

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: June 16, 2022

SUBJECT: U.S. Department of the Interior, Fish and Wildlife Service
ADJ 126
CN604891879, RN102642352
Application No. 23-126M to Sever its Water Rights from Certificate of
Adjudication Nos. 23-107, 23-226, 23-268, and 23-427 and
Combine them with and Amend Certificate of Adjudication No. 23-
126
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces-Rio Grande Coastal Basin
Cameron, Hidalgo, and Starr counties

The application and fees were received on April 4, 2022. Additional information was received on April 27, May 10, and May 25, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 16, 2022. Notice is not required pursuant to Title 30 Texas Administrative Code § 295.158(c)(1).

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

Natalia Ponebshek

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

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

June 16, 2022

Mr. Imer de la Garza, Manager
U.S. Department of the Interior, Fish and Wildlife Service
3325 Green Jay Road
Alamo, TX 78516

VIA E-MAIL

RE: U.S. Department of the Interior, Fish and Wildlife Service
ADJ 126
CN604891879, RN102642352
Application No. 23-126M to Sever its Water Rights from Certificate of Adjudication Nos.
23-107, 23-226, 23-268, and 23-427 and Combine them with and Amend Certificate
of Adjudication No. 23-126
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces-Rio Grande Coastal Basin
Cameron, Hidalgo, and Starr counties

Dear Mr. de la Garza:

This acknowledges receipt, on May 25, 2022, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 16, 2022. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me via email at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

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

Natalia Ponebshek

From: DeLaGarza, Imer [REDACTED] >
Sent: Wednesday, May 25, 2022 8:16 AM
To: Natalia Ponebshek
Subject: Re: [EXTERNAL] U.S. Department of the Interior Fish and Wildlife Service App No. 23-126M RFI 2

Good morning Natalia,

This email serves as confirmation that the location of the proposed upstream diversion point shown on the attached map is correct. Thank you

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Tuesday, May 24, 2022 11:40 AM
To: DeLaGarza, Imer [REDACTED]
Subject: [EXTERNAL] U.S. Department of the Interior Fish and Wildlife Service App No. 23-126M RFI 2

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please find the attached request for information for the abovementioned application. Please let me know if you have any questions. A response is due by June 23, 2022.

Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 24, 2022

Mr. Imer de la Garza, Manager
U.S. Department of the Interior, Fish and Wildlife Service
3325 Green Jay Road
Alamo, TX 78516

VIA E-MAIL

RE: U.S. Department of the Interior, Fish and Wildlife Service
ADJ 126
CN604891879, RN102642352
Application No. 23-126M to Sever its Water Rights from Certificate of Adjudication Nos.
23-107, 23-226, 23.268, and 23-427 and Combine them with and Amend Certificate
of Adjudication No. 23-126
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces-Rio Grande Coastal Basin
Cameron, Hidalgo, and Starr counties

Dear Mr. de la Garza:

This acknowledges receipt, on April 27 and May 10, 2022, of additional information.

Before the application can be declared administratively complete, confirm the location of the proposed upstream diversion point shown on the attached map.

Please provide the requested information by June 23, 2022, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at natalia.ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

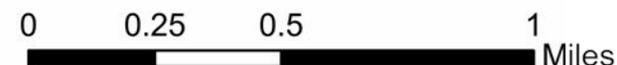
Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment

U.S. Department of Interior Fish and Wildlife Service ADJ 126



This map was generated by the Water Availability Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Water Availability Division at (512)239-4600.



Natalia Ponebshek

From: DeLaGarza, Imer [REDACTED]
Sent: Tuesday, May 10, 2022 10:18 AM
To: Natalia Ponebshek
Subject: Application Summary
Attachments: Application Summary.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Natalia,

Attached is the Application Summary as requested. I appreciate all your help with this application. Thank you

Imer de la Garza - Refuge Manager
Santa Ana National Wildlife Refuge
(956) 784-7561



United States Department of the Interior



FISH AND WILDLIFE SERVICE

South Texas Refuge Complex

3325 Green Jay Road, Alamo, TX 78516
(956) 784-7500; (956) 787-8338 Fax

Natalia Ponebshek,

Application Summary

The United States of America (USA) - Department of the Interior (DOI) - Fish & Wildlife Service (FWS) purchased in fee, simple title to the surface estate, totaling 3,361.492 acres of land in Cameron County together with 1,000 acre-feet of Class A water rights under Certificate of Adjudication No. 23-268A single use certificate for irrigation; 1,000 acre-feet of Class B water rights under Certificate of Adjudication No. 23-226A single use certificate for irrigation; and 250 acre-feet of Class B water rights under Certificate of Adjudication No. 23-107 single use certificate for irrigation.

The United States of America (USA) - Department of the Interior (DOI) - Fish & Wildlife Service (FWS) purchased in fee surface estate, totaling 87.57 acres of land in Tract 329 of the Partition of Porciones 38, 39, and 40 in Hidalgo County together with 12.5 acre-feet of Class B water rights under Certificate of Adjudication No. 23-427A single use certificate for irrigation.

The (USA)-(DOI)-(FWS) as owner wants to sever the above listed Certificate of Adjudication Nos. 23-268A, 23-226A, 23-107, and 23-427A single use certificate for irrigation and combine it with our consolidated Certificate of Adjudication No. 23-126 multiple use certificate (irrigation, recreational and in-stream use).

With this consolidation, the (USA)-(DOI)-(FWS) wants to change the existing purpose of use (irrigation) to the proposed purpose of use (irrigation, recreational, and in-stream use).

With this consolidation the (USA)-(DOI)-(FWS) wants to change the existing place of use to the proposed place of use to include all said (USA)-(DOI)-(FWS) Refuge properties in Cameron, Hidalgo, and Starr Counties.

Thank you,

Imer de la Garza



Natalia Ponebshek

From: DeLaGarza, Imer [REDACTED] >
Sent: Wednesday, April 27, 2022 4:22 PM
To: Natalia Ponebshek
Subject: Re: [EXTERNAL] U.S. Department of the Interior Fish and Wildlife Service App No. 23-126M RFI
Attachments: Upstream and Downstream Limits.jpg

Natalia,

In response to the additional information required before the application can be declared administratively correct

1. Provide the summary of request referenced on Page 2 of the Administrative Information Report. The following email was sent to you regarding the "summary of request" after our conversation over the phone.

April 7, 2022, 12:48 PM. This email serves as notice that I wish to delete the "See attachment Summary of Request" from the Administrative Information Report that was sent to you for an amendment to a water right. Thank you

2. Provide a USGS 7.5-minute topographic map (or equivalent) with the locations of the upstream limit and downstream limit of the diversion reach clearly marked.
See attached jpg file.

Thank you

Imer de la Garza

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Sent: Wednesday, April 27, 2022 2:59 PM
To: DeLaGarza, Imer <[REDACTED]>
Subject: [EXTERNAL] U.S. Department of the Interior Fish and Wildlife Service App No. 23-126M RFI

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please find the attached request for information for the abovementioned application. Please let me know if you have any questions. A response is due by May 27, 2022.

Thank you,

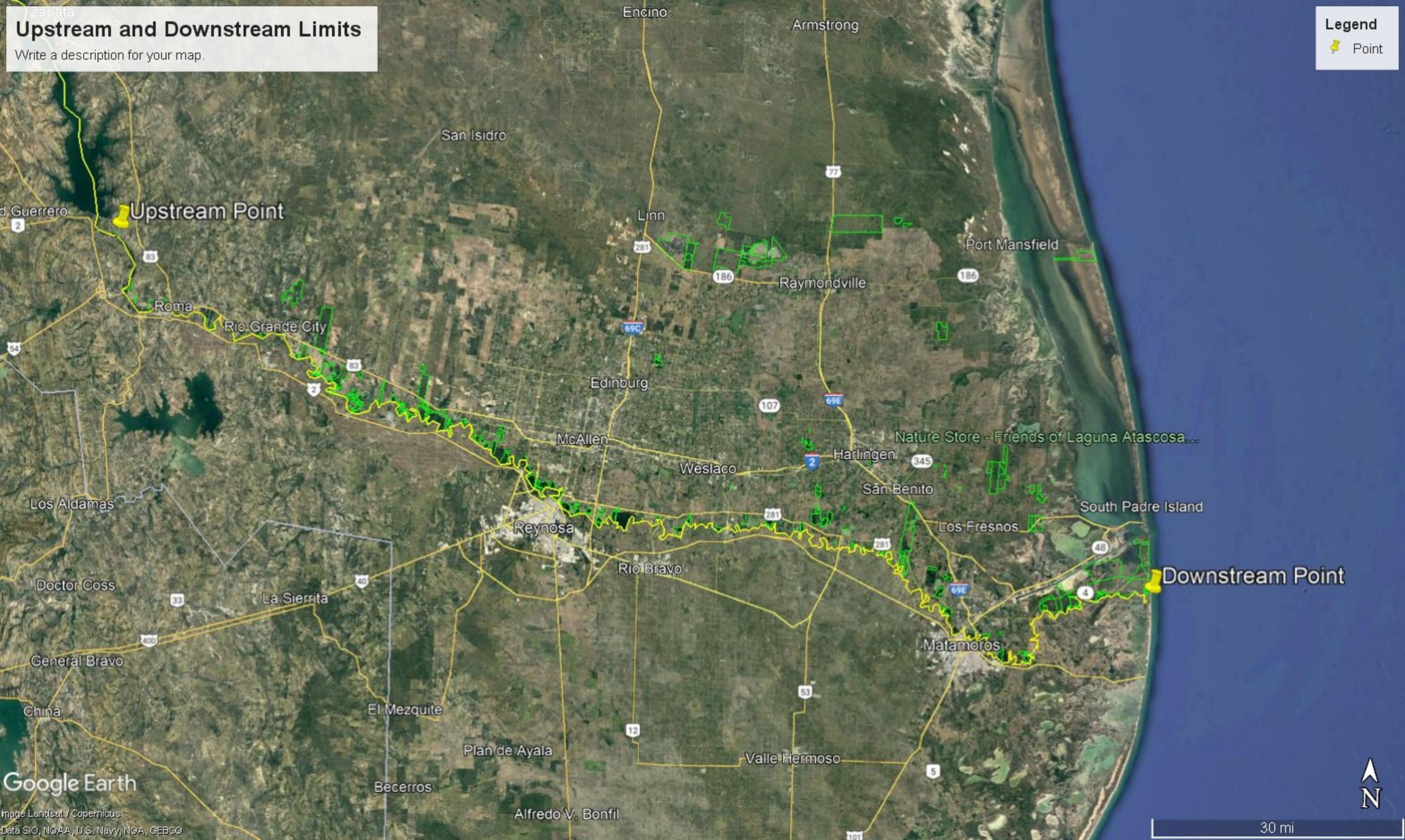
Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

(512) 239-4641

Upstream and Downstream Limits

Write a description for your map.

Legend
Point



Natalia Ponebshek

From: Natalia Ponebshek
Sent: Wednesday, April 27, 2022 3:00 PM
To: DeLaGarza, Imer
Subject: U.S. Department of the Interior Fish and Wildlife Service App No. 23-126M RFI
Attachments: us_department_of_fish_and_wildlife_service_23-126M_RFI_1_Sent_4.27.2022.pdf

Please find the attached request for information for the abovementioned application. Please let me know if you have any questions. A response is due by May 27, 2022.

Thank you,

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 27, 2022

Mr. Imer De La Garza, Manager
US Department of the Interior, Fish and Wildlife Service
3325 Green Jay Road
Alamo, TX 78516

VIA E-MAIL

RE: US Department of the Interior Fish and Wildlife Service
ADJ 126
CN604891879, RN102642352
Application No. 23-126M to Sever its water rights from Certificate of Adjudication Nos. 23-107, 23-226, 23.268, and 23-427 and Combine it with and Amend Certificate of Adjudication No. 23-126
Texas Water Code §§ 11.122, 11.085, Not Requiring Notice
Rio Grande, Rio Grande Basin and Nueces-Rio Grande Coastal Basin
Cameron, Hidalgo, and Starr counties

Dear Mr. De La Garza:

This acknowledges receipt, on April 4, 2022, of the referenced application, and fees in the amount of \$512.50 (Check Nos. 566489, 566490, 566497, 566498, and 566504, copies attached).

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

1. Provide the summary of request referenced on Page 2 of the *Administrative Information Report*.
2. Provide a USGS 7.5-minute topographic map (or equivalent) with the locations of the upstream limit and downstream limit of the diversion reach clearly marked.

Please provide the requested information by May 27, 2022 or the application may be returned pursuant to Title 30 TAC Code § 281.18.

If you have any questions concerning this matter, please contact me via email at natalia.ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

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

Attachment

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

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Basis2 - Receipt History Report

15-APR-22 08:21 AM

<u>Bank Slip#</u>	<u>Slip Status</u>					<u>USAS Proj #</u>	<u>Paid For</u>	<u>Orig Tran Amnt</u>
<u>Document#</u>	<u>Site Code</u>	<u>Tran.Date</u>	<u>Tran.Code</u>	<u>Created By</u>	<u>Endorse #</u>	<u>Permit/Proj #</u>	<u>Vendor #</u>	<u>Corrected?</u>
<u>Fee Code</u>	<u>Account Name</u>		<u>Account #</u>	<u>Paid In By</u>	<u>Endorse.Date</u>	<u>Check Number</u>	<u>Pay Type</u>	<u>Corrected Tran Amnt</u>
F8053173	Closed					/	566490/1	-\$100.00
F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712646	566490		
REC	FILING APP/PETITION/ RECORDING FEE		REC	ROGELIO REYNA		582EA0004816 85	IFCE	-\$100.00
F8053173	Closed					/	566489/1	-\$100.00
F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712647	566489		
REC	FILING APP/PETITION/ RECORDING FEE		REC	ROGELIO REYNA		582EA0004816 85	IFCE	-\$100.00
Grand Total:								-\$200.00



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F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712654	566497		
REC	FILING APP/PETITION/ RECORDING FEE		REC	ROGELIO REYNA		582EA0004816 92	IFCE	-\$100.00
F8053173	Closed					/	566498/1	-\$100.00
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REC	FILING APP/PETITION/ RECORDING FEE		REC	ROGELIO REYNA		582EA0004816 92	IFCE	-\$100.00
Grand Total:								-\$200.00



Basis2 - Receipt History Report

15-APR-22 08:24 AM

<u>Bank Slip#</u>	<u>Slip Status</u>					<u>USAS Proj #</u>	<u>Paid For</u>	<u>Orig Tran Amnt</u>
<u>Document#</u>	<u>Site Code</u>	<u>Tran.Date</u>	<u>Tran.Code</u>	<u>Created By</u>	<u>Endorse #</u>	<u>Permit/Proj #</u>	<u>Vendor #</u>	<u>Corrected?</u>
<u>Fee Code</u>	<u>Account Name</u>		<u>Account #</u>	<u>Paid In By</u>	<u>Endorse.Date</u>	<u>Check Number</u>	<u>Pay Type</u>	<u>Corrected Tran Amnt</u>
F8053173	Closed					/	566504/1	-\$100.00
F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712661	566504		
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Grand Total:								-\$100.00



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<u>Fee Code</u>	<u>Account Name</u>		<u>Account #</u>	<u>Paid In By</u>	<u>Endorse.Date</u>	<u>Check Number</u>	<u>Pay Type</u>	<u>Corrected Tran Amnt</u>
F8053173	Closed					/	566507/1	-\$12.50
F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712664	566504		
DPS	DATA PROCESSING SERVICES INVOICES		DPS	ROGELIO REYNA		582EA0004817 01	IFCE	-\$12.50
Grand Total:								-\$12.50

From: [DeLaGarza, Imer](#)
To: [Natalia Ponebshek](#)
Subject: Amendment to a Water Right
Date: Thursday, April 7, 2022 12:48:08 PM

Natalia,

This email serves as notice that I wish to delete the "See attachment Summary of Request" from the Administrative Information Report that was sent to you for an amendment to a water right. Thank you

Imer de la Garza - Refuge Manager
Santa Ana National Wildlife Refuge
(956) 784-7561



Basis2 - Receipt History Report

15-APR-22 08:21 AM

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REC	FILING APP/PETITION/ RECORDING FEE		REC	ROGELIO REYNA		582EA0004816 85	IFCE	-\$100.00
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F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712647	566489		
REC	FILING APP/PETITION/ RECORDING FEE		REC	ROGELIO REYNA		582EA0004816 85	IFCE	-\$100.00
Grand Total:								-\$200.00



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F8053173	Closed					/	566497/1	-\$100.00
F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712654	566497		
REC	FILING APP/PETITION/ RECORDING FEE		REC	ROGELIO REYNA		582EA0004816 92	IFCE	-\$100.00
F8053173	Closed					/	566498/1	-\$100.00
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F8053173	Closed					/	566504/1	-\$100.00
F8053173	RS	04-MAR-22	CC	TNEMEC	PI00712661	566504		
REC	FILING		REC	ROGELIO REYNA		582EA0004816	IFCE	-\$100.00
	APP/PETITION/ RECORDING FEE					98		
Grand Total:								-\$100.00



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Grand Total:								-\$12.50



United States Department of the Interior



FISH AND WILDLIFE SERVICE

South Texas Refuge Complex

3325 Green Jay Road, Alamo, TX 78516

(956) 784-7500; (956) 787-8338 Fax

2 March 2022

Water Rights Permitting Team
Water Availability Division (MC-160)

Signature authority for the U.S. Department of the Interior, U.S. Fish and Wildlife Service, South Texas Refuge Complex.

Water Rights Permitting Team,

The U.S. Department of the Interior (USDIO), U.S. Fish and Wildlife Service (USFWS), South Texas Refuge Complex (STRC) is comprised of two Refuges: The Lower Rio Grande Valley NWR, and Santa Ana NWR, both Refuges are administered as one program. I, Bryan Winton am the current Project Leader (Acting) for the STRC with primary management and authority to sign documents for the USDIO, USFWS, STRC. Please accept my signature. Thank you for your time.

Sincerely,

Bryan Winton
Project Leader (Acting)
South Texas Refuges Complex

TAKE PRIDE[®]
IN AMERICA 



Texas Commission on Environmental Quality
Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-2214

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

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

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

Contact Information

Name: U.S. Department of the Interior, Fish and Wildlife Service (Service)
Address: 3325 Green Jay Road, Alamo Texas 78516
Telephone Number: (956)784-7561 Fax: (956)787-8338
Form Completed By: Imer De La Garza
Title: Santa Ana NWR - Manager
Signature: IMER DE LA GARZA Digitally signed by IMER DE LA GARZA
Date: 2022.02.18 16:01:03 -0600 Date: 02/18/2022

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

I. BACKGROUND DATA

A. Water Use

1. Annual diversion appropriated or requested (in acre-feet): 2,848.365 acre-feet of Class "A" and 21,200 acre-feet of Class "B".
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
100	100	100	200
May	June	July	August
100	300	300	300
September	October	November	December
300	300	800	300
Total All Months			3,200

3. In the table below, list the type of crop(s), growing season, and acres irrigated per year.

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Corn	4	500
Sorghum	4	0
Total acres irrigated		500

4. Are crops rotated seasonally or annually? Yes No

If yes, please describe: N/A

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

Laredo silty clay, Camargo silt loam, Rio Grande silt loam, and Cameron silty clay.

B. Irrigation system information

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

Tract	Adjudication No.	Pump Owner	Motor	GPM	Meter
Los Ebanos	23-0126-001	Salinas	Electric	1500	Yes
La Coma	23-0126-001	Gonzalez	Electric	2500	Yes

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and include a statement indicating the accuracy of the device or method. (TCEQ requires accuracy to be within plus or minus 5.0%)

Propeller meters are used to measure gallons per minute and are within +- 2%. The Service will ensure compliance with TCEQ regulations requiring functioning meters installed on pumps. During routine inspection of any water diversion, TCEQ-Rio Grande Watermaster will check on pumps for accuracy. If the meter differs by plus or minus 5%, the watermaster will inform the Service water rights officer through a citation and the situation will be remedied.

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

The Service allows only minimally water consumptive crops, and by promoting efficient pipeline infrastructure and surface irrigation methods the Service will strive to eliminate unintended water losses. Because leasees' economics (ultimate goal of striving for maximum profit), distribution losses are maintained at less than 10% and maximum allowable losses is 20%. The Services five and ten-year targets are ultimately the same. We will continue to strive for efficient water conveyance and use.

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

a. 5-year goal:

Savings in acre-feet or system efficiency as a percentage 80 %.

b. 10-year goal:

Savings in acre-feet or system efficiency as a percentage 80 %.

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

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

Yes No

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

C. Conservation practices

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

Irrigation water is pumped, diverted and metered through buried pvc pipes.

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

Most irrigation is done by leasees (cooperative farmers) and Irrigation Districts and economic factors dictate that water losses remain at a minimum. Leasees and Irrigation Districts have installed pvc irrigation pipe underground on Service land to decrease water loss to seepage and evaporation during delivery.

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

Irrigation is done on an as needed basis.

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

Cooperative farmers on Service land, practice conservation tillage and weed control. Also The Service does not allow any highly consumptive water crops to be planted. Our Cooperative Farmers practice many USDA recommended water-saving irrigation and land practices such as land leveling, weed control, dry land farming and water banking techniques.

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

Water is not overused on Service land, unless by accident, this tail water is diverted into adjacent wetlands for recreation and wildlife use.

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

The Service does not allow any toxic pesticides to be applied to Service lands, decreasing contaminated runoff. Through the Service Cooperative Farming Program, there is a potential for continuous infrastructure improvements to reduce water losses. The Service is compelled through various Federal environmental protection rules and regulations to protect water quality and quantity in all project planning and implementation.

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

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

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

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

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): U.S. Department of the Interior - Fish & Wildlife Service

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).

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

ADMINISTRATIVE INFORMATION REPORT

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

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

I. 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 attachment "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?

U.S. Department of the Interior - Fish & Wildlife Service

(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: 604891879 (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: Bryan Winton

Title: (Acting) Project Leader for the South Texas Refuge Complex

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

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: U.S. Department of the Interior - Fish & Wildlife Service

Mailing Address: U.S. Fish & Wildlife Service - Southwest Region, NWRS Division of Realty, Attention: Yvette Truitt-Ortiz, P.O. Box 1306

City: Albuquerque State: NM ZIP Code: 87103

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

3. APPLICATION CONTACT INFORMATION (Instructions, Page 9)

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

First and Last Name: Imer de la Garza

Title: Santa Ana NWR - Refuge Manager

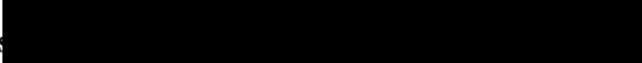
Organization Name: U.S. Fish & Wildlife Service

Mailing Address: 3325 Green Jay Road

City: Alamo State: Texas ZIP Code: 78516

Phone Number: (956) 784-7561

Fax Number: _____

E-mail Address: 

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

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

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

First and Last Name: Imer de la Garza

Title: Santa Ana NWR - Refuge Manager

Organization Name: U.S. Fish & Wildlife Service

Mailing Address: 3325 Green Jay Road

City: Alamo State: Texas ZIP Code: 78516

Phone Number: (956) 784-7561

Fax Number: _____

E-mail Address: 

5. MISCELLANEOUS INFORMATION (Instructions, Page 9)

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

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No 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. Applicants may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

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

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Bryan Winton

STRC Project Leader (Acting)

(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: Bryan R. Winton

Date: March 22, 22

(Use blue ink)

Subscribed and Sworn to before me by the said

on this 22nd day of March, 2022.

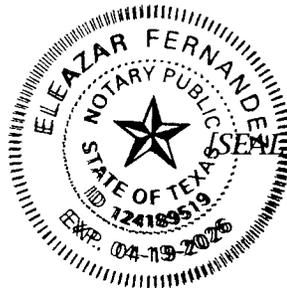
My commission expires on the 19th day of April, 2026.

Notary Public

E. J.

Hidalgo

County, Texas



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

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. x Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or ³⁵⁰⁰ _____ gpm (gallons per minute)

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

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Existing
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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): Main stem of the Rio Grande
- b. Zip Code: 78516
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, Cameron 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 25.952481° N °N, Longitude 97.150431° W °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): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- 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.

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: 2/18/2022

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 23-126

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

List of water rights to sever	Combine into this ONE water right
23-226A, 23-107, 23-268A, 23-427A	23-126

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

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

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

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

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

If yes, submit:

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

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

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

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

Applicant CN604891879 United States of America-Department of the Interior-Fish & Wildlife Service is located within and consistent with our Region M Rio Grande Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with the application.

- 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 N

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
1000 250	Irrigation	Irrigation, recreational, and in-stream use.	Cameron County	All said (USA)-(DOI)-(FWS) Refuge properties in Cameron, Hidalgo, and Starr Counties.
1000	Irrigation	Irrigation, recreational, and in-stream use.	Cameron County	All said (USA)-(DOI)-(FWS) Refuge properties in Cameron, Hidalgo, and Starr Counties.
12.5	Irrigation	Irrigation, recreational, and in-stream use.	Hidalgo County	All said (USA)-(DOI)-(FWS) Refuge properties in Cameron, Hidalgo, and Starr Counties.

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

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

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

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

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

i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program):_____

ii. 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. 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 ³⁵⁰⁰ _____ gpm (gallons per minute)

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

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Existing
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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): Main stem of the Rio Grande
- b. Zip Code: 78516
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, Starr _____ 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 26.555700° N, Longitude 99.162790 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): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

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

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

1. ___ Diversion Point No.
2. ___ Upstream Limit of Diversion Reach No.
3. x Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or ³⁵⁰⁰ _____ gpm (gallons per minute)

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

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

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

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

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Existing
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

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): Main stem of the Rio Grande
- b. Zip Code: 78516
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, Cameron 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 25.952481° N °N, Longitude 97.150431° W °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): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 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 N/A.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses _____ (% or amount) and explain the method of calculation: _____
- c. 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, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, 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, the surface water right holder, or the contract holder, 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) _____.
- d. 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. 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.twcdb.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.
- di. Is the source of the water being discharged a surface water supply contract? Y / N _____
If yes, provide the signed contract(s).
- dii. 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 _____
- e. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- f. Point is at:
Latitude _____°N, Longitude _____°W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- g. 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 28.**

N/A

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.

Stream

Reservoir

Average depth of the entire water body, in feet: _____

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

e. 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 maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans. **Instructions, Page 31.**

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

1. Water Conservation Plans

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

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

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

1. Municipal Use. See 30 TAC § 288.2. **
2. Industrial or Mining Use. See 30 TAC § 288.3.
3. Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

2. **Drought Contingency Plans**

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

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.

- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	
	OR Sever and Combine: \$100 x <u>5</u> of water rights to combine	500
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 512.50

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.	
TOTAL INCLUDED		\$

Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

Transaction Information

Voucher Number: 566507
Trace Number: 582EA000481701
Date: 03/02/2022 02:21 PM
Payment Method: CC - Authorization 0000092347
Voucher Amount: \$12.50
Fee Type: DATA RETRIEVAL REQUESTS (DATA PROCESSING SERVICES INVOICES)
ePay Actor: ROY REYNA
Actor Email: roy_reyna@fws.gov
IP: 164.159.60.2

Payment Contact Information

Name: ROGELIO REYNA
Company: U S FISH AND WILDLIFE
Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Phone: 956-784-7510

Customer Information

Customer Name: U S FISH & WILDLIFE SERVICE
Customer Address: 3325 GREEN JAY RD, ALAMO, TX 78516

Other Information

Project Number: 566504
Comments: Recording Fee for 23-226A, 23-107, 23-268A and 23-427A

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Water Availability Division

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<p>Transaction Information</p> <p>Voucher Number: 566504 Trace Number: 582EA000481698 Date: 03/02/2022 02:17 PM Payment Method: CC - Authorization 0000080784 Voucher Amount: \$100.00 Fee Type: WATER RATE APPEALS FILING, APPLICATION, PETITION, RECORDING ePay Actor: ROY REYNA Actor Email: roy_reyna@fws.gov IP: 164.159.60.2</p>
<p>Payment Contact Information</p> <p>Name: ROGELIO REYNA Company: U S FISH AND WILDLIFE Address: 3325 GREEN JAY RD, ALAMO, TX 78516 Phone: 956-784-7510</p>
<p>Site Information</p> <p>Site Name: RIO GRANDE BASIN Site Address: 3325 GREEN JAY RD, ALAMO, TX 78516 Site Location: STARR HIDALGO AND CAMERON</p>
<p>Customer Information</p> <p>Customer Name: U S FISH & WILDLIFE SERVICE Customer Address: 3325 GREEN JAY RD, ALAMO, TX 78516</p>
<p>Other Information</p> <p>Comments: Change of use for 23-226A, 23-107, 23-268A, 23-427A</p>

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Transaction Information

Voucher Number: 566497
Trace Number: 582EA000481692
Date: 03/02/2022 02:06 PM
Payment Method: CC - Authorization 0000099861
Voucher Amount: \$100.00
Fee Type: WATER RATE APPEALS FILING, APPLICATION, PETITION, RECORDING
ePay Actor: ROY REYNA
Actor Email: roy_reyna@fws.gov
IP: 164.159.60.2

Payment Contact Information

Name: ROGELIO REYNA
Company: U S FISH AND WILDLIFE
Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Phone: 956-784-7510

Site Information

Site Name: RIO GRANDE BASIN
Site Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Site Location: STARR HIDALGO AND CAMERON

Customer Information

CN: CN604891879
Customer Name: U S FISH & WILDLIFE SERVICE
Customer Address: 3325 GREEN JAY RD, ALAMO, TX 78516

Other Information

Comments: Sever 23-268A and combine into 23-126

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Transaction Information

Voucher Number: 566498
Trace Number: 582EA000481692
Date: 03/02/2022 02:06 PM
Payment Method: CC - Authorization 0000099861
Voucher Amount: \$100.00
Fee Type: WATER RATE APPEALS FILING, APPLICATION, PETITION, RECORDING
ePay Actor: ROY REYNA
Actor Email: roy_reyna@fws.gov
IP: 164.159.60.2

Payment Contact Information

Name: ROGELIO REYNA
Company: U S FISH AND WILDLIFE
Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Phone: 956-784-7510

Site Information

Site Name: RIO GRANDE BASIN
Site Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Site Location: STARR HIDALGO CAMERON

Customer Information

CN: CN604891879
Customer Name: U S FISH & WILDLIFE SERVICE
Customer Address: 3325 GREEN JAY RD, ALAMO, TX 78516

Other Information

Comments: Sever 23-427A and combine into 23-126

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Transaction Information

Voucher Number: 566489
Trace Number: 582EA000481685
Date: 03/02/2022 01:52 PM
Payment Method: CC - Authorization 0000001520
Voucher Amount: \$100.00
Fee Type: WATER RATE APPEALS FILING, APPLICATION, PETITION, RECORDING
ePay Actor: ROY REYNA
Actor Email: roy_reyna@fws.gov
IP: 164.159.60.2

Payment Contact Information

Name: ROGELIO REYNA
Company: U S FISH AND WILDLIFE
Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Phone: 956-784-7510

Site Information

Site Name: RIO GRANDE BASIN
Site Location: STARR HIDALGO AND CAMERON COUNTY

Customer Information

CN: CN604891879
Customer Name: U S FISH & WILDLIFE SERVICE
Customer Address: 3325 GREEN JAY RD, ALAMO, TX 78516

Other Information

Comments: Sever 23-226A and combine into 23-126

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Transaction Information

Voucher Number: 566490
Trace Number: 582EA000481685
Date: 03/02/2022 01:52 PM
Payment Method: CC - Authorization 0000001520
Voucher Amount: \$100.00
Fee Type: WATER RATE APPEALS FILING, APPLICATION, PETITION, RECORDING
ePay Actor: ROY REYNA
Actor Email: roy_reyna@fws.gov
IP: 164.159.60.2

Payment Contact Information

Name: ROGELIO REYNA
Company: U S FISH AND WILDLIFE
Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Phone: 956-784-7510

Site Information

Site Name: RIO GRANDE BASIN
Site Address: 3325 GREEN JAY RD, ALAMO, TX 78516
Site Location: STARR HIDALGO AND CAMERON

Customer Information

CN: CN604891879
Customer Name: U S FISH & WILDLIFE SERVICE
Customer Address: 3325 GREEN JAY RD, ALAMO, TX 78516

Other Information

Comments: Sever 23-107 and combine into 23-126

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Water Availability Division

SIERRA TITLE CO.
GF No. 2018-1845

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 §
COUNTY OF CAMERON §

KNOW ALL PERSONS BY THESE PRESENTS:

That **THE CONSERVATION FUND**, a Maryland non-profit corporation, (mailing address: 1655 N. Fort Myer Drive, Suite 1300, Arlington, Virginia, 22209) hereinafter referred to as Grantor, in consideration of the sum of **SEVEN MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$7,500,000)** paid by the United States of America, (mailing address: U.S. Fish and Wildlife Service, Region 2, Division of Realty, P.O. Box 1306, Albuquerque, New Mexico 87103), the receipt of which is hereby acknowledged, has **GRANTED, SOLD, AND CONVEYED**, and by these presents does **GRANT, SELL, AND CONVEY** unto the **UNITED STATES OF AMERICA, and its assigns**, fee simple title to the surface estate, totaling 3,361.492 acres, more or less, together with 1,000 acre-feet of Class A water rights, under Certificate of Adjudication No. 23-268A; 1000 acre-feet of Class B water rights, under Certificate of Adjudication No. 23-226A; 250 acre-feet of Class B water rights, under Certificate of Adjudication No. 23-107; and, 3,600 acre-feet of reservoir water rights, under Certificate of Adjudication No. 22-4549, and being located approximately 3.4 miles northeast of the town of Bayview and approximately 6.4 miles northwest of the town of Laguna Vista, hereinafter referred to as the Property. The Property is being conveyed to the United States of America, and its assigns, as one transaction and conveyance. The Property is identified as TCF (332a-d) and more particularly described in the attached **EXHIBIT A**, attached and made a part hereof for all purposes.

This being the same parcel of land conveyed to Grantor in the following vesting document:

Special Warranty Deed as recorded in Cameron County, Texas on May 29, 2020, Document Number 18160.

This conveyance includes all rights, title and interest of the Grantor in and to any alleys, streets, ways, strips or gores abutting or adjoining the Property, together with all and singular the water and other rights and the hereditaments and appurtenances thereunto belonging or in anywise appertaining. For clarification purposes, Grantor is not reserving or retaining any right, title or interest in or to the Property.

LA-Texas
Cameron County
Laguna Atascosa NWR
TCf (332a-d)

This conveyance is made SUBJECT TO:

- a. All of the terms, conditions, limitations and restrictions set forth in the vesting document, all of which shall survive this conveyance, to the extent allowable under Federal law.
- b. Existing rights-of-way and easement of record set forth under SCHEDULE B of the Final Title Policy, and all other valid and subsisting exceptions, reservations, easements, and rights-of-way of record in the Official Public Records of Cameron County, Texas, affecting the Property.
- c. Oil, gas and mineral in third parties.

This deed may be executed in multiple counterparts, each of which shall constitute an executed original hereof.

TO HAVE AND TO HOLD the above-described premises, subject to the matters hereinabove set forth, together with all and singular the rights and appurtenances thereto and anywise belonging, unto the UNITED STATES OF AMERICA and its assigns forever, and subject to the matters hereinabove set forth, the said Grantor does hereby bind itself, its successors and assigns to WARRANT SPECIALLY AND FOREVER DEFEND ALL and singular the said premises unto the said UNITED STATES OF AMERICA and its assigns, against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

This land is being acquired by the United States of America for administration by the Secretary of the Interior through the Fish and Wildlife Service.

The Property described in this Special Warranty Deed will be managed pursuant to the mission of the U.S. Fish and Wildlife Service, which states: "Working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

The Property described in this Special Warranty Deed will be managed consistent with the mission of the National Wildlife Refuge System, which is "To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish and wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

The Property described in this Special Warranty Deed will be managed as a part and consistent with the purposes of the Laguna Atascosa National Wildlife Refuge, which states that the refuge exists "for use as an inviolate sanctuary" for migratory birds, and for the development, advancement, management, conservation and protection of fish and wildlife resources.

EXHIBIT A

**TRACT DESCRIPTION
OF
THE CONSERVATION FUND TRACT/
DULANEY FARMS, LTD.
TRACT (332a)
CAMERON COUNTY, TEXAS**

The herein described tract of land is located in Cameron County, Texas, approximately 3.4 miles northeast of the town of Bayview and approximately 6.4 miles northwest of the town of Laguna Vista, said tract (332a) being 3,057.576 acres of land being all of Blocks 1 through 6, and a portion of Block 7, out of the "Southwest 3,428.58 Acres in the Buena Vista Grant" according to the map thereof recorded in Volume 13, Page 8 of the Map Records of Cameron County, Texas, and a portion of Block 1, all of Block 2 and portions of Blocks 3, 4, and 5, out of the "Undivided 1,635.59 Acres out of the Southwest 3,428.58 Acres in the Buena Vista Grant" according to the map recorded in Volume 13, Page 10, Map Records of Cameron County, save and except a 5.081 acre tract out of a 39.516 acre tract out of a 1,164.4 acre tract and being out of Block 7, out of the "Southwest 3,428.58 Acres in the Buena Vista Grant" recorded in Volume 13, Page 10, Map Records, Cameron County, Texas, said tract (332a) being more particularly described by metes and bounds as follows:

***SURVEYOR'S NOTE:** All bearings and distances are based on the Texas State Plane Coordinate System, South Zone, North American Datum 1983, based on Global Positioning System (G.P.S.) methods; scale factor applied equals 1.0000187; theta angle equals +0°25'16". All areas are based on true ground measurements.*

BEGINNING at steel spindle set and being the southwest corner of Block 5, out of the "Southwest 3,428.58 Acres in the Buena Vista Grant", and being the west line of the Buena Vista Grant, said point having a coordinate value of N=16,582,039.18 and E=1,350,689.44, for the southwest corner of this tract;

THENCE, along the west boundary line of said Buena Vista Grant, at a distance of 6,821.94 feet a standard United States Fish and Wildlife Service (USFWS) aluminum cap on a 5/8 inch iron rod set, at 8,998.35 feet a standard USFWS aluminum cap on a 5/8 inch iron rod set, at 11,361.17 feet a standard USFWS aluminum cap on a 5/8 inch iron rod set, at 13,414.52 feet a standard USFWS aluminum cap on a 5/8 inch iron rod set, and in all

N. 01° 54' 42" W., 15,414.52 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod set on the south right-of-way line of F.M. 106 (120 Ft. r.o.w.) and described as a 1.574 acre tract (Parcel 18) in Special warranty deed granted to Cameron County, recorded in Volume 14520, Page 222, Official records of Cameron County, Texas, for the northwest corner of the herein described tract;

THENCE, along the south right-of-way line of said F.M. 106,

S. 84° 44' 49" E., 8,292.87 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found, for a corner of the herein described tract and the point of curvature of a curve to the right;

THENCE, continuing along the south right-of-way line of said F.M. 106, and the arc of said curve to the right, having a radius of 2,564.78 feet, a chord bearing of S. 30° 45' 28" E., a chord distance of 4,149.32 feet, an arc distance of

4,833.51 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found, for a corner of the herein described tract and the point of tangent of said curve to the right;

THENCE, along the west right-of-way line of said F.M. 106, at 2,640.00 feet a standard USFWS aluminum cap on a 5/8 inch iron rod set, at 5,280.00 feet a standard USFWS aluminum cap on a 5/8 inch iron rod set, and in all

S. 23° 13' 52" W., 6,662.29 feet

to a 5/8 inch iron rod found and replaced with a standard USFWS aluminum cap on a 5/8 inch iron rod set, for a corner of the herein described tract and the point of curvature of a curve to the left;

THENCE, continuing along the west right-of-way line of said F.M. 106, and the arc of said curve to the left, having a radius of 1,969.94 feet, a chord bearing of S. 16° 12' 14" E., a chord distance of 2,502.63 feet, an arc distance of

2,711.70 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found, for a corner of the herein described tract;

THENCE, continuing along the west right-of-way line of said F.M. 106,

S. 55° 38' 20" E., 2,063.53 feet

to a 5/8 inch iron rod found and replaced with a standard USFWS aluminum cap on a 5/8 inch iron rod set, for a corner of the herein described tract and the point of curvature of a curve to the right;

THENCE, continuing along the west right-of-way line of said F.M. 106, and the arc of said curve to the right, having a radius of 1,849.94 feet, a chord bearing of S. 35° 50' 50" E., a chord distance of 1,252.79 feet, an arc distance of

1,278.05 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod on the west right-of-way line of said F.M. 106 and being on the north line of a Cameron County Water Improvement District No. 11 drain ditch and described as a 27 acre tract in volume 241, page 51, Deed Records of Cameron County, Texas, for the southeast corner of the herein described tract;

THENCE, leaving the west right-of-way line of said F.M. 106, along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 87° 52' 09" W., 838.02 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 88° 07' 57" W., 1,482.52 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 87° 37' 44" W., 1,626.15 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 88° 23' 32" W., 819.57 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 87° 45' 44" W., 1,062.89 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 88° 41' 55" W., 1,180.49 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 87° 16' 32" W., 749.23 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 87° 24' 52" W., 1,249.33 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, continuing along the north line of said 27 acre tract, and the south line of the herein described tract,

S. 88° 05' 56" W., 1,372.32 feet

to the **POINT OF BEGINNING** and containing 3,062.657 acres of land, more or less,

SAVE AND EXCEPT a 5.081 acre tract out of a 39.516 acre tract out of a 1,164.4 Acre tract and being out of Block 7, out of the "Southwest 3,428.58 Acres in the Buena Vista Grant" recorded in Volume 13, Page 8, of the map records and out of a portion of Block 1, out the "Undivided 1,635.59 Acres out of the southwest 3,428.58 Acres in the Buena Vista Grant" recorded in Volume 13, Page 10, map records of Cameron County, Texas, said 5.081 acre tract being more particularly described as follows:

COMMENCING at the west right-of-way line of F.M. 106, said point having a coordinate value of N=16,584,594.88 and E=1,358,625.77, for the point of curvature of a curve to the right; **THENCE**, along the west right-of-way line of said F.M. 106, and the arc of said curve to the right, having a radius of 1,969.94 feet, a chord bearing of N. 54° 06' 43" W., a chord distance of 105.00 feet, the arc distance of 105.01 feet, to the intersection of the west right-of-way line of Buena Vista Road as described in as a 39.516 acre tract conveyed to Cameron County in special warranty road deed recorded in Volume 1189, Page 806, Deed Records with the west right-of-way line of the new location of F.M. 106 for the **POINT OF BEGINNING**,

THENCE, continuing along the west right-of-way Buena Vista Road (39.516 acre tract), and the west line of the herein described tract,

N. 55° 40' 34" W., 415.16 feet

to the point of curvature of a curve to the right, for a corner of the herein described tract;

THENCE, continuing along the west right-of-line of said Buena Vista Road, on the arc of said curve to the right, having a radius of 1,333.33 feet, a chord bearing of N. 16° 14' 28" W., a chord distance of 1,693.87 feet, an arc distance of

1,835.38 feet

to a point, for a corner of the herein described tract;

THENCE, continuing along the west right-of-way Buena Vista Road (39.516 acre tract), and the west line of the herein described tract;

N. 23° 11' 38" E., 418.25 feet

to the west right-of-way line of existing F.M. 106 and being a curve to the left, for a corner of the herein described tract;

THENCE, continuing along the west right-of-line of the existing right-of-way line of F.M. 106, on the arc of said curve to the left, having a radius of 1,969.94 feet, a chord bearing of S. 10° 46' 59" W., a chord distance of 644.57 feet, an arc distance of

647.48 feet

to the intersection of the west right-of-way line of existing F.M. 106 and the east right-of-way line of Buena Vista Road (39.516 Acre tract) and being a curve to the left, for a corner of the herein described tract;

THENCE, along the west right-of-line of said Buena Vista Road, on the arc of said curve to the left, having a radius of 1,213.33 feet, a chord bearing of S. 16° 13' 53" E., a chord distance of 1,191.20 feet, an arc distance of

1,245.12 feet

to the intersection of the west right-of-way line of existing F.M. 106 and the east right-of-way line of Buena Vista Road (39.516 Acre tract) and being a curve to the left, for a corner of the herein described tract;

THENCE, along the west right-of-line of existing F.M. 106, and the arc of said curve to the left, having a radius of 1,969.94 feet, a chord bearing of S. 43° 12' 26" E., a chord distance of 641.96 feet, an arc distance of

644.83 feet

to the **POINT OF BEGINNING**, and containing 5.081 acres of land, more or less.

BOUNDED on the north by F.M. 106 aka General Brant Road, on the east by F.M. 106, on the south by C.C.W.I.D. NO. 11 Canal right-of-way, and on the west by Ted Hunt Road.

The hereinbefore described tract of land containing a net acreage of 3,057.576 acres is delineated on a plat designated "The Conservation Fund/Dulaney Farms, Ltd Tract (332a)", bearing the date May 13, 2020, of record in the files of the United States Fish and Wildlife Service.

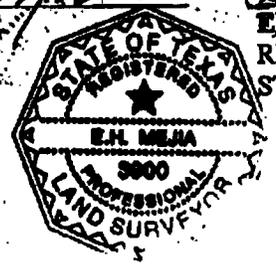
THIS METES AND BOUNDS IS ACCOMPANIED BY A PLAT OF SURVEY

I, Eduardo H. Mejia, Texas Registered Public Surveyor No. 3900, do hereby certify that this metes and bounds description represents the results of a survey made on the ground under my direction and supervision.

05/13/2020
DATE

E. H. Mejia

EDUARDO H. MEJIA
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS, NO. 3900



**TRACT DESCRIPTION
OF
THE CONSERVATION FUND/
DULANEY FARMS, LTD.
TRACT (332b)
CAMERON COUNTY, TEXAS**

The herein described tract of land is located in Cameron County, Texas, approximately 5.5 miles northeast of the Town of Bayview and approximately 5.5 miles northwest of the Town of Laguna Vista, being a 211.154 acre tract consisting of 144.460 acres of land out of a 1,164.40 acre tract in Buena Vista Grant in Cameron County, Texas, said 1,164.40 acres of land being a part of block 1 and a part of the "undivided 1,635.59 acres out of the southwest 3,428.58 acres in the Buena Vista Grant" according to the map thereof recorded in Volume 13, Page 10 of the Map Records of Cameron County, Texas, and a part of block 7 of the "southwest 3,428.58 acres in the Buena Vista Grant" according to the map recorded in Volume 13, Page 8, Map Records of Cameron County, and said 1,164.40 acre tract recorded in Volume 1091, Page 556, Deed Records, Cameron County, Texas, and 66.694 acres of land out of a 1,084.61 acre tract in Buena Vista Grant in Cameron County, Texas, said 1,084.61 acres of land being a part of blocks 2, 3, 4 and 5 of the "undivided 1,635.59 acres out of the southwest 3,428.58 acres in the Buena Vista Grant" according to the map thereof recorded in Volume 13, Page 8 of the Map Records of Cameron County, Texas, and said 1,084.61 acre tract recorded in Volume 1091, Page 544, Deed Records, Cameron County, Texas., said 211.154 acre tract being more particularly described by metes and bounds as follows:

***SURVEYOR'S NOTE:** All bearings and distances are based on the Texas State Plane Coordinate System, South Zone, North American Datum 1983, based on Global Positioning System (G.P.S.) methods; scale factor applied equals 1.0000187; theta angle equals +0°25'16". All areas are based on true ground measurements,*

COMMENCING, at a standard United States Fish and Wildlife Service (USFWS) aluminum cap on a 5/8 inch iron rod stamped "TR 332d" set at the northeast corner of the southwest 3,428.58 acres in the Buena Vista Grant, **THENCE**, along the east line of said 3,428.58 acre tract and a 1.496 acre tract conveyed to the United States of America as recorded in Volume 24275, Page 227, Official Records of Cameron County, Texas, S. 01° 37' 22" E., 3,264.79 feet to a standard United States Fish and Wildlife Service (USFWS) aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, on the east right-of-way line of Buena Vista Road (80 foot original right-of-way), for the northernmost corner and **Point of Beginning** of the herein described tract, said corner having a coordinate value of N=16,593,265.39 and E=1,360,902.99;

THENCE, along said east line of said Buena Vista Road right-of-way, along the west boundary line of the Laguna Atascosa National Wildlife Refuge,

S. 01° 37' 22" E., 837.89 feet

to a concrete monument found, for a corner of the herein described tract;

THENCE, crossing said 80 foot right-of-way of Buena Vista Road,

S. 34° 20' 48" W., 136.20 feet

to a concrete monument found, on the west line of said Buena Vista Road right-of-way, for a corner of the herein described tract;

THENCE, along the east boundary line of the herein described tract and the west boundary line of a 815.44 acre tract conveyed to Cameron County as recorded in Volume 745, Page 441, Deed Records of Cameron County, Texas,

S. 01° 37' 22" E., 1059.00 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, for a corner of the herein described tract;

THENCE, along the east boundary line of the herein described tract and the west boundary line of said 815.44 acre tract,

S. 44° 20' 35" W., 1335.90 feet

to a concrete monument found, for a corner of the herein described tract;

THENCE, along the east boundary line of the herein described tract and the west boundary line of said 815.44 acre tract,

S. 45° 39' 25" E., 1,383.10 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, for a corner of the herein described tract;

THENCE, along the east boundary line of said 1,164.40 acre tract and the west boundary line of said 815.44 acre tract,

S. 01° 37' 52" E., 384.07 feet

to a concrete monument found, for a corner of the herein described tract;

THENCE, along the east boundary line of said 1,164.40 acre tract and west boundary line of said 1,164.40 acre tract,

S. 34° 19' 53" W., 2,058.88 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, on a corner of the 815.44 acre tract, for a corner of the herein described tract;

THENCE, continuing along the common boundary of said 815.44 acre tract and of 1,164.40 acre tract,

S. 89° 18' 53" W., 892.63 feet

to a concrete monument found, for a corner of the herein described tract;

THENCE, continuing along the common boundary of said 815.44 acre tract and of 1,164.40 acre tract,

S. 00° 41' 07" E., 1,274.01 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, on a corner of said 815.44 acre tract, for a corner of the herein described tract;

THENCE, continuing along the boundary line of said 815.44 acre tract and the boundary line of said 1,164.40 acre tract,

S. 34° 19' 54" W., 727.61 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, for a corner of the herein described tract;

THENCE, continuing along the boundary line of said 815.44 acre tract and the boundary line of said 1,164.40 acre tract,

S. 55° 40' 07" E., 1,540.67 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, on northwest corner of a 60.0 foot right-of-way and utility easement for an access road marked Veterans Airport Road to the Cameron County Airport, for a corner of the herein described tract;

THENCE, along said west right-of-way line and the east boundary line of the herein described tract,

S. 34° 19' 52" W., 444.14 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, for the intersection of said 60.0 foot west right-of-way line and the east right-of-way line of F.M. 106 (120 foot right-of-way), for the southernmost corner of the herein described tract;

THENCE, continuing along the northern right-of-way line of F.M. 106, and the south line of the herein described tract,

N. 55° 38' 20" W., 1000.15 feet

to a 5/8 inch iron rod with an aluminum cap stamped Texas Dept. of Transportation found, at the point of curvature of a curve to the right having a radius of 1849.94 feet, for a corner of the herein described tract;

THENCE, along said right-of-way line of said F.M. 106, on said curve to the right, a chord bearing of N. 16° 12' 14" W., a chord distance of 2350.17 feet, an arc distance of

2,546.52 feet

to an iron rod found and replaced with a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, for a corner of the herein described tract;

THENCE, continuing along the east right-of-way line of F.M. 106, and the herein described tract, at a distance of 1,328.55 feet a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, at a distance of 3,968.55 feet a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, a total distance of

N. 23° 13' 52" E., 6,608.55 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332b" set, for a corner of the herein described tract;

THENCE, leaving said east right-of-way line of F.M. 106, along the south line of a 1.496 acre tract conveyed to the United States of America by warranty deed recorded in Volume 24275, Page 227, Official Records of Cameron County, Texas,

N. 46° 54' 53" E., 354.10 feet

to the **POINT OF BEGINNING** and containing 211.154 acres of land, more or less.

BOUNDED on the northwest and southwest by the residue of the 1,084.61 Acre tract and the residue of the 1,164.40 Acre tract, on the north by a 1.496 Acre tract conveyed to the United States of America as recorded in Volume 24275, page 227, Official Records, and the east by Laguna Atascosa National Wildlife Refuge and Cameron County Airport as recorded in Volume 745, page 441, Deed Records of Cameron County, Texas.

The hereinbefore described tract of land is delineated on a plat designated "The Conservation Fund/Dulaney Farms, Ltd. Tract (332b)", bearing the date April 3, 2020, of record in the files of the United States Fish and Wildlife Service.

THIS METES AND BOUNDS IS ACCOMPANIED BY A PLAT OF SURVEY

I, Eduardo H. Mejia, Texas Registered Public Surveyor No. 3900, do hereby certify that this metes and bounds description represents the results of a survey made on the ground under my direction and supervision.

04/03/2020
DATE

E. H. Mejia

**EDUARDO H. MEJIA
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS, NO. 3900**



**TRACT DESCRIPTION
OF
THE CONSERVATION FUND/
DULANEY FARMS, LTD.
TRACT (332c)
CAMERON COUNTY, TEXAS**

The herein described tract of land is located in Cameron County, Texas, approximately 3.5 miles northeast of the town of Bayview and approximately 5.0 miles northwest of the town of Laguna Vista, said tract (332c) being 61.615 acres of land out of 1,164.40 acre tract in the Buena Vista Grant in Cameron County, Texas, said 1,164.40 acres of land being a part of Block 1 of the "Undivided 1,635.59 acres out of the Southwest 3,428.58 Acres in the Buena Vista Grant" according to the map thereof recorded in Volume 13, Page 10 of the Map Records of Cameron County, Texas, and being a part of Blocks 6 and 7 of the "Southwest 3,428.58 Acres in the Buena Vista Grant" according to the map recorded in Volume 13, Page 8, Map Records of Cameron County, and said 1,164.40 acre tract recorded in Volume 1091, Page 556, Deed Records, Cameron County, Texas, SAVE AND EXCEPT a 1.301 acre tract being a portion out of the 39.516 acre strip (Buena Vista Road) conveyed to Cameron County and recorded in Volume 1189, Page 806, Cameron County Deed Records, said tract (332c) being more particularly described by metes and bounds as follows:

***SURVEYOR'S NOTE:** All bearings and distances are based on the Texas State Plane Coordinate System, South Zone, North American Datum 1983, based on Global Positioning System (G.P.S.) methods; scale factor applied equals 1.0000187; theta angle equals +0°25'16". All areas are based on true ground measurements,*

BEGINNING at a standard United States Fish and Wildlife Service (USFWS) aluminum cap on a 5/8 inch iron rod stamped "TR 332c" set, and being the southeast corner of said 1,164.40 acre tract, and being on the original east right-of-way line of Buena Vista Road (80 foot original right of way), said point having a coordinate value of N=16,582,420.44 and E=1,361,216.35, for the southeast corner of this tract;

THENCE, along the south boundary line of said 1,164.40 acre tract,

S. 87° 52' 09" W., 30.17 feet

a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332c" set on the existing east right-of-way line of F.M. 106 (120 ft. r.o.w.) being on a curve to the left with a radius of 1,969.94 feet, for a corner of the herein described tract;

THENCE, along the east right-of-way line of said F.M. 106, the west line of the herein described tract and the arc of said curve to the left, a chord bearing of N. 35° 24' 55" W., a chord distance of 1,361.96 feet, the arc distance of

1,390.66 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found at the point of tangency of said curve to the left, for a corner of the herein described tract;

THENCE, continuing along the east right-of-way line of said F.M. 106,

N. 55° 38' 20" W., 1,003.37 feet

a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332c" set for the southernmost corner of a 0.6069 acre tract conveyed from Dulaney Farms, Ltd. To the County of Cameron in warranty deed recorded in Volume 11, Page 91, Official Records, for the westernmost corner of the herein described tract;

THENCE, leaving the east right-of-way line of said F.M. 106, along the southeast boundary line of said 0.6069 acre tract and the southeast line of a 815.44 acre tract conveyed from the United States of America to Cameron County, Texas in a deed without warranty recorded in Volume 745, Page 441, Deed Records, the west line of the herein described tract,

N. 34° 19' 52" E., 2,016.88 feet

to a concrete monument (marked "SC") found, at a corner of said 1,164.40 acre tract and the northwest corner of the herein described tract;

THENCE, continuing along the boundary line of said 815.44 acre tract and the boundary line of said 1,164.40 acre tract,

N. 89° 16' 22" E., 330.24 feet

to a concrete monument (marked "SC") found on the west right-of-way line of Buena Vista Road (80 ft. original r.o.w.), for a corner of the herein described tract;

THENCE, continuing along the boundary line of said 815.44 acre tract,

N. 88° 22' 00" W., 80.00 feet

to a concrete monument (marked "SC") found on the east right-of-way line of said Buena Vista Road for the northeast corner of the herein described tract;

THENCE, along said east right-of-way line of Buena Vista Road and the east line of the herein described tract, at a distance of 1,015.75 feet a concrete monument (marked "SC") found, and in all

S. 01° 38' 04" E., 2,847.01 feet

to a concrete monument (marked "SC") found on the east right-of-way line of said Buena Vista Road and a corner of the herein described tract;

THENCE, continuing along the east right-of-way line of said Buena Vista Road, and the east line of the herein described tract,

S. 02° 09' 04" E., 501.65 feet

To the **POINT OF BEGINNING** and containing 61.615 acres of land, more or less.

SAVE AND EXCEPT a 1.301 acre tract being a portion out of the 39.516 acre strip (Buena Vista Road) conveyed to Cameron County and recorded in Volume 1189, Page 806, Cameron County Deed Records, said 1.301 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a standard United States Fish and Wildlife Service (USFWS) aluminum cap on 5/8 inch iron rod stamped "TR 332c" set, and being the southeast corner of said 1,164.40 acre tract, and being on the original east right-of-way line of Buena Vista Road (80 foot original right-of-way), said point having a coordinate value of N=16,582,420.44 and E=1,361,216.35, for the southeast corner of this tract;

THENCE, along the south boundary line of said 1,164.40 acre tract,

S. 87° 52' 09" W., 30.17 feet

a standard USFWS aluminum cap on a 5/8 inch iron rod stamped "TR 332c" set on the existing east right-of-way line of F.M. 106 (120 ft. r.o.w.) being on a curve to the left with a radius of 1,969.94 feet, for a corner of the herein described tract;

THENCE, along the east right-of-way line of said F.M. 106, the west line of the herein described tract on the arc of said curve to the left, a chord bearing of N. 35° 24' 55" W., a chord distance of 1,361.96 feet, the arc distance of

1,390.66 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found at the point of tangency of said curve to the left, for a corner of the herein described tract;

THENCE, along the original east right-of-way line of Buena Vista Road,

S. 55° 38' 20" E., 247.62 feet

to the point of curvature of the original right-of-way line of Buena Vista Road, being on a curve to the right with a radius of 1,483.63 feet, for a corner of the herein described tract;

THENCE, along said right-of-way line of original Buena Vista Road, the east line of the herein described tract on the arc of said curve to the right, a chord bearing of S. 33° 54' 46" W., a chord distance of 1,098.40 feet, the arc distance of

1,125.17 feet

to a point on the east right-of-way line of the 39.516 acre strip (Buena Vista Road) as conveyed to Cameron County;

THENCE, along said east right-of-way line, being the west line of said 815.44 acre Cameron County Airport Tract,

S. 02° 09' 04" E., 57.57 feet

to the POINT OF BEGINNING and containing 1.301 acres of land, more or less.

BOUNDED on the northwest by a 0.6069 acre tract conveyed to Cameron County by warranty deed recorded in Volume 11, Page 91, Official Records, and the Cameron County Airport, on the north and the east by Cameron County Airport, on the south by Bayside Gardens of the Box Ranch Subdivision and on the southwest by F.M. 106.

The hereinbefore described tract of land containing a net acreage of 60.314 acres is delineated on a plat designated "The Conservation Fund/Dulaney Farms, Ltd. Tract (332c)", bearing the date April 1, 2020, of record in the files of the United States Fish and Wildlife Service.

THIS METES AND BOUNDS IS ACCOMPANIED BY A PLAT OF SURVEY

I, Eduardo H. Mejia, Texas Registered Professional Surveyor No. 3900, do hereby certify that this metes and bounds description represents the results of a survey made on the ground under my direction and supervision.

04/01/2020
DATE

E.H. Mejia

EDUARDO H. MEJIA
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS, NO. 3900



**TRACT DESCRIPTION
OF
THE CONSERVATION FUND TRACT/
DULANEY FARMS, LTD.
TRACT (332d)
CAMERON COUNTY, TEXAS**

The herein described tract of land is located in Cameron County, Texas, approximately 5.0 miles northeast of the town of Bayview and approximately 6.6 miles northwest of the town of Laguna Vista, said tract (332d) being 33.839 acres of land out of Block 1, out of the "Southwest 3,428.58 Acres in the Buena Vista Grant" according to the map thereof recorded in Volume 13, Page 8 of the Map Records of Cameron County, Texas, and out of Blocks 4 and 5, out of the "Undivided 1,635.59 Acres out of the Southwest 3,428.58 Acres in the Buena Vista Grant" according to the map recorded in Volume 13, Page 10, Map Records of Cameron County, save and except a 1.391 acre tract out of a 39.516 acre tract described in Special warranty road deed recorded in Volume 1189, page 806, deed records of Cameron County, Texas, said tract (332d) being more particularly described by metes and bounds as follows:

***SURVEYOR'S NOTE:** All bearings and distances are based on the Texas State Plane Coordinate System, South Zone, North American Datum 1983, based on Global Positioning System (G.P.S.) methods; scale factor applied equals 1.0000187; theta angle equals +0°25'16". All areas are based on true ground measurements,*

BEGINNING at steel spindle set on the northwest corner of said Block 1, out of the "Southwest 3,428.58 Acres in the Buena Vista Grant", and being on the west line of the Buena Vista Grant, and being the centerline of F.M. 106 a.k.a. General Brant Road, said point having a coordinate value of N=16,597,505.64 and E=1,350,173.21, for the northwest corner of herein described tract;

THENCE, along the centerline of said F.M. 106, at a distance of 8,859.73 feet a standard United States Fish and Wildlife Service (USFWS) aluminum cap on a 5/8 inch iron rod set on the north right-of-way line of F.M. 106, and in all

S. 84° 45' 13" E., 10,682.08 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod set on the east right-of-way line of Buena Vista Road (120 Ft. r.o.w.) and described as a 39.516 acre tract in Special warranty deed granted to Cameron County, recorded in Volume 1189, Page 806, Deed records of Cameron County, Texas and being the west boundary line of Laguna Atascosa National Wildlife Refuge, for the northeast corner of the herein described tract;

THENCE, along the east right-of-way line of said Buena Vista Road at a distance of 50.36 feet a concrete monument found marked "SC" found at the intersection of the south right-of-way line of F.M. 106 with the east right-of-way line of Buena Vista Road in all a distance of

S. 01° 37' 22" E., 2,499.54 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod set, for a corner of the herein described tract and the point of curvature of a curve to the right;

THENCE, along the east right-of-way line of said F.M. 106, and the arc of said curve to the right, having a radius of 2,684.78 feet, a chord bearing of S. 07° 32' 14" W., a chord distance of 502.53 feet, an arc distance of

503.27 feet

to a standard USFWS aluminum cap on a 5/8 inch iron rod set, for a corner of the herein described tract and being the original west right-of-way line of Buena Vista Road;

THENCE, along the original west right-of-way line of said Buena Vista Road,

N. 01° 37' 22" W., 1,347.17 feet

a standard USFWS aluminum cap on a 5/8 inch iron rod set, for a corner of the herein described tract and being on the north right-of-way line of existing F.M. 106 and being a curve to the left;

THENCE, along the north right-of-way line of said F.M. 106, and the arc of said curve to the left, having a radius of 2,684.78 feet, a chord bearing of N. 27° 07' 27" W., a chord distance of 1,021.90 feet, an arc distance of

1,028.17 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found, for a corner of the herein described tract;

THENCE, along the east right-of-way line of Buena Vista Road,

N. 04° 46' 13" E., 95.84 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found, for a corner of the herein described tract;

THENCE, continuing along the east right-of-way line of said Buena Vista Road,

N. 49° 00' 57" E., 330.24 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found and being the point of curvature of a curve to the left, for a corner of the herein described tract;

THENCE, along the east right-of-way line of said Buena Vista Road, and the arc of said curve to the left, having a radius of 697.00 feet, a chord bearing of N. 40° 46' 15" E., a chord distance of 199.91 feet, an arc distance of

200.60 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found on the west right-of-way line of said 39.516 acre Buena Vista Road, for a corner of the herein described tract;

THENCE, along the west right-of-way line of said 39.516 acre Buena Vista Road,

N.01° 35' 51" W., 236.50 feet

a standard USFWS aluminum cap set on a 5/8 inch iron rod on the south right-of-way line of said F.M. 106, for a corner of the herein described tract;

THENCE, along the south right-of-way line of said F.M. 106,

N.84° 44' 49" W., 20.63 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found on a curve to the right, a corner of the herein described tract;

THENCE, along the western right-of-way line of said Buena Vista Road, and the arc of said curve to the right, having a radius of 575.95 feet, a chord bearing of S. 31° 20' 10" W., a chord distance of 350.19 feet, an arc distance of

355.82 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found, for a corner of the herein described tract;

THENCE, continuing along the west right-of-way line of said Buena Vista Road,

S.49° 00' 57" W., 330.24 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found, a corner of the herein described tract;

THENCE, continuing along the north right-of-way line of said Buena Vista Road,

N.88° 34' 30" W., 91.60 feet

to a 5/8 inch iron rod with an aluminum cap stamped "Texas Dept. of Transportation ROW" found on a curve to the left, for a corner of the herein described tract;

THENCE, along the north right-of-way line of said F.M. 106, on the arc of said curve to the left, having a radius of 2,684.78 feet, a chord bearing of N. 55° 50' 46" W., a chord distance of 1,156.94 feet, an arc distance of

1.166.08 feet

a standard USFWS aluminum cap set on a 5/8 inch iron rod on the original south right-of-way line of said F.M. 106, for a corner of the herein described tract;

THENCE, along the original south right-of-way line of F.M. 106, and the south line of the herein described tract,

N.84° 44' 47" W., 9,054.78 feet

to a standard USFWS aluminum cap set on a 5/8 inch iron rod in the west boundary line of said Block 1 for the southwest corner of the herein described tract;

THENCE, along the west boundary line of said Block 1, and the west line of the herein described tract,

N.01° 54' 42" W., 50.39 feet

to the **POINT OF BEGINNING** and containing 33.839 acres of land, more or less,

SAVE AND EXCEPT a 1.391 acre tract out of a 39.516 acre tract, described in special warranty deed recorded in volume 1189, page 806, deed records of Cameron County, Texas, out of a 1,184.61 Acre tract and being out of Block 5, out of the "Undivided 1,635.59 Acres out of the Southwest 3,428.58 Acres in the Buena Vista Grant" recorded in Volume 13, Page 10, of the map records, said 1.391 acre tract being more particularly described as follows:

BEGINNING at the northeast corner of said 39.516 acre tract, said point having a coordinate value of N=16,596,528.88 and E=1,360,810.54, for the northeast corner of this tract;

THENCE, along the original west right-of-way of Buena Vista Road (39.516 acre tract), and the east line of the herein described tract,

S.01° 37' 22" W., 1,606.46 feet

to the north right-of-way line of existing F.M. 106 and being a curve to the left, for a corner of the herein described tract;

THENCE, along the north right-of-way line of said F.M. 106, and the arc of said curve to the right, having a radius of 2,684.78 feet, a chord bearing of N. 17° 41' 07" W a chord distance of 143.58 feet, an arc distance of

143.59 feet

to the west right-of-way line of said 39.516 acre Buena Vista Road, for the southwest corner of the herein described tract;

THENCE, along the west right-of-way line of said 39.516 acre Buena Vista Road (39.516 acre tract), and the west line of the herein described tract,

N.01° 35' 51" W., 1,473.20 feet

to the projected original south right-of-way line of F.M. 106, for a corner of the herein described tract;

THENCE, along the projected original south right-of-line of F.M. 106,

S.84° 44' 49" E., 39.36 feet

to the **POINT OF BEGINNING** and containing 1.391 acres of land, more or less.

BOUNDED, on the north by original F.M. 106, on the east by the original Buena Vista Road, on the southwest by F.M. 106.

The hereinbefore described tract of land is delineated on a plat designated "The Conservation Fund/Dulaney Farms, Ltd. Tract (332d)", bearing the date May 21, 2020, of record in the files of the United States Fish and Wildlife Service.

THIS METES AND BOUNDS IS ACCOMPANIED BY A PLAT OF SURVEY

I, Eduardo H. Mejia, Texas Registered Public Surveyor No. 3900, do hereby certify that this metes and bounds description represents the results of a survey made on the ground under my direction and supervision.

05/21/2020
DATE

E. H. Mejia
EDUARDO H. MEJIA

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS, NO. 3900



**Cameron County
Sylvia Garza-Perez
Cameron County Clerk**

Instrument Number: 2020-47818

eRecording - Real Property

Recorded On: December 23, 2020 08:33 AM

Number of Pages: 24

" Examined and Charged as Follows: "

Total Recording: \$124.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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

File Information:

Document Number: 47818
Receipt Number: 20201222000108
Recorded Date/Time: December 23, 2020 08:33 AM
User: Itzayana S
Station: cclerk18_10

Record and Return To:

CSC Global



**STATE OF TEXAS
COUNTY OF CAMERON**

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

Sylvia Garza-Perez
Cameron County Clerk
Cameron County, TX

A handwritten signature in cursive script, appearing to read "Sylvia Garza-Perez", is written over a horizontal line.

**Cameron County
Sylvia Garza-Perez
Cameron County Clerk**

Instrument Number: 2020-46433

eRecording - Real Property

Recorded On: December 15, 2020 11:44 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$48.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

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

File Information:

Document Number: 46433
Receipt Number: 20201215000165
Recorded Date/Time: December 15, 2020 11:44 AM
User: Amanda B
Station: CCLERK19_10

Record and Return To:

CSC Global



**STATE OF TEXAS
COUNTY OF CAMERON**

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

Sylvia Garza-Perez
Cameron County Clerk
Cameron County, TX

A handwritten signature in cursive script, appearing to read "Sylvia Garza-Perez", is written in black ink.

SIERRA TITLE CO.
GF No. 2017-1915

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 §
COUNTY OF CAMERON §

KNOW ALL PERSONS BY THESE PRESENTS:

THE NATURE CONSERVANCY, a non-profit corporation organized under the laws of the District of Columbia (mailing address: The Nature Conservancy, 200 E. Grayson St., Suite 202, San Antonio, Texas 78215, Bexar County) hereinafter referred to as Grantor, in consideration of the sum of **TWO HUNDRED TWO THOUSAND AND NO/100 DOLLARS (\$202,000.00)** paid by the United States of America (mailing address: U.S. Fish and Wildlife Service, Region 2, Division of Realty, P.O. Box 1306, Albuquerque, New Mexico 87103, Bernalillo County), acting by and through the Secretary of the Interior or his authorized representative, the receipt of which is hereby acknowledged, has **GRANTED, SOLD, AND CONVEYED**, and by these presents does **GRANT, SELL, AND CONVEY** unto the **UNITED STATES OF AMERICA and its assigns**, subject to the reservations and exceptions hereinafter set forth, all rights, title and interest in fee simple title to a tract of land totaling 53.0 acres, more or less, located in Cameron County, Texas, approximately 4.4 miles east of the town of Bayview and approximately 3.5 miles northwest of the town of Laguna Vista, hereinafter referred to as the Property. The Property is being conveyed to the United States of America and its assigns, as one transaction and conveyance. The Property is identified as TNC (328a) and more particularly described in **EXHIBIT A**, attached and made a part hereof for all purposes.

This being the same parcel of land conveyed to Grantor in the following vesting document:

Special Warranty Deed with Reservation of Easement as recorded in Cameron County, Texas on March 16, 2017, as Document Number 2017-10101, Book – OR, Vol. 22447, Pg. 46.

This conveyance includes all rights, title and interest of the Grantor in and to any alleys, streets, ways, strips or gores abutting or adjoining the Property, together with all and singular the water and other rights and the hereditaments and appurtenances thereunto belonging or in anywise appertaining. For clarification purposes, Grantor is not reserving or retaining any right, title or interest in or to the Property.

This conveyance is made **SUBJECT TO:**

- a. All of the terms, conditions, limitations and restrictions set forth in the vesting Document, all of which shall survive this conveyance, to the extent allowable under Federal law.

LA-Texas
Cameron County
Laguna Atascosa NWR
TNC (328a)

- b. Existing rights-of-way and easement of record set forth under SCHEDULE B of the Final Title Policy, and all other valid and subsisting exceptions, reservations, easements, and rights-of-way of record in the Official Public Records of Cameron County, Texas, affecting the Property.

This deed may be executed in multiple counterparts, each of which shall constitute an executed original hereof.

TO HAVE AND TO HOLD the above-described premises, subject to the matters hereinabove set forth, together with all and singular the rights and appurtenances thereto and anywise belonging, unto the UNITED STATES OF AMERICA and its assigns forever, and subject to the matters hereinabove set forth, the said Grantor does hereby bind itself, its successors and assigns to WARRANT SPECIALLY AND FOREVER DEFEND ALL and singular the said premises unto the said UNITED STATES OF AMERICA and its assigns, against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

The Property is being acquired by the United States of America for administration by the Secretary of the Interior, through the United States of the Interior, U.S. Fish and Wildlife Service.

The Property described in this Special Warranty Deed will be managed pursuant to the mission of the U.S. Fish and Wildlife Service, which states: "Working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

The Property described in this Special Warranty Deed will be managed consistent with the mission of the National Wildlife Refuge System, which is "To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish and wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

The Property described in this Special Warranty Deed will be managed as a part and consistent with the purposes of the Laguna Atascosa National Wildlife Refuge, which states that the refuge exists "for use as an inviolate sanctuary" for migratory birds, and for the development, advancement, management, conservation and protection of fish and wildlife resources.

Executed this 11th day of December, 2020.

GRANTOR:

The Nature Conservancy,
A District of Columbia, non-profit corporation

By: [Signature]

Name: Justin G. Rice

Title: Assistant Secretary

ACKNOWLEDGEMENT

STATE OF Texas §

COUNTY OF Bexar §

On this the 11th day of Dec, 2020, before me, the undersigned Notary Public, personally appeared Justin G Rice, who acknowledged that he/she being authorized to do so is his/her official capacity as Assistant Secretary for THE NATURE CONSERVANCY, executed the foregoing instrument for the purpose therein contained.

[Signature]
Notary Public

Arnold Alderte
Notary's printed name

My commission expires: 10-30-2023

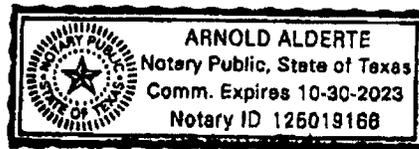


EXHIBIT A
Legal Description

Tract I:

A 53.0 acre tract of land, being part of the Rafael Garcia "Santa Isabel Grant" 1-418 recorded as Patent 158, Volume 19 at the Texas General Land Office in Austin, Texas; land also being a portion of a 607.56 acre tract of land described in Deed from Fort Isabel Irrigation Company to W.L. McElwain recorded in Volume 373, Page 337 of the official public records of Cameron County, Texas (OPRCCTX),

Commencing at the Northwest corner of the Santa Isabel Grant and Southwest corner of "Buena Vista Grant" (N: 16,581,941.42, E: 1,350,668.89) from which a found 5/8" square iron spike bears N 03°51'41" W a distance of 8.58' (3.09V);

Thence N 87°49'32" E (called N 88°23' E) along the North line of the Santa Isabel Grant and the south line of the Buena Vista Grant at 14,477.42' (5,211.87V) passing a 5/8" iron road with FWS aluminum cap found for the Northwest corner of Plat No. Two of Bayside Gardens of Box Ranch described on plat volume 2, page 51 of the Map Records of Cameron County, TX, in all a distance of 15,137.62' (5,449.54V) to a 5/8" iron road with FWS aluminum cap found (N: 16,582,515.78, E: 1,365,795.61) for the Northeast corner of said Bayside Gardens of Box Ranch and point of beginning of this tract and said 607.56 acre parent tract;

Thence N 87°49'32" E (called N 88°23' E) continuing along the North line of Santa Isabel Grant and the South line of Buena Vista Grant a distance of 831.06' (299.18V) to a 1" iron pipe with inset blue plastic cap "4828" set on the north line of the Santa Isabel Grant for the Northeast corner of this tract and Northwest corner of a 257.0 acre partition of said 607.56 acre parent tract;

Thence S 02°09'31" E parallel and 831.06' (299.18V) offset from the West line of said 607.56 acre tract and East line of said Bayside Gardens of Box Ranch a distance of 2,778.16' (1,000.14V) to a 1" iron pipe with inset blue plastic cap "4828" set on the south line of said 607.56 acre tract and the north line of a 1,332.74 acre adjoining tract described in special warranty deed from The Conservation Fund to the United States of America filed as document No. 2016-35064 OPRCCTX for the Southwest corner of said 257.0 acre partition of 607.56 acre tract and Southeast corner of this tract;

Thence S 87°51'00" W (called S 88°25' W) at 797.32' (287.04V) passing a 5/8" iron rod found in line, in all a distance of 831.06' (299.18V) to a 1" iron pipe with inset blue plastic cap "4828" set for the Southwest corner of this tract and Southeast corner of said Bayside Gardens of Box Ranch,

Thence N 02°09'31" W (called N 01°35' W) along the West line of said 607.56 acre parent tract and East line of said Bayside Gardens of Box Ranch at 1,980.31' (712.91V) passing a 5/8" iron rod with FWS aluminum cap found for the Northeast corner of block 94 of said Bayside Gardens of Box Ranch, in all a distance of 2,777.81' (1,000.01V) to point of beginning.

having an area of 2,308,700 square feet or 53.0 acres

**** Electronically Filed Document ****

Hidalgo County
Arturo Guajardo Jr.
County Clerk

Document Number: 2009-1962582
Recorded As : RECORDING ELECTRONIC

Recorded On: January 15, 2009
Recorded At: 01:41:15 pm
Number of Pages: 18

Recording Fee: \$80.00

Parties:
Direct-
Indirect-

Receipt Number: 1009441
Processed By: Imelda Leal

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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



STATE OF TEXAS
COUNTY OF HIDALGO

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

Arturo Guajardo Jr.
County Clerk
Hidalgo County, TX

GENERAL WARRANTY DEED

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

KNOW ALL PERSONS BY THESE PRESENTS:

That Campbell A. Patton and Melinda W. Patton, hereinafter referred to as Grantor, in consideration of the sum of EIGHTY FIVE THOUSAND AND NO/100 DOLLARS (\$85,000.00) paid by the United States of America, (mailing address: U.S. Fish and Wildlife Service, Region 2, Division of Realty, P.O. Box 1306, Albuquerque, New Mexico 87103), the receipt of which is hereby acknowledged, has GRANTED, SOLD, AND CONVEYED, and by these presents does GRANT, SELL, AND CONVEY unto the UNITED STATES OF AMERICA and its assigns, fee simple title to the surface estate of a 20 acre parcel of land out of and forming a part or portion of Tract 329 of the partition of Porciones 38, 39 and 40 Jurisdiction of Reynosa, Mexico now Hidalgo County, Texas and being more particularly described by metes and bounds, in "EXHIBIT A TRACT II"; including all right, title, and interest of the Grantor in and to any alleys, streets, ways, strips, or gores abutting or adjoining the land; TOGETHER WITH 12.5 acre feet of water out of Certificate of Adjudication No. 23-427 (A) as amended of Class B water rights for irrigation, and other rights and the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This parcel is being conveyed to the United States of America together with two related tracts. The three tracts are being conveyed to the United States of America as one transaction and conveyance. The whole tract is described in the United States Department of the Interior, Fish and Wildlife Service, Division of Realty Tract Description Report of the Campbell A. Patton Tract (431,a), attached as EXHIBIT B.

This conveyance is made SUBJECT TO:

- a. Patent reservations, if any.
- b. Existing rights-of-way and easements of record set forth in EXHIBIT C and all visible and apparent easements on or across the property which do not appear of record.
- c. Oil, gas and minerals in third parties.

- d. The Grantor reserves unto themselves, their successors, and assigns, in perpetuity, their interest in oil, gas and other mineral rights, if any, subject to the rules and regulations of the U.S. Department of the Interior as promulgated in Section 29.32, Title 50 of the Code of Federal Regulations and herein set forth in "EXHIBIT D" which is attached to and made a part of this warranty deed.

This land is being acquired for administration by the Secretary of the Interior through the United States Fish and Wildlife Service.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances, unto the UNITED STATES OF AMERICA and its assigns forever, and it does hereby bind itself, its heirs, executors, and administrators to WARRANT AND FOREVER DEFEND ALL and singular the said premises unto the said UNITED STATES OF AMERICA and its assigns, against all and every person or persons whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this 13th day of January, 2009

GRANTOR:

Campbell A. Patton

Campbell A. Patton

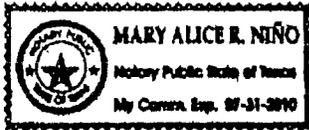
Melinda W. Patton

Melinda W. Patton

ACKNOWLEDGMENT

State of Texas §
County of Hidalgo §

This instrument was acknowledged before me by CAMPBELL A. PATTON, an individual, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument he executed the instrument.



Mary Alice R. Niño
Notary Public

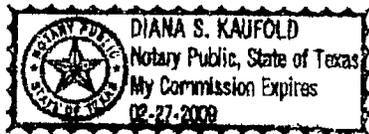
Mary Alice R. Niño
Notary's printed name

My commission expires: 2010

ACKNOWLEDGMENT

State of Texas §
County of Atascosa §

This instrument was acknowledged before me by MELINDA W PATTON, an individual, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument she executed the instrument.



Diana S. Kaufold
Notary Public

Notary's printed name

My commission expires: _____