

July 3, 2025

Received on July 8, 2025
Water Availability Division

Mr. Bert Galvan
Manager
Water Rights Permitting and Availability (MC 160)
P.O. Box 13087
Austin, Texas 78711-3087

HAND DELIVERY VIA COURIER

Re: 4C Ranch Properties, LLC Application for an Amendment to Water Right Permit (COA 21-3065)

Dear Mr. Galvan:

Please find enclosed one hard copy of an application for an amendment to Certificate of Adjudication 21-3065 filed on behalf of 4C Ranch Properties, LLC (the "Applicant"). As provided herein, the enclosed application requests an amendment to expand the acreage amount authorized for irrigation under such water right and add a diversion reach from the upper portion of the Applicant's property on the Nueces River to the southern portion of Applicant's property.

Enclosed herein is a check in the amount of \$112.50, which is submitted as payment for the application fees at this time. The Applicant will remit payment for any additional fees that may be required upon notification from the Texas Commission on Environmental Quality of such fees.

We look forward to working with you and your staff in processing this application. Should you have any questions, please do not hesitate to contact me at (512) 322-5867 or [REDACTED]

Sincerely,

Nathan E. Vassar

NEV/las
ENCLOSURES

cc: Dr. Kathy Alexander, *Texas Commission on Environmental Quality*
Mr. K. Camp Bailey, *4C Ranch Properties, LLC*
Ms. Emily Moyes, *Lloyd Gosselink Rochelle & Townsend, P.C.*



4C Ranch Properties, LLC

APPLICATION TO AMEND CERTIFICATE OF ADJUDICATION No. 21-3065

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Avenue, Suite 1900

Austin, Texas 78701

Phone (512) 322-5800 Fax (512) 472-0532

www.lglawfirm.com

Texas Commission on Environmental Quality

Application to Amend COA 21-3065

4C Ranch Properties, LLC



July 2025

Texas Commission on Environmental Quality

Application to Amend COA 21-3065

4C Ranch Properties, LLC

Submitted to:

Texas Commission on Environmental Quality
Water Supply Division, Water Rights Permitting (MC-160)
12100 Park 35 Circle
Austin, Texas 78753

Prepared for:

4C Ranch Properties, LLC
1360 Post Oak Blvd., Ste. 2300
Houston, Texas 77056

Prepared by:

Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701

4C Ranch Properties, LLC
Application to Amend COA 21-3065

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TAB 1

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): 4C Ranch Properties, 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

N Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

Y Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

Y **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N 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

N **Worksheet 6.0**

N 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

Y Public Involvement Plan

Received on July 8, 2025
Water Availability Division

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."

See Tab 4.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 1
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

(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 : CN605640028 (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: K. Camp Bailey

Title: Manager of 4C Ranch Properties, LLC

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N Y - See Tab 11

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: 4C Ranch Properties, LLC

Mailing Address: 1360 Post Oak Blvd., Ste. 2300

City: Houston State: TX ZIP Code: 77056

Indicate an X next to the type of Applicant:

<input type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input 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 checked="" type="checkbox"/> Other <u>LLC</u>

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32069471632 SOS Charter (filing) Number: 803213216

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: Nathan E. Vassar

Title: Attorney

Organization Name: Lloyd Gosselink Rochelle & Townsend, P.C.

Mailing Address: 816 Congress Ave., Suite 1900

City: Austin State: TX ZIP Code: 78701

Phone Number: (512) 322-5867

Fax Number: (512) 472-0532

E-mail Address: [REDACTED]

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: N/A Amount past due: N/A

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: N/A Amount past due: N/A

- 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

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

6. SIGNATURE PAGE (Instructions, Page 11)

Applicant:

I, Camp Bailey

(Typed or printed name)

Manager

(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: Camp Bailey
(Use blue ink)

Date: 6/30/25

Subscribed and Sworn to before me by the said

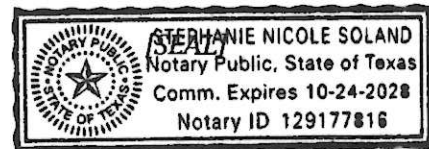
on this 30th day of June, 20 25.

My commission expires on the 24th day of October, 20 28.

[Signature]

Notary Public

Harris
County, Texas



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

TAB 2

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: June 30, 2025

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

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: ADJ 21-3065

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

- 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 N

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

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

Additionally, all amendments require:

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

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

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

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

Worksheets and information:

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

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

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

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

See Tab 5 Addendum regarding Consistency with the State and Regional Water Plans.

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

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

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

TAB 3

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:

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
720	Irrigation	Irrigation	See Metes and Bounds description in par. 1. (Use) of COA 21-3065	Additional acreage for irrigation as provided in Tab 7.
				Applicant seeks to irrigate the full 5295.67 acreage of the property as described in the metes and bounds attached in Tab 9. The original application only sought to irrigate a subset of the acreage, and Applicant now seeks to irrigate the full property.

**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 5295.67 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 5295.67 acres in Uvalde County, TX.
 - Location of land to be irrigated: In the John D. McLeod; Hiram G. Runnels Original Survey No. 198; 199, Abstract No. 328; 426.

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.

See Tab 6.

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. "THE MARSHALL CRITERIA"

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

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

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

1. The "Marshall Criteria" (Instructions, Page. 21)

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

See Tab 7.

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

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

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

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

2. Structure Location (Instructions, Page. 23)

N/A

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

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

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

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

Latitude_____°N, Longitude_____°W.

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

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 3.33 cfs (cubic feet per second)
or 1,500 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* 3.33 cfs or 1,500 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
<u> X </u>	Directly from stream	Existing
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is sq. miles.

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Nueces River
- b. Zip Code: 78833
- c. Location of point: In the Hiram G. Runnels Original Survey No. 199, Abstract No. 426, Uvalde 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. See Tab 6.

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 29.536666 °N, Longitude 100.000277 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Mapping program
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 3.33 cfs (cubic feet per second)
or 1,500 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* 3.33 cfs or 1,500 gpm

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

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

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

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

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

Applicant has calculated the drainage area. Y / N N

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

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Nueces River
- b. Zip Code: 78833
- c. Location of point: In the John D. McLeod Original Survey No. 198, Abstract No. 328, Uvalde 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.

See Tab 6.

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 29.536666 °N, Longitude 100.000277 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Mapping program
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0 DISCHARGE INFORMATION

N/A

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

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____ (% or amount) and explain the method of calculation:_____
- c. Is the source of the discharged water return flows? Y / N_____ If yes, provide the following information:
 1. The TPDES Permit Number(s)._____ (attach a copy of the **current** TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

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

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

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

N/A

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

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

Applicant will take appropriate measures 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: _____

☐ 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:

See Tab 8.

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the map submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

N/A

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

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

1. Water Conservation Plans

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

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

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

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above – indicate each that applies:
 1. N/A Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. N/A Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. N/A 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 / NN/A

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

N/A

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$ 0

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

TAB 4

TAB 4
SUMMARY OF REQUEST

4C Ranch Properties ("Applicant") submits this application (the "Application") requesting an amendment to Certificate of Adjudication 21-3065 ("COA 3065") to expand the acreage amount authorized for irrigation under its current water right and change the diversion point to include a diversion reach between an upper and lower portion of the Applicant's property adjacent to the Nueces River. COA 3065 currently authorizes irrigation of 360 acres. Applicant seeks to have the option to irrigate the full 5295.67 acreage of the property as described in Tab 9. The original authorization only sought to irrigate a subset of the acreage, and Applicant now seeks to irrigate the full property. The Application does not seek an additional appropriation of state water. The existing diversion rate will not change. The Applicant seeks to use its existing water rights to irrigate additional property that it owns.

TAB 5

TAB 5

ADDENDUM REGARDING CONSISTENCY WITH STATE AND REGIONAL WATER PLANS

4C Ranch Properties (“Applicant”) submits this application (the “Application”) requesting an amendment to Certificate of Adjudication 21-3065 (“COA 3065”) authorized for irrigation within Applicant’s property. The Application is consistent with the approved 2021 Region L Water Plan and the 2022 State Water Plan.

Under Texas Water Code § 11.134, an appropriation of water must address a water supply need in a manner that is “consistent” with the “state water plan and the relevant approved regional plan.” Tex. Water Code § 11.134(b)(3)(E). COA 3065 and the area for which the Applicant will irrigate pursuant to this Application are both located within the Region L Planning Area (“Region L”). According to the 2021 Region L Regional Water Plan and the 2022 State Water Plan, irrigation remains a common purpose of use, and various strategies are identified to address ongoing and future irrigation/agricultural needs. Applicant does not seek to increase the quantity of water under COA 21-3065, but rather to use such water to irrigate additional acreage. Thus, by allowing Applicant to continue to use COA 21-3065 for irrigation purposes in Uvalde County, such usage is consistent with the Region L Water Plan and the State Water Plan. *See* Region L Water Plan, 5.1.6; *see also* 30 Tex. Admin. Code § 295.16.

The authorization sought in the Application will be used to meet a portion of the irrigation water demands as identified in the 2021 Region L Water Plan and the 2022 State Water Plan. As such, the Application is consistent with both the approved 2021 Region L Water Plan and the 2022 State Water Plan.

TEXAS WATER COMMISSION
INTEROFFICE MEMORANDUM

To: Central Records Date: August 25, 1988
From: Water Rights Administration Section Certificate of Adjudication No. 21-106
Application No. Permit No.
Subject: Change of Ownership Claim No. Certified Filing No.
Uvalde County
Nueces River Basin

Delete William R. Edwards and Guy Allison, Trustee for Fossil Creek Ranch, Ltd. as part owner

Add William R. Edwards and Sally B. Edwards as part owner

Vol. 101, Pg. 694 of the Deed Records of Uvalde County has been checked and found to cover all of the water right plotted

Ownership of Record with Addresses and Remarks:

William R. Edwards, et al
(et al includes Sally B. Edwards)
Fossil Creek Ranch
P.O. Drawer 480
Corpus Christi, Texas 78403

Initiated by Moham Meddy

Approved: [Signature] Water Rights Administration Section

Change noted:

Permit Control/Date

Bar 9/12/88
Central Records/Date

TEXAS WATER COMMISSION
INTEROFFICE MEMORANDUM

TO : Central Records
DATE: October 13, 1992
Certificate of Adjudication No. 21-3065
Uvalde County
Nueces River Basin

FROM : Permitting Section
Watershed Management Division

SUBJECT : Change of Ownership

Delete : William R. Edwards and Sally L. Edwards as owners

Add : Glenn Williams and Terry Wynn Partners, a Texas General Partnership consisting of Glenn Williams and Terry M. Wynn as General Partners as owner

Vol. 317, Pg. 475 of the deed records of Uvalde County has been checked and found to cover all of the water right.

Ownership of Record with Addresses and Remarks:

Glenn Williams and Terry Wynn Partners
(a Texas General Partnership consisting of Glenn Williams and Terry M. Wynn as General Partners)
P. O. Box 64421
Lubbock, Texas 79464

Mohan A Reddy

Data entry made: 10/13/92 Permitting Section St. Anita Lopez

Change Noted: _____ Central Records/date _____

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

INTEROFFICE MEMORANDUM

TO : Records Management

DATE: April 16, 1999

Certificate of Adjudication No. 21-3065
Uvalde County
Nueces River Basin

FROM : Water Uses & Availability Section
Water Quantity Division

SUBJECT : Change of Ownership

DELETE : Glenn William and Terry Wynn Partners (a Texas general partnership consisting of Glenn Williams and Terry M. Wynn as general partners) as owner

ADD : F. Kenneth Bailey, Jr. as owner

Deed of Trust dated October 27, 1998, has been checked and found to cover all of the water right.

Ownership of Record with Addresses and Remarks:

F. Kenneth Bailey, Jr.
8441 Gulf Freeway, Suite 600
Houston, Texas 77017

The water rights under this certificate of adjudication (use of 720 acre-feet of water per annum from the Nueces River and the underflow of the Nueces River for irrigation of 360 acres) are appurtenant to 1333.53 acres of land, the same being that portion of a 5295.67 acre-tract that is located in the John D. McLeod Survey 198, Abstract 328, and the Hiram G. Runnels Survey 199, Abstract 426, Uvalde County, Nueces River Basin, Texas

Data Entry Made: mc JUL 22 1999

Mohan A Reddy

WU & A Section: _____

Change Noted: _____

Central Records/Date: _____

DEED OF TRUST

RECEIVED

JAN 25 1999

Date: October 27th, 1998

WATER RIGHTS TEAM

Grantor: F. KENNETH BAILEY, JR.

Adj. 3065

Grantor's Mailing

Address (including county): 2615 Calder, Suite 220, Beaumont, Jefferson County, Texas 77702-1936

Trustee: W. PATRICK DODSON

Trustee's Mailing

Address (including county): 318 E. Nopal, Uvalde, Texas 78801

Beneficiary: TERRY M. WYNN

Beneficiary's Mailing

Address (including county): P.O. Box 708, Camp Wood, Real County, Texas 78833

Note(s)

Date: October 27th, 1998

Amount: ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00)

Maker: F. KENNETH BAILEY, JR.

Payee: TERRY M. WYNN

Final Maturity Date: February 1, 1999

Terms of Payment (optional): as provided in said note

Property (including any improvements):

1. All those certain tracts or parcels of land lying and situated in Uvalde County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.
2. All of those certain roadway and right-of-way easements and water rights conveyed by the Grantor's predecessors by deed recorded in Volume 190, Page 599-614, and corrected by Correction Deed filed in Volume 194, Pages 876-886 of the Deed Records of Uvalde County, Texas.
3. All irrigation and/or drainage plants and all equipment incident thereto now upon said premises; and
4. All adjudicated water rights owned by Grantor.

Prior Lien(s) (including recording information):

1. Deed of Trust dated May 18, 1998, recorded in Volume 396, Page 360, Official Public Records of Uvalde County, Texas, executed by Terry M. Wynn, to John A. Stratman, Trustee, securing the payment of one certain promissory note of even date therewith in the principal amount of \$2,000,000.00, payable to the order of Metropolitan Life Insurance Company, as therein provided.

2. Bonuses, Rentals and Royalties Oil and Gas Lease(s) having been assigned to Metropolitan Life Insurance Company, by instrument dated May 18, 1998, recorded in Volume 396, Page 375 of the Official Public Records of Uvalde County, Texas. (in force only during the term of the Deed of Trust recorded in Volume 396, Page 360, Official Public Records of Uvalde County, Texas).
3. Financing statement filed for record on May 18, 1998 and recorded in Volume 396, Page 384 of the Official Public Records of Uvalde County, Texas.

Other Exceptions to Conveyance and Warranty:

1. Survey No. 920-1/2, Abst. 1830, Wm. Perkins, containing 357 acres, more or less, is mineral classified school land and is subject to mineral reservation in favor of the State of Texas. (Tracts 1 and 2)
2. All valid and properly recorded outstanding mineral and royalty interest, reservations and leases, if any, to the extent they are still in full force and effect.
3. 1/32nd non-participating perpetual royalty interest in all of the oil, gas and other minerals in and under the herein described property, reserved by instrument recorded in Volume 160, Page 247, of the Deed Records of Uvalde County, Texas. (Tracts 1 and 2)
4. 1/4 of all oil, gas and other minerals of every character in and under the herein described property reserved by instrument recorded in Volume 184, Pages 705-723, of the Deed Records of Uvalde County, Texas. (Tracts 1 and 2)
5. That certain mineral reservation reserved in the Deed dated June 15, 1974, from M. T. Arnold et ux to William R. Edwards et al, recorded in Volume 194, Pages 890-894, Deed Records of Uvalde County, Texas. (Tract 2)
6. This conveyance is limited to the surface estate only, and will be subject to all prior outstanding mineral and/or royalty reservations or interests. (Tracts 3, 4 and 5)
7. Telephone line right-of-way easement granted to Southwest Texas Telephone Company as recorded in Volume 263, Pages 10-19, Deed Records of Uvalde County, Texas. (Tracts 1, 2 and 3)
8. Boundary Agreement dated June 10, 1960, executed by Wade Perkins et al, recorded in Volume 138, Page 507, Deed Records of Uvalde County, Texas. (Tracts 1, 2 and 3)
9. That portion of Survey No. 257 included within the perimeter field note description. (Tracts 1, 2 and 3)
10. Any vacancies and any excess acreage contained within the Property. (Tracts 1, 2 and 3)
11. No warranty, express or implied, is made as to Lane "A", Lane "B", Lane "C", Lane "D" and Lane "E", lying either between or adjacent to any of the said lots or portions of lots described in (a), (b) or (c) of Tract 2 in the property description. (Tract 2)
12. Easements, if any, recorded or unrecorded, of ingress and egress and passageway as the same now exist on the ground, including roadways which may serve adjoining land owners or the public generally, as well as any electrical and/or telephone line easements.
13. Electric transmission and distribution line easement granted to Medina Electric Cooperative, Inc. as recorded in Volume 321, Page 347, Deed Records of Uvalde County, Texas.
14. Electric transmission and distribution line easement granted to Medina Electric Cooperative, Inc. as recorded in Volume 321, Pages 349-350, Deed Records of Uvalde County, Texas.

15. Subdivision, sewer and septic tank regulations as passed by the Commissioners Court of Uvalde County, Texas, recorded in Volume 13, Page 469, Commissioners Court Minutes of Uvalde County, Texas.
16. Rights of the public in and to any portion of the herein described property lying within the bounds of any road, public or private.
17. Electric transmission and distribution line easement granted to Medina Electric Cooperative, Inc., as recorded in Volume 329, Page 524, Deed Records of Uvalde County, Texas.
18. Electric transmission and distribution line easement granted to Medina Electric Cooperative, Inc. as recorded in Volume 329, Page 532, Deed Records of Uvalde County, Texas.
19. Electric transmission and distribution line easement granted to Medina Electric Cooperative, Inc. as recorded in Volume 346, Page 459, Official Public Records of Uvalde County, Texas.
20. Electric transmission and distribution line easement granted to Medina Electric Cooperative, Inc. as recorded in Volume 361, Page 488, Official Public Records of Uvalde County, Texas.
21. 60' wide roadway easement granted to H. P. Williams et al as recorded in Volume 362, Page 37, Official Public Records of Uvalde County, Texas.
22. Rights of parties in possession.
23. Any visible or apparent roadway or easement over or across the subject property.

For value received and to secure payment of the note, Grantor conveys the property to Trustee in trust. Grantor warrants and agrees to defend the title to the property. If Grantor performs all the covenants and pays the note according to its terms, this deed of trust shall have no further effect, and Beneficiary shall release it at Grantor's expense.

Grantor's Obligations

Grantor agrees to:

1. keep the property in good repair and condition;
2. pay all taxes and assessments on the property when due;
3. preserve the lien's priority as it is established in this deed of trust;
4. maintain, in a form acceptable to Beneficiary, an insurance policy that:
 - a. covers all improvements for their full insurable value as determined when the policy is issued and renewed, unless Beneficiary approves a smaller amount in writing;
 - b. contains an 80% coinsurance clause;
 - c. provides fire and extended coverage, including windstorm coverage;
 - d. protects Beneficiary with a standard mortgage clause;
 - e. provides flood insurance at any time the property is in a flood hazard area; and
 - f. contains such other coverage as Beneficiary may reasonably require;
5. comply at all times with the requirements of the 80% coinsurance clause;
6. deliver the insurance policy to Beneficiary and deliver renewals to Beneficiary at least ten days before expiration;
7. keep any buildings occupied as required by the insurance policy; and
8. if this is not a first lien, pay all prior lien notes that Grantor is personally liable to pay and abide by all prior lien instruments.

Beneficiary's Rights

1. Beneficiary may appoint in writing a substitute or successor trustee, succeeding to all rights and responsibilities of Trustee.
2. If the proceeds of the note are used to pay any debt secured by prior liens, Beneficiary is subrogated to all of the rights and liens of the holders of any debt so paid.

3. Beneficiary may apply any proceeds received under the insurance policy either to reduce the note or to repair or replace damaged or destroyed improvements covered by the policy.
4. If Grantor fails to perform any of Grantor's obligations, Beneficiary may perform those obligations and be reimbursed by Grantor on demand at the place where the note is payable for any sums so paid, including attorney's fees, plus interest on those sums from the dates of payment at the rate stated in the note for matured, unpaid amounts. The sum to be reimbursed shall be secured by this deed of trust.
5. If Grantor defaults on the note or fails to perform any of Grantor's obligations or if default occurs on a prior lien note or other instrument, and the default continues after Beneficiary gives Grantor notice of the default and the time within which it must be cured, as may be required by law or by written agreement, then Beneficiary may:
 - a. declare the unpaid principal balance and earned interest on the note immediately due;
 - b. request Trustee to foreclose this lien, in which case Beneficiary or Beneficiary's agent shall give notice of the foreclosure sale as provided by the Texas Property Code as then amended; and
 - c. purchase the property at any foreclosure sale by offering the highest bid and then have the bid credited on the note.

Trustee's Duties

If requested by Beneficiary to foreclose this lien, Trustee shall:

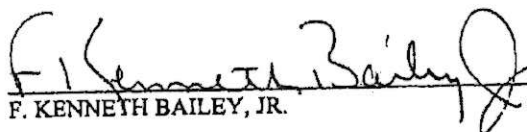
1. either personally or by agent give notice of the foreclosure sale as required by the Texas Property Code as then amended;
2. sell and convey all or part of the property to the highest bidder for cash with a general warranty binding Grantor, subject to prior liens and to other exceptions to conveyance and warranty; and
3. from the proceeds of the sale, pay, in this order:
 - a. expenses of foreclosure, including a commission to Trustee of 5% of the bid;
 - b. to Beneficiary, the full amount of principal, interest, attorney's fees, and other charges due and unpaid;
 - c. any amounts required by law to be paid before payment to Grantor; and
 - d. to Grantor, any balance.

General Provisions

1. If any of the property is sold under this deed of trust, Grantor shall immediately surrender possession to the purchaser. If Grantor fails to do so, Grantor shall become a tenant at sufferance of the purchaser, subject to an action for forcible detainer.
2. Recitals in any Trustee's deed conveying the property will be presumed to be true.
3. Proceeding under this deed of trust, filing suit for foreclosure, or pursuing any other remedy will not constitute an election of remedies.
4. This lien shall remain superior to liens later created even if the time of payment of all or part of the note is extended or part of the property is released.
5. If any portion of the note cannot be lawfully secured by this deed of trust, payments shall be applied first to discharge of that portion.
6. Grantor assigns to Beneficiary all sums payable to or received by Grantor from condemnation of all or part of the property, from private sale in lieu of condemnation, and from damages caused by public works or construction on or near the property. After deducting any expenses incurred, including attorney's fees, Beneficiary may release any remaining sums to Grantor or apply such sums to reduce the note. Beneficiary shall not be liable for failure to collect or to exercise diligence in collecting any such sums.
7. Grantor assigns to Beneficiary absolutely, not only as collateral, all present and future rent and other income and receipts from the property. Leases are not assigned. Grantor warrants the validity and enforceability of the assignment. Grantor may as Beneficiary's licensee collect rent and other income and receipts as long as Grantor is not in default under the note or this deed of trust. Grantor will apply all rent and other income and receipts to payment of the note and performance of this deed of trust, but if the rent and other income and receipts exceed the amount due under the note and deed of trust, Grantor may retain the excess. If Grantor defaults in payment of the note or performance of this deed of trust, Beneficiary may terminate Grantor's

- license to collect and then as Grantor's agent may rent the property if it is vacant and collect all rent and other income and receipts. Beneficiary neither has nor assumes any obligations as lessor or landlord with respect to any occupant of the property. Beneficiary may exercise Beneficiary's rights and remedies under this paragraph without taking possession of the property. Beneficiary shall apply all rent and other income and receipts collected under this paragraph first to expenses incurred in exercising Beneficiary's rights and remedies and then to Grantor's obligations under the note and this deed of trust in the order determined by Beneficiary. Beneficiary is not required to act under this paragraph, and acting under this paragraph does not waive any of Beneficiary's other rights or remedies. If Grantor becomes a voluntary or involuntary bankrupt, Beneficiary's filing a proof of claim in bankruptcy will be tantamount to the appointment of a receiver under Texas law.
8. Interest on the debt secured by this deed of trust shall not exceed the maximum amount of nonusurious interest that may be contracted for, taken, reserved, charged, or received under law; any interest in excess of that maximum amount shall be credited on the principal of the debt or, if that has been paid, refunded. On any acceleration or required or permitted prepayment, any such excess shall be canceled automatically as of the acceleration or prepayment or, if already paid, credited on the principal of the debt or, if the principal of the debt has been paid, refunded. This provision overrides other provisions in this and all other instruments concerning the debt.
 9. When the context requires, singular nouns and pronouns include the plural.
 10. The term *note* includes all sums secured by this deed of trust.
 11. This deed of trust shall bind, inure to the benefit of, and be exercised by successors in interest of all parties.
 12. If Grantor and Maker are not the same person, the term *Grantor* shall include Maker.
 13. Grantor represents that this deed of trust and the note are given for the following purposes:

The debt evidenced by the note is in part payment of the purchase price of the property; the debt is secured both by this deed of trust and by a vendor's lien on the property, which is expressly retained in a deed to Grantor of even date. This deed of trust does not waive the vendor's lien, and the two liens and the rights created by this instrument shall be cumulative. Beneficiary may elect to foreclose under either of the liens without waiving the other or may foreclose under both. The deed is incorporated into this deed of trust.


F. KENNETH BAILEY, JR.

RECEIVED

JAN 25 1999

WATER RIGHTS TEAM

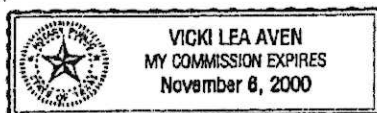
(Acknowledgment)

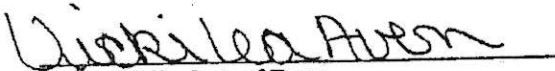
STATE OF TEXAS

Jefferson

COUNTY OF UVALDE

This instrument was acknowledged before me on the 28 day of October, 1998, by F. KENNETH BAILEY.




Notary Public, State of Texas

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:
DODSON & LOWE
318 E. Nopal
Uvalde, Texas 78801

TRACT NO. 1

A 5,295.67 acre tract of land being out of and a part of the 7,170.501 acre Thomas Valley Ranch in Uvalde County, Texas as surveyed by Wm. R. McCendon for Ynnio B. Cook, Jr. to convey the said 7,170.501 acre Thomas Valley Ranch to M. T. Arnold by that certain deed dated March 1, 1912 and filed for record in Volume 184 at Page 705 in the Deed Records of Uvalde County, Texas. The said 5,295.67 acre tract being more particularly described as follows:

BEGINNING at the recognized southeast corner of D. A. Shepard Survey 211, an iron rod by an interior fence corner of the Thomas Valley Ranch being described as Point 11P-7A in the property description contained in the said deed from Ynnio B. Cook, Jr. et ux, to M. T. Arnold, from which an iron rod by a fence post (S-108) marking the southwest corner of said Survey 211 on the East Bank of the Nueces River bears South 70° 37' 51" West for 8143.17 feet;

THENCE North 19° 39' 21" West with the existing fence line of the said Thomas Valley Ranch for 1936.28 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (11P-7B);

THENCE North 70° 28' 25" East with the existing fence line of the Thomas Valley Ranch for 706.41 feet to an iron rod by an interior fence corner of this tract and the Thomas Valley Ranch (F-7C);

THENCE North 19° 35' 22" West with the existing fence line of the Thomas Valley Ranch for 1825.70 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (11P-7D);

THENCE continuing with the meanders of the existing fence line of the said Thomas Valley Ranch as follows:

North 09° 23' 13" East for 405.71 feet to a point (S-109);
North 73° 30' 18" East for 214.84 feet to a point (S-110);
North 55° 05' 51" East for 157.29 feet to a point (S-111);
North 44° 19' 48" East for 241.05 feet to a point (S-112);
North 29° 03' 17" East for 51.48 feet to a point (S-113);
North 80° 28' 37" East for 206.69 feet to a point (11P-8);
North 75° 30' 26" East for 1022.43 feet to a point (S-114);
North 84° 16' 34" East for 431.15 feet to a point (S-115);
North 89° 03' 39" East for 305.04 feet to a point (S-116);
South 69° 13' 13" East for 262.95 feet to a point (11P-9);
North 57° 31' 30" East for 162.57 feet to a point (S-117);
North 52° 01' 44" East for 109.02 feet to a point (S-118);
North 49° 05' 08" East for 119.10 feet to a point (S-119);
North 54° 16' 21" East for 70.21 feet to a point (S-120);
North 63° 18' 30" East for 1030.03 feet to a point (S-121);
North 76° 57' 16" East for 84.17 feet to a point (S-122);
North 82° 20' 50" East for 67.20 feet to a point (S-123);
North 84° 48' 20" East for 731.08 feet to a point (S-124);
South 03° 38' 18" East for 236.69 feet to a point (S-125);
North 85° 02' 14" East for 358.34 feet to a point (S-126);
North 67° 47' 47" East for 52.92 feet to a point (S-127);
North 47° 17' 26" East for 17.69 feet to a point (S-128);
North 48° 27' 24" East for 105.55 feet to a point (S-129);
North 71° 36' 06" East for 1042.97 feet to an iron rod by an interior fence corner of this

Exhibit A

tract and the Thomas Valley Ranch (P-12D);

THENCE North 12° 45' 21" West with the existing fence line of the said Thomas Valley Ranch for 509.61 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (P-12A);

THENCE North 69° 30' 41" West with the existing fence line of the Thomas Valley Ranch for 732.15 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (P-13);

THENCE continuing with the meanders of the existing fence line of the Thomas Valley Ranch as follows:

North 89° 05' 06" East for 894.23 feet to a point (S-130);

North 89° 35' 45" East for 2126.05 feet to a point (S-131);

North 89° 42' 18" East for 2029.91 feet to an iron rod by a fence corner in the fenced west side of the Williams Ranch for the most northerly northeasterly corner of this tract of the Thomas Valley Ranch and being also the southeast corner of the Cooksey Ranch (P-14X);

THENCE South 0° 40' 17" East with the existing fence line of this tract and the Thomas Valley Ranch for 2741.64 feet to a point (S-132);

THENCE South 0° 20' 28" West with the existing fence line of this tract and the Thomas Valley Ranch for 991.02 feet to a point (S-133);

THENCE South 27° 25' 16" East with the existing fence line for 138.58 feet to an iron rod by an interior fence corner of this tract and the Thomas Valley Ranch (P-14);

THENCE continuing with the meanders of the existing fence line of the said Thomas Valley Ranch as follows:

North 87° 44' 49" East for 661.39 feet to a point (S-134);

North 83° 29' 55" East for 333.27 feet to a point (S-135);

North 86° 48' 35" East for 610.95 feet to a point (S-136);

North 85° 30' 43" East for 414.09 feet to a point (S-137);

North 86° 19' 36" East for 920.89 feet to a point (S-138);

North 89° 23' 02" East for 93.01 feet to a point (S-139);

South 88° 37' 31" East for 121.04 feet to a point (S-140);

South 85° 29' 50" East for 520.84 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (P-16A);

THENCE continuing with the meanders of the existing fence line of the Thomas Valley Ranch as follows:

South 20° 58' 16" East for 119.56 feet to a point (S-141);

South 16° 00' 40" East for 119.64 feet to a point (S-142);

South 11° 42' 32" East for 197.10 feet to a point (S-143);

South 9° 38' 33" East for 208.95 feet to a point (S-144);

South 8° 14' 47" East for 418.33 feet to a point (S-145);

South 0° 27' 55" East for 1046.46 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (P-17);

THENCE North 82° 07' 56" West with the existing fence line of the Thomas Valley Ranch for 200.39 feet to a point (S-146);

THENCE North 88° 30' 11" West with the existing fence line of the Thomas Valley Ranch for 1237.19 feet to an iron rod by an interior fence corner of this tract and the Thomas Valley Ranch (P-16D);

THIENCIE South 0° 12' 54" West with the existing fence line of the Thomas Valley Ranch for 1162.06 feet to an iron rod by an exterior corner of this tract and the Thomas Valley Ranch (P-21);

THIENCIE North 89° 41' 38" West with the existing fence line of the Thomas Valley Ranch for 3551.43 feet to an iron rod by an interior fence corner of this tract and the Thomas Valley Ranch (P-21YB);

THIENCIE South 19° 28' 51" East with the existing fence line of the Thomas Valley Ranch for 1306.03 feet to an iron rod by an exterior fence corner for this tract and the Thomas Valley Ranch (P-21YA);

THIENCIE South 69° 29' 09" West with the existing fence line of the Thomas Valley Ranch for 603.45 feet to a point (P-22);

THIENCIE South 69° 40' 03" West with the existing fence, a distance of 3119.50 feet to an iron rod by an interior fence corner of this tract and the Thomas Valley Ranch (P-23);

THIENCIE South 20° 12' 47" East with the existing fence line of the Thomas Valley Ranch for 1525.48 feet to an iron rod by an exterior corner of this tract and the Thomas Valley Ranch (P-24A);

THIENCIE South 21° 30' 16" West with the existing fence of the Thomas Valley Ranch for 1316.79 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (P-24B);

THIENCIE South 70° 11' 46" West with the existing fence of the Thomas Valley Ranch for 2025.85 feet to an iron rod by an interior fence corner of this tract and the Thomas Valley Ranch (P-24C);

THIENCIE South 27° 12' 47" West with the existing fence of the Thomas Valley Ranch for 1237.26 feet to an iron rod by an interior corner of this tract and the Thomas Valley Ranch (P-24D);

THIENCIE South 20° 37' 52" East with the existing fence line of the Thomas Valley Ranch for 3073.09 feet to an iron rod by an exterior fence corner of this tract and the Thomas Valley Ranch (P-24E);

THIENCIE continuing with the meanders of the existing fence line of the Thomas Valley Ranch as follows:

South 56° 03' 03" West for 432.48 feet to a point (S-147);
South 66° 59' 01" West for 289.01 feet to a point (S-148);
South 83° 42' 12" West for 387.09 feet to a point (S-149);
South 82° 59' 13" West for 253.90 feet to a point (S-150);
South 74° 03' 17" West for 101.92 feet to a point (S-151);
South 16° 00' 48" West for 46.84 feet to a point (S-152);
North 00° 32' 16" West for 85.16 feet to a point (S-153);
South 28° 35' 35" West for 43.42 feet to a point (S-154);
South 7° 51' 12" East for 29.27 feet to a point (S-155);
South 26° 35' 39" West for 880.12 feet to a point (S-156);
South 25° 02' 15" West for 333.53 feet to a point (S-157);
South 16° 00' 40" West for 239.28 feet to a point (S-158);
South 11° 35' 32" West for 159.25 feet to a point (S-159);
South 7° 51' 10" West for 674.75 feet to an iron rod by an exterior corner of this tract and the Thomas Valley Ranch (P-26);

THIENCIE continuing with the meanders of the existing fence line of the said Thomas Valley Ranch as follows:

South 70° 09' 03" West for 3780.39 feet to a point (S-160);
 South 70° 50' 39" West for 2136.29 feet to a point (S-161);
 South 69° 39' 19" West for 825.50 feet to a point (S-162);
 South 76° 15' 49" West for 46.32 feet to a point (S-163);
 South 70° 32' 29" West for 1560.85 feet to a point (S-164);
 South 69° 51' 44" West for 453.96 feet to a point (S-165);
 South 70° 44' 54" West for 843.15 feet to a point (S-166);
 South 6° 47' 20" East for 42.30 feet to a point (S-167);
 South 39° 36' 36" West for 533.78 feet to an iron rod by a fence corner for a corner of
 this tract and the Thomas Valley Ranch (T-27);

THENCE South 63° 07' 53" West for 285.37 feet to a point for a corner of this tract and
 the Thomas Valley Ranch on the east lower high bank of the Nueces River (S-5);

THENCE with the meanders of the east lower high bank of the Nueces River as follows:

North 14° 44' 37" East for 196.47 feet to a point (S-6);
 North for 169.00 feet to a point (S-7);
 North 2° 23' 09" East for 192.17 feet to a point (S-8);
 North 8° 56' 58" East for 128.57 feet to a point (S-9);
 North 17° 47' 46" East for 85.07 feet to a point (S-10);
 North 26° 30' 19" East for 347.93 feet to a point (S-11);
 North 10° 30' 29" East for 126.12 feet to a point (S-12);
 North 3° 41' 29" East for 93.19 feet to a point (S-13);
 North 6° 27' 32" East for 213.35 feet to a point (S-14);
 North 0° 50' 16" East for 118.02 feet to a point (S-15);
 North 6° 27' 18" West for 275.75 feet to a point (S-16);
 North 8° 43' 24" West for 191.21 feet to a point (S-17);
 North 19° 18' 59" West for 102.79 feet to a point (S-18);
 North 38° 25' 52" West for 117.44 feet to a point (S-19);
 North 54° 13' 48" West for 114.62 feet to a point (S-20);
 North 63° 02' 28" West for 130.14 feet to a point (S-21);
 North 63° 09' 10" West for 90.79 feet to a point (S-22);
 North 54° 46' 57" West for 83.23 feet to a point (S-23);
 North 41° 25' 25" West for 45.34 feet to a point (S-24);
 North 26° 03' 13" West for 50.09 feet to a point (S-25);
 North 13° 02' 00" West for 110.86 feet to a point (S-26);
 North 6° 36' 30" West for 165.10 feet to a point (S-27);
 North 11° 18' 36" West for 107.08 feet to a point (S-28);
 North 5° 26' 25" West for 105.48 feet to a point (S-29);
 North 13° 21' 37" West for 82.23 feet to a point (S-30);
 North 29° 57' 44" West for 98.11 feet to a point (S-31);
 North 25° 33' 36" West for 101.98 feet to a point (S-32);
 North 26° 54' 50" West for 293.82 feet to a point (S-33);
 North 29° 28' 37" West for 264.20 feet to a point (S-34);
 North 33° 19' 52" West for 132.83 feet to a point (S-35);
 North 35° 13' 03" West for 104.04 feet to a point (S-36);
 North 45° 44' 39" West for 217.81 feet to a point (S-37);
 North 39° 48' 20" West for 93.72 feet to a point (S-38);
 North 28° 32' 21" West for 64.88 feet to a point (S-39);
 North 14° 46' 28" West for 94.11 feet to a point (S-40);
 North 17° 12' 40" West for 310.92 feet to a point (S-41);
 North 10° 02' 21" West for 212.25 feet to a point (S-42);
 North 9° 07' 30" West for 195.47 feet to a point (S-43);
 North 6° 04' 20" West for 94.53 feet to a point (S-44);
 North 14° 12' 57" East for 77.37 feet to a point (S-45);
 North 23° 33' 28" East for 162.96 feet to a point (S-46);
 North 18° 26' 06" East for 82.22 feet to a point (S-47);

North 23° 26' 53" East for 90.47 feet to a point (S-48);
 North 15° 34' 21" East for 63.32 feet to a point (S-49);
 North 2° 40' 12" West for 193.21 feet to a point (S-50);
 North 10° 12' 50" West for 112.79 feet to a point (S-51);
 North 10° 44' 10" West for 180.57 feet to a point (S-52);
 North 18° 13' 30" West for 172.66 feet to a point (S-53);
 North 16° 56' 33" West for 157.85 feet to a point (S-54);
 North 33° 40' 40" West for 97.42 feet to a point (S-55);
 North 33° 06' 41" West for 82.38 feet to a point (S-56);
 North 31° 32' 29" West for 170.14 feet to a point (S-57);
 North 34° 26' 46" West for 25.65 feet to a point for a corner of this tract and the south corner of a 0.40 acre tract owned by O. Thomas Holmes on the east lower high bank of the Nueces River and the west boundary of the Thomas Valley Ranch (S-57 R).

THENCE North 71° 56' 33" East with the southeast line of the said Holmes tract, at 508.35 feet pass the east corner of the O. Thomas Holmes 0.40 acre tract, being also an exterior corner (P-20) of the Tru-Mar Land Company Subdivision No. 1 on the westerly northwest line of this tract, continuing then North 71° 56' 33" East with the line of said Tru-Mar Subdivision No. 1 at 2098.35 feet to an exterior corner of this tract and an interior corner of the Tru-Mar Subdivision No. 1 (P-27);

THENCE South 18° 54' 27" East with the line of the said Tru-Mar Subdivision No. 1 for 185.00 feet to an interior corner of this tract and an exterior corner of the Tru-Mar Subdivision No. 1 (P-26);

THENCE North 71° 56' 33" East with the line of the Tru-Mar Subdivision No. 1 (said line being parallel to Lines C, D, F, and G of the subdivision as they were found staked on the ground) for 5010.00 feet to an interior corner of this tract and an exterior corner of Block D of the said Tru-Mar Subdivision No. 1 (P-25);

THENCE North 18° 06' 51" West with the extended northeast line of Lots 30, 33, 36, and 39 in Block D of the Tru-Mar Subdivision as found staked on the ground for 6140.00 feet to 3/8 inch steel spike set for the east corner of Lot 30 in Block D of the Tru-Mar Subdivision for an exterior corner of this tract, from which a wooden stake set by Homer Trimble to mark the south corner of Lot 32 in Block C of the Tru-Mar Subdivision bears South 71° 56' 33" West for 5280.00 feet;

THENCE North 71° 56' 33" East, at 1320.00 feet pass a 1/2 inch iron rod set on the west bank of a dry creek, continuing North 71° 56' 33" East for 2412.69 feet in all to a 1/2 inch iron rod set for an interior corner of this tract;

THENCE North 19° 39' 00" West along a line found cut through the cedar growth for 3390.79 feet to the POINT OF BEGINNING.

The aforesaid 5,295.67 acre tract of land contains acreage as shown below out of the surveys as listed:

Survey 915	539.86 Acres
Survey 918	929.8 Acres
Survey 917	408.37 Acres
Survey 916	658.5 Acres
Survey 919	630.4 Acres
Survey 920 1/2	387.9 Acres
Survey 257	6.4 Acres
Survey 258	322.36 Acres
Survey 198	1,070.05 Acres
Survey 199	262.68 Acres
Survey 202	81.55 Acres
Total	5,295.67

Exhibit A

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TRACT NO. 2:

405.79 acres, more or less, (including 13.22 acres of roads) out of the Tri-Mar Land Company Subdivision No. 1 of the M. T. Arnold Ranch, a subdivision of Uvalde County, Texas, as shown by the map or plat thereof recorded in Volume 3, Page 58 of the Map Records of Uvalde County, Texas, to which reference is here made, and being:

(a) All of Lots Two (2), Three (3), Five (5), Six (6), Eight (8), Nine (9), Eleven (11), Twelve (12), Fourteen (14), Fifteen (15), Seventeen (17), Eighteen (18), Twenty (20), Twenty-one (21), Twenty-two (23), Twenty-four (24), Twenty-five (25), and Twenty-seven (27), Block D; and

(b) The East 599.94 feet of Lots Nineteen (19), Twenty-two (22) and Twenty-five (25), Block D; and

(c) A portion of Lot Sixteen (16), Block D, described as follows, to-wit:

BEGINNING at the northernmost corner of said Lot 16, in Lane "D" for a place of beginning; THENCE westerly along the boundary between said Lot 16 and Lane "D", a distance of 599.94 feet for a corner; THENCE southerly and parallel with boundary line between Lot 16 and Lot 17 in said block, a distance of 384.2 feet for a corner; THENCE easterly and parallel with the boundary line between Lot 16 and Lot 13, a distance of 599.94 feet to the boundary line between Lot 16 and Lot 17 for a corner; THENCE northerly along the boundary line between Lot 16 and Lot 17, a distance of 384.2 feet to the place of beginning.

(d) All of "A", Lane "B", Lane "C", Lane "D" and Lane "E" in said subdivision lying either between or adjacent to any of the said lots or portions of lots described in (a), (b), or (c) above.

TRACT NO. 3:

A 81.18 acre tract of land in G. C. & S. F. R. Survey 917 being also out of and a part of the 7,150.501 acre Thomas Valley Ranch in Uvalde County, Texas as surveyed by Wm. R. McCleendon for Vannie B. Cook, Jr. to convey the said 7,150.501 acre Thomas Valley Ranch to M. T. Arnold by that certain deed dated March 1, 1972 and filed for record in Volume 184 at page 705 in the Deed Records of Uvalde County, Texas. The said 81.18 acre tract being more particularly described as follows:

BEGINNING at the recognized east or southeast corner of the Ben A. Sheppard Survey 211 on the northwest line of G. C. & S. F. R. Survey 917, an iron rod by an interior fence corner of the Thomas Valley Ranch being described as Point 117-7A in the property description contained in the said deed from Vannie B. Cook, Jr., et ux, to M. T. Arnold, from whence an iron rod by a fence post (S-108) marking the south or southwest corner of said Survey 211 on the east bank of the Nueces River bears South 70° 37' 51" West for 8343.17 feet;

THENCE South 70° 26' 28" West with the fenced and recognized division line of said Surveys 211 and 917 for 1002.09 feet to a 5/8" iron rod set for the west corner of this tract;

THENCE South 18° 06' 48" East with the southwest line of this tract for 1303.22 feet to a 5/8" iron rod set in the extended north line of Lane O of the Tri-Mar Subdivision No. 1 of the said M. T. Arnold Ranch to mark the north corner of a 16 foot wide road easement to this tract from said Lane O, from whence the east corner of Lot 39 of said Tri-Mar Subdivision bears South 71° 56' 33" West for 1320.00 feet;

THENCE South 18° 06' 48" East with the southwest line of this tract, at 16.00 feet pass a 5/8" iron rod set to mark the east corner of the said 16 foot wide road easement, at 2060.00 feet in all to a 1/2" iron rod set on the west bank of a dry creek for the south corner of this tract on a northwest line of a 3,295.67 acre tract deeded by M. T. Arnold to V. R. Edwards, et al;

Exhibit A

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THENCE North 71° 56' 33" East with the said northwest line of the Edwards 5,295.67 acre tract for 1092.69 feet to a 1/2" iron rod set for an interior corner of the Edwards 5,295.67 acre tract for the east corner of this tract;

THENCE North 19° 39' 00" West with a southwest line of the said Edwards 5,295.67 acre tract cut through the cedar growth for 3390.79 feet to the POINT OF BEGINNING and containing 81.10 acres in O. C. & S. F. R. Survey 917.

TRACTS (Containing 7 Separate Tracts of Land):

✓ FIRST TRACT: Lots 44, 45 and 46, Block C, Tru-Mar Land Company Subdivision No. 1 of the M. T. Arnold Ranch, a subdivision of Uvalde County, Texas, as shown by the map or plat thereof recorded in Volume 3, Page 58, of the Map Records of Uvalde County, Texas, here referred to for all purposes.

✓ SECOND TRACT: Lots 40, 41, 42 and 43, Block C, Tru-Mar Land Company Subdivision No. 1 of the M. T. Arnold Ranch, a subdivision of Uvalde County, Texas, as shown by the map or plat thereof recorded in Volume 3, Page 58, of the Map Records of Uvalde County, Texas, here referred to for all purposes.

✓ THIRD TRACT: Lot 32, Block C, Tru-Mar Land Company Subdivision No. 1 of the M. T. Arnold Ranch, a subdivision of Uvalde County, Texas, as shown by the map or plat thereof recorded in Volume 3, Page 58, of the Map Records of Uvalde County, Texas, here referred to for all purposes.

✓ FOURTH TRACT: Lot 39, Block C, Tru-Mar Land Company Subdivision No. 1 of the M. T. Arnold Ranch, a subdivision of Uvalde County, Texas, as shown by the map or plat thereof recorded in Volume 3, Page 58, of the Map Records of Uvalde County, Texas, here referred to for all purposes.

✓ FIFTH TRACT: Lots 38 and 39, Block D, Tru-Mar Land Company Subdivision No. 1 of the M. T. Arnold Ranch, a subdivision of Uvalde County, Texas, as shown by the map or plat thereof recorded in Volume 3, Page 58, of the Map Records of Uvalde County, Texas, here referred to for all purposes.

✓ SIXTH TRACT: Lot 37, Block D, Tru-Mar Land Company Subdivision No. 1 of the M. T. Arnold Ranch, a subdivision of Uvalde County, Texas, as shown by the map or plat thereof recorded in Volume 3, Page 58, of the Map Records of Uvalde County, Texas, here referred to for all purposes.

✓ SEVENTH TRACT: A certain 38.90 acre tract out of 182.50 acre tract of land formerly owned by M. T. Arnold and lying adjacent to the Tru-Mar Subdivision No. 1 of the M. T. Arnold Ranch in Uvalde County, Texas, being more particularly described as follows:

✓ BEGINNING at a 3/8" iron rod set for the South corner of this tract and the West corner of a certain 62.42 acre tract at the East corner of Lot 39 in Block D on the Northwest line of Land "C" of the said Tru-Mar Subdivision No. 1 and the Southwest line of the said 182.50 acre tract,

Exhibit A

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from which the South corner of the 182.58 acres bears South 18° 06' 51" East for 2060.00 feet;

THENCE North 18° 06' 51" West with the Northeast line of Block D of said Tru-Mar Subdivision and the Southwest line of said 182.58 acres, at 1133.00 feet pass the point for the North corner of Block D of said subdivision at 1260.61 feet set a 5/8" iron rod for the West corner of this tract and the said 182.58 acres in the fenced Northwest line of the M. T. Arnold Ranch;

THENCE North 70° 26' 28" East with the fenced line for 1320.46 feet to a 5/8" iron rod set in the fenced line for the North corner of this tract from which the North corner of the said 182.58 acre tract bears North 70° 26' 28" East for 1002.09 feet;

THENCE South 18° 06' 48" East for 1303.22 feet to a 5/8" iron rod set for the East corner of this tract and the North corner of a certain 62.42 acre tract;

THENCE South 71° 36' 33" West with the Northwest line of the said 62.42 acre tract for 1370.00 feet to the point of beginning.

ASSIGNMENT, BILL OF SALE AND CONVEYANCE

KNOW ALL MEN BY THESE PRESENTS that Bailey Four Canyon Ranch Properties, Ltd., a Texas limited partnership ("Assignor"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby irrevocably ASSIGNS, TRANSFERS and CONVEYS unto 4C Ranch Properties, LLC, a Texas limited liability company ("Assignee") all right, title and interest to the items described on **Exhibit A** (collectively, the "Assets"), free and clear of all liens, claims and encumbrances.

Assignor covenants and agrees to warrant and defend the sale, transfer, assignment, conveyance, grant and delivery of the Assets hereby made free against any liens, claims against all persons whomsoever, to take all steps reasonably necessary to establish the record of Assignee's title to the Assets and, at the request of Assignee, to execute and deliver further instruments of transfer and assignment and take such other action as Assignor may reasonably request to more effectively transfer and assign to and vest in Assignor each of the Assets.

IN WITNESS WHEREOF, the parties hereto have executed this instrument to be effective as of March 1, 2019.

ASSIGNOR:

Bailey Four Canyon Ranch Properties, Ltd.

By: FKB Enterprises, L.L.C., its general partner

By: F. Kenneth Bailey, Jr.
F. Kenneth Bailey, Jr., Manager

By: Carole Elizabeth Bailey
Carole Elizabeth Bailey, Manager

ASSIGNEE:

4C Ranch Properties, LLC

By: K. Camp Bailey
K. Camp Bailey, Manager

Exhibit A
Assets

1. All portable buildings, hunting blinds, game feeders, livestock feeders and troughs, irrigation equipment, fuel tanks, submersible pumps, pressure tanks, corrals, gates, and chutes located on or about the Ranch (defined below).
 2. All personal property, furnishings, equipment, vehicles, websites, marketing materials, and intellectual property rights of any nature relating to or located on or about the Ranch.
 3. All livestock, livestock records, livestock semen or embryos (whether kept on site or at an offsite storage facility), feed, permits, licenses, and related equipment located on or about the Ranch including, but not limited to, those associated with the whitetail deer breeding operation located at the Ranch.
 4. All rights and ownership Assignor, and/or F. Kenneth Bailey, Jr., has in and to the water well and any allocated water rights related thereto registered with Uvalde County Underground Water Conservation District as Registration Number 5457848.
 5. All rights of ownership Assignor, and/or F. Kenneth Bailey, Jr., has in and to the water rights evidence by "Certificate of Adjudication No. 21-3065", ownership shown as being F. Kenneth Bailey, Jr. dated April 1, 1999 in the records of the Texas Natural Resource Conservation Commission.
 6. All other water rights and permits of existing wells located on or about the Ranch owned by Assignor, and/or F. Kenneth Bailey, Jr., not otherwise covered by items 4 and 5 above.
-
7. All owned minerals associated with the Ranch.
 8. All rights Assignor may have under the "Private Use Non-Commercial Airport Lease Agreement," entered into between Assignor and FCR Grothues LLC dated March 7, 2018 regarding access to, and use of, the runway and airport facilities located adjacent to the Ranch known as Fossil Creek Ranch Airport, Federal Aviation Administration Identifier "TE78."

The term "**Ranch**" means the real property and improvements known as Four Canyon Ranch located in Uvalde County, Texas and described in more detail in the General Warranty Deed delivered by Assignor to the Assignee simultaneously with this Assignment, Bill of Sale and Conveyance.

F. Kenneth Bailey, Jr. hereby joins into this Assignment, Bill of Sale and Conveyance for the purpose of agreeing to the assignment of items 4, 5, and 6 above and to the extent he has any personal ownership in items 4, 5, and 6 above, he hereby assigns the same to Assignee.


F. Kenneth Bailey, Jr.

ASSIGNMENT, BILL OF SALE AND CONVEYANCE

KNOW ALL MEN BY THESE PRESENTS that Bailey Four Canyon Ranch Properties, Ltd., a Texas limited partnership ("Assignor"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby irrevocably ASSIGNS, TRANSFERS and CONVEYS unto 4C Ranch Properties, LLC, a Texas limited liability company ("Assignee") all right, title and interest to the items described on **Exhibit A** (collectively, the "Assets"), free and clear of all liens, claims and encumbrances.

Assignor covenants and agrees to warrant and defend the sale, transfer, assignment, conveyance, grant and delivery of the Assets hereby made free against any liens, claims against all persons whomsoever, to take all steps reasonably necessary to establish the record of Assignee's title to the Assets and, at the request of Assignee, to execute and deliver further instruments of transfer and assignment and take such other action as Assignor may reasonably request to more effectively transfer and assign to and vest in Assignor each of the Assets.

IN WITNESS WHEREOF, the parties hereto have executed this instrument to be effective as of March 1, 2019.

ASSIGNOR:

Bailey Four Canyon Ranch Properties, Ltd.

By: FKB Enterprises, L.L.C., its general partner

By: F. Kenneth Bailey, Jr.
F. Kenneth Bailey, Jr., Manager

By: Carole Elizabeth Bailey
Carole Elizabeth Bailey, Manager

ASSIGNEE:

4C Ranch Properties, LLC

By: K. Camp Bailey
K. Camp Bailey, Manager

Exhibit A
Assets

1. All portable buildings, hunting blinds, game feeders, livestock feeders and troughs, irrigation equipment, fuel tanks, submersible pumps, pressure tanks, corrals, gates, and chutes located on or about the Ranch (defined below).
2. All personal property, furnishings, equipment, vehicles, websites, marketing materials, and intellectual property rights of any nature relating to or located on or about the Ranch.
3. All livestock, livestock records, livestock semen or embryos (whether kept on site or at an offsite storage facility), feed, permits, licenses, and related equipment located on or about the Ranch including, but not limited to, those associated with the whitetail deer breeding operation located at the Ranch.
4. All rights and ownership Assignor, and/or F. Kenneth Bailey, Jr., has in and to the water well and any allocated water rights related thereto registered with Uvalde County Underground Water Conservation District as Registration Number 5457848.
5. All rights of ownership Assignor, and/or F. Kenneth Bailey, Jr., has in and to the water rights evidence by "Certificate of Adjudication No. 21-3065", ownership shown as being F. Kenneth Bailey, Jr. dated April 1, 1999 in the records of the Texas Natural Resource Conservation Commission.
6. All other water rights and permits of existing wells located on or about the Ranch owned by Assignor, and/or F. Kenneth Bailey, Jr., not otherwise covered by items 4 and 5 above.
7. All owned minerals associated with the Ranch.
8. All rights Assignor may have under the "Private Use Non-Commercial Airport Lease Agreement," entered into between Assignor and FCR Grothues LLC dated March 7, 2018 regarding access to, and use of, the runway and airport facilities located adjacent to the Ranch known as Fossil Creek Ranch Airport, Federal Aviation Administration Identifier "TE78."

The term "**Ranch**" means the real property and improvements known as Four Canyon Ranch located in Uvalde County, Texas and described in more detail in the General Warranty Deed delivered by Assignor to the Assignee simultaneously with this Assignment, Bill of Sale and Conveyance.

**GENERAL WARRANTY DEED**

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

Date: March 1, 2019

Grantor(s): **BAILEY FOUR CANYON RANCH PROPERTIES, LTD. and
F. Kenneth Bailey, Jr.**

Grantor's Mailing Address: 5555 San Felipe St., Ste. 900
Houston, Texas 77056

Grantee: **4C Ranch Properties, LLC**

Grantee's Mailing Address: 5555 San Felipe St., Ste. 900
Houston, Texas 77056

Property (including any improvements):

See Exhibit "A" attached hereto.

Consideration: Cash and a first lien Note of even date herewith that is in the amount of **Eleven Million One Hundred Thousand and No/100 Dollars (\$11,100,000.00)** ("Note"), executed by Grantee, payable to the order of Capital Farm Credit, FLCA ("Lender"). The Note is secured by a vendor's lien retained in favor of Grantor and transferred to Lender and by a deed of trust of even date herewith from Grantee to Ben R. Novosad, Trustee.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the Property, and all oil, gas and other minerals in and under and that may be produced from the Property and owned by Grantor, together with all and singular rights and appurtenances thereto, to have and hold to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors against every person whomsoever lawfully claiming or to claim the same or any part thereto, except as to the reservation from and exceptions to conveyance and warranty.

Lender, at Grantee's request, has paid in cash to Grantor a portion of the purchase price of the property, as evidenced by the Note. The vendor's lien and superior title to the property are retained for the benefit of Lender and are transferred to that party without recourse on Grantor.

This conveyance is made and accepted subject to the matters of record recorded in the Real Property Records of the County in Texas where the Property is located as of the date hereof.

THE GRANTEE ACKNOWLEDGES THAT THE PROPERTY MAY BE SUBJECT TO DEED RESTRICTIONS, ORDINANCES AND BUILDING CODES OF VARIOUS GOVERNING BODIES, DISTRICTS, MUNICIPALITIES, AND GOVERNMENTAL AUTHORITIES, AND HE HAS HAD THE OPPORTUNITY TO SEEK LEGAL ADVICE AND COUNSEL OF HIS OWN CHOOSING WITH REGARD TO SUCH MATTERS AND IS NOT RELYING ON ANY NOTICES OR DISCLOSURES FROM THE GRANTOR RELATED THERETO; AND TO THE FULLEST EXTENT NOT PROHIBITED BY LAW, THE GRANTEE WAIVES ANY RIGHT TO ANY NOTICES OR DISCLOSURES OF ANY KIND FROM THE GRANTOR RELATED TO THE PROPERTY AND THE EXISTENCE AND NATURE OF ANY RESTRICTIONS, ORDINANCES, BUILDING CODES OR OTHER GOVERNMENTAL OR QUASI-GOVERNMENTAL RULES OR REGULATIONS IMPACTING, AFFECTING OR RELATING TO THE PROPERTY.

THE PROPERTY IS CONVEYED AS IS, WHEREAS, EXCEPT AS EXPRESSLY SET FORTH HEREIN AND EXCEPT FOR THE WARRANTIES OF TITLE, GRANTOR MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND TO GRANTEE, INCLUDING, WITHOUT LIMITATION, ANY REPRESENTATIONS OR WARRANTY (A) REGARDING THE PHYSICAL CONDITION OF THE PROPERTY OR ITS SUITABILITY FOR ANY PARTICULAR PURPOSE, (B) THE SOIL CONDITIONS EXISTING AT THE PROPERTY FOR ANY PARTICULAR PURPOSE OR THE DEVELOPMENT OR INCOME POTENTIAL OF THE PROPERTY, (C) THE COMPLIANCE OF THE PROPERTY WITH LEGAL REQUIREMENTS, AND (D) THE PRESENCE OR ABSENCE OF ANY HAZARDOUS SUBSTANCES, MATTER OR MATERIALS IN, ON OR UNDER THE PROPERTY, (E) THE PHYSICAL CONDITION, LAYOUT, FOOTAGE, EXPENSE, ZONING, OPERATION, OR ANY OTHER MATTER AND GRANTEE HEREBY EXPRESSLY ACKNOWLEDGES THAT NO SUCH REPRESENTATIONS HAVE BEEN MADE, GRANTEE AGREES THAT ~~THE PROPERTY IS SOLD AND ACCEPTED BY GRANTEE AT THE CLOSING IN ITS PRESENT CONDITION, AS IS WITH ALL FAULTS, IF ANY, AND WITHOUT ANY WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, BY GRANTOR, AND GRANTEE HAS AGREED TO RELY UPON THE RESULTS OF ITS TESTS, INSPECTIONS, AND STUDIES DURING THE FEASIBILITY PERIOD IN PURCHASING THE PROPERTY, THE SALES PRICE HAS BEEN NEGOTIATED AND AGREED UPON BASED UPON THE FOREGOING.~~

F. Kenneth Bailey, Jr., hereby joins into this General Warranty Deed for the purpose of conveying all of his remaining interest in the Property, in any, including without limitation, all water rights associated with the Uvalde County Underground Water Conservation District under Registration No. 5457848, all water rights associated with Certificate of Adjudication No. 21-3065 in the records of the Texas Natural Resource Conservation Commission, and all other water rights in, under, on, related to, and/or appurtenant with the Property.

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

SIGNATURE(S) FOUND ON FOLLOWING PAGE(S)

"GRANTOR(S)"

BAILEY FOUR CANYON RANCH PROPERTIES, LTD.,
a Texas limited partnership

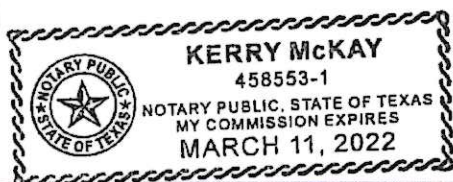
By: **FKB ENTERPRISES, L.L.C.**
Its General Partner

BY: *F. Kenneth Bailey, Jr.*
F. Kenneth Bailey, Jr., Manager

STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 1st day of March, 2019, by F. Kenneth Bailey, Jr., Manager of **FKB ENTERPRISES, L.L.C.**, general partner of **BAILEY FOUR CANYON RANCH PROPERTIES, LTD.**

Kerry McKay
Notary Public, State of Texas

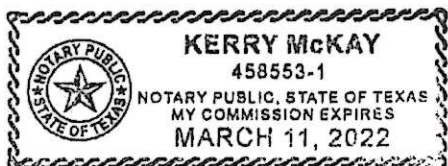


F. Kenneth Bailey, Jr.
F. Kenneth Bailey, Jr.

STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 1st day of March, 2019, by F. Kenneth Bailey, Jr.

Kerry McKay
Notary Public, State of Texas



5605.89 acres of land, more or less, being all of that certain 5606.12 acres of land, SAVE AND EXCEPT 0.23 acre of land, lying in Uvalde County, Texas and more particularly described as follows:

D. G. SMYTH & COMPANY, INC.

"A Statewide Professional Land Surveying Service Company"

1022 Garner Field Road, Suite C

Uvalde, Texas 78801

FIRM # 10008800

Office Tel. (830) 591-0858

smythsurveyors.com

Fax (830) 591-0858

FIELD NOTES FOR A BOUNDARY SURVEY OF 5606.12 GRID ACRES, MORE OR LESS COMPLETED JUNE 27, 2017

Being a Boundary Survey of 5606.12 grid acres of land, more or less, lying in Uvalde County, Texas, being out of and parts of H.G. Runnels Survey 202, Abstract No. 427, H.G. Runnels Survey 199, Abstract No. 426, J.D. McLeod Survey 198, Abstract No. 328, J. Glover Survey 195, Abstract No. 218, W.A. Gilli Survey 194, Abstract No. 206, E.S. Gilcrease Survey 261, Abstract No. 621, Uvalde C.S.L. Survey 433, Abstract No. 730, A.B. Luce Survey 924, Abstract No. 1693, W. Ahrenbeck & Bro. Survey 539, Abstract No. 735, J. Smith Survey 190, Abstract No. 464, W.A. Gilli Survey 191, Abstract No. 205, J.L. Jones Survey 770, Abstract No. 1765, B.T. Smith Survey 770, Abstract No. 1702, B.T. Smith Survey 846, Abstract No. 170 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312, and also being comprised of a composite of those same certain tracts called 5295.67 acres as described in conveyance document recorded in Volume 405, Page 404 of the Uvalde County Deed Records, 102.469 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 464, Page 277 of the Uvalde County Official Public Records, First Tract: 200.0 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 393, Page 707 of the Uvalde County Official Public Records, Second Tract: 300.0 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 393, Page 707 of the Uvalde County Official Public Records, Third Tract: 226.0 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 393, Page 707 of the Uvalde County Official Public Records, 381.31 acres as described in conveyance document recorded in Volume 332, Page 843 of the Uvalde County Deed Records, First Body of Land, Tract A: First Tract: 1250.04 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Second Body of Land, Tract B: First Tract: 1339.20 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records and Third Body of Land, Tract C: First Tract: 1175.00 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Tract 2: Second Tract: 4.75 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Tract 3: Fifth Tract: 4.70 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Tract 4: 32.71 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Tract 5: Fourth Tract: 6.20 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde

County Official Public Records, Tract 6: Second Tract: 93.66 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Tract 7: Third Tract: 60.25 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Tract 8: Fourth Tract: 0.78 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Tract 9: Fifth Tract: 52.32 acres as described in conveyance document to F. Kenneth Bailey, Jr., recorded in Volume 326, Page 823 of the Uvalde County Official Public Records, Uvalde County, Texas and being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983(86), Texas South Central Zone.) (All corners called for as being set are marked on the ground with 1/2 inch diameter rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING at a 6" diameter treated fence corner post located at S.P.C. N=13199877.19' & E=2039992.34', at a point on the intersection of the fenced southerly margin of River Lane and the fenced westerly margin of County Road 416 marking the most northerly corner of the herein described tract;

THENCE: S 19° 06' 53" E, with the fenced westerly margin of County Road 416 for a distance of 186.91 feet to a found 1/2" diameter rebar marking a deflection point of the herein described tract;

THENCE: S 20° 19' 19" E, leaving the fenced westerly margin of County Road 416 crossing the ostensible common line of H.G. Runnels Survey 202, Abstract No. 427 and H.G. Runnels Survey 199, Abstract No. 426 for a distance of 680.24 feet to a found mag nail on the centerline of said County Road 416 marking a deflection point of the herein described tract;

THENCE: In a southerly direction with the centerline of said County Road 416 for the following sixteen (16) calls;

1. S 28° 01' 23" E, for a distance of 129.41 feet to a found mag nail marking a deflection point of the herein described tract;
2. S 46° 51' 44" E, for a distance of 74.04 feet to a found mag nail marking a deflection point of the herein described tract;
3. S 53° 14' 42" E, for a distance of 126.61 feet to a found mag nail marking a deflection point of the herein described tract;
4. S 46° 13' 11" E, for a distance of 88.09 feet to a found mag nail marking a deflection point of the herein described tract;
5. S 21° 07' 49" E, for a distance of 105.90 feet to a found mag nail marking a deflection point of the herein described tract;
6. S 16° 03' 59" E, crossing the ostensible common line of H.G. Runnels Survey 199, Abstract No. 426 and J.D. McLeod Survey 198, Abstract No. 328 for a distance of 1139.10 feet to a found mag nail marking a deflection point of the herein described tract;
7. S 17° 49' 14" E, for a distance of 113.11 feet to a found mag nail marking a deflection point of the herein described tract;

8. S 20° 25' 47" E, for a distance of 1190.17 feet to a found mag nail marking a deflection point of the herein described tract;
9. S 15° 42' 32" E, for a distance of 99.07 feet to a found mag nail marking a deflection point of the herein described tract;
10. S 03° 56' 43" E, for a distance of 90.56 feet to a found mag nail marking a deflection point of the herein described tract;
11. S 01° 40' 37" W, for a distance of 1090.69 feet to a found mag nail marking a deflection point of the herein described tract;
12. S 01° 06' 34" E, for a distance of 150.66 feet to a found mag nail marking a deflection point of the herein described tract;
13. S 06° 16' 03" E, for a distance of 186.80 feet to a found mag nail marking a deflection point of the herein described tract;
14. S 08° 20' 56" E, crossing the ostensible common line of J.D. McLeod Survey 198, Abstract No. 328 and J. Glover Survey 195, Abstract No. 218 for a distance of 1427.51 feet to a found mag nail marking a deflection point of the herein described tract;
15. S 04° 25' 56" E, for a distance of 279.35 feet to a found mag nail marking a deflection point of the herein described tract;
16. S 03° 00' 07" W, for a distance of 67.19 feet to a found mag nail marking a reentrant corner of the herein described tract;

THENCE: N 59° 21' 48" E, leaving the centerline of said County Road 416 and with the common line of that same certain 5704.91 acres concurrently surveyed by Grogan Surveying, Inc. on July 21, 2015 and the herein described tract for a distance of 1279.43 feet to a 4" diameter pipe fence angle post marking a deflection point of said 5704.91 acres tract and marking a deflection point of the herein described tract;

THENCE: In an easterly direction, generally with the occupied boundary fence with the common line of said 5704.91 acres tract and the herein described tract for the following six (6) calls;

1. N 52° 44' 01" E, crossing the ostensible common line of J. Glover Survey 195, Abstract No. 218 and J.D. McLeod Survey 198, Abstract No. 328 for a distance of 680.41 feet to a 4" diameter pipe fence angle post marking a deflection point of said 5704.91 acres tract and marking a deflection point of the herein described tract;
2. N 69° 51' 46" E, for a distance of 565.76 feet to a 2" diameter pipe fence angle post marking a deflection point of said 5704.91 acres tract and marking a deflection point of the herein described tract;
3. N 71° 35' 10" E, for a distance of 448.17 feet to a 2" diameter pipe fence angle post marking a deflection point of said 5704.91 acres tract and marking a deflection point of the herein described tract;

4. N 71° 39' 11" E, for a distance of 737.44 feet to a 2" diameter pipe fence angle post marking a deflection point of said 5704.91 acres tract and marking a deflection point of the herein described tract;
5. S 89° 47' 21" E, crossing the ostensible common line of J.D. McLeod Survey 198, Abstract No. 328 and J. Glover Survey 195, Abstract No. 218 for a distance of 630.84 feet to a 2" diameter pipe fence angle post marking a deflection point of said 5704.91 acres tract and marking a deflection point of the herein described tract;
6. N 76° 08' 57" E, for a distance of 302.60 feet to a 2" diameter pipe fence corner post marking a deflection point of said 5704.91 acres tract, marking an exterior corner of that same certain tract called 4967.5 acres as described in conveyance document to JBS Ranch Properties, LTD., et al recorded in Document Number 2007003393 of the Uvalde County Official Public Records and marking the northeast corner of the herein described tract;

THENCE: In a southeasterly direction, generally with the occupied boundary fence with the common line of said 4967.5 acres tract and the herein described tract for the following eighteen (18) calls;

1. S 19° 20' 13" E, crossing the ostensible common line of J. Glover Survey 195, Abstract No. 218 and Uvalde C.S.L. Survey 433, Abstract No. 730 for a distance of 4041.89 feet to a found 1/2" diameter rebar with cap marked "Samson/1915" marking an exterior corner of said 4967.5 acres tract and marking a reentrant corner of the herein described tract;
2. N 62° 54' 35" E, crossing the ostensible common line of Uvalde C.S.L. Survey 433, Abstract No. 730 and J. Glover Survey 195, Abstract No. 218 for a distance of 1477.61 feet to a 4" diameter pipe fence angle post marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
3. S 73° 44' 59" E, passing the ostensible common corner of Uvalde C.S.L. Survey 433, Abstract No. 730, A.B. Luce Survey 924, Abstract No. 1693 and M. Baylor Survey 924, Abstract No. 1656, continuing on the same course with the ostensible common line of A.B. Luce Survey 924, Abstract No. 1693 and M. Baylor Survey 924, Abstract No. 1656 for a distance of 2737.21 feet to a 4" diameter pipe fence angle post on the ostensible common corner of A.B. Luce Survey 924, Abstract No. 1693 and M. Baylor Survey 924, Abstract No. 1656, marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
4. S 89° 27' 54" E, with the ostensible common line of A.B. Luce Survey 924, Abstract No. 1693 and M. Baylor Survey 924, Abstract No. 1656, continuing on the same course passing the ostensible common corner of A.B. Luce Survey 924, Abstract No. 1693 and W. Ahrenbeck & Bro. Survey 539, Abstract No. 735, continuing on the same course with the ostensible common line of M. Baylor Survey 924, Abstract No. 1656 and W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 for a distance of 1343.58 feet to a found 1/2" diameter rebar marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
5. S 87° 06' 32" E, with the ostensible common line of M. Baylor Survey 924, Abstract No. 1656 and W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 for a distance of 245.93 feet to a 1" diameter pipe fence angle post marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
6. S 89° 13' 35" E, with the ostensible common line of M. Baylor Survey 924, Abstract No. 1656 and W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 for a distance of 1534.76 feet to a found 1/2" diameter rebar marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;

7. S 89° 59' 17" E, with the ostensible common line of M. Baylor Survey 924, Abstract No. 1656 and W. Ahrenbeck & Bro. Survey 539, Abstract No. 735, passing the ostensible common corner of M. Baylor Survey 924, Abstract No. 1656 and G.C. & S.F. RR. Co. Survey 923, Abstract No. 1101, continuing on the same course with the ostensible common line of W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 and G.C. & S.F. RR. Co. Survey 923, Abstract No. 1101 for a distance of 1816.16 feet to a found $\frac{1}{2}$ " diameter rebar on the ostensible common corner of W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 and G.C. & S.F. RR. Co. Survey 923, Abstract No. 1101 marking a reentrant corner of said 4967.5 acres tract and marking an exterior corner of the herein described tract;
8. S 00° 48' 35" W, with the ostensible common line of W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 and G.C. & S.F. RR. Co. Survey 923, Abstract No. 1101 for a distance of 172.60 feet to a found $\frac{1}{2}$ " diameter rebar marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
9. S 30° 31' 44" W, for a distance of 109.44 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "RPLS/1976" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
10. S 12° 06' 56" W, for a distance of 107.24 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
11. S 38° 50' 48" E, for a distance of 100.62 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
12. S 02° 47' 37" E, for a distance of 176.72 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
13. S 00° 45' 20" W, for a distance of 2148.94 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
14. S 01° 22' 00" W, for a distance of 394.89 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
15. S 05° 10' 04" E, crossing the ostensible common line of W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 and P.E. Dugat Survey 540, Abstract No. 1236 for a distance of 294.66 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
16. S 03° 56' 17" W, for a distance of 277.83 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" on the ostensible common corner of W. Ahrenbeck & Bro. Survey 539, Abstract No. 735 and B.T. Smith Survey 846, Abstract No. 1701 marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;
17. S 00° 57' 40" W, with the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and P.E. Dugat Survey 540, Abstract No. 1236 for a distance of 751.45 feet to a found $\frac{1}{2}$ " diameter rebar with cap marked "Samson/1915" marking a deflection point of said 4967.5 acres tract and marking a deflection point of the herein described tract;

18. S 00° 07' 43" W, with the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and P.E. Dugat Survey 540, Abstract No. 1236 for a distance of 1118.50 feet to a found 1/2" diameter rebar with cap marked "Samson/1915" on the ostensible common corner of P.E. Dugat Survey 540, Abstract No. 1236 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312 marking an exterior corner of said 4967.5 acres tract, marking the northeast corner of that same certain tract called 58.005 acres as described in conveyance document to Beverly Ann Beasley, and Shannon Louise Beasley Juilleret recorded in Document Number 2009000077 of the Uvalde County Official Public Records and marking a deflection point of the herein described tract;

THENCE: S 01° 15' 57" W, generally with the occupied boundary fence, with the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312, with the common line of said 58.005 acres tract and the herein described tract for a distance of 1170.02 feet to a 4" diameter pipe fence angle post marking a deflection point of said 58.005 acres tract and marking a deflection point of the herein described tract;

THENCE: S 00° 46' 48" W, generally with the occupied boundary fence, with the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312, with the common line of said 58.005 acres tract and the herein described tract for a distance of 506.60 feet to an unmarked point on the ostensible common corner of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312 marking a deflection point of said 58.005 acres tract, marking the northeast corner of that same certain tract called 21.013 acres as described in conveyance document to Beverly Ann Beasley, and Shannon Louise Beasley Juilleret recorded in Document Number 2009000077 of the Uvalde County Official Public Records and marking an exterior corner of the herein described tract;

THENCE: N 90° 00' 00" W, generally with the occupied boundary fence, with the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312, with the common line of said 21.013 acres tract and the herein described tract for a distance of 820.63 feet to an unmarked point on the ostensible common corner of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312 marking the northwest corner of said 21.013 acres tract and marking a reentrant corner of the herein described tract;

THENCE: S 00° 03' 06" E, generally with the occupied boundary fence, with the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312, with the common line of said 21.013 acres tract and the herein described tract for a distance of 204.07 feet to a 4" diameter pipe fence angle post marking a deflection point of said 21.013 acres tract and marking a deflection point of the herein described tract;

THENCE: S 10° 30' 36" E, generally with the occupied boundary fence, with the common line of said 21.013 acres tract and the herein described tract for a distance of 300.96 feet to a 4" diameter pipe fence angle post marking a deflection point of said 21.013 acres tract and marking a deflection point of the herein described tract;

THENCE: S 33° 02' 07" E, generally with the occupied boundary fence, with the common line of said 21.013 acres tract and the herein described tract for a distance of 724.04 feet to a 4" diameter pipe fence angle post marking the south corner of said 21.013 acres tract, marking a deflection point of that same certain tract called 5252.257 acres as described in conveyance document to Tri-Bar Ranch Company, LTD., Rodney R. Lewis and his wife, Kimberly S. Lewis recorded in Document Number 2001002881 of the Uvalde County Official Public Records and marking an exterior corner of the herein described tract;

THENCE: In a westerly direction with the common line of said 5252.257 acres tract and the herein described tract for the following twelve (12) calls;

THENCE: In a westerly direction with the common line of said 5252.257 acres tract and the herein described tract for the following twelve (12) calls;

1. S 56° 00' 58" W, generally with the occupied boundary fence for a distance of 540.92 feet to an unmarked point on the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312 marking an exterior corner of said 5252.257 acres tract and marking a reentrant corner of the herein described tract;
2. S 00° 03' 06" E, with the ostensible common line of B.T. Smith Survey 846, Abstract No. 1701 and H.E. & W.T. RR. Co. Survey 1041, Abstract No. 1312 for a distance of 1154.56 feet to an unmarked point marking a reentrant corner of said 5252.257 acres tract and marking the southeast corner of the herein described tract;
3. S 84° 56' 20" W, for a distance of 2846.52 feet to a 4" diameter pipe fence angle post marking a deflection point of said 5252.257 acres tract and marking a deflection point of the herein described tract;
4. N 84° 05' 05" W, generally with the occupied boundary fence for a distance of 713.84 feet to a 4" diameter pipe fence angle post marking a deflection point of said 5252.257 acres tract and marking a deflection point of the herein described tract;
5. N 84° 00' 54" W, for a distance of 1934.35 feet to an unmarked point marking a deflection point of said 5252.257 acres tract and marking a deflection point of the herein described tract;
6. S 84° 32' 23" W, generally with the occupied boundary fence for a distance of 123.74 feet to a 4" diameter pipe fence angle post marking a deflection point of said 5252.257 acres tract and marking a deflection point of the herein described tract;
7. S 60° 33' 08" W, generally with the occupied boundary fence for a distance of 339.62 feet to an unmarked point on the ostensible common line of B.T. Smith Survey 770, Abstract No. 1702, B.T. Smith Survey 846, Abstract No. 170 marking an exterior corner of said 5252.257 acres tract and marking a reentrant corner of the herein described tract;
8. S 19° 48' 55" E, with the ostensible common line of B.T. Smith Survey 770, Abstract No. 1702, B.T. Smith Survey 846, Abstract No. 170 passing the ostensible common corner of B.T. Smith Survey 846, Abstract No. 170 and R.J. Davenport Survey 819 ½, Abstract No. 1890, continuing on the same course with the ostensible common line of B.T. Smith Survey 770, Abstract No. 1702 and R.J. Davenport Survey 819 ½, Abstract No. 1890 for a distance of 735.86 feet to an unmarked point on the ostensible common corner of B.T. Smith Survey 770, Abstract No. 1702, R.J. Davenport Survey 819 ½, Abstract No. 1890 and A.B. Collins Survey 832, Abstract No. 1579 marking a reentrant corner of said 5252.257 acres tract and marking an exterior corner of the herein described tract;
9. S 70° 17' 27" W, with the ostensible common line of B.T. Smith Survey 770, Abstract No. 1702 and A.B. Collins Survey 832, Abstract No. 1579 passing the ostensible common corner of A.B. Collins Survey 832, Abstract No. 1579 and T.M. RR. Co. Survey 831, Abstract No. 1060, continuing on the same course with the ostensible common line of B.T. Smith Survey 770, Abstract No. 1702 and T.M. RR. Co. Survey 831, Abstract No. 1060 passing the ostensible common corner of B.T. Smith Survey 770, Abstract No. 1702 and J.L. Jones Survey 771, Abstract No. 1765, continuing on the same course with the ostensible common line of J.L. Jones Survey 771, Abstract No. 1765 and T.M. RR. Co. Survey 831, Abstract No. 1060 for a distance of 4773.38 feet to a

10. S 71° 05' 14" W, generally with the occupied boundary fence, with the ostensible common line of J.L. Jones Survey 770, Abstract No. 1765 and T.M. RR. Co. Survey 831, Abstract No. 1060 for a distance of 3339.41 feet to a 2" diameter pipe fence corner post marking a deflection point of said 5252.257 acres tract and marking a deflection point of the herein described tract;
11. S 71° 00' 45" W, with the ostensible common line of J.L. Jones Survey 770, Abstract No. 1765 and T.M. RR. Co. Survey 831, Abstract No. 1060 for a distance of 1553.50 feet to an unmarked point on the ostensible east line of J. Huffmant Survey 186, Abstract No. 246, also on the ostensible common corner of J.L. Jones Survey 770, Abstract No. 1765 and T.M. RR. Co. Survey 831, Abstract No. 1060 marking a reentrant corner of said 5252.257 acres tract and marking the southwest corner of the herein described tract;
12. N 19° 21' 53" W, with the ostensible common line of J.L. Jones Survey 770, Abstract No. 1765 and J. Huffman Survey 186, Abstract No. 246 for a distance of 910.77 feet to an unmarked point on the ostensible south line of J.S. Payne Survey 187, Abstract No. 380, on the ostensible common corner of J. Huffman Survey 186, Abstract No. 246 and J.L. Jones Survey 770, Abstract No. 1765 marking an exterior corner of said 5252.257 acres tract, marking a deflection point of that same certain tract called 1244.736 acres as described in conveyance document to Spitfire Realty, LLC recorded in Document Number 2014001560 of the Uvalde County Official Public Records and marking an exterior corner of the herein described tract;

THENCE: In a northerly direction with the common line of said 1244.736 acres tract and the herein described tract for the following nine (9) calls;

1. N 70° 40' 27" E, with the ostensible common line of J.L. Jones Survey 770, Abstract No. 1765 and J.S. Payne Survey 187, Abstract No. 380 for a distance of 1045.47 feet to an unmarked point on the ostensible common corner of J.S. Payne Survey 187, Abstract No. 380 and J.L. Jones Survey 770, Abstract No. 1765 marking an exterior corner of said 1244.736 acres tract and marking a reentrant corner of the herein described tract;
2. N 19° 19' 27" W, with the ostensible common line of J.L. Jones Survey 770, Abstract No. 1765 and J.S. Payne Survey 187, Abstract No. 380 for a distance of 2543.71 feet to an unmarked point marking a deflection point of said 1244.736 acres tract and marking a deflection point of the herein described tract;
3. N 37° 07' 18" W, for a distance of 308.47 feet to an unmarked point marking a deflection point of said 1244.736 acres tract and marking a deflection point of the herein described tract;
4. N 66° 39' 18" W, for a distance of 182.80 feet to an unmarked point on the ostensible common line of J.S. Payne Survey 187, Abstract No. 380 and J. Smith Survey 190, Abstract No. 464 marking a reentrant corner of said 1244.736 acres tract and marking an exterior corner of the herein described tract;
5. N 70° 17' 00" E, with the ostensible common line of J.S. Payne Survey 187, Abstract No. 380 and J. Smith Survey 190, Abstract No. 464 for a distance of 228.70 feet to an unmarked point on the ostensible common corner of J.S. Payne Survey 187, Abstract No. 380 and J.L. Jones Survey 770, Abstract No. 1765 marking a deflection point of said 1244.736 acres tract and marking a deflection point of the herein described tract;

6. N 68° 01' 28" E, with the ostensible common line of J.L. Jones Survey 770, Abstract No. 1765 and J. Smith Survey 190, Abstract No. 464 for a distance of 44.13 feet to a point marking a deflection point of said 1244.736 acres tract and marking a deflection point of the herein described tract, from which point a 2" diameter pipe fence corner post bears N 61° 14' 54" W at a distance of 1.97 feet;
7. N 69° 57' 40" E, generally with the occupied boundary fence, with the ostensible common line of J.L. Jones Survey 770, Abstract No. 1765 and J. Smith Survey 190, Abstract No. 464 for a distance of 277.41 feet to an 8" diameter cedar fence corner post marking an exterior corner of said 1244.736 acres tract and marking a reentrant corner of the herein described tract;
8. N 37° 21' 57" W, generally with the occupied boundary fence for a distance of 2890.84 feet to a 4" diameter pipe fence corner post on the ostensible common line of J. Smith Survey 190, Abstract No. 464 and W.A. Gilli Survey 194, Abstract No. 205 marking an exterior corner of said 1244.736 acres tract and marking a reentrant corner of the herein described tract;
9. S 70° 43' 06" W, generally with the occupied boundary fence, with the ostensible common line of J. Smith Survey 190, Abstract No. 464 and W.A. Gilli Survey 194, Abstract No. 205 for a distance of 1771.12 feet to a 4" diameter pipe fence corner post marking a deflection point of said 1244.736 acres tract, marking the southeast corner of that same certain tract called Tract One: 20 Acres as described in conveyance document to WM. David Hankins and wife, Debbie L. Hankins recorded in Document Number 2015003910 of the Uvalde County Official Public Records and marking an exterior corner of the herein described tract;

THENCE: N 18° 55' 49" W, generally with the occupied boundary fence, with the common line of said 20 acres tract and the herein described tract for a distance of 1796.45 feet to an 8" diameter cedar fence corner post on the fenced southerly margin of County Road 414, marking the northeast corner of said 20 acres tract and marking a deflection point of the herein described tract;

THENCE: N 15° 44' 06" W, for a distance of 48.17 feet to a 4" diameter pipe fence corner post on the fenced northerly margin of County Road 414, marking the southeast corner of that same certain tract called 9.800 acres as described in conveyance document to Joseph Daniel Barkis and Marcia Barkis recorded in Document Number 2001002730 of the Uvalde County Official Public Records and marking a deflection point of the herein described tract;

THENCE: N 18° 44' 25" W, generally with the occupied boundary fence, with the common line of said 9.800 acres tract and the herein described tract passing the ostensible common line of W.A. Gilli Survey 194, Abstract No. 205 and W.A. Gilli Survey 194, Abstract No. 206 at 1168.29 feet passing a 4" diameter pipe fence corner post, continuing on the same course for a total distance of 1253.78 to a point along the gradient boundary of the Nueces River marking the northeast corner of said 9.800 acres tract and marking an exterior corner of the herein described tract;

THENCE: Progressing upstream along and with the gradient boundary of the Nueces River and the herein described tract for the following eighty (80) calls which approximate the sinuosity of said east bank as of this date:

- 1.) N57° 40' 16" E, for a distance of 158.43 feet marking a deflection point of the herein described tract;
- 2.) N 56° 44' 25" E, for a distance of 246.53 feet marking a deflection point of the herein described tract;
- 3.) N 34° 13' 54" E, for a distance of 273.59 feet marking a deflection point of the herein described tract;

- 4.) N 12° 13' 05" E, for a distance of 175.53 feet marking a deflection point of the herein described tract;
- 5.) N 40° 08' 32" E, for a distance of 311.34 feet marking a deflection point of the herein described tract;
- 6.) N 33° 08' 34" E, for a distance of 263.76 feet marking a deflection point of the herein described tract;
- 7.) N 17° 40' 07" W, for a distance of 107.05 feet marking a deflection point of the herein described tract;
- 8.) N 04° 20' 38" E, for a distance of 179.30 feet marking a deflection point of the herein described tract;
- 9.) N 60° 28' 26" W, passing the ostensible common corner of W.A. Gilli Survey 194, Abstract No. 206 and J. Glover Survey 195, Abstract No. 218 for a distance of 413.45 feet marking a deflection point of the herein described tract;
- 10.) N 63° 05' 42" W, for a distance of 314.06 feet marking a deflection point of the herein described tract;
- 11.) N 32° 07' 45" W, for a distance of 114.03 feet marking a deflection point of the herein described tract;
- 12.) N 25° 41' 26" W, for a distance of 315.14 feet marking a deflection point of the herein described tract;
- 13.) N 00° 30' 58" W, for a distance of 342.08 feet marking a deflection point of the herein described tract;
- 14.) N 15° 08' 08" E, for a distance of 262.52 feet marking a deflection point of the herein described tract;
- 15.) N 73° 46' 03" E, for a distance of 221.59 feet marking a deflection point of the herein described tract;
- 16.) N 69° 32' 38" E, for a distance of 211.09 feet marking a deflection point of the herein described tract;
- 17.) N 49° 50' 19" E, for a distance of 580.15 feet marking a deflection point of the herein described tract;
- 18.) N 33° 54' 22" E, for a distance of 366.34 feet marking a deflection point of the herein described tract;
- 19.) N 18° 34' 21" E, for a distance of 674.11 feet marking a deflection point of the herein described tract;
- 20.) N 15° 15' 58" E, for a distance of 440.83 feet marking a deflection point of the herein described tract;
- 21.) N 36° 42' 31" E, for a distance of 219.29 feet marking a deflection point of the herein described tract;
- 22.) N 64° 42' 20" E, for a distance of 168.51 feet marking a deflection point of the herein described tract;
- 23.) N 35° 32' 01" E, for a distance of 377.86 feet marking a deflection point of the herein described tract;
- 24.) N 64° 31' 40" E, for a distance of 95.64 feet marking a deflection point of the herein described tract;
- 25.) N 67° 46' 50" E, for a distance of 88.32 feet marking a deflection point of the herein described tract;

- 26.)S 55° 14' 43" E, for a distance of 210.88 feet marking a deflection point of the herein described tract;
- 27.)S 86° 17' 16" E, for a distance of 217.83 feet marking a deflection point of the herein described tract;
- 28.)N 67° 47' 28" E, for a distance of 85.38 feet marking a deflection point of the herein described tract;
- 29.)N 72° 55' 32" E, for a distance of 246.67 feet marking a deflection point of the herein described tract;
- 30.)N 74° 40' 09" E, for a distance of 257.54 feet marking a deflection point of the herein described tract;
- 31.)N 53° 43' 37" E, for a distance of 284.02 feet marking a deflection point of the herein described tract;
- 32.)N 23° 17' 39" E, for a distance of 195.41 feet marking a deflection point of the herein described tract;
- 33.)N 02° 07' 27" E, for a distance of 127.50 feet marking a deflection point of the herein described tract;
- 34.)N 13° 30' 05" W for a distance of 384.74 feet marking a deflection point of the herein described tract;
- 35.)N 07° 47' 57" W, for a distance of 360.10 feet marking a deflection point of the herein described tract;
- 36.)N 02° 35' 02" W, for a distance of 123.24 feet marking a deflection point of the herein described tract;
- 37.)N 50° 33' 10" W, for a distance of 116.84 feet marking a deflection point of the herein described tract;
- 38.)N 52° 23' 16" W, for a distance of 57.70 feet marking a deflection point of the herein described tract;
- 39.)N 13° 26' 17" W, for a distance of 18.14 feet marking a deflection point of the herein described tract;
-
- 40.)N 00° 17' 42" E, for a distance of 65.67 feet marking a deflection point of the herein described tract;
- 41.)N 10° 08' 30" E, passing the ostensible common corner of J. Glover Survey 195, Abstract No. 218 and J.D. McLeod Survey 198, Abstract No. 328 for a distance of 369.53 feet marking a deflection point of the herein described tract;
- 42.)N 44° 51' 09" E, for a distance of 391.18 feet marking a deflection point of the herein described tract;
- 43.)N 82° 38' 46" E, for a distance of 387.77 feet marking a deflection point of the herein described tract;
- 44.)N 41° 48' 21" E, for a distance of 188.14 feet marking a deflection point of the herein described tract;
- 45.)N 24° 17' 44" E, for a distance of 524.39 feet marking a deflection point of the herein described tract;
- 46.)N 13° 31' 49" E, for a distance of 308.86 feet marking a deflection point of the herein described tract;
- 47.)N 10° 44' 58" W for a distance of 247.93 feet marking a deflection point of the herein described tract;

48.)N 38° 54' 58" W, for a distance of 426.95 feet marking a deflection point of the herein described tract;
49.)N 81° 31' 12" W, for a distance of 82.76 feet marking a deflection point of the herein described tract;
50.)N 29° 55' 07" W, for a distance of 83.86 feet marking a deflection point of the herein described tract;
51.)N 17° 05' 23" W, for a distance of 59.30 feet marking a deflection point of the herein described tract;
52.)N 41° 37' 19" W, for a distance of 132.54 feet marking a deflection point of the herein described tract;
53.)N 32° 37' 24" W, for a distance of 104.75 feet marking a deflection point of the herein described tract;
54.)N 21° 35' 20" W, for a distance of 228.18 feet marking a deflection point of the herein described tract;
55.)N 49° 46' 58" W, for a distance of 259.58 feet marking a deflection point of the herein described tract;
56.)N 74° 09' 10" W, for a distance of 259.37 feet marking a deflection point of the herein described tract;
57.)N 46° 05' 44" W, for a distance of 45.19 feet marking a deflection point of the herein described tract;
58.)N 65° 26' 19" W, for a distance of 86.73 feet marking a deflection point of the herein described tract;
59.)S 89° 16' 42" W, for a distance of 57.16 feet marking a deflection point of the herein described tract;
60.)N 83° 09' 34" W, for a distance of 54.62 feet marking a deflection point of the herein described tract;
61.)N 63° 12' 37" W, for a distance of 145.81 feet marking a deflection point of the herein described tract;
62.)N 51° 05' 56" W, for a distance of 244.48 feet marking a deflection point of the herein described tract;
63.)N 39° 24' 20" W, for a distance of 168.14 feet marking a deflection point of the herein described tract;
64.)N 35° 16' 58" W, for a distance of 162.04 feet marking a deflection point of the herein described tract;
65.)N 40° 58' 06" W, for a distance of 74.93 feet marking a deflection point of the herein described tract;
66.)N 53° 27' 53" W, for a distance of 80.03 feet marking a deflection point of the herein described tract;
67.)N 25° 42' 53" W, for a distance of 101.99 feet marking a deflection point of the herein described tract;
68.)N 00° 33' 33" W, for a distance of 162.33 feet marking a deflection point of the herein described tract;
69.)N 06° 30' 36" E, for a distance of 115.92 feet marking a deflection point of the herein described tract;
70.)N 08° 43' 22" E, for a distance of 255.43 feet marking a deflection point of the herein described tract;

71.) N 07° 41' 29" E, passing the ostensible common corner of J.D. McLeod Survey 198, Abstract No. 328 and H.G. Runnels Survey 199, Abstract No. 426 for a distance of 266.01 feet marking a deflection point of the herein described tract;

72.) N 01° 02' 15" E, for a distance of 297.78 feet marking a deflection point of the herein described tract;

73.) N 05° 07' 23" W, for a distance of 269.32 feet marking a deflection point of the herein described tract;

74.) N 16° 57' 29" W, for a distance of 400.43 feet marking a deflection point of the herein described tract;

75.) N 19° 03' 07" W, for a distance of 218.50 feet marking a deflection point of the herein described tract;

76.) N 19° 31' 18" W, for a distance of 410.16 feet marking a deflection point of the herein described tract;

77.) N 08° 03' 05" E, for a distance of 171.00 feet marking a deflection point of the herein described tract;

78.) N 29° 56' 56" E, passing the ostensible common corner of H.G. Runnels Survey 199, Abstract No. 426 and H.G. Runnels Survey 202, Abstract No. 427 for a distance of 394.51 feet marking a deflection point of the herein described tract;

79.) N 27° 49' 52" E, for a distance of 193.37 feet marking a deflection point of the herein described tract;

80.) N 14° 06' 02" W, for a distance of 246.44 feet marking a deflection point of the herein described tract;

THENCE: N 72° 15' 54" E, with the fenced southerly margin of River Lane at a distance of 7.91 feet passing a 5" diameter mesquite fence post, continuing on the same course for a total distance of 1872.97 feet to the PLACE OF BEGINNING and containing 5606.12 grid acres of land, more or less, within the herein described boundary, according to an actual survey made on the ground by D.G. Smyth & Co., Inc. and completed June 27, 2017.

THE STATE OF TEXAS
COUNTY OF UVALDE

It is hereby certified that the foregoing field note description and Attached plat were prepared from and actual on the ground survey Made by personnel working under my direct supervision and that Same are true and correct according to same said survey.

Mark E. Loggbrinck-Registered Professional Land Surveyor No. 6418
JOB # 17-613



SAVE AND EXCEPT:

D. G. SMYTH & COMPANY, INC.

"A Statewide Professional Land Surveying Service Company"

1022 Garner Field Road, Suite C

Uvalde, Texas 78801

FIRM # 10008800

Office Tel. (830) 591-0858

smythsurveyors.com

Fax (830) 591-0858

FIELD NOTES FOR A BOUNDARY SURVEY OF 0.23 GRID ACRE COMPLETED NOVEMBER 17, 2017

Being a Survey of 0.23 grid acres, more or less, lying in Uvalde County, Texas, being out of and apart of J.D. McLeod Survey 198, Abstract No. 328, and also being out of and a part of that same certain tract called 5295.67 acres as described in conveyance document recorded in Volume 405, Page 404 of the Uvalde County Deed Records of Uvalde County, Texas being more particularly described by metes and bounds as follows: (The bearings and distances shown herein conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being "set" are marked on ground with ½" diameter rebar with identification markers stamped "RPLS 6418" attached unless otherwise noted or shown.)

BEGINNING at a set ½" diameter rebar located at S.P.C. N=13751997.66, E=1655146.54, marking the southwest corner of the herein described tract, from which a found 6 inch diameter cedar fence corner post marking the northeastern most corner of said 5295.67 acres bears N 06° 11' 15" W, 6279.20 feet;

THENCE: N 12° 08' 32" E for a distance of 100.00 feet to a set ½" diameter rebar marking the northwest corner of the herein described tract;

THENCE: S 77° 51' 28" E, at 46.43 feet passing the center line of a 30 foot wide easement for a water pipeline, concurrently surveyed by D.G. Smyth & Co., Inc. on the same date, and continuing on the same course for a total distance of 100.00 feet to a set ½" diameter rebar marking the northeast corner of the herein described tract;

THENCE: S 12° 08' 32" W, at 54.35 feet passing the centerline of a 40 foot wide access easement, concurrently surveyed by D.G. Smyth & Co., Inc. on the same date, and continuing on the same course for a total distance of 100.00 feet to a set ½" diameter rebar marking the southeast corner of the herein described tract;

M

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Valerie Del Toro Romero

Valerie Del Toro Romero County Clerk
Uvalde County TEXAS

March 04, 2019 12:49:08
FEE: \$98.00

2019000798

I, Valerie Del Toro Romero, County Clerk, do hereby certify that the foregoing instrument was FILED FOR RECORD on the date and time stamped hereon and was duly recorded in the Official Public Records of Uvalde County, Texas.



Valerie Del Toro Romero, County Clerk
Uvalde County, Texas

By: *B. J. [Signature]* Deputy

was designated T-0650 on Exhibit No. 7. The area of land irrigated from 1963 to 1967, inclusive, designated within T-0650, is located wholly within Claim Area C-3203 which abuts the Nueces River in Abstract No. 239. Abstract No. 239 was patented in 1947.

3. The first non-exempt use of water within the claim area occurred in 1959.
4. The maximum number of acres of land within Claim Area C-3203 irrigated with water from the Nueces River in any calendar year from 1963 to 1967, inclusive, was 31 acres in 1966, designated within T-0650 on Exhibit No. 7.
5. The maximum rate of diversion of water from the Nueces River for irrigation within Claim Area C-3203 from 1963 to 1967, inclusive, was 1.78 cfs (800 gpm), which occurred at D-0760 by means of a portable pump using a sprinkler distribution system.
6. The maximum amount of water diverted from the Nueces River for irrigation within Claim Area C-3203 in any calendar year from 1963 to 1967, inclusive, was 31 acre-feet in 1966.

CONCLUSION:

Claimant is recognized the right under §11.303 Claim No. 3203 to divert and use 31 acre-feet of water per annum from D-0760 on the Nueces River at a maximum diversion rate of 1.78 cfs (800 gpm) for the irrigation of 31 acres of land within Claim Area C-3203 in Real County Abstract No. 239, with a priority date of 1959.

DIVERSION POINT NO: 0770
TRACT NO: 0660

OWNERSHIP: J. H. Wilke and William H. Eppler

IR: 74
APP: 4
Vol. I SF 589; VII SF 286

SECTION 11.307 CLAIM: None.

FINDINGS:

1. Claimants are the owners of Permit No. 1513, partially cancelled by Commission order dated August 25, 1969, which authorizes the annual diversion and use of 32 acre-feet of water from the Nueces River at a maximum rate of 2.01 cfs (900 gpm) for the irrigation of 32 acres of land in Edwards County Abstract No. 584. The area of land within which irrigation is authorized is designated as Permit Area P-1513, T-0680, in the Appendix, Exhibit No. 7.
2. Application No. 1624 for Permit No. 1513 was filed with the Board of Water Engineers on May 11, 1949.
3. Claimants failed to make an appearance at either the regularly scheduled or the default evidentiary hearing, and did not offer any evidence substantiating water use under Permit No. 1513.

CONCLUSION:

Claimants are recognized no right under Permit No. 1513.

DIVERSION POINT NO: 0780
TRACT NO: 0670

OWNERSHIP: Mrs. Joanne Friend

IR: 75
APP: 5
Vol. I SF 539-569

SECTION 11.307 CLAIM: Claimant claims a water right under Permit No. 1658 to divert and use 46 acre-feet of water per annum from the Nueces River at a maximum diversion rate of 2.01 cfs (900 gpm) for the irrigation of 45.6 acres of land with a priority date of November 18, 1952.

FINDINGS:

1. Claimant is the owner of Permit No. 1658 which authorizes the annual diversion and use of 45.6 acre-feet of water from the Nueces River at a maximum rate of 2 cfs (900 gpm) for the irrigation of 45.6 acres of land in Real County Abstract No. 254. The area of land within which irrigation is authorized is designated Permit Area P-1658, T-0670, on Exhibit No. 7.
2. Application No. 1785 for Permit No. 1658 was filed with the Board of Water Engineers on November 18, 1952.
3. The maximum number of acres of land within Permit Area P-1658 irrigated with water from the Nueces River in any calendar year was 46 acres in 1967, designated within T-0670 on Exhibit No. 7.
4. The maximum rate of diversion of water from the Nueces River for irrigation within Permit Area P-1658 was 2.23 cfs (1,000 gpm), which occurred at the authorized diversion point D-0780 by means of a portable pump using a flood distribution system.
5. The maximum amount of water diverted from the Nueces River in any calendar year for irrigation within Permit Area P-1658 was 46 acre-feet in 1967.

CONCLUSION:

Claimant is recognized the right under Permit No. 1658 to divert and use 46 acre-feet of water per annum from D-0780 on the Nueces River at a maximum diversion rate of 2 cfs (900 gpm) for the irrigation of 46 acres of land within Permit Area P-1658, T-0670, in Real County Abstract No. 254, with a priority date of November 18, 1952.

DIVERSION POINT NO: 0790
TRACT NO: None

OWNERSHIP: County of Uvalde

IR: 76
APP: 6
Vol. I SF 584-589

recreational purposes with a priority date of September 4, 1962.

DIVERSION POINT NO: 0800
TRACT NO: 0680

OWNERSHIP: Mrs. Earl Teague

IR: 77
APP: 6
Vol. I SF 570-582

SECTION 11.307 CLAIM: Claimant claims a water right under Certified Filing No. 424 to divert and use water from the Nueces River at a maximum diversion rate of 3.34 cfs (1,500 gpm) for the irrigation of 50 acres of land with a priority date of 1925.

FINDINGS:

1. Claimant is the owner of Certified Filing No. 424 which recorded the intention to appropriate State water by pump with a diversion rate of 2.23 cfs (1,000 gpm) for the irrigation of 50 acres of land in Uvalde County Abstract No. 525. Certified Filing No. 424 was amended by Commission order dated September 18, 1973 upon Application No. MCF-424A to change the place of use to be 50 acres out of Uvalde County Abstract No. 302. The area of land within which irrigation is authorized is designated Certified Filing Area CF-424, T-0680, on Exhibit No. 7.
2. The appropriation affidavit which became Certified Filing No. 424 was filed in Uvalde County on June 29, 1914. Commencement of work on the irrigation system occurred in March, 1912.
3. The maximum number of acres of land within Certified Filing Area CF-424 irrigated with water from the Nueces River in any calendar year was 50 acres of land in 1974, designated within T-0680 on Exhibit No. 7.
4. The maximum rate of diversion of water from the Nueces River for irrigation within Certified Filing Area CF-424 was 2.23 cfs (1,000 gpm), which occurred at the authorized diversion point D-0800 by means of a portable pump using a flood distribution system.
5. The maximum amount of water diverted from the Nueces River in any calendar year for irrigation within Certified Filing Area CF-424 was 150 acre-feet in 1974.

CONCLUSION:

Claimant is recognized the right under Certified Filing No. 424 to divert and use 150 acre-feet of water per annum from D-0800 on the Nueces River at a maximum diversion rate of 2.23 cfs (1,000 gpm) for the irrigation of 50 acres of land within T-0680 in Uvalde County Abstract No. 302, with a priority date of June 29, 1914.

DIVERSION POINT NOS: 0810, 0820 and 0823
TRACT NO: 0690

OWNERSHIP: William R. Edwards and Guy Allison, Trustees

IR: 78
APP: 6
Vol. III SF 34-107; Vol. IV SF 3-31

SECTION 11.307 CLAIM: Claimants claim a water right under Certified Filing No. 620 to divert and use 3,150 acre-feet of water per annum from the Nueces River at a maximum diversion rate of 2,500 gpm for the irrigation of 1,050 acres of land with a priority date of May 28, 1894.

FINDINGS:

1. Claimants are the owners of Certified Filing No. 620 which recorded the intention to appropriate State water from the Nueces River by gravity flow ditch with a diversion rate of 335 gallons per second for the irrigation of land in Uvalde County. An additional statement to Certified Filing No. 620, dated June 26, 1914, was filed with the Board of Water Engineers on June 30, 1914, and stated that 250 acres of land had been under irrigation and that about 100 acres more susceptible of irrigation from the canal will be placed under irrigation. The area of land within which irrigation is authorized is designated Certified Filing Area CF-620, T-0690, on Exhibit No. 7.
2. The appropriation affidavit which became Certified Filing No. 620 was filed in Uvalde County on May 28, 1894. Commencement of work on the irrigation system occurred on March 30, 1894.
3. The maximum number of acres of land within Certified Filing Area CF-620 irrigated with water from the Nueces River in any calendar year was 360 acres of land in 1963, designated within T-0690 on Exhibit No. 7.
4. Claimants divert water from the Nueces River at D-0820 and at D-0823, a dug out well which is located about 1,800 feet from the river but is supplied by underflow. The maximum rate of diversion of water from the Nueces River for irrigation within Certified Filing Area CF-620 was 3.34 cfs (1,500 gpm), which occurred at the authorized diversion points D-0820 and D-0823 by means of portable pumps using a sprinkler distribution system.
5. The maximum amount of water diverted from the Nueces River in any calendar year for irrigation within Certified Filing Area CF-620 was 720 acre-feet in 1963.
6. Claimants expressed an intention to irrigate up to 1,050 acres of land with 3,150 acre-feet of water from the Nueces River.

CONCLUSIONS:

1. The appropriation made under Certified Filing No. 620, as expressed by the certified filing documents, Exhibit Nos. 229 and 230, was to irrigate up to about 350 acres of land with water from the Nueces River.
2. Claimants are recognized the right under Certified Filing No. 620 to divert and use 720 acre-feet of water per annum from the Nueces River at D-0820 and D-0823 at a maximum diversion rate of 3.34 cfs (1,500 gpm) for the irrigation of 360 acres of land in Uvalde County Abstract Nos. 198 and 199, with a priority date of May 28, 1894.

WORKSHEET 1.2 - MARSHALL CRITERIA

4C Ranch Properties, LLC ("Applicant") provides this Addendum to Worksheet 1.2 addressing each Marshall Criteria to assist TCEQ in determining that no notice is required for the Application for Amendment to Certificate of Adjudication No. 21-3065 (the "Application"). See Tab 8 for a copy of Certificate of Adjudication No. 21-3065 ("COA 21-3065"). The Application seeks to amend COA 21-3065 to increase acreage allowed for irrigation on adjacent tracts to acreage already authorized for irrigation under COA 21-3065 and does not request to alter the purpose of use or increase the amount of water diverted. See Summary of the Request, Tab 4. The diversion reach requested in this Application would not trigger notice because it satisfies 30 Tex. Admin. Code § 295.158(c)(2)(C), which does not require notice to change the point of diversion when the following conditions are met: (i) the rate of diversion is not increased, (ii) the original point of diversion and the new point of diversion are located on contiguous tracts of land (all owned by the Applicant), and between the original point of diversion and the new point of diversion: (iii) there are no other interjacent water right holders, (iv) no streamflow gages, and (v) no tributary watercourses enter the watercourse. Therefore, notice is not required for the Application because it meets the requirements pursuant to 30 Tex. Admin. Code § 295.158(c)(2)(C).

A. Administrative Requirements and Fees

The Application provides the relevant information to meet the administrative requirements for an amendment to a water use permit, pursuant to Texas Water Code ("TWC") Chapter 11 and Title 30 of the Texas Administrative Code ("30 TAC") Chapters 295 and 297. In accordance with 30 TAC §§ 295.131-295.132 and other TCEQ rules relating to fees, the Applicant is submitting payment with the Application as Tab 10.

B. Beneficial Use

An application for a new appropriation of state water must show that the proposed appropriation is intended for a beneficial use. TWC § 11.134(b)(3)(A). "Beneficial use" is defined as the use of water "which is economically necessary for a purpose authorized by [Chapter 11 of the TWC]." TWC § 11.002(4); 30 TAC § 297.1(8). "Agricultural" and "domestic" purposes of use are identified in TWC § 11.023(a)(1)-(2) as purposes for which water may be appropriated and beneficially used. See also 30 TAC § 297.1(2) (classifying irrigation as an agricultural use); 30 TAC § 297.1(19) (defining irrigation as a domestic use). Applicant intends to use the water for agricultural and domestic purposes and in a manner authorized for such purposes pursuant to COA 21-3065. Applicant does not request a change in purpose of use; thus, TCEQ's prior determination that the water is being appropriated for a beneficial use is applicable to the Application.

C. Public Welfare

The proposed amendment sought by the Application will not negatively impact the public welfare. TCEQ determined the appropriation was not detrimental to the public welfare when COA 21-3065 was issued, and the proposed amendment does not seek any changes that would negatively

impact the public welfare. 30 TAC § 297.46. Further, the Application does not seek a new appropriation and thus will not impact public welfare.

D. Groundwater Effects

The proposed amendment will not adversely impact groundwater resources or groundwater recharge, as the Application seeks to use surface water already authorized under COA 21-3065. Applicant does not seek to change the diversion amount or the diversion rate and therefore will not impact groundwater. Additionally, granting the Application may reduce demands on groundwater resources in the area by utilizing existing surface water rights.

E. State and Regional Water Plans

Applicant and the properties to be irrigated are all within Uvalde County, Texas, which is within the Region L Regional Water Planning Area. According to the 2021 Region L Regional Water Plan (the "RWP") and the 2022 State Water Plan (the "SWP"), irrigation remains a common purpose of use, and various strategies are identified to address ongoing and future irrigation/agricultural needs. Applicant does not seek to increase the quantity of water under COA 21-3065, but rather to use such water to irrigate additional acreage. Thus, by allowing Applicant to continue to use COA 21-3065 for irrigation purposes in Uvalde County, such usage is not inconsistent with the RWP or the SWP. RWP § 5.1.6; *see* 30 TAC § 295.16.

F. Waste Avoidance

Applicant will continue to use reasonable diligence to avoid waste and achieve water conservation. TCEQ rules define "conservation" as practices that will "reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses." 30 TAC § 295.9; TWC § 11.002(8). Applicant has an interest in reducing the loss or waste of water to use the water to add in irrigation practices on privately owned property to increase the efficiency in the use of water that is permitted under COA 21-3065. Additionally, Applicant follows the guidance of the RWP, which includes numerous water conservation methods and goals. RWP § 5.2.1.

G. Impacts on Water Rights or On-stream Environment

The proposed amendment will not impact other water right holders or the aquatic environment beyond and irrespective of the fact that the permit can be used to its full authorized amount. The Application will not impact on other water right holders because it only seeks to modify its acreage used for irrigation and diversion reach. Because there are no water rights holders between the existing diversion points and the requested diversion reach, the Application will not impact existing or vested riparian water rights. The Application does not seek to alter the conditions regarding quantity, rate of diversion of the water, nor does it seek to change the purpose of use. Further, the Application does not request additional dams, impoundments, or storage. The Application will not adversely impact the environment or other water rights holders because the

The yellow line represents the diversion reach requested.
The pink shaded area represents the land to be irrigated.
The red line outlines the property owned by the Applicant.

Upper Division Reach
(Photos 1 & 2)

Lower Division Reach
(Photos 3 & 4)

29.5251, -100.0205

The yellow line represents the diversion reach requested.
The pink shaded area represents the land to be irrigated.
The red line outlines the property owned by the Applicant.

Upper Division Reach
(Photos 1 & 2)

Lower Division Reach
(Photos 3 & 4)

29.5251, -100.0205

The yellow line represents the diversion reach requested.

The pink shaded area represents the land to be irrigated.

The red line outlines the property owned by the Applicant.

29,525.1 - 100.0205

3D

29,525.1 - 100.0205

Upper Division Reach (Photos 1 & 2)

Lower Division Reach (Photos 3 & 4)

The yellow line represents the diversion reach requested.

The pink shaded area represents the land to be irrigated.

The red line outlines the property owned by the Applicant.

29,525.1 - 100.0205

3D

29,525.1 - 100.0205

Upper Division Reach (Photos 1 & 2)

Lower Division Reach (Photos 3 & 4)

Photo 1: Northern most point of reach, looking north.



Photo 2: Northern most point of reach, looking south.



Photo 3: Southern most point of reach, looking north.



Photo 4: Southern most point of reach, looking south.



TAB 9

The yellow line represents the diversion reach requested.

The pink shaded area represents the land to be irrigated.

The red line outlines the property owned by the Applicant.

29,525' - 100.0205

The yellow line represents the diversion reach requested.

The pink shaded area represents the land to be irrigated.

The red line outlines the property owned by the Applicant.

Upper Diversion Reach

Lower Diversion Reach

29.5251, -100.0205

The yellow line represents the diversion reach requested.

The pink shaded area represents the land to be irrigated.

The red line outlines the property owned by the Applicant.

Upper Diversion Reach

Lower Diversion Reach

29.5251, -100.0205

The yellow line represents the diversion reach requested.

The pink shaded area represents the land to be irrigated.

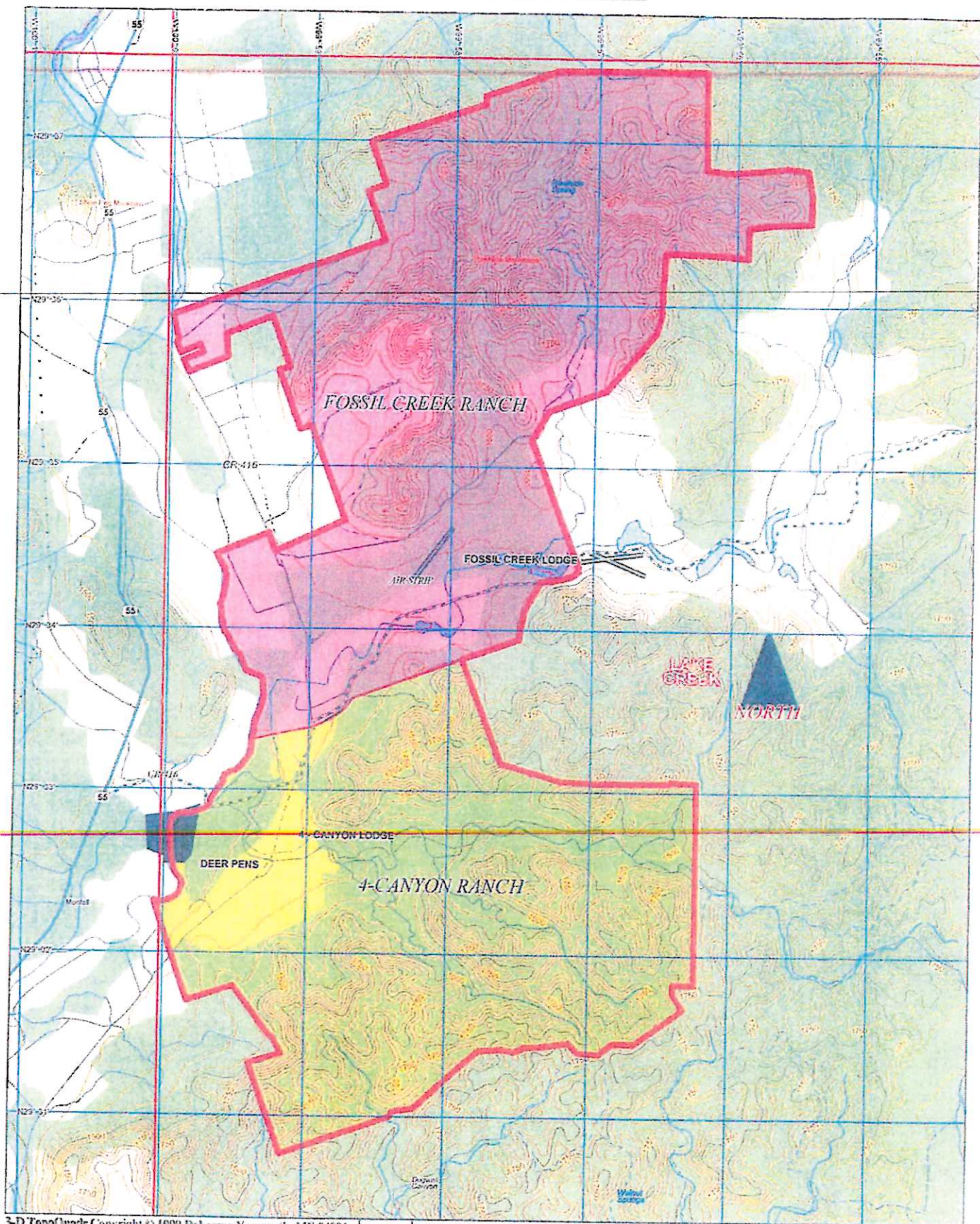
The red line outlines the property owned by the Applicant.

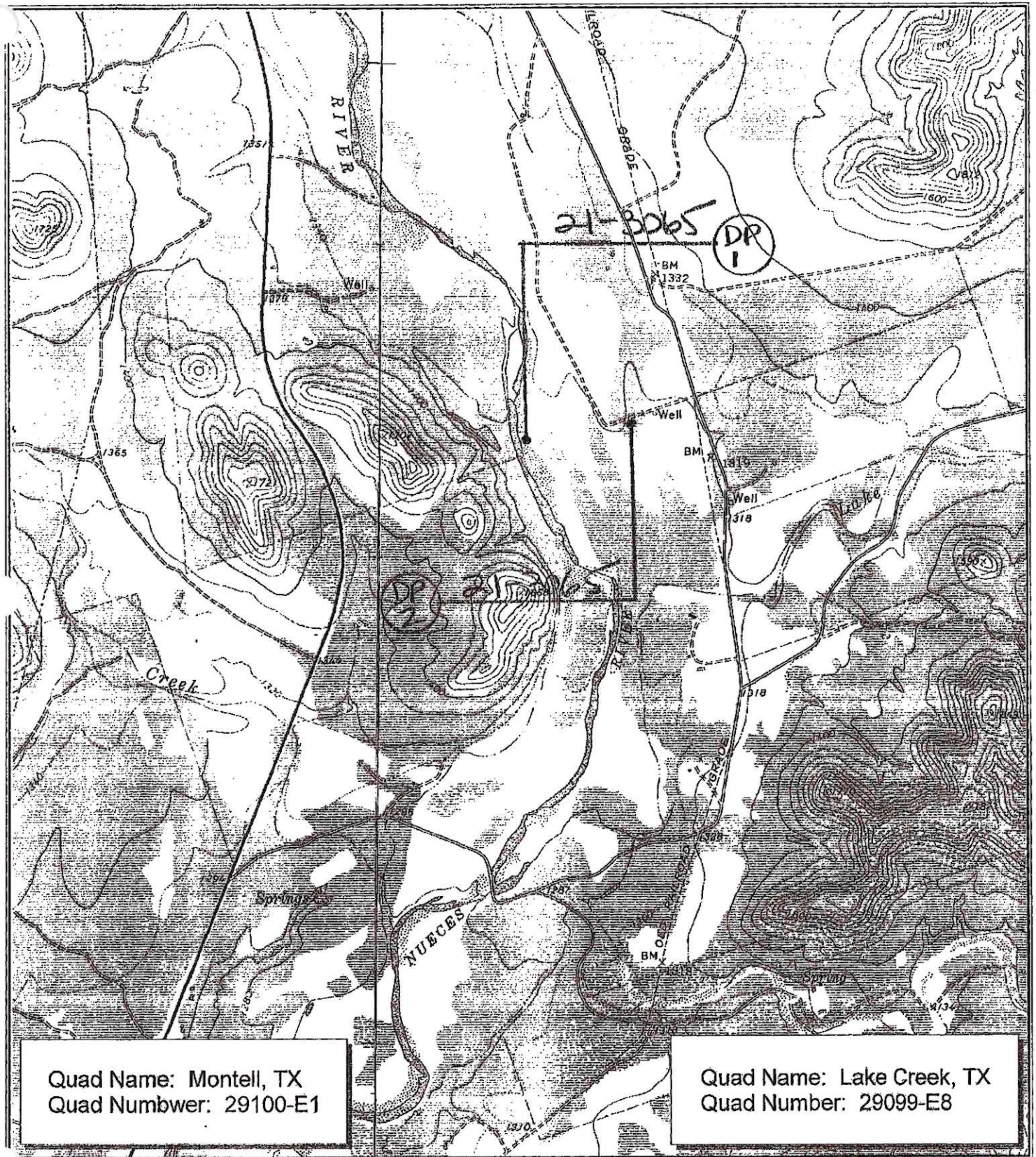
Upper Diversion Reach

Lower Diversion Reach

29.5251, -100.0205

Plat Map





0.5 0 0.5 1 Miles



THIS MAP IS A PORTION OF PAGE
NO. 5 OF 19 PAGES OF THE UPPER
NUECES RIVER SEGMENT CERTIFICATES
OF ADJUDICATION MAPS.

SCALE: 1"=1740 * APPROX.

TAB 10

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 21-3065 OWNER: William R. Edwards and Guy Allison, Trustees for Fossil Creek Ranch, Ltd.
P.O. Drawer 480
Corpus Christi, TX 78403

COUNTY: Uvalde

PRIORITY DATE: May 28, 1894

WATERCOURSE: Nueces River

BASIN: Nueces River

WHEREAS, by final decree of the 38th Judicial District Court of Uvalde County, in Cause No. 13,341, In Re: The Adjudication of Water Rights of the Upper Nueces River Segment of the Nueces River Basin, dated September 18, 1982, a right was recognized under Certified Filing 620 authorizing William R. Edwards and Guy Allison, Trustees, to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Nueces River Basin is issued to William R. Edwards and Guy Allison, Trustees for Fossil Creek Ranch, Ltd., subject to the following terms and conditions:

1. USE

Owners are authorized to divert and use not to exceed 720 acre-feet of water per annum from the Nueces River and the underflow of the Nueces River to irrigate a maximum of 360 acres of land out of that portion of a 5295.67 acre tract located in the John D. McLeod Survey 198, Abstract 328 and the Hiram G. Runnels Survey 199, Abstract 426, Uvalde County, Texas, said 5295.67 acre tract being described as follows:

- (1) BEGINNING at the recognized southeast corner of the B. A. Shepard Survey 211, from which an iron rod by a fence post marking the southwest corner of said Survey 211 on the east bank of the Nueces River bears S 70°38'W, 8343.17 feet;
- (2) THENCE N 19°39'W, 1936.28 feet to an iron rod by an exterior fence corner of the Thomas Valley Ranch;
- (3) THENCE N 70°28'E, 706.41 feet to an iron rod for an interior fence corner;
- (4) THENCE N 19°35'W, 1825.70 feet to an iron rod for an exterior fence corner;
- (5) THENCE continuing along the meanders of the existing fence line of said Thomas Valley Ranch as follows: N 89°23'E, 405.71 feet; N 73°30'E, 214.84 feet; N 55°06'E, 157.29 feet; N 44°20'E, 241.85 feet; N 29°03'E, 51.48 feet; N 80°29'E, 206.69 feet; N 75°30'E, 1022.43 feet; N 84°17'E, 431.15 feet; N 89°04'E, 305.04 feet; S 69°13'E, 262.95 feet; N 57°32'E, 162.57 feet; N 52°05'E, 109.02 feet; N 49°05'E, 119.80 feet; N 54°16'E, 70.21 feet; N 63°19'E, 1030.83 feet; N 76°57'E, 84.17 feet; N 82°21'E, 67.20 feet; N 84°48'E, 731.08 feet; S 85°38'E, 236.69 feet; N 85°02'E, 358.34 feet; N 67°48'E, 52.92 feet; N 47°17'E, 17.69 feet; N 48°27'E, 105.55 feet and N 71°56'E, 1042.97 feet to an iron rod by an exterior corner;
- (6) THENCE N 12°45'W, 509.61 feet to an iron rod by an exterior corner;
- (7) THENCE N 69°31'W, 732.15 feet to an iron rod by an exterior corner;
- (8) THENCE N 89°05'E, 894.23 feet with existing fence to a point;
- (9) THENCE N 89°36'E, 2126.05 feet with existing fence to a point;

Certificate of Adjudication 21-3065

- (10) THENCE N 89°42'E, 2029.91 feet to an iron rod by a fence corner for the most northerly northeast corner hereof;
- (11) THENCE S 00°40'E, 2741.64 feet with existing fence to a point;
- (12) THENCE S 00°20'W, 991.02 feet with existing fence to a point;
- (13) THENCE S 27°25'E, 138.58 feet to an iron rod for an interior corner;
- (14) THENCE continuing along an existing fence line as follows: N 87°45'E, 661.59 feet; N 83°30'E, 353.27 feet; N 86°49'E, 610.95 feet; N 85°51'E, 414.09 feet; N 86°20'E, 920.89 feet; N 89°23'E, 93.01 feet; S 88°38'E, 125.04 feet; S 85°30'E, 526.84 feet; S 20°58'E, 119.56 feet; S 16°01'E, 119.64 feet; S 11°43'E, 197.10 feet; S 09°39'E, 208.95 feet; S 08°15'E, 418.33 feet and S 00°28'E, 1046.46 feet to an iron rod for an exterior corner;
- (15) THENCE N 82°08'W, 200.39 feet with existing fence to a corner;
- (16) THENCE N 88°30'W, 1237.19 feet with existing fence to a corner;
- (17) THENCE S 00°13'W, 1162.06 feet with existing fence to a corner;
- (18) THENCE N 89°42'W, 3551.43 feet with existing fence to a corner;
- (19) THENCE S 19°29'E, 1306.03 feet with existing fence to a corner;
- (20) THENCE S 69°29'W, 603.45 feet with existing fence to a corner;
- (21) THENCE S 69°40'W, 3119.50 feet with existing fence to a corner;
- (22) THENCE S 20°13'E, 1525.48 feet with existing fence to a corner;
- (23) THENCE S 21°30'W, 1316.79 feet with existing fence to a corner;
- (24) THENCE S 70°12'W, 2025.85 feet with existing fence to a corner;
- (25) THENCE S 27°13'W, 1237.26 feet with existing fence to a corner;
- (26) THENCE S 20°38'E, 5073.09 feet to an iron rod for an exterior corner hereof and the Thomas Valley Ranch;
- (27) THENCE continuing along the existing fence line of said Thomas Valley Ranch as follows: S 56°03'W, 432.48 feet; S 66°59'W, 289.01 feet; S 85°42'W, 387.09 feet; S 82°59'W, 253.90 feet; S 74°03'W, 101.92 feet; S 16°07'W, 46.84 feet; N 80°32'W, 85.16 feet; S 28°56'W, 43.42 feet; S 07°51'E, 29.27 feet; S 26°36'W, 880.12 feet; S 25°02'W, 335.53 feet; S 16°01'W, 239.28 feet; S 11°36'W, 159.25 feet; S 07°51'W, 674.75 feet; S 70°09'W, 3780.39 feet; S 70°51'W, 2136.29 feet; S 69°39'W, 825.50 feet; S 76°16'W, 46.32 feet; S 70°32'W, 1560.85 feet; S 69°54'W, 453.96 feet; S 70°45'W, 843.15 feet; S 06°47'E, 42.30 feet; S 59°37'W, 533.78 feet and S 63°08'W, 285.37 feet to a point on the east lower high bank of the Nueces River;
- (28) THENCE with the meanders of the east lower high bank of said river as follows: N 14°45'E, 196.47 feet; North, 169.00 feet; N 02°23'E, 192.17 feet; N 08°57'E, 128.57 feet; N 17°48'E, 85.07 feet; N 26°38'E, 347.93 feet; N 10°30'E, 126.12 feet; N

03°41'E, 93.19 feet; N 06°28'E, 213.35 feet; N 00°58'E, 118.02 feet; N 06°27'W, 275.75 feet; N 08°43'W, 191.21 feet; N 19°19'W, 102.79 feet; N 38°26'W, 117.44 feet; N 54°14'W, 114.62 feet; N 63°02'W, 130.14 feet; N 63°09'W, 90.79 feet; N 54°47'W, 83.23 feet; N 41°25'W, 45.34 feet; N 26°03'W, 50.09 feet; N 13°02'W, 110.86 feet; N 06°36', 165.10 feet; N 11°19'W, 107.08 feet; N 05°26'W, 105.48 feet; N 13°22'W, 82.23 feet; N 29°58'W, 98.11 feet; N 25°34'W, 101.98 feet; N 26°55'W, 293.82 feet; N 29°29'W, 264.20 feet; N 33°20'W, 132.85 feet; N 35°13'W, 104.04 feet; N 45°45'W, 217.81 feet; N 39°48'W, 93.72 feet; N 28°32'W, 64.88 feet; N 14°46'W, 94.11 feet; N 17°13'W, 310.92 feet; N 10°02'W, 212.25 feet; N 09°07'W, 195.47 feet; N 06°04'W, 94.53 feet; N 14°13'E, 77.37 feet; N 23°33'E, 162.96 feet; N 18°26'E, 82.22 feet; N 23°27'E, 90.47 feet; N 15°34'E, 63.32 feet; N 02°40'W, 193.21 feet; N 10°13'W, 112.79 feet; N 18°44'W, 180.57 feet; N 18°13'W, 172.66 feet; N 16°57'W, 157.85 feet; N 35°49'W, 97.42 feet; N 33°07'W, 82.38 feet; N 31°32'W, 170.14 feet and N 34°27'W, 25.65 feet to a corner hereof;

- (29) THENCE N 71°57'E, 2098.35 feet to an exterior corner hereof;
- (30) THENCE S 18°54'E, 185.00 feet to an interior corner hereof;
- (31) THENCE N 71°57'E, 5040.00 feet to an interior corner hereof;
- (32) THENCE N 18°07'W, 6140.00 feet to a stake for a corner;
- (33) THENCE N 71°57'E, 2412.69 feet to an iron rod set for an interior corner;
- (34) THENCE N 19°39'W, 3390.79 feet to the place of beginning.

2. DIVERSION

A. Location:

- (1) At a point on the Nueces River in the Hiram G. Runnels Survey 199, Abstract 426, Uvalde County, Texas.
- (2) At a well near the Nueces River in the John D. McLeod Survey 198, Abstract 328, Uvalde County, Texas.

B. Maximum Combined Rate: 3.33 cfs (1500 gpm).

3. PRIORITY

The time priority of owners' right is May 28, 1894.

The locations of pertinent features related to this certificate are shown on Page 5 of the Upper Nueces River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources, Austin, Texas and the Uvalde County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 38th Judicial District Court of Uvalde County, Texas, in Cause No. 13,341, In Re: The Adjudication of Water Rights of the Upper Nueces River Segment of the Nueces River Basin, dated September 18, 1982, and supersedes all rights of the owner asserted in that cause.

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

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

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

TEXAS WATER COMMISSION

/s/ Paul Hopkins
Paul Hopkins, Chairman

DATE ISSUED:

JAN 24 1984 .

ATTEST:

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

TAB 11

CHECK FOR FEES

Water Availability Division
Water Rights Permitting and Availability Section
Ph: 512-239-4600, MC 160

Please Return to: MC160

Filing and Recording Fees:

Application No.	12-3065
Date Check Received	07/08/2025
Check No.	000042564
Check Amount	\$112.50
Payor's Name	Lloyd Gosselink Rochelle & Townsend, P.C. General Account
Payor's Address	816 Congress Avenue, STE 1900 Austin, Texas 78701
Payor's Phone No.	512-322-5867

TAB 12



Office of the Secretary of State

CERTIFICATE OF FILING OF

4C Ranch Properties, LLC
File Number: 803213216

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Liability Company (LLC) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 01/17/2019

Effective: 01/17/2019



A handwritten signature in black ink, appearing to read "David Whitley".

David Whitley
Secretary of State

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



**Certificate of Formation
Limited Liability Company**

Filing Fee: \$300

Filed in the Office of the
Secretary of State of Texas
Filing #: 803213216 01/17/2019
Document #: 861954480002
Image Generated Electronically
for Web Filing

Article 1 - Entity Name and Type

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

4C Ranch Properties, LLC

Article 2 – Registered Agent and Registered Office

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

OR

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

Name:

Camp Bailey

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

Street Address:

5555 San Felipe

Suite 900 Houston TX 77056

Consent of Registered Agent

☐ A. A copy of the consent of registered agent is attached.

OR

☒ B. The consent of the registered agent is maintained by the entity.

Article 3 - Governing Authority

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

OR

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

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

Manager 1: **Camp Bailey**

Title: **Manager**

Address: **5555 San Felipe Suite 900 Houston TX, USA 77056**

Article 4 - Purpose

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

Supplemental Provisions / Information

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

Organizer

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

Dana L. Desenberg **1770 Saint James Place, Suite 625, Houston, TX 77056**

Effectiveness of Filing

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

OR

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

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Dana L. Desenberg

Signature of Organizer

FILING OFFICE COPY



Office of the Secretary of State

January 17, 2019

Attn: Lee & Desenberg, PLLC

Lee & Desenberg, PLLC
1770 St. James Place, Suite 625
Houston, TX 77056 USA

RE: 4C Ranch Properties, LLC
File Number: 803213216

It has been our pleasure to file the certificate of formation and issue the enclosed certificate of filing evidencing the existence of the newly created domestic limited liability company (llc).

Unless exempted, the entity formed is subject to state tax laws, including franchise tax laws. Shortly, the Comptroller of Public Accounts will be contacting the entity at its registered office for information that will assist the Comptroller in setting up the franchise tax account for the entity. Information about franchise tax, and contact information for the Comptroller's office, is available on their web site at <http://window.state.tx.us/taxinfo/franchise/index.html>.

The entity formed does not file annual reports with the Secretary of State. Documents will be filed with the Secretary of State if the entity needs to amend one of the provisions in its certificate of formation. It is important for the entity to continuously maintain a registered agent and office in Texas. Failure to maintain an agent or office or file a change to the information in Texas may result in the involuntary termination of the entity.

If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section
Business & Public Filings Division
(512) 463-5555

Enclosure

TAB 13



Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

- ☐ New Permit or Registration Application
☒ New Activity - modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

- ☐ Requires public notice,
☐ Considered to have significant public interest, and
☐ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

**If all the above boxes are not checked, a Public Involvement Plan is not necessary.
Stop after Section 2 and submit the form.**

- ☒ Public Involvement Plan not applicable to this application. Provide **brief** explanation.

None of the screening triggers apply to this application.

Section 3. Application Information

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V

Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

- ☐ Texas Pollutant Discharge Elimination System (TPDES)
 - ☐ Texas Land Application Permit (TLAP)
 - ☐ State Only Concentrated Animal Feeding Operation (CAFO)
 - ☐ Water Treatment Plant Residuals Disposal Permit
- ☐ Class B Biosolids Land Application Permit
- ☐ Domestic Septage Land Application Registration

Water Rights New Permit

- ☐ New Appropriation of Water
- ☐ New or existing reservoir

Amendment to an Existing Water Right

- ☐ Add a New Appropriation of Water
- ☐ Add a New or Existing Reservoir
- ☐ Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

☐

City

☐

County

☐

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

If Yes, please describe.

If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

☐ Yes ☐ No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

☐ Yes ☐ No

(e) If a public meeting is held, will a translator be provided if requested?

☐ Yes ☐ No

(f) Hard copies of the application will be available at the following (check all that apply):

- ☐ TCEQ Regional Office ☐ TCEQ Central Office
- ☐ Public Place (specify)

Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

☐ Yes ☐ No

What types of notice will be provided?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)