

# 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): Sun Group Investments, 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).

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

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

Applicant is authorized to divert 1,298-acre-feet under Certificate of Adjudication No. 21-3091, which is currently apportioned as follows: (i) 400-acre feet for irrigation out of a 287.99 acre-tract; (ii) 400-acre feet for irrigation out of a 307.06-acre tract; and (iii) 498-acre feet for irrigation. Applicant is also authorized to divert 684-acre feet under Certificate of Adjudication 21-3092 to irrigate 456 acres out of a 527.3-acre tract.

Applicant is requesting to sever the 1,298-acre feet under Certificate of Adjudication No. 21-3091 and combine such acre-feet into Certificate of Adjudication No. 21-3092. Once the sever and combination is complete, Certificate of Adjudication No. 21-3092 should authorize the diversion of a total of 1,982-acre feet.

Once the water rights under Certificate of Adjudication 21-3091 are severed and combined with Certificate of Adjudication 21-3092, Applicant desires to amend the diversion point of Certificate of Adjudication No. 21-3092 so that it authorizes a diversion reach.

Applicant also seeks to amend Certificate of Adjudication No. 21-3092 so that all the water rights can be used to irrigate the entirety of a 3,784.58-acre tract of land.

**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?

Sun Group Investments, LLC

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

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

CN : 606021533 ( 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: Wendell Walker

Title: Farm Manager

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

What is the applicant’s mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Sun Group Investments LLC

Mailing Address: P.O. Box 1087

City: Eunice State: LA ZIP Code: 70535

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: 32082391684 SOS Charter (filing) Number: 0804363685

**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: Mary Adair

Title: Attorney

Organization Name: Branscomb Law

Mailing Address: 4630 North Loop 1604 W, Suite 206

City: San Antonio State: TX ZIP Code: 78249

Phone Number: (210) 598-5409

Fax Number: (210) 598-5405

E-mail Address: [REDACTED]

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

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

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

First and Last Name: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

City: N/A State: N/A ZIP Code: N/A

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

**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](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, Wendell Walker

Farm Manager

(Typed or printed name)

(Title)

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

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

Signature: Wendell Walker

Date: 6/23/2023

(Use blue ink)

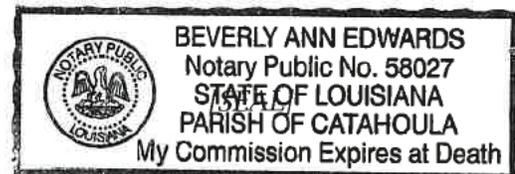
Subscribed and Sworn to before me by the said

on this 23 day of June, 20 23.

My commission expires on the death day of \_\_\_\_\_, 20\_\_\_\_.

Beverly Ann Edwards

Notary Public



County, ~~Texas~~ Louisiana

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

## MANAGER'S CERTIFICATE

As set forth herein and authorized by their signatures below, both Jacques Andre Soileau, and Jean Felix Soileau are the Managers of Sun Group Investments, LLC, who hereby certify as follows:

1. We are the duly appointed Manager for Sun Group Investments, LLC, a Louisiana limited liability company (the "Company").

2. According to Article V of the Company's Articles of Conversion as filed with the Louisiana Secretary of State, persons dealing with the Company may rely upon a certificate signed by either of us, as Manager, to establish the authority of persons with the ability to act on behalf of the Company.

3. The name and signature set forth below is authorized to conduct, manage, and transact the day to day business of the Company and to act on behalf of the Company:

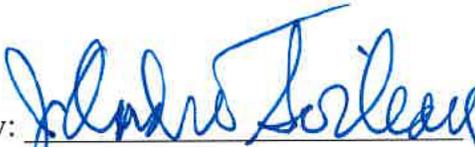
<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
Wendell H. Walker	Farm Manager	

4. By way of illustration, but not by way of limitation, the day to day business of the Company includes the power of the Farm Manager to:

- (i) Acquire, hold, operate, sell, exchange, subdivide and otherwise dispose of the Company's personal or movable property, including cash crops;
- (ii) To lease, let, or hire all or any part of the real property and personal estate of Company and to execute real property and agricultural leases from time to time on behalf of the Company upon such terms as the Farm Manager determines to be reasonably necessary or appropriate in connection with the Company's business and purpose;
- (iii) To receive and receipt of money, goods, rents, bonuses, proceeds, property and promissory notes on behalf of the Company;
- (iv) Enter into such contracts and agreements as the Farm Manager determines to be reasonably necessary or appropriate in connection with the Company's business and purpose, and any contract of insurance that the Farm Manager deems necessary or appropriate for the protection of the Company, for the conservation of Company assets, or for any purpose convenient or beneficial to the Company;

- (v) Endorse and accept checks, bills of exchange, and notes on behalf of the Company;
- (vi) Open credit or trade accounts and incur such fees and expenses in the name of the Company as the Farm Manager may deem in his discretion to be necessary or desirable;
- (vii) Hire or employ persons or other independent contractors in the operation and management of the business of the Company;
- (viii) Generally do and perform all and every other act, matter and thing whatsoever for the day to day operation of the business.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of April 23, 2021.

By:   
Jacques Andre Soileau,  
Manager Sun Group Investments, LLC.

By:   
Jean Felix Soileau  
Manager Sun Group Investments, LLC.

Sworn to and Subscribed before me this \_\_\_ day of April, 2021.

  
Print name: Daniel H. Schwarzenbach  
Notary Public  
My Commission is for Life.  
Notary ID No. 80565

# TECHNICAL INFORMATION REPORT

## WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: May 25, 2023

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

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

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N 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: n/a)

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

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

*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: 21-3092

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

List of water rights to sever	Combine into this ONE water right
Applicant's 1,298 acre-feet authorize under Certificate 21-3091.	Applicant's Certificate 21-3092.

- 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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

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

*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<sup>N</sup>\_\_\_\_\_ *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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

*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<sup>N</sup>\_\_\_\_\_

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

*Worksheets and information:*

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

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

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

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

Applicant Sun Group Investments, LLC is located within Region L Planning Group. The State regional plans generally do not address every possible change to individual rights. The application is consistent with the 2021 Region L Water Plan and the 2022 Water Plan because there is nothing in the plans that conflict with this application.

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

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

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

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

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
	Please See Worksheet 1.0 Amendment, attached hereto immediately after this Worksheet 1.0.		

1,982 acre-feet 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 3,784.58 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,784.58 acres in Zavala County, TX.
- ii) Location of land to be irrigated: In the Please See Worksheet 1.0 Amendment Original Survey No. \_\_\_\_\_, Abstract No. 70535.

***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**
	Please See Worksheet 1.0 Amendment, attached hereto immediately after this Worksheet 1.0.			

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

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

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

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

- i. Applicant proposes to irrigate a total of 3,784.58 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 3,784.58 acres in LLC County, TX.
- ii. Location of land to be irrigated: In the Please See Worksheet 1.0 Amendment Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

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

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

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

**AMENDMENT TO WORKSHEET 1.0**  
**Quality, Purpose, and Place of Use**

- **New Authorizations**

<b>Quality (acre-feet)</b> <i>(Include losses for Bed and Banks)</i>	<b>State Water Source (River Basin) or Alternate Source</b> <i>*each alternate source (and new appropriation based on return flows of others) also require completion of Worksheet 4.0</i>	<b>Purpose(s) of Use</b>	<b>Place(s) of Use</b> <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
400 acre-feet	Comanche Lake on Comanche Creek, tributary of Solder Slough, tributary of the Nueces River	Agriculture/Irrigation	287.99 acres out of Zavala County, Texas
400 acre-feet	Comanche Lake on Comanche Creek, tributary of Solder Slough, tributary of the Nueces River	Agriculture/Irrigation	307.06 acres out of Zavala County, Texas
498 acre-feet	Comanche Lake on Comanche Creek, tributary of Solder Slough, tributary of the Nueces River	Agriculture/Irrigation	250 acres of land out of several tracts totaling 2142.99 acres located in Zavala County, Texas
684 acre-feet	Unnamed tributary of Comanche Creek and Comanche Creek (Comanche Lake), tributary of Soldier Slough, tributary of the Nueces River	Agriculture/Irrigation	456 acres of land out of a 527.3 acre tract located in Zavala County, Texas

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

a. Location Information Regarding the Lands to be Irrigated . . .

(ii) Location of land to be irrigated:

- 1,336.79 acres of land in Zavala County, Texas, consisting of:
  - 106.31 acres located in A. J. Lovely, Survey 273 ½, Abstract 518;
  - 139.60 acres located in A. U. Springer, Survey 278, Abstract 587;
  - 75.80 acres located in Henry Koontz, Survey 272, Abstract 507;
  - 28.92 acres located in H. Serugge, Survey 530, Abstract 582;
  - 22.14 acres located in Agapito Texada, Survey 270 ½, Abstract 604; and
  - 964.93 acres located in Francisco Pereyra, Grant Survey, Abstract 4.

- 288.80 acres of land in Zavala County, Texas, out of Byrd Cattle Company Lands, according to the following schedule:
  - 166.31 acres located in A. U. Springer, Survey 278, Abstract 587;
  - 85.68 acres located in E. Lane, Survey 317, Abstract 516;
  - 35.01 acres located in A. J. Lovely, Survey 273 ½, Abstract 518;
  - 0.74 acre located in Henry Koontz, Survey 272, Abstract 507; and
  - 0.25 acre located in Hanes Blandin, Survey 273, Abstract 72.
- 2,158.99 acres of land in Zavala County, Texas, out of Byrd Cattle Company Lands, in accordance with the following schedule:
  - 88.42 acres located in R. Lane, Survey 317, Abstract 516;
  - 14.34 acres located in A. U. Springer, Survey 278, Abstract 587;
  - 444.72 acres located in Henry Koontz, Survey 272, Abstract 507;
  - 17.60 acres located in Wm. B. Jacques, Survey 270 ½, Abstract 503;
  - 36.60 acres located in Dan J. White, Survey 271, Abstract 619;
  - 501.16 acres located in Agapita Texada, Survey 270 ½, Abstract 604
  - 59.92 acres located in Francisco Tijerino, Survey 527, Abstract 1118;
  - 226.53 acres located in Faustino Sanchez, Survey 528, Abstract 1111;
  - 20.34 acres located in H. Serugge, Survey 530, Abstract 582;
  - 14.33 acre located in Noerto Sierra, Survey 267, Abstract 1109;
  - 735.57 acre located in Francisco Pareyra, Grant Survey, Abstract 4.

*All deeds for the above described properties are attached hereto and incorporated herein.*

**2. Amendments – Purpose of Place of Use**

<b>Quantity (acre-feet)</b>	<b>Existing Purpose(s) of Use</b>	<b>Proposed Purpose(s) of Use</b>	<b>Existing Place(s) of Use</b>	<b>Proposed Place(s) of Use**</b>
400 acre-feet	Agriculture/Irrigation			287.99 acres out of Zavala County, Texas;  As well as all 3,784.58 acres described in Sections 1(a) and 1(b) of this Worksheet 1.
400 acre-feet	Agriculture/Irrigation			307.06 acres out of Zavala County, Texas  As well as all 3,784.58 acres described in Sections 1(a) and 1(b) of this Worksheet 1.
498 acre-feet	Agriculture/Irrigation			250 acres of land out of several tracts totaling

				As well as all 3,784.58 acres described in Sections 1(a) and 1(b) of this Worksheet 1. 2142.99 acres located in Zavala County, Texas
684 acre-feet	Agriculture/Irrigation			456 acres of land out of a 527.3 acre tract located in Zavala County, Texas  As well as all 3,784.58 acres described in Sections 1(a) and 1(b) of this Worksheet 1.

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

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

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

(i) . . .

(ii) Location of land to be irrigated:

- 1,336.79 acres of land in Zavala County, Texas, consisting of:
  - 106.31 acres located in A. J. Lovely, Survey 273 ½, Abstract 518;
  - 139.60 acres located in A. U. Springer, Survey 278, Abstract 587;
  - 75.80 acres located in Henry Koontz, Survey 272, Abstract 507;
  - 28.92 acres located in H. Serugge, Survey 530, Abstract 582;
  - 22.14 acres located in Agapito Texada, Survey 270 ½, Abstract 604; and
  - 964.93 acres located in Francisco Pereyra, Grant Survey, Abstract 4.
- 288.80 acres of land in Zavala County, Texas, out of Byrd Cattle Company Lands, according to the following schedule:
  - 166.31 acres located in A. U. Springer, Survey 278, Abstract 587;
  - 85.68 acres located in E. Lane, Survey 317, Abstract 516;
  - 35.01 acres located in A. J. Lovely, Survey 273 ½, Abstract 518;
  - 0.74 acre located in Henry Koontz, Survey 272, Abstract 507; and
  - 0.25 acre located in Hanes Blandin, Survey 273, Abstract 72.
- 2,158.99 acres of land in Zavala County, Texas, out of Byrd Cattle Company Lands, in accordance with the following schedule:
  - 88.42 acres located in R. Lane, Survey 317, Abstract 516;

- 14.34 acres located in A. U. Springer, Survey 278, Abstract 587;
- 444.72 acres located in Henry Koontz, Survey 272, Abstract 507;
- 17.60 acres located in Wm. B. Jacques, Survey 270 ½, Abstract 503;
- 36.60 acres located in Dan J. White, Survey 271, Abstract 619;
- 501.16 acres located in Agapita Texada, Survey 270 ½, Abstract 604
- 59.92 acres located in Francisco Tijerino, Survey 527, Abstract 1118;
- 226.53 acres located in Faustino Sanchez, Survey 528, Abstract 1111;
- 20.34 acres located in H. Serugge, Survey 530, Abstract 582;
- 14.33 acre located in Noerto Sierra, Survey 267, Abstract 1109;
- 735.57 acre located in Francisco Pareyra, Grant Survey, Abstract 4.

*All deeds for the above described properties are attached hereto and incorporated herein.*

# 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 N/A

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

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

### 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 N/A
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N N/A
- 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 N/A
- 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 N/A

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

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

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

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

## WORKSHEET 1.2 NOTICE. “THE MARSHALL CRITERIA”

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

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

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

### 1. The “Marshall Criteria” (Instructions, Page. 21)

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

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

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

# WORKSHEET 2.0

## Impoundment/Dam Information

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

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

### 1. Storage Information (Instructions, Page. 21)

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

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
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 N/A  
If yes, the drainage area is N/A sq. miles.  
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

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

- a. On Watercourse (if on-channel) (USGS name): N/A
- b. Zip Code: N/A
- c. In the N/A Original Survey No. N/A, Abstract No. N/A,  
N/A 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/A°N, Longitude N/A°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): N/A
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N N/A

# 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** <sup>N/A</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or <sup>N/A</sup> \_\_\_\_\_ 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* <sup>6.67</sup> \_\_\_\_\_ cfs or \_\_\_\_\_ gpm

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

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

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

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

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

Applicant has calculated the drainage area. **Y / N** N

If yes, the drainage area is <sup>N/A</sup> \_\_\_\_\_ 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): Comanche Creek (Comanche Lake)
- b. Zip Code: 78839
- c. Location of point: In the Richard Lane Original Survey No. 317, Abstract No. 516, Zavala County, Texas.

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

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

- d. Point is at: Latitude 28.675078 °N, Longitude -99.901411 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth 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** <sup>N/A</sup> \_\_\_\_\_ cfs (cubic feet per second)  
or <sup>N/A</sup> \_\_\_\_\_ 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* <sup>6.67</sup> \_\_\_\_\_ cfs or \_\_\_\_\_ gpm

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

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

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

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

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is <sup>N/A</sup> \_\_\_\_\_ 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): Comanche Creek (Comanche Lake)
- b. Zip Code: 78839
- c. Location of point: In the Francisco Pereyra Original Survey No. N/A, Abstract No. 4, Zavala County, Texas.

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

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

- d. Point is at: Latitude 28.666875 °N, Longitude -99.858843 °W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth 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

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

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

*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 N/A, surface water N/A?
- 5. If any percentage is surface water, provide the base water right number(s) N/A.
- d. Is the source of the water being discharged groundwater? **Y / N** N/A If yes, provide the following information:
  - 1. Source aquifer(s) from which water will be pumped: N/A
  - 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 N/A.
  - 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

N/A
  - 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** N/A  
If yes, provide the signed contract(s).
- dii. Identify any other source of the water N/A

# WORKSHEET 4.1

## DISCHARGE POINT INFORMATION

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

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is N/A 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 N/A cfs or N/A gpm.
- c. Name of Watercourse as shown on Official USGS maps: N/A
- d. Zip Code N/A
- e. Location of point: In the N/A Original Survey No. N/A, Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.
- f. Point is at:  
Latitude N/A °N, Longitude N/A °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): N/A

**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 use screens on the diversion structures to protect aquatic organisms. Applicant affirms that appropriate measures will be taken to protect 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:

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

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

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

- a. For all bed and banks applications:
  - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
  - i. If the alternate source is treated return flows, provide the TPDES permit number N/A
  - 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	N/A	N/A	N/A	N/A	N/A
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 N/A and the name of the aquifer from which water is withdrawn N/A.

### Addendum to Worksheet 5

The below photo is an upstream view of the upstream reach located at Lat.: 28.675078, Lon.: -99.901411.



The below photo is a downstream view of the upstream reach located at Lat.: 28.675078, Lon.: -99.901411.



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The below photo is an upstream view of the downstream reach located at Lat.: 28.666875, Lon. - 99.858843.



The below photo is a downstream view of the downstream reach located at Lat.: 28.666875, Lon. -99.858843.



# WORKSHEET 6.0

## Water Conservation/Drought Contingency Plans

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

**Instructions, Page 31.**

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

### 1. Water Conservation Plans

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

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

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

1. \_\_\_\_Municipal Use. See 30 TAC § 288.2. \*\*
2. \_\_\_\_Industrial or Mining Use. See 30 TAC § 288.3.
3. Y\_\_\_\_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<sup>N/A</sup>

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

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

Applicant has included this information in each applicable plan? Y / N<sup>N/A</sup>

## 2. Drought Contingency Plans

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



**Texas Commission on Environmental Quality**  
**Water Availability Division**  
**MC-160, P.O. Box 13087 Austin, Texas 78711-3087**  
**Telephone (512) 239-4600, FAX (512) 239-2214**

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

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

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

**Contact Information**

Name: Sun Group Investments, LLC  
Address: P.O. Box 1087  
Telephone Number: (337-592-2845) Fax: (     )  
Form Completed By: Wendell Walker  
Title: Manager  
Signature: Wendell Walker Date: 06/07/2023

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

**I. BACKGROUND DATA**

*A. Water Use*

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

Sun Group Investments, LLC is currently authorized to divert **1,298 acre-feet** under Certificate of Adjudication No. 21-3091 and **684 acre-feet** under Certificate of Adjudication No. 21-3092. Under both Certificates of Adjudication, Sun Group Investments, LLC is authorized to divert a **total of 1,982 acre-feet** of water from Comanche Creek (Comanche Lake).

Sun Group Investments, LLC has requested that the 1,298 acre-feet be severed from Certificate of Adjudication No. 21-3091 and combined into Certificate of Adjudication No. 21-3092 so that the full 1,982 acre-feet of water will be authorized under Certificate of Adjudication No. 21-3092.

2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

January	February	March	April
59.54	59.54	119.08	119.08
May	June	July	August
119.08	0	0	0
September	October	November	December
0	59.54	59.54	59.54
<b>Total All Months</b>			<b>654.91</b>

In the event Sun Group Investments, LLC expands its irrigation efforts to include additional acreage or crops that results in an increase in monthly diversion, Sun Group Investments, LLC will provide an updated Water Conservation Plan that shows the revised monthly diversion amounts.

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

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Oats	October - May	165
<b>Total acres irrigated</b>		<b>165</b>

In the event Sun Group Investments, LLC expands its irrigation efforts to include additional acreage or crops, Sun Group Investments, LLC will provide an updated Water Conservation Plan that shows the revised types of crops, growing seasons, and acres irrigated per year.

4. Are crops rotated seasonally or annually?  Yes  No

If yes, please describe: N/A

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

Leona Clay, Uvalde Silty Clay, and Uvalde Clay Loam

*B. Irrigation system information*

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

Irrigation systems consist of 3 diversion points with pumps that can pump approximately 1,000 GPM each. Each Certificate of Adjudication authorized a maximum combined diversion rate of 6.67 cfs, or 3,000 GPM. Sun Group Investments, LLC is not requesting an increase in the maximum diversion rate, even if Certificate of Adjudication 21-3091 is severed and combined into Certificate of Adjudication 21-3092.

Irrigation systems consist of 2 center pivots. Pivot 1 irrigates 40 acres and pivot 2 irrigates 100 acres. The equipment is serviced regularly and new nozzles installed as needed. The third irrigation system is flood irrigation of 25 acres. This area has been precision land leveled and water is transferred via underground pipeline to the fields.

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

Each diversion point has a water meters that has an accuracy within plus or minus 5%.

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

Sun Group Investments, LLC does not plan on changing its irrigation system in the next five or ten year. Sun Group Investments, LLC is currently implementing water saving measures that include: (i) using ground water to irrigate when the Comanche Lake levels are below

normal; (ii) planting crops that require less water; (iii) not pumping during the hottest months of the year, (iv) maintaining and updating current irrigation equipment to be as efficient as possible; and (v) making sure the property that utilizes flood irrigation has been land leveled and that water is transferred by underground pipelines in the field.

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

a. 5-year goal:  
Savings in acre-feet                      or system efficiency as a percentage                      %

b. 10-year goal:  
Savings in acre-feet                      or system efficiency as a percentage                      %

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

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

Yes                       No

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

C. *Conservation practices*

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

The irrigation equipment utilizes nonleaking pipes and efficient nozzles on pivots.

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

Daily visual inspections of the irrigation systems.

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

Sun Group Investments, LLC does not currently irrigate during the hottest months of the year.

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

Sun Group Investments, LLC has land leveled areas of the property to increase efficiency.

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

All tail water returns to Comanche Lake.

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

Efficient nozzles on pivots only irrigating as needed. We are currently planting winter crops that require less water.

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

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

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

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

# WORKSHEET 7.0

## ACCOUNTING PLAN INFORMATION WORKSHEET

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

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

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

### 2. Accounting Plan Requirements

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





Upstream Property Boundary

Upstream Reach:  
Lat.: 28.675078  
Lon.: -99.901411

Downstream End of Lake

Downstream Reach:  
Lat.: 28.666875  
Lon.: -99.858843

Capistrano Ranch 3784 Acres



This conveyance is made subject to:

1. Terms, conditions and stipulations contained in deed from Jamie G. Hassett to Norman Schuetz dated October 27, 1992, but effective October 29, 1992 and recorded in Volume 223, page 118 Deed Records of Zavala County, Texas.
2. Royalty reservation contained in Deed from G. Curtis Jackson to D.H. Byrd dated November 21, 1956 and recorded in Volume 78, page 394 of the Deed Records of Zavala County, Texas.
3. Right of Way Deed from Byrd Cattle Company to The State of Texas dated May 26, 1954 and recorded in Volume 71, page 204 of the Deed Records of Zavala County, Texas.
4. Reservation contained in Deed from Adrienne Neel, Ind. Exec. to Byrd Farms, Inc. dated November 9, 1967 and recorded in Volume 118, page 8 of the Deed Records of Zavala County, Texas.
5. Right of Way from Mrs. Margaret Smith Byrd, et vir to the State of Texas dated April 20, 1946 and recorded in Volume 53, page 470 Deed Records of Zavala County, Texas.
6. Easement from Byrd Cattle Company to Central Power and Light Company dated December 1, 1930 and recorded in Volume 34, page 237 of the Deed Records of Zavala County, Texas.
7. Stipulation contained in deed from Byrd Cattle Company to Texas Vegetable Union dated February 9, 1929 and recorded in Volume 31, page 346 Deed Records of Zavala County, Texas.
8. Water Right Agreement from Byrd Cattle Co. to Texas Vegetable Union dated December 29, 1933 and recorded in Volume 37, page 203 of the Deed Records of Zavala County, Texas.
9. Certificate of Adjudication from Texas Water Commission to Jamie G. Hassett dated January 24, 1984 and recorded in Volume 184, page 445, Deed Records of Zavala County, Texas.
10. All liens, covenants or other matters affecting title to the land herein described which are recognized or created in the Deed to the assured or other closing papers.
11. Any portion of the property herein described which falls within the boundaries of any road or roadway.
12. Any visible or apparent easements over or across the subject property, the existence

of which do not appear of public record.

Taxes for the current year have been prorated and are thereafter assumed by Grantee.

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever.

Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and assigns against any person whomsoever claiming or to claim the same or any part thereof.

EXECUTED on this the 13th day of August, 2001.

**BR&C EXCHANGE, L.L.C.**

By: First American Exchange Corporation,  
Its Manager

By: Cathy A. Fernandez

Name: Cathy A. Fernandez

Title: Vice President

STATE OF LOUISIANA §

§

PARISH OF ORLEANS §

This instrument was acknowledged before me on this the 13th day of August, 2001, by Cathy A. Fernandez, V.P. of First American of BR&C EXCHANGE, L.L.C., as the act of and on behalf of said entity. Exchange Corporation, Manager

Ronald S. Wood  
Notary Public

**RONALD S. WOOD**  
Attorney - Notary  
My commission is issued for Life



000649

000650

**MORTENSEN ENGINEERING ASSOCIATES**

OFFICE 830-278-3546  
 FAX 830-278-9291  
 P. O. BOX 111  
 UVALDE, TEXAS 76802

§ STATE OF TEXAS  
 § COUNTY OF UVALDE  
 § 31 JANUARY 2001

Field Notes of Survey made 27 January 2001.

Being 1337.7 acres of land lying wholly within Zavala County, Texas, about 2.5 miles N 80° W from Crystal City, County Seat, and lying wholly within the Byrd Cattle Company Lands, according to the map or plat of which is recorded in Volume P, pages 532-533 of the Deed Records of Zavala County, Texas, and in accord with the following schedule:

Original Grantee	Survey	Abstract	Acres
A. J. Lovely	273 1/2	518	106.31
A. U. Springer	278	587	139.60
Henry Koontz	272	507	75.80
H. Serugge	530	582	28.92
Agapito Texada	270 1/2	604	22.14
Francisco Pereyra	Grant	4	964.93

including all of that certain 1336.79 acres described in Warranty Deed from Mrs. Jamie G. Hassett to Norman Schuetz on 29 October 1992 and recorded in Volume 223, pages 118 et seq. of the Deed Records of Zavala County, Texas, and more particularly described by metes and bounds as follows (the bearings shown are geodetic based on Polaris observation of North meridian at a 3/4-inch steel stake up 12 inches in top of hill south of Carrizo Springs in Dimmit County, lying West 9116.91 feet and South 66231.91 feet from this Point of Beginning (with no correction to compensate for convergence of meridians), and these bearings declinate West 0° 00'46" from North meridian established by Global Positioning Satellite system stationed at 3/4-inch threaded-head steel stake down 4 inches atop hill north of Crystal City lying East 6368.03 feet and North 16910.89 feet from this Point of Beginning, and these bearings declinate West 0 25' 41" from published Grid North at U.S.C. & G.S. Triangulation Station "PENITAS 1972" lying N 50° 15' 30" W 17875.89 feet from said Polaris station, this Point of Beginning having consequent Grid Cordinates: X=1727158.01; Y=304823.12; Texas South Central Zone, 1927 Datum):

Beginning at the 1-inch galvanized iron pipe found up 5 inches by occupied fenced and ostensible E boundary of said Byrd Cattle Company Lands, also in the W boundary of that certain 770 acres described in Warranty Deed from Richard P. Cobb to A. J. Rod Company, Inc., on 30 August 1972 and recorded in Volume 135, pages 116 et seq. of said Deed Records, the NE corner of that certain adjacent and adjoining 2158.99 acres described in Warranty Deed from Mrs. Jamie Hassett to L & L Sandblasting, Inc., on 29 October 1992 and recorded in Volume 223, pages 127 et seq., of said Deed Records, and the SE and eastmost corner of this described land, from which the center of 7-inch cedar bracepost in occupied W boundary of said 770 acres bears

N 73° 41' E 1.40 feet, and the occupied 3-way fence corner post in Dimmit County marking the adjudged SW corner of the Francisco Pereyra Grant (Abstract 4, Zavala County; Abstract 3, Dimmit County) bears S 70° 20' 34" W 5034.13 feet to its hereinafter cited W boundary and S 19° 39' 26" E with it 49518.78 feet:

THENCE S 69° 59' 14" W along and adjoining the occupied N boundary of said adjacent 2158.99 acres, at 1.51 feet passing the N face of new 3-inch steel pipe 3-way fence corner post for high game fence, and continuing now generally with said new high game fence at 2279.79 feet passing 0.84 foot left of center of the old 10-inch treated-pine post still standing, a total of 2391.20 feet to center of new 3-inch steel pipe anglepost (1-inch galvanized iron pipe not found, 200d iron pin not found);

THENCE continuing along and adjoining the boundary of said adjacent 2158.99 acres N 72° 20' 08" W, to left of encroaching fence descending to lake shore, at 231.39 feet passing 2.18 feet left of center of occupied and encroaching new 3-inch steel pipe anglepost on shore, and continuing now into Carramanche Lake a total of 496.98 feet;

THENCE continuing with said common boundary northwesterly along centerline of Lake as follows:

N 63° 00' 43" W 859.38 feet;  
N 71° 37' 08" W 673.51 feet;  
N 47° 20' 25" W 327.87 feet;  
N 33° 58' 55" W 582.80 feet;  
N 61° 25' 13" W 761.63 feet;  
S 85° 59' 30" W, at 338.35 feet passing said W boundary of Pereyra Grant and across the unconflicting strip of Survey No. 530, at 548.71 feet passing its W boundary, now in Survey No. 270 1/2 and continuing a total of 958.74 feet;  
N 77° 47' 02" W 603.74 feet;  
N 59° 58' 04" W 499.13 feet;  
N 24° 03' 15" W, at 265.04 feet passing N boundary of Survey No. 270 1/2, now in Survey No. 272 and continuing a total of 409.78 feet;  
N 01° 47' 47" E 366.76 feet;  
N 31° 52' 32" W 355.68 feet;  
N 67° 55' 27" W 1347.61 feet to anglepoint, from which the SE corner of old pump house on this described land bears N 14° 17' 18" W 256.03 feet;  
And N 73° 00' 49" W, at 850.35 feet passing corner south of lagoon, and continuing a total of 946.17 feet to anglepoint opposite lagoon;

THENCE N 7° 29' 06" W, at 194.13 feet passing 35.00 feet left of center of 6-inch treated-pine S endpost of fence on bank of Lake, now entering into center of lagoon tributary to Carramanche Lake at its N bank and running upstream parallel to and 35.00 feet from said fence along its left bank, at 272.56 feet passing S boundary of that certain adjacent and adjoining 287.99 acres of land described as one of two tracts in Deed from Marie Steinlage to L. C. Robbins and Waymond Lightfoot on 21 July 1993 and recorded in Volume 225, pages 724 et seq., of said Deed Records, at a point lying N 75° 36' 24" E 2265.33 feet from the 3/4-inch steel stake found up 4 inches on N bank of Lake marking its most southerly SW corner, and continuing now along center of said lagoon at 409.68 feet passing N boundary of Survey No. 272, now in Survey No. 278 and continuing a total of 540.84 feet to anglepoint, from which the center of 6-inch cedar anglepost in said fence on left bank bears N 30° 15' 16" E 57.18 feet;

THENCE continuing upstream along center of said lagoon and tributary to Lake with its meanders, and along and adjoining the E boundary of said adjacent 287.99 acres, as follows:

N 68° 12' 43" W, at 138.68 feet passing 35.00 feet left of center of 6-inch treated-pine anglepost in said fence on left bank, and continuing a total of 466.15 feet;

N 41° 10' 03" W 251.56 feet;

N 16° 42' 01" W 166.30 feet;

N 22° 47' 33" E 139.66 feet;

N 50° 30' 43" E 118.13 feet;

N 8° 52' 14" E 30.04 feet;

N 29° 06' 23" W, at 21.87 feet passing 16.10 feet left of center of 6-inch treated-pine anglepost on bank, and continuing a total of 72.39 feet;

N 47° 10' 25" W 57.58 feet to anglepoint at ending of lagoon water, from which the center of 8-inch treated-pine endpost of fence bears N 31° 29' 10" W 68.06 feet;

S 65° 21' 30" W 80.41 feet;

N 33° 40' 17" W 48.29 feet;

N 1° 50' 47" W 103.32 feet;

N 21° 31' 38" E 136.08 feet to anglepoint, from which the center of occupied 6-inch treated-pine 3-way fence corner post bears S 67° 15' 15" E 84.22 feet;

N 4° 43' 48" E 244.40 feet;

N 37° 09' 41" E 360.56 feet to anglepoint, from which the center of occupied 10-inch treated-pine 3-way fence corner post for occupied high game fence bears S 89° 37' 45" E 74.37 feet;

And N 7° 37' 49" E 160.55 feet to the common boundary fence of Farms F10 and G10 for anglepoint, from which the center of said occupied 10-inch treated-pine 3-way fence corner post bears S 18° 24' 46" E with existing fence 168.24 feet;

THENCE along and adjoining E boundary fence of said 287.99 acres, generally with common boundary of Farms F9, F10 and G9, G10 of said Byrd Cattle Company Lands as follows:

N 18° 41' 58" W, at 52.00 feet passing common corner of Farms F9, F10, G9 and G10 (1-inch galvanized iron pipe previously placed now destroyed), and continuing a total of 627.02 feet to the center of occupied 10-inch treated-pine N gatepost;

And N 19° 00' 59" W, at 22.82 feet passing N boundary of Survey No. 278, now in Survey No. 273 1/2 at 52.29 feet passing under encumbering electric power line which serves this described land, at 692.26 feet passing the Beginning Point and NE corner of said adjacent 287.99 acres at S right-of-way corner of Texas F. M. Road 393, and continuing with fence a total of 702.41 feet to the center of old occupied 10-inch treated-pine 3-way fence corner post in said S right-of-way of Texas F.M. Road 393, the NW corner of this described land, from which the center of 6-inch cedar 3-way fence corner post bears N 18° 35' 19" W across highway 82.07 feet, the 8-inch cedar 3-way fence corner post found marking occupied common corner of Farms K8, K9, L8 and L9 bears N 19° 08' 57" W 1346.46 feet, and the center of encroaching 3-inch steel pipe 3-way fence corner post for high game fence bears S 44° 54' 16" E 3.69 feet;

THENCE along said S R.O.W. of F.M. Road 393, 40.00 feet from and parallel to and/or concentric with its centerline, generally to right of line of electric power poles in said R.O.W., as follows:

N 80° 12' 27" E, at 2018.10 feet passing 50.65 feet right of the 3/4-inch steel stake found down 4 inches by N edge of pavement at top of hill, at 2168.63 feet passing 3.86 feet left of center of encroaching 3-inch steel pipe anglepost in high game fence, at 2205.00 feet passing 7.30 feet left of center of another 3-inch steel pipe W gatepost of high game fence, at 2215.72 feet passing 14.89 feet left of center of 3-inch steel

pipe E gatepost, now crossing entrance way at 2230.70 feet passing 3.92 feet left of center of encroaching 3-inch steel pipe anglepost in high game fence, at 2826.10 feet passing non-conflicting E boundary of Survey No. 273 1/2, now again in said Pereyra Grant, and continuing a total of 3337.99 feet to anglepoint;

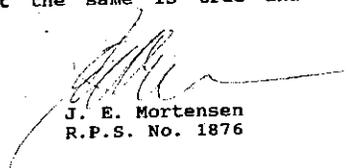
N 80° 24' 41" E, at 1742.70 feet passing 2.01 feet left of center of encroaching 2 1/2-inch steel pipe bracepost, now passing under encumbering and encroaching anchor cables for 3-way electric power pole, and continuing a total of 2009.25 feet to anglepoint at intersection of Texas F.M Road 1668, from which the centerline intersection bears N 5° 45' 07" E 41.49 feet (old 60d nail not found under pavement);

N 80° 20' 41" E, at 145.20 feet passing NW corner of encumbering 53-foot drainage channel easement described in deed from Byrd Cattle Company to State of Texas and recorded in Volume 65, pages 468-469 of said Deed Records, at 198.20 feet passing its NE corner, at 1398.84 feet passing 1.50 feet left of center of encroaching 2 1/2-inch steel pipe bracepost, and continuing a total of 2062.44 feet to the Point of Curve (3/4-inch steel stake previously placed now destroyed);

And along the arc of a curve to the left, having a radius of 5769.58 feet and turning 6° 05' 22", at 162.08 feet passing 2.96 feet left of center of encroaching 2 1/2-inch steel pipe braced anglepost for high game fence, and continuing a total of 613.18 feet (chord bears N 77° 18' 00" E 612.89 feet) to the aforesaid E boundary of Byrd Cattle Company Lands, the NE and northmost corner of this described land, being also the NW and westmost corner of 210 acres deeded to KMA Cattle Co. and recorded in Volume 208, page 70 of said Deed Records, from which the center of encroaching new 3-inch steel pipe 3-way fence corner post for high game fence bears S 17° 02' 18" W 3.28 feet;

THENCE S 19° 05' 04" E generally along existing boundary fence of said platted Lands, at 1.96 feet passing center of old occupied 8-inch peeled cedar 3-way fence corner post, at 987.12 passing under; encumbering electric power line at a point lying N 58° 02' 26" E 444.06 feet from center of power pole at its terminus on this described land, at 4014.12 feet passing 3.58 feet right of center of occupied railroad tie 3-way fence corner post marking NW corner of said adjacent and adjoining 770 acres, at 4722.93 feet passing 3.66 feet right of center of old occupied 4-inch cedar 3-way fence corner post, at 4723.63 feet passing 0.74 foot right of center of new 3-inch steel pipe bracepost of high game fence, at 5932.79 feet passing through another new 3-inch steel pipe bracepost in high game fence, and continuing a total of 8573.28 feet to the Point of Beginning, constituting 1337.7 acres of land within the described boundary, with inset high game fence along boundaries as noted, electric power lines entering as noted, and having no other visible easements, encroachments or exceptions.

It is hereby certified that the foregoing description and attached plat were prepared from an actual survey made on the ground, under my supervision and that the same is true and correct.

  
J. E. Mortensen  
R.P.S. No. 1876

**RESOLUTION**  
**OF**  
**BOARD OF DIRECTORS OF**  
**FIRST AMERICAN EXCHANGE CORPORATION**

A meeting of the Board of Directors of **First American Exchange Corporation**, a corporation organized under the laws of the State of Louisiana, was held on the 13<sup>th</sup> day of August, 2001, at the domicile of the corporation in the Parish of Orleans, State of Louisiana, after due notice, at which a quorum was present and acting throughout. On motion duly made, seconded and adopted, it was unanimously,

RESOLVED, that **Cathy A. Fernandez**, the **Vice President** of this Corporation, be and she is hereby authorized and empowered for and on behalf of this corporation, in its capacity as managing member of BR & C Exchange, L.L.C., to sell certain property situated in the Parish of Zavala, State of Texas, described on Exhibit A (the "Property") to Bayou Rouge Land and Cattle, L.L.C., for the price of \$1,169,875.00, on such terms and conditions as he deems fit and proper; and further

RESOLVED FURTHER, that **Cathy A. Fernandez**, the **Vice President** of this Corporation, be and she is hereby authorized and empowered for and on behalf of this corporation to execute and deliver all documents required, needed or useful in connection herewith; and further said officer is authorized to do any and all other things as in the sole discretion of said officer may be fitting or proper to carry out this resolution and be authorized to appear before any Notary Public to effect this purpose.

I, the undersigned Secretary of First American Exchange Corporation ("the Corporation") do hereby certify that the above and foregoing is a true and correct copy of an excerpt of the Minutes of a Meeting of the Board of Directors held at the office of the corporation on the date aforesaid, and that said resolutions have not been rescinded, modified or amended, and are now in full force and effect.

This certification made this 13<sup>th</sup> day of August, 2001.

  
\_\_\_\_\_  
**Randy Baye, Secretary**

< STATE OF TEXAS  
< COUNTY OF UVALDE  
< 31 JANUARY 2001

Field Notes of Survey made 27 January 2001.

Being 1337.7 acres of land lying wholly within Zavala County, Texas, about 2.5 miles N 80° W from Crystal City, County Seat, and lying wholly within the Byrd Cattle Company Lands, according to the map or plat of which is recorded in Volume P, pages 532-533 of the Deed Records of Zavala County, Texas, and in accord with the following schedule:

Original Grantee	Survey	Abstract	Acres
A. J. Lovely	273 1/2	518	195.31
A. U. Springer	278	587	139.60
Henry Koontz	272	507	75.86
H. Serugge	530	582	28.92
Manito Texada	270 1/2	604	22.14
Francisco Pelayra	Grant	4	964.93

including all of that certain 1336.79 acres described in Warranty Deed from Mrs. Jamie G. Hassett to Norman Schuets on 29 October 1992 and recorded in Volume 223, pages 118 et seq. of the Deed Records of Zavala County, Texas, and more particularly described by metes and bounds as follows (the bearings shown are geodetic based on Polaris observation of North meridian at a 3/4-inch steel stake up 12 inches in top of hill south of Cabling Springs in Dimmit County, lying West 9116.91 feet and South 66231.91 feet from this Point of Beginning (with no correction to compensate for convergence of meridians), and these bearings declinate East 0° 00' 46" from North meridian established by Global Positioning Satellite system stationed at 3/4-inch threaded-head steel stake down 4 inches atop hill north of Crystal City lying East 6368.03 feet and North 16919.89 feet from this Point of Beginning, and these bearings declinate West 0° 25' 41" from published Grid North at U.S.C. & G.S. Triangulation Station "PENITAS 1972" lying N 90° 15' 30" W 17875.89 feet from said Polaris station, this Point of Beginning having consequent Grid Coordinates: X=1727158.01; Y=304823.12; Texas South Central Zone, 1927 Datum);

Beginning at the 1-inch galvanized iron pipe found up 5 inches by occupied fenced and ostensible E boundary of said Byrd Cattle Company Lands, also in the W boundary of that certain 770 acres described in Warranty Deed from Richard P. Cobb to A. J. Rod Company, Inc., on 30 August 1972 and recorded in Volume 135, pages 116 et seq. of said Deed Records, the NE corner of that certain adjacent and adjoining 2158.89 acres described in Warranty Deed from Mrs. Jamie Hassett to L & L Sandblasting, Inc., on 29 October 1992 and recorded in volume 223, pages 127 et seq. of said Deed Records, and the SE and eastmost corner of this described land, from which the center of 7-inch cedar bracepost in occupied W boundary of said 770 acres bears

N 73° 41' E 1.40 feet, and the occupied 3-way fence corner post in Dimmit County marking the adjudged SW corner of the Francisco Pereyra Grant (Abstract 4, Zavala County; Abstract 3, Dimmit County) bears S 70° 20' 34" W 5034.13 feet to its hereinafter cited W boundary and S 19° 39' 26" E with it 49518.78 feet;

THENCE S 69° 59' 14" W along and adjoining the occupied N boundary of said adjacent 2158.99 acres, at 1.51 feet passing the N face of new 3-inch steel pipe 3-way fence corner post for high game fence, and continuing now generally with said new high game fence at 2279.79 feet passing 0.84 foot left of center of the old 10-inch treated-pine post still standing, a total of 2391.20 feet to center of new 3-inch steel pipe anglepost (1-inch galvanized iron pipe not found, 200d iron pin not found);

THENCE continuing along and adjoining the boundary of said adjacent 2158.99 acres N 72° 26' 08" W, to left of encroaching fence descending to lake shore, at 231.39 feet passing 2.18 feet left of center of occupied and encroaching new 3-inch steel pipe anglepost on shore, and continuing now into Carramancha Lake a total of 496.98 feet;

THENCE continuing with said common boundary northwesterly along centerline of Lake as follows:

N 63° 00' 43" W 859.38 feet;  
 N 71° 37' 08" W 673.51 feet;  
 N 47° 20' 25" W 327.87 feet;  
 N 33° 58' 55" W 582.80 feet;  
 N 61° 25' 13" W 761.63 feet;  
 S 85° 59' 30" W, at 338.35 feet passing said W boundary of Pereyra Grant and across the unconflicting strip of Survey No. 530, at 548.71 feet passing its W boundary, now in Survey No. 270 1/2 and continuing a total of 958.74 feet;  
 N 77° 47' 02" W 603.74 feet;  
 N 59° 58' 04" W 499.13 feet;  
 W 24° 03' 15" W, at 265.04 feet passing N boundary of Survey No. 270 1/2, now in Survey No. 272 and continuing a total of 409.78 feet;  
 N 01° 47' 47" E 366.76 feet;  
 N 31° 52' 32" W 355.68 feet;  
 N 67° 55' 27" W 1347.61 feet to anglepoint, from which the SE corner of old pump house on this described land bears W 14° 17' 18" W 256.03 feet;  
 And N 73° 00' 49" W, at 850.35 feet passing corner south of lagoon, and continuing a total of 946.17 feet to anglepoint opposite lagoon;

THENCE N 7° 29' 06" W, at 194.13 feet passing 35.00 feet left of center of 6-inch treated-pine S endpost of fence on bank of Lake, now entering into center of lagoon tributary to Carramancha Lake at its N bank and running upstream parallel to and 35.00 feet from said fence along its left bank, at 272.56 feet passing S boundary of that certain adjacent and adjoining 287.99 acres of land described as one of two tracts in Deed from Marie Stainlage to L. C. Robbins and Raymond Lightfoot on 21 July 1993 and recorded in Volume 225, pages 724 et seq., of said Deed Records, at a point lying N 75° 36' 24" E 2265.33 feet from the 3/4-inch steel stake found up 4 inches on N bank of Lake marking its most southerly SW corner, and continuing now along center of said lagoon at 409.68 feet passing N boundary of Survey No. 272, now in Survey No. 278 and continuing a total of 540.84 feet to anglepoint, from which the center of 6-inch cedar anglepost in said fence on left bank bears N 30° 15' 16" E 57.18 feet;

THENCE continuing upstream along center of said lagoon and tributary to Lake with its meanders, and along and adjoining the E boundary of said adjacent 287.99 acres, as follows:

N 68° 12' 43" W, at 132.68 feet passing 35.00 feet left of center of 6-inch treated-pine anglepost in said fence on left bank, and continuing a total of 466.15 feet;

N 41° 10' 03" W 251.56 feet;

N 16° 42' 01" W 166.30 feet;

N 22° 47' 33" E 139.66 feet;

N 50° 30' 43" E 118.13 feet;

N 8° 52' 14" E 30.05 feet;

N 29° 06' 23" W, at 21.87 feet passing 16.10 feet left of center of 6-inch treated-pine anglepost on bank, and continuing a total of 72.39 feet;

N 47° 10' 25" W 57.58 feet to anglepoint at ending of lagoon water, from which the center of 8-inch treated-pine endpost of fence bears N 31° 29' 10" W 68.06 feet;

S 65° 21' 10" W 50.21 feet;

N 33° 40' 17" W 48.29 feet;

N 1° 50' 47" W 103.32 feet;

N 21° 31' 38" E 136.08 feet to anglepoint, from which the center of occupied 6-inch treated-pine 3-way fence corner post bears S 67° 15' 15" E 84.22 feet;

N 4° 43' 48" E 244.40 feet;

N 17° 09' 41" E 350.56 feet to anglepoint, from which the center of occupied 10-inch treated-pine 3-way fence corner post for occupied high game fence bears S 89° 37' 45" E 74.37 feet;

And N 7° 37' 49" E 160.55 feet to the common boundary fence of Farms F10 and G10 for anglepoint, from which the center of said occupied 10-inch treated-pine 3-way fence corner post bears S 18° 24' 46" E with existing fence 168.24 feet;

THENCE along and adjoining E boundary fence of said 287.99 acres, generally with common boundary of Farms F9, F10 and G9, G10 of said Byrd Cattle Company Lands as follows:

N 18° 41' 58" W, at 52.00 feet passing common corner of Farms F9, F10, G9 and G10 (1-inch galvanized iron pipe previously placed now destroyed), and continuing a total of 627.02 feet to the center of occupied 10-inch treated-pine 3-way fence;

And N 19° 00' 59" W, at 32.82 feet passing N boundary of Survey No. 278, now in Survey No. 273 1/2 at 52.29 feet passing under encumbering electric power line which serves this described land, at 692.28 feet passing the Beginning Point and NE corner of said adjacent 287.99 acres at S right-of-way corner of Texas F.M. Road 393, and continuing with fence a total of 702.41 feet to the center of occupied 10-inch treated-pine 3-way fence corner post in said S right-of-way of Texas F.M. Road 393, the NW corner of this described land, from which the center of 6-inch cedar 3-way fence corner post bears N 18° 35' 19" W across highway 82.07 feet, the 8-inch cedar 3-way fence corner post found marking occupied common corner of Farms K8, K9, L8 and L9 bears N 19° 08' 57" W 1346.46 feet, and the center of encroaching 3-inch steel pipe 3-way fence corner post for high game fence bears S 44° 54' 16" E 3.69 feet;

THENCE along said S R.O.W. of F.M. Road 393, 40.00 feet from and parallel to and/or concentric with its centerline, generally to right of line of electric power poles in said R.O.W., as follows:

N 80° 12' 27" E, at 2019.10 feet passing 50.65 feet right of the 3/4-inch steel stake found down 4 inches by N edge of pavement at top of hill, at 2168.63 feet passing 3.86 feet left of center of encroaching 3-inch steel pipe anglepost in high game fence, at 2205.00 feet passing 7.30 feet left of center of another 3-inch steel pipe W gatepost of high game fence, at 2215.72 feet passing 14.89 feet left of center of 3-inch steel

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pipe & gatepost, now crossing entrance way at 2230.70 feet passing 3.92 feet left of center of encroaching 3-inch steel pipe anglepost in high game fence, at 2826.10 feet passing non-considering E boundary of Survey No. 273 1/2, now again in said Parayra Grant, and continuing a total of 3337.99 feet to anglepoint;

N 80° 24' 41" E, at 1742.70 feet passing 2.91 feet left of center of encroaching 2 1/2-inch steel pipe bracepost, now passing under encumbering and encroaching anchor cables for 3-way electric power pole, and continuing a total of 2009.25 feet to anglepoint at intersection of Texas F.M Road 1666, from which the centerline intersection bears N 5° 45' 07" E 41.49 feet (old 60d nail not found under pavement);

N 80° 20' 41" E, at 145.20 feet passing NW corner of encumbering 53-foot drainage channel easement described in dead book Byrd Cattle Company to State of Texas and recorded in Volume 63, pages 468-469 of said Dead Records, at 198.20 feet passing its NE corner, at 1398.84 feet passing 1.50 feet left of center of encroaching 2 1/2-inch steel pipe bracepost, and continuing a total of 2062.44 feet to the Point of Curve (3/4-inch steel stake previously placed now destroyed);

And along the arc of a curve to the left, having a radius of 5769.58 feet and turning 6° 05' 22", at 162.08 feet passing 2.96 feet left of center of encroaching 2 1/2-inch steel pipe bracepost for high game fence, and continuing a total of 613.18 feet (chord bears N 77° 18' 00" E 612.89 feet) to the aforesaid E boundary of Byrd Cattle Company Lands, the NE and northmost corner of this described land, being also the NW and westmost corner of 210 acres deeded to KMA Cattle Co. and recorded in Volume 208, page 70 of said Dead Records, from which the center of encroaching new 3-inch steel pipe 3-way fence corner post for high game fence bears E 17° 02' 18" W 3.28 feet;

THENCE S 19° 05' 04" E generally along existing boundary fence of said platted lands, at 1.96 feet passing center of old occupied 8-inch sealed cedar 3-way fence corner post, at 987.12 feet passing under encumbering electric power line at a point lying N 88° 00' 26" E 444.06 feet from center of power pole at its termination on this described land, at 4614.12 feet passing 3.58 feet right of center of occupied railroad tie 3-way fence corner post, marking NW corner of said adjacent and adjoining 700 acres, at 4723.63 feet passing 3.66 feet right of center of old occupied 4-inch cedar 3-way fence corner post, at 4723.63 feet passing 0.73 feet right of center of new 3-inch steel pipe bracepost of high game fence, at 5932.79 feet passing through another new 3-inch steel pipe bracepost in high game fence, and continuing a total of 2573.28 feet to the Point of Beginning, containing 133.77 acres of land within the described boundary, with inset high game fence along boundaries as noted, electric power line as noted, and having no other visible encroachments or exceptions.

It is hereby certified that the foregoing description and attached plat were prepared from an actual survey made on the ground, under my supervision and that the same is true and correct.

J. E. Mortensen  
R.P.S. No. 1876

FILED FOR RECORD THIS THE 22nd DAY OF AUGUST, 2001, AT 4:35 O'CLOCK P. M.  
AND DULY RECORDED THIS THE 23rd, DAY OF AUGUST, 2001, AT 4:00 O'CLOCK P. M.

ORALIA G. TREVINO, ZAVALA COUNTY CLERK  
BY *[Signature]* CHIEF DEPUTY

**WARRANTY DEED**

063931

**Date:** January 31, 2003

**Grantor:** BR&C EXCHANGE, L.L.C., a Louisiana limited liability company

**Grantor's Mailing Address (including county):** 510 Bienville Street, New Orleans, Louisiana 70130

**Grantee:** BAYOU ROUGE LAND & CATTLE, L.L.C., a Louisiana limited liability company

**Grantee's Mailing Address (including county):** P.O. Box 1087, Eunice, Louisiana 70535

**Consideration:** Ten and no/100 Dollars (\$10.00) and other valuable consideration.

**Property (including any improvements):**

First Tract: 288.80 acres of land, more or less, out of Byrd Cattle Co. Subdivision of Zavala County, Texas, ("The Property") being further described on the attached Exhibit "A", together with all improvements located thereon and all rights, privileges and appurtenances pertaining thereto, including, but not limited to, all licenses, federal or state crop allotments, crop benefits or farm programs allocable to the property, water rights (including any right now owed or that may be hereafter be acquired through the application and permitting process of any governmental agency overseeing and managing any surface or subsurface water rights appurtenant to the property), interests, rights and appurtenances pertaining thereto and all interest of Grantor, if any, in (1) strips and gores, if any, between the property and any abutting properties, whether owned or claimed by deed, limitations or otherwise, and whether located inside or outside the property, and (2) any land lying in or under the bed of a creek, stream, or waterway or any highway, avenue, street, road, alley, easement or right of way, open or proposed, in on across, abutting or adjacent to the property;

Second Tract: All of the oil, gas or other minerals in, on or under and that may hereafter be produced and saved from the Property which are owned and possessed by Grantor, together with all executive rights and any reversionary rights which are owned by Grantor;

Third Tract: All water rights owned and possessed by Grantor, which are appurtenant to the Property, including but not limited to 400 acre feet of water, per annum, from the Comanche Creek, under Certificate of Adjudication No. 21-3091 issued by the Texas Natural Resource Conservation Commission, which rights were conveyed in Deed dated January 25, 1995 from L.C. Robbins, Jr. to Norman Schuetz, which document is recorded in Vol. 231, page 361, et seq. of the Deed Records of Zavala County, Texas, and thereafter transferred to Grantor herein by deed dated June 29, 2000 from Turkey Creek Ranches, Ltd. acting by and through its general partner, Norman Schuetz, to Grantor

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herein, which document is recorded in Vol. 253, page 347, et seq. of the Deed Records of Zavala County, Texas;

**Exceptions to Conveyance and Warranty:**

1. SUBJECT TO: Any portion of the property herein described which falls within the boundaries of any road or roadway.
2. SUBJECT TO: Any visible or apparent easements over or across the subject property, the existence of which does not appear of record.
3. SUBJECT TO: Any and all zoning laws and any other regulations or ordinances of any municipal and/or other governmental authority, if any.
4. SUBJECT TO: All matters shown on the attached Exhibit "B" which are identified as the "Permitted Encumbrances."

**Reservations from Conveyance and Warranty: None**

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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

**BR&C EXCHANGE, L.L.C.**

FIRST AMERICAN EXCHANGE  
CORPORATION - MANAGER

By: Cathy Fernandez

Cathy Fernandez - Vice-President  
and duly authorized as per  
Resolution attached.

STATE OF LOUISIANA

PARISH OF Orleans

\*  
\*  
\*

BEFORE ME, the undersigned authority, on this day personally appeared, Cathy Fernandez, Vice-President and duly authorized representative of First American Exchange Corporation, the manager and sole member of BR&C EXCHANGE, L.L.C., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed it for the purposes therein expressed, and in the capacity therein stated as the act and deed of such corporation.

Sworn to and subscribed before me, under my official hand and seal of office, on January 31, 2003.

Barbara S. Weibel  
Notary Public, State of Louisiana

My Commission Expires: For life

000389

# MORTENSEN ENGINEERING ASSOCIATES

OFFICE 830-278-3545  
FAX 830-278-8291  
P. O. BOX 111  
UVALDE, TEXAS 76802

§ STATE OF TEXAS  
§ COUNTY OF UVALDE  
§ 11 FEBRUARY 2002

Field Notes of a survey made 24 January 2002.

Being 288.80 acres of land lying wholly within Zavala County, Texas, about 2.5 miles west of Crystal City, County Seat, and lying wholly within the Byrd Cattle Company Lands, plat of which is recorded in Volume P, pages 532-533, of the Deed Records of Zavala County, Texas, according to the following schedule:

Survey	Abstract	Original Grantee	Acres
278	587	A. U. Springer	166.31
317	516	E. Lane	85.68
273 1/2	518	A. J. Lovely	35.01
272	507	Henry Koontz	0.74
273	72	Hanes Blandin	0.25

all of that certain 287.99 acres described in Warranty Deed from Turkey Creek Ranches, Ltd., to Freddie T. Solansky and Frank Solansky on 29 June 2000 and recorded in Volume 253, pages 347-351, of the Deed Records of Zavala County, Texas, and more particularly described by metes and bounds as follows (the bearings shown are geodetic based on North meridian observed at 3/4-inch steel rod up 12 inches in top of hill in Dimmit County lying East 2945.14 feet and South 69081.00 feet from this Point of Beginning [with no compensation for convergence of meridians] and declinate West 0° 00' 46" from North meridian established by Global Positioning Satellite system stationed at 3/4-inch threaded-head steel stake down 4 inches in top of hill lying East feet and North feet from this Point of Beginning, and these bearings declinate West 0° 24' 57" from published 1927 Datum Grid North at U.S.C. & G.S. First Order Triangulation Station "WIN 1971" on U. S. Highway 277 right-of-way lying West 9853.55 feet and South 32279.96 feet, this Point of Beginning having consequent Grid Coordinates X=1715167.92, Y=307737.50):

Beginning at the 3/4-inch steel stake found up 5 inches (bent NW) on northerly side of Lake Carramanche marking original anglepoint in S boundary of said 287.99 acres and the N boundary of the adjacent and adjoining 2158.99 acres described in Warranty Deed from Mrs. Jamie Hasset to L & L Sandblasting, Inc., on 19 October 1992 and recorded in Volume 223, pages 127 et seq., of said Deed Records, in Survey No. 278 and in Tract H-11 of said Subdivision:

THENCE along and adjoining the original N boundary of said adjacent 2158.99 acres and along N side of lake as follows:

N 39° 09' 38" W 559.35 feet to the 3/4-inch threaded-head steel stake found flush marking anglepoint;

N 81° 37' 42" W, at 639.98 feet passing W boundary of Survey No. 278, now into Survey No. 317 and continuing a total of 1079.81 feet to the 3/4-inch steel stake found up 5 inches marking anglepoint;

S 82° 52' 24" W 1303.14 feet to 3/4-inch steel stake found up 4 inches near concrete standpipe on this described land marking corner;

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S 5° 56' 21" W, at 8.67 feet passing E right-of-way of the hereinafter cited encumbering non-exclusive water and electric utility easement which bears S 25° 37' 24" E into said adjacent 2158.99 acres 135.78 feet to its corner, now passing under encumbering electric power line and over underground water pipeline in said easement, at 76.96 feet passing W right-of-way of said encumbering easement which bears S 24° 29' 40" W 78.14 feet into said 2158.99 acres to its corner, now entering and crossing the hereinafter cited encumbering non-exclusive 30-foot road access easement which extends into said 2158.99 acres, now descending bank of lake and into tributary lagoon 351.40 feet to corner;

S 77° 21' 24" W across tributary inlet of Turkey Creek 410.00 feet to anglepoint;

S 56° 45' 00" W 705.00 feet to corner;

S 16° 23' 37" E 142.00 feet to corner on N side of Long Lake;

And S 72° 40' 24" W along N side of Long Lake 387.49 feet to its NW and westmost corner in W boundary of Farm K-10 of said Subdivision, the SW corner of this described land, from which the center of occupied 4-inch steel pipe endpost of new fence at lake bank bears S 10° 52' 20" E 16.38 feet;

THENCE N 18° 59' 22" W along and adjoining the common boundary of Tracts K-10 and L-10 of said Subdivision, being also the E boundary of that certain adjacent and adjoining acres 4982 acres described in Warranty Deed from Lillian Brooks et vir to Jim G. Ferguson, Jr., on 28 October 1964 and recorded in Volume 104, pages 368-371, of said Deed Records, at 922.23 feet passing 47.28 feet right of center of occupied 4-inch steel pipe anglepost in said new fence, and continuing now into lagoon of Turkey Creek a total of 1000.29 feet to the S right-of-way of Texas Farm-to-Market Road 393, the NW and westmost corner of this described land, from which the center of 4-inch by 6-inch concrete monument found up 4 inches by 8-inch cedar 2-way fence corner post marking common corner of Tracts K-8, K-9, L-8 and L-9 bears N 18° 59' 22" W across highway 1510.39 feet, and the center of occupied 4-inch steel pipe 3-way fence corner post bears S 56° 20' 07" W 93.94 feet;

THENCE N 56° 39' 52" E along and adjoining said S R.O.W. of highway, parallel to and 60.00 feet from its marked centerline, ascending out of Turkey Creek and continuing generally along existing fence, at 1119.55 feet passing center of existing gate in right-of-way fence at N terminus and Beginning Point of the aforesaid and hereinafter described encumbering non-exclusive 30-foot road access easement reserved across this described land in Exhibit "C" of that certain Warranty Deed from L. C. Robbins, Jr., to Norman Schuetz on 25 January 1995 and recorded in Volume 231, pages 361-369, of said Deed Records, and continuing a total of 1242.02 feet to its anglepoint, from which the center of occupied 8-inch cedar anglepost marked Station 378 bears N 33° 20' W 0.81 foot;

THENCE N 45° 53' 08" E along said R.O.W. 106.94 feet to its anglepoint, from which the center of occupied 8-inch cedar anglepost marked Station 377 bears N 33° 20' W 0.73 foot;

THENCE N 56° 39' 52" E along and adjoining said S R.O.W., parallel to and 40.00 feet from its marked centerline, at 216.77 feet passing Beginning Point of the aforesaid and hereinafter described encumbering non-exclusive water and electric utility easement reserved across this described land in Exhibit "B" of said Scheutz deed recorded in Volume 231, pages 361-369, of said Deed Records, at 231.87 feet passing over centerline of underground water pipeline at a point lying S 26° 39' 00" E 92.16 feet from center of irrigation riser, at 273.73 feet passing 4.05 feet left of center of encumbering electric 3-way power pole in said encumbering electric power line which crosses this described

left of encumbering electric power line at 1745.06 feet passing N boundary of Survey No. 317, now crossing SE corner of Survey No. 273 at 2074.53 feet passing its E boundary and continuing now along and to right of R.O.W. fence into Survey No. 273 1/2 a total of 4599.73 feet to its anglepoint;

THENCE N 63° 26' 15" E along and adjoining said S R.O.W. 84.79 feet to its anglepoint and Point of Curve;

THENCE continuing with said S R.O.W. along the arc of a curve to the right, concentric to and 50.00 feet from its centerline and having a radius of 1380.57 feet, at 52.08 feet passing 9.65 feet right of center of occupied 2 1/2-inch steel pipe anglepost, and continuing to right of R.O.W. fence a total of 569.53 feet (long chord bears N 68° 28' 58" E 565.50 feet) to its Point of Tangent;

THENCE N 80° 12' 47" E continuing along and adjoining said S R.O.W. to right side of its occupied fence, 50.00 feet from and parallel to its centerline, at 82.28 feet passing under electric power line which bears S 29° 09' 06" E across this described land, and continuing a total of 202.02 feet to its R.O.W. corner at W boundary of that certain adjacent and adjoining 1336.9 acres described in Warranty Deed from B. R. & C. Exchange, L.L.C., to Bayou Rouge Land & Cattle Company, L.L.C., on 13 August 2001 and recorded in Volume 257, pages 647 et seq., of said Deed Records, the NE and northmost corner of this described land, from which the center of occupied NW and westmost corner of said 1336.9 acres, an old 10-inch treated-pine 3-way fence corner post, bears N 18° 51' 34" W 8.36 feet, and the center of its occupied 3-inch steel pipe 2-way fence corner post for high game fence bears N 1° 50' 32" W 5.46 feet;

THENCE along and adjoining the W boundary of said 1366.9 acres as follows:

S 19° 00' 59" E, at 641.58 feet passing under said encumbering electric power line which crosses this described land, at 671.06 feet passing S boundary of Survey No. 273 1/2, now again into Survey No. 278 and continuing a total of 693.88 feet to center of occupied 10-inch treated-pine N gatepost;

S 18° 41' 58" E, at 575.02 feet passing common corner of Tracts F-9, F-10, G-9 and G-10 of said Byrd Cattle Company Lands Subdivision, and continuing with fence a total of 627.02 feet to its anglepoint, from which the center of occupied 10-inch treated-pine 3-way fence corner post bears S 18° 24' 46" E 168.24 feet;

S 7° 35' 49" W 160.55 feet to its anglepoint, from which the center of said occupied 10-inch treated-pine 3-way fence corner post for high game fence bears S 89° 37' 45" E 74.37 feet;

S 37° 09' 41" W 360.56 feet to its anglepoint;

S 4° 43' 48" W 244.40 feet to its anglepoint, from which the center of occupied 6-inch treated-pine 3-way fence corner post bears S 67° 15' 15" E 84.22 feet;

S 21° 21' 38" W 136.08 feet to its anglepoint;

S 1° 50' 47" E 103.32 feet to its anglepoint;

S 33° 40' 17" E 48.29 feet to its corner;

N 65° 21' 30" E 80.41 feet to its anglepoint in lagoon, from

which the center of its occupied 8-inch treated-pine endpost of fence at left bank of lagoon bears N 31° 29' 10" W 68.06 feet;

S 47° 10' 25" E in lagoon 57.58 feet to its anglepoint;

S 29° 06' 23" E in lagoon 25.13 feet to its anglepoint, from which the center of occupied 6-inch anglepost in fence on said left bank bears S 61° 28' 52" E 30.06 feet;

S 32° 17' 21" W, parallel to and 30.00 feet right of occupied fence on said left bank of lagoon, at 214.03 feet passing 30.00 feet right of center of occupied 6-inch treated-pine 2-way fence corner post on said left bank of lagoon, and continuing a total of 289.45 feet to its anglepoint;

S 44° 45' 21" E in lagoon, parallel to and 80.00 feet right of said occupied fence on left bank, at 570.99 feet passing 80.00 feet right of center of occupied 6-inch treated-pine anglepost, and continuing a total of 686.13 feet to its anglepoint;

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S 68° 12' 43" E in lagoon, at 57.92 feet passing 35.00 feet right of center of 6-inch treated-pine anglepost in said occupied fence on left bank, and continuing a total of 196.60 feet to its anglepoint, from which the center of another 6-inch treated-pine anglepost in said occupied fence on left bank bears N 30° 15' 16" E 57.18 feet;

And S 7° 29' 06" E along center of lagoon, at 131.16 feet passing S boundary of Survey No. 278, now into Survey No. 272 and continuing a total of 268.28 feet to the SE corner of said 287.99 acres and of this described land, again in N boundary of said adjacent 2158.99 acres, from which the corner of said 1336.9 acres at mouth of lagoon bears S 7° 29' 06" E paralleling said fence 272.56 feet;

THENCE along the N side of Carramanche Lake with N boundary of said 2158.99 acres S 75° 37' 26" W, at 834.45 feet passing the N boundary of Survey No. 272, and continuing now again into Survey 278 a total of 2323.90 feet to the Point of Beginning, constituting 288.80 acres within the described boundary, encumbered by the hereinafter described water and electric utility easement, by hereinafter described road access easement, and by electric power line along N boundary and across NE corner as noted, and having no other visible easements, exceptions, or encroachments.

#### WATER AND ELECTRIC UTILITY EASEMENT:

Being a non-exclusive water and electric utility access easement termed Exhibit "B" and reserved over and across that certain 287.99 acres described in Warranty Deed from L. C. Robbins, Jr., to Norman Schuetz on 25 January 1995 and recorded in Volume 231, pages 361-369, of the Deed Records of Zavala County, Texas, and more particularly described by metes and bounds as follows (the bearings shown accord with those of the hereinbefore described 288.80 acres):

Beginning at point in S right-of-way of Texas F. M. Road 393 and N boundary of hereinbefore described 288.80 acres, lying N 56° 39' 52" E 216.77 feet from anglepoint in said R.O.W. (said anglepoint marked by center of 8-inch cedar anglepost marked Station 377 bearing N 33° 20' W 0.73 foot):

THENCE N 56° 39' 52" E along said S R.O.W., at 15.10 feet passing centerline of underground water pipeline at a point lying N 26° 39' 00" W 92.16 feet from center of irrigation riser on this described easement, at 56.93 feet passing 5.05 feet left of center of 3-way electric power pole in this described easement, and continuing a total of 73.01 feet to NE and northmost corner of this described easement;

THENCE S 22° 12' 34" E, into and across said 288.80 acres, at 8.07 feet passing 15.00 feet left of center of said 3-way electric power pole, at 871.14 feet passing its S boundary and the N boundary of its adjacent 2158.99 acres at a point lying S 5° 56' 21" W 27.26 feet from the aforesaid 3/4-inch steel stake found up 4 inches marking its boundary anglepoint, and continuing now into said adjacent 2158.99 acres a total of 889.52 feet to anglepoint lying N 65° 49' 00" E 15.01 feet from center of electric transformer pole on this described easement;

THENCE S 26° 09' 26" E, at 93.38 feet passing 15.00 feet left of center of electric power pole on bank of Carramanche Lake, and continuing a total of 117.44 feet to corner in water;

THENCE S 63° 50' 34" W, at 5.14 feet passing center of pump in lake at terminus of 30-foot wide road access easement, and continuing a total of 36.71 feet to corner in water;

THENCE N 24° 29' 40" W, at 24.69 feet passing 21.00 feet left of center of said transformer pole, at 25.66 feet passing 15.00 feet

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left of center of water riser on bank, at 78.14 feet passing said common boundary of 2158.99 acres and 288.80 acres, and continuing a total of 906.00 feet to anglepoint lying S 64° 25' 40" W 15.00 feet from the aforesaid center of irrigation riser;

THENCE N 26° 39' 00" W 90.12 feet to the Point of Beginning, enclosing underground water pipeline, pump, and appurtenant electric power lines, and occupying 1.045 acres of said 288.80 acres and 0.086 acre of said 2158.99 acres.

**ROAD ACCESS EASEMENT:**

Being a non-exclusive 30-foot wide road access easement termed Exhibit "C" and reserved across that certain 287.99 acres described in Warranty Deed from L. C. Robbins, Jr., to Norman Schuetz on 25 January 1995 and recorded in Volume 231, pages 361-369, of the Deed Records of Zavala County, Texas, lying 15.00 feet to either side of its centerline, which is more particularly described by metes and bounds as follows (the bearings shown accord with those of the hereinbefore described 288.80 acres):

Beginning at the center of existing entry gate in S right-of-way fence of Texas Farm-to-Market Road 393, from which the anglepoint in said R.O.W. bears N 56° 39' 52" E, parallel to and 60.00 feet right of its marked centerline, 122.53 feet (said anglepoint marked by center of 8-inch cedar anglepost marked Station 378 bearing N-33° 20' W 0.81 foot):

THENCE along centerline of existing roadway into and across said 288.80 acres as follows:

S 20° 01' 02" E 97.08 feet to anglepoint;

S 27° 48' 40" E 151.81 feet to anglepoint;

S 30° 33' 59" E 229.38 feet to Point of Curve;

Along the arc of a curve to the left, having a radius of 107.72 feet and turning 59° 35' 04", 112.03 feet (long chord bears S 60° 21' 31" E 107.04 feet) to int's Point of Tangent;

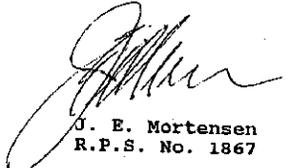
N 89° 50' 57" E 226.30 feet to anglepoint;

S 72° 47' 57" E 92.22 feet to anglepoint;

And S 52° 54' 03" E, at 137.86 feet passing hereinbefore

described S boundary of 288.80 acres, and continuing now into said 2158.99 acres described in Warranty Deed from Jamie Hassett to L & L Sandblasting, Inc., on 29 October 1992 and recorded in Volume 130, pages 490 et seq., of said Deed Records, now entering the aforesaid water and electric easement at 185.65 feet passing 2.79 feet left of riser in underground pipeline, at 189.36 feet passing 2.03 feet right of center of electric power pole in these easements, and continuing a total of 215.29 feet to pump at Carramanche Lake, and occupying 0.725 acre of said 288.80 acres and 0.053 acre of said 2158.99 acres.

It is hereby certified that the foregoing descriptions were prepared from an actual survey made on the ground, under my supervision, and that the same are true and correct.

  
J. E. Mortensen  
R.P.S. No. 1867

F.T.S. 218

EXHIBIT "B"

- 1 Reservation contained in Deed from Marie B. Steinlage, Individually and as Trustee to L.C. Robbins, Jr. and Waymond Lightfoot dated July 5, 1993 and recorded in Volume 225, page 724 of the Deed Records of Zavala County, Texas.
- 2 Mineral Deed from I. C. Steinlage, et al to Margaret B. Mazzoni dated December 22, 1945 and recorded in Volume 52, page 551 of the Deed Records of Zavala County, Texas.
- 3 Water Rights Agreement between Byrd Cattle Company and Texas Vegetable Union dated December 29, 1933 and recorded in Volume 37, page 203 of the Deed Records of Zavala County, Texas.
- 4 Right of Way Deed from I.C. Steinlage, et ux to the State of Texas dated May 18, 1954 and recorded in Volume 71, page 173 of the Deed Records of Zavala County, Texas.
- 5 All matters shown on plat dated May 20, 1993, prepared by J.E. Mortensen, RPS #1867.
- 6 All irrigation water rights as reserved in Deed from L.C. Robbins, Jr. to Norman Schuetz dated January 25, 1995 and recorded in Volume 231 page 361 of the Deed Records of Zavala County, Texas.
- 7 Utility easement contained in Deed from L.C. Robbins, Jr. to Norman Schuetz dated January 25, 1995 and recorded in Volume 231, page 361 of the Deed Records of Zavala County, Texas.
- 8 Thirty- foot easement contained in Deed from L.C. Robbins, Jr. to Norman Schuetz dated January 25, 1995 and recorded in Volume 231, page 361 of the Deed Records of Zavala County, Texas.
- 9 Rules and Regulations of the Wintergarden Groundwater Conservation District filed February 23, 1999 and recorded in Volume 252, page 194 of the Deed Records of Zavala County, Texas.
- 10 Any portion of the property herein described which falls within the boundaries of any road or roadway.
- 11 Any visible or apparent easements over or across the subject property, the existence of which does not appear of public record.
- 12 Any easements and/or roadways existing on the ground or of record

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RESOLUTION

OF

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BOARD OF DIRECTORS OF

FIRST AMERICAN EXCHANGE CORPORATION

A meeting of the Board of Directors of **First American Exchange Corporation**, a corporation organized under the laws of the State of Louisiana, was held on the 27<sup>th</sup> day of January, 2003, at the domicile of the corporation in the Parish of Orleans, State of Louisiana, after due notice, at which a quorum was present and acting throughout. On motion duly made, seconded and adopted, it was unanimously,

RESOLVED, that **Cathy A. Fernandez**, the **Vice President** of this Corporation, be and she is hereby authorized and empowered for and on behalf of this corporation, in its capacity as managing member of B R & C Exchange, L.L.C., to sell that certain tract or parcel of land being in the County of Zavala, State of Texas, described as 287.99 acres of land, more or less, out of the Byrd Cattle Co. Subdivision, and more particularly described on Exhibit A (the "Property") to Bayou Rouge Land and Cattle, L.L.C., for the price of \$419,250.68, by the cancellation of that certain Non-Recourse Promissory Note dated April 11, 2002, payable to the order of Purchaser, the maker of which is Seller, in the principal amount of FOUR HUNDRED NINETEEN THOUSAND TWO HUNDRED FIFTY AND SIXTY EIGHT HUNDREDTHS DOLLARS (\$419,250.68).

RESOLVED FURTHER, that **Cathy A. Fernandez**, the **Vice President** of this Corporation, be and she is hereby authorized and empowered for and on behalf of this corporation to execute and deliver all documents required, needed or useful in connection herewith; and further said officer is authorized to do any and all other things as in the sole discretion of said officer may be fitting or proper to carry out this resolution and be authorized to appear before any Notary Public to effect this purpose.

I, the undersigned Secretary of First American Exchange Corporation ("the "Corporation") do hereby certify that the above and foregoing is a true and correct copy of an excerpt of the Minutes of a Meeting of the Board of Directors held at the office of the corporation on the date aforesaid, and that said resolutions have not been rescinded, modified or amended, and are now in full force and effect.

This certification made this 27<sup>th</sup> day of January, 2003.

  
\_\_\_\_\_  
Randy Baye, Secretary

FILED FOR RECORD THIS THE 6th DAY OF MARCH 2003 AT 10:00 O'CLOCK A. M.  
AND DULY RECORDED THIS THE 7th DAY OF MARCH 2003 AT 4:00 O'CLOCK P. M.

ORALTA G. TREVINO, ZAVALA COUNTY CLERK  
BY Juanita B. Rodriguez DEPUTY



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

GF# 52795

WARRANTY DEED

073604

Date: July 21, 2005

**Grantor:** RICHARD DALE LEDOUX and wife, SHARON HORNSBY LEDOUX

**Grantor's Mailing Address (including county):** 150 Oakleaf Lane, Eunice, St Landry Parish, Louisiana 70535

**Grantee:** BAYOU ROUGE LAND & CATTLE, A Louisiana General Partnership

**Grantee's Mailing Address (including county):** 110 Rue Normandie, Eunice, St Landry Parish, Louisiana 70535

**Consideration:** Ten and no/100 Dollars (\$10.00) and other valuable consideration.

**Property (including any improvements):** Being 2158.99 acres of land, more or less, situated in Zavala County, Texas, and being further described by metes and bounds on Exhibit "A" attached hereto and made a part hereof, TOGETHER WITH all improvements located thereon and all rights, privileges and appurtenances pertaining thereto, including but not limited to all licenses, federal and state crop allotments, crop benefits or farm programs allocable to the property, water rights (including any right now owned or that may be hereafter be acquired through the application and permitting process of any governmental agency overseeing and managing any surface or subsurface water rights appurtenant to the property), interests, right and appurtenances pertaining thereto and all interest of Grantor, if any, in (1) strips and gores, if any, between the property and any abutting properties, whether owned or claimed by deed, limitations or otherwise, and whether located inside or outside the property, and (2) any land lying in or under the bed of a creek stream, or waterway or any highway, avenue, street, road, alley, easement or right of way, open or proposed, in on across, abutting or adjacent to the property.

**Exceptions to Conveyance and Warranty:** All matters shown on the attached Exhibit "B" identified as the "Permitted Encumbrances."

**Reservations from Conveyance and Warranty:** None.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the

property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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

*Richard Dale Ledoux*  
RICHARD DALE LEDOUX

*Sharon Hornsby Ledoux*  
SHARON HORNSBY LEDOUX

THE STATE OF LOUISIANA §

PARISH OF ST. LANDRY §

This instrument was acknowledged before me on this the 21st day of July, 2005, by RICHARD DALE LEDOUX.

*Jacque B. Pucheu, Jr.*  
Notary Public, State of Louisiana  
My commission expires: At Death

JACQUE B. PUCHEU, JR.  
NOTARY I.D. #14173

THE STATE OF LOUISIANA §

PARISH OF ST. LANDRY §

This instrument was acknowledged before me on this the 21st day of July, 2005, by SHARON HORNSBY LEDOUX.

*Jacque B. Pucheu, Jr.*  
Notary Public, State of Louisiana  
My commission expires: At Death

JACQUE B. PUCHEU, JR.  
NOTARY I.D. #14173

EXHIBIT "A"

2,158.99 acres of land lying wholly within Zavala County, Texas, about 3 miles S 70° W from Crystal City, County Seat, and lying wholly within the Byrd Cattle Company Lands, map or plat of which is recorded in Volume P, pages 532-533 of the Deed Records of Zavala County, Texas, in accord with the following schedule:

Original Grantee	Survey	Abstract	Acres
R. Lane	317	516	88.42
A. U. Springer	278	587	14.34
Henry Koontz	272	507	444.72
Wm. B. Jacques	271 1/2	503	17.60
Ben J. White	271	619	36.06
Agapita Texada	270 1/2	604	501.16
Francisco Tijerino	527	1118	59.92
Faustino Sanchez	528	1111	226.53
H. Serugge	530	582	20.34
Noverto Sierra	267	1109	14.33
Francisco Pereyra	Grant	4	735.57

out of and a part of that certain 2954.5 acres described in Warranty Deed from D. H. Byrd to Mrs. Jamie G. Hasset on 8 April 1971 and recorded in Volume 130, pages 490 et seq. of the Deed Records of Zavala County, Texas, and more particularly described by metes and bounds as follows (the bearings shown are geodetic based on Polaris observation of North meridian at a 3/4-inch steel stake up 12 inches in top of hill in Dimmit County lying West 9116.91 feet and South 66231.91 feet from this Point of Beginning, with no correction to compensate for convergence of meridians, and these bearings declinate West 0° 25' 41" from Grid North at U.S.C. & G.S. Triangulation Station "PENITAS 1972" lying N 50° 15' 30" W 17875.89 feet from said Polaris station, this Point of Beginning having consequent Grid Coordinates: X=1727158.01; Y=304823.12; Texas South Central Zone, 1927 Datum); and being all the following described tract containing 2158.99 acres of land:

*Ne variation as per warrants deed passed before me this 21<sup>st</sup> day of July, 2005*  
*Jacques B. Pucheu, Jr.*

JACQUE B. PUCHEU, JR.  
NOTARY I.D. #14173

Beginning at the 1-inch galvanized iron pipe set up 6 inches under occupied fenced and ostensible E boundary of said Byrd Cattle Company Lands, also in the E boundary fence of said 2954.5 acres and W boundary fence of that certain 770 acres described in Warranty Deed from Richard P. Cobb to A. J. Rod Company, Inc., on 30 August 1972, and recorded in Volume 135, pages 116 et seq. of said Deed Records, the SE and eastmost corner of an adjoining 1336.79 acres tract surveyed this date and the NE corner of this described land, from which the occupied 3-way fence corner post marking the SW corner of the Francisco Pereyra Grant (Abstract 4, Zavala County; Abstract 3, Dimmit County) bears S 70° 20' 34" W 5034.13 feet to its W boundary and S 19° 39' 26" E with it 49518.78 feet;

THENCE along and adjoining said E fenced boundary of Byrd Cattle Company Lands, being also the W boundary fence of said land vested in A. J. Rod Company, Inc., as follows:

S 19° 05' 11" E 736.50 feet to center of 6-inch treated-pine anglepost;

And S 19° 02' 26" E 4611.29 feet to the center of 4-inch concrete right-of-way monument found in W R.O.W. of U. S. Highway 83 marking N corner of 25.71 acres termed Tract No. 2 in RIGHT OF WAY DEED from Margaret Smith Byrd et vir to the State of Texas on 20 April 1946 and recorded in Volume 53, page 470 of said Deed Records, the eastmost corner of this described land;

THENCE S 18° 33' 28" W along and adjoining said W R.O.W. of U. S. Highway 83, 854.67 feet to the center of 8-inch cedar old 3-way fence corner post in N boundary of Farm A21 of said Byrd Cattle Company Lands;

THENCE S 71° 06' 25" W mostly with old fenced N boundary of Farms A21, B21 and C21 3408.57 feet to the center of 4-inch steel pipe 3-way fence corner post found marking common corner of Farms C20, C21, D20 and D21, in E boundary of that certain 118.48 acres described in Warranty Deed from Adolph Fehlis to Randy Grissom et ux on 25 April 1977 and recorded in Volume 155, pages 22 et seq. of said Deed Records;

THENCE N 18° 58' 51" W along old fenced common boundary of Farms C20 and D20 1336.95 feet to the center of 10-inch treated-pine 2-way fence corner post found marking common corner of Farms C19, C20, D19 and D20, the occupied NE corner of said 118.48 acres;

THENCE S 70° 58' 02" W along fenced N boundary of said 118.48 acres, at 1056.04 feet passing aforesaid W boundary of Francisco Pereyra Grant, now crossing Survey No. 267 at 1256.59 feet passing its W boundary, now in Survey No. 528 and continuing along fenced N boundary of Farms E20, F20 and G20 at 4454.01 feet passing W boundary of Survey No. 528, now in Survey No. 527 and continuing a total of 5321.20 feet to the center of railroad tie 3-way fence corner post found marking common corner of Farms G19, G20, H19 and H20, the occupied NW corner of that certain 320 acres described in Deed to Jim G. Ferguson and recorded in Volume 112, pages 649 et seq. of said Deed Records, in E boundary fence of that certain 4982 acres described in Warranty Deed from Lillian Brooks et vir to Jim G. Ferguson, Jr., on 28 October 1964 and recorded in Volume 104, pages 363 et seq. of said Deed Records, the SW corner of this described land;

Ne Vanelino  
As per Warranty deed  
Passed before me this  
21<sup>st</sup> day of July 2005  
JACQUE B. WICKETT, JT  
NOTARY I.L. #14173

THENCE along existing boundary fence of said 4982 acres as follows:

N 19° 06' 11" W, at 3058.92 feet passing N boundary of Survey No. 527, now in Survey No. 270 1/2, continuing over hill and across bayouque a total of 7925.97 feet to the center of 8-inch cedar 2-way fence corner post marking common corner of Farms G13, G14, H13 and H14;

S 70° 56' 21" W, at 1292.30 feet passing W boundary of Survey No. 270 1/2, now crossing Survey No. 271 at 3931.04 feet passing its W boundary, now in Survey No. 271 1/2 and continuing a total of 5269.13 feet to the center of 8-inch cedar 3-way fence corner post found marking common corner of Farms K13, K14, L13 and L14, an interior corner of said 4982 acres;

And N 19° 08' 36" W, at 566.95 feet passing N boundary of Survey No. 271 1/2, now crossing Survey No. 272 at 3205.95 feet passing its N boundary, now in Survey No. 317 and crossing upstream portion of Carramanche Lake a total of 4098.00 feet to the 3/4-inch steel stake set for NW corner of said 2954.5 acres and of this, from which the common corner of Farms K8, K9, L8 and L9 lies northward across Texas F. M. Road 393 2506 feet;

THENCE along N side of Carramanche Lake, with retracement of N boundary of said 2954.5 acres surveyed by C. H. Mullins in August 1954, as follows:

N 72° 40' 24" E 390.00 feet to 3/4-inch steel stake;

N 16° 23' 36" W 142.00 feet to 3/4-inch steel stake;

N 56° 45' 00" E, crossing lagoon 705.00 feet to 3/4-inch steel stake;

N 77° 21' 24" E 410.00 feet to 3/4-inch steel stake;

N 5° 36' 24" E, crossing tributary, 350.00 feet to 3/4-inch steel stake;

N 82° 51' 24" E 1303.00 feet to 3/4-inch steel stake;

S 81° 38' 36" E, at 440.02 feet passing E boundary of Survey No. 317, now in Survey No. 278 and continuing a total of 1080.00 feet to 3/4-inch steel stake;

S 39° 08' 36" E 560.00 feet to 3/4-inch steel stake;

And N 75° 36' 24" E, at 895.10 feet passing S boundary of Survey No. 278, now again in Survey No. 272 and continuing a total of 2323.90 feet to anglepoint in center of lagoon marking W boundary of said adjacent and adjoining 1336.79 acres;

THENCE along center of lagoon and into Carramanche Lake with boundary of said 1336.79 acres S 12° 41' 05" E 320.62 feet to center of Lake;

THENCE southeasterly along center of Lake and boundary of said 1336.79 acres as follows:

S 73° 00' 49" E 850.35 feet to anglepoint, from which the SE corner of pump house on N bank of Lake bears N 14° 17' 18" W 256.03 feet;

S 67° 55' 27" E 1347.61 feet;

S 31° 52' 32" E 355.68 feet;

S 1° 47' 47" W 366.76 feet;

S 24° 03' 15" E, at 144.74 feet passing S boundary of Survey No. 272, now again in Survey No. 270 1/2, and continuing a total of 409.78 feet;

*NE Variations  
as per Warranty Deed  
present before me this  
2<sup>nd</sup> day of July 2005  
Jacques B. Pucheu*  
JACQUES B. PUCHEU, J.  
NOTARY I.D. #14173  
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S 59° 58' 04" E 499.13 feet;  
 S 77° 47' 02" E 603.74 feet;  
 N 85° 59' 30" E, at 410.03 feet passing E boundary of  
 Survey No. 270 1/2, now crossing Survey No. 530 at 620.39 feet,  
 passing its E boundary, now again in Pereyra Grant and continuing  
 a total of 958.74 feet;

S 61° 25' 13" E 761.63 feet;

S 33° 58' 55" E 582.80 feet;

S 47° 20' 25" E 327.87 feet;

S 71° 37' 08" E 873.51 feet;

S 63° 00' 43" E 859.78 feet;

And S 72° 19' 10" E, ~~passing~~ downstream end of lake and  
 continuing a total of 495.08 feet to the 1-inch galvanized iron  
 pipe set up 6 inches for corner, from which the 200d iron pin  
 found flush bears S 72° 19' 10" E 10.84 feet;

THENCE N 69° 59' 24" E continuing along and with S boundary of  
 said 1336.79 acres, at 111.31 feet passing center of 10-inch  
 treated-pine end-post of existing fence, and continuing now with  
 fence at 2375.90 feet passing center of another 10-inch treated-  
 pine gate post, and continuing a total of 2390.51 feet to the  
 Point of Beginning, constituting 2158.99 acres of land within the  
 described boundary,

*NE Variation  
 as per warrant deed  
 turned before me plus  
 21<sup>st</sup> day of July 2005  
 Jacques B. Fucheu*

JACQUE B. FUCHEU, JR.  
 NOTARY I.D. #14173

EXHIBIT "B"

- a. Terms, conditions and stipulations contained in Deed from Jamie G. Hassett to L & L Sanblasting dated October 27, 1992 but effective October 29, 1992 and recorded in Volume 223, page 127 of the Deed Records of Zavala County, Texas. (Title to said interest not checked subsequent to date of instrument.)
- b. Reservation contained in Deed from Adrienne Neel, Ind. Exec. To Byrd Farms, Inc. dated November 9, 1967 and recorded in Volume 118, page 8 of the Deed Records of Zavala County, Texas. (Title to said interest not checked subsequent to date of instrument.)
- c. Right of Way from Mrs. Margaret Smith Byrd, et vir to The State of Texas dated April 20, 1946 and recorded in Volume 53, page 470 of the Deed Records of Zavala County, Texas.
- d. Easement from Byrd Cattle Company to Central Power and Light Company dated December 1, 1930 and recorded in Volume 34, page 237 of the Deed Records of Zavala County, Texas.
- e. Royalty Deed from Jamie G. Hassett to Victoria Julie Lewis and Floy Stroope dated January 5, 1990 and recorded in Volume 61, page 126 of the Oil and Gas Records of Zavala County, Texas.
- f. Royalty Deed from Jamie G. Hassett to Stephen H. Lewis dated January 5, 1990 and recorded in Volume 61, page 133 of the Oil and Gas Records of Zavala County, Texas.
- g. Stipulations contained in deed from Byrd Cattle Company to Texas Vegetable Union dated February 9, 1929 and recorded in Volume 31, page 346 of the Oil and Gas Records of Zavala County, Texas.
- h. Water Right Agreement from Byrd Cattle Co. to Texas Vegetable Union dated December 29, 1933 and recorded in Volume 37, page 203 of the Deed Records of Zavala County, Texas.
- i. Certificate of Adjudication from Texas Water Commission to Jamie G. Hassett dated January 23, 1984 and recorded in Volume 184, page 445 of the Deed Records of Zavala County, Texas.
- j. Rules and Regulations of the Wintergarden Groundwater Conservation District dated February 23, 1999, filed March 6, 2000 and recorded in Volume 252, page 194 of the Deed Records of Zavala County, Texas.
- k. Any portion of the property herein described which falls within the boundaries of any road or roadway.
- l. Any visible or apparent easements over or across the subject property, the existence of which does not appear of public record.

*"Ne Varietate"*  
*As per Warranty Deed*  
*passed before me this*  
*2<sup>nd</sup> day of July, 2005.*  
*Jacques B. Pucheau*  
JACQUE B. PUCHEAU, JR.  
NOTARY I.D. #14173

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FILED FOR RECORD THIS THE 25<sup>th</sup> DAY OF JULY 2005 AT 1:15 O'CLOCK P. M.  
AND DULY RECORDED THIS THE 26<sup>th</sup> DAY OF JULY 2005 AT 4:00 O'CLOCK P. M.

ORALIA G. TREVIÑO, ZAVALA COUNTY CLERK

BY Janice H. Sanchez DEPUTY

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

**TITLE CONVEYANCE OF WATER RIGHTS**

STATE OF TEXAS       §  
                                  §  
COUNTY OF ZAVALA   §

KNOW ALL MEN BY THESE PRESENTS, that FRANK W. HARBORTH ("Grantor"), whose address is 4005 Tschoepe Road, Seguin, Texas 78155, for and in consideration of \$10.00 cash and other valuable consideration to Grantor in hand paid, has GRANTED, GIVEN and CONVEYED, and by these presents does GRANT, GIVE and CONVEY to BAYOU ROUGE LAND & CATTLE COMPANY, LLC, A Louisiana Limited Liability Company ("Grantee"), the following described number of water rights:

400 acre feet of water per annum, and being a part of that certain 2098 acre-feet of water per annum for irrigation purposes decreed under Certificate of Adjudication No. 21-3091, recorded in Volume 184, Page 441 of the Deed Records of Zavala County, Texas and Amendment to Certificate of Adjudication No. 21-3091A recorded in the Office of the Zavala County Clerk bearing Clerk's File No. 078898. Being the same 400 acre feet of water, per annum which was conveyed to Frank W. Harboth, Grantor herein, by Warranty Deed with Vendor's Lien dated February 17, 1995 and recorded in Volume 231, Pages 531 *et seq* of the Official Public Records of Zavala County, Texas including all easements appurtenant to said rights which are required to divert the same from the point of diversion; however, this conveyance does not expressly or impliedly include an easement or other rights over, under, or across the 307.06 acres of land, more or less, described in Warranty Deed with Vendor's Lien recorded in Volume 231, Pages 531, *et seq* of the Official Public Records of Zavala County, Texas (the "Property").

TO HAVE AND TO HOLD the above-described water rights, together with all and singular the rights and appurtenances thereto; and Grantor does hereby bind itself, its successors and assigns to warrant and forever defend all and singular the said water rights unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the said water rights or any part thereof.

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Dated this 16th day of October, 2008.

GRANTOR:

Frank W. Harborth  
FRANK W. HARBORTH

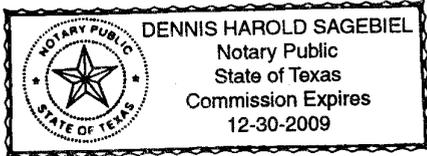
(ACKNOWLEDGMENT)

THE STATE OF TEXAS §  
COUNTY OF GUADALUPE §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of October 16, 2008 by Frank W. Harborth.

Dennis Harold Sagebiel

Notary Public, State of Texas  
Notary seal:



FILED AND RECORDED  
2008 Oct-24 PM 01:30  
Instr #: 078958  
ORALIA G. TREVINO  
COUNTY CLERK  
ZAVALLA COUNTY TEXAS  
BY Christy Deputy

AFFIDAVIT OF FACTS CONCERNING THE HISTORY OF BAYOU ROUGE LAND &  
CATTLE, L.L.C., BAYOU ROUGE LAND & CATTLE , A LOUISIANA GENERAL  
PARTNERSHIP, BAYOU ROUGE LAND & CATTLE, LLC, AND SUN GROUP  
INVESTMENTS, LLC

STATE OF TEXAS                   §  
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COUNTY OF ZAVALA           §

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Before me, the undersigned authority, personally appeared JACQUES ANDRE SOILEAU,  
who after being by me duly sworn, upon his oath deposed and stated as follows:

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“My name is Jacques Andre Soileau. I am over twenty-one (21) years of age, am of sound  
mind, and am fully competent to testify in this Affidavit. I have personal knowledge of the facts  
stated herein and such facts are all true and correct. I am the Manager of Sun Group Investments,  
LLC, a Louisiana limited liability company.

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Bayou Rouge Land & Cattle, L.L.C, a Louisiana limited liability company, was the holder  
of record title to real estate in Zavala County, Texas. In 2003, Bayou Rouge Land & Cattle, L.L.C.  
merged with Bayou Rouge Land & Cattle, a Louisiana general partnership. Certified documents  
indicating the merger between these two entities are filed of record in Volume 751, Page 732 of  
the Official Public Records for Zavala County, Texas which are incorporated herein for all  
purposes.

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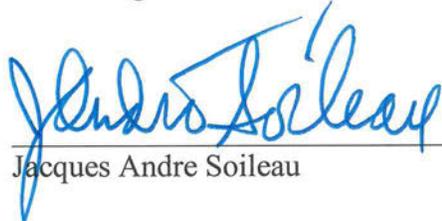
On December 30 2013, Bayou Rouge Land & Cattle, a Louisiana general partnership  
converted to Bayou Rouge Land & Cattle, LLC, a Louisiana limited liability company. Certified  
copies of the Articles of Conversion Converting Bayou Rouge Land & Cattle, a Louisiana general  
partnership to Bayou Rouge Land & Cattle, LLC (a Louisiana Limited Liability Company) are  
attached hereto and incorporated herein for all purposes. At the time of the conversion, I was the  
Managing Partner for Sun Group Investments, a Louisiana general partnership which was the

General partner of Bayou Rouge Land & Cattle, a Louisiana general partnership. At this same time, I was also the Manager of Bayou Rouge Land & Cattle, LLC, a Louisiana limited liability company. Bayou Rouge Land & Cattle, LLC, a Louisiana limited liability company was the surviving entity from the conversion. Bayou Rouge Land & Cattle, LLC is not to be confused with Bayou Rouge Land & Cattle, L.L.C. which a separate entity that was merged out of existence in 2003.

On that same day being December 30, 2013, Bayou Rouge Land & Cattle, LLC, a Louisiana limited liability company merged into Sun Group Invests, LLC a Louisiana limited liability company. Certified copies of the Certificate of Merger are attached hereto and incorporated herein for all purposes. At the time of the merger, I was the Manager of Bayou Rouge Land & Cattle, LLC, a Louisiana limited liability company. At this same time, I was also the Manager of Sun Group Investments, LLC, a Louisiana limited liability company.

All real property interests located in Zavala County, Texas and held under the names of Bayou Rouge Land & Cattle, L.L.C, a Louisiana limited liability company, Bayou Rouge Land & Cattle, a Louisiana general partnership, and Bayou Rouge Land & Cattle, LLC, a Louisiana limited liability company are now held by Sun Group Investments, LLC, a Louisiana limited liability company by way of those certain conversions and mergers referenced herein or attached hereto.

Further, Affiant sayeth not.”

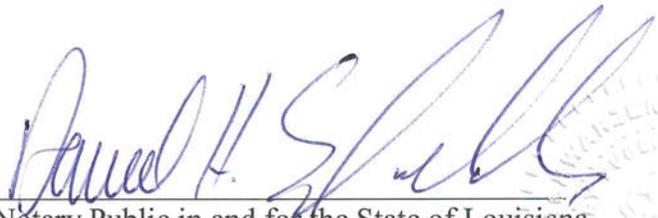
  
\_\_\_\_\_  
Jacques Andre Soileau

STATE OF LOUISIANA           §  
  §  
Acadia PARISH               §

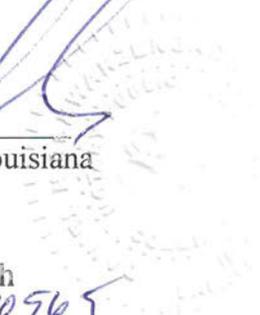
SWORN TO AND SUBSCRIBED TO BEFORE ME on this the 1<sup>ST</sup> day of AUGUST 2022 by Jacques Andre Soileau who personally appeared and known to me to be the person whose name is subscribed to the foregoing instrument.

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Given under my hand and seal of office.

  
Notary Public in and for the State of Louisiana

Daniel H. Schwarzenbach  
Notary Public #80965  
State of Louisiana  
Bar No. 29415  
My Commission is for Life.



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UNITED STATES OF AMERICA  
State of Louisiana

R. Kyle Ardoin  
SECRETARY OF STATE

*As Secretary of State of the State of Louisiana, I do hereby Certify that*  
the attached document(s) of

**BAYOU ROUGE LAND & CATTLE LLC**

are true and correct and are filed in the Louisiana Secretary of State's Office.

41385849 NMCHG 01/03/2014 9 page(s)  
41385849 CONVT 01/03/2014

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on,

July 29, 2022

*Secretary of State*

SS



Certificate ID: 11605820#VXM73

To validate this certificate, visit the following web site, go to **Business Services, Search for Louisiana Business Filings, Validate a Certificate**, then follow the instructions displayed.

[www.sos.la.gov](http://www.sos.la.gov)

VOL 0450

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**ARTICLES OF CONVERSION**

**CONVERTING**

**BAYOU ROUGE LAND & CATTLE, A LOUISIANA GENERAL PARTNERSHIP**

**TO**

**BAYOU ROUGE LAND & CATTLE LLC  
(A LOUISIANA LIMITED LIABILITY COMPANY)**

Bayou Rouge Land & Cattle, a Louisiana General Partnership (the "Converting Entity"), acting pursuant to La. R.S. 12:1601 *et seq.*, and for the purpose of converting the Converting Entity to a Louisiana limited liability company (the "Converted Entity"), hereby adopts these Articles of Conversion and hereby declares and certifies as follows:

**ARTICLE 1  
NAME OF ENTITIES**

The name of the Converting Entity is Bayou Rouge Land & Cattle, A Louisiana General Partnership. The name of the Converted Entity is Bayou Rouge Land & Cattle LLC.

**ARTICLE 2  
TYPE OF RESULTING CONVERTED ENTITY**

Bayou Rouge Land & Cattle LLC, the Converted Entity, is a Louisiana limited liability company.

**ARTICLE 3  
STATEMENT OF CONTINUING EXISTENCE**

The Converting Entity is continuing its existence, without interruption, in the form of the Converted Entity, Bayou Rouge Land & Cattle LLC. The conversion effected by these Articles of Conversion will not constitute a dissolution of the Converting Entity, and the Converting Entity will not be required to wind up its affairs or pay its liabilities and distribute its assets by virtue of, or as a result of, this conversion.

**ARTICLE 4  
CONVERSION OF OWNERSHIP INTERESTS**

Upon conversion of the Converting Entity to the Converted Entity, each owner of the Converting Entity will own a corresponding equal ownership percentage in the Converted Entity, which may be expressed as ownership units in the Converted Entity with six hundred (600) total outstanding ownership units in the Converted Entity initially cumulatively owned by such owners.

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**ARTICLE 5  
PARTNER APPROVAL**

The conversion of the Converting Entity to Bayou Rouge Land & Cattle LLC has been duly approved by the partners of the Converting Entity, in accordance with La. R.S. 12:1603.

**ARTICLE 6  
ARTICLES OF ORGANIZATION  
OF BAYOU ROUGE LAND & CATTLE LLC**

The following constitutes the Articles of Organization of the Converted Entity:

**ARTICLES OF ORGANIZATION  
OF  
BAYOU ROUGE LAND & CATTLE LLC**

The undersigned organizers, in the presence of the undersigned witnesses and Notary Public adopts the following Articles of Organization.

**ARTICLE I  
Name**

1.1 **Name.** The name of the limited liability company is **Bayou Rouge Land & Cattle LLC** (the "Company").

**ARTICLE II  
Purpose**

2.1 **Purpose.** The purpose of the Company is to conduct all lawful business for which limited liability companies can be formed under Louisiana law.

**ARTICLE III  
Registered Office**

3.1 Purposely left blank.

3.2 Purposely left blank.

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3.3 The registered office for the Company is located at 2532 Aymond St., PO Box 1087, Eunice, Louisiana 70535.

**ARTICLE IV**  
**Capital**

4.1 **Initial Capital Contribution.** The Member shall contribute, as an Initial Capital Contribution to the Company, the sum indicated in the Operating Agreement/Partnership Agreement.

4.2 **No Withdrawal.** No Member shall have the right to withdraw his Capital Contribution at any time. No Member may require the return of his Capital Contribution or any cash distribution except as provided in these Articles and then only when there are sufficient funds available for any such distribution after satisfaction of creditors of the Company.

**ARTICLE V**  
**Authority of Managers**

5.1 **Authority of Managers.** The Member hereby appoints Jacques Andre Soileau and Jean Felix Soileau as Managers. Either Manager, acting alone, is authorized to exercise any and all powers provided by operation of law or otherwise necessary for the operation of the Company in the ordinary course of business.

5.2 **No Limitations in Partners Agreement/Operating Agreement.** Third parties are entitled to rely on these Articles of Organization and no power granted herein shall be limited by the Partners Agreement/Operating Agreement. In the event of a conflict between the Articles of Organization and the Partners Agreement/Operating Agreement, the Articles of Organization shall govern.

5.3 **Tax Matters Member.** The Managers shall have the power to make or not to make various elections for federal, state and local income tax reporting purposes, including the power to serve as the "Tax Matters Member" within the meaning of Section 6231 (a) (7) of the Internal Revenue Code, the power to designate either or both Managers as the "Tax Matters Member" and the right and power to designate others to act on his behalf in implementing his authority as Tax Matters Member. In connection with his authority as Tax Matters Member, the Manager shall have the authority to (i) extend the statute of limitations for assessment of tax deficiencies against the Members with respect to adjustments to the Company's federal, state or local tax returns; and (ii) represent the Company and the Members before taxing authorities or courts of competent jurisdiction in tax matters affecting the Company and the Members and to execute any agreements or other documents relating to or affecting such tax matters.

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**ARTICLE VI**  
**Right to Rely on Authority**

6.1 **Right to Rely on Authority.** Jacques Andre Soileau and Jean Felix Soileau are authorized to execute certificates which establish the Membership of any Member, and the authenticity of any records of the Company. No person dealing with any of the Members shall be required to determine his or her authority to make any such commitment or undertaking on behalf of the Company, or to determine any fact or circumstances bearing upon the existence of his authority and shall be entitled to conclusively rely upon such certificates. No person shall be bound to see the application or distribution of revenue or proceeds paid or credited in connection with such action unless the party shall have received written notice to the contrary from the Company.

**ARTICLE VII**  
**Termination, Dissolution, Liquidation and**  
**Partition of the Company**

7.1 **Term.** The Company shall continue in existence until the winding up and liquidation of the Company, or until its business is completed following a liquidating event, as provided in Section 7.2 hereof.

7.2 **Termination.** The Company shall be terminated upon the first to occur of the following:

- (a) A unanimous vote of the Members to terminate;
- (b) A judgment of termination;
- (c) The granting of an order for relief under Chapter 7 of the U.S. Bankruptcy Code (11 U.S.C.A. § 701, et seq.);
- (d) The reduction of the membership of the Company to one Member; or
- (e) The attainment of, or the impossibility of attainment of, the objects and purposes of the Company.

7.3 **Vote to Continue.** In the event of a termination of the Company, remaining Members shall conduct a meeting within thirty (30) days of such event. The meeting shall be held at the registered offices of the Company or such other place as the remaining Members shall agree. The purpose of the meeting shall be to determine if a majority of the remaining Members desire to continue the business of the Company or desire to dissolve the Company. If a majority of the remaining Members elect to continue the business, the Members shall be governed by and subject to these Articles of Organization and the provisions of any Partners Agreement/Operating Agreement in effect at such time.

**ARTICLE VIII**  
**Miscellaneous Provisions**

8.1 **Amendments.** These Articles may not be amended, changed or modified in any respect without the affirmative vote of Members possessing 75% of the Membership Units. Any amendment shall not be binding upon third parties until an amendment by authentic act, or private signature duly acknowledged, is recorded in the office of the Secretary of State.

8.2 **Commencement of Voluntary Bankruptcy.** The filing of a voluntary petition for the commencement of a case under Title 11 of the United States Code shall require the expressed written consent of 75% of the Membership Units.

8.3 **Consolidation and Merger.** The Company may not consolidate, merge or enter into any form or combination with or into any other entity, convey, transfer or lease its assets substantially or as an entirety to any other entity, or permit any entity to consolidate, merge or enter into itself, substantially or as an entirety, without the affirmative vote of Members holding 75% of the Membership Units.

8.4 **Liquidation and Dissolution.** The Company shall not liquidate or dissolve without the affirmative vote of Members holding 75% of the Membership Units.

**ARTICLE IX**  
**Definitions**

9.1 **Definitions.** The terms used in these Articles of Organization shall have the following respective meanings:

- (a) **“Capital Contribution”** means the Initial Capital Contribution of the Member and any additional Capital Contributions made by the Member, as adjusted according to the provisions hereof.
- (b) **“Initial Capital Contribution”** means the contribution of an interest or an undivided interest in property to the Company as provided in Article IV hereof.
- (c) **“Internal Revenue Code”** or **“Code”** means the Internal Revenue Code of 1986, as amended at the time of reference thereto (or any corresponding provisions of succeeding law).
- (d) **“Members”** means those listed in the Operating Agreement/Partnership Agreement.
- (e) **“Property” “Company Property”** or **“Company Assets”** or **“Assets”** means all property and assets of the Company, of whatever kind and nature, and wherever situated, and however acquired, movable and immovable, tangible and intangible, owned by the Company.

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- (f) **“Membership Units”** means the percentage ownership of the respective Member as set forth in Article IV computed by dividing the number of Units owned by a Member by the total number of Units outstanding.
- (g) **“Unit”** means an interest in the initial capital of the Company acquired in exchange for an Initial Capital Contribution to the Company as set out in Article IV. The authorized number of Units of the Company is five thousand (5,000).

9.2 **Voting.** Unless otherwise provided in these Articles of Organization, each Member shall be entitled to cast the number of votes determined according to his Membership Units, on all matters properly brought before the Members, and all decisions of the Members shall be made by Members possessing 75% of the Membership Units.

**ARTICLE X**  
**Not a Low-Profit LLC**

The Company is not a low-profit limited liability company as defined by R.S. 12:1301(11.1).

\*\*\*\*Signatures on following page\*\*\*\*

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IN WITNESS WHEREOF, the Converting Entity and the Converted Entity have executed these Articles of Conversion as of the 30 day of December, 2013, in the presence of the undersigned witnesses and notary public.

**Bayou Rouge Land & Cattle, A Louisiana General Partnership**

**Witnesses:**

By: J. Andrie Soileau  
Jacques Andre Soileau, Managing Partner for Sun Group Investments, A Louisiana General Partnership, the General Partner

Brandi Fontenot  
Name: Brandi Fontenot

By: J.F. Soileau  
Jean Felix Soileau, Managing Partner for Sun Group Investments, A Louisiana General Partnership, the General Partner

Alicia Olivier  
Name: Alicia Olivier

**Bayou Rouge Land & Cattle LLC**  
By: J. Andrie Soileau  
Jacques Andre Soileau, Manager

By: J.F. Soileau  
Jean Felix Soileau, Manager

Guendola THOMASSET  
Print name: Guendola THOMASSET  
Notary Public  
My Commission is for Life.  
Notary ID 26613

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Tom Schedler Secretary of State	Limited Liability Company Initial Report (R.S. 12:1305(E))
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1. The name of this limited liability company is: **Bayou Rouge Land & Cattle LLC**
2. The location and municipal address, not a post office box only, of the registered office:

2532 Aymond St.  
PO Box 1087  
Eunice, Louisiana 70535

3. The full name and municipal address, not a post office box only, of the registered agent(s) is:

Jean Felix Soileau  
2532 Aymond St.  
PO Box 1087  
Eunice, Louisiana 70535

4. The names and municipal addresses, not a post office box only, of the organizers are:

Jacques Andre Soileau  
2532 Aymond St.  
PO Box 1087  
Eunice, Louisiana 70535

Jean Felix Soileau  
2532 Aymond St.  
PO Box 1087  
Eunice, Louisiana 70535

5. The names and addresses of this limited liability company's initial managers are:

Jacques Andre Soileau  
2532 Aymond St.  
PO Box 1087  
Eunice, Louisiana 70535

Jean Felix Soileau  
2532 Aymond St.  
PO Box 1087  
Eunice, Louisiana 70535

Executed at Eunice, Louisiana on this 30 day of December, 2013, in the presence of the undersigned witnesses and notary public.

**Organizers:**  
  
 Jacques Andre Soileau, Manager  
  
 Jean Felix Soileau, Manager

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Agent's Affidavit and Acknowledgement of Acceptance  
For  
Bayou Rouge Land & Cattle LLC

I hereby acknowledge and accept the appointment of registered agent for and on behalf of the above name limited liability company.

Registered Agent signature:

  
\_\_\_\_\_  
Jean Felix Soileau

Sworn to and Subscribed before me this 30 day of December, 2013.

  
Print name: Gwendolyn Thomasse  
Notary Public  
My Commission is for Life.  
Notary ID No. 26613

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UNITED STATES OF AMERICA  
State of Louisiana

R. Kyle Ardoin  
SECRETARY OF STATE

*As Secretary of State of the State of Louisiana I do hereby Certify that*  
the attached document(s) of

**BAYOU ROUGE LAND & CATTLE LLC**

are true and correct and are filed in the Louisiana Secretary of State's Office.

41390453

MERGE

01/07/2014

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page (s)

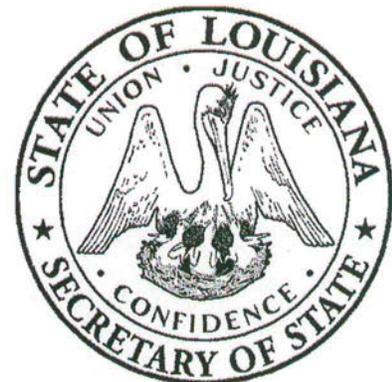
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In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on,

July 29, 2022

*Secretary of State*

SS



Certificate ID: 11605821#5DF52

To validate this certificate, visit the following web site, go to **Business Services, Search for Louisiana Business Filings, Validate a Certificate**, then follow the instructions displayed.

[www.sos.la.gov](http://www.sos.la.gov)

CERTIFICATE OF MERGER

Pursuant to the provisions of Section 1357, et seq., of the Limited Liability Company Law of the State of Louisiana (the "Law"), the undersigned company, being the surviving entity of a merger of two domestic limited liability companies does hereby certify as follows:

1. The name and state of incorporation of each constituent entity to the merger is as follows:

<u>Entity</u>	<u>Jurisdiction</u>
Bayou Rouge Land & Cattle LLC	Louisiana
Sun Group Investments LLC	Louisiana

2. An Agreement and Plan of Merger has been authorized, approved, adopted, certified, executed and acknowledged by each of the constituent entities in accordance with the provisions of the Law and each party's respective Articles, Operating Agreement of other governing documents. Such Agreement was approved on December 30, 2013.

3. The name of the surviving entity of the merger is Sun Group Investments LLC

4. The articles of organization of the surviving entity shall be the articles of organization of Sun Group Investments LLC without change or amendment.

5. An executed copy of the Agreement and Plan of Merger is on file at the principal place of business of the surviving entity at 2532 Aymond St., PO Box 1087, Eunice, Louisiana 70535.

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6. A copy of the Agreement and Plan of Merger will be furnished by the surviving entity on request and without cost to any member of any constituent entity, or to any creditor or obligee of any constituent entity.

7. The effective time of the merger shall be immediately upon compliance with the laws of the State of Louisiana and the State of Louisiana.

IN WITNESS WHEREOF, the undersigned limited liability companies have caused this certificate to be executed below on this 30 day of December, 2013.

Bayou Rouge Land & Cattle LLC

By: J. Andre Soileau  
Name: Jacques Andre Soileau  
Title: Manager

By: J. Felix Soileau  
Name: Jean Felix Soileau  
Title: Manager

Sun Group Investments LLC

By: J. Andre Soileau  
Name: Jacques Andre Soileau  
Title: Manager

By: J. Felix Soileau  
Name: Jean Felix Soileau  
Title: Manager

SWORN TO AND SUBSCRIBED  
BEFORE ME, THIS 30 DAY  
OF December, 2013.

Guendola Thomasse  
PRINT NAME: Guendola Thomasse  
NOTARY PUBLIC  
MY COMMISSION IS FOR LIFE  
NOTARY NO. 24613

INST NO. 101669  
FILED FOR RECORD  
2022 Aug 05 at 11:18 AM  
MICHELLE B. URRABAZO, CLERK  
ZAVALA COUNTY, TEXAS  
DEPUTY

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