

# TCEQ Interoffice Memorandum

---

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager  
Water Rights Permitting Team

DATE: August 11, 2021

SUBJECT: Moda Ingleside Oil Terminal, LLC  
WRPERM 13775  
CN605636521, RN111303897  
Application No. 13775 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Corpus Christi Bay, San Antonio-Nueces Coastal Basin  
San Patricio County

The application and fees were received on July 27, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 11, 2021. Published and mailed notice to the water right holders of record in the San Antonio-Nueces Coastal Basin is required pursuant to Title 30 Texas Administrative Code § 295.151.

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

*Sarah Henderson*

---

Sarah Henderson, 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 11, 2021

Mr. Chase Campbell  
Spirit Environmental, LLC  
3307 Northland Dr., Ste. 215  
Austin, Texas 78731

VIA EMAIL

RE: Moda Ingleside Oil Terminal, LLC  
WRPERM 13775  
CN605636521, RN111303897  
Application No. 13775 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Corpus Christi Bay, San Antonio-Nueces Coastal Basin  
San Patricio County

Dear Mr. Campbell:

This acknowledges receipt, on July 27, 2021, of the referenced application and fees in the amount of \$789.10 (Receipt No. M120811, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 11, 2021. 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 this matter please contact me via email at [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

*Sarah E Henderson*

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



29-JUL-21 11:58 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M120809	38399		BS00087880	29-JUL-21	-\$123.48
<i>J. Schauer</i>	WUP	ADJ141280	072921	N	D1803901		
	WATER USE PERMITS	LLOYD	RHDAVIS	CK			
		GOSSELINK					
		ROCHELLE &					
		TOWNSEND PC					
	WUP	M120810	1119		BS00087880	29-JUL-21	-\$100.00
<i>L. Buckley</i>	WUP	ADJ141078	072921	N	D1803901		
	WATER USE PERMITS	MCLARTY,	RHDAVIS	CK			
		SAM					
	WUP	M120811	13668		BS00087880	29-JUL-21	-\$789.10
<i>S. Anderson</i>	WUP	13775	072921	N	D1803901		
	WATER USE PERMITS	SPIRIT	RHDAVIS	CK			
		ENVIRONMENT					
		AL LLC					
Total (Fee Code):							-\$1,012.58

RECEIVED

JUL 30 2021

Water Availability Division



July 20, 2021

Texas Commission on Environmental Quality  
Water Availability Division, MC-160  
Building F, Ste. 3101  
12100 Park 35 Circle  
Austin, Texas 78753

via email

**RE: TCEQ Water Rights Permit Application, Administrative Information Checklist and Technical Information Report  
Moda Ingleside Oil Terminal, LLC CN605636521  
Moda Ingleside Energy Center, RN101225746  
San Patricio County, Texas**

Water Availability Division:

On behalf of Moda Ingleside Oil Terminal, LLC ("Moda"), Spirit Environmental, LLC ("Spirit"), is submitting the enclosed surface water rights permit application to obtain a new appropriation of State Water in Texas, administered by the Texas Commission on Environmental Quality ("TCEQ").

The enclosed application includes the Administrative Information Checklist (TCEQ-10214B), the Technical Information Report (TCEQ-10214C), and supplemental documents in support of this application. The application is organized as follows:

**Administrative and Technical Documents:**

- Cover letter
- Administrative Information Report
- Technical Information Report:
  - Worksheets 1.0-8.0
- Supplemental Information: Text, Maps, Plot Plans, Photographs, Property Special Warranty Deed, Water Conservation Plan

One (1) original and six (6) copies of the entire application (both forms and all worksheets required) are included with this submittal to the TCEQ Water Availability Division.

OFFICE: 281-664-2490  
FAX: 281-664-2491

20465 State Highway 249, Suite 300  
Houston, TX 77070

[spiritenv.com](http://spiritenv.com)

**Water Availability Division**

**July 20, 2021**

**Page 2**

If you have any questions or require additional information, please contact me at 913-832-4782 or by email at [REDACTED]

Sincerely,



Chase Campbell  
Project Consultant  
Spirit Environmental



Michele Foss  
Senior Project Manager  
Spirit Environmental

Enclosures

cc: Mr. Clayton Curtis, Vice President of Regulatory Affairs, Moda Midstream, LLC.  
Via email: Clayton [REDACTED]

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TCEQ WATER RIGHTS PERMITTING APPLICATION

### ADMINISTRATIVE INFORMATION CHECKLIST

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

APPLICANT(S): Moda Ingleside Oil Terminal, LLC

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

Y/N

- 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: \_\_\_\_\_

# ADMINISTRATIVE INFORMATION REPORT

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

**\*\*\* Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

**See Supplemental Text Section 2.1 "Summary of Request"**

---

---

---

---

---

---

---

---

---

---

## 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?

Moda Ingleside Oil Terminal, LLC

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

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

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

CN : CN605636521 (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: Clayton Curtis

Title: VP of Regulatory Affairs

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? **Yes, see Section 2.2 of text**

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: Moda Ingleside Energy Ce

Mailing Address: 1450 Lexington Road

City: Ingleside

State: Texas

ZIP Code: 78362

Indicate an X next to the type of Applicant:

Individual

Sole Proprietorship-D.B.A.

Partnership

Corporation

Trust

Estate

Federal Government

State Government

County Government

City Government

Other Government

Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32047539948 SOS Charter (filing) Number: 0801576406



### 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: Chase Campbell

Title: Project Consultant

Organization Name: Spirit Environmental, LLC

Mailing Address: 3307 Northland Dr. Ste 215

City: Austin

State: TX

ZIP Code: 78731

Phone No.: 512-879-3127

Extension:

Fax No.:

E-mail Address: [REDACTED]

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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

## 5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

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

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

Applicant:

I, Clayton Curtis VP of Regulatory Affairs  
(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.

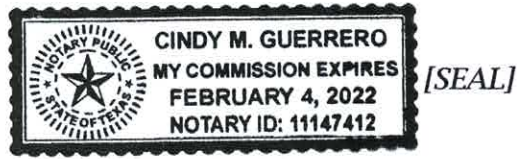
Signature: [Handwritten Signature] Date: 7/15/2021  
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 15th day of July, 2021.

My commission expires on the 4th day of February, 2022.

Cindy M. Guerrero  
Notary Public



Harris  
County, Texas

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

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, 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<sup>Y</sup>\_\_\_\_\_ (If yes, date : July 8, 2021 \_\_\_\_\_).

### 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<sup>Y</sup>\_\_\_\_\_
- 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<sup>N</sup>\_\_\_\_\_ (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<sup>N</sup>\_\_\_\_\_*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N \_\_\_\_\_

*If yes, submit:*

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

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”:

See Supplemental Text Section 3.1 "Addendum Regarding the State and Regional Water Plans"

---



---



---



---

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

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

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



# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

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

500 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 N/A - No Lands to be Irrigated
- i) Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.
  - ii) Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.
- A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.***
- If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

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

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

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

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

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

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

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

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

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

***A copy of the deed(s) 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.***

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

## 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)

- a. Provide the Basin of Origin.\_\_\_\_\_
- b. Provide the quantity of water to be transferred (acre-feet).\_\_\_\_\_
- c. 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:

- a. 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\_\_
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N\_\_
- c. 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\_\_
- d. 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":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. 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;
- c. 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.

## 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):

1. \_\_\_ Diversion Point No.
2. <sup>DR-1-1</sup>Upstream Limit of Diversion Reach No.
3. \_\_\_ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second)  
or 100,000 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* \_\_\_\_\_ cfs or 100,000 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
	Directly from stream	
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
X	Other method (explain fully, use additional sheets if necessary)	Proposed - See Supplemental Text Section 3.6.1

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** 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): Corpus Christi Bay
- b. Zip Code: 78362
- c. Location of point: In the L. Von Zacharias Original Survey No. 1, Abstract No. 271, San Patricio 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 27.821405 °N, Longitude -97.209573 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth Pro
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- 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.

See Supplemental Information Section 3.6.1

# 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. DR-1-2 Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second)  
or 100,000 gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? Y / N Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* \_\_\_\_\_ cfs or 100,000 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
	Directly from stream	
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
X	Other method (explain fully, use additional sheets if necessary)	Proposed - See Supplemental Text Section 3.6.1

- 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 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): Corpus Christi Bay
- b. Zip Code: 78362
- c. Location of point: In the L. Von Zacharias Original Survey No. 1, Abstract No. 271, San Patricio 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 27.820763 °N, Longitude -97.203362 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth Pro
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38.
- 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.

See Supplemental Information Section 3.6.1

## 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/gwdbbrpt.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 \_\_\_\_\_

## 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.**

This application is for a new appropriation of State water. Moda Ingleside Oil Terminal, LLC will take reasonable measures to avoid impingement and entrainment of aquatic organisms for all new diversion structures. Reasonable measures include, but are not limited to, screens.

### 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.**

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. N/A - See Supplemental Text Section 3.8

Stream

Reservoir

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

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

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

- Personal observation
- Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
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](mailto:wras@tceq.texas.gov). The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

### 1. Water Conservation Plans

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

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

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

1. \_\_\_\_Municipal Use. See 30 TAC § 288.2. \*\*
2.  Industrial or Mining Use. See 30 TAC § 288.3.
3. \_\_\_\_Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. \_\_\_\_Wholesale Water Suppliers. See 30 TAC § 288.5. \*\*

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

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

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

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

See Supplemental Text Section 3.9.1 and 4.0, Attachment 3

## 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

N/A - Drought Contingency Plan not required, see Supplemental Text Section 3.9.2

## 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 <b>Amount (\$)</b> . <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	\$250.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	\$0
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x <sup>500</sup> _____ Maximum annual diversion of State Water in acre-feet. **	\$500
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
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
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	\$14.10
<b>TOTAL</b>		<b>\$789.10</b>

### 2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100 <b>OR</b> 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.	
<b>TOTAL INCLUDED</b>		<b>\$0</b>

### 3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
<b>TOTAL INCLUDED</b>		<b>\$0</b>



# Surface Water Rights Permit Application – Supplemental Information

## Moda Ingleside Energy Center

San Patricio County, Texas

July 2021

PREPARED FOR:

**Moda Ingleside Oil Terminal, LLC**

Ingleside, Texas

TCEQ PROJECT: TBD

SPIRIT PROJECT: 21341.00A

---

FOR SPIRIT ENVIRONMENTAL:

Handwritten signature of Chase Campbell in blue ink.

Chase Campbell

Handwritten signature of Michele Foss in blue ink.

Michele Foss

OFFICE: 281-664-2490

FAX: 281-664-2491

20465 State Highway 249, Suite 300

Houston, TX 77070

[spiritenv.com](http://spiritenv.com)

# Table of Contents

- 1.0 Introduction ..... 1–1
- 2.0 Administrative Information Checklist ..... 2–1
  - 2.1 Summary of Request ..... 2–1
  - 2.2 Applicant Information – Signatory Requirements 30 Texas  
Administrative Code §295.14 ..... 2–1
- 3.0 Technical Information Report ..... 3–1
  - 3.1 Addendum Regarding the State and Regional Water Plans ..... 3–1
  - 3.2 Worksheet 1.0: Quantity, Purpose, and Place of Use ..... 3–1
  - 3.3 Worksheet 1.1: Interbasin Transfers ..... 3–2
  - 3.4 Worksheet 1.2: Notice. “The Marshall Criteria” ..... 3–2
  - 3.5 Worksheet 2.0: Impoundment/Dam Information ..... 3–2
  - 3.6 Worksheet 3.0: Diversion Point (Or Diversion Reach) Information ... 3–2
  - 3.7 Worksheet 4.0: Discharge Information ..... 3–0
  - 3.8 Worksheet 5.0: Environmental Information ..... 3–0
  - 3.9 Worksheet 6.0: Water Conservation/Drought Contingency Plans .... 3–1
  - 3.10 Worksheet 7.0: Accounting Plan Information Worksheet ..... 3–2
  - 3.11 Worksheet 8.0: Calculation of Fees ..... 3–2
  - 3.12 Certificate of Conversion and Property Special Warranty Deeds ..... 3–2
- 4.0 Attachments ..... 4–1
  - Attachment 1 – Maps and Plot Plans ..... 4–1
  - Attachment 2 – Photo Log ..... 4–1
  - Attachment 3 – Water Conservation Plan ..... 4–1
  - Attachment 4 – Certificate of Conversion and Property Special Warranty  
Deeds ..... 4–1
  - Attachment 5 – Corporate Authorization for Duly Authorized Representative 4–1



## List of Tables

Table 3-1 Summary of Proposed Diversion Reach Locations and  
Diversion Rates ..... 3–3





# 1.0 Introduction

Moda Ingleside Oil Terminal, LLC (“Moda”) owns and operates the Moda Ingleside Energy Center (“MIEC”, “the site”) located in San Patricio County, Texas. The site includes two for-hire terminals, one for petroleum products (crude oil, condensate, and fuel oil) and another for liquified petroleum gases (“LPG”). Each terminal receives materials into onsite storage tanks, then loads those materials into ships and barges for further transport.

The purpose of this document is to provide the necessary information to obtain a water use permit from the TCEQ to provide the site with adequate firewater in case of an emergency. Additionally, the water would be used to test the firewater pump systems for mechanical integrity and leaks.

Sections 2.0 through 4.0 of this document contain supporting information for this application. Section 2.0 provides supplemental information in support of the Administrative Information Report (Form: TCEQ-10214B). Section 3.0 provides supplemental information in support of the Technical Information Report (Form: TCEQ-10214C) and its accompanying worksheets. Section 4.0 contains attachments, which includes maps detailing application features (i.e., diversion reach, property boundaries, river basins, water bodies, etc.), photographs of proposed diversion reach, a Water Conservation Plan, and a site property deed.

## 2.0 Administrative Information Checklist

The Administrative Information Checklist is required to be submitted for each application. This section provides supplemental information in support of the Administrative Information Checklist submitted with this application package.

### 2.1 Summary of Request

The Moda Ingleside Energy Center site includes two for-hire terminals that store and load petroleum products and LPG. The facility contains firewater pumps to be used in case of an emergency. As such, Moda is applying for a new appropriation of State Water to provide the site with adequate firewater in case of an emergency and for periodic mechanical integrity and leak testing of the firewater pump systems.

The site will have multiple firewater pumps that will be used to divert a quantity not to exceed 500 Acre-Feet (“AF”) of water per year from Corpus Christi Bay located in the San Antonio-Nueces River Basin. The pumps will divert water at a combined maximum flow rate not to exceed 100,000 gallons per minute (“gpm”). Since the use of water will be on an “as needed” basis, usage will fluctuate year over year based on emergency occurrences and mechanical integrity and leak testing requirements. Moda will take every precautionary measure to ensure that emergency situations do not occur; however, Moda wishes to permit the site with enough water in case it is needed for an emergency. Moda must test the firewater pump systems based on manufacturer specifications for mechanical integrity and leaks. As such, the site will need to run the pumps for approximately 30 minutes per week. With this application, Moda is requesting 500 AF per year to ensure sufficient water is permitted to account for testing of pump systems and emergency situations. The site will not be storing water; the appropriated water will be released directly back to Corpus Christi Bay.

Section 3.2 provides further information regarding the quantity, purpose, and place of use of the new appropriation of State Water. Section 3.6 provides detailed information regarding the diversion points.

## **2.2 Applicant Information – Signatory Requirements 30 Texas Administrative Code §295.14**

Title 30 Texas Administrative Code (“TAC”) §295.14 states that if the application is by a corporation, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. This application has been signed by Clayton Curtis (Vice President of Regulatory Affairs), a duly authorized official of Moda Ingleside Oil Terminal, LLC; therefore, the signatory requirements of 30 TAC §295.14 have been met.

## 3.0 Technical Information Report

The Technical Information Report is required for applications for new or amended water rights. This section provides supplemental information in support of the Technical Information Report submitted with this application package.

### 3.1 Addendum Regarding the State and Regional Water Plans

The state and regional water plans generally do not address every possible use in individual water rights. This application is consistent with the 2021 Region N Water Plan and the 2017 State Water Plan because the proposed water use in this application (industry/safety) does not conflict with any of the provisions of these Plans.

### 3.2 Worksheet 1.0: Quantity, Purpose, and Place of Use

This worksheet provides information regarding quantity, purpose, and place of use for new or additional appropriations of State Water or Bed and Banks authorizations. As stated in Worksheet 1.0 of the Technical Information Report, Moda is seeking authorization for a new appropriation of State Water in the amount of and not to exceed 500 AF of water per year. The water will be diverted from and returned to Corpus Christi Bay located in the San Antonio-Nueces River Basin. The purpose and place of use for the water is detailed below:

#### **Purpose of Use:**

The new appropriation of State Water requested with this application will be for industrial use. Moda will use the water for the following two (2) reasons, but not limited to:

- **Firewater:** Water will be used for firefighting in case of an emergency at the site.
- **Firewater pump systems flow tests:** The firewater pump systems will be periodically tested for mechanical integrity and leaks.

#### **Place of Use:**

The water will be used onsite at the site located in San Patricio County, Texas. A scaled area map and photographs that show the location of the site and proposed diversion reach are provided in Attachments 1 and 2.

### **3.3 Worksheet 1.1: Interbasin Transfers**

Worksheet 1.1 applies to new or amended water rights which request 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 (“TWDB”) by rule pursuant to Texas Water Code (“TWC”) §16.051. With this application, Moda is not requesting to transfer State Water between river basins; therefore, this worksheet is not required.

### **3.4 Worksheet 1.2: Notice. “The Marshall Criteria”**

Worksheet 1.2 is intended to assist the TCEQ in determining notice required for certain amendments to existing water rights permits. This application is for a new appropriation of State Water; therefore, this worksheet is not required.

### **3.5 Worksheet 2.0: Impoundment/Dam Information**

Worksheet 2.0 is required for an impoundment, reservoir, and/or dam. With this application, Moda is not intending to use or construct an impoundment or dam; therefore, this worksheet is not required.

### **3.6 Worksheet 3.0: Diversion Point (Or Diversion Reach) Information**

Worksheet 3.0 is required for each diversion point or diversion reach requested. Moda is seeking to divert water from one (1) proposed diversion reach. Table 3-1 provides a summary of the proposed diversion reach and diversion rate. The following subsection provides supplemental information in support of Worksheet 3.0 for the proposed diversion reach. According to Worksheet 3.0, TCEQ staff will calculate the drainage area at each diversion reach. Moda will provide any additional information necessary for TCEQ staff to complete the drainage calculations.

**Table 3-1 Summary of Proposed Diversion Reach Locations and Diversion Rates**

Diversion Point or Reach No.	Diversion Type	Diversion Method	Latitude/Longitude	Watercourse	Maximum Rate of Diversion (gpm)	Plan of Diversion
DR-1-1 (Upstream)	Diversion Reach 1	Firewater Pump(s)	27.821405 / -97.209573	Corpus Christi Bay	100,000	See Section 3.6.1
DR-1-2 (Downstream)			27.820763 / -97.203362			



### **3.6.1 Diversion Reach 1: DR-1-1 and DR-1-2**

Proposed Diversion Reach 1 will have an upstream boundary located at the southwest corner of the property (DR-1-1) and a downstream boundary located at the southeast corner of the property (DR-1-2). There are currently three (3) proposed mobile pump systems to be located along this diversion reach. However, Moda may add additional pump systems to be placed anywhere along the proposed diversion reach as needed for future expansion. The three (3) proposed mobile pump systems, and any additional pump systems constructed in the future, will divert water at a combined maximum flow rate not to exceed 100,000 gpm. This proposed diversion reach is reflected on the site map located in Section 4.0, Attachment 1.

### **3.7 Worksheet 4.0: Discharge Information**

Worksheet 4.0 is required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Moda is not requesting to authorize discharge into a State Watercourse for conveyance and later withdrawal or in-place use; therefore, this worksheet is not applicable. After use of the requested water appropriation, Moda will release the water directly back to Corpus Christi Bay and will ensure no illicit discharges under the Texas Pollutant Discharge Elimination System (“TPDES”) occur at this site.

### **3.8 Worksheet 5.0: Environmental Information**

Worksheet 5.0 is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. Moda is not requesting a new appropriation of water in the aforementioned basins. Additionally, Moda is not requesting to change a diversion point, apply for an alternate source of water, or apply for a bed and banks application; therefore, this worksheet is not required.

Moda will take reasonable measures to avoid impingement and entrainment of aquatic organisms for all new diversion structures. Reasonable measures include, but are not limited to, filter screens.

## **3.9 Worksheet 6.0: Water Conservation/Drought Contingency Plans**

Worksheet 6.0 is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plan is required and to specify the requirements for the plans. The following subsections detail the requirements pertaining to Moda.

### **3.9.1 Water Conservation Plan**

A Water Conservation Plan must be completed for a request for a new appropriation or use of State Water.

Part III of the Water Conservation Plan must include information which supports the applicant's proposed use of water with consideration of water conservation goals and evaluates conservation as an alternative to the proposed appropriation. It is the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists. Moda is requesting to divert 500 AF of water, of which, approximately 98% is expected to be returned directly to the water body it was diverted from. Moda has taken conservation into account through development of efficient use and reuse practices stated within the Water Conservation Plan. Due to the amount of water needed for emergency firewater pump system testing, no feasible alternatives exist to the proposed appropriation and the requested amount of appropriation is necessary and reasonable to ensure the facility has adequate water for testing and emergency situations.

A full completed Water Conservation Plan can be found in Section 4.0, Attachment 3 of this application.

### **3.9.2 Drought Contingency Plan**

A Drought Contingency Plan is required for entities that are requesting any authorization in section (1)(a) of Worksheet 6.0. Moda is seeking authorization in section (1)(a); however, the requested authorization is for industrial use, which does not fall under the municipal, irrigation, or wholesale categories listed on the Drought Contingency Plan requirements. Therefore, a Drought Contingency Plan is not required for this application.



### **3.10 Worksheet 7.0: Accounting Plan Information Worksheet**

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. With this application, Moda is requesting 500 AF per year and will be diverting the water from Corpus Christ Bay; therefore, this project does not require an Accounting Plan.

### **3.11 Worksheet 8.0: Calculation of Fees**

Worksheet 8.0 is used for calculating required application fees. Below is a list of the applicable application fees for this requested authorization:

- Filing Fee: \$250.00
- Recording Fee: \$25.00
- Use Fee: \$500.00 (\$1.00 x 500 AF requested)
- Mailed Notice: \$14.10
- Total: \$789.10

The requested appropriation of State Water will not be used for irrigation and will not be stored onsite; therefore, the Agriculture Use Fee, Storage Fee, and Recreational Storage Fee are not included in the calculation of fees above.

### **3.12 Certificate of Conversion and Property Special Warranty Deeds**

The title ownership of all tracts of land for the facility in this proposed application are held by Moda Ingleside Oil Terminal, LLC. A copy of the Declaration of Name Change from when the property was purchased from “Oxy Ingleside Energy Center, LLC” can be found in Section 4.0, Attachment 4. Additionally, the Property Special Warranty Deeds for all tracts of land can also be found in Section 4.0, Attachment 4. No letter of consent for use of land is necessary with this application since all tracts of land are owned by the applicant.

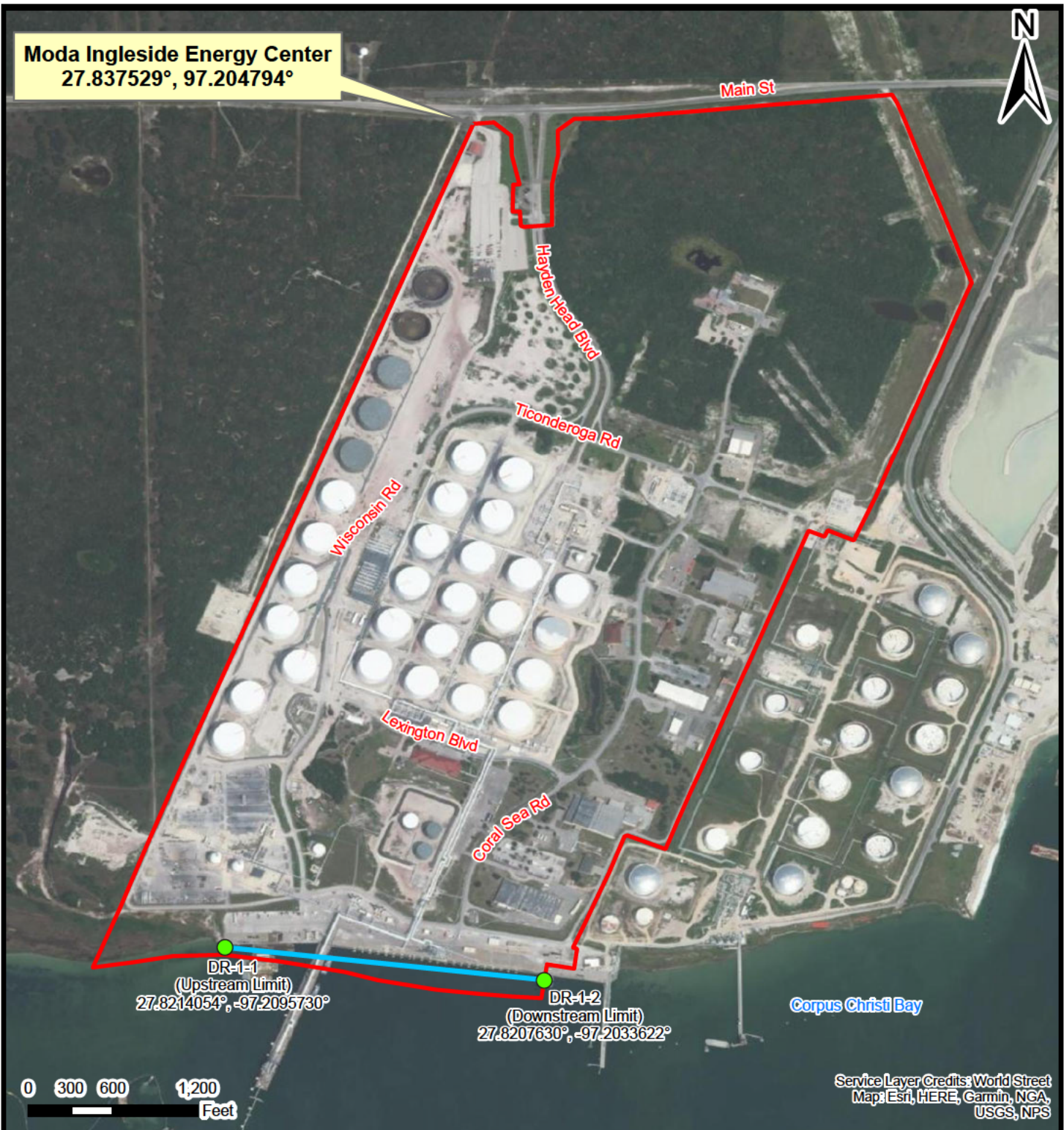
## 4.0 Attachments

The following information is included in this section:

1. Maps and Plot Plans
2. Photo Log
3. Water Conservation Plan (Form TCEQ-10213)
4. Certificate of Conversion and Property Special Warranty Deed
5. Corporate Authorization for Duly Authorized Representative

# Attachment 1 – Maps and Plot Plans

**Moda Ingleside Energy Center**  
 27.837529°, 97.204794°



**DR-1-1**  
 (Upstream Limit)  
 27.8214054°, -97.2095730°

**DR-1-2**  
 (Downstream Limit)  
 27.8207630°, -97.2033622°

Corpus Christi Bay

0 300 600 1,200  
 Feet

Service Layer Credits: World Street  
 Map, Esri, HERE, Garmin, NGA,  
 USGS, NPS

**Legend**

- Site Boundary
- Diversion Reach
- Diversion Reach Limits



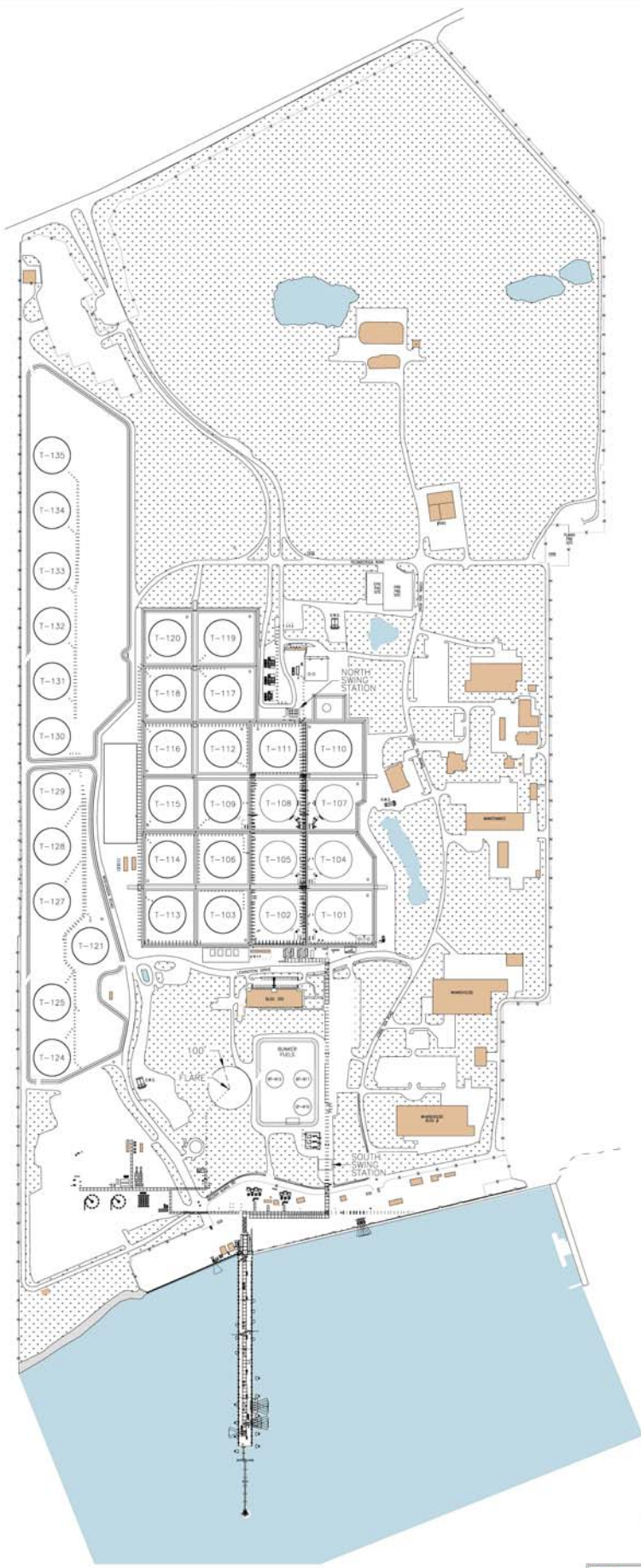
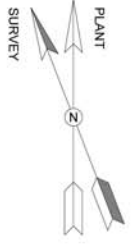
**AERIAL OVERVIEW MAP**  
**MODA INGLESIDE ENERGY CENTER**  
**MODA INGLESIDE OIL TERMINAL, LLC**  
**NUECES COUNTY, TEXAS**

Drawing No.: 1  
 Date: 7/9/2021  
 Project No.: 21341.00A  
 Drawn By: AHasse  
 Revision No.: 1

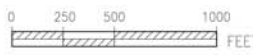
**SPIRIT**  
 ENVIRONMENTAL

20465 State Highway 249, Suite 300  
 Houston, TX 77070

*Note: This is not a  
 Property Boundary Survey*



05/07/21  
**INFORMATION ONLY**



**MIEC.  
FACILITY SITE PLAN**

REV #	REFERENCE DRAWINGS	REV	DATE	DESCRIPTION	BY	CHK	APP	DRWN BY	CHECKED BY	ENGINEER	DATE
		F	05/07/21	UPDATED SITE BACKGROUND	BF	DWD			BF	MH	02/09/21
								SCALE	LOCATION	DRAWING NUMBER	REV.
								AS SHOWN	MIEC	143-2-069	F

## Attachment 2 – Photo Log

Photo 1: View facing west to Corpus Christi Bay at the proposed upstream limit DR-1-1



Photo 2: View facing south to Corpus Christi Bay at the proposed upstream limit DR-1-1



Photo 3: View facing east to Corpus Christi Bay at the proposed upstream limit DR-1-1



Photo 4: View facing west to Corpus Christi Bay at the proposed downstream limit DR-1-2

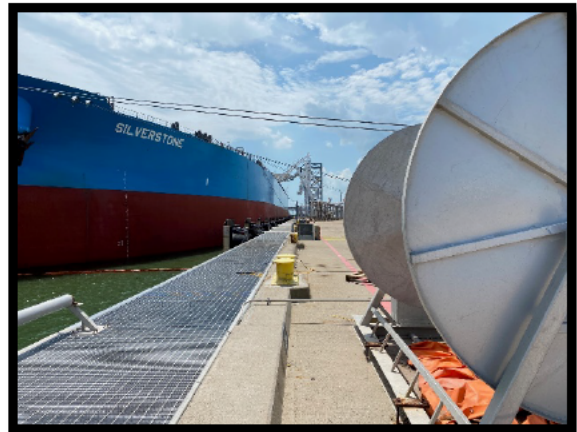


Photo 5: View facing south to Corpus Christi Bay at the proposed downstream limit DR-1-2



Photo 6: View facing east to Corpus Christi Bay at the proposed downstream limit DR-1-2



## **Attachment 3 – Water Conservation Plan**





# Texas Commission on Environmental Quality

Water Availability Division

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

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

## Industrial Water Conservation Plan

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

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

### Contact Information

Name: Moda Ingleside Oil Terminal, LLC

Address: 1450 Lexington Drive, Ingleside, Texas 78362-6301

Telephone Number: (832) 930-4838 Fax: ( )

Form Completed By: Clayton Curtis

Title: Vice President of Regulatory Affairs

Signature:  Date: 7/15/2021

A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

### I. BACKGROUND DATA

#### A. Water Use

1. Annual diversion appropriated or requested (in acre-feet):

500

2. Maximum diversion rate (cfs):

222.8

#### B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water	_____	_____	<b>500</b>
Groundwater	_____	_____	_____
Purchased	_____	_____	_____
<b>Total</b>	_____	_____	<b>500</b>

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated X; Other

3. Was purchased water raw or treated?

If both, % raw ; % treated ; and Supplier(s)

*C. Industrial Information*

1. Major product(s) or service(s) produced by applicant:

Moda Ingleside primarily functions as a bulk propane and crude oil storage terminal.

2. North American Industry Classification System (NAICS):

**424710 and 493190**

**II. WATER USE AND CONSERVATION PRACTICES**

*A. Water Use in Industrial Processes*

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	_____	_____	_____	_____	_____
Processing, washing, transport	_____	_____	_____	_____	_____
Boiler feed	_____	_____	_____	_____	_____
Incorporated into product	_____	_____	_____	_____	_____
Other	_____	<b>100%</b>	_____	_____	<b>300-500 AF</b>

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	_____	_____	_____	_____	_____
Pond(s)	_____	_____	_____	_____	_____
Once through	_____	_____	_____	_____	_____
Sanitary & drinking water	_____	_____	_____	_____	_____
Irrigation & dust control	_____	_____	_____	_____	_____

1. Was fresh water recirculated at this facility?  Yes  No

2. Provide a detailed description of how the water will be utilized in the industrial process.

**The water will be used to test firewater pump systems for mechanical integrity and leaks. The water will be pulled from Corpus Christi Bay. Once testing is complete, the water will be returned directly to the bay. Additionally, the water will be used for emergency situations.**

3. Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.

**An estimated 2% of water pulled is anticipated to be lost due to evaporation. 98% of water will be returned to the bay.**

4. Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	_____	_____	_____
February	_____	_____	_____
March	_____	_____	_____
April	_____	_____	_____
May	_____	_____	_____
June	_____	_____	_____

July			
August			
September			
October			
November			
December			
<b>Totals</b>			

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	25	98%	0.5
February	25	98%	0.5
March	25	98%	0.5
April	25	98%	0.5
May	25	98%	0.5
June	25	98%	0.5
July	25	98%	0.5
August	25	98%	0.5
September	25	98%	0.5
October	25	98%	0.5
November	25	98%	0.5
December	25	98%	0.5
<b>Totals</b>	<b>300</b>	<b>98%</b>	<b>6</b>

*B. Specific and Quantified Conservation Goal*

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

% reused water

**98 % of water not consumed and therefore returned**

Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

**Moda will ensure that water used for mechanical integrity and leak testing of the firewater pump system will only be conducted using the least amount of time and water as required by manufacturer specification. This will ensure that the tests are not pulling more water than necessary. Additionally, Moda will monitor the pump system for potential leaks and will repair discovered leaks in a timely manner. The percentage of surface water savings proposed by limiting water use and fixing leaks for the five (5) year goal is a water savings of 5%; ten (10) year goal is a water savings of 10%.**

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

- a. 5-year goal: 5%
  - b. 10-year goal: 10%
3. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

**Moda will monitor pumping capacity rates and keep a log of water being diverted. This practice will measure the amount of water diverted from the supply source within an accuracy of plus or minus 5%.**

4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.

**Periodic visual inspection of firewater pump system lines will be made while water is being diverted. Should leaks be discovered, repairs will be made promptly to reduce water loss.**

5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.

**Water used for firewater pump mechanical leak testing will be conducted using the least amount of time and water as required by manufacturer specifications. Leaks will be repaired promptly to reduce water loss.**

6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:

**Periodic monitoring of pump system for leaks will ensure that the maximum amount of water diverted will be returned.**

### **III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water**

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

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;

2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

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

## **Attachment 4 – Certificate of Conversion and Property Special Warranty Deeds**



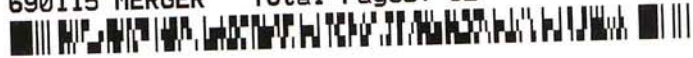
San Patricio County  
Gracie Alaniz-Gonzales, County Clerk  
400 W. Sinton Street  
Sinton, Texas 78387  
361-364-9350

Receipt: 19-5836

Product	Name	Extended
MERGER	MERGER	\$150.00
	Pages	32
	Document #	690115
	Document Info:	CRAIN CATON & JAMES
TERM	TERMINATION	\$42.00
	Pages	6
	Document #	690116
	Document Info:	CRAIN CATON & JAMES
DEED	DEED	\$62.00
	Pages	10
	Document #	690117
	Document Info:	CRAIN CATON & JAMES
DEED	DEED	\$70.00
	Pages	12
	Document #	690118
	Document Info:	CRAIN CATON & JAMES
<b>Total</b>		<b>\$324.00</b>
Tender (Check)		\$324.00
Check Number	159758	
Paid By	CRAIN CATON & JAMES	

Thank You for Your Business





**Declaration of Merger and Name Change**

(MODA Ingleside Facilities, LLC to MODA Ingleside Oil Terminal, LLC)

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

That, **MODA INGLESIDE OIL TERMINAL, LLC**, a Delaware limited liability company (f/k/a and merged with Moda Ingleside Facilities, LLC (“**Owner**”), is the current fee simple tile owner or easement holder of the following tracts of real property located in San Patricio County, Texas, as described as follows (collectively, the “**Property**”):

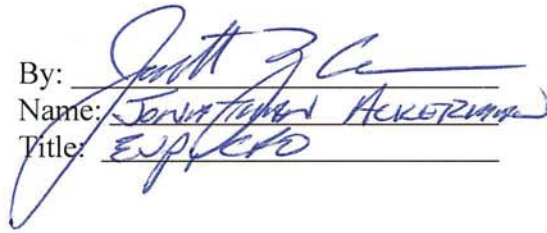
Being all those certain tracts, lots, pieces, or parcels of land together with certain submerged land held by exclusive easements described in **EXHIBIT “A”** attached hereto and incorporated herein by this reference for all purposes.

Attached hereto as **EXHIBIT “B”** is a true and correct copy of the Certificate of Merger and Certificate of Amendment (Name Change) for Moda Ingleside Facilities, LLC to MODA Ingleside Oil Terminal LLC (Delaware Secretary of State File No.: 5130003) submitted for recording to clarify and provide legal and construction notice of proper vesting of title to the Property.

Owner has duly executed, acknowledged and delivered this instrument as of July 1, 2019 (the “**Effective Date**”).

**Owner:**

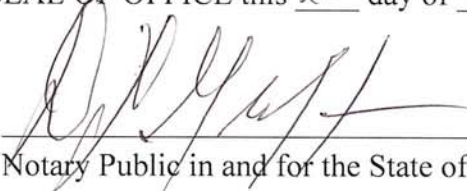
**Moda Ingleside Oil Terminal, LLC**  
a Delaware limited liability company  
(f/k/a Moda Ingleside Facilities, LLC and  
f/k/a Oxy Ingleside Energy Center, LLC)

By:   
Name: Jonathan Ackerman  
Title: Esplero

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

On this 20<sup>th</sup> day of June 2019, before me, the undersigned officer, personally appeared Jonathan Z. Ackerman, as Executive Vice President of **Moda Ingleside Oil Terminal, LLC**, a Delaware limited liability company, on, being authorized to do so, executed the foregoing instrument as the act and deed of such company for the purposes therein contained by signing the name of such company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20<sup>th</sup> day of June 2019.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



**ATTACHMENTS:**

- Exhibit "A" – Property Legal Descriptions
- Exhibit "B" – Name Change Certificate of MODA Ingleside Facilities, LLC to MODA Ingleside Oil Terminal, LLC

**After Recording, Please Return To:**

Jason Davis  
✓ Crain, Caton & James, PC  
1401 McKinney Street, 17<sup>th</sup> Floor  
Houston, Texas 77010-4035

**Exhibit "A"**

**Property Legal Description**

**(See Attached)**

## Tract 1

### 378.83 acres (save except Campus Tracts A, B, & C)

**FIELD NOTES** to describe the boundary of a 378.83-acre tract of land, herein designated Tract I, being out of a 478.551-acre remainder of 483.158-acres known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, Save and Except a 8.496-acre tract herein designated Tract V, Campus "A", a 85.947-acre tract herein designated Tract VI, Campus " B " and a 5.280-acre tract herein designated Tract VII, Campus "C", said 378.83-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a concrete monument with a square brass plate stamped "14.86" found in the west right-of-way of F.M. Road 1069 at the southwest area of the intersection with F.M. 2725 for the most southerly northeast corner of this tract, said monument having coordinates of N 17195295.81, E 1406451.58, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, S-21°-18'-43"-W, along said west right-of-way, a distance of **1216.17'** to a concrete monument with a square brass plate found for a bend point in said right-of-way and a bend point in the east line of this tract;

**THENCE**, S-21°-09'-10"-W, continuing along said right-of-way and along the west line of a called 40-acre tract described in a deed to the State of Texas as recorded in Volume 195, Page 19, Deed Records, San Patricio County, Texas, at 541.46' pass a found concrete monument with a square brass plate, in all a distance of **1610.15'** to a concrete monument with a square brass plate found for an exterior corner in the east line of this tract;

**THENCE**, N-68°-51'-00"-W, a distance of **249.35'** to a concrete monument with a square brass plate found for an interior corner of this tract;

**THENCE**, S-21°-08'-35"-W, a distance of **191.54'** to a monument with a cap stamped "OXY Ingleside Property Holdings", herein after referred to as "an OXY monument", set at the time of this survey to replace the original found property marker in the north line of the current Flint Hills facility described in a deed to Koch Refining Company, L.P. as recorded in Clerks File #447427, Real Property Records, San Patricio County, Texas for an exterior of this tract;

**THENCE**, N-68°-54'-55"-W, at 86.04' pass a concrete monument with a square brass plate found for the northwest corner of said Flint Hills tract and the northeast corner of a 1.62-acre tract of land out of said Tract I described as Parcel A in a deed to Flint Hills Resources Corpus Christi, LLC as recorded in Clerks File #606859, Official Public Records, San Patricio, Texas, in all a distance of **105.04'** to an OXY monument set for an interior corner of this tract;

**THENCE**, S-21°-08'-40"-W, a distance of **2505.41'** to an OXY monument set for an interior corner of said Parcel A and an exterior corner of this tract;

**THENCE**, N-68°-51'-30"-W, a distance of **260.90'** to an OXY monument set for an exterior corner of said Parcel A and an interior corner of this tract;

**THENCE**, S-65°-41'-03"-W, a distance of **16.86'** to an OXY monument for an exterior corner of said Parcel A and an interior corner of this tract;

**THENCE**, S-21°-08'-50"-W, at 812.38' pass a 5/8" steel rod found for the southwest corner of said Parcel A and the northwest corner of Parcel B as recorded in the same deed, in all a distance of **855.93'** to an OXY monument set for an exterior corner of said Parcel B and an interior corner of this tract;

**THENCE**, S-81°-27'-49"-E, a distance of **20.23'** to an OXY monument set for an interior corner of said Parcel B and an exterior corner of this tract;

**THENCE**, S-07°-57'-56"-W, a distance of **138.38'** to an OXY monument set for an interior corner of said Parcel B and an exterior corner of this tract;

**THENCE**, N-82°-02'-54"-W, a distance of **168.65'** to an OXY monument set for an exterior corner of said Parcel B and an interior corner of this tract;

**THENCE**, S-07°-57'-06"-W, at 64.41' pass an OXY monument set for a 15.00' offset to the corner, in all a distance of **79.41'** to a point on the face of the bulkhead of the existing dock facility, now agreed on to be the location of the existing shoreline, said point being the northeast corner of Tract IV of this description, shown on the same plat as this Tract I and the southeast corner of this tract, said point having coordinates of N 17189367.17, E 1403379.78, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, along the south line of said Tract I, said line being the face of the bulkhead, the following calls;

N-82°-03'-17"-W, a distance of **1364.36'**;

N-69°-04'-59"-W, a distance of **79.86'**;

S-88°-09'-25"-W, a distance of **559.60'**;

**THENCE**, N-47°-31'-29"-W, continuing along said bulkhead line, a distance of **33.82'** to the point at which the bulkhead line meets the existing natural shoreline as determined by the 0.7' contour line, then continuing along said contour line the following calls;

S-47°-55'-30"-W, a distance of **15.27'**;

S-68°-58'-00"-W, a distance of **38.73'**;

N-64°-23'-51"-W, a distance of **27.79'**;

N-73°-10'-44"-W, a distance of **62.07'**;

S-76°-13'-49"-W, a distance of **43.76'**;

S-87°-56'-22"-W, a distance of **41.82'**;

S-70°-46'-41"-W, a distance of **64.04'**;

S-73°-12'-49"-W, a distance of **126.80'**;

S-62°-08'-19"-W, a distance of **160.68'**;

S-60°-21'-58"-W, a distance of **85.26'**;

S-74°-07'-34"-W, a distance of **97.00'**;

N-89°-52'-20"-W, a distance of **119.54'**;

N-89°-06'-15"-W, a distance of **26.69'**;

**THENCE**, N-84°-55'-44"-W, continuing along the shoreline, a distance of **2.79'** to an unmarked point in the east boundary line of a called 98.44-acre tract described in a deed to Baker's Port, Inc. as recorded in Clerks File #353262, Real Property Records, San Patricio County, Texas for the northwest corner of said Tract IV and the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, at 100.00' pass an OXY monument set on line for reference, at 156.92' pass a found concrete monument with a square brass plate, at 6308.78' pass an OXY monument set for the south right-of-way of F.M. 1069 as described in Clerks File #374150, Real Property Records, San Patricio County, Texas, in all a distance of **6628.43'** to a broken concrete monument found in the original south right-of-way of F.M. 1069 for the northeast corner of said 98.44-acre tract and for the northwest corner of this tract;

**THENCE**, N-88°-21'-05"-E, a distance of **3291.23'** to an OXY monument set for the most northerly northeast corner of this tract, said point being the point of curvature for a curve to the right from which the radius bears S-01°-38'-55"-E, 266.26, said curve having a central angle of 112°-57'-40" and non-tangent of 401.98';

**THENCE**, along said curve and right-of-way, an arc length of **524.94'** to the **POINT OF BEGINNING** and containing 478.551-acres of land of which 6.849-acres are within the right-of-way of F.M. 1069.

#### **SAVE AND EXCEPT TRACT V, CAMPUS "A"**

**FIELD NOTES** to describe the boundary of a 8.496-acre tract herein designated Tract V, Campus "A", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 8.496-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northwest corner of this tract and having coordinates of N 17193449.71, E 1402151.38, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found in the south right-of-way of F.M. Road 1069 for the lower northwest corner of said 478.551-acre tract bears N-68°-50'-39"-W, 60.00' and N-21°-09'-21"-E, 2081.34';

**THENCE**, S-68°-50'-39"-E, a distance of **535.54'** to a 5/8" steel rod set 40' west of the centerline of Wisconsin Road as constructed for the northeast corner of this tract, said point being the non-tangent point of curvature for a curve to the left from which the radius bears S-48°-23'-39"-E, 455.00', said curve having a central angle of 25°-14'-53" and a tangent of 101.90';

**THENCE**, continuing along said curve and 40' offset, an arc length of **200.50'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-16°-21'-28"-W, continuing along 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-73°-38'-32"-W, 675.00', said curve having a central angle of 28°-08'-16" and a tangent of 169.16';

**THENCE**, continuing along said curve and 40' offset, an arc length of **331.49'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-44°-29'-44"-W, a distance of **30.41'** to a 5/8 steel rod set for the point of curvature for a curve to the left from which the radius bears S-45°-30'-16"-E, 1255.00', said curve having a central angle of 01°-24'-37" and a tangent of 15.45';

**THENCE**, continuing along said curve and 40' offset, an arc length of **30.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-50'-39"-W, a distance of **444.41'** to a 5/8" steel rod set for the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, a distance of **729.30'** to the **POINT OF BEGINNING** and containing 8.496-acres of land, more or less.

### **SAVE AND EXCEPT TRACT VI, CAMPUS "B"**

**FIELD NOTES** to describe the boundary of a 85.947-acre tract herein designated Tract VI, Campus "B", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 85.947-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set in a 40' offset from the centerline of South Coral Sea Road as constructed for the lower northeast corner of this tract and having coordinates of N 17192761.03, E 1404254.52, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas and an interior corner in the east line of said 478.551-acre tract bears S-78°-59'-23"-E, 788.23';

**THENCE**, S-21°-07'-17"-W, continuing along said 40' offset, a distance of **63.27'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-68°-52'-43"-W, 675.00', said curve having a central angle of 15°-05'-38" and a tangent of 89.43';



**THENCE**, continuing along said curve and 40' offset, an arc length of **177.82'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-36°-12'-56"-W, continuing along 40' offset, a distance of **140.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-53°-47'-04"-E, 855.00', said curve having a central angle of 35°-56'-54" and a tangent of 277.38';

**THENCE**, continuing along said curve and 40' offset, an arc length of **536.44'** to a Mag nail set in asphalt paving for the point of tangency;

**THENCE**, S-00°-16'-01"-W, a distance of **268.99'** to a 5/8 steel rod set for the point of curvature for a curve to the right from which the radius bears N-89°-43'-59"-W, 1175.00', said curve having a central angle of 45°-21'-40" and a tangent of 491.05';

**THENCE**, continuing along said curve and 40' offset, an arc length of **930.25'** to a 5/8" steel rod set for the upper southeast corner of this tract and the point of compound curvature for a curve to the right from which the radius bears N-44°-22'-19"-W, 50.00', said curve having a central angle of 85°-00'-14" and a tangent of 45.82';

**THENCE**, continuing along said curve, an arc length of **74.18'** to a 5/8" steel rod set in a 40' offset from the centerline of Midway Road as constructed and the lower southeast corner of this tract for the point of reverse curvature for a curve to the left from which the radius bears S-40°-37'-58"-W, 505.00', said curve having a central angle of 39°-45'-31" and a tangent of 182.60';

**THENCE**, continuing along said curve and 40' offset, an arc length of **350.43'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-89°-07'-35"-W, continuing along said 40' offset, a distance of **84.85'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-00°-52'-25"-E, 475.00', said curve having a central angle of 20°-14'-52" and a tangent of 84.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **167.86'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-68°-52'-43"-W, continuing along said 40' offset, a distance of **201.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-21°-07'-17"-W, 530.00', said curve having a central angle of 07°-30'-56" and a tangent of 34.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **69.52'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-76°-23'-38"-W, continuing along said 40' offset, a distance of **106.64'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-13°-36'-22"-E, 475.00', said curve having a central angle of 26°-57'-20" and a tangent of 113.84';

**THENCE**, continuing along said curve and 40' offset, an arc length of **223.47'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-49°-26'-18"-W, continuing along 40' offset, a distance of **87.14'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-40°-33'-42"-W, 455.00', said curve having a central angle of 29°-59'-07" and a tangent of 121.85';

**THENCE**, continuing along said curve and 40' offset, an arc length of **238.12'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-79°-25'-26"-W, continuing along said 40' offset, a distance of **24.84'** to a 5/8" steel rod set for the lower southwest corner of this tract and the point of curvature for a curve to the right from which the radius bears N-10°-34'-34"-E, 50.00', said curve having a central angle of 84°-40'-18" and a tangent of 45.55';

**THENCE**, continuing along said curve, an arc length of **73.89'** to a 5/8" steel rod set in a 40' offset from the centerline of Wisconsin Road as constructed for the upper southwest corner of this tract and for the point of tangency;

**THENCE**, N-05°-15'-11"-E, continuing along said 40' offset, a distance of **444.22'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears S-84°-44'-49"-E, 1175.00', said curve having a central angle of 39°-14'-33" and a tangent of 418.89';

**THENCE**, continuing along said curve and 40' offset, an arc length of **804.77'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-44°-29'-44"-E, continuing along 40' offset, a distance of **30.41'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-45°-30'-16"-W, 755.00', said curve having a central angle of 28°-08'-17" and a tangent of 189.21';

**THENCE**, continuing along said curve and 40' offset, an arc length of **370.78'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-16°-21'-28"-E, continuing along said 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the lower northwest corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-73°-38'-32"-E, 375.00', said curve having a central angle of 94°-45'-51" and a tangent of 407.55';

**THENCE**, continuing along said curve, an arc length of **620.23'** to a 5/8" steel rod set in a 40' offset from the centerline of Ticonderoga Road as constructed for the upper northwest corner of this tract and for the point of tangency;

**THENCE**, S-68°-52'-43"-E, a distance of **1148.24'** to a 5/8" steel rod set for the upper northeast corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-21°-07'-17"-W, 100.00', said curve having a central angle of 90°-00'-01" and a tangent of 100.00';

**THENCE**, continuing along said curve, an arc length of **157.08'** to the **POINT OF BEGINNING** and containing 85.947-acres of land, more or less.

### **SAVE AND EXCEPT TRACT VII, CAMPUS "C"**

**FIELD NOTES** to describe the boundary of a 5.280-acre tract herein designated Tract VII, Campus "C", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias. Survey 1, Abstract 271 in San Patricio County, Texas, said 5.280-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northeast corner of this tract and having coordinates of N 17192157.44, E 1404820.86, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract of land described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas bears S-68°-51'-20"-E, 30.00' and N-21°-08'-40"-E, 497.36';

**THENCE**, S-21°-08'-40"-W, a distance of **258.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-51'-20"-W, a distance of **554.93'** to a drill hole set in concrete for an interior corner in the south line of this tract;

**THENCE**, S-21°-17'-40"-W, a distance of **35.01'** to a drill hole set in concrete for an exterior corner in the south line of this tract;

**THENCE**, N-68°-49'-05"-W, a distance of **197.93'** to a drill hole set in concrete 40' east of the centerline of South Coral Sea Road as constructed for the southwest corner of this tract, said point being the non-tangent point of curvature for a curve to the right from which the radius bears S-72°-59'-03"-E, 775.00', said curve having a central angle of 19°-11'-59" and a tangent of 131.08';

**THENCE**, continuing along said 40' offset and curve, an arc length of **259.70'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-36°-12'-56"-E, continuing along said 40' offset, a distance of **140.09'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-53°-47'-04"-W, 755.00', said curve having a central angle of 01°-00'-03" and a tangent of 6.60';

**THENCE**, continuing along said 40' offset and curve, an arc length of **13.19'** to a 5/8" steel rod set for the northwest corner of this tract;

**THENCE**, S-55°-00'-01"-E, a distance of **282.69'** to a drill hole set in concrete for the point of curvature for a curve to the left from which the radius bears N-34°-59'-59"-E, 202.50', said curve having a central angle of 13°-45'-14" and a tangent of 24.42';

**THENCE**, along said curve, an arc length of **48.61'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-68°-45'-15"-E, a distance of **60.33'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears N-21°-14'-45"-E, 20.00', said curve having a central angle of 89°-45'-14" and a tangent of 19.91';

**THENCE**, continuing along said 40' offset and curve, an arc length of **31.33'** to a drill hole set in concrete for the point of tangency;

**THENCE**, N-21°-29'-38"-E, a distance of **12.27'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-68°-36'-41"-E, a distance of **23.78'** to a drill hole set in concrete for an exterior corner in the north line of this tract;

**THENCE**, S-20°-53'-41"-W, a distance of **30.14'** to a Mag nail set in concrete for an interior corner of this tract;

**THENCE**, S-69°-08'-07"-E, a distance of **20.02'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-21°-12'-41"-W, a distance of **39.89'** to a 5/8" steel rod set for an interior corner of this tract;

**THENCE**, S-68°-51'-20"-E, a distance of **241.64'** to the **POINT OF BEGINNING** and containing 5.280-acres of land, more or less.

## Tract 2

### 435.7 acres (undeveloped tract)

**FIELD NOTES** to describe the boundary of a 435.7-acre tract, herein called Tract II, being the 258.879-acre "Exhibit A" in a correction deed to The Port of Corpus Christi Authority as recorded in Clerks File #512869, Real Property Records, San Patricio County, Texas, 74.71-acres as described in a deed to The Port of Corpus Christi Authority as recorded in Clerks File #353260, Real Property Records, San Patricio County, Texas, a called 98.44-acre tract described in a deed to The Port of Corpus Christi Authority as recorded in Clerks File #353262, Real Property Records, San Patricio County, Texas and a called 3.861-acre tract described in a quitclaim deed to The Port of Corpus Christi Authority as recorded in Clerks File #508819, Real Property Records, San Patricio County, Texas, all being out of the L. Von Zacharias Survey 1, Abstract 271, the T.H. Judson Survey 63, Abstract 177, the J. Robinson Survey, Abstract 225 and the T.T. Williamson Survey, Abstract 295, all in San Patricio County, Texas, said 435.7-acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a broken concrete monument found in the original south right-of-way of F.M. Road 1069 for the northwest corner of a called 483.158-acre tract of land described as Tract I in a deed to the Department of the Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and the northeast corner of this tract, said monument having coordinates of N 17195564.17, E 1402905.32, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, S-21°-09'-21"-W, at 162.72' pass a monument with a cap stamped "OXY Ingleside Property Holdings", herein after referred to as "an OXY monument", set at the time of this survey to replace the original found property marker in the existing south right-of-way of F.M. 1069 for the southeast corner of a tract described in Clerks File #383009, Real Property Records, San Patricio County, Texas, at 6471.50' pass a found concrete monument with a square brass plate previously set for reference, at 6528.43' pass an OXY monument set online for reference, in all a distance of **6628.43'** to an unmarked point on the existing shoreline for the southeast corner of this tract and being the beginning of the state land boundary as measured along the 0.7' contour;

**THENCE**, along the north line of a 29.26-acre tract, herein called Tract III, said line being the 0.7' contour as observed on this date, the following calls;

N-84°-55'-44"-W, a distance of **90.28'**;

N-80°-56'-04"-W, a distance of **90.53'**;

N-73°-42'-00"-W, a distance of **117.72'**;

N-76°-25'-18"-W, a distance of **94.85'**;

N-79°-09'-39"-W, a distance of **99.99'**;

N-81°-46'-03"-W, a distance of **83.76'**;

N-82°-55'-50"-W, a distance of **74.82'**;

S-85°-18'-45"-W, a distance of **71.05'**;

S-89°-06'-28"-W, a distance of **75.93'**;

S-89°-05'-16"-W, a distance of **91.98'**;

N-83°-31'-46"-W, a distance of **125.10'**;

N-67°-25'-49"-W, a distance of **95.44'**;

**THENCE**, N-52°-26'-36"-W, a distance of **31.20'** to an unmarked point which is the point of intersection of the current shoreline and a line created to parallel the east line of this tract for the northwest corner of said Tract III and the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, at 30.00' set an OXY monument online for reference, in all a distance of **71.36'** to an OXY monument set for the southwest corner of said 3.861-acre tract and an interior corner of this tract;

**THENCE**, N-01°-14'-20"-W, along a line which is the extension of the east right-of-way of Rustic Avenue as shown on the plat of Ingleside Townsite as recorded in Volume 5, Page 39, Map Records, San Patricio County, Texas, at 316.16' pass the northwest corner of said 3.861-acre tract and the southwest corner of said 258.879-acre tract, from this point continuing along said right-of-way as platted (70' r.o.w.), in all a distance of **898.51'** to an OXY monument set in the northeast right-of-way of Live Oak Street (50' r.o.w.) as shown on said plat for an interior corner of this tract;

**THENCE**, N-53°-28'-10"-W, along said right-of-way, a distance of **2425.49'** to an OXY monument set in the southeast right-of-way of Wildwood Drive (50' r.o.w.) as shown on said plat for an exterior corner in the west line of this tract;

**THENCE**, N-36°-31'-10"-E, along said right-of-way, a distance of **349.90'** to an OXY monument set in the northeast right-of-way of Ebony Street (49.90' r.o.w.) as shown on said plat for an interior corner in the west line of this tract;

**THENCE**, N-53°-28'-50"-W, along said right-of-way, a distance of **210.00'** to an OXY monument set for the south corner of Lot 1, Block 105, as shown on the old map of Ingleside Townsite as recorded in Volume 2, Pages 5 and 6, Map Records, San Patricio County, several blocks of which have been vacated except those portions of Blocks 105 and 93 as described in a Cession Agreement recorded in Clerks File 587749, Real Property Records, San Patricio County, Texas and for an exterior corner in the west line of this tract;

**THENCE**, N-36°-31'-10"-E, a distance of **300.00'** to an OXY monument set for the east corner of Lot 6 in said Block 105 and the southwest right-of-way of Fifteenth Street (unopened 49.90' r.o.w.) for an exterior corner in the west line of this tract;

**THENCE**, S-53°-28'-50"-E, along said right-of-way, a distance of **10.00'** to an OXY monument set in the centerline of a 20' wide alley shown on said plat for an interior corner in the west line of this tract;

**THENCE**, N-36°-31'-10"-E, along the center of said alley, a distance of **150.32'** to an OXY monument set found for an interior corner in the west line of this tract;

**THENCE**, N-53°-28'-50"-W, at 10' pass the east corner of Lot 5, Block 93 of said subdivision, in all a distance of **149.64'** to an OXY monument set in the south right-of-way of Starlight Drive (50' r.o.w.) for the north corner of said Lot 5 and an exterior corner in the west line of this tract;

**THENCE**, N-36°-30'-45"-E, along said right-of-way, a distance of **2782.72'** to an OXY monument set in said east right-of-way of Rustic Avenue for an interior corner in the west line of this tract;

**THENCE**, N-01°-13'-43"-W, along said right-of-way, at 392.73 pass an OXY monument set in the existing south right-of-way of F.M. 1069, in all a distance of **402.73'** to an OXY monument set in the original south right-of-way of said F.M. 1069 for the northwest corner of this tract;

**THENCE**, N-88°-21'-05"-E, along said original right-of-way, a distance of **3609.81'** to the **POINT OF BEGINNING** and containing 435.7-acres of land of which 3.677-acres are within the right-of-way of F.M. 1069.



**Tract 3**

**29.26 acres (submerged land for dock)**

**EXCLUSIVE EASEMENT**

A 29.26 acre tract of submerged land, more or less, herein called Tract III, being out or the called 10.301.37-acre tract of submerged land conveyed by The State of Texas to Nueces County Navigation District No. 1 by Patent 217 dated January 24, 1950 us recorded in Volume 455, Page 586. Deed Records Nueces County Texas said 29.26-acre tract or submerged land being more particularly described by metes and bounds as follows:

**BEGINNING** at an unmarked point being the southeast corner of Tract II of this survey and the northeast corner of this Tract III. said point having coordinates of N 17189382.49, E 1400513.08, Texas State Plane Coordinates. South Zone. NAD 83;

**THENCE**, S-21°-09'-21"-W along the west line or said Tract IV of this survey, a distance of **1196.58'** to a point in the Port of Corpus Christi bulkhead line for the southeast corner of this tract;

**THENCE**, N-76°-58' -15"-W. along said bulkhead line, a distance of **116.29'** to a point for the southwest corner or this tract;

**THENCE**, N-21°-09'-21"E, along a line created to the parallel with the east line or this tract, a distance of **1118.51'** to an unmarked corner on the existing shoreline for the northwest corner of this tract and being the beginning of the state land boundary as measured along the 0.7' contour, said point having coordinates of N 171119561.34. E 1399397.35, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, along the 0.7' contour as observed on this date and the south line or said Tract 11 of this survey, the following calls:

S-S2°-26' -16"-E, a distance of **31.20'**:

S-67°-25'-49"-E, a distance of **95.44'**:

S-83°-31' -46"-E, a distance of **125.10'**:

N-89°-05"-16"-E, a distance of **91.98'**;

N-89°-06' -28"-E, a distance of **75.93'**;

N-85°-18'-45"-E, a distance of **71.05'**;

S-82°-55'-50"- E, a distance of **74.82'**;

S-81°-46'-03"-E, a distance. of **83.76'**;

S-79°-09'-39"-E, a distance of **99.99'**;

S-76°-25'-18"-E, a distance of **94.85'**;

S-73°-42'-00"-E, a distance of **117.72'**;

S-80°-56' -04"-E, a distance of **90.53'**;

**THENCE, S-84°-55'-44"-E, a distance of 90.28'** to the **POINT OF BEGINNING** and containing 29.26-acres by calculation.

Tract 4

84.33 acres (submerged land – existing docks)

EXCLUSIVE EASEMENT

An 84.33 acre tract of submerged land, more or less, herein designated Tract IV, being out of 9.3457-acres of submerged land known as Tract II described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the called 10,301.37-acre tract of submerged land conveyed by (The State of Texas to Nueces County Navigation District No. 1 by Patent 217 dated January 24, 1950 as recorded in Volume 455, Page 586, Deed Records, Nueces County, Texas, said 84.33-acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at an unmarked point being the southwest corner of Tract I of this survey and the northwest corner of this tract and being the beginning of the state land boundary as measured along the 0.7' contour, said point having coordinates of N 17189382.49, E 1400513.08, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, along the south line of said Tract I and said 0.7' contour line, the following calls;

S-84°-55'-44"-E, a distance of **2,79'**;

S-89°-06'-15"-E, a distance of **26.69'**;

S-89°-52'-20"-E, a distance of **119.54'**;

N-74°-07'-34"-E, a distance of **97.00'**;

N-60°-21'-58"-E, a distance of **85.26'**;

N-62°-08'-19"-E, a distance of **160.68'**;

N-73°-12'-49"-E, a distance of **126.80'**;

N-70°-46'-41"-E, a distance of **64.04'**;

N-87°-56'-22"-E, a distance of **41.82'**;

N-76°-13'-49"-E, a distance of **43.76'**;

S-73°-10'-44"-E, a distance of **62.07'**;

S-64°-23'-51"-E, a distance of **27.79'**;

N-68°-58'-00"-E, a distance of **38.73'**;

**THENCE**, N-47°-55'-30"-E, continuing along said shoreline to the point where it meets the bulkhead of the existing dock facility, now agreed on to be the location of the existing shoreline, a distance of **15.27'** and continuing along the face of the bulkhead the following calls;

S-47°-31'-29"-E, a distance of **33.82'**;

N-88°-09'-25"-E, a distance of **559.60'**;

S-69°-04'-59"-E, a distance of **79.86'**;

**THENCE**, S-82°-03'-17"-E, continuing along said bulkhead line, a distance of **1364.36'** to a point in the west line of a 8.86-acre tract described as Lease "A" in a deed to Flint Hills Resources Corpus Christi, LLC as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas for a southeast corner of said Tract I and the northeast corner of this tract, said point having coordinates of N 17189382.49, E 1400513.08, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, S-07°-57'-06"-W, along the west line of said Lease "A", a distance of **808.37'** to a point in the Port of Corpus Christi bulkhead line for the southwest corner of said Lease "A" and the southeast corner of this tract;

**THENCE**, S-77°-33'-29"-W, along said bulkhead line, a distance of **2350.24'** to a bend point in said bulkhead line and a bend point in the south line of this tract;

**THENCE**, N-76°-58'-15"-W, continuing along said bulkhead line, a distance of **915.24'** to a point for the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, along a line parallel with the west line of said Tract I, a distance of **1196.58'** to the **POINT OF BEGINNIG** and containing 84.33-acres by calculation.

## Tract 5

### 8.496 acres Campus Tract A (within Tract 1)

**FIELD NOTES** to describe the boundary of a 8.496-acre tract herein designated Tract V, Campus "A", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 8.496-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northwest corner of this tract and having coordinates of N 17193449.71, E 1402151.38, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found in the south right-of-way of F.M. Road 1069 for the lower northwest corner of said 478.551-acre tract bears N-68°-50'-39"-W, 60.00' and N-21°-09'-21"-E, 2081.34';

**THENCE**, S-68°-50'-39"-E, a distance of **535.54'** to a 5/8" steel rod set 40' west of the centerline of Wisconsin Road as constructed for the northeast corner of this tract, said point being the non-tangent point of curvature for a curve to the left from which the radius bears S-48°-23'-39"-E, 455.00', said curve having a central angle of 25°-14'-53" and a tangent of 101.90';

**THENCE**, continuing along said curve and 40' offset, an arc length of **200.50'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-16°-21'-28"-W, continuing along 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-73°-38'-32"-W, 675.00', said curve having a central angle of 28°-08'-16" and a tangent of 169.16';

**THENCE**, continuing along said curve and 40' offset, an arc length of **331.49'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-44°-29'-44"-W, a distance of **30.41'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-45°-30'-16"-E, 1255.00', said curve having a central angle of 01°-24'-37" and a tangent of 15.45';

**THENCE**, continuing along said curve and 40' offset, an arc length of **30.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-50'-39"-W, a distance of **444.41'** to a 5/8" steel rod set for the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, a distance of **729.30'** to the **POINT OF BEGINNING** and containing 8.496-acres of land, more or less.

Tract 6

**85.947 acres Campus Tract B (within Tract 1)**

**FIELD NOTES** to describe the boundary of a 85.947-acre tract herein designated Tract VI, Campus "B", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 85.947-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set in a 40' offset from the centerline of South Coral Sea Road as constructed for the lower northeast corner of this tract and having coordinates of N 17192761.03, E 1404254.52, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas and an interior corner in the east line of said 478.551-acre tract bears S-78°-59'-23"-E, 788.23';

**THENCE**, S-21°-07'-17"-W, continuing along said 40' offset, a distance of **63.27'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-68°-52'-43"-W, 675.00', said curve having a central angle of 15°-05'-38" and a tangent of 89.43';

**THENCE**, continuing along said curve and 40' offset, an arc length of **177.82'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-36°-12'-56"-W, continuing along 40' offset, a distance of **140.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-53°-47'-04"-E, 855.00', said curve having a central angle of 35°-56'-54" and a tangent of 277.38';

**THENCE**, continuing along said curve and 40' offset, an arc length of **536.44'** to a Mag nail set in asphalt paving for the point of tangency;

**THENCE**, S-00°-16'-01"-W, a distance of **268.99'** to a 5/8 steel rod set for the point of curvature for a curve to the right from which the radius bears N-89°-43'-59"-W, 1175.00', said curve having a central angle of 45°-21'-40" and a tangent of 491.05';

**THENCE**, continuing along said curve and 40' offset, an arc length of **930.25'** to a 5/8" steel rod set for the upper southeast corner of this tract and the point of compound curvature for a curve to the right from which the radius bears N-44°-22'-19"-W, 50.00', said curve having a central angle of 85°-00'-14" and a tangent of 45.82';



**THENCE**, continuing along said curve, an arc length of **74.18'** to a 5/8" steel rod set in a 40' offset from the centerline of Midway Road as constructed and the lower southeast corner of this tract for the point of reverse curvature for a curve to the left from which the radius bears S-40°-37'-58"-W, 505.00', said curve having a central angle of 39°-45'-31" and a tangent of 182.60';

**THENCE**, continuing along said curve and 40' offset, an arc length of **350.43'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-89°-07'-35"-W, continuing along said 40' offset, a distance of **84.85'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-00°-52'-25"-E, 475.00', said curve having a central angle of 20°-14'-52" and a tangent of 84.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **167.86'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-68°-52'-43"-W, continuing along said 40' offset, a distance of **201.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-21°-07'-17"-W, 530.00', said curve having a central angle of 07°-30'-56" and a tangent of 34.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **69.52'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-76°-23'-38"-W, continuing along said 40' offset, a distance of **106.64'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-13°-36'-22"-E, 475.00', said curve having a central angle of 26°-57'-20" and a tangent of 113.84';

**THENCE**, continuing along said curve and 40' offset, an arc length of **223.47'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-49°-26'-18"-W, continuing along 40' offset, a distance of **87.14'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-40°-33'-42"-W, 455.00', said curve having a central angle of 29°-59'-07" and a tangent of 121.85';

**THENCE**, continuing along said curve and 40' offset, an arc length of **238.12'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-79°-25'-26"-W, continuing along said 40' offset, a distance of **24.84'** to a 5/8" steel rod set for the lower southwest corner of this tract and the point of curvature for a curve to the right from which the radius bears N-10°-34'-34"-E, 50.00', said curve having a central angle of 84°-40'-18" and a tangent of 45.55';

**THENCE**, continuing along said curve, an arc length of **73.89'** to a 5/8" steel rod set in a 40' offset from the centerline of Wisconsin Road as constructed for the upper southwest corner of this tract and for the point of tangency;

**THENCE**, N-05°-15'-11"-E, continuing along said 40' offset, a distance of **444.22'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears S-84°-44'-49"-E, 1175.00', said curve having a central angle of 39°-14'-33" and a tangent of 418.89';

**THENCE**, continuing along said curve and 40' offset, an arc length of **804.77'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-44°-29'-44"-E, continuing along 40' offset, a distance of **30.41'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-45°-30'-16"-W, 755.00', said curve having a central angle of 28°-08'-17" and a tangent of 189.21';

**THENCE**, continuing along said curve and 40' offset, an arc length of **370.78'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-16°-21'-28"-E, continuing along said 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the lower northwest corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-73°-38'-32"-E, 375.00', said curve having a central angle of 94°-45'-51" and a tangent of 407.55';

**THENCE**, continuing along said curve, an arc length of **620.23'** to a 5/8" steel rod set in a 40' offset from the centerline of Ticonderoga Road as constructed for the upper northwest corner of this tract and for the point of tangency;

**THENCE**, S-68°-52'-43"-E, a distance of **1148.24'** to a 5/8" steel rod set for the upper northeast corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-21°-07'-17"-W, 100.00', said curve having a central angle of 90°-00'-01" and a tangent of 100.00';

**THENCE**, continuing along said curve, an arc length of **157.08'** to the **POINT OF BEGINNING** and containing 85.947-acres of land, more or less.

Tract 7

5.28 acres Campus Tract C (within Tract 1)

**FIELD NOTES** to describe the boundary of a 5.280-acre tract herein designated Tract VII, Campus "C", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias. Survey 1, Abstract 271 in San Patricio County, Texas, said 5.280-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northeast corner of this tract and having coordinates of N 17192157.44, E 1404820.86, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract of land described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas bears S-68°-51'-20"-E, 30.00' and N-21°-08'-40"-E, 497.36';

**THENCE**, S-21°-08'-40"-W, a distance of **258.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-51'-20"-W, a distance of **554.93'** to a drill hole set in concrete for an interior corner in the south line of this tract;

**THENCE**, S-21°-17'-40"-W, a distance of **35.01'** to a drill hole set in concrete for an exterior corner in the south line of this tract;

**THENCE**, N-68°-49'-05"-W, a distance of **197.93'** to a drill hole set in concrete 40' east of the centerline of South Coral Sea Road as constructed for the southwest corner of this tract, said point being the non-tangent point of curvature for a curve to the right from which the radius bears S-72°-59'-03"-E, 775.00', said curve having a central angle of 19°-11'-59" and a tangent of 131.08';

**THENCE**, continuing along said 40' offset and curve, an arc length of **259.70'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-36°-12'-56"-E, continuing along said 40' offset, a distance of **140.09'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-53°-47'-04"-W, 755.00', said curve having a central angle of 01°-00'-03" and a tangent of 6.60';

**THENCE**, continuing along said 40' offset and curve, an arc length of **13.19'** to a 5/8" steel rod set for the northwest corner of this tract;

**THENCE**, S-55°-00'-01"-E, a distance of **282.69'** to a drill hole set in concrete for the point of curvature for a curve to the left from which the radius bears N-34°-59'-59"-E, 202.50', said curve having a central angle of 13°-45'-14" and a tangent of 24.42';

**THENCE**, along said curve, an arc length of **48.61'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-68°-45'-15"-E, a distance of **60.33'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears N-21°-14'-45"-E, 20.00', said curve having a central angle of 89°-45'-14" and a tangent of 19.91';

**THENCE**, continuing along said 40' offset and curve, an arc length of **31.33'** to a drill hole set in concrete for the point of tangency;

**THENCE**, N-21°-29'-38"-E, a distance of **12.27'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-68°-36'-41"-E, a distance of **23.78'** to a drill hole set in concrete for an exterior corner in the north line of this tract;

**THENCE**, S-20°-53'-41"-W, a distance of **30.14'** to a Mag nail set in concrete for an interior corner of this tract;

**THENCE**, S-69°-08'-07"-E, a distance of **20.02'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-21°-12'-41"-W, a distance of **39.89'** to a 5/8" steel rod set for an interior corner of this tract;

**THENCE**, S-68°-51'-20"-E, a distance of **241.64'** to the **POINT OF BEGINNING** and containing 5.280-acres of land, more or less.

**End of Exhibit "A"**

**Exhibit "B"**

**Certificate of Merger and Name Change Certificate**

**(See Attached)**

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"MODA INGLESIDE OIL TERMINAL, LLC", A DELAWARE LIMITED LIABILITY COMPANY,

WITH AND INTO "MODA INGLESIDE FACILITIES, LLC" UNDER THE NAME OF "MODA INGLESIDE OIL TERMINAL, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE ON THE TWENTIETH DAY OF JUNE, A.D. 2019, AT 9:56 O`CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE THIRTIETH DAY OF JUNE, A.D. 2019 AT 11:59 O`CLOCK P.M.



  
Jeffrey W. Bullock, Secretary of State

5130003 8100M  
SR# 20195575103

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 203082588  
Date: 06-24-19

**CERTIFICATE OF MERGER**

**OF**

**MODA INGLESIDE OIL TERMINAL, LLC**

**WITH AND INTO**

**MODA INGLESIDE FACILITIES, LLC**

Pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Act, the undersigned limited liability company executed the following Certificate of Merger:

**FIRST:** The name of the surviving limited liability company is MODA INGLESIDE FACILITIES, LLC, and the name of the limited liability company being merged into this surviving limited liability company is MODA INGLESIDE OIL TERMINAL, LLC.

**SECOND:** The Agreement and Plan of Merger has been approved, adopted, certified, executed and acknowledged by each of the constituent limited liability companies.

**THIRD:** The name of the surviving limited liability company is MODA INGLESIDE FACILITIES, LLC.

**FOURTH:** The surviving company's Certificate of Formation shall be amended in the merger, and the amendment to said Certificate of Formation shall be as set forth in Exhibit A attached hereto.

**FIFTH:** The merger is to become effective at 11:59 p.m. on June 30, 2019.

**SIXTH:** The Agreement and Plan of Merger is on file at 1000 Louisiana Street, Suite 7100, Houston, Texas 77002, the place of business of the surviving limited liability company.

**SEVENTH:** A copy of the Agreement and Plan of Merger will be furnished by the surviving limited liability company on request, without cost, to any member of the constituent limited liability companies.

**IN WITNESS WHEREOF**, said surviving limited liability company has caused this certificate to be signed by an authorized person, the 18th day of June 2019.

**MODA INGLESIDE FACILITIES, LLC**

By: 

Name: Jonathan Z. Ackerman

Title: Vice President and Chief Financial Officer

**CERTIFICATE OF AMENDMENT**

**OF**

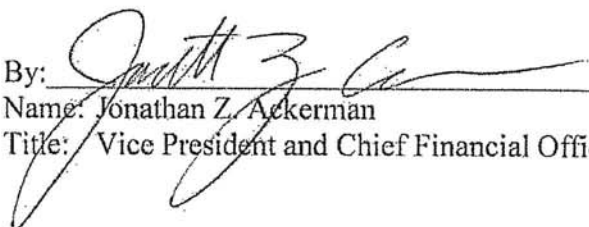
**MODA INGLESIDE FACILITIES, LLC**

1. The name of the limited liability company is Moda Ingleside Facilities, LLC.
2. The Certificate of Formation of the limited liability company is hereby amended by striking out Article FIRST thereof in its entirety and by substituting in lieu of said Article the following new Article:

FIRST: The name of the limited liability company (hereinafter called the "limited liability company") is **Moda Ingleside Oil Terminal, LLC**.

IN WITNESS WHEREOF, the undersigned has caused this certificate to be signed by an authorized person, the 6th day of June 2019.

**MODA INGLESIDE FACILITIES, LLC**

By:   
Name: Jonathan Z. Ackerman  
Title: Vice President and Chief Financial Officer

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS





Gracie Alaniz-Gonzales  
County Clerk  
San Patricio County, Texas  
07/15/2019 10:48 AM  
Fee: \$150.00  
690115 MERGER



## Declaration of Name Change

(Oxy Ingleside Energy Center, LLC to MODA Ingleside Facilities, LLC)

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

That, **MODA INGLESIDE FACILITIES, LLC**, a Delaware limited liability company (f/n/a Oxy Ingleside Energy Center, LLC, which name change certificate is attached hereto as **Exhibit "A"**) ("**Owner**"), is the current fee simple tile owner or easement holder of the following tracts of real property located in San Patricio County, Texas, as described as follows (collectively, the "**Property**"):

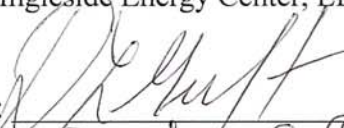
Being all those certain tracts, lots, pieces, or parcels of land together with certain submerged land held by exclusive easements described in Error! Reference source not found. "**B**" attached hereto and incorporated herein by this reference for all purposes.

Attached hereto is a true and correct copy of the Certificate of Amendment (Name Change) for Oxy Ingleside Energy Center, LLC to MODA Ingleside Facilities, LLC, submitted for recording to clarify and provide legal and construction notice of proper vesting of title to the Property.

21 Owner has duly executed, acknowledged and delivered this instrument as of February 21, 2019 (the "**Effective Date**").

**Owner:**

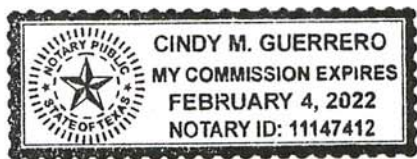
**Moda Ingleside Facilities, LLC**  
a Delaware limited liability company  
(f/n/a Oxy Ingleside Energy Center, LLC)

By:   
Name: David H. Griffin  
Title: General Counsel

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

On this 21 day of February 2019, before me, the undersigned officer, personally appeared David L. Griffis, as General Counsel of **Moda Ingleside Facilities, LLC**, a Delaware limited liability company, on, being authorized to do so, executed the foregoing instrument as the act and deed of such company for the purposes therein contained by signing the name of such company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21 day of February 2019.



Cindy M. Guerrero  
Notary Public in and for the State of Texas

Cindy M. Guerrero  
(Print Name of Notary Public Here)

**ATTACHMENTS:**

- Exhibit "A" – Name Change Certificate of Oxy Ingleside Energy Center, LLC to MODA Ingleside Facilities, LLC
- Exhibit "B" – Property Legal Descriptions

**After Recording, Please Return To:**

Jason Davis  
Crain, Caton & James, PC  
1401 McKinney Street, 17<sup>th</sup> Floor  
Houston, Texas 77010-4035

Personal Counsel

21  
Doris L. Gifford  
February

February 21

*Cindy M. Gifford*  
Cindy M. Gifford



**Exhibit "A"**

**Name Change Certificate**

**(See Attached)**

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "OXY INGLESIDE ENERGY CENTER, LLC", CHANGING ITS NAME FROM "OXY INGLESIDE ENERGY CENTER, LLC" TO "MODA INGLESIDE FACILITIES, LLC", FILED IN THIS OFFICE ON THE FIRST DAY OF NOVEMBER, A.D. 2018, AT 2:37 O'CLOCK P.M.



5130003 8100  
SR# 20187437541

[www.delaware.gov](http://www.delaware.gov) This certificate will be at your Delaware.gov (search) about

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203822066  
Date: 11-02-18

**STATE OF DELAWARE  
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: Oxy Ingleside Energy Center, LLC
2. The Certificate of Formation of the limited liability company is hereby amended as follows:

Article I of the Certificate of Formation is deleted in its entirety and replaced with the following:  
"FIRST: The name of the limited liability company (hereinafter called the "limited liability company") is Moda Ingleside Facilities, LLC."

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 31<sup>st</sup> day of OCTOBER, A.D. 2018

By:   
Authorized Person(s)

Name: JONATHAN ACKERMAN  
Print or Type

**Exhibit "B"**

**Property Legal Description**

**(See Attached)**

## Tract 1

### 378.83 acres (save except Campus Tracts A, B, & C)

**FIELD NOTES** to describe the boundary of a 378.83-acre tract of land, herein designated Tract I, being out of a 478.551-acre remainder of 483.158-acres known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, Save and Except a 8.496-acre tract herein designated Tract V, Campus "A", a 85.947-acre tract herein designated Tract VI, Campus " B " and a 5.280-acre tract herein designated Tract VII, Campus "C", said 378.83-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a concrete monument with a square brass plate stamped "14.86" found in the west right-of-way of F.M. Road 1069 at the southwest area of the intersection with F.M. 2725 for the most southerly northeast corner of this tract, said monument having coordinates of N 17195295.81, E 1406451.58, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, S-21°-18'-43"-W, along said west right-of-way, a distance of **1216.17'** to a concrete monument with a square brass plate found for a bend point in said right-of-way and a bend point in the east line of this tract;

**THENCE**, S-21°-09'-10"-W, continuing along said right-of-way and along the west line of a called 40-acre tract described in a deed to the State of Texas as recorded in Volume 195, Page 19, Deed Records, San Patricio County, Texas, at 541.46' pass a found concrete monument with a square brass plate, in all a distance of **1610.15'** to a concrete monument with a square brass plate found for an exterior corner in the east line of this tract;

**THENCE**, N-68°-51'-00"-W, a distance of **249.35'** to a concrete monument with a square brass plate found for an interior corner of this tract;

**THENCE**, S-21°-08'-35"-W, a distance of **191.54'** to a monument with a cap stamped "OXY Ingleside Property Holdings", herein after referred to as "an OXY monument", set at the time of this survey to replace the original found property marker in the north line of the current Flint Hills facility described in a deed to Koch Refining Company, L.P. as recorded in Clerks File #447427, Real Property Records, San Patricio County, Texas for an exterior of this tract;

**THENCE**, N-68°-54'-55"-W, at 86.04' pass a concrete monument with a square brass plate found for the northwest corner of said Flint Hills tract and the northeast corner of a 1.62-acre tract of land out of said Tract I described as Parcel A in a deed to Flint Hills Resources Corpus Christi, LLC as recorded in Clerks File #606859, Official Public Records, San Patricio, Texas, in all a distance of **105.04'** to an OXY monument set for an interior corner of this tract;



**THENCE**, S-21°-08'-40"-W, a distance of **2505.41'** to an OXY monument set for an interior corner of said Parcel A and an exterior corner of this tract;

**THENCE**, N-68°-51'-30"-W, a distance of **260.90'** to an OXY monument set for an exterior corner of said Parcel A and an interior corner of this tract;

**THENCE**, S-65°-41'-03"-W, a distance of **16.86'** to an OXY monument for an exterior corner of said Parcel A and an interior corner of this tract;

**THENCE**, S-21°-08'-50"-W, at 812.38' pass a 5/8" steel rod found for the southwest corner of said Parcel A and the northwest corner of Parcel B as recorded in the same deed, in all a distance of **855.93'** to an OXY monument set for an exterior corner of said Parcel B and an interior corner of this tract;

**THENCE**, S-81°-27'-49"-E, a distance of **20.23'** to an OXY monument set for an interior corner of said Parcel B and an exterior corner of this tract;

**THENCE**, S-07°-57'-56"-W, a distance of **138.38'** to an OXY monument set for an interior corner of said Parcel B and an exterior corner of this tract;

**THENCE**, N-82°-02'-54"-W, a distance of **168.65'** to an OXY monument set for an exterior corner of said Parcel B and an interior corner of this tract;

**THENCE**, S-07°-57'-06"-W, at 64.41' pass an OXY monument set for a 15.00' offset to the corner, in all a distance of **79.41'** to a point on the face of the bulkhead of the existing dock facility, now agreed on to be the location of the existing shoreline, said point being the northeast corner of Tract IV of this description, shown on the same plat as this Tract I and the southeast corner of this tract, said point having coordinates of N 17189367.17, E 1403379.78, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, along the south line of said Tract I, said line being the face of the bulkhead, the following calls;

N-82°-03'-17"-W, a distance of **1364.36'**;

N-69°-04'-59"-W, a distance of **79.86'**;

S-88°-09'-25"-W, a distance of **559.60'**;

**THENCE**, N-47°-31'-29"-W, continuing along said bulkhead line, a distance of **33.82'** to the point at which the bulkhead line meets the existing natural shoreline as determined by the 0.7' contour line, then continuing along said contour line the following calls;

S-47°-55'-30"-W, a distance of **15.27'**;

S-68°-58'-00"-W, a distance of **38.73'**;

N-64°-23'-51"-W, a distance of **27.79'**;

N-73°-10'-44"-W, a distance of **62.07'**;

S-76°-13'-49"-W, a distance of **43.76'**;

S-87°-56'-22"-W, a distance of **41.82'**;

S-70°-46'-41"-W, a distance of **64.04'**;

S-73°-12'-49"-W, a distance of **126.80'**;

S-62°-08'-19"-W, a distance of **160.68'**;

S-60°-21'-58"-W, a distance of **85.26'**;

S-74°-07'-34"-W, a distance of **97.00'**;

N-89°-52'-20"-W, a distance of **119.54'**;

N-89°-06'-15"-W, a distance of **26.69'**;

**THENCE**, N-84°-55'-44"-W, continuing along the shoreline, a distance of **2.79'** to an unmarked point in the east boundary line of a called 98.44-acre tract described in a deed to Baker's Port, Inc. as recorded in Clerks File #353262, Real Property Records, San Patricio County, Texas for the northwest corner of said Tract IV and the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, at 100.00' pass an OXY monument set on line for reference, at 156.92' pass a found concrete monument with a square brass plate, at 6308.78' pass an OXY monument set for the south right-of-way of F.M. 1069 as described in Clerks File #374150, Real Property Records, San Patricio County, Texas, in all a distance of **6628.43'** to a broken concrete monument found in the original south right-of-way of F.M. 1069 for the northeast corner of said 98.44-acre tract and for the northwest corner of this tract;

**THENCE**, N-88°-21'-05"-E, a distance of **3291.23'** to an OXY monument set for the most northerly northeast corner of this tract, said point being the point of curvature for a curve to the right from which the radius bears S-01°-38'-55"-E, 266.26, said curve having a central angle of 112°-57'-40" and non-tangent of 401.98';

**THENCE**, along said curve and right-of-way, an arc length of **524.94'** to the **POINT OF BEGINNING** and containing 478.551-acres of land of which 6.849-acres are within the right-of-way of F.M. 1069.

#### **SAVE AND EXCEPT TRACT V, CAMPUS "A"**

**FIELD NOTES** to describe the boundary of a 8.496-acre tract herein designated Tract V, Campus "A", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 8.496-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northwest corner of this tract and having coordinates of N 17193449.71, E 1402151.38, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found in the south right-of-way of F.M. Road 1069 for the lower northwest corner of said 478.551-acre tract bears N-68°-50'-39"-W, 60.00' and N-21°-09'-21"-E, 2081.34';

**THENCE**, S-68°-50'-39"-E, a distance of **535.54'** to a 5/8" steel rod set 40' west of the centerline of Wisconsin Road as constructed for the northeast corner of this tract, said point being the non-tangent point of curvature for a curve to the left from which the radius bears S-48°-23'-39"-E, 455.00', said curve having a central angle of 25°-14'-53" and a tangent of 101.90';

**THENCE**, continuing along said curve and 40' offset, an arc length of **200.50'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-16°-21'-28"-W, continuing along 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-73°-38'-32"-W, 675.00', said curve having a central angle of 28°-08'-16" and a tangent of 169.16';

**THENCE**, continuing along said curve and 40' offset, an arc length of **331.49'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-44°-29'-44"-W, a distance of **30.41'** to a 5/8 steel rod set for the point of curvature for a curve to the left from which the radius bears S-45°-30'-16"-E, 1255.00', said curve having a central angle of 01°-24'-37" and a tangent of 15.45';

**THENCE**, continuing along said curve and 40' offset, an arc length of **30.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-50'-39"-W, a distance of **444.41'** to a 5/8" steel rod set for the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, a distance of **729.30'** to the **POINT OF BEGINNING** and containing 8.496-acres of land, more or less.

#### **SAVE AND EXCEPT TRACT VI, CAMPUS "B"**

**FIELD NOTES** to describe the boundary of a 85.947-acre tract herein designated Tract VI, Campus "B", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 85.947-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set in a 40' offset from the centerline of South Coral Sea Road as constructed for the lower northeast corner of this tract and having coordinates of N 17192761.03, E 1404254.52, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas and an interior corner in the east line of said 478.551-acre tract bears S-78°-59'-23"-E, 788.23';

**THENCE**, S-21°-07'-17"-W, continuing along said 40' offset, a distance of **63.27'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-68°-52'-43"-W, 675.00', said curve having a central angle of 15°-05'-38" and a tangent of 89.43';

**THENCE**, continuing along said curve and 40' offset, an arc length of **177.82'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-36°-12'-56"-W, continuing along 40' offset, a distance of **140.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-53°-47'-04"-E, 855.00', said curve having a central angle of 35°-56'-54" and a tangent of 277.38';

**THENCE**, continuing along said curve and 40' offset, an arc length of **536.44'** to a Mag nail set in asphalt paving for the point of tangency;

**THENCE**, S-00°-16'-01"-W, a distance of **268.99'** to a 5/8 steel rod set for the point of curvature for a curve to the right from which the radius bears N-89°-43'-59"-W, 1175.00', said curve having a central angle of 45°-21'-40" and a tangent of 491.05';

**THENCE**, continuing along said curve and 40' offset, an arc length of **930.25'** to a 5/8" steel rod set for the upper southeast corner of this tract and the point of compound curvature for a curve to the right from which the radius bears N-44°-22'-19"-W, 50.00', said curve having a central angle of 85°-00'-14" and a tangent of 45.82';

**THENCE**, continuing along said curve, an arc length of **74.18'** to a 5/8" steel rod set in a 40' offset from the centerline of Midway Road as constructed and the lower southeast corner of this tract for the point of reverse curvature for a curve to the left from which the radius bears S-40°-37'-58"-W, 505.00', said curve having a central angle of 39°-45'-31" and a tangent of 182.60';

**THENCE**, continuing along said curve and 40' offset, an arc length of **350.43'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-89°-07'-35"-W, continuing along said 40' offset, a distance of **84.85'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-00°-52'-25"-E, 475.00', said curve having a central angle of 20°-14'-52" and a tangent of 84.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **167.86'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-68°-52'-43"-W, continuing along said 40' offset, a distance of **201.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-21°-07'-17"-W, 530.00', said curve having a central angle of 07°-30'-56" and a tangent of 34.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **69.52'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-76°-23'-38"-W, continuing along said 40' offset, a distance of **106.64'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-13°-36'-22"-E, 475.00', said curve having a central angle of 26°-57'-20" and a tangent of 113.84';

**THENCE**, continuing along said curve and 40' offset, an arc length of **223.47'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-49°-26'-18"-W, continuing along 40' offset, a distance of **87.14'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-40°-33'-42"-W, 455.00', said curve having a central angle of 29°-59'-07" and a tangent of 121.85';

**THENCE**, continuing along said curve and 40' offset, an arc length of **238.12'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-79°-25'-26"-W, continuing along said 40' offset, a distance of **24.84'** to a 5/8" steel rod set for the lower southwest corner of this tract and the point of curvature for a curve to the right from which the radius bears N-10°-34'-34"-E, 50.00', said curve having a central angle of 84°-40'-18" and a tangent of 45.55';

**THENCE**, continuing along said curve, an arc length of **73.89'** to a 5/8" steel rod set in a 40' offset from the centerline of Wisconsin Road as constructed for the upper southwest corner of this tract and for the point of tangency;

**THENCE**, N-05°-15'-11"-E, continuing along said 40' offset, a distance of **444.22'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears S-84°-44'-49"-E, 1175.00', said curve having a central angle of 39°-14'-33" and a tangent of 418.89';

**THENCE**, continuing along said curve and 40' offset, an arc length of **804.77'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-44°-29'-44"-E, continuing along 40' offset, a distance of **30.41'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-45°-30'-16"-W, 755.00', said curve having a central angle of 28°-08'-17" and a tangent of 189.21';

**THENCE**, continuing along said curve and 40' offset, an arc length of **370.78'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-16°-21'-28"-E, continuing along said 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the lower northwest corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-73°-38'-32"-E, 375.00', said curve having a central angle of 94°-45'-51" and a tangent of 407.55';

**THENCE**, continuing along said curve, an arc length of **620.23'** to a 5/8" steel rod set in a 40' offset from the centerline of Ticonderoga Road as constructed for the upper northwest corner of this tract and for the point of tangency;

**THENCE**, S-68°-52'-43"-E, a distance of **1148.24'** to a 5/8" steel rod set for the upper northeast corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-21°-07'-17"-W, 100.00', said curve having a central angle of 90°-00'-01" and a tangent of 100.00';

**THENCE**, continuing along said curve, an arc length of **157.08'** to the **POINT OF BEGINNING** and containing 85.947-acres of land, more or less.

### **SAVE AND EXCEPT TRACT VII, CAMPUS "C"**

**FIELD NOTES** to describe the boundary of a 5.280-acre tract herein designated Tract VII, Campus "C", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias. Survey 1, Abstract 271 in San Patricio County, Texas, said 5.280-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northeast corner of this tract and having coordinates of N 17192157.44, E 1404820.86, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract of land described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas bears S-68°-51'-20"-E, 30.00' and N-21°-08'-40"-E, 497.36';

**THENCE**, S-21°-08'-40"-W, a distance of **258.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-51'-20"-W, a distance of **554.93'** to a drill hole set in concrete for an interior corner in the south line of this tract;

**THENCE**, S-21°-17'-40"-W, a distance of **35.01'** to a drill hole set in concrete for an exterior corner in the south line of this tract;

**THENCE**, N-68°-49'-05"-W, a distance of **197.93'** to a drill hole set in concrete 40' east of the centerline of South Coral Sea Road as constructed for the southwest corner of this tract, said point being the non-tangent point of curvature for a curve to the right from which the radius bears S-72°-59'-03"-E, 775.00', said curve having a central angle of 19°-11'-59" and a tangent of 131.08';

**THENCE**, continuing along said 40' offset and curve, an arc length of **259.70'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-36°-12'-56"-E, continuing along said 40' offset, a distance of **140.09'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-53°-47'-04"-W, 755.00', said curve having a central angle of 01°-00'-03" and a tangent of 6.60';

**THENCE**, continuing along said 40' offset and curve, an arc length of **13.19'** to a 5/8" steel rod set for the northwest corner of this tract;

**THENCE**, S-55°-00'-01"-E, a distance of **282.69'** to a drill hole set in concrete for the point of curvature for a curve to the left from which the radius bears N-34°-59'-59"-E, 202.50', said curve having a central angle of 13°-45'-14" and a tangent of 24.42';

**THENCE**, along said curve, an arc length of **48.61'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-68°-45'-15"-E, a distance of **60.33'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears N-21°-14'-45"-E, 20.00', said curve having a central angle of 89°-45'-14" and a tangent of 19.91';

**THENCE**, continuing along said 40' offset and curve, an arc length of **31.33'** to a drill hole set in concrete for the point of tangency;

**THENCE**, N-21°-29'-38"-E, a distance of **12.27'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-68°-36'-41"-E, a distance of **23.78'** to a drill hole set in concrete for an exterior corner in the north line of this tract;



**THENCE**, S-20°-53'-41"-W, a distance of **30.14'** to a Mag nail set in concrete for an interior corner of this tract;

**THENCE**, S-69°-08'-07"-E, a distance of **20.02'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-21°-12'-41"-W, a distance of **39.89'** to a 5/8" steel rod set for an interior corner of this tract;

**THENCE**, S-68°-51'-20"-E, a distance of **241.64'** to the **POINT OF BEGINNING** and containing 5.280-acres of land, more or less.

## Tract 2

### 435.7 acres (undeveloped tract)

**FIELD NOTES** to describe the boundary of a 435.7-acre tract, herein called Tract II, being the 258.879-acre "Exhibit A" in a correction deed to The Port of Corpus Christi Authority as recorded in Clerks File #512869, Real Property Records, San Patricio County, Texas, 74.71-acres as described in a deed to The Port of Corpus Christi Authority as recorded in Clerks File #353260, Real Property Records, San Patricio County, Texas, a called 98.44-acre tract described in a deed to The Port of Corpus Christi Authority as recorded in Clerks File #353262, Real Property Records, San Patricio County, Texas and a called 3.861-acre tract described in a quitclaim deed to The Port of Corpus Christi Authority as recorded in Clerks File #508819, Real Property Records, San Patricio County, Texas, all being out of the L. Von Zacharias Survey 1, Abstract 271, the T.H. Judson Survey 63, Abstract 177, the J. Robinson Survey, Abstract 225 and the T.T. Williamson Survey, Abstract 295, all in San Patricio County, Texas, said 435.7-acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a broken concrete monument found in the original south right-of-way of F.M. Road 1069 for the northwest corner of a called 483.158-acre tract of land described as Tract I in a deed to the Department of the Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and the northeast corner of this tract, said monument having coordinates of N 17195564.17, E 1402905.32, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, S-21°-09'-21"-W, at 162.72' pass a monument with a cap stamped "OXY Ingleside Property Holdings", herein after referred to as "an OXY monument", set at the time of this survey to replace the original found property marker in the existing south right-of-way of F.M. 1069 for the southeast corner of a tract described in Clerks File #383009, Real Property Records, San Patricio County, Texas, at 6471.50' pass a found concrete monument with a square brass plate previously set for reference, at 6528.43' pass an OXY monument set online for reference, in all a distance of **6628.43'** to an unmarked point on the existing shoreline for the southeast corner of this tract and being the beginning of the state land boundary as measured along the 0.7' contour;

**THENCE**, along the north line of a 29.26-acre tract, herein called Tract III, said line being the 0.7' contour as observed on this date, the following calls;

N-84°-55'-44"-W, a distance of **90.28'**;

N-80°-56'-04"-W, a distance of **90.53'**;

N-73°-42'-00"-W, a distance of **117.72'**;

N-76°-25'-18"-W, a distance of **94.85'**;

N-79°-09'-39"-W, a distance of **99.99'**;

N-81°-46'-03"-W, a distance of **83.76'**;

N-82°-55'-50"-W, a distance of **74.82'**;

S-85°-18'-45"-W, a distance of **71.05'**;

S-89°-06'-28"-W, a distance of **75.93'**;

S-89°-05'-16"-W, a distance of **91.98'**;

N-83°-31'-46"-W, a distance of **125.10'**;

N-67°-25'-49"-W, a distance of **95.44'**;

**THENCE**, N-52°-26'-36"-W, a distance of **31.20'** to an unmarked point which is the point of intersection of the current shoreline and a line created to parallel the east line of this tract for the northwest corner of said Tract III and the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, at 30.00' set an OXY monument online for reference, in all a distance of **71.36'** to an OXY monument set for the southwest corner of said 3.861-acre tract and an interior corner of this tract;

**THENCE**, N-01°-14'-20"-W, along a line which is the extension of the east right-of-way of Rustic Avenue as shown on the plat of Ingleside Townsite as recorded in Volume 5, Page 39, Map Records, San Patricio County, Texas, at 316.16' pass the northwest corner of said 3.861-acre tract and the southwest corner of said 258.879-acre tract, from this point continuing along said right-of-way as platted (70' r.o.w.), in all a distance of **898.51'** to an OXY monument set in the northeast right-of-way of Live Oak Street (50' r.o.w.) as shown on said plat for an interior corner of this tract;

**THENCE**, N-53°-28'-10"-W, along said right-of-way, a distance of **2425.49'** to an OXY monument set in the southeast right-of-way of Wildwood Drive (50' r.o.w.) as shown on said plat for an exterior corner in the west line of this tract;

**THENCE**, N-36°-31'-10"-E, along said right-of-way, a distance of **349.90'** to an OXY monument set in the northeast right-of-way of Ebony Street (49.90' r.o.w.) as shown on said plat for an interior corner in the west line of this tract;

**THENCE**, N-53°-28'-50"-W, along said right-of-way, a distance of **210.00'** to an OXY monument set for the south corner of Lot 1, Block 105, as shown on the old map of Ingleside Townsite as recorded in Volume 2, Pages 5 and 6, Map Records, San Patricio County, several blocks of which have been vacated except those portions of Blocks 105 and 93 as described in a Cession Agreement recorded in Clerks File 587749, Real Property Records, San Patricio County, Texas and for an exterior corner in the west line of this tract;

**THENCE**, N-36°-31'-10"-E, a distance of **300.00'** to an OXY monument set for the east corner of Lot 6 in said Block 105 and the southwest right-of-way of Fifteenth Street (unopened 49.90' r.o.w.) for an exterior corner in the west line of this tract;

**THENCE**, S-53°-28'-50"-E, along said right-of-way, a distance of **10.00'** to an OXY monument set in the centerline of a 20' wide alley shown on said plat for an interior corner in the west line of this tract;

**THENCE**, N-36°-31'-10"-E, along the center of said alley, a distance of **150.32'** to an OXY monument set found for an interior corner in the west line of this tract;

**THENCE**, N-53°-28'-50"-W, at 10' pass the east corner of Lot 5, Block 93 of said subdivision, in all a distance of **149.64'** to an OXY monument set in the south right-of-way of Starlight Drive (50' r.o.w.) for the north corner of said Lot 5 and an exterior corner in the west line of this tract;

**THENCE**, N-36°-30'-45"-E, along said right-of-way, a distance of **2782.72'** to an OXY monument set in said east right-of-way of Rustic Avenue for an interior corner in the west line of this tract;

**THENCE**, N-01°-13'-43"-W, along said right-of-way, at 392.73 pass an OXY monument set in the existing south right-of-way of F.M. 1069, in all a distance of **402.73'** to an OXY monument set in the original south right-of-way of said F.M. 1069 for the northwest corner of this tract;

**THENCE**, N-88°-21'-05"-E, along said original right-of-way, a distance of **3609.81'** to the **POINT OF BEGINNING** and containing 435.7-acres of land of which 3.677-acres are within the right-of-way of F.M. 1069.

Tract 3

29.26 acres (submerged land for dock)

EXCLUSIVE EASEMENT

A 29.26 acre tract of submerged land, more or less, herein called Tract III, being out of the called 10.301.37-acre tract of submerged land conveyed by The State of Texas to Nueces County Navigation District No. 1 by Patent 217 dated January 24, 1950 as recorded in Volume 455, Page 586. Deed Records Nueces County Texas said 29.26-acre tract or submerged land being more particularly described by metes and bounds as follows:

**BEGINNING** at an unmarked point being the southeast corner of Tract II of this survey and the northeast corner of this Tract III, said point having coordinates of N 17189382.49, E 1400513.08, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, S-21°-09'-21"-W along the west line or said Tract IV of this survey, a distance of **1196.58'** to a point in the Port of Corpus Christi bulkhead line for the southeast corner of this tract;

**THENCE**, N-76°-58'-15"-W, along said bulkhead line, a distance of **116.29'** to a point for the southwest corner of this tract;

**THENCE**, N-21°-09'-21"E, along a line created to be parallel with the east line of this tract, a distance of **1118.51'** to an unmarked corner on the existing shoreline for the northwest corner of this tract and being the beginning of the state land boundary as measured along the 0.7' contour, said point having coordinates of N 171119561.34, E 1399397.35, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, along the 0.7' contour as observed on this date and the south line or said Tract 11 of this survey, the following calls:

S-S2°-26' -16"-E, a distance of **31.20'**:

S-67°-25'-49"-E, a distance of **95.44'**:

S-83°-31' -46"-E, a distance of **125.10'**:

N-89°-05"-16"-E, a distance of **91.98'**;

N-89°-06' -28"-E. a distance of **75.93'**;

N-85°-18'-45"-E, a distance of **71.05'**;

S-82°-55'-50"- E, a distance of **74.82'**;

S-81°-46'-03"-E, a distance. of **83.76'**;

S-79°-09'-39"-E, a distance of **99.99'**;

S-76°-25'-18"-E, a distance of **94.85'**;

S-73°-42'-00"-E, a distance of **117.72'**;

S-80°-56' -04"-E, a distance of **90.53'**;

**THENCE**, S-84°-55'-44"-E, a distance of **90.28'** to the **POINT OF BEGINNING** and containing 29.26-acres by calculation.

Tract 4

84.33 acres (submerged land – existing docks)

EXCLUSIVE EASEMENT

An 84.33 acre tract of submerged land, more or less, herein designated Tract IV, being out of 9.3457-acres of submerged land known as Tract II described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the called 10,301.37-acre tract of submerged land conveyed by (The State of Texas to Nueces County Navigation District No. 1 by Patent 217 dated January 24, 1950 as recorded in Volume 455, Page 586, Deed Records, Nueces County, Texas, said 84.33-acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at an unmarked point being the southwest corner of Tract I of this survey and the northwest corner of this tract and being the beginning of the state land boundary as measured along the 0.7' contour, said point having coordinates of N 17189382.49, E 1400513.08, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, along the south line of said Tract I and said 0.7' contour line, the following calls;

S-84°-55'-44"-E, a distance of **2,79'**;

S-89°-06'-15"-E, a distance of **26.69'**;

S-89°-52'-20"-E, a distance of **119.54'**;

N-74°-07'-34"-E, a distance of **97.00'**;

N-60°-21'-58"-E, a distance of **85.26'**;

N-62°-08'-19"-E, a distance of **160.68'**;

N-73°-12'-49"-E, a distance of **126.80'**;

N-70°-46'-41"-E, a distance of **64.04'**;

N-87°-56'-22"-E, a distance of **41.82'**;

N-76°-13'-49"-E, a distance of **43.76'**;

S-73°-10'-44"-E, a distance of **62.07'**;

S-64°-23'-51"-E, a distance of **27.79'**;

N-68°-58'-00"-E, a distance of **38.73'**;

**THENCE**, N-47°-55'-30"-E, continuing along said shoreline to the point where it meets the bulkhead of the existing dock facility, now agreed on to be the location of the existing shoreline, a distance of **15.27'** and continuing along the face of the bulkhead the following calls;

S-47°-31'-29"-E, a distance of **33.82'**;

N-88°-09'-25"-E, a distance of **559.60'**;

S-69°-04'-59"-E, a distance of **79.86'**;

**THENCE**, S-82°-03'-17"-E, continuing along said bulkhead line, a distance of **1364.36'** to a point in the west line of a 8.86-acre tract described as Lease "A" in a deed to Flint Hills Resources Corpus Christi; LLC as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas for a southeast corner of said Tract I and the northeast corner of this tract, said point having coordinates of N 17189382.49, E 1400513.08, Texas State Plane Coordinates, South Zone, NAD 83;

**THENCE**, S-07°-57'-06"-W, along the west line of said Lease "A", a distance of **808.37'** to a point in the Port of Corpus Christi bulkhead line for the southwest corner of said Lease "A" and the southeast corner of this tract;

**THENCE**, S-77°-33'-29"-W, along said bulkhead line, a distance of **2350.24'** to a bend point in said bulkhead line and a bend point in the south line of this tract;

**THENCE**, N-76°-58'-15"-W, continuing along said bulkhead line, a distance of **915.24'** to a point for the southwest corner of this tract;



**THENCE**, N-21°-09'-21"-E, along a line parallel with the west line of said Tract I, a distance of **1196.58'** to the **POINT OF BEGINNIG** and containing 84.33-acres by calculation.

## Tract 5

### 8.496 acres Campus Tract A (within Tract 1)

**FIELD NOTES** to describe the boundary of a 8.496-acre tract herein designated Tract V, Campus "A", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 8.496-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northwest corner of this tract and having coordinates of N 17193449.71, E 1402151.38, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found in the south right-of-way of F.M. Road 1069 for the lower northwest corner of said 478.551-acre tract bears N-68°-50'-39"-W, 60.00' and N-21°-09'-21"-E, 2081.34';

**THENCE**, S-68°-50'-39"-E, a distance of **535.54'** to a 5/8" steel rod set 40' west of the centerline of Wisconsin Road as constructed for the northeast corner of this tract, said point being the non-tangent point of curvature for a curve to the left from which the radius bears S-48°-23'-39"-E, 455.00', said curve having a central angle of 25°-14'-53" and a tangent of 101.90';

**THENCE**, continuing along said curve and 40' offset, an arc length of **200.50'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-16°-21'-28"-W, continuing along 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-73°-38'-32"-W, 675.00', said curve having a central angle of 28°-08'-16" and a tangent of 169.16';

**THENCE**, continuing along said curve and 40' offset, an arc length of **331.49'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-44°-29'-44"-W, a distance of **30.41'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-45°-30'-16"-E, 1255.00', said curve having a central angle of 01°-24'-37" and a tangent of 15.45';

**THENCE**, continuing along said curve and 40' offset, an arc length of **30.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-50'-39"-W, a distance of **444.41'** to a 5/8" steel rod set for the southwest corner of this tract;

**THENCE**, N-21°-09'-21"-E, a distance of **729.30'** to the **POINT OF BEGINNING** and containing 8.496-acres of land, more or less.

## Tract 6

### 85.947 acres Campus Tract B (within Tract 1)

**FIELD NOTES** to describe the boundary of a 85.947-acre tract herein designated Tract VI, Campus "B", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 85.947-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set in a 40' offset from the centerline of South Coral Sea Road as constructed for the lower northeast corner of this tract and having coordinates of N 17192761.03, E 1404254.52, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas and an interior corner in the east line of said 478.551-acre tract bears S-78°-59'-23"-E, 788.23';

**THENCE**, S-21°-07'-17"-W, continuing along said 40' offset, a distance of **63.27'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-68°-52'-43"-W, 675.00', said curve having a central angle of 15°-05'-38" and a tangent of 89.43';

**THENCE**, continuing along said curve and 40' offset, an arc length of **177.82'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-36°-12'-56"-W, continuing along 40' offset, a distance of **140.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-53°-47'-04"-E, 855.00', said curve having a central angle of 35°-56'-54" and a tangent of 277.38';

**THENCE**, continuing along said curve and 40' offset, an arc length of **536.44'** to a Mag nail set in asphalt paving for the point of tangency;

**THENCE**, S-00°-16'-01"-W, a distance of **268.99'** to a 5/8 steel rod set for the point of curvature for a curve to the right from which the radius bears N-89°-43'-59"-W, 1175.00', said curve having a central angle of 45°-21'-40" and a tangent of 491.05';

**THENCE**, continuing along said curve and 40' offset, an arc length of **930.25'** to a 5/8" steel rod set for the upper southeast corner of this tract and the point of compound curvature for a curve to the right from which the radius bears N-44°-22'-19"-W, 50.00', said curve having a central angle of 85°-00'-14" and a tangent of 45.82';

**THENCE**, continuing along said curve, an arc length of **74.18'** to a 5/8" steel rod set in a 40' offset from the centerline of Midway Road as constructed and the lower southeast corner of this tract for the point of reverse curvature for a curve to the left from which the radius bears S-40°-37'-58"-W, 505.00', said curve having a central angle of 39°-45'-31" and a tangent of 182.60';

**THENCE**, continuing along said curve and 40' offset, an arc length of **350.43'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-89°-07'-35"-W, continuing along said 40' offset, a distance of **84.85'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-00°-52'-25"-E, 475.00', said curve having a central angle of 20°-14'-52" and a tangent of 84.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **167.86'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-68°-52'-43"-W, continuing along said 40' offset, a distance of **201.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-21°-07'-17"-W, 530.00', said curve having a central angle of 07°-30'-56" and a tangent of 34.81';

**THENCE**, continuing along said curve and 40' offset, an arc length of **69.52'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-76°-23'-38"-W, continuing along said 40' offset, a distance of **106.64'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-13°-36'-22"-E, 475.00', said curve having a central angle of 26°-57'-20" and a tangent of 113.84';

**THENCE**, continuing along said curve and 40' offset, an arc length of **223.47'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-49°-26'-18"-W, continuing along 40' offset, a distance of **87.14'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-40°-33'-42"-W, 455.00', said curve having a central angle of 29°-59'-07" and a tangent of 121.85';

**THENCE**, continuing along said curve and 40' offset, an arc length of **238.12'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-79°-25'-26"-W, continuing along said 40' offset, a distance of **24.84'** to a 5/8" steel rod set for the lower southwest corner of this tract and the point of curvature for a curve to the right from which the radius bears N-10°-34'-34"-E, 50.00', said curve having a central angle of 84°-40'-18" and a tangent of 45.55';

**THENCE**, continuing along said curve, an arc length of **73.89'** to a 5/8" steel rod set in a 40' offset from the centerline of Wisconsin Road as constructed for the upper southwest corner of this tract and for the point of tangency;

**THENCE**, N-05°-15'-11"-E, continuing along said 40' offset, a distance of **444.22'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears S-84°-44'-49"-E, 1175.00', said curve having a central angle of 39°-14'-33" and a tangent of 418.89';

**THENCE**, continuing along said curve and 40' offset, an arc length of **804.77'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-44°-29'-44"-E, continuing along 40' offset, a distance of **30.41'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-45°-30'-16"-W, 755.00', said curve having a central angle of 28°-08'-17" and a tangent of 189.21';

**THENCE**, continuing along said curve and 40' offset, an arc length of **370.78'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-16°-21'-28"-E, continuing along said 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the lower northwest corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-73°-38'-32"-E, 375.00', said curve having a central angle of 94°-45'-51" and a tangent of 407.55';

**THENCE**, continuing along said curve, an arc length of **620.23'** to a 5/8" steel rod set in a 40' offset from the centerline of Ticonderoga Road as constructed for the upper northwest corner of this tract and for the point of tangency;

**THENCE**, S-68°-52'-43"-E, a distance of **1148.24'** to a 5/8" steel rod set for the upper northeast corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-21°-07'-17"-W, 100.00', said curve having a central angle of 90°-00'-01" and a tangent of 100.00';

**THENCE**, continuing along said curve, an arc length of **157.08'** to the **POINT OF BEGINNING** and containing 85.947-acres of land, more or less.

**Tract 7**

**5.28 acres Campus Tract C (within Tract 1)**

**FIELD NOTES** to describe the boundary of a 5.280-acre tract herein designated Tract VII, Campus "C", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias. Survey 1, Abstract 271 in San Patricio County, Texas, said 5.280-acre tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 5/8" steel rod set for the northeast corner of this tract and having coordinates of N 17192157.44, E 1404820.86, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract of land described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas bears S-68°-51'-20"-E, 30.00' and N-21°-08'-40"-E, 497.36';

**THENCE**, S-21°-08'-40"-W, a distance of **258.89'** to a 5/8" steel rod set for the southeast corner of this tract;

**THENCE**, N-68°-51'-20"-W, a distance of **554.93'** to a drill hole set in concrete for an interior corner in the south line of this tract;

**THENCE**, S-21°-17'-40"-W, a distance of **35.01'** to a drill hole set in concrete for an exterior corner in the south line of this tract;

**THENCE**, N-68°-49'-05"-W, a distance of **197.93'** to a drill hole set in concrete 40' east of the centerline of South Coral Sea Road as constructed for the southwest corner of this tract, said point being the non-tangent point of curvature for a curve to the right from which the radius bears S-72°-59'-03"-E, 775.00', said curve having a central angle of 19°-11'-59" and a tangent of 131.08';

**THENCE**, continuing along said 40' offset and curve, an arc length of **259.70'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, N-36°-12'-56"-E, continuing along said 40' offset, a distance of **140.09'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-53°-47'-04"-W, 755.00', said curve having a central angle of 01°-00'-03" and a tangent of 6.60';

**THENCE**, continuing along said 40' offset and curve, an arc length of **13.19'** to a 5/8" steel rod set for the northwest corner of this tract;

**THENCE**, S-55°-00'-01"-E, a distance of **282.69'** to a drill hole set in concrete for the point of curvature for a curve to the left from which the radius bears N-34°-59'-59"-E, 202.50', said curve having a central angle of 13°-45'-14" and a tangent of 24.42';

**THENCE**, along said curve, an arc length of **48.61'** to a 5/8" steel rod set for the point of tangency;

**THENCE**, S-68°-45'-15"-E, a distance of **60.33'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears N-21°-14'-45"-E, 20.00', said curve having a central angle of 89°-45'-14" and a tangent of 19.91';

**THENCE**, continuing along said 40' offset and curve, an arc length of **31.33'** to a drill hole set in concrete for the point of tangency;

**THENCE**, N-21°-29'-38"-E, a distance of **12.27'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-68°-36'-41"-E, a distance of **23.78'** to a drill hole set in concrete for an exterior corner in the north line of this tract;

**THENCE**, S-20°-53'-41"-W, a distance of **30.14'** to a Mag nail set in concrete for an interior corner of this tract;

**THENCE**, S-69°-08'-07"-E, a distance of **20.02'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

**THENCE**, S-21°-12'-41"-W, a distance of **39.89'** to a 5/8" steel rod set for an interior corner of this tract;

**THENCE**, S-68°-51'-20"-E, a distance of **241.64'** to the **POINT OF BEGINNING** and containing 5.280-acres of land, more or less.

**End of Exhibit "B"**



## **Attachment 5 – Corporate Authorization for Duly Authorized Representative**



05-102  
(Rev.9-15/33)

# Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC), Limited Partnerships (LP),  
Professional Associations (PA) and Financial Institutions

■ Tcode 13196 Franchise

■ Taxpayer number

■ Report year

3 2 0 4 7 5 3 9 9 4 8

2 0 2 0

You have certain rights under Chapter 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at 1-800-252-1381.

Taxpayer name <b>MODA INGLESIDE FACILITIES, LLC</b>		<input checked="" type="checkbox"/> Blacken circle if the mailing address has changed.	
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>			Secretary of State (SOS) file number or Comptroller file number <b>0801576406</b>
City <b>HOUSTON</b>	State <b>TX</b>	ZIP code plus 4 <b>77002</b>	

○ Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>
Principal place of business <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>



1000000000015

You must report officer, director, member, general partner and manager information as of the date you complete this report.

***Please sign below!*** This report must be signed to satisfy franchise tax requirements.

**SECTION A** Name, title and mailing address of each officer, director, member, general partner or manager.

Name <b>JONATHAN ACKERMAN</b>	Title <b>EVP, CFO</b>	Director <input checked="" type="checkbox"/> YES	Term expiration m m d d y y [ ][ ][ ][ ][ ][ ]
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>HOUSTON</b>	State <b>TX</b>	ZIP Code <b>77002</b>
Name <b>DONNA HYMEL</b>	Title <b>VP &amp; CAO</b>	Director <input type="checkbox"/> YES	Term expiration m m d d y y [ ][ ][ ][ ][ ][ ]
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>HOUSTON</b>	State <b>TX</b>	ZIP Code <b>77002</b>
Name <b>JAVIER DEL OLMO</b>	Title <b>EVP &amp; COO</b>	Director <input checked="" type="checkbox"/> YES	Term expiration m m d d y y [ ][ ][ ][ ][ ][ ]
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>HOUSTON</b>	State <b>TX</b>	ZIP Code <b>77002</b>

**SECTION B** Enter information for each corporation, LLC, LP, PA or financial institution, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership

**SECTION C** Enter information for each corporation, LLC, LP, PA or financial institution, if any, that owns an interest of 10 percent or more in this entity.

Name of owned (parent) corporation, LLC, LP, PA or financial institution <b>MODA MIDSTREAM, LLC</b>	State of formation <b>DE</b>	Texas SOS file number, if any <b>0802137279</b>	Percentage of ownership <b>100.000</b>
--	---------------------------------	--	---

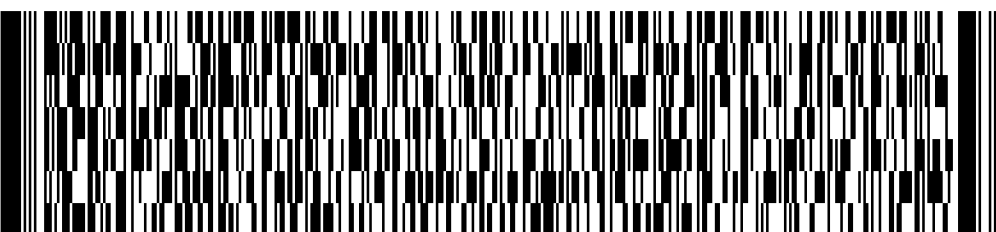
Registered agent and registered office currently on file (see instructions if you need to make changes) Agent: <b>C T CORPORATION SYSTEM</b>	You must make a filing with the Secretary of State to change registered agent, registered office or general partner information.		
Office: <b>1999 BRYAN STREET STE 900</b>	City <b>DALLAS</b>	State <b>TX</b>	ZIP Code <b>75201</b>

The information on this form is required by Section 171.203 of the Tax Code for each corporation, LLC, LP, PA or financial institution that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director, member, general partner or manager and who is not currently employed by this or a related corporation, LLC, LP, PA or financial institution.

sign here <b>DONNA HYMEL</b>	Title <b>VP</b>	Date	Area code and phone number <b>( 832 ) 930 - 4838</b>
------------------------------	--------------------	------	---

**Texas Comptroller Official Use Only**



VE/DE <input type="checkbox"/>	PIR IND <input type="checkbox"/>
--------------------------------	----------------------------------



# Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC), Limited Partnerships (LP), Professional Associations (PA) and Financial Institutions

■ Tcode 13196 Franchise

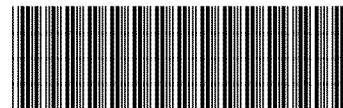
■ Taxpayer number **3 2 0 4 7 5 3 9 9 4 8** ■ Report year **2 0 2 0**

**You have certain rights** under Chapter 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at 1-800-252-1381.

Taxpayer name <b>MODA INGLESIDE FACILITIES, LLC</b>		<input checked="" type="checkbox"/> Blacken circle if the mailing address has changed.	
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>		Secretary of State (SOS) file number or Comptroller file number <b>0801576406</b>	
City <b>HOUSTON</b>	State <b>TX</b>	ZIP code plus 4 <b>77002</b>	

Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>
Principal place of business <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>



1000000000015

You must report officer, director, member, general partner and manager information as of the date you complete this report.

***Please sign below!*** This report must be signed to satisfy franchise tax requirements.

**SECTION A** Name, title and mailing address of each officer, director, member, general partner or manager.

Name <b>ROBERT MCCALL</b>	Title <b>Pres &amp; CEO</b>	Director <input checked="" type="checkbox"/> YES	Term expiration <table border="1"> <tr> <td>m</td><td>m</td><td>d</td><td>d</td><td>y</td><td>y</td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	m	m	d	d	y	y						
m	m	d	d	y	y										
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>HOUSTON</b>	State <b>TX</b>	ZIP Code <b>77002</b>												
Name <b>KEVIN CAMPBELL</b>	Title <b>VPO</b>	Director <input type="checkbox"/> YES	Term expiration <table border="1"> <tr> <td>m</td><td>m</td><td>d</td><td>d</td><td>y</td><td>y</td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	m	m	d	d	y	y						
m	m	d	d	y	y										
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>HOUSTON</b>	State <b>TX</b>	ZIP Code <b>77002</b>												
Name <b>LUIS PEREZ</b>	Title <b>VPE</b>	Director <input type="checkbox"/> YES	Term expiration <table border="1"> <tr> <td>m</td><td>m</td><td>d</td><td>d</td><td>y</td><td>y</td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	m	m	d	d	y	y						
m	m	d	d	y	y										
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>HOUSTON</b>	State <b>TX</b>	ZIP Code <b>77002</b>												

**SECTION B** Enter information for each corporation, LLC, LP, PA or financial institution, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership

**SECTION C** Enter information for each corporation, LLC, LP, PA or financial institution, if any, that owns an interest of 10 percent or more in this entity.

Name of owned (parent) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership
--	--------------------	-------------------------------	-------------------------

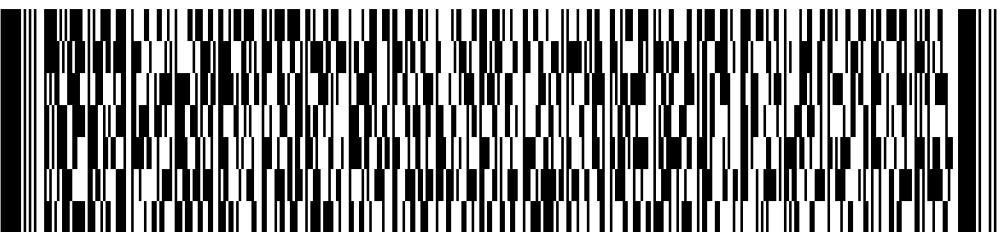
Registered agent and registered office currently on file (see instructions if you need to make changes)		You must make a filing with the Secretary of State to change registered agent, registered office or general partner information.	
Agent: <b>C T CORPORATION SYSTEM</b>			
Office: <b>1999 BRYAN STREET STE 900</b>	City <b>DALLAS</b>	State <b>TX</b>	ZIP Code <b>75201</b>

The information on this form is required by Section 171.203 of the Tax Code for each corporation, LLC, LP, PA or financial institution that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director, member, general partner or manager and who is not currently employed by this or a related corporation, LLC, LP, PA or financial institution.

sign here <b>DONNA HYMEL</b>	Title <b>VP</b>	Date	Area code and phone number <b>( 832 ) 930 - 4838</b>
------------------------------	--------------------	------	---

**Texas Comptroller Official Use Only**



VE/DE	<input type="checkbox"/>	PIR IND	<input type="checkbox"/>
-------	--------------------------	---------	--------------------------





05-102  
(Rev.9-15/33)

# Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC), Limited Partnerships (LP),  
Professional Associations (PA) and Financial Institutions

■ Tcode 13196 Franchise

■ Taxpayer number

■ Report year

3 2 0 4 7 5 3 9 9 4 8

2 0 2 0

**You have certain rights** under Chapter 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at 1-800-252-1381.

Taxpayer name <b>MODA INGLESIDE FACILITIES, LLC</b>		<input checked="" type="checkbox"/> Blacken circle if the mailing address has changed.	
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>		Secretary of State (SOS) file number or Comptroller file number <b>0801576406</b>	
City <b>HOUSTON</b>	State <b>TX</b>	ZIP code plus 4 <b>77002</b>	

Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>
Principal place of business <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>



1000000000015

You must report officer, director, member, general partner and manager information as of the date you complete this report.

***Please sign below!*** This report must be signed to satisfy franchise tax requirements.

**SECTION A** Name, title and mailing address of each officer, director, member, general partner or manager.

Name <b>RICARDO PIETRI</b>	Title <b>SVP</b>	Director <input type="checkbox"/> YES	Term expiration m m d d y y
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>HOUSTON</b>	State <b>TX</b>	ZIP Code <b>77002</b>
Name <b>Ian Levine</b>	Title <b>VP Finance</b>	Director <input type="checkbox"/> YES	Term expiration m m d d y y
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>Houston</b>	State <b>TX</b>	ZIP Code <b>77002</b>
Name <b>Clayton Curtis</b>	Title <b>VP Reg Affairs</b>	Director <input type="checkbox"/> YES	Term expiration m m d d y y
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>Houston</b>	State <b>TX</b>	ZIP Code <b>77002</b>

**SECTION B** Enter information for each corporation, LLC, LP, PA or financial institution, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership

**SECTION C** Enter information for each corporation, LLC, LP, PA or financial institution, if any, that owns an interest of 10 percent or more in this entity.

Name of owned (parent) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership
--	--------------------	-------------------------------	-------------------------

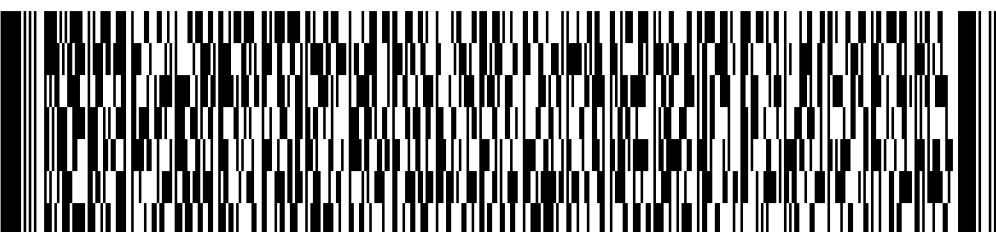
Registered agent and registered office currently on file (see instructions if you need to make changes)		You must make a filing with the Secretary of State to change registered agent, registered office or general partner information.	
Agent: <b>C T CORPORATION SYSTEM</b>			
Office: <b>1999 BRYAN STREET STE 900</b>	City <b>DALLAS</b>	State <b>TX</b>	ZIP Code <b>75201</b>

The information on this form is required by Section 171.203 of the Tax Code for each corporation, LLC, LP, PA or financial institution that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director, member, general partner or manager and who is not currently employed by this or a related corporation, LLC, LP, PA or financial institution.

sign here <b>DONNA HYMEL</b>	Title <b>VP</b>	Date	Area code and phone number <b>( 832 ) 930 - 4838</b>
---------------------------------	--------------------	------	---

**Texas Comptroller Official Use Only**



VE/DE	<input type="checkbox"/>	PIR IND	<input type="checkbox"/>
-------	--------------------------	---------	--------------------------





05-102  
(Rev.9-15/33)

# Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC), Limited Partnerships (LP),  
Professional Associations (PA) and Financial Institutions

■ Tcode 13196 Franchise

■ Taxpayer number

■ Report year

3 2 0 4 7 5 3 9 9 4 8

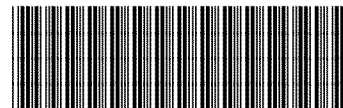
2 0 2 0

**You have certain rights** under Chapter 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at 1-800-252-1381.

Taxpayer name <b>MODA INGLESIDE FACILITIES, LLC</b>		<input checked="" type="checkbox"/> Blacken circle if the mailing address has changed.	
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>			Secretary of State (SOS) file number or Comptroller file number <b>0801576406</b>
City <b>HOUSTON</b>	State <b>TX</b>	ZIP code plus 4 <b>77002</b>	

Blacken circle if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>
Principal place of business <b>1000 LOUISIANA STREET STE 7100, HOUSTON, TX, 77002</b>



1000000000015

You must report officer, director, member, general partner and manager information as of the date you complete this report.

***Please sign below!*** This report must be signed to satisfy franchise tax requirements.

**SECTION A** Name, title and mailing address of each officer, director, member, general partner or manager.

Name <b>David Griffis</b>	Title <b>General Counsel</b>	Director <input type="checkbox"/> YES	Term expiration m m d d y y [ ][ ][ ][ ][ ][ ]
Mailing address <b>1000 LOUISIANA STREET STE 7100</b>	City <b>Houston</b>	State <b>TX</b>	ZIP Code <b>77002</b>
Name	Title	Director <input type="checkbox"/> YES	Term expiration m m d d y y [ ][ ][ ][ ][ ][ ]
Mailing address	City	State	ZIP Code
Name	Title	Director <input type="checkbox"/> YES	Term expiration m m d d y y [ ][ ][ ][ ][ ][ ]
Mailing address	City	State	ZIP Code

**SECTION B** Enter information for each corporation, LLC, LP, PA or financial institution, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership

**SECTION C** Enter information for each corporation, LLC, LP, PA or financial institution, if any, that owns an interest of 10 percent or more in this entity.

Name of owned (parent) corporation, LLC, LP, PA or financial institution	State of formation	Texas SOS file number, if any	Percentage of ownership
--	--------------------	-------------------------------	-------------------------

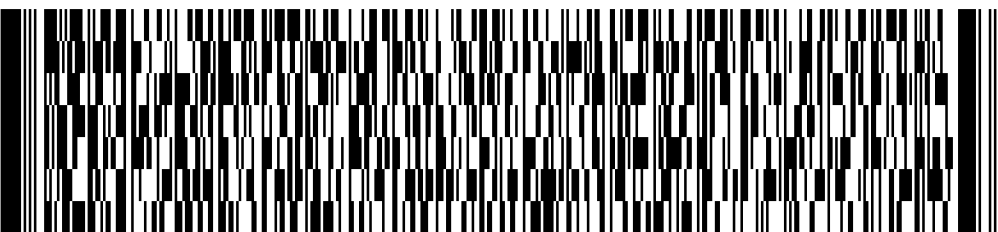
Registered agent and registered office currently on file (see instructions if you need to make changes)		You must make a filing with the Secretary of State to change registered agent, registered office or general partner information.	
Agent: <b>C T CORPORATION SYSTEM</b>			
Office: <b>1999 BRYAN STREET STE 900</b>	City <b>DALLAS</b>	State <b>TX</b>	ZIP Code <b>75201</b>

The information on this form is required by Section 171.203 of the Tax Code for each corporation, LLC, LP, PA or financial institution that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director, member, general partner or manager and who is not currently employed by this or a related corporation, LLC, LP, PA or financial institution.

sign here <b>DONNA HYMEL</b>	Title <b>VP</b>	Date	Area code and phone number <b>( 832 ) 930 - 4838</b>
------------------------------	--------------------	------	---

**Texas Comptroller Official Use Only**



VE/DE	<input type="checkbox"/>	PIR IND	<input type="checkbox"/>
-------	--------------------------	---------	--------------------------

