



Corporate Office:  
3404 Airway Blvd.  
Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

2/22/2024

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

**RECEIVED**

**By Eddie Valencia at 10:13 am, Feb 22, 2024**

Re: Rancho Pepper LLC (CN605851377)  
App. to Amend COA 12-4329

To Whom It May Concern,

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

Sincerely,

*Richard George*

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



**ENVIRO-AG ENGINEERING, INC.**

TCEQ - Cashier

Date	Type	Reference
2/20/2024	Bill	AOD Pepper Water

Original Amt.	112.50
Balance Due	112.50
2/20/2024 Discount	
Check Amount	

Payment	
112.50	
112.50	

First United Bank

AOD Pepper Water Rights

112.50

# 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): Rancho Pepper LLC

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

Y/N

Y **Administrative Information Report**

N Additional Co-Applicant Information

N Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

Y Map Showing Project Details

Y Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

Y Recorded Deeds for Irrigated Land

Y Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

Y **Worksheet 1.2**

Y **Worksheet 2.0**

Y Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

Y Notice(s) to Governing Bodies

Y Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

Y **Worksheet 3.0**

Y Additional W.S. 3.0 for each Point

Y Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

Y **Worksheet 5.0**

Y Addendum to Worksheet 5.0

Y **Worksheet 6.0**

Y Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

N Public Involvement Plan

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☐ New Appropriation of State Water

☒ Amendment to a Water Right \*

☐ Bed and Banks

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

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

Rancho Pepper LLC has a contract to purchase 756 acre-feet of water in COA 12-4329 from Jimmy Gifford contingent upon issuance of this amendment application. Mr. Gifford has authorized Rancho Pepper LLC to amend the permit as submitted (contract attached - Attachment A). This amendment application proposes adding additional places of use (3,488.783 acres in Erath & Comanche Counties), adding diversion locations, adding two existing on-channel reservoirs (Soil Conservation Service Floodwater Retarding Dam No. 25 & No. 26) described further in the attached "Summary of Request" and one proposed off-channel storage reservoir (Rancho Pepper Reservoir) for partial storage of the 756 acre-feet of adjudicated water for subsequent diversion. These proposed places of use and reservoirs are being sought in addition to the currently authorized places of use and diversion locations. No changes to Mr. Gifford's currently authorized irrigable land or diversions are proposed in this application.

Due to the nature of this transaction between Rancho Pepper LLC & Jimmy Gifford for the purchase of the 756 acre-feet in COA 12-4329, this amendment application is being submitted prior to a Change of Ownership to verify that the requests in this application can be made by the TCEQ prior to completion of the ownership transfer. A subsequent Change of Ownership will be submitted to transfer ownership of the 756 acre-feet of water to Rancho Pepper LLC after this amendment is successfully issued and the 756 acre-feet of water will need to be appurtenant to the Rancho Pepper LLC owned property.

"Summary of Request" Site 25 & 26 information is continued on the following attached page.

## “Summary of Request”

### **Regarding Soil Conservation Service Floodwater Retarding Dam No. 25 & 26:**

A Request for Authorization to Irrigate was submitted in January 2024 to the Upper Leon Soil & Water Conservation District for Site 26 Reservoir in Comanche County & the Cross Timbers Soil & Water Conservation District for Site 25 Reservoir in Erath County. The requests asked for the respective Soil Board over each District to grant Rancho Pepper LLC authorization to utilize impounded water from each reservoir for diversion of water authorized under COA 12-4329 for irrigation purposes (contingent upon TCEQ issuance of this permit amendment.)

We spoke with the Comanche County NRCS District Conservationist Chad Evans after the Upper Leon Soil Board Meeting to inquire about the results of the Board’s decision regarding our request. Mr. Evans told us the consensus among the Soil Board Members was that they did not have jurisdiction regarding usage of the water impounded in the Site 26 reservoir. Mr. Evans stated that the Soil Board’s scope of authority regarding the Site 26 Dam/Reservoir only included monitoring and structural maintenance of the Dam & Spillways. He said the Board concluded that they did not have authorization to grant or deny any uses of the water impounded in the reservoir. Mr. Evans further stated they were in agreement that as long as no modifications to the Dam, Reservoir or Principal/Emergency Spillway structures were made, they had no objections to the impounded water being utilized.

An in-person meeting was held with the Cross Timbers Soil & Water Conservation Board (SWCB) staff on 2/12/24. The Cross Timbers SWCB concurred with the Upper Leon SWCB in that they did not have authorization to grant or deny pumping of the impounded water but asked for clarification regarding proposed pump locations and conveyance of the water in regard to potential damage to the dam/spillways. We reviewed the proposed conveyance plans and informed the SWCB that there would be no modifications or activities that would damage the existing dam/spillway structures.

The impoundment capacities of the Site 25 & 26 Dam/Reservoirs at the principal spillways are 99 acre-feet and 45 acre-feet respectively. Rancho Pepper LLC is requesting authorization to utilize the capacity in each structure at or below the principal spillway for storage and subsequent diversion of their portion of water allotted in COA 12-4329 (up to Rancho Pepper LLC’s 756 acre-feet annually minus evaporation losses.) No modifications are being proposed to the existing Site 25/26 Dams, Spillways, or Reservoir structures.

## 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?

Rancho Pepper LLC

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

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

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

CN : 605851377 ( 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: Juan Velez

Title: Chief Agricultural Officer

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: Rancho Pepper LLC

Mailing Address: 1919 14th St. Suite 300

City: Boulder State: CO ZIP Code: 80302

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 checked="" type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> County Government	<input type="checkbox"/> City Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: 0802304072

32058457923 (The text box above was  
cutting the number off.)

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

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

First and Last Name: Richard George

Title: Environmental Consultant

Organization Name: Enviro-Ag. Engineering, Inc

Mailing Address: 9855 FM 847

City: Dublin State: TX ZIP Code: 76446

Phone Number: 254-233-9948

Fax Number: \_\_\_\_\_

E-mail Address: 

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

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

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

First and Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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

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

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

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

Account number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

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

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

Enforcement order number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

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

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

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

[https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus\\_PriorThreeYears](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, Juan Velez

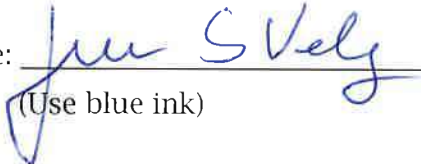
Chief Agricultural Officer for Rancho Pepper LLC

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature:  Date: 2-19-2024  
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 19<sup>th</sup> day of February, 2024.

My commission expires on the 25<sup>th</sup> day of February, 2028.

Notary Public  [SEAL]  
County Erath Texas




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



## Franchise Tax Account Status

As of : 01/24/2024 16:56:41

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

AURORA ORGANIC FARMS, INC.	
Texas Taxpayer Number	12721445372
Mailing Address	1919 14TH ST STE 300 BOULDER, CO 80302-5321
 Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	04/13/2010
Texas SOS File Number	0801255955
Registered Agent Name	REGISTERED AGENT SOLUTIONS, INC.
Registered Office Street Address	CORPORATE CENTER ONE 5301 SOUTHWEST PARKWAY, SUITEAUSTIN, TX 78735

# Public Information Report

Public Information Report  
AURORA ORGANIC FARMS, INC.  
Report Year :2022

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

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


Title	Name and Address
CFO	
CHAIRMAN	
DIRECTOR	
DIRECTOR	SCOTT MCGINTY 
PRESIDENT	SCOTT MCGINTY 



## Franchise Tax Account Status

As of : 01/24/2024 08:04:01

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

RANCHO PEPPER LLC	
Texas Taxpayer Number	32058457923
Mailing Address	1919 14TH ST STE 300 BOULDER, CO 80302-5321
 Right to Transact Business in Texas	ACTIVE
State of Formation	CO
Effective SOS Registration Date	10/01/2015
Texas SOS File Number	0802304072
Registered Agent Name	REGISTERED AGENT SOLUTIONS, INC.
Registered Office Street Address	CORPORATE CENTER ONE 5301 SOUTHWEST PARKWAY, SUITE AUSTIN, TX 78735

# Public Information Report

## Public Information Report

**RANCHO PEPPER LLC**

Report Year :2022

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

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

Title	Name and Address
SECRETARY	
CFO	
COO	
DIRECTOR	
CHAIRMAN	
DIRECTOR	<b>SCOTT MCGINTY</b> 
PRESIDENT	<b>SCOTT MCGINTY</b> 

**OMNIBUS UNANIMOUS WRITTEN CONSENT  
IN LIEU OF ANNUAL MEETINGS  
OF THE MANAGERS AND DIRECTORS**

The undersigned, being all of the members of (i) the boards of directors of Aurora Organic Farms, Inc., a Delaware corporation ("AOFI"), and Aurora Organic Dairy Corp., a Delaware corporation ("AODC"), and (ii) the board of managers of Aurora Organic Dairy Holdings, LLC, a Delaware limited liability company ("AODH"), and AOD Holdings, LLC, a Delaware limited liability company ("AOD"), in lieu of holding meetings of the boards of directors and the board of managers (collectively, the "Boards"), hereby take the following actions and adopt the following resolutions by written consent effective as of the date set forth below, pursuant to Section 141(f) of the General Corporation Law of the State of Delaware, the Limited Liability Company Act of the State of Delaware, and the Colorado Limited Liability Company Act:

WHEREAS, AOFI is the sole manager of Aurora Dairy Holdings, LLC, a Colorado limited liability company d/b/a Aurora Farm Co., LLC ("ADH"), [REDACTED]

[REDACTED] and Rancho Pepper LLC, a Colorado limited liability company ("Rancho") (ADH, [REDACTED] Rancho collectively referred to herein as, the "Subsidiaries"), and in such capacity AOFI as the sole manager has the authority to provide for the election of officers of the Subsidiaries.

WHEREAS, [REDACTED]  
[REDACTED], Weldco Farms, LLC, a Colorado limited liability company ("Weldco"), and [REDACTED] and in such capacity AOD as the sole manager has the authority to provide for the election of officers of AODI, [REDACTED] Weldco and [REDACTED]

**ELECTION OF OFFICERS**

RESOLVED, that the persons listed on Exhibits 1-15 attached hereto and incorporated herein by reference be and they hereby are elected to the office or offices set forth opposite each of their names of the respective entity named on each Exhibit effective as of the effective date hereof, to serve until their successors shall be elected and qualified (unless such person resigns, dies or is removed from office prior thereto).

FURTHER RESOLVED, to the extent that an individual served as an officer of one or more the respective entities named on each Exhibit but he or she is not reappointed to such office, and no other individual is appointed to such office, then any such office shall be eliminated until the Boards recreate and reappoint an individual to such office.

FURTHER RESOLVED, that this action may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000, Uniform Electronic Transactions Act or other applicable law) or other transmission method and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

*[Remainder of page left blank and signature page(s) to follow.]*

IN WITNESS WHEREOF, the undersigned have executed this Omnibus Unanimous Consent effective as of June 30, 2022.

  
DocuSigned by:  
*Scott McGinty*

A2F6D70DF87E42B...

Scott McGinty

  
DocuSigned by:  
*Scott McGinty*

A2F6D70DF87E42B...

Scott McGinty



**EXHIBIT 14**

***RANCHO PEPPER LLC,  
a Colorado limited liability company***

**ELECTION OF OFFICERS**

Name

Office(s)



Juan Velez

Chief Agricultural Officer

# 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](mailto:WRPT@tceq.texas.gov) to schedule a meeting.***

Date of pre-application meeting: 8/23/2023

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 12-4329

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

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

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

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

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

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

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

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

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

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **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 Y

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

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

***Additionally, all amendments require:***

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

**3. Bed and Banks. TWC § 11.042 (Instructions, Page 13) N/A**

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

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

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

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

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

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

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

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

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

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

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

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

*Worksheets and information:*

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

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

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

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

The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2021 Region G Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict 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 Y

**Attachment B**

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16) N/A

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:

<b>Quantity (acre- feet)</b> <i>(Include losses for Bed and Banks)</i>	<b>State Water Source (River Basin) or Alternate Source</b> <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	<b>Purpose(s) of Use</b>	<b>Place(s) of Use</b> <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**
756	Agricultural Irrigation	Agricultural Irrigation, Off-Channel Storage	McLennan County	Existing McLennan County Land & 3,488.783 Acres in Erath and Comanche 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 3,488.783 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 3,488.783 acres in Comanche & Erath Counties County, TX.
  - Location of land to be irrigated: In the See Attachment C Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

***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. **Attachment E**
- See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

**Attachment F**



## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for 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: **Attachment E**

- 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

Site 25

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: Soil Conservation Service Site 25 Reservoir
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 99. As built capacity to principal spillway.
- c. The impoundment is on-channel Y 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<sup>Y</sup>
  - 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<sup>Y</sup>
- d. Is the impoundment structure already constructed? Y / N<sup>Y</sup>
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: 11/15/1969
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>Unknown</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>Y</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N<sup>N/A</sup>
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N<sup>Y</sup>
      - a. If yes, provide the Site No. <sup>25</sup> \_\_\_\_\_ and watershed project name Northeast Tributaries of the Leon River;
      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - ii. For **any** proposed new structures or modifications to structures: N/A
    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: 20.
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 Y Soil Conservation Service #'s  
If yes, the drainage area is 3.09 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): Tributary of Walnut Creek - Brazos River Basin
- b. Zip Code: 76446
- c. In the E. Hunnings Original Survey No. \_\_\_\_\_, Abstract No. 344,  
Erath 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.*** Attachment D

***\*\*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 32.045488° °N, Longitude -98.394985° °W. Approximate center of dam.

***\*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): GIS
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

Attachment B

# WORKSHEET 2.0

## Impoundment/Dam Information

Site 26

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: Soil Conservation Service Site 26 Reservoir
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 45. As built capacity to principal spillway.
- c. The impoundment is on-channel Y 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<sup>Y</sup>
  - 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<sup>Y</sup>
- d. Is the impoundment structure already constructed? Y / N<sup>Y</sup>
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: 11/15/1969
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>Unknown</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>Y</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N<sup>N/A</sup>
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N<sup>Y</sup>
      - a. If yes, provide the Site No. <sup>26</sup> \_\_\_\_\_ and watershed project name Northeast Tributaries of the Leon River;
      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - ii. For **any** proposed new structures or modifications to structures: N/A
    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<sup>Y</sup>  
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<sup>Y</sup>
      - b. Plans (with engineer's seal) for the structure required. Y / N<sup>Y</sup>
      - c. Engineer's signed and sealed hazard classification required. Y / N<sup>Y</sup>
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N<sup>Y</sup>

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: 12\_\_\_\_\_.
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 Y Soil Conservation Service #'s  
If yes, the drainage area is 1.20938 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): Tributary of Walnut Creek - Brazos River Basin
- b. Zip Code: 76446
- c. In the W. McClelland Original Survey No. \_\_\_\_\_, Abstract No. 642,  
Comanche 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.*** Attachment D

***\*\*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 32.029862° °N, Longitude -98.408279° °W. Approximate center of dam.

***\*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): GIS
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

Attachment B

# WORKSHEET 2.0

## Impoundment/Dam Information

Rancho Pepper Reservoir  
(Proposed)

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 - Proposed reservoir
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 109.46.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel Y (mark one)
- i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N<sup>Y</sup>
  - 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<sup>N</sup>  
This proposed reservoir will be isolated and will not receive any State Water inflows.
- d. Is the impoundment structure already constructed? Y / N<sup>N</sup>
- i. For already constructed **on-channel** structures: N/A
    - 1. Date of Construction: \_\_\_\_\_
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>N</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>N</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N<sup>N</sup>
    - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N<sup>N</sup>
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - 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<sup>Y</sup>  
Provide the date and the name of the Staff Person Kyle Hodges 1/30/2024
    - 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<sup>N</sup>
      - b. Plans (with engineer's seal) for the structure required. Y / N<sup>Y</sup>
      - c. Engineer's signed and sealed hazard classification required. Y / N<sup>Y</sup>
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N<sup>Y</sup>

TCEQ Dam Safety staff indicated that this would be a High Hazard dam due to the vicinity to the Site 25 Dam and adjacent highway. A full set of engineer sealed plans is required to be submitted to TCEQ Dam Safety for review/ final classification after the permit is issued, prior to commencing any construction.

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 Y [Attachment H](#)

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 8.03.
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 Y  
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).

This proposed reservoir will be isolated and will not have a drainage area with surface inflows.

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Off-Channel
- b. Zip Code: 76446
- c. In the E. Hunnings Original Survey No. \_\_\_\_\_, Abstract No. 344,  
Erath 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.*** [Attachment D](#)

***\*\*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 32.046444° °N, Longitude -98.397944° °W. [Approximate center of dam.](#)

***\*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): GIS
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

[Attachment B](#)



# 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. Site 25 Reservoir Diversion
2. ☐ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 6.33 cfs (cubic feet per second)  
or 2,850 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 6.33 cfs or 2,850 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 type="checkbox"/>	Directly from stream	
<input checked="" type="checkbox"/>	From an on-channel reservoir	Proposed
<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** Y

If yes, the drainage area is 3.09 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): Tributary of Walnut Creek - Brazos River Basin
- b. Zip Code: 76446
- c. Location of point: In the E. Hunnings Original Survey No. \_\_\_\_\_, Abstract No. 344, Erath 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 32.045488° °N, Longitude -98.394985° °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*** Coordinates are to the approximate center of the Site 25 Dam. Diversion is proposed from the surface and perimeter of the reservoir.
- 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. Attachment B
- 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.  
Diversion is proposed from the surface & perimeter of the Site 25 Dam/Reservoir (depicted on Attachment B). Diversion will be with either a floating pump for the surface, or a portable pump around the perimeter of the reservoir and water will be conveyed via a sealed poly or pvc pipeline.

## 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. Site 26 Reservoir Diversion
2. ☐ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 6.33 cfs (cubic feet per second)  
or 2,850 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** Y  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 6.33 cfs or 2,850 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 type="checkbox"/>	Directly from stream	
<input checked="" type="checkbox"/>	From an on-channel reservoir	Proposed
<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** Y

If yes, the drainage area is 1.20938 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): Tributary of Walnut Creek - Brazos River Basin
- b. Zip Code: 76446
- c. Location of point: In the W. McClelland Original Survey No. \_\_\_\_\_, Abstract No. 642, Comanche County, Texas.

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

***For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at: Latitude 32.029862° °N, Longitude -98.408279° °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*** Coordinates are to the approximate center of the Site 26 Dam. Diversion is proposed from the surface and perimeter of the reservoir.
- 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. Attachment B
- 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.  
Diversion is proposed from the surface & perimeter of the Site 26 Dam/Reservoir (depicted on Attachment B). Diversion will be with either a floating pump for the surface, or a portable pump around the perimeter of the reservoir and water will be conveyed via a sealed poly or pvc pipeline.

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

Site 25 & 26 Reservoirs

### 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.**

1/4" mesh screens will be used on any diversion pipes to avoid impingement and entrainment of aquatic organisms.

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

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

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: ~3'-5' to principal spillways

☐ 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: **Attachment G**

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.  
Proposed & surrounding areas are improved grassed pastures. Pics. in Attachment G.
  - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.  
N/A
  - 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.  
N/A

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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

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

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

# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

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

**Instructions, Page 31.**

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

### 1. Water Conservation Plans

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

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. x\_\_\_\_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**N/A

- 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 N/A

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



## WORKSHEET 8.0 CALCULATION OF FEES

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

### 1. NEW APPROPRIATION

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

### 2. AMENDMENT OR SEVER AND COMBINE

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

### 3. BED AND BANKS

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

Attachment A

**Surface Water Rights Conveyance Contract**

**Certificate of Adjudication No. 12-4329**

**Date:** 12/5, 20 22

**Grantor:** Jimmy Lewis Gifford

**Grantor Mailing Address:** 840 Mary Ware Drive, Waco, Texas 76705

**Grantee:** Rancho Pepper LLC

**Grantee Mailing Address:** 1919 14<sup>th</sup> Street Suite 300, Boulder, Colorado 80302

**Consideration:** Sales price of [REDACTED] (x 756-acre feet) for a total sum of [REDACTED]

**Property:** 756 acre-feet of water held by Jimmy Lewis Gifford in Certificate of Adjudication (COA) 12-4329, priority date of Dec. 31, 1964, and appurtenant diversion rate of 6.33 cfs (2,850 gpm).

**Terms of Sale:**

Upon execution (signing/notarizing) of this instrument by both the Grantor & Grantee, the Grantor & Grantee, further referred to as, "Parties," agree to all terms and conditions as outlined in the three pages of this Contract.

1. Grantee agrees to pay Grantor an initial payment via wire transfer in the amount of [REDACTED]
  - 1.(a) [REDACTED] of the initial payment will be designated as earnest money.
  - 1.(b) [REDACTED] of the initial payment will be held by the Grantor for Grantor's potential expenses to amend Certificate of Adjudication 12-4329, further referred to as "Property," back to its original state if Term 2 is fully executed by Grantee, changing the Property from its original state and the subsequent terms are not completed requiring the Grantor to file an amendment to remove the changes made to the Property by the Grantee as outlined in Term 2 below.
  - 1.(c) The initial payment of [REDACTED] in Term 1 shall be deducted from the total sum of consideration leaving a final balance due to the Grantor of [REDACTED] as outlined in Term 3 below.

-- [REDACTED] Payment was wire transferred from Grantee to Grantor on 11/7/2022

  
Grantor Initial

2. Grantee at Grantee's expense will prepare and submit an application to the Texas Commission on Environmental Quality, further referred to as "TCEQ," (or successor with established jurisdiction over the Property-applicable in all areas of this instrument where TCEQ is named) to amend the Property to add places of use (Grantee owned land in Comanche & Erath Counties, Texas) and add storage and diversion locations. TCEQ Draft Permit with proposed changes must be deemed acceptable (\*by Grantee signature below after review of Draft Permit) to Grantee (without unreasonable or burdensome restrictions essentially making the permit unusable by the Grantee) during the standard Draft Review Period prior to permit issuance.

\*Grantee has reviewed the Draft Permit and is acceptable as written:

\_\_\_\_\_  
Grantee Signature

\_\_\_\_\_  
Date

Term 2 will be considered fully executed upon successful issuance of the amendment application as submitted by the Grantee by the TCEQ.

3. Upon full execution of Terms 1 & 2 above the remaining balance due from the Grantee of [REDACTED] will be deposited in an Escrow account held by an independent 3<sup>rd</sup> Party chosen by the Parties. Within 7 calendar days of deposit of the escrow funds by the Grantee, Grantor agrees to sign & furnish to the Grantee the statement below to allow TCEQ to process the subsequent Change of Ownership:

"I, Jimmy Lewis Gifford, authorize the TCEQ to transfer ownership of the 'Property,' as defined on page 1 of this Contract to the Grantee, Rancho Pepper LLC."

\_\_\_\_\_  
Grantor Signature,

\_\_\_\_\_  
Date

Grantee at Grantee's expense will prepare/submit a Change of Ownership to the TCEQ to transfer ownership of the Property from the Grantor to the Grantee, sever the Property conveyed in this Contract from Grantor's Appurtenant Land in McLennan County, and assign new Appurtenant Land owned by the Grantee. Upon successful issuance of the Change of Ownership by the TCEQ, the [REDACTED] in Escrow will be released in full to the Grantor. Term 3 will be considered fully executed upon successful issuance of the Change of Ownership by the TCEQ and release of Escrow funds in full to the Grantor.

4. Once the Terms of Sale as outlined above have been fully executed, this Contract will become absolute,

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: None

Upon completion of the Terms of Sale above, Grantor, for the Consideration, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise.

**Grantor hereby authorizes the Grantee & TCEQ to amend COA 12-4329 in accordance with Term 2 above.**

In the event that the TCEQ is unable for any reason to issue the permit amendment as submitted by the Grantor in Term 2, the Grantor will keep the initial [REDACTED] earnest money in Term 1(a) above, the amendment application will be withdrawn from the TCEQ by the Grantee leaving the Property in its original unchanged state, the [REDACTED] in Term 1(b) will be refunded to the Grantee by the Grantor and the remainder of the Contract will be considered Null and Void by all Parties. In the event that the Term 2 has been fully executed but the TCEQ is unable for any reason to issue the Change of Ownership as outlined in Term 3 above, the Change of Ownership will be withdrawn by the Grantee and the Grantor will keep the initial [REDACTED] as outlined in Term 1 (a & b) above, the Contract will be considered Null and Void by all Parties and escrow funds will be released in full to the Grantee.

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

This instrument was prepared based on information furnished by the parties and is considered executed and binding upon signatures of Grantor/Grantee. No independent title search has been made.

Jimmy Lewis Gifford, Grantor

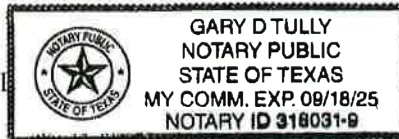
Jimmy Lewis Gifford  
Jimmy Lewis Gifford

STATE OF TEXAS

COUNTY OF McLennan

This instrument was acknowledged before me on the 5<sup>th</sup> day of December, 2022, by Jimmy Lewis Gifford.

SEAL



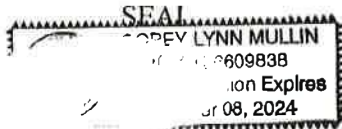
Gary D Tully  
Notary Public, State of Texas

Rancho Pepper LLC, Grantee

Juan S Velez  
Juan S. Velez (For Rancho Pepper LLC)

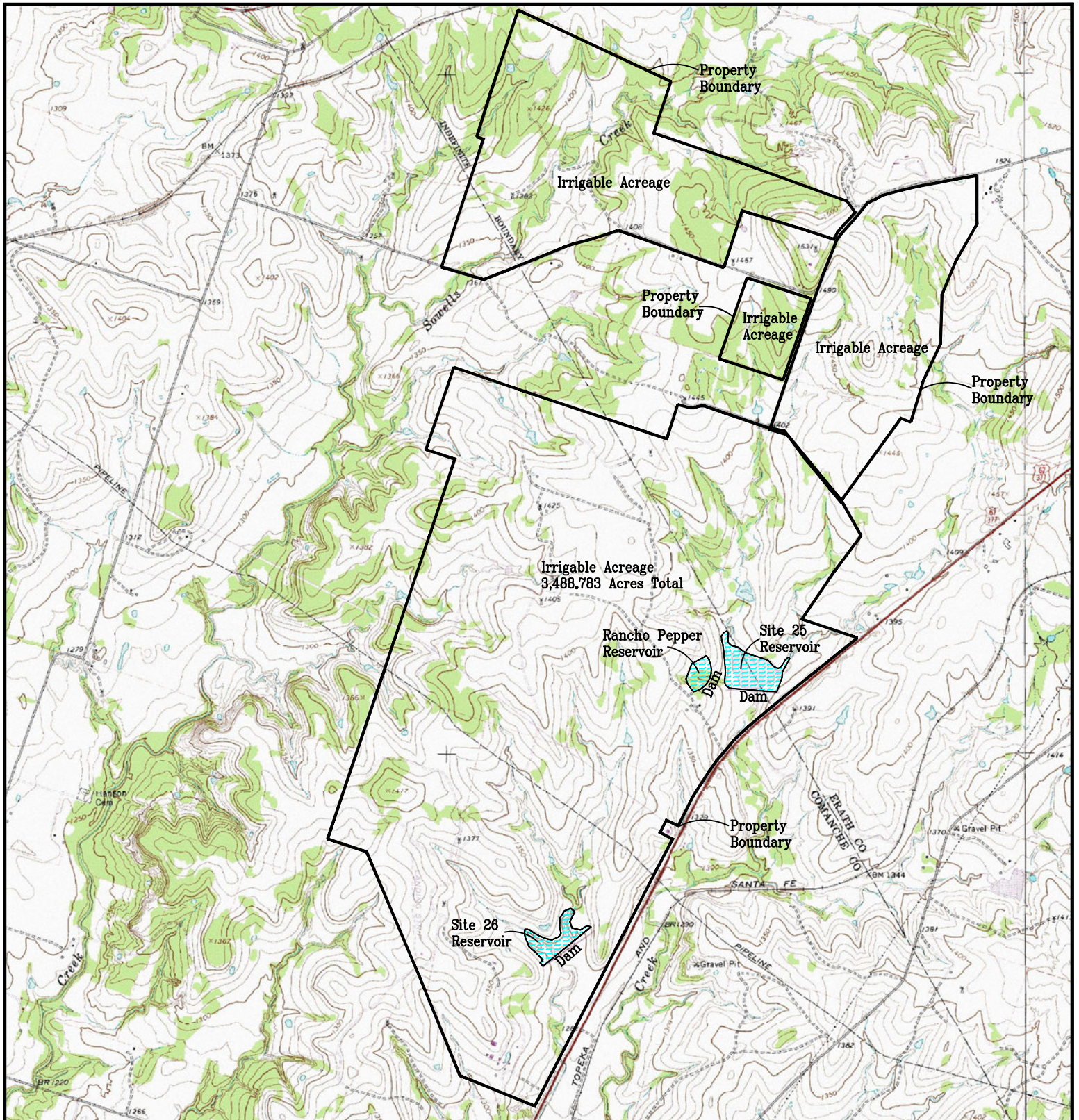
STATE OF Texas  
COUNTY OF Erath

This instrument was acknowledged before me on the 11<sup>th</sup> day of January, 2023, by Juan S. Velez, Chief Agricultural Officer of Rancho Pepper LLC, on behalf of said entity.




Corey L Mullin  
Notary Public, State of Texas





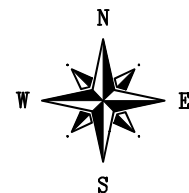
#### LEGEND:

 Denotes Storage Reservoir

Note: -Site 25 & Site 26 Reservoirs are existing.  
 Diversion is proposed from the surface & perimeter of Site 25 & 26 Reservoirs.  
 -The Rancho Pepper Reservoir is proposed for off-channel storage.

Source: USDA-NRCS. Geospatial Data Gateway. Available at:  
<http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic  
 County Mosaic by NRCS - December 2016.

Map Revised 1/24/2024



1500' 0 1500' 3000'

SCALED AS SHOWN

Rancho Pepper LLC  
 Dublin, Texas  
 Comanche & Erath Counties

Attachment B  
 Site Map

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

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



Attachment C

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

**Erath & Comanche Counties, Texas - (3,488.783 Irrigable Acres Total)**

**Rancho Pepper LLC Land:**

*2464.322 Acres of Land out of the Wm. McLelland Survey, Abstract No. 517 (Erath County), Abstract No. 642 (Comanche County), the E. Hennings Survey, Abstract no. 344 (Erath County), Abstract No. 1477 (Comanche County), and the S. Lusk Survey, Abstract No. 606 (Comanche County), Texas*

**Weldco Farms, LLC Land:**

*41.255 Acres of Land out of the William McClelland Survey, Abstract No. 517, Erath County, Texas*

**Dairy Farm Land Investments of Texas, LLC Land:**

*(983.206 Acres Total) 320.61 Acres of Land out of the Daniel Bradley Survey, Abstract No. 0038, 662.596 Acres of Land out of the Daniel Bradley Survey, Abstract No. 0039, Erath County, Texas*

*All irrigable acreage is in the Brazos River Basin.*

2312

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.**

*\*CORRECTION\** WARRANTY DEED

**DATE:** OCTOBER 21, 2015 *to be effective October 22, 2015*

**GRANTOR:** Chas 1933, LP, a Texas limited partnership

**GRANTOR'S MAILING ADDRESS:** 3000 Alta Mesa Blvd., Suite 300  
Fort Worth, TX 76133

**GRANTEE:** Rancho Pepper LLC, a Colorado Limited Liability Company

**GRANTEE'S MAILING ADDRESS:** 1919 14th Street, Suite 300

Boulder, CO

80302

**CONSIDERATION:** TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration.

**PROPERTY:** Being a 2464.322 acres tract of land out of the Wm. McClelland Survey, Abstract No. 517 (Erath County), Abstract No. 642 (Comanche County), the E. Hennings Survey, Abstract No. 344 (Erath County), Abstract No. 1477 (Comanche County), and the S. Lusk Survey, Abstract No. 606 (Comanche County), Texas; being all of a certain 423.93 acres tract, all of certain 1109.94 acres tract and all of a certain 936.33 acres tract, all described in Volume 972, Page 554 of the Deed Records of Comanche County and in Volume 1199, Page 871 of the Official Public Records of Erath County, Texas; and being further described by metes and bounds attached hereto as **Exhibit "A"**, and made a part hereof for all purposes;

including, but not limited to, all interest of Grantor, if any, in (1) strips and gores, if any, between the property and any abutting properties, whether owned or claimed by deed, limitations, or otherwise, and whether located inside or outside the property; and (2) any land lying in or under the bed of any creek, stream, or waterway or any highway, avenue, street, road, alley, easement or

**SAVE AND EXCEPT:**

**MINERAL RESERVATIONS:** there is hereby reserved unto Grantor, their heirs and assigns forever, a reservation of all oil, gas, and mineral rights in and under and that may be produced from the Property, and all executive rights, together with the right of ingress and egress at all times for the purpose of mining, drilling, exploring, operating, and developing said lands for oil, gas, and other minerals and removing the same therefrom. Grantor and Grantee (and their heirs and assigns) mutually agree, at such time that Grantor, their heirs and assigns exercises its rights to extract the Reserved Mineral Rights, to act in a commercially reasonable manner to accommodate each other's activities, to cooperate to mitigate the impact of their activities on the other and not to interfere unreasonably with the other's activities.

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all reservations, restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, AND CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, TO HAVE AND HOLD IT to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

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

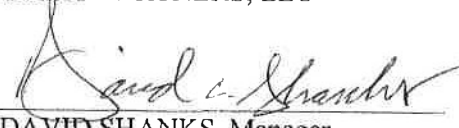
This deed has been corrected and is being refiled as a correction deed to take the place of the deed as it is recorded in Volume 799, Page 17, Deed Records of Comanche County, Texas. As originally executed and filed, the deed was dated October 21, 2015, when in fact it should have been dated October 21, 2015, to be effective October 22, 2015. In all other respects this correction deed is the same as the original deed.

CHAS 1933, LP

By Its General Partner:

EYESIGHT PARTNERS, LLC

By:

  
DAVID SHANKS, Manager

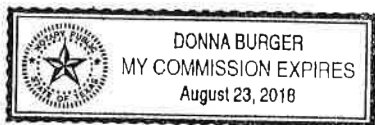


(ACKNOWLEDGMENT)

STATE OF TEXAS

COUNTY OF Tarrant

This instrument was acknowledged before me on the 21 day of October, 2015, by David Shanks, Manager of Eyesight Partners, LLC, General Partner of Chas 1933, LP, a limited partnership, on behalf of said partnership.



Donna Burger  
NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PREPARED IN THE LAW OFFICE OF:

J. DAVID STANFORD  
P. O. BOX 1145  
SALADO, TEXAS 76571

### Exhibit A

Of a 2464.322 acres tract of land out of the Wm. McClelland Survey, Abstract No. 517 (Erath County), Abstract No. 642 (Comanche County), the E. Hennings Survey, Abstract No. 344 (Erath County), Abstract No. 1477 (Comanche County), and the S. Lusk Survey, Abstract No. 606 (Comanche County), Texas; being the same tract described in Volume 964, Page 295 of the Deed Records of Comanche County and in Document No. 2013-03062 of the Official Public Records of Erath County, Texas; and being further described by metes and bounds as follows:

Beginning at a found 7/8" iron rod in the northwest right of way line of U.S. Highway No. 67 (also U.S. Highway No. 377) and in the south line of said E. Hennings Survey for the beginning corner of this tract. Whence a found 7/8" iron rod at the southwest corner of said E. Hennings Survey bears N. 71 deg. 23 min. 41 sec. W. 831.45 feet.

Thence S. 27 deg. 07 min. 51 sec. W. 6371.16 feet along the northwest right of way line of said U.S. Highway No. 67 to a found 1/2" iron rod with cap (PRICE SURVEYING) at the northeast corner of a certain 848.38 acres tract described in Volume 882, Page 476 of the Deed Records of Comanche County for the southeast corner of this tract.

Thence with the north line of said 848.38 acres tract the following courses and distances:

N. 66 deg. 34 min. 32 sec. W. 882.42 feet to a 4" steel post

N. 69 deg. 16 min. 13 sec. W. 934.74 feet to a 4" steel post

N. 22 deg. 56 min. 35 sec. W. 3010.75 feet to a found 1/2" iron rod with cap

N. 22 deg. 53 min. 49 sec. W. 2403.70 feet to a found 1/2" iron rod with cap

N. 71 deg. 57 min. 37 sec. W. 930.81 feet to a found 7/8" iron rod at the northwest corner of said 848.38 acres tract for the southwest corner of this tract.

Thence N. 18 deg. 41 min. 23 sec. E. at 3574.43 feet pass a found 7/8" iron rod and in all 4080.80 feet to a found 7/8" iron rod for a corner of this tract.

Thence generally along a fence the following courses and distances:

N. 18 deg. 32 min. 04 sec. E. 4873.04 feet to a found 7/8" iron rod

N. 71 deg. 19 min. 45 sec. W. 675.38 feet to a found 7/8" iron rod

N. 18 deg. 33 min. 32 sec. E. 856.92 feet to a found 7/8" iron rod

N. 18 deg. 42 min. 14 sec. E. 1072.29 feet to a found 7/8" iron rod for the northwest corner of this tract.

Thence S. 71 deg. 31 min. 46 sec. E. 5011.83 feet to a found 7/8" iron rod in the west line of a certain 41.30 acres tract described in Volume 1012, Page 1013 of the Official Public Records of Erath County for a corner of this tract.

Thence S. 17 deg. 55 min. 27 sec. W. 617.56 feet to a found 1/2" iron rod for a corner of this and said 41.30 acres tract.

Thence S. 17 deg. 50 min. 45 sec. W. 1320.71 feet to a found 1" iron pipe at the southwest corner of said 41.30 acres tract for an ell corner of this tract.

Thence S. 71 deg. 22 min. 27 sec. E. 1318.75 feet to a found 3/8" iron rod at the southeast corner of said 41.30 acres tract for an ell corner of this tract.

Thence N. 17 deg. 50 min. 37 sec. E. 1320.12 feet to an 8" wood post at the most easterly northeast corner of said 41.30 acres tract for an ell corner of this tract.

Thence N. 71 deg. 21 min. 19 sec. W. 1279.76 feet to a found 60d nail in top of a 6" wood post at an ell corner of said 41.30 acres tract for a corner of this tract.

Thence N. 17 deg. 56 min. 36 sec. E. 691.96 feet to a found 1/2" iron rod with cap (PRICE SURVEYING) in an east line of said 41.30 acres tract for a corner of this tract.

Thence N. 17 deg. 28 min. 04 sec. E. 727.13 feet to a 6" wood post in the south line of County Road 340 and at the most northerly northeast corner of said 41.30 acres tract for a corner of this tract.

Thence with an existing fence and the south line of County Road 340 the following courses and distances:

S. 74 deg. 00 min. 08 sec. E. 308.03 feet to a 6" wood post

N. 78 deg. 33 min. 19 sec. E. 272.84 feet to a 6" wood post

S. 70 deg. 48 min. 16 sec. E. 1111.49 feet to a 6" wood post

S. 72 deg. 43 min. 03 sec. E. 436.77 feet to a 6" wood post in the south line of a certain 90.30 acres tract described in Volume 783, Page 119 of the Deed Records of Erath County.

Thence with the occupied south line of said 90.30 acres tract the following courses and distances:

S. 76 deg. 03 min. 53 sec. E. 385.63 feet to a 3" steel post

S. 65 deg. 10 min. 34 sec. E. 5.39 feet to a 3" steel post

S. 41 deg. 59 min. 49 sec. E. 925.19 feet to a 4" wood post

S. 41 deg. 43 min. 05 sec. E. 243.39 feet to a 6" wood post

S. 40 deg. 37 min. 06 sec. E. 256.17 feet to an 8" wood post

S. 38 deg. 26 min. 17 sec. E. 290.54 feet to a 6" wood post

S. 29 deg. 11 min. 01 sec. E. 267.18 feet to a found 1/2" iron rod at the southeast corner of said 90.30 acres tract and at the southwest corner of a certain 648.63 acres tract described in Document No. 2014-01378 of the Official Public Records of Erath County.

Thence S. 28 deg. 46 min. 38 sec. E. 882.52 feet to an 8" wood post at a corner said 648.63 acres tract and at the northwest corner of a certain 57.40 acres tract described in said Document No. 2014-01256 of the Official Public Records of Erath County for the most northerly northeast corner of this tract.

FILED FOR RECORD  
AT 1:45 O'CLOCK P M

NOV 16 2015

*Ruby Lesley*

Clerk, County Court Comanche Co., Texas

KING ABSTRACT COMPANY  
159 S. GRAHAM  
STEPHENVILLE TX 76401

⑦ 50.00 CK  
KING ABSTRACT COMPANY

FILED

AT 1:45 O'CLOCK P M  
ON THE 16 DAY OF NOVEMBER  
A.D., 2015.

*Ruby Lesley*

COUNTY CLERK, COMANCHE CO. TEXAS

BY *Amy Huddleston*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

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



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

VOL. 1000 PAGE 8  
RECORDED 11-17-15

⑥ \$46.00  
Chg CCA

FILED FOR RECORD  
AT 2:00 O'CLOCK P M

OCT 23 2015

*Ruby Lesley*

Clerk, County Court Comanche Co., Texas

King Abstract Co.  
159 S. Graham  
Stephenville, TX 76401

FILED

AT 2:00 O'CLOCK P M  
ON THE 23 DAY OF OCTOBER  
A.D., 2015.

*Ruby Lesley*

COUNTY CLERK, COMANCHE CO. TEXAS

BY *Amy Huddleston*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

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

VOL. 999 PAGE 17  
RECORDED 10-26-15

FILED FOR RECORD  
AT 1:45 O'CLOCK P M

NOV 16 2015

*Ruby Lesley*

Clerk, County Court Comanche Co., Texas

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COUNTY OF COMANCHE

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

VOL. 999 PAGE 17  
RECORDED 10-26-15

THE STATE OF TEXAS

COUNTY OF ERATH

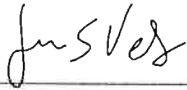
Letter of Consent to Irrigate:

This letter is to certify that I, Juan Velez, on behalf of Weldco Farms, LLC (landowner of a tract of proposed irrigable acreage), do hereby give consent to Rancho Pepper LLC to irrigate adjudicated water authorized in COA 12-4329 on the following real property outlined below:

Subject Property Legal Description & Address:

*41.255 Acres of Land out of the William McClelland Survey, Abstract No. 517, Erath County, Texas*

This agreement shall remain in effect until terminated in writing by Weldco Farms, LLC



\_\_\_\_\_  
Authorized Signature

01/30/2024

\_\_\_\_\_  
Date



## Franchise Tax Account Status

As of : 01/24/2024 16:54:10

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

### WELDCO FARMS, LLC

**Texas Taxpayer Number** 32064616256

**Mailing Address** 1919 14TH ST STE 300 BOULDER, CO 80302-5321

**Right to Transact Business in Texas** ACTIVE

**State of Formation** CO

**Effective SOS Registration Date** 08/17/2017

**Texas SOS File Number** 0802794544

**Registered Agent Name** REGISTERED AGENT SOLUTIONS, INC.

**Registered Office Street Address** CORPORATE CENTER ONE 5301 SOUTHWEST PARKWAY,  
SUITE AUSTIN, TX 78735

# Public Information Report

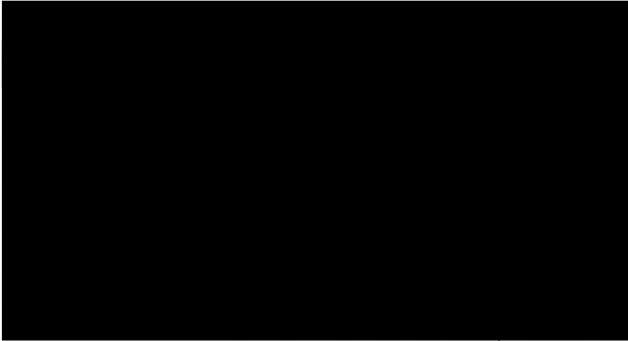
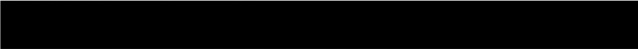
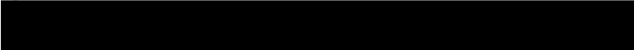
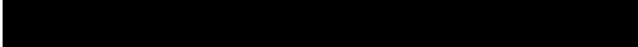
## Public Information Report

**WELDCO FARMS, LLC**

Report Year :2022

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

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

Title	Name and Address
CFO	
SECRETARY	
DIRECTOR	
CHAIRMAN	
CEO	SCOTT MCGINTY 
DIRECTOR	SCOTT MCGINTY 
PRESIDENT	SCOTT MCGINTY 



**OMNIBUS UNANIMOUS WRITTEN CONSENT  
IN LIEU OF ANNUAL MEETINGS  
OF THE MANAGERS AND DIRECTORS**

The undersigned, being all of the members of (i) the boards of directors of Aurora Organic Farms, Inc., a Delaware corporation ("AOFI"), and Aurora Organic Dairy Corp., a Delaware corporation ("AODC"), and (ii) the board of managers of Aurora Organic Dairy Holdings, LLC, a Delaware limited liability company ("AODH"), and AOD Holdings, LLC, a Delaware limited liability company ("AOD"), in lieu of holding meetings of the boards of directors and the board of managers (collectively, the "Boards"), hereby take the following actions and adopt the following resolutions by written consent effective as of the date set forth below, pursuant to Section 141(f) of the General Corporation Law of the State of Delaware, the Limited Liability Company Act of the State of Delaware, and the Colorado Limited Liability Company Act:

WHEREAS, AOFI is the sole manager of Aurora Dairy Holdings, LLC, a Colorado limited liability company d/b/a Aurora Farm Co., LLC ("ADH"), Coldwater Dairy, LLC, a Colorado limited liability company ("Coldwater"), [REDACTED]

Pepper Dairy, LLC, a Colorado limited liability company ("Pepper Dairy"), [REDACTED]

[REDACTED] (ADH, Coldwater, [REDACTED] Pepper Dairy, [REDACTED] collectively referred to herein as, the "Subsidiaries"), and in such capacity AOFI as the sole manager has the authority to provide for the election of officers of the Subsidiaries.

WHEREAS, AOD is the sole manager of Aurora Organic Dairy International, LLC, a Colorado limited liability company ("AODI"), [REDACTED]  
[REDACTED] Weldco Farms, LLC, a Colorado limited liability company ("Weldco"), and [REDACTED]  
and in such capacity AOD as the sole manager has the authority to provide for the election of officers of AODI, [REDACTED] Weldco and [REDACTED]

**ELECTION OF OFFICERS**

RESOLVED, that the persons listed on Exhibits 1-15 attached hereto and incorporated herein by reference be and they hereby are elected to the office or offices set forth opposite each of their names of the respective entity named on each Exhibit effective as of the effective date hereof, to serve until their successors shall be elected and qualified (unless such person resigns, dies or is removed from office prior thereto).

FURTHER RESOLVED, to the extent that an individual served as an officer of one or more the respective entities named on each Exhibit but he or she is not reappointed to such office, and no other individual is appointed to such office, then any such office shall be eliminated until the Boards recreate and reappoint an individual to such office.

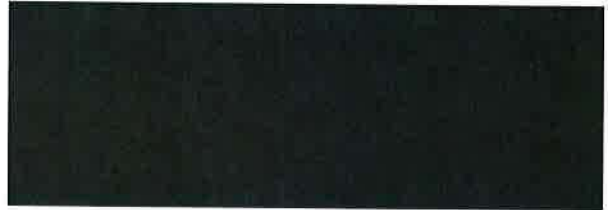
FURTHER RESOLVED, that this action may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with the U.S. federal ESIGN Act of 2000, Uniform Electronic Transactions Act or other applicable law) or other transmission method and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

*[Remainder of page left blank and signature page(s) to follow.]*

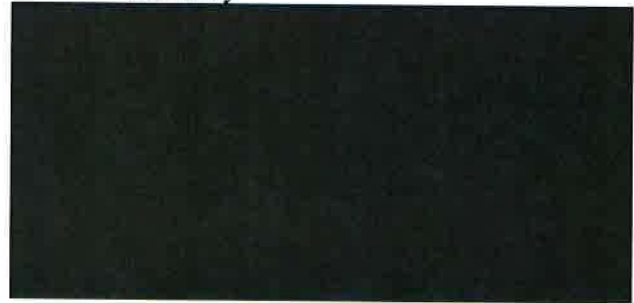
IN WITNESS WHEREOF, the undersigned have executed this Omnibus Unanimous Consent effective as of June 30, 2022.



DocuSigned by:  
*Scott McGinty*  
A2F6D70DF87E42B  
\_\_\_\_\_  
Scott McGinty



DocuSigned by:  
*Scott McGinty*  
A2F6D70DF87E42B  
\_\_\_\_\_  
Scott McGinty



**EXHIBIT 13**

***WELDCO FARMS, LLC,***  
***a Colorado limited liability company***  
**[d/b/a Aurora Organic Farmland, LLC]**

**ELECTION OF OFFICERS**

Name



Juan Velez

Office(s)



Chief Agricultural Officer

\*\*\*\*DO NOT REMOVE \*\*\*\*THIS PAGE IS PART OF THE INSTRUMENT\*\*\*\*\*

Document No. 2018-00902

AFFIDAVIT

Parties: MAYO TAMMY  
to  
CURRY MARVIN (ORIGINAL

FILED AND RECORDED  
REAL RECORDS

On: 02/26/2018 at 11:37 AM

Document Number: 2018-00902

Receipt No. 76739

Amount: \$30.00

By: cwhite

Gwinda Jones, County Clerk  
Brath County, Texas

3 Pages



STATE OF TEXAS  
County of Brath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Brath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, appearing to read "Gwinda Jones", is written over a horizontal line.

Record and Return To:  
LONDON NORTHCUTT ATTORNEY  
IN BOX



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Correction Affidavit**

**STATE OF TEXAS  
COUNTY OF ERATH**

Tammy Mayo, Affiant, files this Correction Affidavit pursuant to Section 5.028 of the Texas Property Code, and on oath swears that the following statements are true and are within her personal knowledge.

"My name is Tammy Mayo. I am a legal assistant for attorney, Landon Northcutt. I prepared a General Warranty Deed dated September 15, 2017, executed by Marvin Curry, and Melonie Curry to Weldco Farms, LLC, and being filed of record on September 18, 2017 as Document No. 2017-05035, Real Property Records, Erath County, Texas. The legal description of the property conveyed in the Deed contained inaccurate or incorrect elements, being that a line in the legal description was repeated. The legal description in the original General Warranty deed should correctly read as follows:

Of a 41.255 acres tract of land out of the William McClelland Survey, Abstract No. 517, Erath County, Texas; being all of a certain 41.30 acres tract deeded to Marvin Curry and wife, Melonie Curry in Volume 1012, Page 1013 of the Official Public Records, Erath County, Texas; and being further described by metes and bounds as follows:

Beginning at a found 1" iron pipe at a corner of a certain 2464.322 acres tract deeded to Rancho Pepper LLC, in Document No. 2015-06044 of said Official Public Records, Erath County, Texas, for the Southwest and beginning corner of this tract. Whence the northeast corner of said William McClelland Survey bears S. 71 deg. 22 min. 27 sec. E. 1318.75 feet, S. 71 deg. 23 min. 56 sec. E. 764.72 feet and N. 19 deg. 02 min. 57 sec. E. 4069.01 feet.

Thence with a common line of said 2464.322 acres tract, N. 17 deg. 50 min 45 sec. E. 1320.71 feet to a found 1/2" iron rod and N. 17 deg. 55 min. 27 sec. E. 617.56 feet to a found 7/8" iron rod, for a corner of this and said 2464.322 acres tract

Thence N. 17 deg. 35 min. 23 sec. E. 73.73 feet to a found 3/8" iron rod and N. 17 deg. 24 min. 34 sec. E. 727.21 feet to a found 3/8" iron rod at the end of Erath County Road No. 340, for the northwest corner of this tract.

Thence along the south side of said County Road, S. 72 deg. 01 min. 00 sec. E. 40.34 feet to a 6" wood post at a corner of said 2464.322 acres tract, for the most northerly northeast corner of this tract.

Thence leaving said County Road and with a common line of said 2464.322 acres tract, S. 17 deg. 28 min. 04 sec. W. 727.13 feet to a found 1/2" rod

with cap and S. 17 deg. 56 min. 36 sec. W. 691.96 feet to a found 60D nail in top of a 6" wood post, for an ell corner of this and said 2464.322 acres tract.

Thence S. 71 deg. 21 min. 19 sec. E. 1279.76 feet to an 8" wood post at a corner of said 2464.322 acres tract, for the most easterly northeast corner of this tract.

Thence S. 17 deg. 50 min. 37 sec. W. 1320.12 feet to a found 3/8" iron rod at a corner of said 2464.322 acres tract, for the southeast corner of this tract.

Thence N. 71 deg. 22 min. 27 sec. W. 1318.75 feet to the place of beginning.

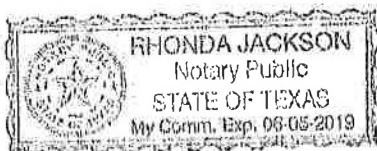
"A true and correct copy of this Correction Affidavit has been sent by first class mail, e-mail, or other reasonable means to each party to the original General Warranty Deed and, if applicable, to a party's heirs, successors, or assigns."

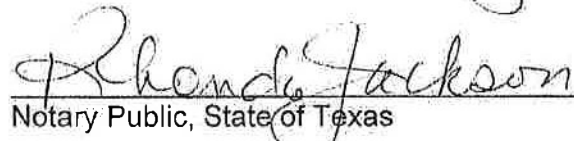
  
Tammy Mayo

STATE OF TEXAS )

COUNTY OF ERATH )

This instrument was acknowledged before me on February 20,  
2018, by Tammy Mayo.



  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

LANDON NORTHCUTT  
166 S. Belknap  
Stephenville, TX 76401  
Tel: (254) 968-2613  
Fax: (254) 968-5402

\*\*\*\*DO NOT REMOVE \*\*\*\*\*THIS PAGE IS PART OF THE INSTRUMENT\*\*\*\*\*

Document No. 2017-05035

DEED

Parties: CURRY MARVTN  
to  
WELDCO FARMS LLC

FILED AND RECORDED  
REAL RECORDS  
On: 09/18/2017 at 04:02 PM

Document Number: 2017-05035  
Receipt No. 73538  
Amount: \$34.00

By: cwhite  
Gwinda Jones, County Clerk  
Erath County, Texas

4 Pages



STATE OF TEXAS  
County of Erath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Erath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, appearing to read "Gwinda Jones", is written over a horizontal line.

Record and Return To:  
CROSS TIMBERS TITLE  
IN BOX





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**General Warranty Deed**

**Date:** September 15, 2017

**Grantor:** Marvin Curry and Melonie Curry

**Grantor's Mailing Address:** 304 E. Blackjack, Dublin, Erath County, Texas 76446

**Grantee:** Weldco Farms, LLC

**Grantee's Mailing Address:** 1919 4th Street #300, Boulder, Boulder County, Colorado 80302

**Consideration:** Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

Of a 41.255 acres tract of land out of the William McClelland Survey, Abstract No. 517, Erath County, Texas; being all of a certain 41.30 acres tract deeded to Marvin Curry and wife, Melonie Curry in Volume 1012, Page 1013 of the Official Public Records, Erath County, Texas; and being further described by metes and bounds as follows:

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Thence with a common line of said 2464.322 acres tract, N. 17 deg. 50 min 45 sec. E. 1320.71 feet to a found 1/2" iron rod and N. 17 deg. 55 min. 27 sec. E. 617.56 feet to a found 1/2" iron rod and N. 17 deg. 55 min. 27 sec. E. 617.56 feet to found 7/8" iron rod, for a corner of this and said 2464.322 acres tract

Thence N. 17 deg. 35 min. 23 sec. E. 73.73 feet to a found 3/8" iron rod and N. 17 deg. 24 min. 34 sec. E. 727.21 feet to a found 3/8" iron rod at the end of Erath County Road No. 340, for the northwest corner of this tract.

Thence along the south side of said County Road, S. 72 deg. 01 min. 00 sec. E. 40.34 feet to a 6" wood post at a corner of said 2464.322 acres tract, for the most northerly northeast corner of this tract.

Thence leaving said County Road and with a common line of said

2464.322 acres tract, S. 17 deg. 28 min. 04 sec. W. 727.13 feet to a found 1/2" rod with cap and S. 17 deg. 56 min. 36 sec. W. 691.96 feet to a found 60D nail in top of a 6" wood post, for an ell corner of this and said 2464.322 acres tract.

Thence S. 71 deg. 21 min. 19 sec. E. 1279.76 feet to an 8" wood post at a corner of said 2464.322 acres tract, for the most easterly northeast corner of this tract.

Thence S. 17 deg. 50 min. 37 sec. W. 1320.12 feet to a found 3/8" iron rod at a corner of said 2464.322 acres tract, for the southeast corner of this tract.

Thence N. 71 deg. 22 min. 27 sec. W. 1318.75 feet to the place of beginning.

#### **Reservations from Conveyance:**

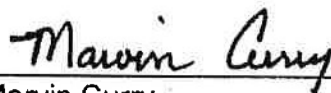
For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

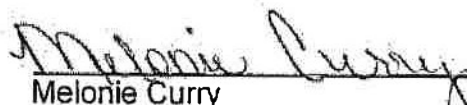
#### **Exceptions to Conveyance and Warranty:**

Easement to Brazos River Transmission Electric Cooperative, Inc. recorded in Volume 280, Page 416 of the Deed Records of Erath County, Texas.

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

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

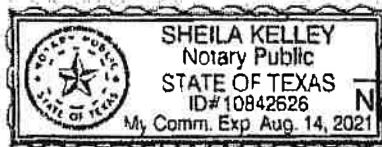
  
\_\_\_\_\_  
Marvin Curry

  
\_\_\_\_\_  
Melorie Curry

STATE OF TEXAS )

COUNTY OF ERATH )

This instrument was acknowledged before me on 9-15-17,  
2017, by Marvin Curry.

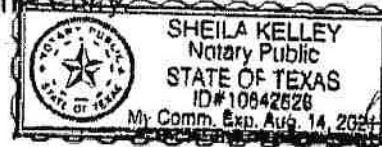


*Sheila Kelley*  
\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS )

COUNTY OF ERATH )

This instrument was acknowledged before me on 9-15-17,  
2017, by Melonie Curry.



*Sheila Kelley*  
\_\_\_\_\_  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

Landon Northcutt, Attorney at Law  
166 S. Belknap  
Stephenville, Texas 76401

AFTER RECORDING RETURN TO:

Cross Timbers Title  
166 S. Belknap  
Stephenville, Texas 76401



THE STATE OF TEXAS  
COUNTY OF ERATH

Letter of Consent to Irrigate:

This letter is to certify that I, Jerry Dipp, on behalf of Dairy Farm Land Investments of Texas, LLC (landowner of multiple tracts of proposed irrigable acreage), do hereby give consent to Rancho Pepper LLC to irrigate adjudicated water authorized in COA 12-4329 on the following real property outlined below:

Subject Property Legal Description & Address:

320.61 Acres of Land out of the Daniel Bradley Survey, Abstract No. 0038, 662.46 Acres of Land out of the Daniel Bradley Survey, Abstract No. 0039, Erath County, Texas; 983.07 Acres of Land Total

This agreement shall remain in effect until terminated in writing by Dairy Farm Land Investments of Texas, LLC

  
\_\_\_\_\_  
Authorized Signature

1-31-24  
\_\_\_\_\_  
Date



## Franchise Tax Account Status

As of : 01/24/2024 16:57:54

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

### DAIRY FARM LAND INVESTMENTS OF TEXAS, LLC

Texas Taxpayer Number 32080734752

Mailing Address 407 THROCKMORTON ST STE 500 FORT WORTH, TX 76102-7430

② Right to Transact Business in  
Texas ACTIVE

State of Formation TX

Effective SOS Registration Date 08/25/2021

Texas SOS File Number 0804205446

Registered Agent Name JOHN CHARLES JOHNSON

Registered Office Street Address 407 THROCKMORTON STREET SUITE 500 FORT WORTH, TX 76102

# Public Information Report

**Public Information Report**  
**DAIRY FARM LAND INVESTMENTS OF TEXAS, LLC**  
Report Year :2022

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

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

## **Title**

## **Name and Address**

MANAGING M	<b>GERALD BENTON DIPPLE JR</b> 4651 BRYANT IRVIN ROAD FORT WORTH, TX 76132
------------	-------------------------------------------------------------------------------

\*\*\*\*DO NOT REMOVE \*\*\*\*THIS PAGE IS PART OF THE INSTRUMENT\*\*\*\*

Document No. 2021-09743

DEED

Parties: DIPPLE KIMBERLY KAY NKA  
to  
DAIRY FARM LAND INVESTMENTS

FILED AND RECORDED  
REAL RECORDS

On: 12/21/2021 at 03:41 PM

Document Number: 2021-09743  
Receipt No. 110063  
Amount: \$78.00

By: cwhite

Gwinda Jones, County Clerk  
Erath County, Texas

15 Pages



STATE OF TEXAS  
County of Erath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Erath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, reading "Gwinda Jones", is written over a horizontal line.

Record and Return To:  
KING TITLE COMPANY  
IN BOX





**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Special Warranty Deed with Vendor's Lien**

Date: December 17<sup>th</sup>, 2021

Grantor: Kimberly Kay Dipple nka Kimberly Kay Sheppard

Grantor's Mailing Address: 8804 Brierfield, Granbury, Texas 76049

Grantee: Dairy Farm Land Investments of Texas, LLC

Grantee's Mailing Address: 4651 BRYANT IRVIN RD., FORT WORTH, TX 76132

Lender: AgTexas Farm Credit Services

Lender's Mailing Address: 5004 N. Loop 829, Lubbock, Texas 79416

Trustee: Tim McDonald

**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of Lender in the principal amount of SIX MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,400,000.00 ). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date from Grantee to Trustee.

**Property (including any improvements):**

All of Grantor's right, title and interest in the Property, (which is a one-half interest as joint tenant with no right of survivorship) See of the property described in Exhibit A, attached hereto and incorporated by reference herein, as an integral part of Exhibit B, also attached hereto and incorporated by reference herein.

**Reservations from Conveyance:**

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

**Exceptions to Conveyance and Warranty:**

This conveyance is made and accepted subject to the following exceptions: (i) Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; (ii) all easements, building set-back lines, reservations, royalties, mineral reservations, leases, restrictions, zoning ordinances, liens, rights, interests, encumbrances and conditions as recorded with the county clerk of the county where the Property is located or other public records; (iii) all matters that a correct survey of the Property would show; (iv) validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; (v) validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; (vi) any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or

survivorship rights, if any, of any spouse of Grantee; (vii) any validly existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area; (viii) rights of parties in possession; (ix) all liens, encumbrances or other rights or claims based on activities of Aurora Dairy Corporation or related parties, including without limitation mechanic's liens perfected after the date of this Special Warranty Deed; (x) all titles, rights, and property asserted as owned or leased by, Aurora Dairy Corporation; (xi) all rights asserted under or relating to the Dairy Farm Lease Agreement dated September 11, 2006 as amended, the unrecorded lease by and between Jerry Dipple and Aurora Dairy Corporation dated March 1, 2007 and residential leases on Deleon and Dublin properties; (xii) claims resulting from activity of persons other than Grantor Kimberly Kay Sheppard; (xiii) All leases, title, easements, rights, grants, exceptions or reservations together with all rights, privileges, and immunities relating thereto, appearing in the Title Policy (including Schedule B) issued by King Title Company on or about the date of this Special Warranty Deed, whether listed herein or not..

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN. GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED) CONCERNING THE PROPERTY, INCLUDING WITHOUT LIMITATION, THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE, OF THE PROPERTY. GRANTEE HAS NOT RELIED UPON ANY REPRESENTATION, STATEMENT, OR OTHER COMMUNICATION FROM SELLER OR ANY AGENT OR REPRESENTATIVE OF SELLER IN PURCHASING THE PROPERTY. GRANTEE HAS RELIED SOLELY ON ITS OWN INVESTIGATION AND INSPECTION.

AD VALOREM TAXES WITH RESPECT TO THE PROPERTY ARE PRORATED AS OF THIS DATE (BASED ON ESTIMATES, IF NECESSARY) AND ARE NOT SUBJECT TO READJUSTMENT. GRANTEE EXPRESSLY ASSUMES PAYMENT OF ALL AD VALOREM TAXES AND SPECIAL AND GENERAL ASSESSMENTS OF WHATEVER NATURE APPLICABLE TO THE PROPERTY FOR THE YEAR 2021 AND SUBSEQUENT YEARS, AS WELL AS ALL SPECIAL AND GENERAL ASSESSMENTS OF WHATEVER NATURE APPLICABLE TO THE PROPERTY.

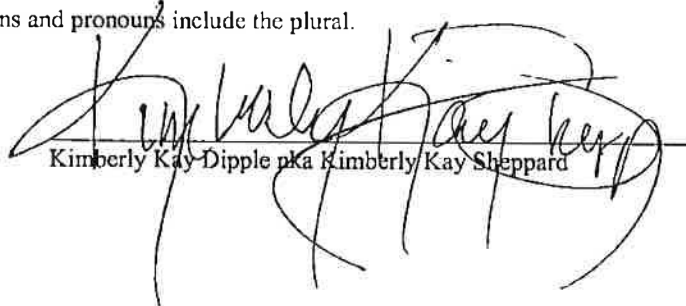
AFTER CLOSING, AS BETWEEN GRANTOR AND GRANTEE, THE RISK OF LIABILITY OR EXPENSE FOR ENVIRONMENTAL PROBLEMS, EVEN IF ARISING FROM EVENTS BEFORE CLOSING, WILL BE THE SOLE RESPONSIBILITY OF GRANTEE, REGARDLESS OF WHETHER THE ENVIRONMENTAL PROBLEMS WERE KNOWN OR UNKNOWN AT CLOSING. ONCE CLOSING HAS OCCURRED, GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM LIABILITY FOR ANY LATENT DEFECTS AND FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE. GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVES. GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES SELLER FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THEORIES OF PRODUCTS LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE THAT WOULD OTHERWISE IMPOSE ON GRANTOR IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

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

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

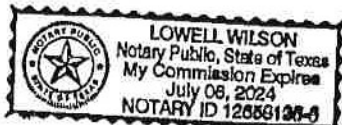
  
Kimberly Kay Dipple nka Kimberly Kay Sheppard

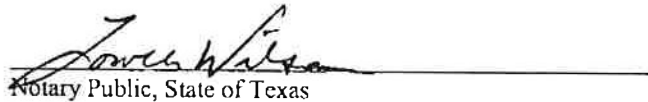
STATE OF TEXAS

COUNTY OF ERATH

Before me, the undersigned Notary Public, on this day personally appeared and Kimberly Kay Dipple nka Kimberly Kay Sheppard, proved to me through TEXAS DRIVER'S LICENSE to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 21<sup>st</sup> day of December, 2021.



  
Notary Public, State of Texas

SIGNATURES CONTINUE ON FOLLOWING PAGE

Dairy Farm Investments of Texas, LLC

By: [Signature]

Printed Name: GERALD BENTON DIDDLE, JR.

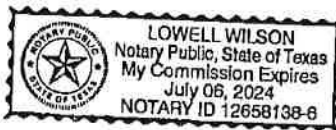
Title: MEMBER

STATE OF TEXAS

COUNTY OF ERATH

Before me, the undersigned Notary Public, on this day personally appeared GERALD BENTON DIDDLE, JR., acting as MEMBER on behalf of Dairy Farm Investments of Texas, LLC proved to me through TEXAS DRIVER'S LICENSE to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of December, 2021.



[Signature]  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
Dorsett Johnson & Swift, LLP  
407 Throckmorton, Suite 500  
Fort Worth, Texas 76102

AFTER RECORDING RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT A

### TRACT ONE:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, on the South line of said former 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, and said point being S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet from the SEC of the 90 acre tract, for the SEC of this tract;

THENCE along center of said road, S. 76° 18' W. 15.0 feet; S. 70° 29' W. 647.4 feet; and S. 68° 06' W. 50.3 feet to a point in road, from which point an iron rod set in fence bears N. 19° E. 27.0 feet, for South line of the 90 acres, and the SWC of this tract;

THENCE N. 19° 00' E. 1982.4 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71° 00' E. with North line of the 73 acre tract, 557.2 feet to an iron rod set for the NEC of this tract;

THENCE S. 19° 00' W. 1538.1 feet to the place of beginning, containing 22.488 acres, of which 0.330 acres is in county road.

### TRACT TWO:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, at the SEC of said former 90 acre tract, from which point an iron rod at fence corner bears S. 22° 35' W. 31.0 feet, and a 14" elm tree, at fence corner bears N. 22° 35' E., 47.7 feet, for the SEC of this tract;

THENCE along center of said road, as follows: S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet to a point in road on South line of the 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, for the SWC of this tract;

THENCE N. 19° 00' E. 1538.1 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71° 00' E. with North line of the 73 acre tract, 757.8 feet to an iron rod set in fence, at the NEC of the 73 acres, on East line of said 90 acres, for the NEC of this tract;

THENCE with fence, S. 19° 16' W., 148.7 feet; and S. 18° 55' W. 843.6 feet to said 14" Elm at fence corner, for a corner of this tract;

THENCE S. 22° 35' E. 47.7 feet to the place of beginning, containing 22.488 acres, of which 0.415 acres is in county road.

### TRACT THREE:

All that certain 374.66 acre tract of land, being part of Block 23, Block 21, Block 22 and Block 24 of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being the remainder of that certain 90 acre tract described in deed from J.R. Rucker to H.S. Rucker, dated August 16, 1919 and recorded in Volume 180, page 438 of the Deed Records of Erath County, Texas, part of that certain 73 acre tract and all that 155 acre tract described in deed from Elton M. Hyder et al to Mrs. Laura E. Rucker, dated January 9, 1957 and recorded in Volume 360, Page 123 of the Deed Records of Erath County, Texas, all that certain 100 acre tract described as Sixth tract and all that certain 182 acre tract described as Seventh Tract in deed from Laura Maynette Rucker to James Green Rucker, dated May 5, 1969

and recorded in Volume 423, Page 401 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found in place at the NE corner of a 22.488 acre tract awarded E. B. Rucker in Final Decree Confirming Partition in Cause No. 13,667 in the District Court of Erath County, Texas, 266th Judicial District and recorded in Volume 648, page 248 of the Deed Records of Erath County, Texas, for the most northerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 19 deg. 22' 50" W, 992.01', S 67 deg. 56' E, 538.4', S 69 deg. 24' E, 721.0', S 70 deg. 48' E, 1223.0', S 19 deg. 13' W, 10.9', S 70 deg. 53' E, 2088.8' and S 19 deg. 00' W, 1943.8';

THENCE N 70 deg. 37' 08" W, at 757.85' pass an iron rod found in place at the NW corner of said E. B. Rucker 22.488 acre tract and the NE corner of a 22.488 acre tract described in deed from Ann B. Rucker to Jay Ann Rucker Nickles, dated July 31, 1984 and recorded in Volume 639, Page 453 of the Deed Records of Erath County, Texas, continuing in all 1315.05' to an iron rod found at the NW corner of the Nickles 22.488 acre tract, for an inner corner of this tract;

THENCE S 19 deg. 21' 49" W, at 1955.4' pass an iron rod set at a fence corner post in the northwest line of a County Road, continuing in all 1982.4' to an iron rod set in said road, being the SW corner of the Nickles 22.488 acre tract, for the most southerly SE corner of this tract;

THENCE S 68 deg. 26' 30" W along the approximate centerline of said County Road, 1645.36' to an iron rod set at a bend in said road, being at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 15' 56" W along the approximate centerline of said County Road and the south line of the Daniel Bradley Survey, 973.63' to an iron rod set at the SW corner of said 182 acre tract and SW corner of said 155 acre tract, for the SW corner of this tract;

THENCE along a west line of said 182 acre tract as follows, N 19 deg. 16' 11" E, at 17.0' pass an iron rod set at a fence corner post in the north line of said County Road, continuing along a fence line in all 1841.41' to an iron rod set at a fence corner, N 19 deg. 23' 31" E, 409.21' to an iron rod set at a fence corner and N 18 deg. 13' 40" E, 771.07' to an iron rod set at a fence corner post at an inner corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 28' 37" W along a fence line, 176.38' to an iron rod set at a fence corner post at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 18 deg. 31' 00" E along a fence line 2960.63' to an iron rod set at a fence corner post at the NW corner of said 182 acre tract and in the south line of a 160 acre tract of land described in Deed from Mrs. Lena Sloan Yound to G. W. Hudson, dated July 22, 1933 and recorded in Volume 233, Page 261 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 64 deg. 50' 35" E along a fence line along the south line of said 160 acre tract, 1916.37' to an iron rod set at a fence corner post at the NE corner of said 182 acre tract and the NW corner of said 100 acre tract, for a corner of this tract;

THENCE along a fence line along the south line of said 160 acre tract and the north line of said 100 acre tract as follows, S 64 deg. 09' 09" E, 594.33' to an iron rod set at a fence corner and S 65 deg. 02' 55" E, 1280.07' to an iron rod set at a fence corner post at the NE corner of said 100 acre tract, for the NE corner of this tract;

THENCE along a fence line along the east line of said 100 acre tract and 90 acre tract as follows, S 19 deg. 12' 16" W, 1238.24' to an iron rod found in place at a fence corner and S 19 deg. 33' 45" W, 1285.39' to the place of beginning and containing 374.66 acres of land with approximately 1.10 acres being within the right of way of said County Road.

LESS, SAVE AND EXCEPT all that certain 565.10 square meters (6083 square feet) of land, more or less, out of that certain 151.62 hectares (374.66 acres), situated in the Daniel Bradley Survey, Abstract No. 39, Erath County, Texas, described in deed from recorded in Volume 790, Page 322, Erath County Deed Records (E.C.D.R.); said 565.10 square meters of land being more particularly described as follows with all bearings based on a bearing of North 71 15' 56" West for the south line of said 151.62 hectare tract as determined from found 10M iron rod which bears North 19 16' 11" E, 5.182 meters (17.00 feet) from the southwest corner and found 10M iron rod which bears North 19 02' 45"

East, 8.207 meters (26.93 feet) from the southeast corner of said 151.62 hectare tract:

COMMENCING at a 10 iron rod found in the northeast right of way of County Road 341 (having a variable width based on a prescriptive easement) from which the southwest corner of said 151.62 hectare tract bears South 19° 16' 11" West, 5.182 meters (17.00 feet);

THENCE South 70° 3' 7" 4 7" East generally along said existing northeast right of way line, a distance of 61.814 meters (202.80) to a 15M iron rod set in said existing northeast right of way line for the Point of Beginning of the herein described parcel;

THENCE South 80° 13' 29" East along the proposed northeast right of way line of said County Road 341, a distance of 54.552 meters (178.98 feet) to a 15M iron rod set for an angle point;

THENCE South 71° 17' 36" East continuing along the said proposed northeast right of way line, a distance of 19.792 meters (64.93 feet) to a 15M iron rod set for an angle point;

THENCE South 59° 54' 03" East continuing along said proposed northeast right of way line, a distance of 42.149 meters (138.28 feet) to a 15M iron rod set in said existing northeast right of way line;

THENCE North 69° 53' 08" West along said existing northeast right of way line, a distance of 12.086 meters (39.65 feet) to an angle point;

THENCE North 71° 55' 02" West continuing along said existing northeast right of way line, a distance of 20.319 meters (66.66 feet) to an angle point;

THENCE North 69° 02' 46" West continuing along said existing northeast right of way line, a distance of 11.857 meters (38.90 feet) to an angle point;

THENCE North 73° 25' 58" West continuing along said existing northeast right of way line, a distance of 18.348 meters (60.20 feet) to an angle point;

THENCE North 72° 12' 03" West continuing along said existing northeast right of way line, a distance of 32.120 meters (105.38 feet) to an angle point;

THENCE North 69° 48' 19" West continuing along said existing northeast right of way line, a distance of 17.374 meters (57.00 feet) to an angle point;

THENCE North 70° 09' 29" West continuing along said existing northeast right of way line, a distance of 2.933 meters (9.62 feet) to the Point of Beginning and containing 565.10 square meters (6083 square feet), more or less.



## **EXHIBIT B**

### **TRACT ONE:**

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, on the South line of said former 90 acre tract, from which point an iron rod set in fence bears N. 19 E. 19.7 feet, and said point being S. 73 47' W. 238.6 feet; S. 76 08' W. 275.0 feet; and S. 76 18' W. 391.5 feet from the SEC of the 90 acre tract, for the SEC of this tract;

THENCE along center of said road, S. 76 18' W. 15.0 feet; S. 70 29' W. 647.4 feet; and S. 68 06' W. 50.3 feet to a point in road, from which point an iron rod set in fence bears N. 19 E. 27 .0 feet, for South line of the 90 acres, and the SWC of this tract;

THENCE N. 19° 00' E. 1982.4 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 557.2 feet to an iron rod set for the NEC of this tract;

THENCE S. 19° 00 W. 1538.1 feet to the place of beginning, containing 22.488 acres, of which 0.330 acres is in county road.

### **TRACT TWO:**

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, at the SEC of said former 90 acre tract, from which point an iron rod at fence corner bears S. 22 35' W. 31.0 feet, and a 14" elm tree, at fence corner bears N. 22 35' E., 47.7 feet, for the SEC of this tract;

THENCE along center of said road, as follows: S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet to a point in road on South line of the 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, for the SWC of this tract;

THENCE N. 19° 00' E. 1538.1 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 757.8 feet to an iron rod set in fence, at the NEC of the 73 acres, on East line of said 90 acres, for the NEC of this tract;

THENCE with fence, S. 19° 16' W., 148.7 feet; and S. 18 55' W. 843.6 feet to said 14" Elm at fence corner, for a corner of this tract;

THENCE S. 22° 35' E. 47.7 feet to the place of beginning, containing 22.488 acres, of which 0.415 acres is in county road.

### **TRACT THREE:**

All that certain 374.66 acre tract of land, being part of Block 23, Block 21, Block 22 and Block 24 of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being the remainder of that certain 90 acre tract described in deed from J.R. Rucker to H.S. Rucker, dated August 16, 1919 and recorded in Volume 180, page 438 of the Deed Records of Erath County, Texas, part of that certain 73 acre tract and all that 155 acre tract described in deed from Elton M. Hyder et al to Mrs. Laura E. Rucker, dated January 9, 1957 and recorded in Volume 360, Page 123 of the Deed Records of Erath County, Texas, all that certain 100 acre tract described as Sixth tract and all that certain 182 acre tract described as Seventh Tract in deed from Laura Maynette Rucker to James Green Rucker, dated May 5, 1969



and recorded in Volume 423, Page 401 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found in place at the NE corner of a 22.488 acre tract awarded E. B. Rucker in Final Decree Confirming Partition in Cause No. 13,667 in the District Court of Erath County, Texas, 266th Judicial District and recorded in Volume 648, page 248 of the Deed Records of Erath County, Texas, for the most northerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 19 deg. 22' 50" W, 992.01', S 67 deg. 56' E, 538.4', S 69 deg. 24' E, 721.0', S 70 deg. 48' E, 1223.0', S 19 deg. 13' W, 10.9', S 70 deg. 53' E, 2088.8' and S 19 deg. 00' W, 1943.8';

THENCE N 70 deg. 37' 08" W, at 757.85' pass an iron rod found in place at the NW corner of said E. B. Rucker 22.488 acre tract and the NE corner of a 22.488 acre tract described in deed from Ann B. Rucker to Jay Ann Rucker Nickles, dated July 31, 1984 and recorded in Volume 639, Page 453 of the Deed Records of Erath County, Texas, continuing in all 1315.05' to an iron rod found at the NW corner of the Nickles 22.488 acre tract, for an inner corner of this tract;

THENCE S 19 deg. 21' 49" W, at 1955.4' pass an iron rod set at a fence corner post in the northwest line of a County Road, continuing in all 1982.4' to an iron rod set in said road, being the SW corner of the Nickles 22.488 acre tract, for the most southerly SE corner of this tract;

THENCE S 68 deg. 26' 30" W along the approximate centerline of said County Road, 1645.36' to an iron rod set at a bend in said road, being at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 15' 56" W along the approximate centerline of said County Road and the south line of the Daniel Bradley Survey, 973.63' to an iron rod set at the SW corner of said 182 acre tract and SW corner of said 155 acre tract, for the SW corner of this tract;

THENCE along a west line of said 182 acre tract as follows, N 19 deg. 16' 11" E, at 17.0' pass an iron rod set at a fence corner post in the north line of said County Road, continuing along a fence line in all 1841.41' to an iron rod set at a fence corner, N 19 deg. 23' 31" E, 409.21' to an iron rod set at a fence corner and N 18 deg. 13' 40" E, 771.07' to an iron rod set at a fence corner post at an inner corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 28' 37" W along a fence line, 176.38' to an iron rod set at a fence corner post at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 18 deg. 31' 00" E along a fence line 2960.63' to an iron rod set at a fence corner post at the NW corner of said 182 acre tract and in the south line of a 160 acre tract of land described in Deed from Mrs. Lena Sloan Yound to G. W. Hudson, dated July 22, 1933 and recorded in Volume 233, Page 261 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 64 deg. 50' 35" E along a fence line along the south line of said 160 acre tract, 1916.37' to an iron rod set at a fence corner post at the NE corner of said 182 acre tract and the NW corner of said 100 acre tract, for a corner of this tract;

THENCE along a fence line along the south line of said 160 acre tract and the north line of said 100 acre tract as follows, S 64 deg. 09' 09" E, 594.33' to an iron rod set at a fence corner and S 65 deg. 02' 55" E, 1280.07' to an iron rod set at a fence corner post at the NE corner of said 100 acre tract, for the NE corner of this tract;

THENCE along a fence line along the east line of said 100 acre tract and 90 acre tract as follows, S 19 deg. 12' 16" W, 1238.24' to an iron rod found in place at a fence corner and S 19 deg. 33' 45" W, 1285.39' to the place of beginning and containing 374.66 acres of land with approximately 1.10 acres being within the right of way of said County Road.

LESS, SAVE AND EXCEPT all that certain 565.10 square meters (6083 square feet) of land, more or less, out of that certain 151.62 hectares (374.66 acres), situated in the Daniel Bradley Survey, Abstract No. 39, Erath County, Texas, described in deed from recorded in Volume 790, Page 322, Erath County Deed Records (E.C.D.R.); said 565.10 square meters of land being more particularly described as follows with all bearings based on a bearing of North 71 15'56" West for the south line of said 151.62 hectare tract as determined from found IOM iron rod which bears North 19 16'11" E, 5.182 meters (17.00 feet) from the southwest corner and found IOM iron rod which bears North 19 02'45"

East, 8.207 meters (26.93 feet) from the southeast corner of said 151.62 hectare tract:

COMMENCING at a 10 iron rod found in the northeast right of way of County Road 341 (having a variable width based on a prescriptive easement) from which the southwest corner of said 151.62 hectare tract bears South 19 16'11" West, 5.182 meters (17.00 feet);

THENCE South 70° 3 7' 4 7" East generally along said existing northeast right of way line, a distance of 61.814 meters (202.80) to a 15M iron rod set in said existing northeast right of way line for the Point of Beginning of the herein described parcel;

THENCE South 80° 13' 29" East along the proposed northeast right of way line of said County Road 341, a distance of 54.552 meters (178.98 feet) to a 15M iron rod set for an angle point;

THENCE South 71 ° 17' 36" East continuing along the said proposed northeast right of way line, a distance of 19. 792 meters ( 64.93 feet) to a 15M iron rod set for an angle point;

THENCE South 59° 54' 03" East continuing along said proposed northeast right of way line, a distance of 42.149 meters (138.28 feet) to a 15M iron rod set in said existing northeast right of way line;

THENCE North 69° 53' 08" West along said existing northeast right of way line, a distance of 12.086 meters (39.65 feet) to an angle point;

THENCE North 71 ° 55' 02" West continuing along said existing northeast right of way line, a distance of 20.319 meters (66.66 feet) to an angle point;

THENCE North 69° 02' 46" West continuing along said existing northeast right of way line, a distance of 11.857 meters (38.90 feet) to an angle point;

THENCE North 73° 25' 58" West continuing along said existing northeast right of way line, a distance of 18.348 meters (60.20 feet) to an angle point;

THENCE North 72° 12' 03" West continuing along said existing northeast right of way line, a distance of 32.120 meters (105.38 feet) to an angle point;

THENCE North 69° 48' 19" West continuing along said existing northeast right of way line, a distance of 17.374 meters (57.00 feet) to an angle point;

THENCE North 70° 09' 29" West continuing along said existing northeast right of way line, a distance of 2.933 meters (9 .62 feet) to the Point of Beginning and containing 565.10 square meters (6083 square feet), more or less.

#### **TRACT FOUR:**

All that certain 318.24 acres out of the Daniel Bradley Survey, A-38, and being part of a former 908.10 acre tract described in Deed dated Sept. 30, 1968, from Everett Colburn, to Dennis Funderburgh, recorded in Vol. 429, page 244, Deed Records of Erath County, Texas, and the 318.24 acres being described as follows:

Beginning at an iron rod at fence corner, in South line of the Daniel Bradley Survey, A-38, from which point the SWC of said Bradley Survey bears N. 74-12 W. 20 feet, for the SWC of the 908.10 acre tract, and the SWC of this tract;

Thence with fence, along the Easterly and Northerly side of county road, as follows: N. 18-19 E. 1996.1 feet; N. 25-25 E. 123.5 feet; N. 19-17 E. 129.6 feet; N. 18-55 E. 811.3 feet; N. 25-14 E. 383.0 feet; N. 41-27 E. 999.7 feet; N. 61-02 E. 248.2 feet; N. 73-15 E. 415.1 feet; N. 78-32 E. 729.0 feet; N. 78-35 E. 612.0 feet; N. 78-24 E. 422.8 feet; and N. 75-36 E. 131.1 feet to an iron rod at fence corner, being the NWC of a 354.88 acre tract out of the NE part of said 908.10 acre tract, for the NEC of this tract;

Thence with fence, as follows: S. 02-16 W. 656.8 feet; S. 01-41 W. 273.5 feet; S. 02-12 W. 190.6 feet; S. 31-12 W. 932.3 feet; and S. 20-24 W. 823.6 feet to an iron rod at fence corner, at the SWC of said 354.88 acres, for an inner

comer of this tract;

Thence with fence, as follows: S. 12-11 W. 35.3 feet; S. 01-19 W. 875.9 feet; S. 04-12 W. 123.4 feet; S. 26-09 W. 666.3 feet; and S. 16-23 W. 1209.7 feet to an iron rod set in occupied South line of the Bradley Survey, for South line of the 908.10 acre tract, and SEC of this tract;

Thence with fence and occupied South line of the Bradley Survey, as follows: N. 72-48 W. 944.2 feet; N. 73-37 W. 146.2 feet; N. 87-53 W. 57.0 feet; N. 79-49 W. 59.5 feet; N. 72-47 W. 686.9 feet; N. 74-11 W. 167.8 feet; N. 47-01 W. 77.6 feet; N. 72-40 W. 558.0 feet; N. 70-40 W. 61.4 feet; N. 77-30 W. 21.1 feet; and N. 74-12 W. 161.1 feet to the place of beginning, containing 318.24 acres.

**TRACT FIVE:**

All that certain 90.30 acres of land out of the NWC of the Elijah Hennings Survey, A-344, in Erath County, Texas and described as follows:

BEGINNING at a R.R. spike driven below the surface of a county road at the NWC of the Elijah Hennings Survey for the NWC of this;

THENCE S 72 deg. 25' E passing a 30" oak tree in east fence line of a county road at 20.0 ft., then continuing along the same bearing following a fence, crossing a stream at 262 ft., for a total distance of 312.6 ft., to an iron pin for comer;

THENCE S 71 deg. 38' E 508.9 ft. following the above mentioned fence which is the occupied north line of the Elijah Hennings Survey, to an iron pin in the north side of a 1 O" oak tree for comer;

THENCE S 46 deg. 41' E 78.8 ft. along said fence to an iron pin on the north side of a 16" mesquite tree for comer;

THENCE S 72 deg. 52' E 247.6 ft. along said fence to an iron pin for comer;

THENCE S 72 deg. 02' E 654.7 ft. along said fence to an iron pin for comer;

THENCE N 88 deg. 59' E 75.9 ft. along said fence to an iron pin for comer;

THENCE S 73 deg. 13' E 108.2 ft. along said fence to an iron pin for comer;

THENCE S 72 deg. 17' E 765.8 ft. along said fence to an iron pin being the NWC of Second Tract for the NEC of this;

THENCE S 35 deg. 41' W 2335.1 ft. to an iron pin in fence being the SWC of Second Tract for the southeast of this;

THENCE N 28 deg. 30' W 260.0 ft. along a fence being the S line of said 331.96 acre tract, which is also the north line of Clay Gamer tract, to an iron pin on the east side of a fence comer post;

THENCE N 3 8 deg. 30' W passing a 12" tree at 310.0 ft. in fence line for a total distance of 417.0 ft. to an iron pin for comer;

THENCE N 41 deg. 25' W passing a 18" tree at 23.0 ft. in fence line for a total distance of 1303.0 ft. to an iron pin on the east side of a 12" tree for intersecting fence comer;

THENCE N 71 deg. 41' W passing a 18" tree at intersecting fence comer at 157 ft., then following fence in same direction for a total distance of 201.0 ft. to an iron pin for comer;

THENCE N 61 deg. 53' W along a fence crossing a stream 162 ft., a county road east line fence at 177 ft., for a total distance of 195.0 ft. to an iron pin in the west line of Elijah Hennings Survey, being the southwest comer of said 331.96 acre tract for the SWC of this;

THENCE N 19 deg. 00' E 1117.2 ft. along the center of a county road, being the west line of Elijah Hennings Survey, to the place of beginning containing 90.3 acres with 0.50 acre being in the county road.

**TRACT SIX:**

All that certain 34.26 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966, and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, being in the north line of said 200 acre tract, at the NE corner of a 25 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S 70 53' E, 1524.16' and S 19 00' W, 1943.8';

THENCE S 19° 4 7' W, along the east line of said 25 acre tract, at 29.6' pass an iron rod set on line in the south line of said County Road, continuing in all 1953.29' to an iron rod set at the SW corner of said 25 acre tract, being in the south line of the Daniel Bradley Survey, for the SW corner of this tract;

THENCE S 71 ° 14' 30" E along a fence line along the south line of the Daniel Bradley Survey, 765.07' to an iron rod set for the SE corner of this tract;

THENCE N 19° 4 7' E, at 1929.0' pass an iron rod set on line in the south line of said County Road, continuing in all 1948.5' to an iron rod set in said road being in the north line of said 200 acre tract, for the NE corner of this tract;

THENCE N 70° 53' W along said road and the north line of said 200 acre tract, 765.0' to the place of beginning and containing 34.26 acres of land in area with 0.43 acres being within the right of way of a County Road along the north side of this tract.

**TRACT SEVEN:**

All that certain 30.00 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966 and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, in the north line of said 200 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 70 degrees 53 minutes E, 759.16 feet and S 19 degrees 00 minutes W, 1943.8 feet;

THENCE S 19 degrees 47 minutes W, at 19.5 feet pass an iron rod set in the south line of said County Road, continuing in all 1697.92 feet to an iron rod set for the SW corner of this tract;

THENCE S 71 degrees 14 minutes 30 seconds E, 782.43 feet to an iron spike set in the center of a County Road, in the east line of the Daniel Bradley Survey, for the SE corner of this tract, from which an iron rod reference monument set in the west line of said County Road bears N 71 degrees 14 minutes 30 seconds W, 18 feet;

THENCE N 19 degrees 00 minutes E along the east line of the Daniel Bradley Survey and the center of said road, 1693.26 feet to an iron stake set in said road, at the NE corner of said 200 acre tract, for the NE corner of this tract;

THENCE N 70 degrees 53 minutes W at 18.0 feet pass an iron rod set at a fence corner post in the west side of said road, continuing along a County Road, 759.16 feet to the place of beginning and containing 30.00 acres of land in area with 0.93 acres being within the right of way of County Roads along the north and east sides of this tract.

**TRACT EIGHT:**

All that certain 4.51 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16 1966, and recorded in Volume 405, page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron stake set in the center of County Road, at the SEC of the Daniel Bradley Survey being the SEC of said 200 acre tract, for the SEC of this tract, from which an iron rod reference monument set at a fence corner post in the west line of said County Road bears N 71 deg 14 min 30 sec W 18.0 ft;

THENCE N 19 deg 00 min E along the east line of said 200 acre tract and the center of a County Road, 250.54 ft. to an iron stake set for the NEC of this tract, from which an iron rod set in the west line of said County Road bears N 71 deg 14 min 30 sec W, 18.0 ft;

THENCE N 71 deg 14 min 30 sec W, 782.43 ft. to an iron rod set for the NWC of this tract;

THENCE S 19 deg 47 min W, 250.58 ft. to an iron rod set in the south line of said 200 acre tract for the SWC of this tract;

THENCE S 71 deg 14 min 30 sec E along a fence line along the south line of said 200 acre tract, 785.85 ft. to the place of beginning and containing 4.51 acres of land in area with 0.10 acres being within the right of way of a County Road along the east side of this tract.

#### **TRACT NINE:**

All that certain 174.19 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being part of that certain 489.83 acre tract of land described in Deed from Malcolm Edmundson to Roy Hufstutler, dated August 24, 1983 and recorded in Volume 619, Page 913 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found at a fence corner post in the north line of a County Road, being the most southerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE along a fence line along the north line of said County Road and the south line of said 489.83 acre tract as follows: N. 70 deg. 48' W., 1223.0' to an iron rod set, N. 69 deg. 25' 43" W., 721.25' to an iron rod set and N. 67 deg. 56' W., 498.36' to an iron rod set at a fence corner post at the SE corner of a 2.09 acre tract described as Tract No. 2 in Deed from Roy Hufstutler to Gary S. Miller and Rick L. Miller dated April 12, 1985 and recorded in Volume 659, Page 200 of the Deed Records of Erath County, Texas, for the SW corner of this tract, from which an iron rod found at the SW corner of said 489.83 acre tract bears N. 67 deg. 56' W., 40.04';

THENCE N. 19 deg. 29' 33" E. along a fence line, 2278.99' to an iron rod set at a fence corner post at the NE corner of said 2.09 acre tract and in the south line of a 313.51 acre tract described as Tract No 1 in Deed to the Millers, for the NW corner of this tract, from which an iron rod found at a fence corner post at the SW corner of said 313.51 acre tract bears N. 70 deg. 12' 45" W., 40.0';

THENCE S. 70 deg. 12' 45" E. along a fence line, 3044.63' to an iron rod found at a fence corner post at the SE corner of said 313.51 acre tract and at a former inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 70 deg. 13' 10" E. along a fence line, 1535.40' to an iron rod found at a fence corner post at a NE corner of said 489.83 acre tract, for the NE corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 1.20' to an iron rod set at an external corner of said 489.83 acre tract, being in the west line of a 908.1 acre tract described in Deed from Everett M. Colburn to Dennis M. Funderburg et ux dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, for a corner of this tract;

THENCE S. 19 deg. 54' 09" W. along the west line of said 908.1 acre tract, 899.35' to an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of said 489.83 acre tract, for a corner of this tract;

THENCE along a fence line along the most northerly south line of said 489.83 acre tract as follows: N. 71 deg. 16'

03" W., 1266.39' to an iron rod set and N. 72 deg. 58' W., 873.30' to an iron rod found at a fence corner post at an inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 19 deg. 13' 27" W. along a fence line, 1331.03' to the place of beginning and containing 174.19 acres of land.

**TRACT TEN:**

All that certain 2.37 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 38, in Erath County, Texas, being part of that certain 908.1 acre tract of land described in Deed from Everett E. Colburn to Dennis M. Funderburg, dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, being under occupation with the Roy Hufstutler 489.83 acre tract and described as follows:

BEGINNING at an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of the Roy Hufstutler 489.83 acre tract, for the south corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears N. 70 deg. 16' 03" W., 1266.39', N. 72 deg. 58" W., 873.30', S. 19 deg. 13' 27" W., 1331.03', S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE N. 19 deg. 54' 07" E. along the west line of said 908.1 acre tract, 899.35' to an iron rod set in a fence line, being at an external corner of said 489.83 acre tract, for the NW corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 314.61' to an iron rod found at a fence corner post in the northwest line of a County Road, for the east corner of this tract;

THENCE along a fence line along the northwest line of said County Road as follows: S. 42 deg. 42' 36" W., 552.78' to an iron rod set at a fence corner and S. 31 deg. 14' W., 210.50' to the place of beginning and containing 2.37 acres of land.

Document No. 2021-09744

DEED

Parties: DIPPLE GERALD BENTON JR AKA  
to  
DAIRY FARM LAND INVESTMENTS

FILED AND RECORDED  
REAL RECORDS

On: 12/21/2021 at 03:41 PM

Document Number: 2021-09744  
Receipt No. 110063  
Amount: \$70.00

By: cwhite  
Gwinda Jones, County Clerk  
Erath County, Texas

13 Pages



STATE OF TEXAS  
County of Erath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Erath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, reading "Gwinda Jones", is written over a horizontal line.

Record and Return To:  
KING TITLE COMPANY  
IN BOX



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Special Warranty Deed with Vendor's Lien**

**Date:** December 17<sup>th</sup>, 2021

**Grantor:** Gerald Benton Dipple, Jr. aka Jerry Dipple

**Grantor's Mailing Address:** 4651 BRYANT IRVEN RD., FORT WORTH, TX 76132

**Grantee:** Dairy Farm Land Investments of Texas, LLC

**Grantee's Mailing Address:** 4651 BRYANT IRVEN RD., FORT WORTH, TX 76132

**Lender:** AgTexas Farm Credit Services

**Lender's Mailing Address:** 5004 N. Loop 829, Lubbock, Texas 79416

**Trustee:** Tim McDonald

**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of Lender in the principal amount of SIX MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,400,000.00 ). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date from Grantee to Trustee.

**Property (including any improvements):**

See Exhibit A, attached hereto and incorporated by reference herein, as an integral part of Exhibit B, also attached hereto and incorporated by reference herein.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; and any validly existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and

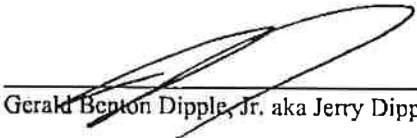


assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

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

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

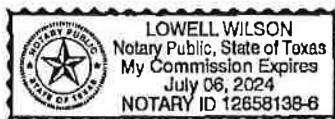
  
Gerald Benton Dipple, Jr. aka Jerry Dipple

STATE OF TEXAS

COUNTY OF ERATH

Before me, the undersigned Notary Public, on this day personally appeared Gerald Benton Dipple, Jr. aka Jerry Dipple, proved to me through TEXAS DRIVER'S LICENSE to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of December, 2021.



  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
Dorsett Johnson & Swift, LLP  
407 Throckmorton, Suite 500  
Fort Worth, Texas 76102

AFTER RECORDING RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT A

### TRACT ONE:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39, and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, on the South line of said former 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, and said point being S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet from the SEC of the 90 acre tract, for the SEC of this tract;

THENCE along center of said road, S. 76° 18' W. 15.0 feet; S. 70° 29' W. 647.4 feet; and S. 68° 06' W. 50.3 feet to a point in road, from which point an iron rod set in fence bears N. 19° E. 27.0 feet, for South line of the 90 acres, and the SWC of this tract;

THENCE N. 19° 00' E. 1982.4 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71° 00' E. with North line of the 73 acre tract, 557.2 feet to an iron rod set for the NEC of this tract;

THENCE S. 19° 00' W. 1538.1 feet to the place of beginning, containing 22.488 acres, of which 0.330 acres is in county road.

### TRACT TWO:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39, and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, at the SEC of said former 90 acre tract, from which point an iron rod at fence corner bears S. 22° 35' W. 31.0 feet, and a 14" elm tree, at fence corner bears N. 22° 35' E., 47.7 feet, for the SEC of this tract;

THENCE along center of said road, as follows: S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet to a point in road on South line of the 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, for the SWC of this tract;

THENCE N. 19° 00' E. 1538.1 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71° 00' E. with North line of the 73 acre tract, 757.8 feet to an iron rod set in fence, at the NEC of the 73 acres, on East line of said 90 acres, for the NEC of this tract;

THENCE with fence, S. 19° 16' W., 148.7 feet; and S. 18° 55' W. 843.6 feet to said 14" Elm at fence corner, for a corner of this tract;

THENCE S. 22° 35' E. 47.7 feet to the place of beginning, containing 22.488 acres, of which 0.415 acres is in county road.

### TRACT THREE:

All that certain 374.68 acre tract of land, being part of Block 23, Block 21, Block 22 and Block 24 of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being the remainder of that certain 90 acre tract described in deed from J.R. Rucker to H.S. Rucker, dated August 16, 1919 and recorded in Volume 180, page 438 of the Deed Records of Erath County, Texas, part of that certain 73 acre tract and all that 155 acre tract described in deed from Elton M. Hyder et al to Mrs. Laura E. Rucker, dated January 9, 1957 and recorded in Volume 360, Page 123 of the Deed Records of Erath County, Texas, all that certain 100 acre tract described as Sixth tract and all that certain 182 acre tract described as Seventh Tract in deed from Laura Maynette Rucker to James Green Rucker, dated May 5, 1969

and recorded in Volume 423, Page 401 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found in place at the NE corner of a 22.488 acre tract awarded E. B. Rucker in Final Decree Confirming Partition in Cause No. 13,667 in the District Court of Erath County, Texas, 266th Judicial District and recorded in Volume 648, page 248 of the Deed Records of Erath County, Texas, for the most northerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 19 deg. 22' 50" W, 992.01', S 67 deg. 56' E, 538.4', S 69 deg. 24' E, 721.0', S 70 deg. 48' E, 1223.0', S 19 deg. 13' W, 10.9', S 70 deg. 53' E, 2088.8' and S 19 deg. 00' W, 1943.8';

THENCE N 70 deg. 37' 08" W, at 757.85' pass an iron rod found in place at the NW corner of said E. B. Rucker 22.488 acre tract and the NE corner of a 22.488 acre tract described in deed from Ann B. Rucker to Jay Ann Rucker Nickles, dated July 31, 1984 and recorded in Volume 639, Page 453 of the Deed Records of Erath County, Texas, continuing in all 1315.05' to an iron rod found at the NW corner of the Nickles 22.488 acre tract, for an inner corner of this tract;

THENCE S 19 deg. 21' 49" W, at 1955.4' pass an iron rod set at a fence corner post in the northwest line of a County Road, continuing in all 1982.4' to an iron rod set in said road, being the SW corner of the Nickles 22.488 acre tract, for the most southerly SE corner of this tract;

THENCE S 68 deg. 26' 30" W along the approximate centerline of said County Road, 1645.36' to an iron rod set at a bend in said road, being at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 15' 56" W along the approximate centerline of said County Road and the south line of the Daniel Bradley Survey, 973.63' to an iron rod set at the SW corner of said 182 acre tract and SW corner of said 155 acre tract, for the SW corner of this tract;

THENCE along a west line of said 182 acre tract as follows, N 19 deg. 16' 11" E, at 17.0' pass an iron rod set at a fence corner post in the north line of said County Road, continuing along a fence line in all 1841.41' to an iron rod set at a fence corner, N 19 deg. 23' 31" E, 409.21' to an iron rod set at a fence corner and N 18 deg. 13' 40" E, 771.07' to an iron rod set at a fence corner post at an inner corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 28' 37" W along a fence line, 176.38' to an iron rod set at a fence corner post at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 18 deg. 31' 00" E along a fence line 2960.63' to an iron rod set at a fence corner post at the NW corner of said 182 acre tract and in the south line of a 160 acre tract of land described in Deed from Mrs. Lena Sloan Yound to G. W. Hudson, dated July 22, 1933 and recorded in Volume 233, Page 261 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 64 deg. 50' 35" E along a fence line along the south line of said 160 acre tract, 1916.37' to an iron rod set at a fence corner post at the NE corner of said 182 acre tract and the NW corner of said 100 acre tract, for a corner of this tract;

THENCE along a fence line along the south line of said 160 acre tract and the north line of said 100 acre tract as follows, S 64 deg. 09' 09" E, 594.33' to an iron rod set at a fence corner and S 65 deg. 02' 55" E, 1280.07' to an iron rod set at a fence corner post at the NE corner of said 100 acre tract, for the NE corner of this tract;

THENCE along a fence line along the east line of said 100 acre tract and 90 acre tract as follows, S 19 deg. 12' 16" W, 1238.24' to an iron rod found in place at a fence corner and S 19 deg. 33' 45" W, 1285.39' to the place of beginning and containing 374.66 acres of land with approximately 1.10 acres being within the right of way of said County Road.

LESS, SAVE AND EXCEPT all that certain 565.10 square meters (6083 square feet) of land, more or less, out of that certain 151.62 hectares (374.66 acres), situated in the Daniel Bradley Survey, Abstract No. 39, Erath County, Texas, described in deed from recorded in Volume 790, Page 322, Erath County Deed Records (E.C.D.R.); said 565.10 square meters of land being more particularly described as follows with all bearings based on a bearing of North 71 15' 56" West for the south line of said 151.62 hectare tract as determined from found 10M iron rod which bears North 19 16' 11" E, 5.182 meters (17.00 feet) from the southwest corner and found 10M iron rod which bears North 19 02' 45"

East, 8.207 meters (26.93 feet) from the southeast corner of said 151.62 hectare tract:

COMMENCING at a 10 iron rod found in the northeast right of way of County Road 341 (having a variable width based on a prescriptive easement) from which the southwest corner of said 151.62 hectare tract bears South 19° 16' 11" West, 5.182 meters (17.00 feet);

THENCE South 70° 3' 7" 4 7" East generally along said existing northeast right of way line, a distance of 61.814 meters (202.80) to a 15M iron rod set in said existing northeast right of way line for the Point of Beginning of the herein described parcel;

THENCE South 80° 13' 29" East along the proposed northeast right of way line of said County Road 341, a distance of 54.552 meters (178.98 feet) to a 15M iron rod set for an angle point;

THENCE South 71° 17' 36" East continuing along the said proposed northeast right of way line, a distance of 19.792 meters (64.93 feet) to a 15M iron rod set for an angle point;

THENCE South 59° 54' 03" East continuing along said proposed northeast right of way line, a distance of 42.149 meters (138.28 feet) to a 15M iron rod set in said existing northeast right of way line;

THENCE North 69° 53' 08" West along said existing northeast right of way line, a distance of 12.086 meters (39.65 feet) to an angle point;

THENCE North 71° 55' 02" West continuing along said existing northeast right of way line, a distance of 20.319 meters (66.66 feet) to an angle point;

THENCE North 69° 02' 46" West continuing along said existing northeast right of way line, a distance of 11.857 meters (38.90 feet) to an angle point;

THENCE North 73° 25' 58" West continuing along said existing northeast right of way line, a distance of 18.348 meters (60.20 feet) to an angle point;

THENCE North 72° 12' 03" West continuing along said existing northeast right of way line, a distance of 32.120 meters (105.38 feet) to an angle point;

THENCE North 69° 48' 19" West continuing along said existing northeast right of way line, a distance of 17.374 meters (57.00 feet) to an angle point;

THENCE North 70° 09' 29" West continuing along said existing northeast right of way line, a distance of 2.933 meters (9.62 feet) to the Point of Beginning and containing 565.10 square meters (6083 square feet), more or less.

## **EXHIBIT B**

### **TRACT ONE:**

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, on the South line of said former 90 acre tract, from which point an iron rod set in fence bears N. 19 E. 19.7 feet, and said point being S. 73 47' W. 238.6 feet; S. 76 08' W. 275.0 feet; and S. 76 18' W. 391.5 feet from the SEC of the 90 acre tract, for the SEC of this tract;

THENCE along center of said road, S. 76 18' W. 15.0 feet; S. 70 29' W. 647.4 feet; and S. 68 06' W. 50.3 feet to a point in road, from which point an iron rod set in fence bears N. 19 E. 27 .0 feet, for South line of the 90 acres, and the SWC of this tract;

THENCE N. 19° 00' E. 1982.4 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 557.2 feet to an iron rod set for the NEC of this tract;

THENCE S. 19° 00 W. 1538.1 feet to the place of beginning, containing 22.488 acres, of which 0.330 acres is in county road.

### **TRACT TWO:**

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, at the SEC of said former 90 acre tract, from which point an iron rod at fence corner bears S. 22 35' W. 31.0 feet, and a 14" elm tree, at fence corner bears N. 22 35' E., 47.7 feet, for the SEC of this tract;

THENCE along center of said road, as follows: S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet to a point in road on South line of the 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, for the SWC of this tract;

THENCE N. 19° 00' E. 1538.1 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 757.8 feet to an iron rod set in fence, at the NEC of the 73 acres, on East line of said 90 acres, for the NEC of this tract;

THENCE with fence, S. 19° 16' W., 148.7 feet; and S. 18 55' W. 843.6 feet to said 14" Elm at fence corner, for a corner of this tract;

THENCE S. 22° 35' E. 47.7 feet to the place of beginning, containing 22.488 acres, of which 0.415 acres is in county road.

### **TRACT THREE:**

All that certain 374.66 acre tract of land, being part of Block 23, Block 21, Block 22 and Block 24 of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being the remainder of that certain 90 acre tract described in deed from J.R. Rucker to H.S. Rucker, dated August 16, 1919 and recorded in Volume 180, page 438 of the Deed Records of Erath County, Texas, part of that certain 73 acre tract and all that 155 acre tract described in deed from Elton M. Hyder et al to Mrs. Laura E. Rucker, dated January 9, 1957 and recorded in Volume 360, Page 123 of the Deed Records of Erath County, Texas, all that certain 100 acre tract described as Sixth tract and all that certain 182 acre tract described as Seventh Tract in deed from Laura Maynette Rucker to James Green Rucker, dated May 5, 1969

and recorded in Volume 423, Page 401 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found in place at the NE corner of a 22.488 acre tract awarded E. B. Rucker in Final Decree Confirming Partition in Cause No. 13,667 in the District Court of Erath County, Texas, 266th Judicial District and recorded in Volume 648, page 248 of the Deed Records of Erath County, Texas, for the most northerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 19 deg. 22' 50" W, 992.01', S 67 deg. 56' E, 538.4', S 69 deg. 24' E, 721.0', S 70 deg. 48' E, 1223.0', S 19 deg. 13' W, 10.9', S 70 deg. 53' E, 2088.8' and S 19 deg. 00' W, 1943.8';

THENCE N 70 deg. 37' 08" W, at 757.85' pass an iron rod found in place at the NW corner of said E. B. Rucker 22.488 acre tract and the NE corner of a 22.488 acre tract described in deed from Ann B. Rucker to Jay Ann Rucker Nickles, dated July 31, 1984 and recorded in Volume 639, Page 453 of the Deed Records of Erath County, Texas, continuing in all 1315.05' to an iron rod found at the NW corner of the Nickles 22.488 acre tract, for an inner corner of this tract;

THENCE S 19 deg. 21' 49" W, at 1955.4' pass an iron rod set at a fence corner post in the northwest line of a County Road, continuing in all 1982.4' to an iron rod set in said road, being the SW corner of the Nickles 22.488 acre tract, for the most southerly SE corner of this tract;

THENCE S 68 deg. 26' 30" W along the approximate centerline of said County Road, 1645.36' to an iron rod set at a bend in said road, being at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 15' 56" W along the approximate centerline of said County Road and the south line of the Daniel Bradley Survey, 973.63' to an iron rod set at the SW corner of said 182 acre tract and SW corner of said 155 acre tract, for the SW corner of this tract;

THENCE along a west line of said 182 acre tract as follows, N 19 deg. 16' 11" E, at 17.0' pass an iron rod set at a fence corner post in the north line of said County Road, continuing along a fence line in all 1841.41' to an iron rod set at a fence corner, N 19 deg. 23' 31" E, 409.21' to an iron rod set at a fence corner and N 18 deg. 13' 40" E, 771.07' to an iron rod set at a fence corner post at an inner corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 28' 37" W along a fence line, 176.38' to an iron rod set at a fence corner post at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 18 deg. 31' 00" E along a fence line 2960.63' to an iron rod set at a fence corner post at the NW corner of said 182 acre tract and in the south line of a 160 acre tract of land described in Deed from Mrs. Lena Sloan Yound to G. W. Hudson, dated July 22, 1933 and recorded in Volume 233, Page 261 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 64 deg. 50' 35" E along a fence line along the south line of said 160 acre tract, 1916.37' to an iron rod set at a fence corner post at the NE corner of said 182 acre tract and the NW corner of said 100 acre tract, for a corner of this tract;

THENCE along a fence line along the south line of said 160 acre tract and the north line of said 100 acre tract as follows, S 64 deg. 09' 09" E, 594.33' to an iron rod set at a fence corner and S 65 deg. 02' 55" E, 1280.07' to an iron rod set at a fence corner post at the NE corner of said 100 acre tract, for the NE corner of this tract;

THENCE along a fence line along the east line of said 100 acre tract and 90 acre tract as follows, S 19 deg. 12' 16" W, 1238.24' to an iron rod found in place at a fence corner and S 19 deg. 33' 45" W, 1285.39' to the place of beginning and containing 374.66 acres of land with approximately 1.10 acres being within the right of way of said County Road.

LESS, SAVE AND EXCEPT all that certain 565.10 square meters (6083 square feet) of land, more or less, out of that certain 151.62 hectares (374.66 acres), situated in the Daniel Bradley Survey, Abstract No. 39, Erath County, Texas, described in deed from recorded in Volume 790, Page 322, Erath County Deed Records (E.C.D.R.); said 565.10 square meters of land being more particularly described as follows with all bearings based on a bearing of North 71 15' 56" West for the south line of said 151.62 hectare tract as determined from found 10M iron rod which bears North 19 16' 11" E, 5.182 meters (17.00 feet) from the southwest corner and found 10M iron rod which bears North 19 02' 45"

East, 8.207 meters (26.93 feet) from the southeast corner of said 151.62 hectare tract:

COMMENCING at a 10 iron rod found in the northeast right of way of County Road 341 (having a variable width based on a prescriptive easement) from which the southwest corner of said 151.62 hectare tract bears South 19 16'11" West, 5.182 meters (17.00 feet);

THENCE South 70° 3' 4 7" East generally along said existing northeast right of way line, a distance of 61.814 meters (202.80) to a 15M iron rod set in said existing northeast right of way line for the Point of Beginning of the herein described parcel;

THENCE South 80° 13' 29" East along the proposed northeast right of way line of said County Road 341, a distance of 54.552 meters (178.98 feet) to a 15M iron rod set for an angle point;

THENCE South 71 ° 17' 36" East continuing along the said proposed northeast right of way line, a distance of 19. 792 meters ( 64.93 feet) to a 15M iron rod set for an angle point;

THENCE South 59° 54' 03" East continuing along said proposed northeast right of way line, a distance of 42.149 meters (138.28 feet) to a 15M iron rod set in said existing northeast right of way line;

THENCE North 69° 53' 08" West along said existing northeast right of way line, a distance of 12.086 meters (39.65 feet) to an angle point;

THENCE North 71 ° 55' 02" West continuing along said existing northeast right of way line, a distance of 20.319 meters (66.66 feet) to an angle point;

THENCE North 69° 02' 46" West continuing along said existing northeast right of way line, a distance of 11.857 meters (38.90 feet) to an angle point;

THENCE North 73° 25' 58" West continuing along said existing northeast right of way line, a distance of 18.348 meters (60.20 feet) to an angle point;

THENCE North 72° 12' 03" West continuing along said existing northeast right of way line, a distance of 32.120 meters (105.38 feet) to an angle point;

THENCE North 69° 48' 19" West continuing along said existing northeast right of way line, a distance of 17.374 meters (57.00 feet) to an angle point;

THENCE North 70° 09' 29" West continuing along said existing northeast right of way line, a distance of 2.933 meters (9.62 feet) to the Point of Beginning and containing 565.10 square meters (6083 square feet), more or less.

**TRACT FOUR:**

All that certain 318.24 acres out of the Daniel Bradley Survey, A-38, and being part of a former 908.10 acre tract described in Deed dated Sept. 30, 1968, from Everett Colburn, to Dennis Funderburgh, recorded in Vol. 429, page 244, Deed Records of Erath County, Texas, and the 318.24 acres being described as follows:

Beginning at an iron rod at fence corner, in South line of the Daniel Bradley Survey, A-38, from which point the SWC of said Bradley Survey bears N. 74-12 W. 20 feet, for the SWC of the 908.10 acre tract, and the SWC of this tract;

Thence with fence, along the Easterly and Northerly side of county road, as follows: N. 18-19 E. 1996.1 feet; N. 25-25 E. 123.5 feet; N. 19-17 E. 129.6 feet; N. 18-55 E. 811.3 feet; N. 25-14 E. 383.0 feet; N. 41-27 E. 999.7 feet; N. 61-02 E. 248.2 feet; N. 73-15 E. 415.1 feet; N. 78-32 E. 729.0 feet; N. 78-35 E. 612.0 feet; N. 78-24 E. 422.8 feet; and N. 75-36 E. 131.1 feet to an iron rod at fence corner, being the NWC of a 354.88 acre tract out of the NE part of said 908.10 acre tract, for the NEC of this tract;

Thence with fence, as follows: S. 02-16 W. 656.8 feet; S. 01-41 W. 273.5 feet; S. 02-12 W. 190.6 feet; S. 31-12 W. 932.3 feet; and S. 20-24 W. 823.6 feet to an iron rod at fence corner, at the SWC of said 354.88 acres, for an inner

corner of this tract;

Thence with fence, as follows: S. 12-11 W. 35.3 feet; S. 01-19 W. 875.9 feet; S. 04-12 W. 123.4 feet; S. 26-09 W. 666.3 feet; and S. 16-23 W. 1209.7 feet to an iron rod set in occupied South line of the Bradley Survey, for South line of the 908.10 acre tract, and SEC of this tract;

Thence with fence and occupied South line of the Bradley Survey, as follows: N. 72-48 W. 944.2 feet; N. 73-37 W. 146.2 feet; N. 87-53 W. 57.0 feet; N. 79-49 W. 59.5 feet; N. 72-47 W. 686.9 feet; N. 74-11 W. 167.8 feet; N. 47-01 W. 77.6 feet; N. 72-40 W. 558.0 feet; N. 70-40 W. 61.4 feet; N. 77-30 W. 21.1 feet; and N. 74-12 W. 161.1 feet to the place of beginning, containing 318.24 acres.

**TRACT FIVE:**

All that certain 90.30 acres of land out of the NWC of the Elijah Hennings Survey, A-344, in Erath County, Texas and described as follows:

BEGINNING at a R.R. spike driven below the surface of a county road at the NWC of the Elijah Hennings Survey for the NWC of this;

THENCE S 72 deg. 25' E passing a 30" oak tree in east fence line of a county road at 20.0 ft., then continuing along the same bearing following a fence, crossing a stream at 262 ft., for a total distance of 312.6 ft., to an iron pin for corner;

THENCE S 71 deg. 38' E 508.9 ft. following the above mentioned fence which is the occupied north line of the Elijah Hennings Survey, to an iron pin in the north side of a 1 O" oak tree for corner;

THENCE S 46 deg. 41' E 78.8 ft. along said fence to an iron pin on the north side of a 16" mesquite tree for corner;

THENCE S 72 deg. 52' E 247.6 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 02' E 654.7 ft. along said fence to an iron pin for corner;

THENCE N 88 deg. 59' E 75.9 ft. along said fence to an iron pin for corner;

THENCE S 73 deg. 13' E 108.2 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 17' E 765.8 ft. along said fence to an iron pin being the NWC of Second Tract for the NEC of this;

THENCE S 35 deg. 41' W 2335.1 ft. to an iron pin in fence being the SWC of Second Tract for the southeast of this;

THENCE N 28 deg. 30' W 260.0 ft. along a fence being the S line of said 331.96 acre tract, which is also the north line of Clay Gamer tract, to an iron pin on the east side of a fence corner post;

THENCE N 3 8 deg. 30' W passing a 12" tree at 310.0 ft. in fence line for a total distance of 417.0 ft. to an iron pin for corner;

THENCE N 41 deg. 25' W passing a 18" tree at 23.0 ft. in fence line for a total distance of 1303.0 ft. to an iron pin on the east side of a 12" tree for intersecting fence corner;

THENCE N 71 deg. 41' W passing a 18" tree at intersecting fence corner at 157 ft., then following fence in same direction for a total distance of 201.0 ft. to an iron pin for corner;

THENCE N 61 deg. 53' W along a fence crossing a stream 162 ft., a county road east line fence at 177 ft., for a total distance of 195.0 ft. to an iron pin in the west line of Elijah Hennings Survey, being the southwest corner of said 331.96 acre tract for the SWC of this;



THENCE N 19 deg. 00' E 1117.2 ft. along the center of a county road, being the west line of Elijah Hennings Survey, to the place of beginning containing 90.3 acres with 0.50 acre being in the county road.

**TRACT SIX:**

All that certain 34.26 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966, and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, being in the north line of said 200 acre tract, at the NE corner of a 25 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S 70 53' E, 1524.16' and S 19 00' W, 1943.8';

THENCE S 19° 4 7' W, along the east line of said 25 acre tract, at 29.6' pass an iron rod set on line in the south line of said County Road, continuing in all 1953.29' to an iron rod set at the SW corner of said 25 acre tract, being in the south line of the Daniel Bradley Survey, for the SW corner of this tract;

THENCE S 71 ° 14' 30" E along a fence line along the south line of the Daniel Bradley Survey, 765.07' to an iron rod set for the SE corner of this tract;

THENCE N 19° 4 7' E, at 1929.0' pass an iron rod set on line in the south line of said County Road, continuing in all 1948.5' to an iron rod set in said road being in the north line of said 200 acre tract, for the NE corner of this tract;

THENCE N 70° 53' W along said road and the north line of said 200 acre tract, 765.0' to the place of beginning and containing 34.26 acres of land in area with 0.43 acres being within the right of way of a County Road along the north side of this tract.

**TRACT SEVEN:**

All that certain 30.00 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966 and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, in the north line of said 200 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 70 degrees 53 minutes E, 759.16 feet and S 19 degrees 00 minutes W, 1943.8 feet;

THENCE S 19 degrees 47 minutes W, at 19.5 feet pass an iron rod set in the south line of said County Road, continuing in all 1697.92 feet to an iron rod set for the SW corner of this tract;

THENCE S 71 degrees 14 minutes 30 seconds E, 782.43 feet to an iron spike set in the center of a County Road, in the east line of the Daniel Bradley Survey, for the SE corner of this tract, from which an iron rod reference monument set in the west line of said County Road bears N 71 degrees 14 minutes 30 seconds W, 18 feet;

THENCE N 19 degrees 00 minutes E along the east line of the Daniel Bradley Survey and the center of said road, 1693.26 feet to an iron stake set in said road, at the NE corner of said 200 acre tract, for the NE corner of this tract;

THENCE N 70 degrees 53 minutes W at 18.0 feet pass an iron rod set at a fence corner post in the west side of said road, continuing along a County Road, 759.16 feet to the place of beginning and containing 30.00 acres of land in area with 0.93 acres being within the right of way of County Roads along the north and east sides of this tract.

**TRACT EIGHT:**

All that certain 4.51 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16 1966, and recorded in Volume 405, page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron stake set in the center of County Road, at the SEC of the Daniel Bradley Survey being the SEC of said 200 acre tract, for the SEC of this tract, from which an iron rod reference monument set at a fence corner post in the west line of said County Road bears N 71 deg 14 min 30 sec W 18.0 ft;

THENCE N 19 deg 00 min E along the east line of said 200 acre tract and the center of a County Road, 250.54 ft. to an iron stake set for the NEC of this tract, from which an iron rod set in the west line of said County Road bears N 71 deg 14 min 30 sec W, 18.0 ft;

THENCE N 71 deg 14 min 30 sec W, 782.43 ft. to an iron rod set for the NWC of this tract;

THENCE S 19 deg 47 min W, 250.58 ft. to an iron rod set in the south line of said 200 acre tract for the SWC of this tract;

THENCE S 71 deg 14 min 30 sec E along a fence line along the south line of said 200 acre tract, 785.85 ft. to the place of beginning and containing 4.51 acres of land in area with 0.10 acres being within the right of way of a County Road along the east side of this tract.

**TRACT NINE:**

All that certain 174.19 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being part of that certain 489.83 acre tract of land described in Deed from Malcolm Edmundson to Roy Hufstutler, dated August 24, 1983 and recorded in Volume 619, Page 913 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found at a fence corner post in the north line of a County Road, being the most southerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE along a fence line along the north line of said County Road and the south line of said 489.83 acre tract as follows: N. 70 deg. 48' W., 1223.0' to an iron rod set, N. 69 deg. 25' 43" W., 721.25' to an iron rod set and N. 67 deg. 56' W., 498.36' to an iron rod set at a fence corner post at the SE corner of a 2.09 acre tract described as Tract No. 2 in Deed from Roy Hufstutler to Gary S. Miller and Rick L. Miller dated April 12, 1985 and recorded in Volume 659, Page 200 of the Deed Records of Erath County, Texas, for the SW corner of this tract, from which an iron rod found at the SW corner of said 489.83 acre tract bears N. 67 deg. 56' W., 40.04';

THENCE N. 19 deg. 29' 33" E. along a fence line, 2278.99' to an iron rod set at a fence corner post at the NE corner of said 2.09 acre tract and in the south line of a 313.51 acre tract described as Tract No 1 in Deed to the Millers, for the NW corner of this tract, from which an iron rod found at a fence corner post at the SW corner of said 313.51 acre tract bears N. 70 deg. 12' 45" W., 40.0';

THENCE S. 70 deg. 12' 45" E. along a fence line, 3044.63' to an iron rod found at a fence corner post at the SE corner of said 313 .51 acre tract and at a former inner corner of said 489 .83 acre tract, for a corner of this tract;

THENCE S. 70 deg. 13' 10" E. along a fence line, 1535.40' to an iron rod found at a fence corner post at a NE corner of said 489.83 acre tract, for the NE corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 1.20' to an iron rod set at an external corner of said 489.83 acre tract, being in the west line of a 908 .1 acre tract described in Deed from Everett M. Colburn to Dennis M. Funderburg et ux dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, for a corner of this tract;

THENCE S. 19 deg. 54' 09" W. along the west line of said 908.1 acre tract, 899.35' to an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of said 489 .83 acre tract, for a corner of this tract;

THENCE along a fence line along the most northerly south line of said 489.83 acre tract as follows: N. 71 deg. 16'

03" W., 1266.39' to an iron rod set and N. 72 deg. 58' W., 873.30' to an iron rod found at a fence corner post at an inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 19 deg. 13' 27" W. along a fence line, 1331.03' to the place of beginning and containing 174.19 acres of land.

**TRACT TEN:**

All that certain 2.37 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 38, in Erath County, Texas, being part of that certain 908.1 acre tract of land described in Deed from Everett E. Colburn to Dennis M. Funderburg, dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, being under occupation with the Roy Hufstutler 489.83 acre tract and described as follows:

BEGINNING at an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of the Roy Hufstutler 489.83 acre tract, for the south corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears N. 70 deg. 16' 03" W., 1266.39', N. 72 deg. 58" W., 873.30', S. 19 deg. 13' 27" W., 1331.03', S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE N. 19 deg. 54' 07" E. along the west line of said 908.1 acre tract, 899.35' to an iron rod set in a fence line, being at an external corner of said 489.83 acre tract, for the NW corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 314.61' to an iron rod found at a fence corner post in the northwest line of a County Road, for the east corner of this tract;

THENCE along a fence line along the northwest line of said County Road as follows: S. 42 deg. 42' 36" W., 552.78' to an iron rod set at a fence corner and S. 31 deg. 14' W., 210.50' to the place of beginning and containing 2.37 acres of land.

\*\*\*\*DO NOT REMOVE \*\*\*\*THIS PAGE IS PART OF THE INSTRUMENT\*\*\*\*

Document No. 2021-09745

DEED

Parties: DIPPLE KIMBERLY NKA  
to  
DAIRY FARM LAND INVESTMENTS

FILED AND RECORDED  
REAL RECORDS

On: 12/21/2021 at 03:41 PM

Document Number: 2021-09745  
Receipt No. 110063  
Amount: \$74.00

By: cwhite  
Gwinda Jones, County Clerk  
Erath County, Texas

14 Pages



STATE OF TEXAS  
County of Erath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Erath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, reading "Gwinda Jones", is written over a horizontal line.

Record and Return To:  
KING TITLE COMPANY  
IN BOX



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Special Warranty Deed with Vendor's Lien**

**Date:** December 17<sup>th</sup>, 2021

**Grantor:** Kimberly Dipple nka Kimberly Kay Sheppard

<b>Grantor's</b>	<b>Mailing</b>	<b>Address:</b>
<u>8804 BRISERFIELD, GRANBURY, TX 76049</u>		

**Grantee:** Dairy Farm Land Investments of Texas, LLC

<b>Grantee's</b>	<b>Mailing</b>	<b>Address:</b>
<u>4051 BRYANT IRVEN RD, FORT WORTH, TX 76132</u>		

**Lender:** AgTexas Farm Credit Services

**Lender's Mailing Address:** 5004 N. Loop 829, Lubbock, Texas 79416

**Trustee:** Tim McDonald

**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of Lender in the principal amount of SIX MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,400,000.00 ). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date from Grantee to Trustee.

**Property (including any improvements):**

All of Grantor's right, title and interest in the Property, (which is a one-half interest as joint tenant with no right of survivorship) See of the property described in Exhibit A, attached hereto and incorporated by reference herein, as an integral part of Exhibit B, also attached hereto and incorporated by reference herein.

**Reservations from Conveyance:**

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

**Exceptions to Conveyance and Warranty:**

This conveyance is made and accepted subject to the following exceptions: (i) Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; (ii) all easements, building set-back lines, reservations, royalties, mineral reservations, leases, restrictions, zoning ordinances, liens, rights, interests, encumbrances and conditions as recorded with the county clerk of the county where the Property is located or other public records; (iii) all matters that a correct survey of the Property would show; (iv) validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; (v) validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; (vi) any discrepancies, conflicts, or shortages in area or boundary lines,

or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; (vii) any validly existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area; (viii) rights of parties in possession; (ix) all liens, encumbrances or other rights or claims based on activities of Aurora Dairy Corporation or related parties, including without limitation mechanic's liens perfected after the date of this Special Warranty Deed; (x) all titles, rights, and property asserted as owned or leased by, Aurora Dairy Corporation; (xi) all rights asserted under or relating to the Dairy Farm Lease Agreement dated September 11, 2006 as amended, the unrecorded lease by and between Jerry Dipple and Aurora Dairy Corporation dated March 1, 2007 and residential leases on Deleon and Dublin properties; (xii) claims resulting from activity of persons other than Grantor Kimberly Kay Sheppard; (xiii) All leases, title, easements, rights, grants, exceptions or reservations together with all rights, privileges, and immunities relating thereto, appearing in the Title Policy (including Schedule B) issued by King Title Company on or about the date of this Special Warranty Deed, whether listed herein or not..

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN. GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED) CONCERNING THE PROPERTY, INCLUDING WITHOUT LIMITATION, THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE, OF THE PROPERTY. GRANTEE HAS NOT RELIED UPON ANY REPRESENTATION, STATEMENT, OR OTHER COMMUNICATION FROM SELLER OR ANY AGENT OR REPRESENTATIVE OF SELLER IN PURCHASING THE PROPERTY. GRANTEE HAS RELIED SOLELY ON ITS OWN INVESTIGATION AND INSPECTION.

AD VALOREM TAXES WITH RESPECT TO THE PROPERTY ARE PRORATED AS OF THIS DATE (BASED ON ESTIMATES, IF NECESSARY) AND ARE NOT SUBJECT TO READJUSTMENT. GRANTEE EXPRESSLY ASSUMES PAYMENT OF ALL AD VALOREM TAXES AND SPECIAL AND GENERAL ASSESSMENTS OF WHATEVER NATURE APPLICABLE TO THE PROPERTY FOR THE YEAR 2021 AND SUBSEQUENT YEARS, AS WELL AS ALL SPECIAL AND GENERAL ASSESSMENTS OF WHATEVER NATURE APPLICABLE TO THE PROPERTY.

AFTER CLOSING, AS BETWEEN GRANTOR AND GRANTEE, THE RISK OF LIABILITY OR EXPENSE FOR ENVIRONMENTAL PROBLEMS, EVEN IF ARISING FROM EVENTS BEFORE CLOSING, WILL BE THE SOLE RESPONSIBILITY OF GRANTEE, REGARDLESS OF WHETHER THE ENVIRONMENTAL PROBLEMS WERE KNOWN OR UNKNOWN AT CLOSING. ONCE CLOSING HAS OCCURRED, GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM LIABILITY FOR ANY LATENT DEFECTS AND FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE. GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES GRANTOR FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVES. GRANTEE INDEMNIFIES, HOLDS HARMLESS, AND RELEASES SELLER FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY ARISING AS THE RESULT OF THEORIES OF PRODUCTS LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE THAT WOULD OTHERWISE IMPOSE ON GRANTOR IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS

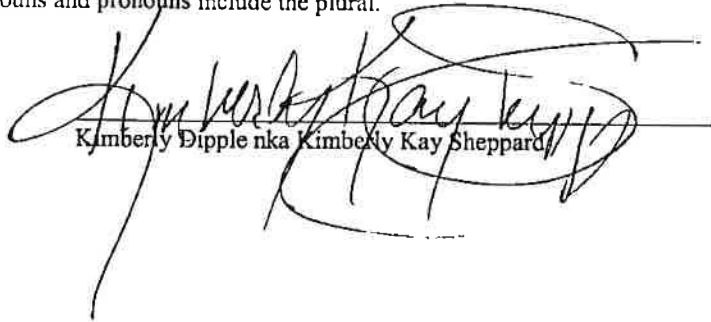
AFFECTING THE PROPERTY.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

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

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

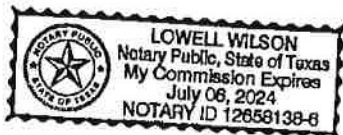
  
Kimberly Dipple nka Kimberly Kay Sheppard

STATE OF TEXAS

COUNTY OF ERATH

Before me, the undersigned Notary Public, on this day personally appeared Kimberly Dipple nka Kimberly Kay Sheppard, proved to me through TEXAS DRIVER'S LICENSE to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 21<sup>ST</sup> day of December, 2021.



  
Notary Public, State of Texas

SIGNATURES CONTINUE ON FOLLOWING PAGE

Dairy Farm Investments of Texas, LLC

By: [Signature]

Printed Name: GERALD BENTON DIDDLE, JR.

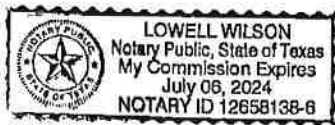
Title: MEMBER

STATE OF TEXAS

COUNTY OF ERATH

Before me, the undersigned Notary Public, on this day personally appeared GERALD BENTON DIDDLE, JR., acting as MEMBER on behalf of Dairy Farm Investments of Texas, LLC proved to me through TEXAS DRIVER'S LICENSE to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of December, 2021.



[Signature]  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
Dorsett Johnson & Swift, LLP  
407 Throckmorton, Suite 500  
Fort Worth, Texas 76102

AFTER RECORDING RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## EXHIBIT A

### TRACT FOUR:

All that certain 318.24 acres out of the Daniel Bradley Survey, A-38, and being part of a former 908.10 acre tract described in Deed dated Sept. 30, 1968, from Everett Colburn, to Dennis Funderburgh, recorded in Vol. 429, page 244, Deed Records of Erath County, Texas, and the 318.24 acres being described as follows:

Beginning at an iron rod at fence corner, in South line of the Daniel Bradley Survey, A-38, from which point the SWC of said Bradley Survey bears N. 74-12 W. 20 feet, for the SWC of the 908.10 acre tract, and the SWC of this tract;

Thence with fence, along the Easterly and Northerly side of county road, as follows: N. 18-19 E. 1996.1 feet; N. 25-25 E. 123.5 feet; N. 19-17 E. 129.6 feet; N. 18-55 E. 811.3 feet; N. 25-14 E. 383.0 feet; N. 41-27 E. 999.7 feet; N. 61-02 E. 248.2 feet; N. 73-15 E. 415.1 feet; N. 78-32 E. 729.0 feet; N. 78-35 E. 612.0 feet; N. 78-24 E. 422.8 feet; and N. 75-36 E. 131.1 feet to an iron rod at fence corner, being the NWC of a 354.88 acre tract out of the NE part of said 908.10 acre tract, for the NEC of this tract;

Thence with fence, as follows: S. 02-16 W. 656.8 feet; S. 01-41 W. 273.5 feet; S. 02-12 W. 190.6 feet; S. 31-12 W. 932.3 feet; and S. 20-24 W. 823.6 feet to an iron rod at fence corner, at the SWC of said 354.88 acres, for an inner corner of this tract;

Thence with fence, as follows: S. 12-11 W. 35.3 feet; S. 01-19 W. 875.9 feet; S. 04-12 W. 123.4 feet; S. 26-09 W. 666.3 feet; and S. 16-23 W. 1209.7 feet to an iron rod set in occupied South line of the Bradley Survey, for South line of the 908.10 acre tract, and SEC of this tract;

Thence with fence and occupied South line of the Bradley Survey, as follows: N. 72-48 W. 944.2 feet; N. 73-37 W. 146.2 feet; N. 87-53 W. 57.0 feet; N. 79-49 W. 59.5 feet; N. 72-47 W. 686.9 feet; N. 74-11 W. 167.8 feet; N. 47-01 W. 77.6 feet; N. 72-40 W. 558.0 feet; N. 70-40 W. 61.4 feet; N. 77-30 W. 21.1 feet; and N. 74-12 W. 161.1 feet to the place of beginning, containing 318.24 acres.

### TRACT FIVE:

All that certain 90.30 acres of land out of the Elijah Hennings Survey, A-344, in Erath County, Texas and described as follows:

BEGINNING at a R.R. spike driven below the surface of a county road at the NWC of the Elijah Hennings Survey for the NWC of this;

THENCE S 72 deg. 25' E passing a 30" oak tree in east fence line of a county road at 20.0 ft., then continuing along the same bearing following a fence, crossing a stream at 262 ft., for a total distance of 312.6 ft., to an iron pin for corner;

THENCE S 71 deg. 38' E 508.9 ft. following the above mentioned fence which is the occupied north line of the Elijah Hennings Survey, to an iron pin in the north side of a 1 O" oak tree for corner;

THENCE S 46 deg. 41' E 78.8 ft. along said fence to an iron pin on the north side of a 16" mesquite tree for corner;

THENCE S 72 deg. 52' E 247.6 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 02' E 654.7 ft. along said fence to an iron pin for corner;

THENCE N 88 deg. 59' E 75.9 ft. along said fence to an iron pin for corner;

THENCE S 73 deg. 13' E 108.2 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 17' E 765.8 ft. along said fence to an iron pin being the NWC of Second Tract for the NEC of this;

THENCE S 35 deg. 41' W 2335.1 ft. to an iron pin in fence being the SWC of Second Tract for the southeast of this;

THENCE N 28 deg. 30' W 260.0 ft. along a fence being the S line of said 331.96 acre tract, which is also the north line of Clay Gamer tract, to an iron pin on the east side of a fence corner post;

THENCE N 3 8 deg. 30' W passing a 12" tree at 310. 0 ft. in fence line for a total distance of 417. 0 ft to an iron pin for corner;

THENCE N 41 deg. 25' W passing a 18" tree at 23.0 ft. in fence line for a total distance of 1303.0 ft. to an iron pin on the east side of a 12" tree for intersecting fence corner;

THENCE N 71 deg. 41' W passing a 18" tree at intersecting fence corner at 157 ft., then following fence in same direction for a total distance of 201.0 ft, to an iron pin for corner;

THENCE N 61 deg. 53' W along a fence crossing a stream 162 ft., a county road east line fence at 177 ft., for a total distance of 195.0 ft. to an iron pin in the west line of Elijah Hennings Survey, being the southwest corner of said 331.96 acre tract for the SWC of this;

THENCE N 19 deg. 00' E 1117 .2 ft. along the center of a county road, being the west line of Elijah Hennings Survey, to the place of beginning containing 90.3 acres with 0.50 acre being in the county road.

## EXHIBIT B

### TRACT ONE:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, on the South line of said former 90 acre tract, from which point an iron rod set in fence bears N. 19 E. 19.7 feet, and said point being S. 73 47' W. 238.6 feet; S. 76 08' W. 275.0 feet; and S. 76 18' W. 391.5 feet from the SEC of the 90 acre tract, for the SEC of this tract;

THENCE along center of said road, S. 76 18' W. 15.0 feet; S. 70 29' W. 647.4 feet; and S. 68 06' W. 50.3 feet to a point in road, from which point an iron rod set in fence bears N. 19 E. 27 .0 feet, for South line of the 90 acres, and the SWC of this tract;

THENCE N. 19° 00' E. 1982.4 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 557.2 feet to an iron rod set for the NEC of this tract;

THENCE S. 19° 00 W. 1538.1 feet to the place of beginning, containing 22.488 acres, of which 0.330 acres is in county road.

### TRACT TWO:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39. and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, at the SEC of said former 90 acre tract, from which point an iron rod at fence corner bears S. 22 35' W. 31.0 feet, and a 14" elm tree, at fence corner bears N. 22 35' E., 47.7 feet, for the SEC of this tract;

THENCE along center of said road, as follows: S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet to a point in road on South line of the 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, for the SWC of this tract;

THENCE N. 19° 00' E. 1538.1 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 757.8 feet to an iron rod set in fence, at the NEC of the 73 acres, on East line of said 90 acres, for the NEC of this tract;

THENCE with fence, S. 19° 16' W., 148.7 feet; and S. 18 55' W. 843.6 feet to said 14" Elm at fence corner, for a corner of this tract;

THENCE S. 22° 35' E. 47.7 feet to the place of beginning, containing 22.488 acres, of which 0.415 acres is in county road.

### TRACT THREE:

All that certain 374.66 acre tract of land, being part of Block 23, Block 21, Block 22 and Block 24 of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being the remainder of that certain 90 acre tract described in deed from J.R. Rucker to H.S. Rucker, dated August 16, 1919 and recorded in Volume 180, page 438 of the Deed Records of Erath County, Texas, part of that certain 73 acre tract and all that 155 acre tract described in deed from Elton M. Hyder et al to Mrs. Laura E. Rucker, dated January 9, 1957 and recorded in Volume 360, Page 123 of the Deed Records of Erath County, Texas, all that certain 100 acre tract described as Sixth tract and all that certain 182 acre tract described as Seventh Tract in deed from Laura Maynette Rucker to James Green Rucker, dated May 5, 1969

and recorded in Volume 423, Page 401 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found in place at the NE corner of a 22.488 acre tract awarded E. B. Rucker in Final Decree Confirming Partition in Cause No. 13,667 in the District Court of Erath County, Texas, 266th Judicial District and recorded in Volume 648, page 248 of the Deed Records of Erath County, Texas, for the most northerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 19 deg. 22' 50" W, 992.01', S 67 deg. 56' E, 538.4', S 69 deg. 24' E, 721.0', S 70 deg. 48' E, 1223.0', S 19 deg. 13' W, 10.9', S 70 deg. 53' E, 2088.8' and S 19 deg. 00' W, 1943.8';

THENCE N 70 deg. 37' 08" W, at 757.85' pass an iron rod found in place at the NW corner of said E. B. Rucker 22.488 acre tract and the NE corner of a 22.488 acre tract described in deed from Ann B. Rucker to Jay Ann Rucker Nickles, dated July 31, 1984 and recorded in Volume 639, Page 453 of the Deed Records of Erath County, Texas, continuing in all 1315.05' to an iron rod found at the NW corner of the Nickles 22.488 acre tract, for an inner corner of this tract;

THENCE S 19 deg. 21' 49" W, at 1955.4' pass an iron rod set at a fence corner post in the northwest line of a County Road, continuing in all 1982.4' to an iron rod set in said road, being the SW corner of the Nickles 22.488 acre tract, for the most southerly SE corner of this tract;

THENCE S 68 deg. 26' 30" W along the approximate centerline of said County Road, 1645.36' to an iron rod set at a bend in said road, being at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 15' 56" W along the approximate centerline of said County Road and the south line of the Daniel Bradley Survey, 973.63' to an iron rod set at the SW corner of said 182 acre tract and SW corner of said 155 acre tract, for the SW corner of this tract;

THENCE along a west line of said 182 acre tract as follows, N 19 deg. 16' 11" E, at 17.0' pass an iron rod set at a fence corner post in the north line of said County Road, continuing along a fence line in all 1841.41' to an iron rod set at a fence corner, N 19 deg. 23' 31" E, 409.21' to an iron rod set at a fence corner and N 18 deg. 13' 40" E, 771.07' to an iron rod set at a fence corner post at an inner corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 28' 37" W along a fence line, 176.38' to an iron rod set at a fence corner post at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 18 deg. 31' 00" E along a fence line 2960.63' to an iron rod set at a fence corner post at the NW corner of said 182 acre tract and in the south line of a 160 acre tract of land described in Deed from Mrs. Lena Sloan Yound to G. W. Hudson, dated July 22, 1933 and recorded in Volume 233, Page 261 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 64 deg. 50' 35" E along a fence line along the south line of said 160 acre tract, 1916.37' to an iron rod set at a fence corner post at the NE corner of said 182 acre tract and the NW corner of said 100 acre tract, for a corner of this tract;

THENCE along a fence line along the south line of said 160 acre tract and the north line of said 100 acre tract as follows, S 64 deg. 09' 09" E, 594.33' to an iron rod set at a fence corner and S 65 deg. 02' 55" E, 1280.07' to an iron rod set at a fence corner post at the NE corner of said 100 acre tract, for the NE corner of this tract;

THENCE along a fence line along the east line of said 100 acre tract and 90 acre tract as follows, S 19 deg. 12' 16" W, 1238.24' to an iron rod found in place at a fence corner and S 19 deg. 33' 45" W, 1285.39' to the place of beginning and containing 374.66 acres of land with approximately 1.10 acres being within the right of way of said County Road.

LESS, SAVE AND EXCEPT all that certain 565.10 square meters (6083 square feet) of land, more or less, out of that certain 151.62 hectares (374.66 acres), situated in the Daniel Bradley Survey, Abstract No. 39, Erath County, Texas, described in deed from recorded in Volume 790, Page 322, Erath County Deed Records (E.C.D.R.); said 565.10 square meters of land being more particularly described as follows with all bearings based on a bearing of North 71 15' 56" West for the south line of said 151.62 hectare tract as determined from found 10M iron rod which bears North 19 16' 11" E, 5.182 meters (17.00 feet) from the southwest corner and found 10M iron rod which bears North 19 02' 45"

East, 8.207 meters (26.93 feet) from the southeast corner of said 151.62 hectare tract;

COMMENCING at a 10 iron rod found in the northeast right of way of County Road 341 (having a variable width based on a prescriptive easement) from which the southwest corner of said 151.62 hectare tract bears South 19 16'11" West, 5.182 meters (17.00 feet);

THENCE South 70° 3 7' 4 7" East generally along said existing northeast right of way line, a distance of 61.814 meters (202.80) to a 15M iron rod set in said existing northeast right of way line for the Point of Beginning of the herein described parcel;

THENCE South 80° 13' 29" East along the proposed northeast right of way line of said County Road 341, a distance of 54.552 meters (178.98 feet) to a 15M iron rod set for an angle point;

THENCE South 71 ° 17' 36" East continuing along the said proposed northeast right of way line, a distance of 19. 792 meters ( 64.93 feet) to a 15M iron rod set for an angle point;

THENCE South 59° 54' 03" East continuing along said proposed northeast right of way line, a distance of 42.149 meters (138.28 feet) to a 15M iron rod set in said existing northeast right of way line;

THENCE North 69° 53' 08" West along said existing northeast right of way line, a distance of 12.086 meters (39.65 feet) to an angle point;

THENCE North 71 ° 55' 02" West continuing along said existing northeast right of way line, a distance of 20.319 meters (66.66 feet) to an angle point;

THENCE North 69° 02' 46" West continuing along said existing northeast right of way line, a distance of 11.857 meters (38.90 feet) to an angle point;

THENCE North 73° 25' 58" West continuing along said existing northeast right of way line, a distance of 18.348 meters (60.20 feet) to an angle point;

THENCE North 72° 12' 03" West continuing along said existing northeast right of way line, a distance of 32.120 meters (105.38 feet) to an angle point;

THENCE North 69° 48' 19" West continuing along said existing northeast right of way line, a distance of 17.374 meters (57.00 feet) to an angle point;

THENCE North 70° 09' 29" West continuing along said existing northeast right of way line, a distance of 2.933 meters (9 .62 feet) to the Point of Beginning and containing 565.10 square meters (6083 square feet), more or less.

**TRACT FOUR:**

All that certain 318.24 acres out of the Daniel Bradley Survey, A-38, and being part of a former 908.10 acre tract described in Deed dated Sept. 30, 1968, from Everett Colburn, to Dennis Funderburgh, recorded in Vol. 429, page 244, Deed Records of Erath County, Texas, and the 318.24 acres being described as follows:

Beginning at an iron rod at fence corner, in South line of the Daniel Bradley Survey, A-38, from which point the SWC of said Bradley Survey bears N. 74-12 W. 20 feet, for the SWC of the 908.10 acre tract, and the SWC of this tract;

Thence with fence, along the Easterly and Northerly side of county road, as follows: N. 18-19 E. 1996.1 feet; N. 25-25 E. 123.5 feet; N. 19-17 E. 129.6 feet; N. 18-55 E. 811.3 feet; N. 25-14 E. 383.0 feet; N. 41-27 E. 999.7 feet; N. 61-02 E. 248.2 feet; N. 73-15 E. 415.1 feet; N. 78-32 E. 729.0 feet; N. 78-35 E. 612.0 feet; N. 78-24 E. 422.8 feet; and N. 75-36 E. 131.1 feet to an iron rod at fence corner, being the NWC of a 354.88 acre tract out of the NE part of said 908.10 acre tract, for the NEC of this tract;

Thence with fence, as follows: S. 02-16 W. 656.8 feet; S. 01-41 W. 273.5 feet; S. 02-12 W. 190.6 feet; S. 31-12 W. 932.3 feet; and S. 20-24 W. 823.6 feet to an iron rod at fence corner, at the SWC of said 354.88 acres, for an inner

corner of this tract;

Thence with fence, as follows: S. 12-11 W. 35.3 feet; S. 01-19 W. 875.9 feet; S. 04-12 W. 123.4 feet; S. 26-09 W. 666.3 feet; and S. 16-23 W. 1209.7 feet to an iron rod set in occupied South line of the Bradley Survey, for South line of the 908.10 acre tract, and SEC of this tract;

Thence with fence and occupied South line of the Bradley Survey, as follows: N. 72-48 W. 944.2 feet; N. 73-37 W. 146.2 feet; N. 87-53 W. 57.0 feet; N. 79-49 W. 59.5 feet; N. 72-47 W. 686.9 feet; N. 74-11 W. 167.8 feet; N. 47-01 W. 77.6 feet; N. 72-40 W. 558.0 feet; N. 70-40 W. 61.4 feet; N. 77-30 W. 21.1 feet; and N. 74-12 W. 161.1 feet to the place of beginning, containing 318.24 acres.

**TRACT FIVE:**

All that certain 90.30 acres of land out of the NWC of the Elijah Hennings Survey, A-344, in Erath County, Texas and described as follows:

BEGINNING at a R.R. spike driven below the surface of a county road at the NWC of the Elijah Hennings Survey for the NWC of this;

THENCE S 72 deg. 25' E passing a 30" oak tree in east fence line of a county road at 20.0 ft., then continuing along the same bearing following a fence, crossing a stream at 262 ft., for a total distance of 312.6 ft., to an iron pin for corner;

THENCE S 71 deg. 38' E 508.9 ft. following the above mentioned fence which is the occupied north line of the Elijah Hennings Survey, to an iron pin in the north side of a 10" oak tree for corner;

THENCE S 46 deg. 41' E 78.8 ft. along said fence to an iron pin on the north side of a 16" mesquite tree for corner;

THENCE S 72 deg. 52' E 247.6 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 02' E 654.7 ft. along said fence to an iron pin for corner;

THENCE N 88 deg. 59' E 75.9 ft. along said fence to an iron pin for corner;

THENCE S 73 deg. 13' E 108.2 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 17' E 765.8 ft. along said fence to an iron pin being the NWC of Second Tract for the NEC of this;

THENCE S 35 deg. 41' W 2335.1 ft. to an iron pin in fence being the SWC of Second Tract for the southeast of this;

THENCE N 28 deg. 30' W 260.0 ft. along a fence being the S line of said 331.96 acre tract, which is also the north line of Clay Gamer tract, to an iron pin on the east side of a fence corner post;

THENCE N 38 deg. 30' W passing a 12" tree at 310.0 ft. in fence line for a total distance of 417.0 ft to an iron pin for corner;

THENCE N 41 deg. 25' W passing a 18" tree at 23.0 ft. in fence line for a total distance of 1303.0 ft. to an iron pin on the east side of a 12" tree for intersecting fence corner;

THENCE N 71 deg. 41' W passing a 18" tree at intersecting fence corner at 157 ft., then following fence in same direction for a total distance of 201.0 ft, to an iron pin for corner;

THENCE N 61 deg. 53' W along a fence crossing a stream 162 ft., a county road east line fence at 177 ft., for a total distance of 195.0 ft. to an iron pin in the west line of Elijah Hennings Survey, being the southwest corner of said 331.96 acre tract for the SWC of this;

THENCE N 19 deg. 00' E 1117.2 ft. along the center of a county road, being the west line of Elijah Hennings Survey, to the place of beginning containing 90.3 acres with 0.50 acre being in the county road.

**TRACT SIX:**

All that certain 34.26 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966, and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, being in the north line of said 200 acre tract, at the NE corner of a 25 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S 70 53' E, 1524.16' and S 19 00' W, 1943.8';

THENCE S 19° 4 7' W, along the east line of said 25 acre tract, at 29.6' pass an iron rod set on line in the south line of said County Road, continuing in all 1953.29' to an iron rod set at the SW corner of said 25 acre tract, being in the south line of the Daniel Bradley Survey, for the SW corner of this tract;

THENCE S 71 ° 14' 30" E along a fence line along the south line of the Daniel Bradley Survey, 765.07' to an iron rod set for the SE corner of this tract;

THENCE N 19° 4 7' E, at 1929.0' pass an iron rod set on line in the south line of said County Road, continuing in all 1948.5' to an iron rod set in said road being in the north line of said 200 acre tract, for the NE corner of this tract;

THENCE N 70° 53' W along said road and the north line of said 200 acre tract, 765.0' to the place of beginning and containing 34.26 acres of land in area with 0.43 acres being within the right of way of a County Road along the north side of this tract.

**TRACT SEVEN:**

All that certain 30.00 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966 and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, in the north line of said 200 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 70 degrees 53 minutes E, 759.16 feet and S 19 degrees 00 minutes W, 1943.8 feet;

THENCE S 19 degrees 47 minutes W, at 19.5 feet pass an iron rod set in the south line of said County Road, continuing in all 1697.92 feet to an iron rod set for the SW corner of this tract;

THENCE S 71 degrees 14 minutes 30 seconds E, 782.43 feet to an iron spike set in the center of a County Road, in the east line of the Daniel Bradley Survey, for the SE corner of this tract, from which an iron rod reference monument set in the west line of said County Road bears N 71 degrees 14 minutes 30 seconds W, 18 feet;

THENCE N 19 degrees 00 minutes E along the east line of the Daniel Bradley Survey and the center of said road, 1693.26 feet to an iron stake set in said road, at the NE corner of said 200 acre tract, for the NE corner of this tract;

THENCE N 70 degrees 53 minutes W at 18.0 feet pass an iron rod set at a fence corner post in the west side of said road, continuing along a County Road, 759.16 feet to the place of beginning and containing 30.00 acres of land in area with 0.93 acres being within the right of way of County Roads along the north and east sides of this tract.

**TRACT EIGHT:**

All that certain 4.51 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16 1966, and recorded in Volume 405, page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron stake set in the center of County Road, at the SEC of the Daniel Bradley Survey being the SEC of said 200 acre tract, for the SEC of this tract, from which an iron rod reference monument set at a fence corner post in the west line of said County Road bears N 71 deg 14 min 30 sec W 18.0 ft;

THENCE N 19 deg 00 min E along the east line of said 200 acre tract and the center of a County Road, 250.54 ft. to an iron stake set for the NEC of this tract, from which an iron rod set in the west line of said County Road bears N 71 deg 14 min 30 sec W, 18.0 ft;

THENCE N 71 deg 14 min 30 sec W, 782.43 ft. to an iron rod set for the NWC of this tract;

THENCE S 19 deg 47 min W, 250.58 ft. to an iron rod set in the south line of said 200 acre tract for the SWC of this tract;

THENCE S 71 deg 14 min 30 sec E along a fence line along the south line of said 200 acre tract, 785.85 ft. to the place of beginning and containing 4.51 acres of land in area with 0.10 acres being within the right of way of a County Road along the east side of this tract.

#### **TRACT NINE:**

All that certain 174.19 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being part of that certain 489.83 acre tract of land described in Deed from Malcolm Edmundson to Roy Hufstutler, dated August 24, 1983 and recorded in Volume 619, Page 913 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found at a fence corner post in the north line of a County Road, being the most southerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE along a fence line along the north line of said County Road and the south line of said 489.83 acre tract as follows: N. 70 deg. 48' W., 1223.0' to an iron rod set, N. 69 deg. 25' 43" W., 721.25' to an iron rod set and N. 67 deg. 56' W., 498.36' to an iron rod set at a fence corner post at the SE corner of a 2.09 acre tract described as Tract No. 2 in Deed from Roy Hufstutler to Gary S. Miller and Rick L. Miller dated April 12, 1985 and recorded in Volume 659, Page 200 of the Deed Records of Erath County, Texas, for the SW corner of this tract, from which an iron rod found at the SW corner of said 489.83 acre tract bears N. 67 deg. 56' W., 40.04';

THENCE N. 19 deg. 29' 33" E. along a fence line, 2278.99' to an iron rod set at a fence corner post at the NE corner of said 2.09 acre tract and in the south line of a 313.51 acre tract described as Tract No 1 in Deed to the Millers, for the NW corner of this tract, from which an iron rod found at a fence corner post at the SW corner of said 313.51 acre tract bears N. 70 deg. 12' 45" W., 40.0';

THENCE S. 70 deg. 12' 45" E. along a fence line, 3044.63' to an iron rod found at a fence corner post at the SE corner of said 313 .51 acre tract and at a former inner corner of said 489 .83 acre tract, for a corner of this tract;

THENCE S. 70 deg. 13' 10" E. along a fence line, 1535.40' to an iron rod found at a fence corner post at a NE corner of said 489.83 acre tract, for the NE corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 1.20' to an iron rod set at an external corner of said 489.83 acre tract, being in the west line of a 908 .1 acre tract described in Deed from Everett M. Colburn to Dennis M. Funderburg et ux dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, for a corner of this tract;

THENCE S. 19 deg. 54' 09" W. along the west line of said 908.1 acre tract, 899.35' to an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of said 489 .83 acre tract, for a corner of this tract;

THENCE along a fence line along the most northerly south line of said 489.83 acre tract as follows: N. 71 deg. 16'



03" W., 1266.39' to an iron rod set and N. 72 deg. 58' W., 873.30' to an iron rod found at a fence corner post at an inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 19 deg. 13' 27" W. along a fence line, 1331.03' to the place of beginning and containing 174.19 acres of land.

**TRACT TEN:**

All that certain 2.37 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 38, in Erath County, Texas, being part of that certain 908.1 acre tract of land described in Deed from Everett E. Colburn to Dennis M. Funderburg, dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, being under occupation with the Roy Hufstutler 489.83 acre tract and described as follows:

BEGINNING at an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of the Roy Hufstutler 489.83 acre tract, for the south corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears N. 70 deg. 16' 03" W., 1266.39', N. 72 deg. 58" W., 873.30', S. 19 deg. 13' 27" W., 1331.03', S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE N. 19 deg. 54' 07" E. along the west line of said 908.1 acre tract, 899.35' to an iron rod set in a fence line, being at an external corner of said 489.83 acre tract, for the NW corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 314.61' to an iron rod found at a fence corner post in the northwest line of a County Road, for the east corner of this tract;

THENCE along a fence line along the northwest line of said County Road as follows: S. 42 deg. 42' 36" W., 552.78' to an iron rod set at a fence corner and S. 31 deg. 14' W., 210.50' to the place of beginning and containing 2.37 acres of land.

\*\*\*\*DO NOT REMOVE \*\*\*\*THIS PAGE IS PART OF THE INSTRUMENT\*\*\*\*\*

Document No. 2021-09746

DEED

Parties: DIPPLE JERRY AKA  
to  
DAIRY FARM LAND INVESTMENTS

FILED AND RECORDED  
REAL RECORDS

On: 12/21/2021 at 03:41 PM

Document Number: 2021-09746  
Receipt No. 110063  
Amount: \$66.00

By: cwhite  
Gwinda Jones, County Clerk  
Erath County, Texas

12 Pages



STATE OF TEXAS  
County of Erath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Erath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, reading "Gwinda Jones", is written over a horizontal line.

Record and Return To:  
KING TITLE COMPANY  
IN BOX



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Special Warranty Deed with Vendor's Lien**

**Date:** December 17<sup>th</sup>, 2021

**Grantor:** Jerry Dipple aka Gerald Benton Dipple, Jr.

**Grantor's Mailing Address:** 4651 BRYANT IRVEN RD., FORT WORTH, TEXAS 76132

**Grantee:** Dairy Farm Land Investments of Texas, LLC

**Grantee's Mailing Address:** 4651 BRYANT IRVEN RD., FORT WORTH, TX 76132

**Lender:** AgTexas Farm Credit Services

**Lender's Mailing Address:** 5004 N. Loop 829, Lubbock, Texas 79416

**Trustee:** Tim McDonald

**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of Lender in the principal amount of SIX MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,400,000.00 ). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date from Grantee to Trustee.

**Property (including any improvements):**

See Exhibit A, attached hereto and incorporated by reference herein, as an integral part of Exhibit B, also attached hereto and incorporated by reference herein.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; and any validly existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.


Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and

assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

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

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

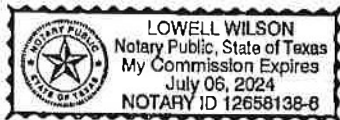
  
Jerry Dipple aka Gerald Benton Dipple, Jr.


STATE OF TEXAS

COUNTY OF ERATH

Before me, the undersigned Notary Public, on this day personally appeared Jerry Dipple aka Gerald Benton Dipple, Jr., proved to me through TEXAS DRIVERS LICENSE to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of December, 2021.



  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
Dorsett Johnson & Swift, LLP  
407 Throckmorton, Suite 500  
Fort Worth, Texas 76102

AFTER RECORDING RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT A

### TRACT FOUR:

All that certain 318.24 acres out of the Daniel Bradley Survey, A-38, and being part of a former 908.10 acre tract described in Deed dated Sept. 30, 1968, from Everett Colburn, to Dennis Funderburgh, recorded in Vol. 429, page 244, Deed Records of Erath County, Texas, and the 318.24 acres being described as follows:

Beginning at an iron rod at fence corner, in South line of the Daniel Bradley Survey, A-38, from which point the SWC of said Bradley Survey bears N. 74-12 W. 20 feet, for the SWC of the 908.10 acre tract, and the SWC of this tract;

Thence with fence, along the Easterly and Northerly side of county road, as follows: N. 18-19 E. 1996.1 feet; N. 25-25 E. 123.5 feet; N. 19-17 E. 129.6 feet; N. 18-55 E. 811.3 feet; N. 25-14 E. 383.0 feet; N. 41-27 E. 999.7 feet; N. 61-02 E. 248.2 feet; N. 73-15 E. 415.1 feet; N. 78-32 E. 729.0 feet; N. 78-35 E. 612.0 feet; N. 78-24 E. 422.8 feet; and N. 75-36 E. 131.1 feet to an iron rod at fence corner, being the NWC of a 354.88 acre tract out of the NE part of said 908.10 acre tract, for the NEC of this tract;

Thence with fence, as follows: S. 02-16 W. 656.8 feet; S. 01-41 W. 273.5 feet; S. 02-12 W. 190.6 feet; S. 31-12 W. 932.3 feet; and S. 20-24 W. 823.6 feet to an iron rod at fence corner, at the SWC of said 354.88 acres, for an inner corner of this tract;

Thence with fence, as follows: S. 12-11 W. 35.3 feet; S. 01-19 W. 875.9 feet; S. 04-12 W. 123.4 feet; S. 26-09 W. 666.3 feet; and S. 16-23 W. 1209.7 feet to an iron rod set in occupied South line of the Bradley Survey, for South line of the 908.10 acre tract, and SEC of this tract;

Thence with fence and occupied South line of the Bradley Survey, as follows: N. 72-48 W. 944.2 feet; N. 73-37 W. 146.2 feet; N. 87-53 W. 57.0 feet; N. 79-49 W. 59.5 feet; N. 72-47 W. 686.9 feet; N. 74-11 W. 167.8 feet; N. 47-01 W. 77.6 feet; N. 72-40 W. 558.0 feet; N. 70-40 W. 61.4 feet; N. 77-30 W. 21.1 feet; and N. 74-12 W. 161.1 feet to the place of beginning, containing 318.24 acres.

### TRACT FIVE:

All that certain 90.30 acres of land out of the NWC of the Elijah Hennings Survey, A-344, in Erath County, Texas and described as follows:

BEGINNING at a R.R. spike driven below the surface of a county road at the NWC of the Elijah Hennings Survey for the NWC of this;

THENCE S 72 deg. 25' E passing a 30" oak tree in east fence line of a county road at 20.0 ft., then continuing along the same bearing following a fence, crossing a stream at 262 ft., for a total distance of 312.6 ft., to an iron pin for corner;

THENCE S 71 deg. 38' E 508.9 ft. following the above mentioned fence which is the occupied north line of the Elijah Hennings Survey, to an iron pin in the north side of a 1 O" oak tree for corner;

THENCE S 46 deg. 41' E 78.8 ft. along said fence to an iron pin on the north side of a 16" mesquite tree for corner;

THENCE S 72 deg. 52' E 247.6 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 02' E 654.7 ft. along said fence to an iron pin for corner;

THENCE N 88 deg. 59' E 75.9 ft. along said fence to an iron pin for corner;

THENCE S 73 deg. 13' E 108.2 ft. along said fence to an iron pin for corner;

THENCE S 72 deg. 17' E 765.8 ft. along said fence to an iron pin being the NWC of Second Tract for the NEC of this;

THENCE S 35 deg. 41' W 2335.1 ft. to an iron pin in fence being the SWC of Second Tract for the southeast of this;

THENCE N 28 deg. 30' W 260.0 ft. along a fence being the S line of said 331.96 acre tract, which is also the north line of Clay Gamer tract, to an iron pin on the east side of a fence corner post;

THENCE N 3 8 deg. 30' W passing a 12" tree at 310.0 ft. in fence line for a total distance of 417.0 ft to an iron pin for corner;

THENCE N 41 deg. 25' W passing a 18" tree at 23.0 ft. in fence line for a total distance of 1303.0 ft. to an iron pin on the east side of a 12" tree for intersecting fence corner;

THENCE N 71 deg. 41' W passing a 18" tree at intersecting fence corner at 157 ft., then following fence in same direction for a total distance of 201.0 ft, to an iron pin for corner;

THENCE N 61 deg. 53' W along a fence crossing a stream 162 ft., a county road east line fence at 177 ft., for a total distance of 195.0 ft. to an iron pin in the west line of Elijah Hennings Survey, being the southwest corner of said 331.96 acre tract for the SWC of this;

THENCE N 19 deg. 00' E 1117.2 ft. along the center of a county road, being the west line of Elijah Hennings Survey, to the place of beginning containing 90.3 acres with 0.50 acre being in the county road.

## EXHIBIT B

### TRACT ONE:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39, and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, on the South line of said former 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, and said point being S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet from the SEC of the 90 acre tract, for the SEC of this tract;

THENCE along center of said road, S. 76° 18' W. 15.0 feet; S. 70° 29' W. 647.4 feet; and S. 68° 06' W. 50.3 feet to a point in road, from which point an iron rod set in fence bears N. 19° E. 27.0 feet, for South line of the 90 acres, and the SWC of this tract;

THENCE N. 19° 00' E. 1982.4 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71° 00' E. with North line of the 73 acre tract, 557.2 feet to an iron rod set for the NEC of this tract;

THENCE S. 19° 00' W. 1538.1 feet to the place of beginning, containing 22.488 acres, of which 0.330 acres is in county road.

### TRACT TWO:

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39, and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, at the SEC of said former 90 acre tract, from which point an iron rod at fence corner bears S. 22° 35' W. 31.0 feet, and a 14" elm tree, at fence corner bears N. 22° 35' E., 47.7 feet, for the SEC of this tract;

THENCE along center of said road, as follows: S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet to a point in road on South line of the 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, for the SWC of this tract;

THENCE N. 19° 00' E. 1538.1 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71° 00' E. with North line of the 73 acre tract, 757.8 feet to an iron rod set in fence, at the NEC of the 73 acres, on East line of said 90 acres, for the NEC of this tract;

THENCE with fence, S. 19° 16' W., 148.7 feet; and S. 18° 55' W. 843.6 feet to said 14" Elm at fence corner, for a corner of this tract;

THENCE S. 22° 35' E. 47.7 feet to the place of beginning, containing 22.488 acres, of which 0.415 acres is in county road.

### TRACT THREE:

All that certain 374.66 acre tract of land, being part of Block 23, Block 21, Block 22 and Block 24 of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being the remainder of that certain 90 acre tract described in deed from J.R. Rucker to H.S. Rucker, dated August 16, 1919 and recorded in Volume 180, page 438 of the Deed Records of Erath County, Texas, part of that certain 73 acre tract and all that 155 acre tract described in deed from Elton M. Hyder et al to Mrs. Laura E. Rucker, dated January 9, 1957 and recorded in Volume 360, Page 123 of the Deed Records of Erath County, Texas, all that certain 100 acre tract described as Sixth tract and all that certain 182 acre tract described as Seventh Tract in deed from Laura Maynette Rucker to James Green Rucker, dated May 5, 1969

and recorded in Volume 423, Page 401 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found in place at the NE corner of a 22.488 acre tract awarded E. B. Rucker in Final Decree Confirming Partition in Cause No. 13,667 in the District Court of Erath County, Texas, 266th Judicial District and recorded in Volume 648, page 248 of the Deed Records of Erath County, Texas, for the most northerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 19 deg. 22' 50" W, 992.01', S 67 deg. 56' E, 538.4', S 69 deg. 24' E, 721.0', S 70 deg. 48' E, 1223.0', S 19 deg. 13' W, 10.9', S 70 deg. 53 E, 2088.8' and S 19 deg. 00 W, 1943.8';

THENCE N 70 deg. 37' 08" W, at 757.85' pass an iron rod found in place at the NW corner of said E. B. Rucker 22.488 acre tract and the NE corner of a 22.488 acre tract described in deed from Ann B. Rucker to Jay Ann Rucker Nickles, dated July 31, 1984 and recorded in Volume 639, Page 453 of the Deed Records of Erath County, Texas, continuing in all 1315.05' to an iron rod found at the NW corner of the Nickles 22.488 acre tract, for an inner corner of this tract;

THENCE S 19 deg. 21' 49" W, at 1955.4' pass an iron rod set at a fence corner post in the northwest line of a County Road, continuing in all 1982.4' to an iron rod set in said road, being the SW corner of the Nickles 22.488 acre tract, for the most southerly SE corner of this tract;

THENCE S 68 deg. 26' 30" W along the approximate centerline of said County Road, 1645.36' to an iron rod set at a bend in said road, being at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 15' 56" W along the approximate centerline of said County Road and the south line of the Daniel Bradley Survey, 973.63' to an iron rod set at the SW corner of said 182 acre tract and SW corner of said 155 acre tract, for the SW corner of this tract;

THENCE along a west line of said 182 acre tract as follows, N 19 deg. 16' 11" E, at 17.0' pass an iron rod set at a fence corner post in the north line of said County Road, continuing along a fence line in all 1841.41' to an iron rod set at a fence corner, N 19 deg. 23' 31" E, 409.21' to an iron rod set at a fence corner and N 18 deg. 13' 40" E, 771.07' to an iron rod set at a fence corner post at an inner corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 28' 37" W along a fence line, 176.38' to an iron rod set at a fence corner post at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 18 deg. 31' 00" E along a fence line 2960.63' to an iron rod set at a fence corner post at the NW corner of said 182 acre tract and in the south line of a 160 acre tract of land described in Deed from Mrs. Lena Sloan Yound to G. W. Hudson, dated July 22, 1933 and recorded in Volume 233, Page 261 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 64 deg. 50' 35" E along a fence line along the south line of said 160 acre tract, 1916.37' to an iron rod set at a fence corner post at the NE corner of said 182 acre tract and the NW corner of said 100 acre tract, for a corner of this tract;

THENCE along a fence line along the south line of said 160 acre tract and the north line of said 100 acre tract as follows, S 64 deg. 09' 09" E, 594.33' to an iron rod set at a fence corner and S 65 deg. 02' 55" E, 1280.07' to an iron rod set at a fence corner post at the NE corner of said 100 acre tract, for the NE corner of this tract;

THENCE along a fence line along the east line of said 100 acre tract and 90 acre tract as follows, S 19 deg. 12' 16" W, 1238.24' to an iron rod found in place at a fence corner and S 19 deg. 33' 45" W, 1285.39' to the place of beginning and containing 374.66 acres of land with approximately 1.10 acres being within the right of way of said County Road.

LESS, SAVE AND EXCEPT all that certain 565.10 square meters (6083 square feet) of land, more or less, out of that certain 151.62 hectares (374.66 acres), situated in the Daniel Bradley Survey, Abstract No. 39, Erath County, Texas, described in deed from recorded in Volume 790, Page 322, Erath County Deed Records (E.C.D.R.); said 565.10 square meters of land being more particularly described as follows with all bearings based on a bearing of North 71 15'56" West for the south line of said 151.62 hectare tract as determined from found 10M iron rod which bears North 19 16'11" E, 5.182 meters (17.00 feet) from the southwest corner and found 10M iron rod which bears North 19 02'45"



East, 8.207 meters (26.93 feet) from the southeast corner of said 151.62 hectare tract:

COMMENCING at a 10 iron rod found in the northeast right of way of County Road 341 (having a variable width based on a prescriptive easement) from which the southwest corner of said 151.62 hectare tract bears South 19 16'11" West, 5.182 meters (17.00 feet);

THENCE South 70° 3' 47" East generally along said existing northeast right of way line, a distance of 61.814 meters (202.80) to a 15M iron rod set in said existing northeast right of way line for the Point of Beginning of the herein described parcel;

THENCE South 80° 13' 29" East along the proposed northeast right of way line of said County Road 341, a distance of 54.552 meters (178.98 feet) to a 15M iron rod set for an angle point;

THENCE South 71 ° 17' 36" East continuing along the said proposed northeast right of way line, a distance of 19.792 meters ( 64.93 feet) to a 15M iron rod set for an angle point;

THENCE South 59° 54' 03" East continuing along said proposed northeast right of way line, a distance of 42.149 meters (138.28 feet) to a 15M iron rod set in said existing northeast right of way line;

THENCE North 69° 53' 08" West along said existing northeast right of way line, a distance of 12.086 meters (39.65 feet) to an angle point;

THENCE North 71 ° 55' 02" West continuing along said existing northeast right of way line, a distance of 20.319 meters (66.66 feet) to an angle point;

THENCE North 69° 02' 46" West continuing along said existing northeast right of way line, a distance of 11.857 meters (38.90 feet) to an angle point;

THENCE North 73° 25' 58" West continuing along said existing northeast right of way line, a distance of 18.348 meters (60.20 feet) to an angle point;

THENCE North 72° 12' 03" West continuing along said existing northeast right of way line, a distance of 32.120 meters (105.38 feet) to an angle point;

THENCE North 69° 48' 19" West continuing along said existing northeast right of way line, a distance of 17.374 meters (57.00 feet) to an angle point;

THENCE North 70° 09' 29" West continuing along said existing northeast right of way line, a distance of 2.933 meters (9.62 feet) to the Point of Beginning and containing 565.10 square meters (6083 square feet), more or less.

#### **TRACT FOUR:**

All that certain 318.24 acres out of the Daniel Bradley Survey, A-38, and being part of a former 908.10 acre tract described in Deed dated Sept. 30, 1968, from Everett Colburn, to Dennis Funderburgh, recorded in Vol. 429, page 244, Deed Records of Erath County, Texas, and the 318.24 acres being described as follows:

Beginning at an iron rod at fence corner, in South line of the Daniel Bradley Survey, A-38, from which point the SWC of said Bradley Survey bears N. 74-12 W. 20 feet, for the SWC of the 908.10 acre tract, and the SWC of this tract;

Thence with fence, along the Easterly and Northerly side of county road, as follows: N. 18-19 E. 1996.1 feet; N. 25-25 E. 123.5 feet; N. 19-17 E. 129.6 feet; N. 18-55 E. 811.3 feet; N. 25-14 E. 383.0 feet; N. 41-27 E. 999.7 feet; N. 61-02 E. 248.2 feet; N. 73-15 E. 415.1 feet; N. 78-32 E. 729.0 feet; N. 78-35 E. 612.0 feet; N. 78-24 E. 422.8 feet; and N. 75-36 E. 131.1 feet to an iron rod at fence corner, being the NWC of a 354.88 acre tract out of the NE part of said 908.10 acre tract, for the NEC of this tract;

Thence with fence, as follows: S. 02-16 W. 656.8 feet; S. 01-41 W. 273.5 feet; S. 02-12 W. 190.6 feet; S. 31-12 W. 932.3 feet; and S. 20-24 W. 823.6 feet to an iron rod at fence corner, at the SWC of said 354.88 acres, for an inner

comer of this tract;

Thence with fence, as follows: S. 12-11 W. 35.3 feet; S. 01-19 W. 875.9 feet; S. 04-12 W. 123.4 feet; S. 26-09 W. 666.3 feet; and S. 16-23 W. 1209.7 feet to an iron rod set in occupied South line of the Bradley Survey, for South line of the 908.10 acre tract, and SEC of this tract;

Thence with fence and occupied South line of the Bradley Survey, as follows: N. 72-48 W. 944.2 feet; N. 73-37 W. 146.2 feet; N. 87-53 W. 57.0 feet; N. 79-49 W. 59.5 feet; N. 72-47 W. 686.9 feet; N. 74-11 W. 167.8 feet; N. 47-01 W. 77.6 feet; N. 72-40 W. 558.0 feet; N. 70-40 W. 61.4 feet; N. 77-30 W. 21.1 feet; and N. 74-12 W. 161.1 feet to the place of beginning, containing 318.24 acres.

**TRACT FIVE:**

All that certain 90.30 acres of land out of the NWC of the Elijah Hennings Survey, A-344, in Erath County, Texas and described as follows:

BEGINNING at a R.R. spike driven below the surface of a county road at the NWC of the Elijah Hennings Survey for the NWC of this;

THENCE S 72 deg. 25' E passing a 30" oak tree in east fence line of a county road at 20.0 ft., then continuing along the same bearing following a fence, crossing a stream at 262 ft., for a total distance of 312.6 ft., to an iron pin for comer;

THENCE S 71 deg. 38' E 508.9 ft. following the above mentioned fence which is the occupied north line of the Elijah Hennings Survey, to an iron pin in the north side of a 1 O" oak tree for comer;

THENCE S 46 deg. 41' E 78.8 ft. along said fence to an iron pin on the north side of a 16" mesquite tree for comer;

THENCE S 72 deg. 52' E 247.6 ft. along said fence to an iron pin for comer;

THENCE S 72 deg. 02' E 654.7 ft. along said fence to an iron pin for comer;

THENCE N 88 deg. 59' E 75.9 ft. along said fence to an iron pin for comer;

THENCE S 73 deg. 13' E 108.2 ft. along said fence to an iron pin for comer;

THENCE S 72 deg. 17' E 765.8 ft. along said fence to an iron pin being the NWC of Second Tract for the NEC of this;

THENCE S 35 deg. 41' W 2335.1 ft. to an iron pin in fence being the SWC of Second Tract for the southeast of this;

THENCE N 28 deg. 30' W 260.0 ft. along a fence being the S line of said 331.96 acre tract, which is also the north line of Clay Gomer tract, to an iron pin on the east side of a fence comer post;

THENCE N 3 8 deg. 30' W passing a 12" tree at 310. 0 ft. in fence line for a total distance of 417. 0 ft to an iron pin for comer;

THENCE N 41 deg. 25' W passing a 18" tree at 23.0 ft. in fence line for a total distance of 1303.0 ft. to an iron pin on the east side of a 12" tree for intersecting fence comer;

THENCE N 71 deg. 41' W passing a 18" tree at intersecting fence comer at 157 ft., then following fence in same direction for a total distance of 201.0 ft, to an iron pin for comer;

THENCE N 61 deg. 53' W along a fence crossing a stream 162 ft., a county road east line fence at 177 ft., for a total distance of 195.0 ft. to an iron pin in the west line of Elijah Hennings Survey, being the southwest corner of said 331.96 acre tract for the SWC of this;

THENCE N 19 deg. 00' E 1117.2 ft. along the center of a county road, being the west line of Elijah Hennings Survey, to the place of beginning containing 90.3 acres with 0.50 acre being in the county road.

**TRACT SIX:**

All that certain 34.26 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966, and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, being in the north line of said 200 acre tract, at the NE corner of a 25 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S 70 53' E, 1524.16' and S 19 00' W, 1943.8';

THENCE S 19° 4 7' W, along the east line of said 25 acre tract, at 29.6' pass an iron rod set on line in the south line of said County Road, continuing in all 1953.29' to an iron rod set at the SW corner of said 25 acre tract, being in the south line of the Daniel Bradley Survey, for the SW corner of this tract;

THENCE S 71 ° 14' 30" E along a fence line along the south line of the Daniel Bradley Survey, 765.07' to an iron rod set for the SE corner of this tract;

THENCE N 19° 4 7' E, at 1929.0' pass an iron rod set on line in the south line of said County Road, continuing in all 1948.5' to an iron rod set in said road being in the north line of said 200 acre tract, for the NE corner of this tract;

THENCE N 70° 53' W along said road and the north line of said 200 acre tract, 765.0' to the place of beginning and containing 34.26 acres of land in area with 0.43 acres being within the right of way of a County Road along the north side of this tract.

**TRACT SEVEN:**

All that certain 30.00 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966 and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, in the north line of said 200 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 70 degrees 53 minutes E, 759.16 feet and S 19 degrees 00 minutes W, 1943.8 feet;

THENCE S 19 degrees 47 minutes W, at 19.5 feet pass an iron rod set in the south line of said County Road, continuing in all 1697.92 feet to an iron rod set for the SW corner of this tract;

THENCE S 71 degrees 14 minutes 30 seconds E, 782.43 feet to an iron spike set in the center of a County Road, in the east line of the Daniel Bradley Survey, for the SE corner of this tract, from which an iron rod reference monument set in the west line of said County Road bears N 71 degrees 14 minutes 30 seconds W, 18 feet;

THENCE N 19 degrees 00 minutes E along the east line of the Daniel Bradley Survey and the center of said road, 1693.26 feet to an iron stake set in said road, at the NE corner of said 200 acre tract, for the NE corner of this tract;

THENCE N 70 degrees 53 minutes W at 18.0 feet pass an iron rod set at a fence corner post in the west side of said road, continuing along a County Road, 759.16 feet to the place of beginning and containing 30.00 acres of land in area with 0.93 acres being within the right of way of County Roads along the north and east sides of this tract.

**TRACT EIGHT:**

All that certain 4.51 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16 1966, and recorded in Volume 405, page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron stake set in the center of County Road, at the SEC of the Daniel Bradley Survey being the SEC of said 200 acre tract, for the SEC of this tract, from which an iron rod reference monument set at a fence corner post in the west line of said County Road bears N 71 deg 14 min 30 sec W 18.0 ft;

THENCE N 19 deg 00 min E along the east line of said 200 acre tract and the center of a County Road, 250.54 ft. to an iron stake set for the NEC of this tract, from which an iron rod set in the west line of said County Road bears N 71 deg 14 min 30 sec W, 18.0 ft;

THENCE N 71 deg 14 min 30 sec W, 782.43 ft. to an iron rod set for the NWC of this tract;

THENCE S 19 deg 47 min W, 250.58 ft. to an iron rod set in the south line of said 200 acre tract for the SWC of this tract;

THENCE S 71 deg 14 min 30 sec E along a fence line along the south line of said 200 acre tract, 785.85 ft. to the place of beginning and containing 4.51 acres of land in area with 0.10 acres being within the right of way of a County Road along the east side of this tract.

**TRACT NINE:**

All that certain 174.19 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being part of that certain 489.83 acre tract of land described in Deed from Malcolm Edmundson to Roy Hufstutler, dated August 24, 1983 and recorded in Volume 619, Page 913 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found at a fence corner post in the north line of a County Road, being the most southerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE along a fence line along the north line of said County Road and the south line of said 489.83 acre tract as follows: N. 70 deg. 48' W., 1223.0' to an iron rod set, N. 69 deg. 25' 43" W., 721.25' to an iron rod set and N. 67 deg. 56' W., 498.36' to an iron rod set at a fence corner post at the SE corner of a 2.09 acre tract described as Tract No. 2 in Deed from Roy Hufstutler to Gary S. Miller and Rick L. Miller dated April 12, 1985 and recorded in Volume 659, Page 200 of the Deed Records of Erath County, Texas, for the SW corner of this tract, from which an iron rod found at the SW corner of said 489.83 acre tract bears N. 67 deg. 56' W., 40.04';

THENCE N. 19 deg. 29' 33" E. along a fence line, 2278.99' to an iron rod set at a fence corner post at the NE corner of said 2.09 acre tract and in the south line of a 313.51 acre tract described as Tract No 1 in Deed to the Millers, for the NW corner of this tract, from which an iron rod found at a fence corner post at the SW corner of said 313.51 acre tract bears N. 70 deg. 12' 45" W., 40.0';

THENCE S. 70 deg. 12' 45" E. along a fence line, 3044.63' to an iron rod found at a fence corner post at the SE corner of said 313 .51 acre tract and at a former inner corner of said 489 .83 acre tract, for a corner of this tract;

THENCE S. 70 deg. 13' 10" E. along a fence line, 1535.40' to an iron rod found at a fence corner post at a NE corner of said 489.83 acre tract, for the NE corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 1.20' to an iron rod set at an external corner of said 489.83 acre tract, being in the west line of a 908 .1 acre tract described in Deed from Everett M. Colburn to Dennis M. Funderburg et ux dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, for a corner of this tract;

THENCE S. 19 deg. 54' 09" W. along the west line of said 908.1 acre tract, 899.35' to an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of said 489 .83 acre tract, for a corner of this tract;

THENCE along a fence line along the most northerly south line of said 489.83 acre tract as follows: N. 71 deg. 16'

03" W., 1266.39' to an iron rod set and N. 72 deg. 58' W., 873.30' to an iron rod found at a fence corner post at an inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 19 deg. 13' 27" W. along a fence line, 1331.03' to the place of beginning and containing 174.19 acres of land.

**TRACT TEN:**

All that certain 2.37 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 38, in Erath County, Texas, being part of that certain 908.1 acre tract of land described in Deed from Everett E. Colburn to Dennis M. Funderburg, dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, being under occupation with the Roy Hufstutler 489.83 acre tract and described as follows:

BEGINNING at an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of the Roy Hufstutler 489.83 acre tract, for the south corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears N. 70 deg. 16' 03" W., 1266.39', N. 72 deg. 58" W., 873.30', S. 19 deg. 13' 27" W., 1331.03', S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE N. 19 deg. 54' 07" E. along the west line of said 908.1 acre tract, 899.35' to an iron rod set in a fence line, being at an external corner of said 489.83 acre tract, for the NW corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 314.61' to an iron rod found at a fence corner post in the northwest line of a County Road, for the east corner of this tract;

THENCE along a fence line along the northwest line of said County Road as follows: S. 42 deg. 42' 36" W., 552.78' to an iron rod set at a fence corner and S. 31 deg. 14' W., 210.50' to the place of beginning and containing 2.37 acres of land.

\*\*\*\*DO NOT REMOVE \*\*\*\*THIS PAGE IS PART OF THE INSTRUMENT\*\*\*\*

Document No. 2021-09747

DEED

Parties: FIRST PUEBLO INC  
to  
DAIRY FARM LAND INVESTMENTS

FILED AND RECORDED  
REAL RECORDS

On: 12/21/2021 at 03:41 PM

Document Number: 2021-09747

Receipt No. 110063

Amount: \$70.00

By: cwhite

Gwinda Jones, County Clerk  
Erath County, Texas

13 Pages



STATE OF TEXAS  
County of Erath

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Erath County.

Gwinda Jones, County Clerk

A handwritten signature in cursive script, reading "Gwinda Jones", is written over a horizontal line.

Record and Return To:  
KING TITLE COMPANY  
IN BOX



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Special Warranty Deed with Vendor's Lien

Date: December 17<sup>th</sup>, 2021

Grantor: First Pueblo, Inc.

Grantor's Mailing Address: 4651 BRYANT IRVEN RD., FORT WORTH, TX 76132

Grantee: Dairy Farm Land Investments of Texas, LLC

Grantee's Mailing Address: 4651 BRYANT IRVEN RD., FORT WORTH, TX 76132

Lender: AgTexas Farm Credit Services

Lender's Mailing Address: 5004 N. Loop 829, Lubbock, Texas 79416

Trustee: Tim McDonald

Consideration:

Cash and a note of even date executed by Grantee and payable to the order of Lender in the principal amount of SIX MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$6,400,000.00 ). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date from Grantee to Trustee.

Property (including any improvements):

See Exhibit A, attached hereto and incorporated by reference herein, as an integral part of Exhibit B, also attached hereto and incorporated by reference herein.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; and any validly existing titles or rights asserted by anyone, including but not limited to persons, the public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and

assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

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

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

First Pueblo, Inc.

By: *[Signature]*

Printed Name: GERALD BENSON DIDDLE, JR.

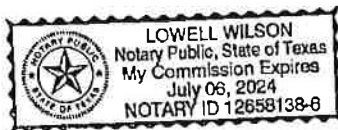
Title: MEMBER PRESIDENT

STATE OF TEXAS

COUNTY OF ERATH

Before me, the undersigned Notary Public, on this day personally appeared GERALD BENSON DIDDLE, JR., acting as PRESIDENT on behalf of First Pueblo, Inc. proved to me through TEXAS DRIVER'S LICENSE to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17<sup>th</sup> day of December, 2021.



*[Signature]*  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
Dorsett Johnson & Swift, LLP  
407 Throckmorton, Suite 500  
Fort Worth, Texas 76102

AFTER RECORDING RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## EXHIBIT A

### TRACT SIX:

All that certain 34.26 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966, and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, being in the north line of said 200 acre tract, at the NE corner of a 25 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S 70° 53' E, 1524.16' and S 19° 00' W, 1943.8';

THENCE S 19° 4' 7" W, along the east line of said 25 acre tract, at 29.6' pass an iron rod set on line in the south line of said County Road, continuing in all 1953.29' to an iron rod set at the SW corner of said 25 acre tract, being in the south line of the Daniel Bradley Survey, for the SW corner of this tract;

THENCE S 71° 14' 30" E along a fence line along the south line of the Daniel Bradley Survey, 765.07' to an iron rod set for the SE corner of this tract;

THENCE N 19° 4' 7" E, at 1929.0' pass an iron rod set on line in the south line of said County Road, continuing in all 1948.5' to an iron rod set in said road being in the north line of said 200 acre tract, for the NE corner of this tract;

THENCE N 70° 53' W along said road and the north line of said 200 acre tract, 765.0' to the place of beginning and containing 34.26 acres of land in area with 0.43 acres being within the right of way of a County Road along the north side of this tract.

### TRACT SEVEN:

All that certain 30.00 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966 and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, in the north line of said 200 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 70 degrees 53 minutes E, 759.16 feet and S 19 degrees 00 minutes W, 1943.8 feet;

THENCE S 19 degrees 47 minutes W, at 19.5 feet pass an iron rod set in the south line of said County Road, continuing in all 1697.92 feet to an iron rod set for the SW corner of this tract;

THENCE S 71 degrees 14 minutes 30 seconds E, 782.43 feet to an iron spike set in the center of a County Road, in the east line of the Daniel Bradley Survey, for the SE corner of this tract, from which an iron rod reference monument set in the west line of said County Road bears N 71 degrees 14 minutes 30 seconds W, 18 feet;

THENCE N 19 degrees 00 minutes E along the east line of the Daniel Bradley Survey and the center of said road, 1693.26 feet to an iron stake set in said road, at the NE corner of said 200 acre tract, for the NE corner of this tract;

THENCE N 70 degrees 53 minutes W at 18.0 feet pass an iron rod set at a fence corner post in the west side of said road, continuing along a County Road, 759.16 feet to the place of beginning and containing 30.00 acres of land in area with 0.93 acres being within the right of way of County Roads along the north and east sides of this tract.

### TRACT EIGHT:

All that certain 4.51 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16 1966, and recorded in Volume 405, page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron stake set in the center of County Road, at the SEC of the Daniel Bradley Survey being the SEC of said 200 acre tract, for the SEC of this tract, from which an iron rod reference monument set at a fence corner post in the west line of said County Road bears N 71 deg 14 min 30 sec W 18.0 ft;

THENCE N 19 deg 00 min E along the east line of said 200 acre tract and the center of a County Road, 250.54 ft. to an iron stake set for the NEC of this tract, from which an iron rod set in the west line of said County Road bears N 71 deg 14 min 30 sec W, 18.0 ft;

THENCE N 71 deg 14 min 30 sec W, 782.43 ft. to an iron rod set for the NWC of this tract;

THENCE S 19 deg 47 min W, 250.58 ft. to an iron rod set in the south line of said 200 acre tract for the SWC of this tract;

THENCE S 71 deg 14 min 30 sec E along a fence line along the south line of said 200 acre tract, 785.85 ft. to the place of beginning and containing 4.51 acres of land in area with 0.10 acres being within the right of way of a County Road along the east side of this tract.

#### **TRACT NINE:**

All that certain 174.19 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being part of that certain 489.83 acre tract of land described in Deed from Malcolm Edmundson to Roy Hufstutler, dated August 24, 1983 and recorded in Volume 619, Page 913 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found at a fence corner post in the north line of a County Road, being the most southerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE along a fence line along the north line of said County Road and the south line of said 489.83 acre tract as follows: N. 70 deg. 48' W., 1223.0' to an iron rod set, N. 69 deg. 25' 43" W., 721.25' to an iron rod set and N. 67 deg. 56' W., 498.36' to an iron rod set at a fence corner post at the SE corner of a 2.09 acre tract described as Tract No. 2 in Deed from Roy Hufstutler to Gary S. Miller and Rick L. Miller dated April 12, 1985 and recorded in Volume 659, Page 200 of the Deed Records of Erath County, Texas, for the SW corner of this tract, from which an iron rod found at the SW corner of said 489.83 acre tract bears N. 67 deg. 56' W., 40.04';

THENCE N. 19 deg. 29' 33" E. along a fence line, 2278.99' to an iron rod set at a fence corner post at the NE corner of said 2.09 acre tract and in the south line of a 313.51 acre tract described as Tract No 1 in Deed to the Millers, for the NW corner of this tract, from which an iron rod found at a fence corner post at the SW corner of said 313.51 acre tract bears N. 70 deg. 12' 45" W., 40.0';

THENCE S. 70 deg. 12' 45" E. along a fence line, 3044.63' to an iron rod found at a fence corner post at the SE corner of said 313.51 acre tract and at a former inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 70 deg. 13' 10" E. along a fence line, 1535.40' to an iron rod found at a fence corner post at a NE corner of said 489.83 acre tract, for the NE corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 1.20' to an iron rod set at an external corner of said 489.83 acre tract, being in the west line of a 908.1 acre tract described in Deed from Everett M. Colburn to Dennis M. Funderburg et ux dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, for a corner of this tract;

THENCE S. 19 deg. 54' 09" W. along the west line of said 908.1 acre tract, 899.35' to an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of said 489.83 acre tract, for a corner of this tract;

THENCE along a fence line along the most northerly south line of said 489.83 acre tract as follows: N. 71 deg. 16'

03" W., 1266.39' to an iron rod set and N. 72 deg. 58' W., 873.30' to an iron rod found at a fence corner post at an inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 19 deg. 13' 27" W. along a fence line, 1331.03' to the place of beginning and containing 174.19 acres of land.

**TRACT TEN:**

All that certain 2.37 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 38, in Erath County, Texas, being part of that certain 908.1 acre tract of land described in Deed from Everett E. Colburn to Dennis M. Funderburg, dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, being under occupation with the Roy Hufstutler 489.83 acre tract and described as follows:

BEGINNING at an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of the Roy Hufstutler 489.83 acre tract, for the south corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears N. 70 deg. 16' 03" W., 1266.39', N. 72 deg. 58" W., 873.30', S. 19 deg. 13' 27" W., 1331.03', S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE N. 19 deg. 54' 07" E. along the west line of said 908.1 acre tract, 899.35' to an iron rod set in a fence line, being at an external corner of said 489.83 acre tract, for the NW corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 314.61' to an iron rod found at a fence corner post in the northwest line of a County Road, for the east corner of this tract;

THENCE along a fence line along the northwest line of said County Road as follows: S. 42 deg. 42' 36" W., 552.78' to an iron rod set at a fence corner and S. 31 deg. 14' W., 210.50' to the place of beginning and containing 2.37 acres of land.

## **EXHIBIT B**

### **TRACT ONE:**

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39, and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, on the South line of said former 90 acre tract, from which point an iron rod set in fence bears N. 19 E. 19.7 feet, and said point being S. 73 47' W. 238.6 feet; S. 76 08' W. 275.0 feet; and S. 76 18' W. 391.5 feet from the SEC of the 90 acre tract, for the SEC of this tract;

THENCE along center of said road, S. 76 18' W. 15.0 feet; S. 70 29' W. 647.4 feet; and S. 68 06' W. 50.3 feet to a point in road, from which point an iron rod set in fence bears N. 19 E. 27 .0 feet, for South line of the 90 acres, and the SWC of this tract;

THENCE N. 19° 00' E. 1982.4 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 557.2 feet to an iron rod set for the NEC of this tract;

THENCE S. 19° 00 W. 1538.1 feet to the place of beginning, containing 22.488 acres, of which 0.330 acres is in county road.

### **TRACT TWO:**

All that certain 22.488 acres out of Blk. 23, Daniel Bradley Survey, A-39, and being part of the Southerly 73 acres of a former 90 acre tract conveyed to Harry S. Rucker by deed recorded in Vol. 180, page 438, Deed Records of Erath County, Texas, and the 22.488 acres being described as follows:

BEGINNING at a point in center of the old Dublin-Comanche County Road, at the SEC of said former 90 acre tract, from which point an iron rod at fence corner bears S. 22 35' W. 31.0 feet, and a 14" elm tree, at fence corner bears N. 22 35' E., 47.7 feet, for the SEC of this tract;

THENCE along center of said road, as follows: S. 73° 47' W. 238.6 feet; S. 76° 08' W. 275.0 feet; and S. 76° 18' W. 391.5 feet to a point in road on South line of the 90 acre tract, from which point an iron rod set in fence bears N. 19° E. 19.7 feet, for the SWC of this tract;

THENCE N. 19° 00' E. 1538.1 feet to an iron rod set in North line of the Southerly 73 acres of said 90 acres, for the NWC of this tract;

THENCE S. 71 ° 00' E. with North line of the 73 acre tract, 757.8 feet to an iron rod set in fence, at the NEC of the 73 acres, on East line of said 90 acres, for the NEC of this tract;

THENCE with fence, S. 19° 16' W., 148.7 feet; and S. 18 55' W. 843.6 feet to said 14" Elm at fence corner, for a corner of this tract;

THENCE S. 22° 35' E. 47.7 feet to the place of beginning, containing 22.488 acres, of which 0.415 acres is in county road.

### **TRACT THREE:**

All that certain 374.66 acre tract of land, being part of Block 23, Block 21, Block 22 and Block 24 of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being the remainder of that certain 90 acre tract described in deed from J.R. Rucker to H.S. Rucker, dated August 16, 1919 and recorded in Volume 180, page 438 of the Deed Records of Erath County, Texas, part of that certain 73 acre tract and all that 155 acre tract described in deed from Elton M. Hyder et al to Mrs. Laura E. Rucker, dated January 9, 1957 and recorded in Volume 360, Page 123 of the Deed Records of Erath County, Texas, all that certain 100 acre tract described as Sixth tract and all that certain 182 acre tract described as Seventh Tract in deed from Laura Maynette Rucker to James Green Rucker, dated May 5, 1969

and recorded in Volume 423, Page 401 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found in place at the NE corner of a 22.488 acre tract awarded E. B. Rucker in Final Decree Confirming Partition in Cause No. 13,667 in the District Court of Erath County, Texas, 266th Judicial District and recorded in Volume 648, page 248 of the Deed Records of Erath County, Texas, for the most northerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 19 deg. 22' 50" W, 992.01', S 67 deg. 56' E, 538.4', S 69 deg. 24' E, 721.0', S 70 deg. 48' E, 1223.0', S 19 deg. 13' W, 10.9', S 70 deg. 53' E, 2088.8' and S 19 deg. 00' W, 1943.8';

THENCE N 70 deg. 37' 08" W, at 757.85' pass an iron rod found in place at the NW corner of said E. B. Rucker 22.488 acre tract and the NE corner of a 22.488 acre tract described in deed from Ann B. Rucker to Jay Ann Rucker Nickles, dated July 31, 1984 and recorded in Volume 639, Page 453 of the Deed Records of Erath County, Texas, continuing in all 1315.05' to an iron rod found at the NW corner of the Nickles 22.488 acre tract, for an inner corner of this tract;

THENCE S 19 deg. 21' 49" W, at 1955.4' pass an iron rod set at a fence corner post in the northwest line of a County Road, continuing in all 1982.4' to an iron rod set in said road, being the SW corner of the Nickles 22.488 acre tract, for the most southerly SE corner of this tract;

THENCE S 68 deg. 26' 30" W along the approximate centerline of said County Road, 1645.36' to an iron rod set at a bend in said road, being at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 15' 56" W along the approximate centerline of said County Road and the south line of the Daniel Bradley Survey, 973.63' to an iron rod set at the SW corner of said 182 acre tract and SW corner of said 155 acre tract, for the SW corner of this tract;

THENCE along a west line of said 182 acre tract as follows, N 19 deg. 16' 11" E, at 17.0' pass an iron rod set at a fence corner post in the north line of said County Road, continuing along a fence line in all 1841.41' to an iron rod set at a fence corner, N 19 deg. 23' 31" E, 409.21' to an iron rod set at a fence corner and N 18 deg. 13' 40" E, 771.07' to an iron rod set at a fence corner post at an inner corner of said 182 acre tract, for a corner of this tract;

THENCE N 71 deg. 28' 37" W along a fence line, 176.38' to an iron rod set at a fence corner post at an external corner of said 182 acre tract, for a corner of this tract;

THENCE N 18 deg. 31' 00" E along a fence line 2960.63' to an iron rod set at a fence corner post at the NW corner of said 182 acre tract and in the south line of a 160 acre tract of land described in Deed from Mrs. Lena Sloan Yound to G. W. Hudson, dated July 22, 1933 and recorded in Volume 233, Page 261 of the Deed Records of Erath County, Texas, for the NW corner of this tract;

THENCE S 64 deg. 50' 35" E along a fence line along the south line of said 160 acre tract, 1916.37' to an iron rod set at a fence corner post at the NE corner of said 182 acre tract and the NW corner of said 100 acre tract, for a corner of this tract;

THENCE along a fence line along the south line of said 160 acre tract and the north line of said 100 acre tract as follows, S 64 deg. 09' 09" E, 594.33' to an iron rod set at a fence corner and S 65 deg. 02' 55" E, 1280.07' to an iron rod set at a fence corner post at the NE corner of said 100 acre tract, for the NE corner of this tract;

THENCE along a fence line along the east line of said 100 acre tract and 90 acre tract as follows, S 19 deg. 12' 16" W, 1238.24' to an iron rod found in place at a fence corner and S 19 deg. 33' 45" W, 1285.39' to the place of beginning and containing 374.66 acres of land with approximately 1.10 acres being within the right of way of said County Road.

LESS, SAVE AND EXCEPT all that certain 565.10 square meters (6083 square feet) of land, more or less, out of that certain 151.62 hectares (374.66 acres), situated in the Daniel Bradley Survey, Abstract No. 39, Erath County, Texas, described in deed from recorded in Volume 790, Page 322, Erath County Deed Records (E.C.D.R.); said 565.10 square meters of land being more particularly described as follows with all bearings based on a bearing of North 71 15'56" West for the south line of said 151.62 hectare tract as determined from found 10M iron rod which bears North 19 16'11" E, 5.182 meters (17.00 feet) from the southwest corner and found 10M iron rod which bears North 19 02'45"

East, 8.207 meters (26.93 feet) from the southeast corner of said 151.62 hectare tract:

COMMENCING at a 10 iron rod found in the northeast right of way of County Road 341 (having a variable width based on a prescriptive easement) from which the southwest corner of said 151.62 hectare tract bears South 19° 16' 11" West, 5.182 meters (17.00 feet);

THENCE South 70° 3' 7" 4 7" East generally along said existing northeast right of way line, a distance of 61.814 meters (202.80) to a 15M iron rod set in said existing northeast right of way line for the Point of Beginning of the herein described parcel;

THENCE South 80° 13' 29" East along the proposed northeast right of way line of said County Road 341, a distance of 54.552 meters (178.98 feet) to a 15M iron rod set for an angle point;

THENCE South 71° 17' 36" East continuing along the said proposed northeast right of way line, a distance of 19.792 meters (64.93 feet) to a 15M iron rod set for an angle point;

THENCE South 59° 54' 03" East continuing along said proposed northeast right of way line, a distance of 42.149 meters (138.28 feet) to a 15M iron rod set in said existing northeast right of way line;

THENCE North 69° 53' 08" West along said existing northeast right of way line, a distance of 12.086 meters (39.65 feet) to an angle point;

THENCE North 71° 55' 02" West continuing along said existing northeast right of way line, a distance of 20.319 meters (66.66 feet) to an angle point;

THENCE North 69° 02' 46" West continuing along said existing northeast right of way line, a distance of 11.857 meters (38.90 feet) to an angle point;

THENCE North 73° 25' 58" West continuing along said existing northeast right of way line, a distance of 18.348 meters (60.20 feet) to an angle point;

THENCE North 72° 12' 03" West continuing along said existing northeast right of way line, a distance of 32.120 meters (105.38 feet) to an angle point;

THENCE North 69° 48' 19" West continuing along said existing northeast right of way line, a distance of 17.374 meters (57.00 feet) to an angle point;

THENCE North 70° 09' 29" West continuing along said existing northeast right of way line, a distance of 2.933 meters (9.62 feet) to the Point of Beginning and containing 565.10 square meters (6083 square feet), more or less.

**TRACT FOUR:**

All that certain 318.24 acres out of the Daniel Bradley Survey, A-38, and being part of a former 908.10 acre tract described in Deed dated Sept. 30, 1968, from Everett Colburn, to Dennis Funderburgh, recorded in Vol. 429, page 244, Deed Records of Erath County, Texas, and the 318.24 acres being described as follows:

Beginning at an iron rod at fence corner, in South line of the Daniel Bradley Survey, A-38, from which point the SWC of said Bradley Survey bears N. 74-12 W. 20 feet, for the SWC of the 908.10 acre tract, and the SWC of this tract;

Thence with fence, along the Easterly and Northerly side of county road, as follows: N. 18-19 E. 1996.1 feet; N. 25-25 E. 123.5 feet; N. 19-17 E. 129.6 feet; N. 18-55 E. 811.3 feet; N. 25-14 E. 383.0 feet; N. 41-27 E. 999.7 feet; N. 61-02 E. 248.2 feet; N. 73-15 E. 415.1 feet; N. 78-32 E. 729.0 feet; N. 78-35 E. 612.0 feet; N. 78-24 E. 422.8 feet; and N. 75-36 E. 131.1 feet to an iron rod at fence corner, being the NWC of a 354.88 acre tract out of the NE part of said 908.10 acre tract, for the NEC of this tract;

Thence with fence, as follows: S. 02-16 W. 656.8 feet; S. 01-41 W. 273.5 feet; S. 02-12 W. 190.6 feet; S. 31-12 W. 932.3 feet; and S. 20-24 W. 823.6 feet to an iron rod at fence corner, at the SWC of said 354.88 acres, for an inner

comer of this tract;

Thence with fence, as follows: S. 12-11 W. 35.3 feet; S. 01-19 W. 875.9 feet; S. 04-12 W. 123.4 feet; S. 26-09 W. 666.3 feet; and S. 16-23 W. 1209.7 feet to an iron rod set in occupied South line of the Bradley Survey, for South line of the 908.10 acre tract, and SEC of this tract;

Thence with fence and occupied South line of the Bradley Survey, as follows: N. 72-48 W. 944.2 feet; N. 73-37 W. 146.2 feet; N. 87-53 W. 57.0 feet; N. 79-49 W. 59.5 feet; N. 72-47 W. 686.9 feet; N. 74-11 W. 167.8 feet; N. 47-01 W. 77.6 feet; N. 72-40 W. 558.0 feet; N. 70-40 W. 61.4 feet; N. 77-30 W. 21.1 feet; and N. 74-12 W. 161.1 feet to the place of beginning, containing 318.24 acres.

**TRACT FIVE:**

All that certain 90.30 acres of land out of the NWC of the Elijah Hennings Survey, A-344, in Erath County, Texas and described as follows:

BEGINNING at a R.R. spike driven below the surface of a county road at the NWC of the Elijah Hennings Survey for the NWC of this;

THENCE S 72 deg. 25' E passing a 30" oak tree in east fence line of a county road at 20.0 ft., then continuing along the same bearing following a fence, crossing a stream at 262 ft., for a total distance of 312.6 ft., to an iron pin for comer;

THENCE S 71 deg. 38' E 508.9 ft. following the above mentioned fence which is the occupied north line of the Elijah Hennings Survey, to an iron pin in the north side of a 1 O" oak tree for comer;

THENCE S 46 deg. 41' E 78.8 ft. along said fence to an iron pin on the north side of a 16" mesquite tree for comer;

THENCE S 72 deg. 52' E 247.6 ft. along said fence to an iron pin for comer;

THENCE S 72 deg. 02' E 654.7 ft. along said fence to an iron pin for comer;

THENCE N 88 deg. 59' E 75.9 ft. along said fence to an iron pin for comer;

THENCE S 73 deg. 13' E 108.2 ft. along said fence to an iron pin for comer;

THENCE S 72 deg. 17' E 765.8 ft. along said fence to an iron pin being the NWC of Second Tract for the NEC of this;

THENCE S 35 deg. 41' W 2335.1 ft. to an iron pin in fence being the SWC of Second Tract for the southeast of this;

THENCE N 28 deg. 30' W 260.0 ft. along a fence being the S line of said 331.96 acre tract, which is also the north line of Clay Gamer tract, to an iron pin on the east side of a fence comer post;

THENCE N 3 8 deg. 30' W passing a 12" tree at 310.0 ft. in fence line for a total distance of 417.0 ft to an iron pin for comer;

THENCE N 41 deg. 25' W passing a 18" tree at 23.0 ft. in fence line for a total distance of 1303.0 ft. to an iron pin on the east side of a 12" tree for intersecting fence comer;

THENCE N 71 deg. 41' W passing a 18" tree at intersecting fence comer at 157 ft., then following fence in same direction for a total distance of 201.0 ft, to an iron pin for comer;

THENCE N 61 deg. 53' W along a fence crossing a stream 162 ft., a county road east line fence at 177 ft., for a total distance of 195.0 ft. to an iron pin in the west line of Elijah Hennings Survey, being the southwest comer of said 331.96 acre tract for the SWC of this;



THENCE N 19 deg. 00' E 1117.2 ft. along the center of a county road, being the west line of Elijah Hennings Survey, to the place of beginning containing 90.3 acres with 0.50 acre being in the county road.

**TRACT SIX:**

All that certain 34.26 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966, and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, being in the north line of said 200 acre tract, at the NE corner of a 25 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S 70 53' E, 1524.16' and S 19 00' W, 1943.8';

THENCE S 19° 4' 7" W, along the east line of said 25 acre tract, at 29.6' pass an iron rod set on line in the south line of said County Road, continuing in all 1953.29' to an iron rod set at the SW corner of said 25 acre tract, being in the south line of the Daniel Bradley Survey, for the SW corner of this tract;

THENCE S 71° 14' 30" E along a fence line along the south line of the Daniel Bradley Survey, 765.07' to an iron rod set for the SE corner of this tract;

THENCE N 19° 4' 7" E, at 1929.0' pass an iron rod set on line in the south line of said County Road, continuing in all 1948.5' to an iron rod set in said road being in the north line of said 200 acre tract, for the NE corner of this tract;

THENCE N 70° 53' W along said road and the north line of said 200 acre tract, 765.0' to the place of beginning and containing 34.26 acres of land in area with 0.43 acres being within the right of way of a County Road along the north side of this tract.

**TRACT SEVEN:**

All that certain 30.00 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16, 1966 and recorded in Volume 405, Page 191 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod set in a County Road, in the north line of said 200 acre tract, for the NW corner of this tract, from which the SE corner of the Daniel Bradley Survey bears S 70 degrees 53 minutes E, 759.16 feet and S 19 degrees 00 minutes W, 1943.8 feet;

THENCE S 19 degrees 47 minutes W, at 19.5 feet pass an iron rod set in the south line of said County Road, continuing in all 1697.92 feet to an iron rod set for the SW corner of this tract;

THENCE S 71 degrees 14 minutes 30 seconds E, 782.43 feet to an iron spike set in the center of a County Road, in the east line of the Daniel Bradley Survey, for the SE corner of this tract, from which an iron rod reference monument set in the west line of said County Road bears N 71 degrees 14 minutes 30 seconds W, 18 feet;

THENCE N 19 degrees 00 minutes E along the east line of the Daniel Bradley Survey and the center of said road, 1693.26 feet to an iron stake set in said road, at the NE corner of said 200 acre tract, for the NE corner of this tract;

THENCE N 70 degrees 53 minutes W at 18.0 feet pass an iron rod set at a fence corner post in the west side of said road, continuing along a County Road, 759.16 feet to the place of beginning and containing 30.00 acres of land in area with 0.93 acres being within the right of way of County Roads along the north and east sides of this tract.

**TRACT EIGHT:**

All that certain 4.51 acre tract of land out of the Daniel Bradley Survey, Abstract No. 39, situated in Erath County, Texas, and being part of that certain 200 acre tract of land described in deed from Royal T. Williams to Lawrence A. Williams, dated February 16 1966, and recorded in Volume 405, page 191 of the Deed Records of Erath County, Texas, and described as follows:



BEGINNING at an iron stake set in the center of County Road, at the SEC of the Daniel Bradley Survey being the SEC of said 200 acre tract, for the SEC of this tract, from which an iron rod reference monument set at a fence corner post in the west line of said County Road bears N 71 deg 14 min 30 sec W 18.0 ft;

THENCE N 19 deg 00 min E along the east line of said 200 acre tract and the center of a County Road, 250.54 ft. to an iron stake set for the NEC of this tract, from which an iron rod set in the west line of said County Road bears N 71 deg 14 min 30 sec W, 18.0 ft;

THENCE N 71 deg 14 min 30 sec W, 782.43 ft. to an iron rod set for the NWC of this tract;

THENCE S 19 deg 47 min W, 250.58 ft. to an iron rod set in the south line of said 200 acre tract for the SWC of this tract;

THENCE S 71 deg 14 min 30 sec E along a fence line along the south line of said 200 acre tract, 785.85 ft. to the place of beginning and containing 4.51 acres of land in area with 0.10 acres being within the right of way of a County Road along the east side of this tract.

#### **TRACT NINE:**

All that certain 174.19 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 39, in Erath County, Texas, being part of that certain 489.83 acre tract of land described in Deed from Malcolm Edmundson to Roy Hufstutler, dated August 24, 1983 and recorded in Volume 619, Page 913 of the Deed Records of Erath County, Texas, and described as follows:

BEGINNING at an iron rod found at a fence corner post in the north line of a County Road, being the most southerly SE corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE along a fence line along the north line of said County Road and the south line of said 489.83 acre tract as follows: N. 70 deg. 48' W., 1223.0' to an iron rod set, N. 69 deg. 25' 43" W., 721.25' to an iron rod set and N. 67 deg. 56' W., 498.36' to an iron rod set at a fence corner post at the SE corner of a 2.09 acre tract described as Tract No. 2 in Deed from Roy Hufstutler to Gary S. Miller and Rick L. Miller dated April 12, 1985 and recorded in Volume 659, Page 200 of the Deed Records of Erath County, Texas, for the SW corner of this tract, from which an iron rod found at the SW corner of said 489.83 acre tract bears N. 67 deg. 56' W., 40.04';

THENCE N. 19 deg. 29' 33" E. along a fence line, 2278.99' to an iron rod set at a fence corner post at the NE corner of said 2.09 acre tract and in the south line of a 313.51 acre tract described as Tract No 1 in Deed to the Millers, for the NW corner of this tract, from which an iron rod found at a fence corner post at the SW corner of said 313.51 acre tract bears N. 70 deg. 12' 45" W., 40.0';

THENCE S. 70 deg. 12' 45" E. along a fence line, 3044.63' to an iron rod found at a fence corner post at the SE corner of said 313.51 acre tract and at a former inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 70 deg. 13' 10" E. along a fence line, 1535.40' to an iron rod found at a fence corner post at a NE corner of said 489.83 acre tract, for the NE corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 1.20' to an iron rod set at an external corner of said 489.83 acre tract, being in the west line of a 908.1 acre tract described in Deed from Everett M. Colburn to Dennis M. Funderburg et ux dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, for a corner of this tract;

THENCE S. 19 deg. 54' 09" W. along the west line of said 908.1 acre tract, 899.35' to an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of said 489.83 acre tract, for a corner of this tract;

THENCE along a fence line along the most northerly south line of said 489.83 acre tract as follows: N. 71 deg. 16'

03" W., 1266.39' to an iron rod set and N. 72 deg. 58' W., 873.30' to an iron rod found at a fence corner post at an inner corner of said 489.83 acre tract, for a corner of this tract;

THENCE S. 19 deg. 13' 27" W. along a fence line, 1331.03' to the place of beginning and containing 174.19 acres of land.

**TRACT TEN:**

All that certain 2.37 acre tract of land, being part of the Daniel Bradley Survey, Abstract No. 38, in Erath County, Texas, being part of that certain 908.1 acre tract of land described in Deed from Everett E. Colburn to Dennis M. Funderburg, dated September 30, 1968 and recorded in Volume 429, Page 244 of the Deed Records of Erath County, Texas, being under occupation with the Roy Hufstutler 489.83 acre tract and described as follows:

BEGINNING at an iron rod found at a fence corner post in the west line of a County Road, being the most northerly SE corner of the Roy Hufstutler 489.83 acre tract, for the south corner of this tract, from which the SE corner of the Daniel Bradley Survey, A-39, bears N. 70 deg. 16' 03" W., 1266.39', N. 72 deg. 58" W., 873.30', S. 19 deg. 13' 27" W., 1331.03', S. 19 deg. 13' W., 10.9', S. 70 deg. 53' E., 2088.8' and S. 19 deg. 00' W., 1943.8';

THENCE N. 19 deg. 54' 07" E. along the west line of said 908.1 acre tract, 899.35' to an iron rod set in a fence line, being at an external corner of said 489.83 acre tract, for the NW corner of this tract;

THENCE S. 34 deg. 26' 30" E. along a fence line, 314.61' to an iron rod found at a fence corner post in the northwest line of a County Road, for the east corner of this tract;

THENCE along a fence line along the northwest line of said County Road as follows: S. 42 deg. 42' 36" W., 552.78' to an iron rod set at a fence corner and S. 31 deg. 14' W., 210.50' to the place of beginning and containing 2.37 acres of land.

## Attachment E

### **Marshall Criteria**

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

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

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

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

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

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

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

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

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

\*Conservation/management strategies (BMPs) can be located in the 2021 Brazos G Regional Water Plan Volume II-Irrigation Water Conservation Section-pgs. 2-24 & 12-25.

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

g. The proposed amendment adds new diversion reaches, new places of use and off-channel storage for the total water allotted in the permit. No additional allocations of state water or diversion rate are being requested. As a result of the proposed amendment, no impact on water right holders or the environment is anticipated.

Attachment F



**Texas Commission on Environmental Quality**

Water Availability Division

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

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

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

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

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

**Contact Information**

Name: Rancho Pepper LLC

Address: 1919 14<sup>th</sup> St. Suite 300, Boulder CO 80302

Telephone Number: (720) 564-6296 Fax: (     )

Form Completed By: Richard George

Title: Environmental Consultant

Signature: *Jim Svelly* Date: 2/19/2024

**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): 756
2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.  
Actual Totals may vary monthly depending on weather conditions (i.e., heat, precipitation, wind, etc...) not to exceed 756 acre-feet annually.

January	February	March	April
63	63	63	63
May	June	July	August
89	63	63	63
September	October	November	December
63	63	63	63
Total All Months			756

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

Type of crop	Growing Season (Months)	Acres irrigated/year
Small Grain	October-March	2,570
Coastal Bermuda	April-September	2,570
Native	Jan.-Dec.	918.783
Total acres irrigated		3,488.783

4. Are crops rotated seasonally or annually? ☒ Yes ☐ No

If yes, please describe: 2,570 acres is rotated seasonally between coastal bermuda during the spring/summer and small grains during the fall/winter.

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

Silty Clays, Loams

### B. Irrigation system information

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system 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.

Floating pumps or portable pumps will be utilized to divert water and the water will be conveyed via sealed aboveground poly or underground pvc pipelines to center pivot irrigation systems on-site. All center pivot systems are fitted with MESA drop nozzles. Reel-guns may be utilized to irrigate the areas not covered under the center pivot systems. Pumps utilized will not exceed the maximum diversion rate of 2,850 gpm as outlined in the surface water right permit.

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

Flowmeters will be utilized on all diversion pipes with +/- accuracy rating of 5%

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

The existing center pivots are fitted with MESA drop nozzles with an estimated 85% efficiency rating. Currently MESA nozzles on the systems work best for the planned crops. If crops change or the systems age out of use and are replaced, more efficient systems will be considered, if economically feasible. Reel guns will not be utilized any more than absolutely necessary for fresh-water irrigation due to the decreased efficiency rating.

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

a. 5-year goal:

Savings in acre-feet or system efficiency as a percentage 85 %

b. 10-year goal:

Savings in acre-feet or system efficiency as a percentage 85-90 %

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

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

☐ Yes

☒ No

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

### C. Conservation practices

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

MESA drop nozzles are being utilized on existing center pivot systems. Water will be conveyed to the irrigation systems via sealed pipelines ensuring no water will be lost in transport from the source to the irrigation equipment.

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

Irrigation equipment will be routinely maintained and repaired as needed to maintain maximum operating efficiency. The system will be closely monitored during operation and any leaks found during inspections will be promptly repaired to avoid water losses and increase conservation.



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

The irrigation systems will be run during optimal weather conditions such as low wind, early morning, or late evening to avoid high losses due to wind and evaporation.

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

Weed control practices are implemented throughout the year to rid out weeds and unwanted/invasive plants. Land leveling and terracing are also practiced where applicable to eliminate runoff from steep slopes and increase the infiltration rate of the water into the soil.

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

The irrigation systems will be closely monitored during operation and all fields will not be watered over their water holding capacity. Irrigation equipment will be shut off before any tail water runoff occurs.

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

All irrigation equipment will be maintained to operate at the highest level of efficiency and will be monitored during operation to prevent any water waste and achieve maximum water conservation.

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

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

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

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

## Attachment G: Addendum to Worksheet 5.0

Note: The first photo in each section is a Google Earth Aerial with the location/direction of the subsequent photos for the reservoirs in the application (Existing On-Channel Site 25, Site 26 Reservoirs & the proposed Off-Channel Rancho Pepper Reservoir.)

### Site 25 Dam/Reservoir:

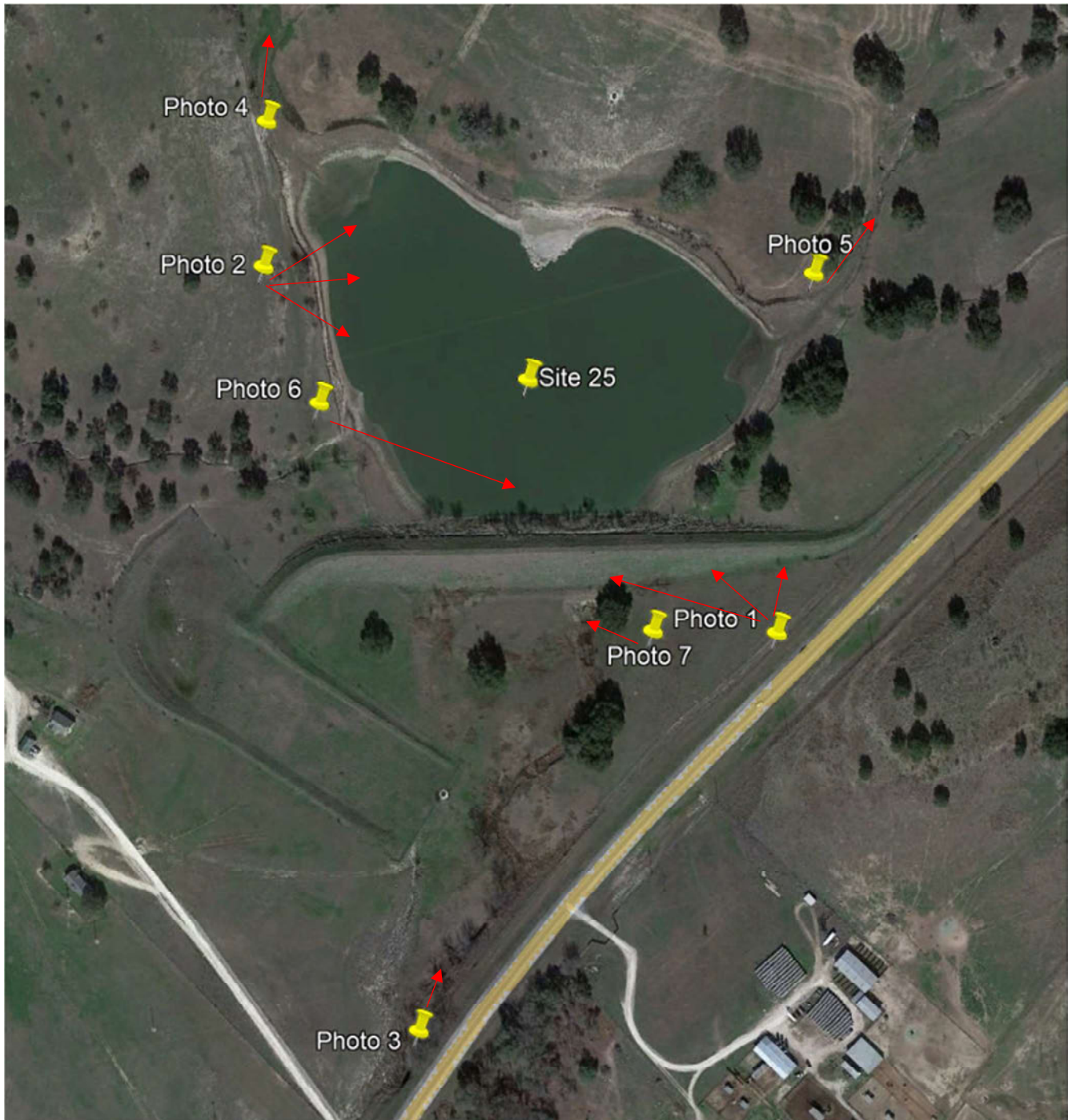


Photo 1-7 Reference (Google Earth, 2024)



Photo 1 (Panoramic): East end looking northwest down the length of Site 25 Dam



Photo 2 (Panoramic): West of Site 25 looking east at Site 25 Reservoir





Photo 3: Downstream area from Site 25 Dam



Photo 4: West side upstream from reservoir



Photo 5: East side upstream from reservoir





Photo 6: Reservoir side of Site 25 Dam facing principal spillway water inlet



Photo 7: Back side of Site 25 Dam facing principal spillway water outlet



**Rancho Pepper Reservoir Location:**  
**(Proposed)**



Photo 8 Reference



Photo 8: Panoramic photo of the proposed location of the Rancho Pepper Reservoir (Off-Channel).



**Site 26 Dam/Reservoir:**



Photo 9-15 Reference



Photo 9: West end looking east down length of Site 26 Dam



Photo 10 (Panoramic): West end of Site 26 Dam looking northeast at Site 25 Reservoir





Photo 11: Top of Site 26 Dam facing south downstream from reservoir.



Photo 12: West side upstream from reservoir



Photo 13: East side upstream from reservoir





Photo 14: Reservoir side of Site 26 Dam facing principal spillway water inlet



Photo 15: Back side of Site 26 Dam facing principal spillway water outlet



# Attachment H

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Joe Brown            Precinct 3 Commissioner            100 W. Washington            Stephenville, TX 76401</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery            2-7-24</p>
<p>2. Article Number (Transfer from service label)            9414 7112 0621 0519 7179 72</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Jim Buck            Precinct 4 Commissioner            100 W. Washington            Stephenville, TX 76401</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery            2-7-24</p>
<p>2. Article Number (Transfer from service label)            9414 7112 0621 0519 7423 32</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Judge Brandon S. Huckabee  
100 W. Washington  
Stephenville, TX 76401



9590 9402 7685 2122 0899 27

## 2. Article Number (Transfer from service label)

9414 7112 0621 0519 5004 44

PS Form 3811, July 2020 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

☒ Agent  
☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

2-7-24

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☒ No

## 3. Service Type

- |                                                                        |                                                                     |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                               | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |                                                                     |
| <input type="checkbox"/> Insured Mail                                  |                                                                     |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |                                                                     |

Domestic Return Receipt

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## 1. Article Addressed to:

Dee Stephens  
Precinct 4 Commissioner  
100 W. Washington  
Stephenville, TX 76401



9590 9402 7685 2122 0898 97

## 2. Article Number (Transfer from service label)

9414 7112 0621 0519 7341 53

PS Form 3811, July 2020 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

☒ Agent  
☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

2-7-24

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☒ No

## 3. Service Type

- |                                                                        |                                                                     |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                               | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |                                                                     |
| <input type="checkbox"/> Insured Mail                                  |                                                                     |
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## 1. Article Addressed to:

Albert Ray  
Precinct 2 Commissioner  
100 W. Washington  
Stephenville, TX 76401



9590 9402 7685 2122 0899 34

## 2. Article Number (Transfer from service label)

9414 7112 0621 0519 7198 84

PS Form 3811, July 2020 PSN 7530-02-000-9053

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☒ Agent  
☐ Addressee

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## C. Date of Delivery

2-7-24

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|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                               | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |                                                                     |
| <input type="checkbox"/> Insured Mail                                  |                                                                     |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |                                                                     |

Domestic Return Receipt

Attachment H



Corporate Office:  
3404 Airway Blvd.  
Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

February 1, 2024

Judge Brandon J. Huckabee  
100 W. Washington  
Stephenville, TX 76401

RE: Title 30 TAC §295.42 Required Notice  
Rancho Pepper LLC  
COA 12-4329

Judge Huckabee, this notice is being sent to you to satisfy the notification requirements in the Texas Administrative Code, Title 30, Part I, Chapter 295, Subchapter A, Division 4, Rule §295.42 pertaining to surface water rights dams/reservoirs.

30 TAC 295.42 states the following:

(a) The applicant for a permit to construct a storage reservoir shall give notice by certified mail of the application to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located.

Rancho Pepper LLC has surface water rights authorizations under contract for Certificate of Adjudication (COA) 12-4329. An amendment application will be submitted to the Texas Commission on Environmental Quality (TCEQ) for COA 12-4329 to add, "off-channel storage," as a proposed use of the adjudicated water. One off-channel storage reservoir is proposed to be constructed on the applicant's property to store a portion of the adjudicated water for subsequent agricultural irrigation use. The proposed reservoir will be designed/constructed to have a final capacity of 109.46 acre-feet at high water level. Information in the amendment applications to be submitted to TCEQ pertaining to the proposed structures are attached (Worksheet 2.0 pgs. 11-12 & Site Map Attached). Worksheet 2.0 has the GPS coordinates of the proposed location of the reservoir. The structure as proposed will most likely be classified as a Small, High Hazard Dam based on criteria outlined in 30 TAC 299.13 & 299.14. Per TCEQ Dam Safety regulations & 30 TAC 299, full design plans sealed by a Texas Licensed PE along with an Emergency Action Plan will be submitted to TCEQ Dam Safety for approval prior to commencing construction.

Please feel free to contact me if you have any questions or concerns regarding the proposed reservoir.

Thank you,

Richard George  
Environmental Consultant  
Enviro-Ag. Engineering, Inc.  
Office # 254-233-9948  
Email: [REDACTED]



# WORKSHEET 2.0

## Impoundment/Dam Information

Rancho Pepper Reservoir  
(Proposed)

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 - Proposed reservoir
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 109.46.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel Y (mark one)
- i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N<sup>Y</sup>
  - 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<sup>N</sup>  
This proposed reservoir will be isolated and will not receive any State Water inflows.
- d. Is the impoundment structure already constructed? Y / N<sup>N</sup>
- i. For already constructed **on-channel** structures: N/A
    - 1. Date of Construction: \_\_\_\_\_
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>N</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>N</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N<sup>N</sup>
    - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N<sup>N</sup>
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - 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<sup>Y</sup>  
Provide the date and the name of the Staff Person Kyle Hodges 1/30/2024
    - 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<sup>N</sup>
      - b. Plans (with engineer's seal) for the structure required. Y / N<sup>Y</sup>
      - c. Engineer's signed and sealed hazard classification required. Y / N<sup>Y</sup>
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N<sup>Y</sup>

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 Y [Attachment H](#)

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 8.03.
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 Y  
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).  
This proposed reservoir will be isolated and will not have a drainage area with surface inflows.

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Off-Channel
- b. Zip Code: 76446
- c. In the E. Hunnings Original Survey No. \_\_\_\_\_, Abstract No. 344,  
Erath 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.*** [Attachment D](#)

***\*\*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:

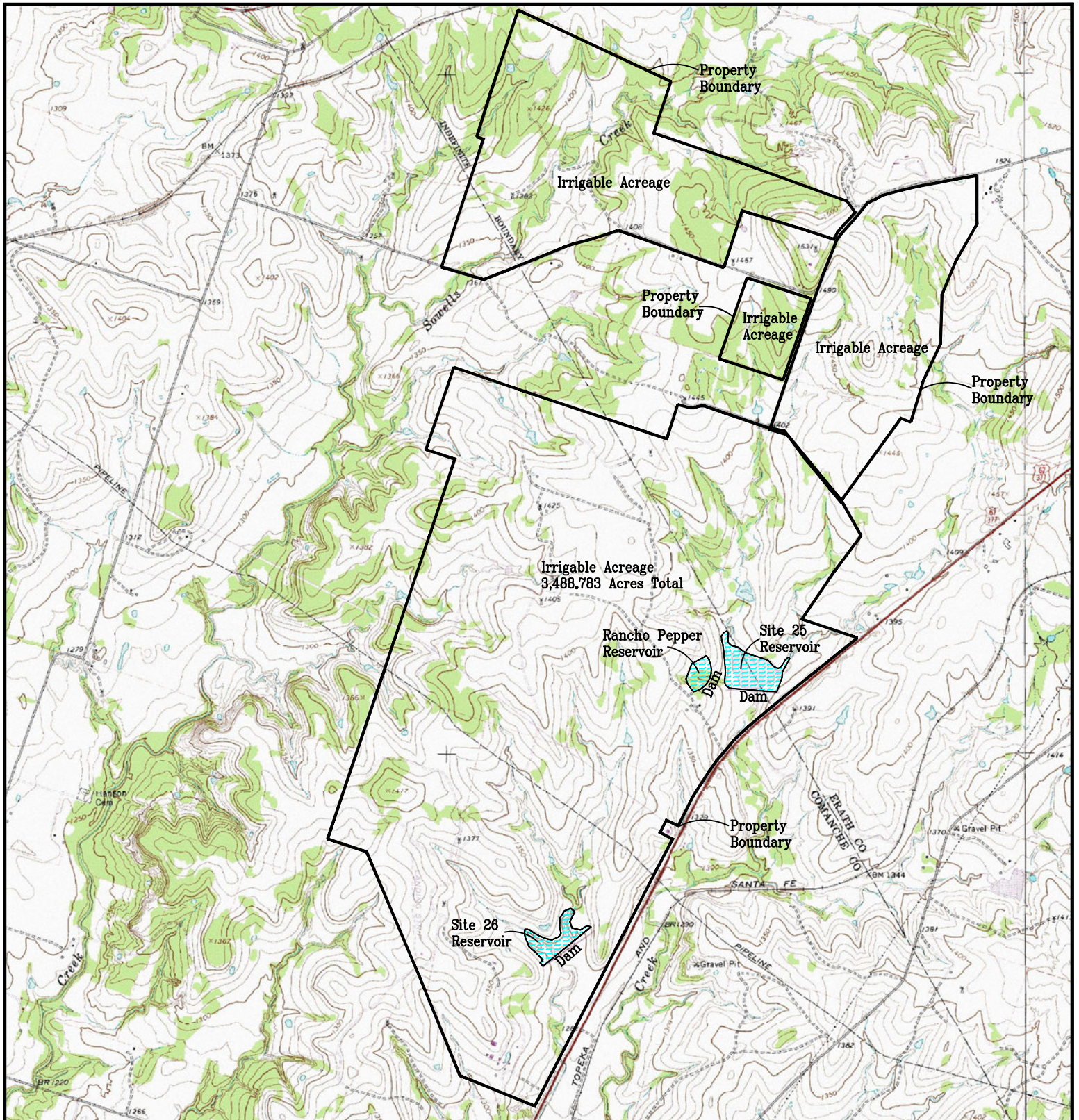
Latitude 32.046444° °N, Longitude -98.397944° °W. [Approximate center of dam.](#)

***\*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): GIS
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

[Attachment B](#)





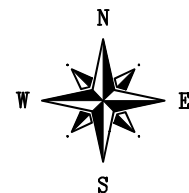
#### LEGEND:

 Denotes Storage Reservoir

Note: -Site 25 & Site 26 Reservoirs are existing.  
 Diversion is proposed from the surface & perimeter of Site 25 & 26 Reservoirs.  
 -The Rancho Pepper Reservoir is proposed for off-channel storage.

Source: USDA-NRCS. Geospatial Data Gateway. Available at:  
<http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic  
 County Mosaic by NRCS - December 2016.

Map Revised 1/24/2024



1500' 0 1500' 3000'

SCALED AS SHOWN

Rancho Pepper LLC  
 Dublin, Texas  
 Comanche & Erath Counties

Attachment B  
 Site Map

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

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





Corporate Office:  
3404 Airway Blvd.  
Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

February 1, 2024

Dee Stephens  
Precinct 1 Commissioner  
100 W. Washington  
Stephenville, TX 76401

RE: Title 30 TAC §295.42 Required Notice  
Rancho Pepper LLC  
COA 12-4329

Commissioner Stephens, this notice is being sent to you to satisfy the notification requirements in the Texas Administrative Code, Title 30, Part I, Chapter 295, Subchapter A, Division 4, Rule §295.42 pertaining to surface water rights dams/reservoirs.

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Please feel free to contact me if you have any questions or concerns regarding the proposed reservoirs.

Thank you,

Richard George  
Environmental Consultant  
Enviro-Ag. Engineering, Inc.  
Office # 254-233-9948  
Email: [REDACTED]

# WORKSHEET 2.0

## Impoundment/Dam Information

Rancho Pepper Reservoir  
(Proposed)

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)

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- d. Is the impoundment structure already constructed? Y / N<sup>N</sup>
- i. For already constructed **on-channel** structures: N/A
    - 1. Date of Construction: \_\_\_\_\_
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>N</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>N</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N<sup>N</sup>
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Provide the date and the name of the Staff Person Kyle Hodges 1/30/2024
    - 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
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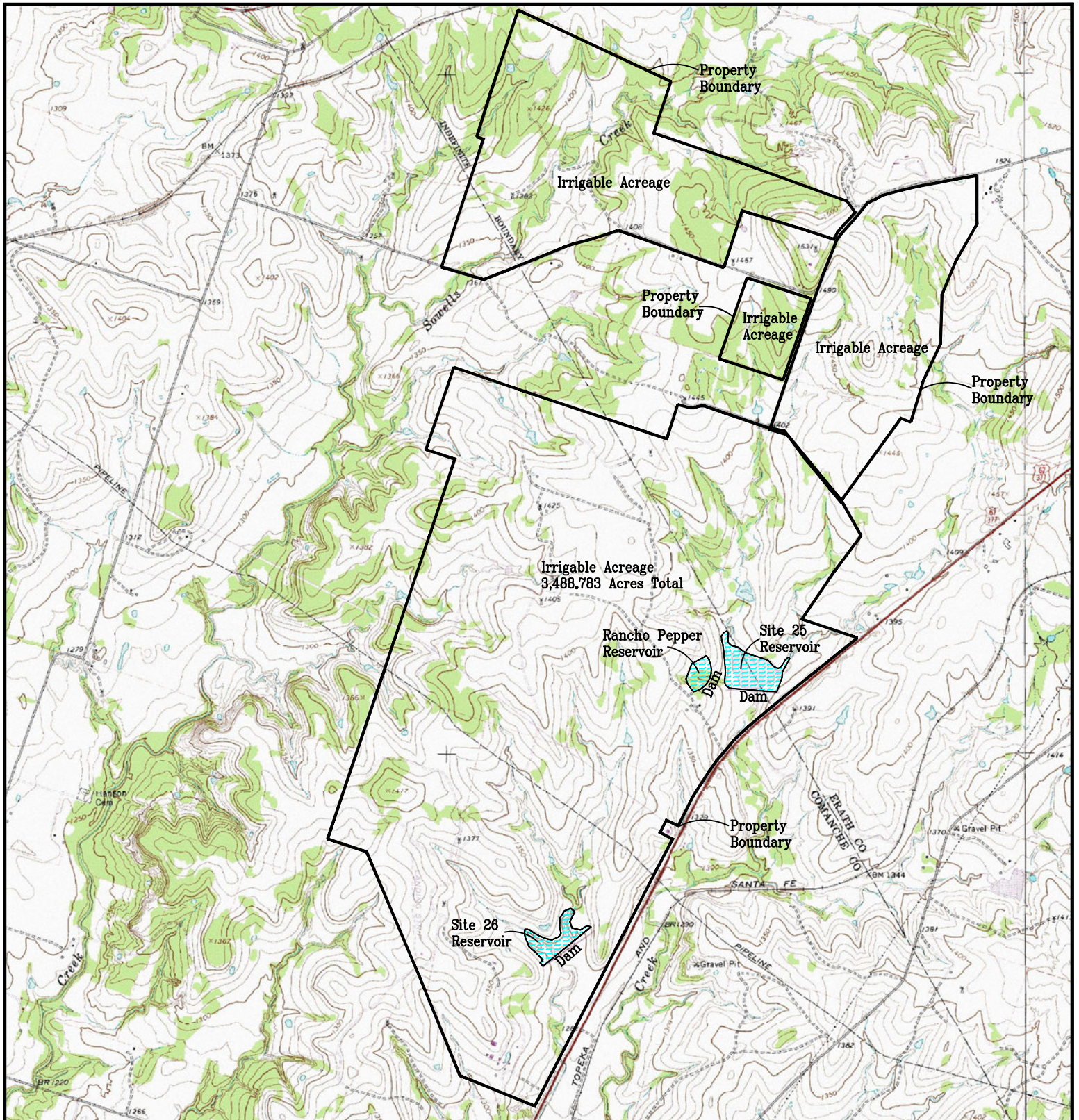
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
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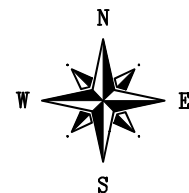
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Source: USDA-NRCS. Geospatial Data Gateway. Available at:  
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Map Revised 1/24/2024



1500' 0 1500' 3000'

SCALED AS SHOWN

Rancho Pepper LLC  
 Dublin, Texas  
 Comanche & Erath Counties

Attachment B  
 Site Map

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

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Richard George

Environmental Consultant  
Enviro-Ag. Engineering, Inc.  
Office # 254-233-9948  
Email: [REDACTED]

# WORKSHEET 2.0

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Rancho Pepper Reservoir  
(Proposed)

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      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - 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<sup>Y</sup>  
Provide the date and the name of the Staff Person Kyle Hodges 1/30/2024
    - 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<sup>N</sup>
      - b. Plans (with engineer's seal) for the structure required. Y / N<sup>Y</sup>
      - c. Engineer's signed and sealed hazard classification required. Y / N<sup>Y</sup>
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N<sup>Y</sup>



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 Y [Attachment H](#)

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 8.03.
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 Y  
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).

This proposed reservoir will be isolated and will not have a drainage area with surface inflows.

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Off-Channel
- b. Zip Code: 76446
- c. In the E. Hunnings Original Survey No. \_\_\_\_\_, Abstract No. 344,  
Erath 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.*** [Attachment D](#)

***\*\*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:

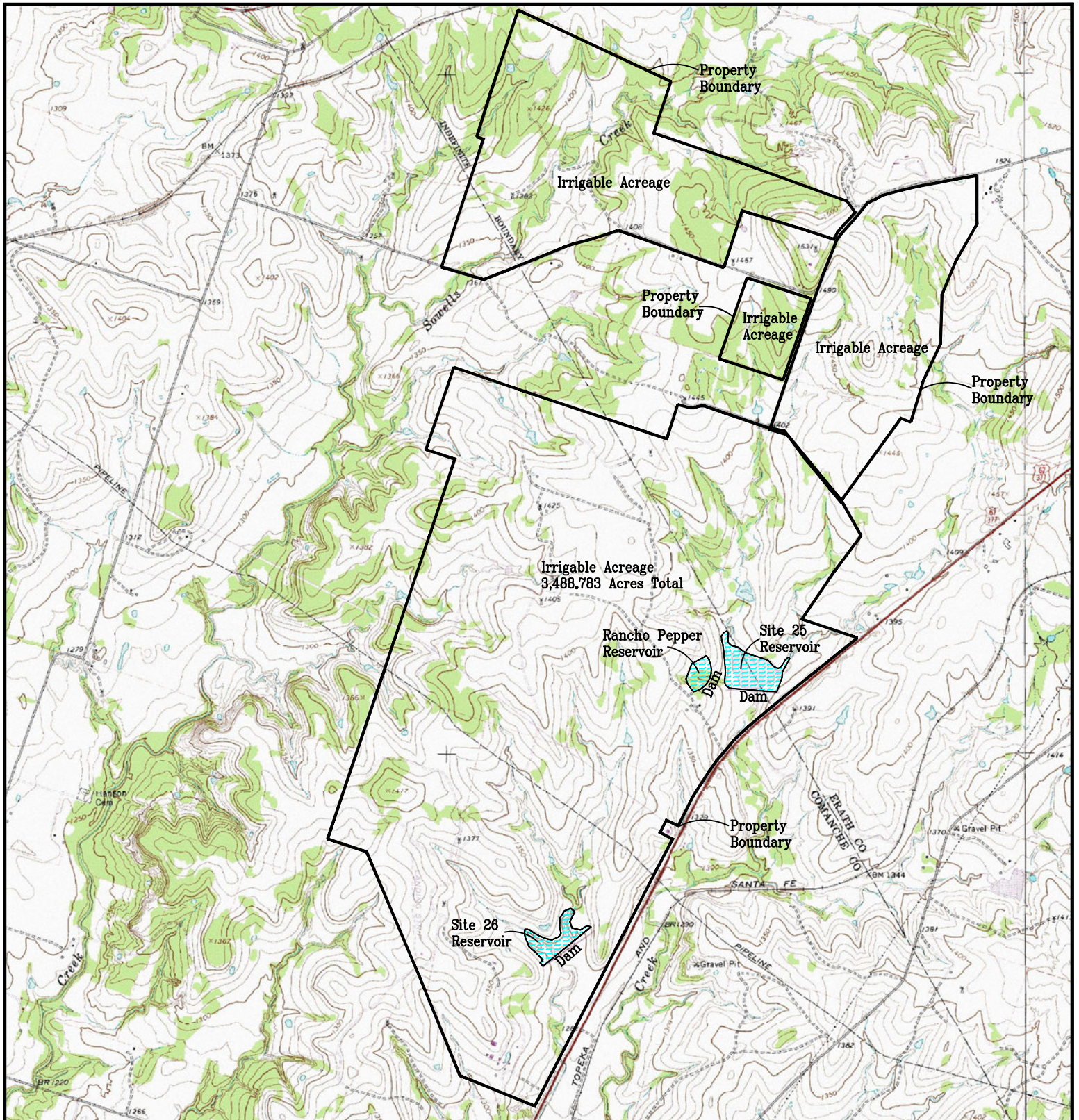
Latitude 32.046444° °N, Longitude -98.397944° °W. [Approximate center of dam.](#)

***\*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): GIS
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

[Attachment B](#)





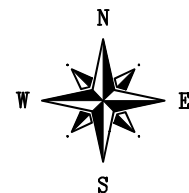
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Note: -Site 25 & Site 26 Reservoirs are existing.  
 Diversion is proposed from the surface & perimeter of Site 25 & 26 Reservoirs.  
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Map Revised 1/24/2024



1500' 0 1500' 3000'

SCALED AS SHOWN

Rancho Pepper LLC  
 Dublin, Texas  
 Comanche & Erath Counties

Attachment B  
 Site Map

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

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





Corporate Office:  
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Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

February 1, 2024

Joe Brown  
Precinct 3 Commissioner  
100 W. Washington  
Stephenville, TX 76401

RE: Title 30 TAC §295.42 Required Notice  
Rancho Pepper LLC  
COA 12-4329

Commissioner Brown, this notice is being sent to you to satisfy the notification requirements in the Texas Administrative Code, Title 30, Part I, Chapter 295, Subchapter A, Division 4, Rule §295.42 pertaining to surface water rights dams/reservoirs.

30 TAC 295.42 states the following:

(a) The applicant for a permit to construct a storage reservoir shall give notice by certified mail of the application to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located.

Rancho Pepper LLC has surface water rights authorizations under contract for Certificate of Adjudication (COA) 12-4329. An amendment application will be submitted to the Texas Commission on Environmental Quality (TCEQ) for COA 12-4329 to add, "off-channel storage," as a proposed use of the adjudicated water. One off-channel storage reservoir is proposed to be constructed on the applicant's property to store a portion of the adjudicated water for subsequent agricultural irrigation use. The proposed reservoir will be designed/constructed to have a final capacity of 109.46 acre-feet at high water level. Information in the amendment applications to be submitted to TCEQ pertaining to the proposed structures are attached (Worksheet 2.0 pgs. 11-12 & Site Map Attached). Worksheet 2.0 has the GPS coordinates of the proposed location of the reservoir. The structure as proposed will most likely be classified as a Small, High Hazard Dam based on criteria outlined in 30 TAC 299.13 & 299.14. Per TCEQ Dam Safety regulations & 30 TAC 299, full design plans sealed by a Texas Licensed PE along with an Emergency Action Plan will be submitted to TCEQ Dam Safety for approval prior to commencing construction.

Please feel free to contact me if you have any questions or concerns regarding the proposed reservoirs.

Thank you,

Richard George  
Environmental Consultant  
Enviro-Ag. Engineering, Inc.  
Office # 254-233-9948  
Email: [REDACTED]

# WORKSHEET 2.0

## Impoundment/Dam Information

Rancho Pepper Reservoir  
(Proposed)

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 - Proposed reservoir
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 109.46.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel Y (mark one)
- i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N<sup>Y</sup>
  - 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<sup>N</sup>  
This proposed reservoir will be isolated and will not receive any State Water inflows.
- d. Is the impoundment structure already constructed? Y / N<sup>N</sup>
- i. For already constructed **on-channel** structures: N/A
    - 1. Date of Construction: \_\_\_\_\_
    - 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N<sup>N</sup>
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N<sup>N</sup>
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N<sup>N</sup>
    - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N<sup>N</sup>
      - a. If yes, provide the Site No. \_\_\_\_\_ and watershed project name \_\_\_\_\_;
      - b. Authorization to close "ports" in the service spillway requested? Y / N<sup>N</sup>
  - ii. For **any** proposed new structures or modifications to structures:
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Provide the date and the name of the Staff Person Kyle Hodges 1/30/2024
    - 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<sup>N</sup>
      - b. Plans (with engineer's seal) for the structure required. Y / N<sup>Y</sup>
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iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 8.03.
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 Y  
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).

This proposed reservoir will be isolated and will not have a drainage area with surface inflows.

## 2. Structure Location (Instructions, Page. 23)

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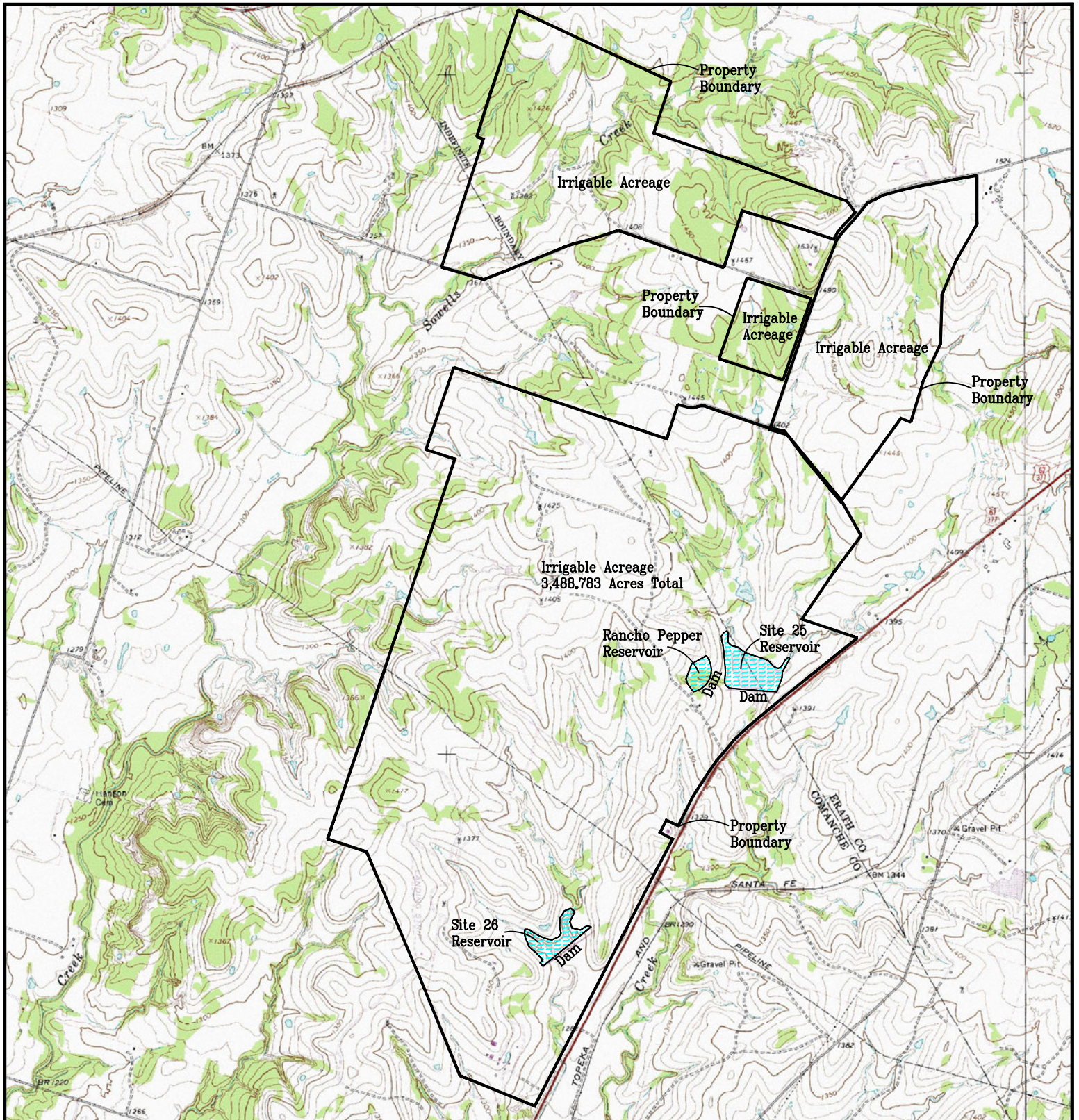
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
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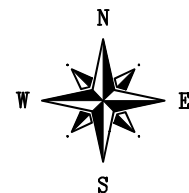
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Map Revised 1/24/2024



1500' 0 1500' 3000'

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Rancho Pepper LLC  
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Corporate Office:  
3404 Airway Blvd.  
Amarillo TX 79118

Central Texas:  
9855 FM 847  
Dublin TX 76446

New Mexico:  
203 East Main Street  
Artesia NM 88210

February 1, 2024

Jim Buck  
Precinct 4 Commissioner  
100 W. Washington  
Stephenville, TX 76401

RE: Title 30 TAC §295.42 Required Notice  
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COA 12-4329

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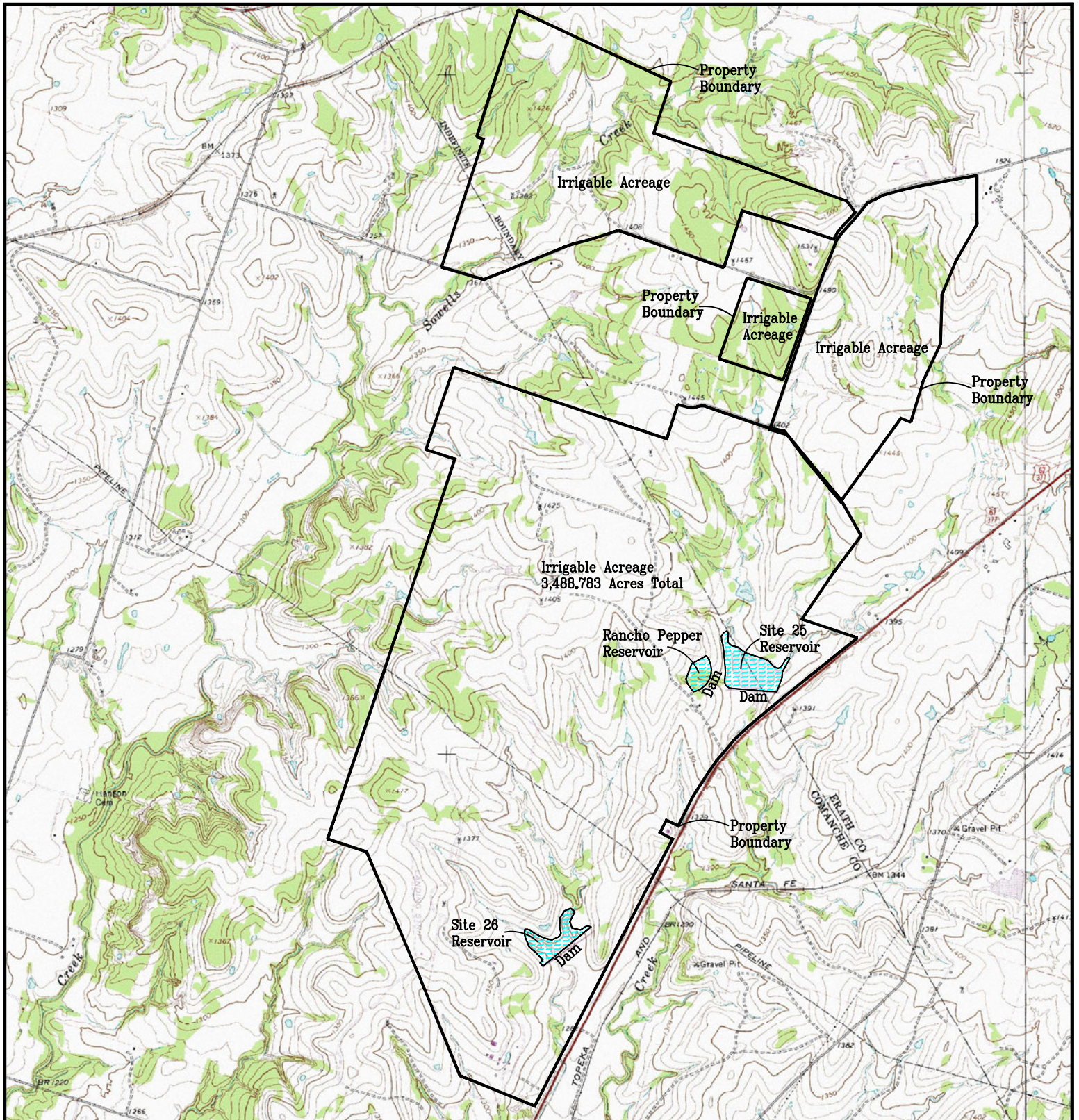
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
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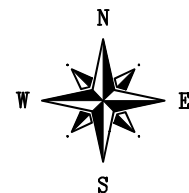
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