

A maximum of 60 acres of land out of a 80.28 tract located in the John Bryan Survey No. 11, Abstract No. 66, Burnet County, Texas, as provided in CA 14-2634. *[This 80.28-acre tract actually is a part of three tracts that total 84.05 acres. (See attached DEED, and Burnet County CAD map)].*

Proposed Place(s) of Use:

The Proposed Place of Use totals 373.616 acres out of the John Bryan Survey 11, Abstract 66, and the N.M. Dawson Survey 270, Abstract 265, in Burnet County, Texas, that are owned by the Applicant and include the following adjacent properties:

- i) all of the 80.28 acres containing the 60 acres currently authorized in CA 14-2634, plus the remaining 3.77 acres of the three tracts out of the John Bryan Survey 11, Abstract 66 that include the aforesaid 80.28 acres and total 84.05 acres [referred to as the “Abou-Samra Trust Tract” in Exhibit A, of the attached Deed, Page 4 of 12];
- ii) 4.88 acres in the John Bryan Survey 11, Abstract 66 [referred to as the “Graham Tract” in Exhibit A, of the attached Deed, Page 4 of 12];
- iii) 283.453 acres and a 1.233 acre non-exclusive access easement out of the N.M. Dawson Survey 270, Abstract 265 [referred to as the “Vinson Tract” in Exhibit A, of the attached Deed, Page 4 of 12].

Proposed Location of Diversion Reach:*

For purposes of diverting the proposed 144 acre-feet of water per year for agricultural purposes, delete the language in Section 2.A. of CA 14-2634, and replace it with "At any point along the south bank of the Colorado River (Lake Travis) located between latitude 30.564169° and longitude -98.236886° in the N.M. Dawson Survey 270, Abstract 265, Burnet County, Texas, and latitude 30.562636° and longitude -98.22397° in the John Bryan Survey 11, 66, Burnet County, Texas."

*Although this information is not requested in the “Amendments - Purpose or Place of Use” table on Page 6 of 23 of the Technical Information Sheet, it is included here to provide a complete picture of what is being requested.

Attachment 4a

Attachment 4.a

The amendment sought in this Application seeks to amend Certificate of Adjudication (“CA”) 14-2634 to: i) authorize any agricultural use of the water diverted, in addition to the irrigation use already authorized; and ii) to divert and use such water for agricultural purposes on specified adjacent acreage that is owned by the Applicant, in addition to the acreage already authorized, without any increase in the amount or rate of diversion or annual quantity.

CA 14-2634 authorizes the use 144 acre-feet of water per year for irrigation, which is defined as being one of the uses and activities constituting “agricultural use” in Sec. 11.002 (13) of the Texas Water Code. Sec. 297.1(1) of the TCEQ’s Substantive Rules regarding Water Rights lists seven categories of “agricultural activities,” and Section 297.1(2) of the Substantive Rules mirrors Sec. 11.002(13) of the Texas Water Code and defines “agricultural use” as “any use or activity involving agriculture, including irrigation.”

CA 14-2634 has a priority date of December 31, 1953, which pre-dates the enactment of Sec. 11.002 of the Texas Water Code by almost 25 years. Notably, Section 11.122(a) of the Texas Water Code allows “the holder of a . . . certificate of adjudication that includes . . . irrigation” to “use or supply water for an agricultural use that was classified as . . . irrigation before September 1, 2001” and to do so “[w]ithout obtaining an amendment.” Nevertheless, such an amendment is requested in this Application, and it simply seeks to add all other agricultural uses contemplated by Sec. 11.002(13) of the Texas Water Code and 30 TAC Sec. 297.1(1) & (2).

In light of the above, the Applicant is requesting a waiver of the requirement to provide information regarding consistency with the state or regional water plan, and such a waiver is warranted because the amendment requested in this Application will not “cause adverse impact on other water right holders or the environment on the stream of greater magnitude than under circumstances in which the . . . certificate of adjudication that is sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment,” as provided in Sec. 11.122(b) of the Texas Water Code. Moreover, consistent with Sec. 11.122(b-3) of the Texas Water Code, the amendment merely:

- “adds a purpose of use that does not substantially alter . . . a pattern of use that is explicitly authorized in or required by the original right;”
- “adds a place of use located in the same basin as the place of use authorized by the original right”; and
- “changes the point of diversion, [and]
 - (A) the authorized rate of diversion is not increased;
 - (B) the original point of diversion and the new point of diversion are located in the same contiguous tract of land;
 - (C) the original point of diversion and the new point of diversion are from the same source of supply;
 - (D) there are no points of diversion from the same source of supply associated with other water rights that are located between the original point of diversion and the new point of diversion;
 - (E) there are no streamflow gauges located on the source of supply between the original point of diversion and the new point of diversion that are referenced in the original water right or in another water right authorizing a diversion from the same source of supply; and
 - (F) there are no tributary watercourses that enter the watercourse that is the source of supply located between the original point of diversion and the new point of diversion.”

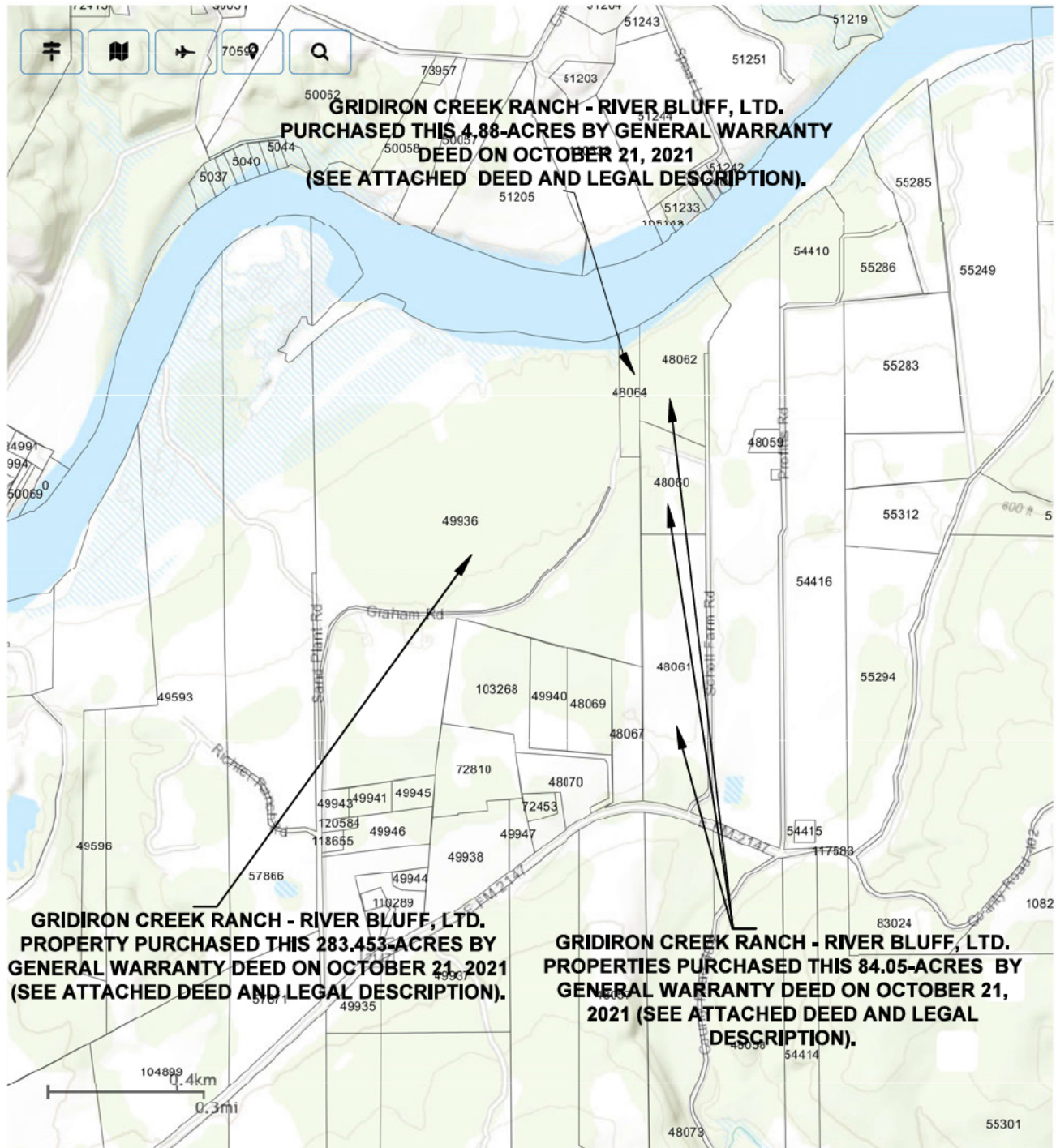
Maps

1. **USGS 7.5 Minute Smithwick Quad Sheet**
2. **Parcel Map**



2019

GRIDIRON CREEK RANCH - RIVER BLUFF, LTD. PROPERTY MAP (Source: Burnet Central Appraisal District - Modified by DGRA, Inc.)



Note: the 1.233 acre non-exclusive access easement that comprises the remainder of the 373.616 acres is difficult to identify on this map. However, a description of its metes and bounds is provided in the General Warranty Deed into Gridiron Creek Ranch - River Bluff, Ltd. (Page 7 of 12) that is attached in Exhibit 3.

Deed



Janet Parker

Janet Parker, County Clerk
Burnet County, TX

Pages: 12 D Fee: \$ 70.00

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
(CONTRIBUTION DEED)**

Effective Date: October 21, 2021

Grantor: DOYLE R. SIMONS and JOAN ALANE SIMONS

Grantor's Mailing Address:
1720 CR 404
Spicewood, Texas 78669
Burnet County

Grantee: GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., a Texas limited
partnership

Grantee's Mailing Address:
1720 CR 404
Spicewood, Texas 78669
Burnet, County

Consideration: Grantor conveys the Property (as defined in this Deed below) for the purpose of contributing to the capital of the Grantee in exchange for limited partnership interests in the Grantor and other valuable consideration paid to the Grantor, the receipt and sufficiency of which are hereby acknowledged.

Property: The tracts of land located in Burnet County, Texas and described on **Exhibit A** attached hereto and made a part hereof for all purposes (the "***Land***"), together with any and all improvements thereon and the rights, privileges, hereditaments, and appurtenances pertaining to such real property, and the Additional Property (as described below).

Reservations: None

Exceptions to Conveyance and Warranty: This deed is executed and delivered subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to all or any part of the Property, and standby fees, taxes and assessments by any taxing authority for the year of 2021, and subsequent years. Ad valorem taxes on the Property for the current and subsequent years are assumed by Grantee. Notwithstanding the Exceptions to Conveyance and Warranty set forth herein, Grantor does not by execution of this deed and the exceptions stated herein encumber, reinstate, ratify, confirm or affirm any prior restrictions, encumbrances, easements, covenants and conditions affecting all or any

part of the Property that are not valid and existing as of the date hereof.

Additional Property: For the same consideration recited above, Grantor hereby GIVES, CONTRIBUTES, GRANTS, TRANSFERS, and CONVEYS without warranty, express or implied, all of the interest, if any, of Grantor in (i) strips or gores, if any, between the Land and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Land.

Grantor, for the consideration and subject to the Exceptions to Conveyance and Warranty, GIVES, CONTRIBUTES, GRANTS, TRANSFERS 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 successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, legal representatives and 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, and except as to the Exceptions to Conveyance and Warranty.

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

THE PARTIES HERETO ACKNOWLEDGE THAT NO RESPONSIBILITY FOR THE VALIDITY OF REAL ESTATE TITLE IS ASSUMED BY THE FIRM AND/OR THE ATTORNEY PREPARING THIS INSTRUMENT.

[SIGNATURE AND NOTARY ON THE FOLLOWING PAGE]

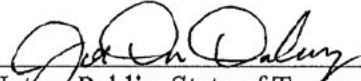
EXECUTED on the date set forth in the acknowledgments below to be effective as of the date first set forth above.

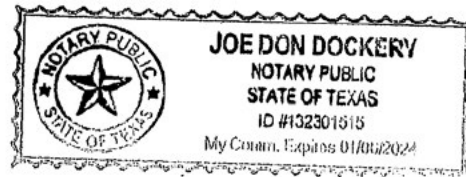

DOYLER, SIMONS


JOAN ALANE SIMONS

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §


This instrument was acknowledged before me on October 27, 2021, by Doyle R. Simons.

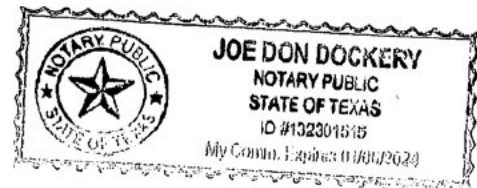

Notary Public, State of Texas



THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

This instrument was acknowledged before me on October 27, 2021, by Joan Alane Simons.


Notary Public, State of Texas



AFTER RECORDING RETURN TO:
DuBois, Bryant & Campbell LLP
Attn: Michele Mobley
303 Colorado, Suite 2300
Austin, Texas 78701

EXHIBIT A

1. **Vinson Tract.**
 - a. A 283.453 acre tract of land, more or less, out of the N.M. Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-1(a)** attached hereto and made a part hereof for all purposes;
 - b. A 1.233 acre non-exclusive access easement out of the N.M Dawson Survey No. 270, Abstract No. 265 and the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-1(b)** attached hereto and made a part hereof for all purposes; and
 - c. Together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
2. **Graham Tract.** A. 4.88 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-2** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements and cooperative or association memberships.
3. **Abou-Samra Trust Tract.** A. 84.05 acre tract of land, more or less, out of the John Bryan Survey No. 11, Abstract No. 66, in Burnet County, Texas, and being more fully described by metes and bounds in **Exhibit A-3** attached hereto and made a part hereof for all purposes; together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights (including those water rights referenced in Certificate of Adjudication No. 002634), claims, permits, strips and gores, easements and cooperative or association memberships.

BEING A 283.453 ACRE TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE JNO. BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING ALL OF A 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND FURTHER INCLUDING APPROXIMATELY 15 ACRES OF LAND LYING BELOW THE APPROXIMATE 681 ELEVATION CONTOUR OF LAKE TRAVIS, SAID 283.453 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at a northerly southeast corner of said Vinson tract and the northeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Sanwa, Et Ux in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for a northerly southeast corner hereof;

THENCE North 76°13'45" West, along a south line of said 246.13 acre tract and hereof, generally along a fence, and the north line of said Dockery tract of record in Volume 481, then the north line of a 10.00 acre tract described in document to Joe Don Dockery, Et Al in Volume 1358, Page 959 of the Official Public Records of Burnet County, Texas, then the north line of a remnant of a 142.41 acre tract described in document to M.F. O'Connor, III in Volume 295, Page 818 of the Deed Records of Burnet County, Texas, and then a called 19.38 acre tract described in document to William Mitchell, III, Et Al in Document No. 201408951 of the Official Public Records of Burnet County, Texas, for a total distance of 1947.21' to a 4" steel pipe fence post at the northwest corner of said Mitchell tract, for an interior corner of said Vinson tract and hereof;

THENCE South 06°36'03" West, along an east line of said Vinson tract, generally along a fence, and the west line of said Mitchell tract and then the west line of a called 15.00 acre tract described in document to E.P. Benini, in Document No. 201502349, of the Official Public Records of Burnet County, Texas, a distance of 1591.11' to a 4" steel pipe fence post at the most southerly southeast corner of said Vinson tract and hereof at the northeast corner of a called 2.95 acre tract described in document to Jose Rojas, Et Ux in Volume 1260, Page 985 of the Official Public Records of Burnet County, Texas;

THENCE South 81°30'38" West, along the south line of said Vinson tract and hereof, generally along a fence, and the north line of said 2.95 acre tract, and then the north line of a called 3.00 acre tract described in document to Alvaro Rojas, Sr., Et Al in Document No. 200906296 of the Official Public Records of Burnet County, Texas and then the north line of a called 2.00 acre tract described in document to Lola B. Gillette in Document No. 201401715 of the Official Public Records of Burnet County, Texas, at a distance of 1151.20' pass the northeast corner of a 20' wide access easement of record in Volume 71, Page 395 of the Deed Records of Burnet County, Texas also being on the east side of a roadway and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, for a total distance of 1171.34' to a 4" steel pipe fence post at the northwest corner of said 2.00 acre tract and said access easement, and the southwest corner of said Vinson tract and hereof, along the east line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd in Volume 877, Page 318 of the Official Public Records of Burnet County, Texas;

THENCE along the common line of said Vinson tract and said Richter tract, generally along and east of a fence, the following courses and distances:

- 1) North 01°20'16" West, a distance of 1219.34' to a 4" steel pipe fence post;
- 2) North 02°25'17" West, at a distance of 1564.28' pass 5.7' east of a 4" steel pipe fence post, at a distance of 3163.62' pass a 4" steel pipe fence post at the end of said fence near the waters of Lake Travis/Colorado River, thence over and across said waters, for a total distance of 4413.29' to a calculated corner inundated by said waters at the northeast corner of said Richter tract and the northwest corner of said Vinson tract, along the approximate record south bank of the Colorado River;

THENCE with the approximate record south bank of said Colorado River and its meanders, along a line of calculated corners, the following courses and distances:

- 1) South 66°56'55" East, a distance of 608.04';
- 2) South 29°44'44" East, a distance of 512.64';
- 3) South 56°25'22" East, a distance of 525.83';
- 4) South 79°07'16" East, a distance of 250.44';
- 5) South 85°20'54" East, a distance of 601.14';
- 6) South 88°39'48" East, a distance of 417.33';
- 7) North 89°33'22" East, a distance of 418.86';
- 8) North 84°19'50" East, a distance of 228.64' to a calculated corner at the intersection of the west line of a called 4.878 acre tract described in document to Ronald G. Graham, Et Ux in Volume 182, Page 639 of the Deed Records of Burnet County, Texas and said approximate record river bank, for the northeast corner hereof;

THENCE along the east line of said Vinson tract and hereof the following courses and distances:

- 1) South 01°51'50" East, at a distance of 25.02' pass the record northwest corner of said Graham tract, at a distance of 217.23' pass a 4" steel pipe fence post, and continuing generally along a fence, at a distance of 1034.18' pass a 4" steel pipe fence post on the north side of a gate, roadway, and said apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, and crossing said gate, roadway, and easement, for a total distance of 1172.62' to a 4" steel pipe fence corner post at the southwest corner of said Graham tract;
- 2) North 88°17'03" East, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post at the southeast corner of said Graham tract along the west line of said 84.05 acre tract;
- 3) South 01°47'53" East, along the west line of said 84.05 acre tract, generally along a fence, a distance of 2118.97', to the Point of Beginning, and containing 283.453 acres, more or less.

BEING A 1.233 ACRE PROPOSED ACCESS TRACT OUT OF THE N.M. DAWSON SURVEY NO. 270, ABSTRACT NO. 265 AND THE WM. WOODS SURVEY NO. 10, ABSTRACT NO. 990 IN BURNET COUNTY, TEXAS, AND EXTENDING FROM THE SOUTHWEST CORNER OF A CALLED 246.13 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT TO CHARLES D. VINSON RECORDED IN VOLUME 706, PAGE 61 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A 283.453 ACRE TRACT, SURVEYED THIS DAY, AND INCLUDING ALL OF THAT 20' WIDE EASEMENT RESERVED ALONG THE WEST LINE OF A 144.60 ACRE TRACT OF RECORD IN VOLUME 71, PAGE 395 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 20' WIDE EASEMENT NOW CROSSING THE WEST 20' OF A CALLED 2.00 ACRE TRACT DESCRIBED IN DOCUMENT TO LOLA B. GILLETTE IN DOCUMENT NO. 201401715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, THE WEST 20' OF A CALLED 6.57 ACRE TRACT DESCRIBED IN DOCUMENT TO ALVARO ROJAS, SR., ET AL IN DOCUMENT NO. 200906296 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND THE WEST 20' OF A CALLED 15.00 ACRE TRACT DESCRIBED IN DOCUMENT TO PEYMAN BERENJI, ET AL IN DOCUMENT NO. 201510772, AND INCLUDING A 0.086 ACRE PORTION OF A REMNANT TRACT OF A CALLED 149.6 ACRE TRACT DESCRIBED IN DOCUMENT TO LARRY LEROY BOWLES IN VOLUME 532, PAGE 105 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS, AND FURTHER INCLUDING 0.282 ACRE PORTION OF AN APPARENT REMNANT TRACT OUT OF A CALLED 192 ACRE TRACT DESCRIBED IN DOCUMENT TO EDWARD EBELING, ET UX IN VOLUME 110, PAGE 274 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, AND EXTENDING TO THE NORTH RIGHT-OF-WAY LINE OF R.M. HIGHWAY NO. 2147, SAID 1.233 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 4" steel pipe fence post at the southwest corner of said Vinson tract and said 283.453 acre tract, at the northwest corner of said Gillette tract, for the northwest corner hereof;

THENCE North 81°30'38" East, along the south line of said Vinson tract and said 283.453 acre tract and the north line of said Gillette tract, a distance of 20.14' to a calculated corner, for the northeast corner hereof;

THENCE South 01°44'52" East, along the east line of said 20' wide access easement, crossing said Gillette tract, said Rojas tract, and said Berenji tract, at a distance of 1880.81' cross the south line of said Berenji tract and said 144.60 acre tract and the north line of said Bowles tract, whence a 1/2" iron pin found at the southwest corner of said 144.60 acre tract and said Berenji tract and the northwest corner of said Bowles tract bears South 63°50'45" West 21.96', and continuing along an extension of the east line of said 20' wide access easement crossing said Bowles remnant tract, for a total distance of 2063.84' to a calculated corner along the north right-of-way line of said R.M. Highway No. 2147, for the southeast corner hereof;

THENCE South 45°19'06" West, along said Highway right-of-way line and the south line hereof, at a distance of a 27.32' pass the southwest corner of said Bowles remnant tract and the southeast corner of said Ebeling remnant tract, for a total distance of 56.78' to a calculated corner at the southwest corner of said Ebeling remnant tract and the southeast corner of a called 19.376 acre tract described in document to Richter Investment Partnership, Ltd in Volume 1125, Page 608 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE North 01°05'11" West, along the east line of said 19.376 acre tract and the west line of said Ebeling remnant tract, at a distance of 1.5' pass a 3" steel pipe fence post, for a total distance of 696.59' to a 1/2" iron pin found at the northwest corner of said Ebeling remnant tract and the northeast corner of said 19.376 acre tract along the south line of a called 321.7 acre tract described in document to Richter Investment Partnership, Ltd, for a northwesterly corner hereof;

THENCE North 65°03'24" East, along the north line of said Ebeling tract and the south line of said 321.7 acre tract, a distance of 14.72' to a calculated corner at the southeast corner of said 321.7 acre tract and the northeast said Ebeling remnant tract along the west line of said 144.06 acre tract and the west line of said Berenji tract, for an interior corner hereof;

THENCE North 01°44'52" West, along the west line of said 144.06 acre tract, the west line of said Berenji tract, the west line of said Rojas tract, and the west line of said Gillette tract, a distance of 1397.80', to the Point of Beginning, and containing 1.233 acres, more or less.

BEING 4.88 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NO. 66 IN BURNET COUNTY, TEXAS, AND BEING OUT OF A CALLED 4.878 ACRE TRACT DESCRIBED IN DOCUMENT TO RONALD G. GRAHAM AND WIFE, PHYLLIS GRAHAM, RECORDED IN VOLUME 182, PAGE 639 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 4.88 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 4" cedar fence post at the southeast corner of said Graham tract and a southerly northeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas along the west line of a called 84.05 acre tract described in document to Moustapha Abou-Samra, Et Ux, recorded in Volume 463, Page 28 of the Real Property Records of Burnet County, Texas, for the southeast corner hereof;

THENCE South 88°17'03" West, along the south line of said Graham tract and hereof and a north line of said 283.453 acre tract, generally along a fence, a distance of 182.42' to a 4" steel pipe fence post, at the southwest corner of said Graham tract and an interior corner of said 283.453 acre tract, for the southwest corner hereof;

THENCE North 01°51'50" West, along the west line of said Graham tract and hereof and the east line of said 283.453 acre tract, generally along a fence, at a distance of 138.44', pass a 4" steel pipe fence post on the north side of a gate, roadway, and apparent easement of record in Volume 182, Page 639 of the Deed Records of Burnet County, Texas, at a distance of 955.39', pass a 4" steel pipe fence post and leave said fence, continuing along an unfenced line, for a total distance of 1147.60' to a calculated point at the northwest corner of said Graham tract along the called the south bank of the Colorado River, called to be at an elevation of 683 ft. in said recorded Graham document, for the northwest corner hereof;

THENCE North 66°11'10" East, along the north line of said Graham tract and hereof, with the south bank of said River, a distance of 160.30' to a calculated point at the record northeast corner of said Graham tract, for the northeast corner hereof;

THENCE South 17°51'37" East, along the east line of said Graham tract and hereof, at a distance of 33.97', pass a 4" cedar fence post, and continuing, generally along a fence, for a total distance of 105.42' to a 6" cedar fence post on a high bank, along the west line of said 84.05 acre tract, for an angle point in the east line of said Graham tract and hereof;

THENCE along the east line of said Graham tract and the west line of said 84.05 acre tract, generally along a fence, the following courses and distances:

- 1) South 02°19'35" East, a distance of 747.70' to a 6" cedar fence post;
- 2) South 01°38'52" East, a distance of 358.97', to the POINT OF BEGINNING, and containing 4.88 acres, more or less.

BEING A 84.05 ACRE TRACT OF LAND OUT OF THE JOHN BRYAN SURVEY NO. 11, ABSTRACT NUMBER 66 IN BURNET COUNTY, TEXAS AND BEING ALL OF A CALLED 84.05 ACRE TRACT DESCRIBED IN DOCUMENT TO MOUSTAPHA ABOU-SAMRA, ET AL, RECORDED IN DOCUMENT NO. 201902361 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 84.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT Type I concrete right-of-way monument at the southeast corner of said Moustapha Abou-Samra tract and hereof and the southwest corner of Tract 2, a called 160 acre tract described in document to Horace Kenneth Proffitt, Et Ux, recorded in Volume 175, Page 300 of the Deed Records of Burnet County, Texas, along the north right-of-way line of F.M. Highway No. 2147, for the southeast corner hereof;

THENCE along the south line of said Moustapha Abou-Samra tract and hereof and the north right-of-way line of said Highway, the following courses and distances:

- 1) North 88°54'36" West, a distance of 259.72' to a TXDOT Type I concrete right-of-way monument;
- 2) North 87°30'06" West, a distance of 56.76' to a 1/2" iron pin set with a Cuplin property Cap;
- 3) Along a curve to the left having an arc length of 385.45', a radius of 1195.92', a chord bearing of North 80°45'38" West, and a chord length of 383.78' to a calculated point at the southwest corner of said Moustapha Abou-Samra tract at the southeast corner of a called 10.00 acre tract described in document to Joe Don Dockery, Et Al, recorded in Volume 481, Page 109 of the Real Property Records of Burnet County, Texas, for the Southwest corner hereof, whence a 1/2" iron pin found bears South 01°34'56" East, a distance of 0.92';

THENCE along the west line of said Moustapha Abou-Samra tract and hereof, generally along a fence, the following courses and distances:

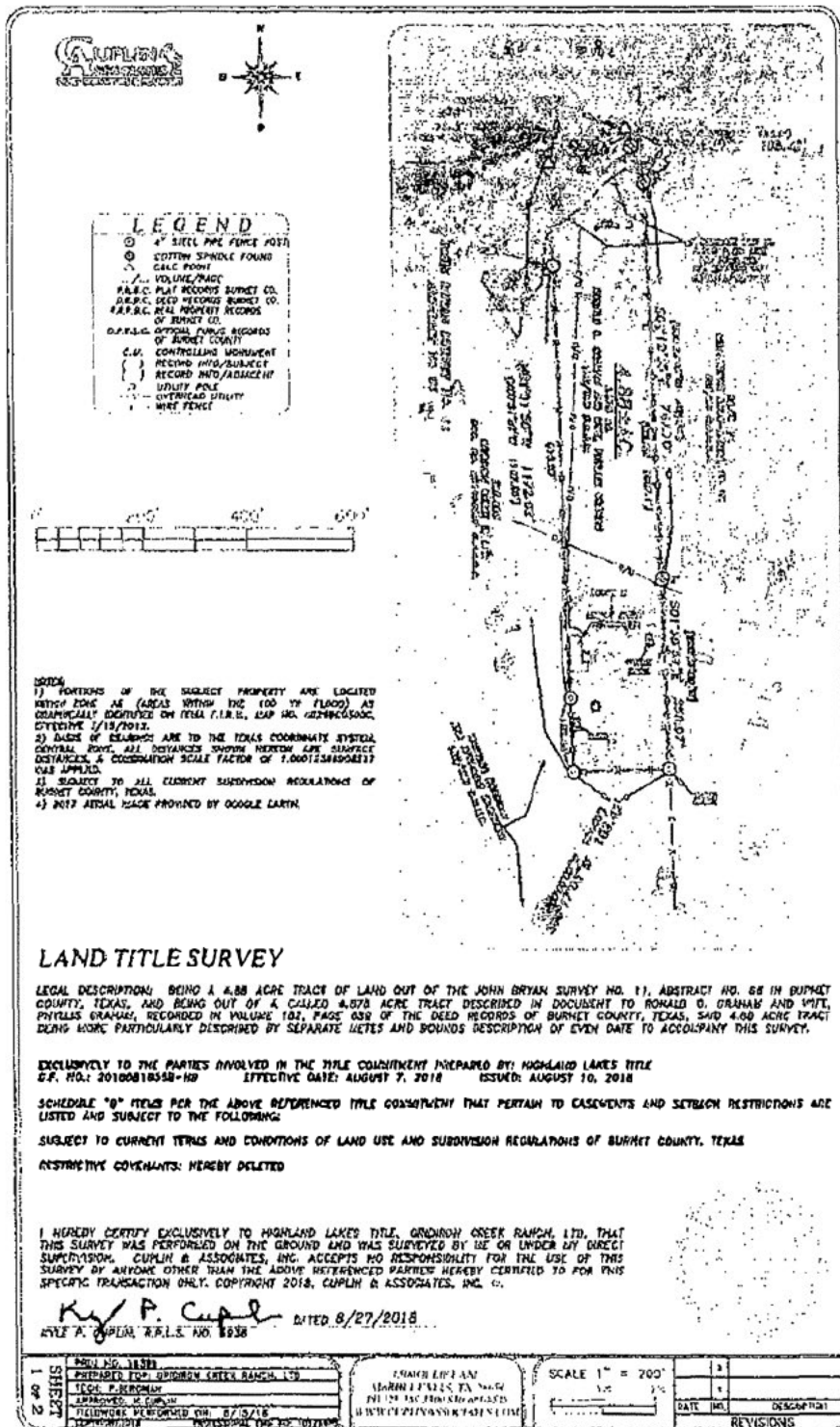
- 1) North 01°34'56" West, a distance of 1332.86' to a 3" steel pipe fence post at the northeast corner of said Dockery tract and the southeast corner of a called 283.453 acre tract described in document to Gridiron Creek II, Ltd., recorded in Document No. 201604237 of the Official Public Records of Burnet County, Texas;
- 2) North 01°47'53" West, a distance of 2118.97' to a 3" steel pipe fence post at a southerly northeast corner of said 283.453 acre tract and the southeast corner of a called 4.88 acre tract described in document to Gridiron Creek Ranch, Ltd, recorded in Document No. 201809528 of the Official Public Records of Burnet County, Texas;
- 3) North 01°38'52" West, a distance of 358.97' to a 6" cedar fence post
- 4) North 02°19'35" West, at a distance of 747.7' pass a 6" cedar fence post at a northeast corner of said 4.88 acre tract and for a total distance of 1272.45' to a calculated point called to be along the record southerly low bank of the Colorado River, presently inundated by the waters of Lake Travis at the northwest corner of said Moustapha Abou-Samra tract, for the northwest corner hereof;

THENCE along the north line of said Moustapha Abou-Samra tract and hereof called to be the southerly record low bank of the Colorado River, presently inundated by the waters of Lake Travis, the following courses and distances:

- 1) South 72°34'17" East, a distance of 209.53' to a calculated point;
- 2) North 65°26'13" East, a distance of 554.71' to a calculated point at the northeast corner of said Moustapha Abou-Samra tract and the northwest corner of said Proffitt tract, for the northeast corner hereof;

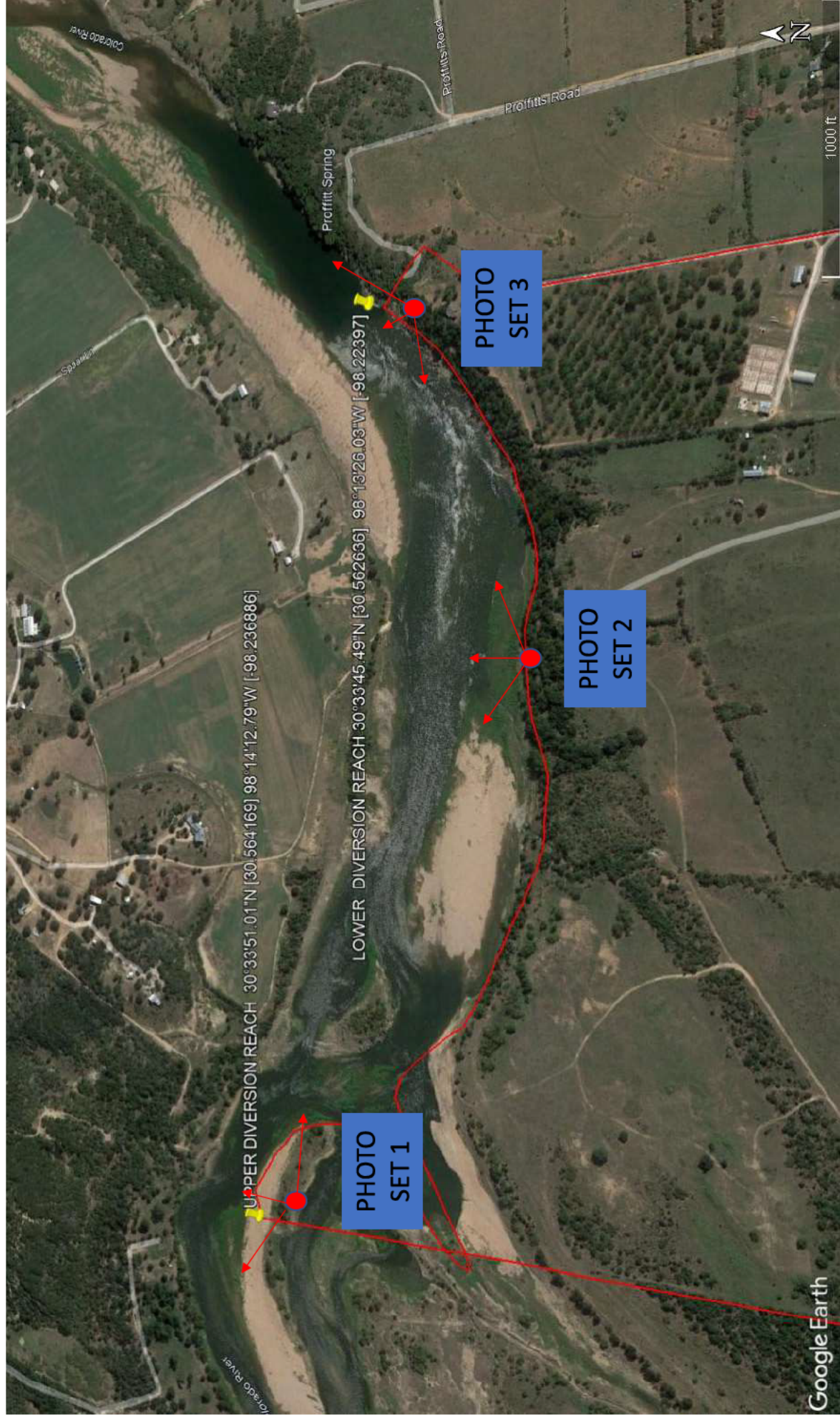
THENCE along the east line of said Moustapha Abou-Samra tract and hereof and the west line of said Proffitt tract, the following courses and distances:

- 1) South 41°07'43" East, at a distance of 141.03' pass a 32" live oak tree and continuing generally along a fence, for a total distance of 386.53' to a 6" cedar fence post;
- 2) South 31°05'47" West, generally along a fence, a distance of 456.44' to a 1/2" iron pin found;
- 3) South 01°41'58" East, generally along a fence, at a distance of 369.77' pass 3.3' east of a 6" cedar fence post, at a distance of 1041.59' pass 4.45' east of a 6" cedar fence post, at a distance of 2909.31' pass 0.50' west of a 6" cedar fence post, at a distance of 4030.01' pass a 6" cedar fence post on line, for a total distance of 4637.43, to the POINT OF BEGINNING, and containing 84.05 acres, more or less.



**Photographs &
Map of Upper and
Lower Reach
Limits for
Diversion Point**

PHOTOGRAPHS FOR DIVERSION REACH





**COLORADO RIVER/LAKE TRAVIS
LOOKING DOWNSTREAM**



**COLORADO RIVER/LAKE TRAVIS
LOOKING NORTH**



**COLORADO RIVER/LAKE TRAVIS
LOOKING UPSTREAM**

**PHOTO SET 1 : GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., PHOTOGRAPHS TAKEN ON MARCH 17, 2022,
AT UPPER DIVERSION REACH 30°33'51.01"N [30.564169] 98°14'12.79"W [-98.236886] (Source: Doyle R. Simons)**



COLORADO RIVER/LAKE TRAVIS
LOOKING DOWNSTREAM



COLORADO RIVER/LAKE TRAVIS
LOOKING NORTH



COLORADO RIVER/LAKE TRAVIS
LOOKING UPSTREAM

PHOTO SET 2 : GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., PHOTOGRAPHS TAKEN ON MARCH 17, 2022,
AT A LOCATION LOCATED APPROXIMATELY HALFWAY BETWEEN LOWER DIVERSION REACH 30°33'45.49"N
[30.562636] 98°13'26.03"W [-98.22397] AND UPPER DIVERSION REACH 30°33'51.01"N [30.564169]
98°14'12.79"W [-98.236886] (Source: Doyle R. Simons)



COLORADO RIVER/LAKE TRAVIS
LOOKING DOWNSTREAM



COLORADO RIVER/LAKE TRAVIS
LOOKING NORTH



COLORADO RIVER/LAKE TRAVIS
LOOKING UPSTREAM

PHOTO SET 3: GRIDIRON CREEK RANCH – RIVER BLUFF, LTD., PHOTOGRAPHS TAKEN ON MARCH 17, 2022,
AT LOWER DIVERSION REACH 30°33'45.49"N 98°13'26.03"W [30.562636] 98°13'26.03"W [-98.22397] (Source: Doyle R. Simons)

UPPER AND LOWER DIVERSION REACHES

