

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): Burns Brothers, Ltd.

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

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

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

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

See Attachment A

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?

N

(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 : _____ (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: Kent Burns

Title: General Partner

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

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: Burns Brothers, Ltd.

Mailing Address: 4216 N. US Hwy 281

City: Edinburg State: TX ZIP Code: 78540

Indicate an X next to the type of Applicant:

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input checked="" 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 type="checkbox"/> Other _____ |

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32035768053 SOS Charter (filing) Number: 800209540

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: Glenn Jarvis

Title: Attorney

Organization Name: Law Offices of Glenn Jarvis

Mailing Address: 1801 S 2nd St., Ste. 550

City: McAllen State: TX ZIP Code: 78503

Phone Number: (956) 682-2660

Fax Number: (956) 618-2660

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: N/A

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

If yes, provide the following information:

Account number: _____ Amount past due: _____

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

If yes, please provide the following information:

Enforcement order number: _____ Amount past due: _____

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

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

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

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

Applicant has submitted all required TWDB surveys of groundwater and surface water?

Yes / No N/A

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Kent Burns

General Partner

(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.

Burns Brothers, Ltd. by SKC Management Co. LLC, General Partner

Signature: *Kent Burns*

Date: 11-4-2022

(Use blue ink) KENT BURNS

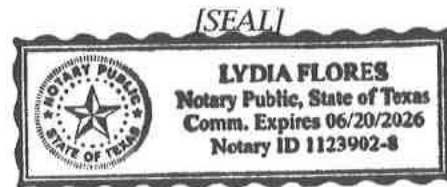
Subscribed and Sworn to before me by the said Kent Burns

on this 4th day of November, 2022.

My commission expires on the 20th day of June, 2024.

Lydia Flores
Notary Public

Hidalgo
County, Texas



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

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

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

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

Date of pre-application meeting: OCTOBER 5, 2022

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

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: 23-421

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

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

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

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

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

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

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

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

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

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 - Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N N

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

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

Applicant is located within Region M Planning Group. This Application is not inconsistent with the State Water Plan and Region M Planning Group Water Plan.

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

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

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

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**
164.104	Agricultural (irrigation) and Recreational	Same as Existing	Hidalgo County See Attachment A, Exhibit 1	Hidalgo County See Attachment A, Exhibit 4

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of 109 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 109 acres in HIDALGO County, TX. See Attachment A, Exhibit 4
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

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

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

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

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

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

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

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

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

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

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. N/A Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc.* See 30 TAC § 288.30) Y / N N

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

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

2. AMENDMENT OR SEVER AND COMBINE

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

3. BED AND BANKS

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

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 3297309

Billable Pages: 7

Recorded On: January 04, 2022 03:05 PM

Number of Pages: 8

*****Examined and Charged as Follows*****

Total Recording: \$ 60.00

*****THIS PAGE IS PART OF THE DOCUMENT*****

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

File Information:

Document No: 3297309
Receipt No: 20220104000320
Recorded On: January 04, 2022 03:05 PM
Deputy Clerk: Elisa Castillo
Station: CH-1-CC-K32

Record and Return To:

Corporation Service Company
919 North 1000 West
Logan UT 84321



STATE OF TEXAS
COUNTY OF HIDALGO

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

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas

STG/AN SIERRA TITLE
GF# 289929

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

SPECIAL WARRANTY DEED

THE STATE OF TEXAS
COUNTY OF HIDALGO

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

THAT CM HIDALGO PROPERTIES, LLC, a Texas limited partnership, hereinafter called "Grantor", for and in consideration of the amount of Ten and no/100ths DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt and sufficiency of which are hereby acknowledged, and in connection therewith as evidence of part of the consideration so paid, Grantee has executed and delivered one certain promissory note of even date herewith payable to the order of Grantor in the amount of \$553,973.56 as therein provided and bearing interest at the rate therein specified, providing for acceleration of maturity and for attorneys' fees, the payment of which promissory note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to LUKE BURNS, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto GAURANGA DREAM RANCH LLC, a Texas limited liability company, herein referred to as "Grantee", whose address is 8 The Green, Suite 8677, Dover, Delaware 19901, the real property described on **Exhibit A** attached hereto and incorporated herein by reference ("Land"), together with all Grantor's right, title, and interest in and to all structures, fixtures, buildings, and improvements located on such Land, adjacent streets, alleys, and rights-of-way, easement rights, and all other appurtenances pertaining to such Land.

This conveyance, however, is made and accepted subject to the matters described on **Exhibit B** attached hereto and made a part hereof (collectively, the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee and Grantee's successors and assigns forever, subject to the matters set forth herein; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee's successors and assigns against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

Grantor hereby RESERVES for itself, its successors and assigns forever, and there is excluded from this conveyance, one-half (1/2) of all of Grantor's right, title and interest in and to any and all oil, gas, sulfur, hydrocarbons and other minerals in, on and under and that may be produced from the Property or any portion thereof, including any lands pooled, unitized or communitized therewith, respectively, including all executory rights related thereto, together with one-half (1/2) of all of Grantor's rights in working and net revenue interests, royalties, payments and executory rights in and to the oil, gas, sulfur, hydrocarbon and mineral fee and mineral leasehold estates and other mineral rights and assets appurtenant to such Property or any portion thereof, respectively (such reserved rights, the "Mineral Reservation"). Notwithstanding the foregoing, subject to the terms and conditions of the Deed of Trust executed by Grantee in favor of Grantor of even date herewith (including the right of entry set forth in Section 2.1(g) thereof), Grantor waives, releases and relinquishes any and all rights to ingress and egress

to, from and over the surface of the Property for the purposes of exploring or prospecting for or developing, drilling, producing, transporting, mining, treating or storing minerals, or conducting operations of whatsoever nature with respect to the exploration for, exploitation of, mining, production, processing, transporting, and marketing of oil, gas, sulfur or other minerals from the Property; provided, however, that nothing shall restrict or prohibit the pooling or unitization of the portion of the Mineral Reservation with land other than the Property, or the exploration or production of any oil, gas or other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property below the surface thereof, or by any other method that does not require ingress and egress in or over or use of the surface of the Property, provided that these operations do not materially interfere with the surface improvements or operations and do not interfere with the surface or subsurface support of any improvements constructed, or reasonably planned to be constructed, on the Property at the time of such exploration or production of any oil, gas or other minerals.


Grantor hereby RESERVES, and there is excluded from the conveyance, all water rights of GRANTOR to the Rio Grande pertaining to the property herein conveyed, including, but not limited to, the right to divert and use not to exceed 164.104 acre feet per annum allocated upon a Class B irrigation priority of allocation from the Rio Grande, Rio Grande Basin, for agricultural and recreational purposes as evidenced by Certificate of Adjudication No.23-421,as amended, and including, but not limited to, Amendment To A Certificate of Adjudication No. 23-421G issued by the Texas Commission on Environmental Quality.

The vendor's lien, as well as the superior title in and to all of the Property, is retained against the Land until the above described promissory note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Special Warranty Deed shall become absolute. Such vendor's lien, together with the superior title to the Land, is retained herein for the benefit of Grantor.

EXECUTED as of the 31st day of December, 2021.

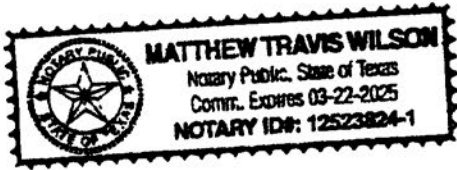
GRANTOR:

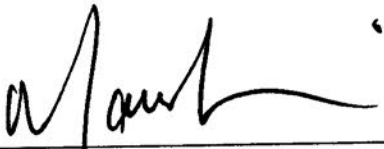
CM HIDALGO PROPERTIES, LLC,
a Texas limited liability company

By: 
Name: Chris L. Burns
Title: Manager

THE STATE OF TEXAS §
 §
COUNTY OF Hidalgo §

This instrument was acknowledged before me on the 30 day of December, 2021, by Chris L. Burns, Manager of CM Hidalgo Properties, LLC, a a Texas limited liability company, on behalf of said company.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After Recording Return To:
Sierra Title of Hidalgo County, Inc.
3401 N. 10th Street
McAllen, Texas 78501
Attention: Matt Wilson

EXHIBIT "A"

Legal Description

METES AND BOUNDS DESCRIPTION

100.769 ACRES BEING:

**OUT OF TRACT 150, SAN SALVADOR DE TULE GRANT,
HIDALGO COUNTY, TEXAS**

A tract of land containing 100.769 acres situated in the County of Hidalgo, Texas, being a part or portion out of Tract 150, San Salvador De Tule Grant, according to the plat thereof recorded in Volume 10, Pages 58-60, Hidalgo County Map Records, said 100.769 acres were conveyed to CM Hidalgo Properties, LLC., a Texas Limited Liability Company, by virtue of a Warranty Deed recorded under Document Number 2354329, Hidalgo County Official Records, said 100.769 acres also being more particularly described as follows:

BEGINNING at a No. 4 rebar set on the Southwest corner of said Tract 150, for the Southwest corner of this herein described tract;

THENCE, N 09° 09' 07" E along the West line of said Tract 150 San Salvador de Tule Grant, a distance of 1,294.48 feet to a No. 4 rebar set for the Northwest corner of this tract;

THENCE, S 80° 51' 53" E a distance of 3,389.80 feet to a No. 4 rebar set for the Northeast corner of this tract;

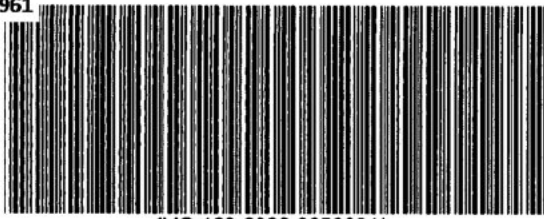
3THENCE, S 09° 03' 09" W a distance of 1,294.48 feet to a No. 4 rebar set, from which a No. 4 rebar found bears **S 66° 19' 05" E** a distance of 59.62 feet, for the Southeast corner of this tract;

THENCE, N 80° 51' 53" W along the South line of said Tract 150 San Salvador de Tule Grant, a distance of 3,392.05 feet to the **POINT OF BEGINNING** and containing 100.769 acres of land, more or less.

EXHIBIT "B"**Permitted Encumbrances**

- a. Right of way easement granted to Magic Valley Electric Cooperative, Inc., a corporation, by Frances Morrow Bulatkin, dated August 31, 1967, filed for record in the Office of the County Clerk of Hidalgo County, Texas in Volume 1186, Page 679, Deed Records Hidalgo County, Texas; the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.
- b. Access Easement Agreement granted to Marvin L. Jackson, by Duane E. Jackson, dated August 17, 1993, filed for record on August 26, 1993 in the Office of the County Clerk of Hidalgo County, Texas, under Clerk's Document No. 340812; the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.
- c. Easements and Conditions as shown on the Map or Plat thereof, filed for record in Volume 10, Page 58, Map Records Hidalgo County, Texas.
- d. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved to grantor in that certain deed from J. C. Looney to South Texas Development Company, dated April 17, 1945, filed for record in the Office of the County Clerk of Hidalgo County, Texas in Volume 557, Page 405, Deed Records Hidalgo County, Texas, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.
- e. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved to grantor in that certain deed from Frances Morrow Bulatkin to Morris E. Jackson, dated May 22, 1970, filed for record in the Office of the County Clerk of Hidalgo County, Texas in Volume 1258, Page 626, Deed Records Hidalgo County, Texas, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.
- f. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved in Partition Deed dated August 17, 1993, filed for record on August 26, 1993 in the Office of the County Clerk of Hidalgo County, Texas, under Clerk's Document No. 340816, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.

- g. Reservation of all oil, gas, and other minerals, together with all rights relative thereto, express or implied, reserved to grantor in that certain deed from Duane E. Jackson to Rodrigo Elizondo, Jr., dated February 10, 1995, filed for record on February 15, 1995 in the Office of the County Clerk of Hidalgo County, Texas, under Clerk's Document No. 436112, reference to which instrument is made for all intents and purposes. Title to said interest not checked subsequent to the date of the aforesaid instrument.
- h. All leases, grants, exceptions or reservations of coal, lignite, oil, gas, and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the public records.
- i. Prescriptive rights for roads, public or private, ditches, canals and/or utilities which are not a part of the public record, but visible from an inspection of the proposed insured land(s), including, but not limited to, those as shown on the survey prepared by Melden & Hunt, Inc. Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.
- j. Except to those certain fences, and to any claim or assertion of ownership by adjacent land owner(s) in and to that land lying between the established property line of the insured land and said fence(s), the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021
- k. Except to any conflicts which may arise due to those Community Panels, the approximate location(s) of which is/are shown on the survey prepared by Melden & Hunt, Inc., Roberto N. Tamez, Registered Professional Land Surveyor No. 6238, last dated December 30, 2021.



VG-120-2022-3350961

Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, Texas 78540

Document No: 3350961

Billable Pages: 3

Recorded On: June 10, 2022 10:44 AM

Number of Pages: 4

*****Examined and Charged as Follows*****

Total Recording: \$ 44.00

*****THIS PAGE IS PART OF THE DOCUMENT*****

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

File Information:

Document No: 3350961
Receipt No: 20220610000108
Recorded On: June 10, 2022 10:44 AM
Deputy Clerk: Horacio Garza
Station: CH-1-CC-K12

Record and Return To:

Law Offices of Glenn Jarvis
1801 South Second St, Ste 550

MCALLEN TX 78503



STATE OF TEXAS
COUNTY OF HIDALGO

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

Arturo Guajardo Jr.
County Clerk
Hidalgo County, Texas

CHAPTER 11, SEC. 11.008, TEXAS PROPERTY CODE, 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.

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

WATER RIGHTS CONVEYANCE

WHEREAS, **CM HIDALGO PROPERTIES, LLC**, a Texas Limited Partnership (hereinafter referred to as "GRANTOR"), owns water rights to the Rio Grande pursuant to Certificate of Adjudication No. 23-421G; and

WHEREAS, **GRANTOR** has agreed to sell, convey, transfer, and assign to **BURNS BROTHERS, LTD.**, a Texas Limited Partnership, 4216 N. U.S. Hwy 281, Edinburg, Hidalgo County, Texas, 78042, water rights amounting to the right to divert and use a maximum of up to **164.104 acre feet** of water per annum from the Rio Grande for agricultural and recreational purposes allocated with a Class B irrigation use priority, being water rights authorized and owned by **GRANTOR** evidenced by **Certificate of Adjudication No. 23-421G**, an Amendment to Certificate of Adjudication No. 23-421 issued by the Texas Commission on Environmental Quality.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That GRANTOR, in consideration of the sum of TEN (\$10.00) DOLLARS to it in hand paid by the **BURNS BROTHERS, LTD.**, hereinafter referred to as "GRANTEE", together with other valuable consideration, receipt of which is hereby acknowledged, does hereby SELL, ASSIGN, TRANSFER AND CONVEY to GRANTEE the right to divert and use a maximum of up to **164.104 acre feet** of water per annum from the Rio Grande for agricultural and recreational use

purposes allocated with a Class B use priority of allocation, described above, being those water rights owned by GRANTOR evidenced by **Certificate of Adjudication No. 23-421G**, and hereinafter referred to as the "Water Rights."

GRANTOR does hereby expressly sever the Water Rights here conveyed from its prior place of use, and from any other water rights owned by GRANTOR, and no other rights of GRANTOR are hereby conveyed except the Water Rights and GRANTOR does hereby expressly authorize the Texas Commission on Environmental Quality ("TCEQ"), or its successor, or such agency or governmental body or authority having jurisdiction over the subject matter hereof, to make such changes in the records as are necessary to accomplish the conveyance and transfer of the Water Rights; and GRANTOR does hereby agree to execute such other instruments as shall be necessary and required by the TCEQ or other applicable authority in regard hereto.

TO HAVE AND TO HOLD the Water Rights together with all and singular the rights and appurtenances thereto, in any way belonging unto GRANTEE, its successors and assigns forever, and GRANTOR does hereby bind itself, its agents, representatives, successors, and assigns, to warrant and forever defend all and singular the Water Rights unto the said GRANTEE, and its successors and assigns, against every person whomsoever lawfully claiming or to claim the Water Rights.

DATED and effective this 7th day of June, 2022.

GRANTOR:

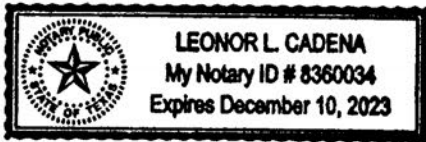
**CM Hidalgo Properties, LLC,
a Texas Limited Partnership**

By: Chris L. Burns
Chris L. Burns
Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on this 7th day of June, 2022, by Chris L. Burns, Manager of CM Hidalgo Properties, LLC, a Texas Limited Partnership, on behalf of said Limited Partnership and in the capacity as stated, to certify which witness my hand and seal of office.



Leonor L. Cadena
Notary Public in and for the State of Texas

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 18, 2022

Mr. Chris Burns
1707 E. Larkspur Ave.
McAllen, Texas 78501-3856

VIA-EMAIL

RE: Change of Ownership
Certificate of Adjudication No. 23-421

Dear Mr. Burns:

This acknowledges receipt of the Surface Water Rights Change of Ownership Application on July 18, 2022, and receipt of the fees in the amount of \$100 (Receipt No. M219320) on July 15, 2022.

TCEQ Change of Ownership Memorandum attached.

If you have any questions concerning this matter, please contact me via e-mail at Jazzmin.Hernandez@tceq.texas.gov or by telephone at (512) 239-1444.

Sincerely,

A handwritten signature in cursive script that reads "Jazzmin M. Hernandez".

Jazzmin Hernandez, Project Manager
Water Rights Compliance Assurance Team
Water Availability Section

Attachment

cc: Rio Grande Watermaster's Office

TCEQ Water Rights Change of Ownership Memorandum

To: Records Management **Date:** August 18, 2022
Through: ^{AMS} Bert Galvan, Team Leader **Certificate of Adjudication No.** 23-421
Water Rights Compliance Assurance Team **Source County:** Hidalgo
From: Jazzmin Hernandez, Project Manager **Source Basin:** Rio Grande
Water Rights Compliance Assurance Team
Subject: Change of Ownership
Delete: CM Hidalgo Properties, LLC, as part owner
Add: BURNS BROTHERS, LTD., as part owners

Conveyance Documents Reviewed

Title	Dated	Doc. No.
Water Rights Conveyance	06/07/2022	3350961

The change of ownership application and \$100 recording fee (Receipt No. M219320) were received on July 18, 2022. The review of the application was completed on August 18, 2022. The conclusions in this memo are based upon a review of the above-mentioned conveyance documents submitted by the applicants from the Official Public Records of Hidalgo County, Texas. The conclusions are subject to change if additional information is received.

Ownership of Record with Addresses and Remarks:

1. BURNS BROTHERS, LTD.
4216 S. U.S. Hwy 281
Edinburg, TX 78540
2. City of Edinburg
P.O. Box 1079
Edinburg, TX 78540-1079
3. H.B. White
C/O H C WID #5
P.O. Box 614
Progresso, TX 78589-0614
4. FJ Management, Inc.
185 S. State St., Ste. 1300
Salt Lake City, UT 84111-1537
5. George Garcia
401 Carolina Ave.
Mission, TX 78572-6846
6. Maria G. Garcia
401 Caroline Ave.
Mission, TX 78572-6846
7. Lucio E. Gonzales Jr.
P.O. Box 2507
Roma, TX 78584-2507
8. A. A. Martin
RR 5 Box 1109
Edinburg, TX 78541-9805

- | | |
|---|--|
| <p>9. Harriette Martin
 RR 5 Box 1109
 Edinburg, TX 78541-9805</p> <p>11. Jose Ruiz
 P.O. Box 536
 Elsa, TX 78543-0536</p> <p>13. Mary R. Vera
 P.O. Box 894
 Orange Grove. TX 78372-0894</p> <p>15. Guadalupe Cancino
 709 S. Bicentennial Blvd.
 McAllen, TX 78501-5219</p> <p>17. State of Texas
 c/o City of Edinburg
 PO Box 1079
 Edinburg, TX 78540-1079</p> | <p>10. E.R. Norman
 C/O H C WID #5
 P.O. Box 614
 Progresso, TX 78579-0614</p> <p>12. Maria De Jesus Ruiz
 P.O. Box 536
 Elsa, TX 78543-0536</p> <p>14. Rene Recio Vera
 P.O. Box 894
 Orange Grove, TX 78372-0894</p> <p>16. Nicolas R. Cancio
 709 S. Bicentennial Blvd.
 McAllen, TX 78501-5219</p> |
|---|--|

The owners of record have been updated as follows:

Authorization 1: Diversion of 164.104 acre-feet of Class B water per year from the Rio Grande for Recreational and agricultural purposes in Hidalgo County. No land was conveyed.

Owner Names	Amount	Purpose
BURNS BROTHERS, LTD.	164.104 ac-ft	Recreational & Agricultural

Authorization 2: Diversion of 30.75 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 12.3 acres of land in Santa Cruz Ranch Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
A. A. Martin, and Harriette Martin	30.75 ac-ft	Agricultural

Authorization 3: Diversion of 40.405 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.932 acres in Block 37 and 14.23 acres in Block 39 located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
E.R. Norman, and H.B. White	40.405 ac-ft	Agricultural

Authorization 4: Diversion of 5.0 acre-feet of Class B water per year from the Rio Grande for mining purposes in Hidalgo County. No land was conveyed.

Owner Names	Amount	Purpose
Lucio E. Gonzales Jr.	5.0 ac-ft	Mining

Authorization 5: Diversion of 2.5 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.0 acre of land in Lot 3, Saucedo Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
George Garcia, and Maria G. Garcia	2.5 ac-ft	Agricultural

Authorization 6: Diversion of 2.5 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.0 acre of land in Lot 2, Saucedo Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
Jose Ruiz, and Maria De Jesus Ruiz	2.5 ac-ft	Agricultural

Authorization 7: Diversion of 2.5 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.0 acre of land in Lot 4, Saucedo Subdivision located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
Mary R. Vera, and Rene Recio Vera	2.5 ac-ft	Agricultural

Authorization 8: Diversion of 2.55 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.02 acres of land in Block 39 located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
Guadalupe Cancio, and Nicolas R. Cancio	2.55 ac-ft	Agricultural

Authorization 9: Diversion of 0.905 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 1.128 acres of land out of 741.75 acres in Lots I & J located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
State of Texas	0.905 ac-ft	Agricultural

Authorization 10: Diversion of 12.236 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 15.251 acres of land out of 741.75 acres in Lot I located in TWC Tract No. H-546a, Hidalgo County.

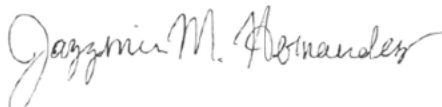
Owner Names	Amount	Purpose
FJ Management	12.236 ac-ft	Agricultural

Authorization 11: Diversion of 10.37 acre-feet of Class B water per year from the Rio Grande for agricultural purposes to irrigate 12.925 acres of land out of 741.75 acres in Lot I & J located in TWC Tract No. H-546a, Hidalgo County.

Owner Names	Amount	Purpose
City of Edinburg	10.37 ac-ft	Agricultural

Please be aware that a permanent water right is an easement and passes with title to the land to which it is appurtenant, unless the water right is expressly reserved or excepted from conveyance, or is conveyed separately from the land. See Texas Water Code §11.040(a) and 30 Texas Administrative Code (TAC) § 297.81(a) and (d). However, also be aware that a permanent water right must be expressly conveyed if the water right is held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. See 30 TAC § 297.81(b).

This water right falls under the jurisdiction of the Rio Grande Watermaster Program. Prior to diverting, please contact the Rio Grande Watermaster's Office at (800) 609-1219.



Jazzmin M. Hernandez

August 26, 2022

**METES AND BOUNDS DESCRIPTION
109.000 ACRES
OUT OF LOTS 6 AND 7,
LA SIENNA DEVELOPMENT SUBDIVISION
LOTS 40, 49, 50, 51 AND 52
SANTA CRUZ RANCH,
CITY OF EDINBURG,
HIDALGO COUNTY, TEXAS**

A tract of land containing 109.000 acres situated in the City of Edinburg, County of Hidalgo Texas, being a part or portion out of Lots 6 and 7, La Sienna Development Subdivision, according to the plat thereof recorded in Volume 53, Pages 124-126, Hidalgo County Map Records, and a part or portion out of Lots 40, 49, 50, 51 and 52, Santa Cruz Ranch, according to the plat thereof recorded in Volume Z, Pages 160-161, Hidalgo County Deed Records, said 109.000 acres out of a certain tract conveyed to SKC DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP, by virtue of a Warranty Deed recorded under Document Number 1205101, Hidalgo County Official Records, said 109.000 acres also being more particularly described as follows:

BEGINNING at a No. 5 rebar found at the Southernmost Southeast corner of said Lot 7, for the Southernmost Southeast corner of this herein described tract;

1. THENCE, S 72° 20' 52" W a distance of 205.36 feet to a No. 5 rebar found for an angle point of this tract;
2. THENCE, in a Southwesterly direction, along a curve to the right, with a central angle of 15° 19' 53", a radius of 750.00 feet, an arc length of 200.69 feet, a tangent of 100.95 feet, and a chord that bears S 80° 00' 48" W a distance of 200.09 feet to a No. 5 rebar found for an angle point of this tract;
3. THENCE, S 87° 40' 45" W a distance of 162.07 feet to a No. 4 rebar found for the an angle point of this tract;
4. THENCE, in a Southwesterly direction, along a curve to the left, with a central angle of 19° 35' 26", a radius of 850.00 feet, an arc length of 290.63 feet, a tangent of 146.75 feet, and a chord that bears S 77° 53' 01" W a distance of 289.22 feet to a No. 5 rebar found for an angle point of this tract;
5. THENCE, S 68° 05' 19" W a distance of 461.78 feet to a No. 5 rebar found for the Southernmost Southwest corner of this tract;
6. THENCE, N 66° 33' 08" W a distance of 70.27 feet to a No. 5 rebar found for the Northernmost Southwest corner of this tract;

7. THENCE, N 21° 11' 35" W a distance of 869.77 feet to a No. 4 rebar set for an outside corner of this tract;
8. THENCE, N 09° 02' 57" E a distance of 147.55 feet to a No. 4 rebar set for an inside corner of this tract;
9. THENCE, N 51° 37' 50" W a distance of 106.21 feet to a No. 4 rebar set for an outside corner of this tract;
10. THENCE, N 08° 15' 41" W a distance of 276.18 feet to a No. 4 rebar set for an angle corner of this tract;
11. THENCE, N 08° 12' 01" W a distance of 1,288.23 feet to a No. 4 rebar set for an angle point of this tract;
12. THENCE, in a Northeasterly direction, along a curve to the left, with a central angle of 17° 04' 43", a radius of 2864.79 feet, an arc length of 853.93 feet, a tangent of 430.16 feet, and a chord that bears N 00° 20' 21" E a distance of 850.77 feet to a No. 4 rebar set for an angle point of this tract;
13. THENCE, N 08° 52' 42" E a distance of 475.37 feet to a No. 4 rebar set for an outside corner of this tract;
14. THENCE, N 51° 10' 12" E a distance of 74.30 feet to a No. 4 rebar set for an inside corner of this tract;
15. THENCE, N 08° 52' 42" E a distance of 30.00 feet to a No. 4 rebar set for an inside corner of this tract;
16. THENCE, N 33° 22' 39" W a distance of 74.35 feet to a No. 4 rebar set for an outside corner of this tract;
17. THENCE, N 08° 52' 42" E a distance of 841.04 feet to a No. 4 rebar set for the Northwest corner of this tract;
18. THENCE, S 81° 04' 20" E a distance of 670.69 feet to a No. 4 rebar set for the Northernmost Northeast corner of this tract;
19. THENCE, S 08° 55' 40" W a distance of 1,879.35 feet to a No. 4 rebar set for an inside corner of this tract;
20. THENCE, S 85° 23' 50" E a distance of 1,513.25 feet to a No. 4 rebar set for an outside corner of this tract;
21. THENCE, in a Southwesterly direction, along a curve to the left, with a central angle of 03° 59' 53", a radius of 1,550.00 feet, an arc length of 108.16 feet, a

tangent of 54.10 feet, and a chord that bears S 01° 32' 28" W a distance of 108.14 feet to a No. 4 rebar set for an inside corner of this tract;

22. THENCE, N 89° 32' 32" E a distance of 100.00 feet to a No. 4 rebar set for an inside corner of this tract;
23. THENCE, in a Northeasterly direction, along a curve to the right, with a central angle of 03° 55' 29", a radius of 1,450.00 feet, an arc length of 99.33 feet, a tangent of 49.68 feet, and a chord that bears N 01° 30' 17" E a distance of 99.31 feet to a No. 4 rebar set for an inside corner of this tract;
24. THENCE, S 85° 23' 50" E a distance of 1,767.13 feet to a No. 4 rebar set for an outside corner of this tract;
25. THENCE, S 82° 48' 58" E a distance of 573.66 feet to a No. 4 rebar set for the Southernmost Northeast corner of this tract;
26. THENCE, S 08° 52' 35" W a distance of 151.20 feet to a No. 4 rebar set for an outside corner of this tract;
27. THENCE, N 82° 42' 06" W a distance of 565.97 feet to a No. 4 rebar set for an inside corner of this tract;
28. THENCE, N 85° 23' 50" W a distance of 2,802.14 feet to a No. 4 rebar set for an inside corner of this tract;
29. THENCE, S 09° 01' 14" W a distance of 1,477.64 feet to a No. 4 rebar set for an angle point of this tract;
30. THENCE, in a Southeasterly direction, along a curve to the left, with a central angle of 104° 55' 28", a radius of 360.00 feet, an arc length of 659.26 feet, a tangent of 468.52 feet, and a chord that bears S 43° 26' 31" E a distance of 570.93 feet to a No. 4 rebar set for an angle point of this tract;
31. THENCE, N 84° 05' 45" E a distance of 588.13 feet to a No. 4 rebar set for an outside corner of this tract;
32. THENCE, S 04° 58' 54" W a distance of 17.64 feet to a No. 4 rebar set for an angle point of this tract;
33. THENCE, in a Southeasterly direction, along a curve to the left, with a central angle of 15° 31' 28", a radius of 1,660.42 feet, an arc length of 449.89 feet, a tangent of 226.33 feet, and a chord that bears S 02° 49' 02" E a distance of 448.52 feet to a No. 4 rebar set for an angle point of this tract;

34. THENCE, in a Southeasterly direction, along a curve to the left, with a central angle of $04^{\circ} 44' 29''$, a radius of 1,050.04 feet, an arc length of 86.89 feet, a tangent of 43.47 feet, and a chord that bears S $11^{\circ} 58' 38''$ E a distance of 86.87 feet to a No. 4 rebar found for an outside corner of this tract;
35. THENCE, S $29^{\circ} 09' 14''$ W a distance of 36.45 feet to the POINT OF BEGINNING and containing 109.000 acres of land, more or less.

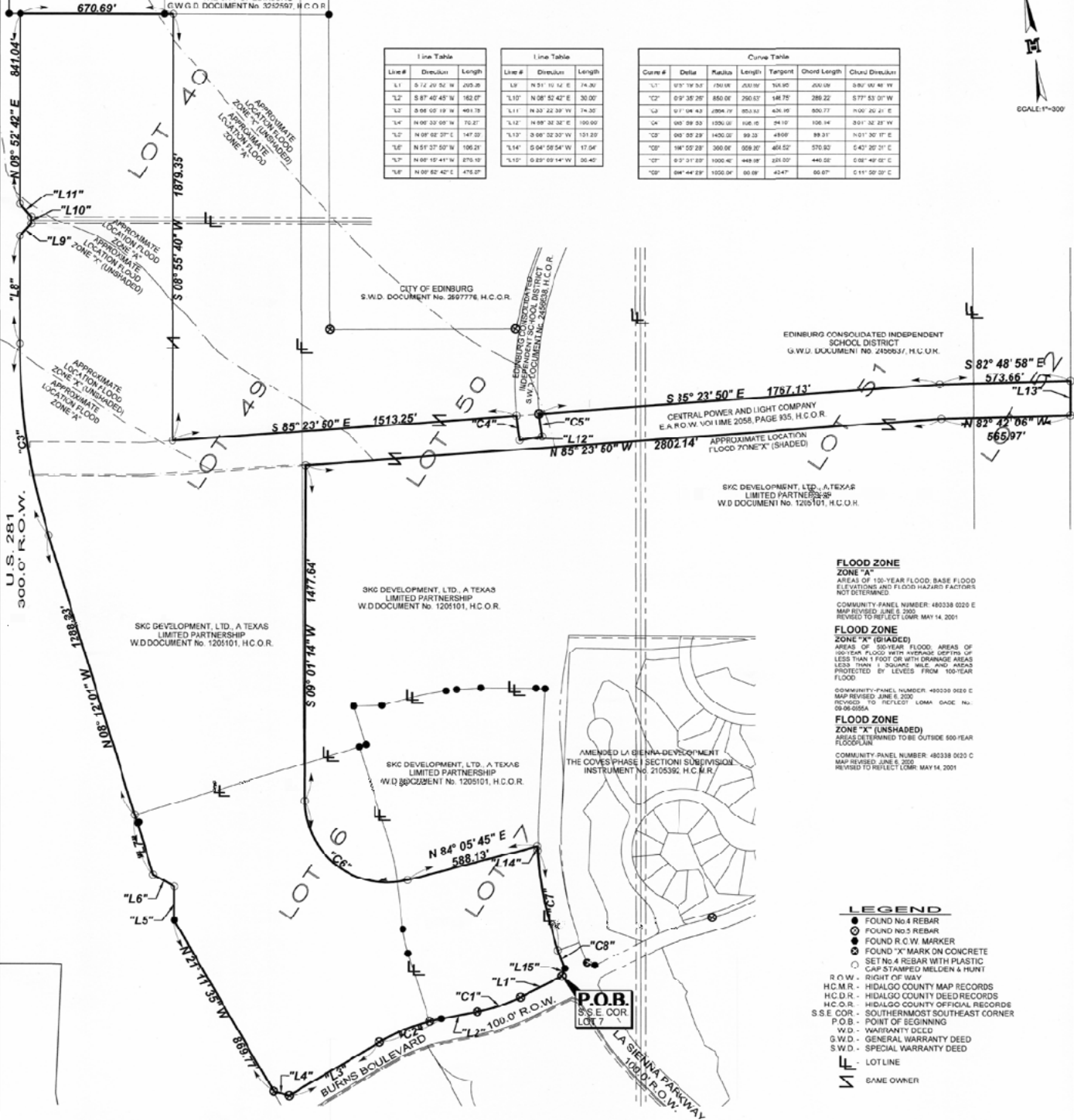
2812 HOLDING LLC, A TEXAS LIMITED LIABILITY COMPANY
 S.W.D. DOCUMENT No. 3516553, H.C.O.R.

THE CITY OF EDINBURG
 G.W.G.D. DOCUMENT No. 3252587, H.C.O.R.

Line #	Direction	Length
L1	S 12° 20' 52" W	203.28
L2	S 87° 40' 45" W	162.07
L3	S 08° 05' 19" W	461.78
L4	N 08° 32' 08" W	70.27
L5	N 09° 02' 37" E	147.07
L6	N 51° 37' 50" W	106.21
L7	N 08° 10' 41" W	276.10
L8	N 09° 02' 42" E	476.27

Line #	Direction	Length
L9	N 51° 10' 12" E	74.30
L10	N 08° 52' 42" E	30.00
L11	N 33° 22' 39" W	74.30
L12	N 88° 32' 32" E	100.00
L13	S 08° 32' 30" W	131.29
L14	S 04° 58' 54" W	17.64
L15	S 23° 09' 14" W	26.42

Curve #	Delta	Radius	Length	Tangent	Chord Length	Chord Direction
C1	17° 19' 30"	750.00	104.30	200.00	200.00	S 89° 40' 45" W
C2	0° 35' 28"	850.00	280.57	148.75	286.22	S 77° 53' 01" W
C3	17° 19' 30"	750.00	104.30	200.00	200.00	S 89° 40' 45" W
C4	08° 58' 33"	1300.00	106.15	54.10	106.14	S 01° 30' 12" E
C5	08° 58' 33"	1300.00	106.15	54.10	106.14	S 01° 30' 12" E
C6	18° 55' 28"	360.00	68.80	40.52	57.50	S 42° 20' 31" E
C7	0° 31' 37" E	1000.00	448.88	224.00	448.88	S 08° 49' 01" E
C8	04° 44' 28"	1000.00	60.89	43.47	60.67	S 11° 50' 50" E



FLOOD ZONE
ZONE "A"
 AREAS OF 100-YEAR FLOOD, BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
 COMMUNITY PANEL NUMBER: 480338 0220 E
 MAP REVISED: JUNE 6, 2002
 REVISED TO REFLECT LOMA MAY 14, 2001

FLOOD ZONE
ZONE "X" (GRADED)
 AREAS OF 100-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS UP TO LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.
 COMMUNITY PANEL NUMBER: 480338 0220 E
 MAP REVISED: JUNE 6, 2002
 REVISED TO REFLECT LOMA GAGE NO. 05-98-0552A

FLOOD ZONE
ZONE "X" (UNSHADED)
 AREAS DETERMINED TO BE OUTSIDE 100-YEAR FLOODPLAIN.
 COMMUNITY PANEL NUMBER: 480338 0220 E
 MAP REVISED: JUNE 6, 2002
 REVISED TO REFLECT LOMA MAY 14, 2001

- LEGEND**
- FOUND NO. 4 REBAR
 - FOUND NO. 5 REBAR
 - FOUND R.C.W. MARKER
 - FOUND "X" MARK ON CONCRETE
 - SET NO. 4 REBAR WITH PLASTIC
 - CAP STAMPED MELDEN & HUNT
 - R.O.W. RIGHT OF WAY
 - HC.M.R. HIDALGO COUNTY MAP RECORDS
 - HC.D.R. HIDALGO COUNTY DEED RECORDS
 - H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
 - S.S.E.COR. SOUTHERNMOST SOUTHEAST CORNER
 - P.O.B. POINT OF BEGINNING
 - W.D. WARRANTY DEED
 - G.W.D. GENERAL WARRANTY DEED
 - S.W.D. SPECIAL WARRANTY DEED
 - LOT LINE
 - GAME OWNER

PLAT SHOWING
109.000 ACRES
OUT OF LOTS 6 AND 7,
LA SIENNA DEVELOPMENT SUBDIVISION
VOLUME 53, PAGES 124-126, H.C.M.R.
LOTS 40, 49, 50, 51 AND 52
SANTA CRUZ RANCH,
VOLUME Z, PAGES 160-161, H.C.M.R.
CITY OF EDINBURG,
HIDALGO COUNTY, TEXAS

- NOTES**
1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
 2. REBAR IS FROM THE NO. 4 REBAR FOUND AT THE SOUTHERNMOST SOUTHEAST CORNER OF LOT 7 AND THE NO. 4 REBAR FOUND AT THE NORTHWEST CORNER OF LOT 7.
 3. ALL DEEDS AND DISTANCES AS PER TEXAS COORDINATE SYSTEM SOUTH ZONE 4205. 09D COORDINATES.
 4. SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT WHICH MAY SHOW ADDITIONAL EASEMENTS AFFECTING THIS TRACT. THE SURVEYOR IS ADVISING THE RECIPIENT OF THIS PLAT THAT ADDITIONAL EASEMENTS MAY AFFECT THIS TRACT.

I, RUBEN JAMES DE JESUS, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE ON THE GROUND ON 08/23/2022 UNDER MY DIRECTION AND SUPERVISION.

RUBEN JAMES DE JESUS, RPLS No. 6813 DATE: 7-16-2022



115 W. MCINTYRE
 EDINBURG, TX 75041
 PH: (281) 381-0881
 FAX: (281) 381-1839
 ESTABLISHED 1960
 WWW.MELDENANDHUNT.COM

STATE OF TEXAS
COUNTY OF HIDALGO

WARRANTY DEED

DATE: May 29, 2003

GRANTOR: BILL L. BURNS, a single man

GRANTOR'S MAILING ADDRESS (including county): P. O. Box 3746, McAllen, Hidalgo County, Texas 78502-3746

GRANTEE: SKC DEVELOPMENT, LTD., a Texas limited partnership

GRANTEE'S MAILING ADDRESS (including county): P. O. Box 3746, McAllen, Hidalgo County, Texas 78502-3746

CONSIDERATION: Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration, including conveyance to Grantor of a ninety-nine percent (99%) limited partnership interest in Grantee.

PROPERTY: See Exhibit "A" attached hereto and incorporated herein for all purposes.

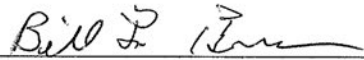
RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. All mineral reservations of record.
2. All Oil, Gas and Mineral Leases of record, if any.
3. Any rules, regulations, rights of way and easements in favor of water district which property is located.
4. All easements and restrictions of record and all visible easements.
5. Standby fees, taxes and assessments by any taxing authority for the year 2002 and subsequent years and subsequent taxes and assessments for prior years due to change in land usage or ownership.
6. Grantor hereby reserves unto Grantor, his heirs and assigns, all of Grantor's interest, if any, in all oil, gas and other minerals that are appurtenant to or that may be produced from the Property.
7. Grantor hereby reserves unto Grantor, his heirs and assigns, 163 acres of Class "B" water rights which are appurtenant to the Property, said water rights being a portion of water rights evidenced by Certificate of Adjudication No. 23-421 issued by the Texas

Commission Environmental Quality, Grantor having already contracted to sell such water rights to Dizdar Development Ltd. ("Dizdar") pursuant to the terms of that certain Water Rights Sales Contract between Grantor and Dizdar dated February 25, 2003.

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

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

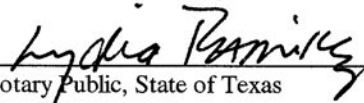

BILL L. BURNS

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
 §
COUNTY OF HIDALGO §

This instrument was acknowledged before me on the 29th day of May, 2003, by BILL L. BURNS.




Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

KITTLEMAN, THOMAS, RAMIREZ & GONZALES, P.L.L.C.
Attorneys at Law
P. O. Box 1416
McAllen, Texas 78505-1416

lr:cwk/2003/Bill Burns-SKC Development.wd

File Number 1364/074

EXHIBIT "A"

Real Property

A tract of land containing 741.75 acres, situated in Hidalgo County, Texas and also being a part or portion of Lots J, I, 40, 43, 49 and 52, and all of Lots 41, 42, 50 and 51, SANTA CRUZ RANCH SUBDIVISION (Deed Reference: Volume Z, Page 161, H.C.D.R.) and said 741.75 acres also being more particularly described as follows:

BEGINNING on a # 4 rebar found on the east line of said Lot J and the north right-of-way line of Monte Cristo Road (F.M. 1925), for the southeast corner of this tract, said rebar bears N 08° 38' 33" E a distance of 40.00 feet from the southeast corner of said Lot J;

THENCE N 82° 08' 20" W, along the north right-of-way line of said Monte Cristo Road a distance of 2061.98 feet to a pipe found for an angle corner of this tract;

THENCE N 81° 38' 03" W, continuing along the north right-of-way line of said Monte Cristo Road a distance of 797.96 feet to a # 4 rebar found on the east right-of-way line of U.S. 281 Expressway, for the most southerly southwest corner of this tract;

THENCE N 48° 16' 24" W (N 48° 03' 13" W), along the east right-of-way of U.S. 281 Expressway a distance 90.80 feet (90.60 feet) to a # 4 rebar found on a curve of said U.S. 281 Expressway east right-of-way line, for the most western southwest corner of this tract;

THENCE, along the east right-of-way line of U.S. 281 Expressway and said curve to the left with a radius of 4583.66 feet (4583.66 feet), an interior angle of 21° 03' 18" (30° 17' 05"), an arc length of 1684.39 feet (2422.78 feet), a tangent of 851.80 feet (1240.40 feet) and a chord that bears N 12° 19' 48" W a distance of 1674.93 feet to a # 4 rebar found for an angle corner of this tract;

THENCE N 21° 38' 11" W (N 21° 09' 47" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 1043.67 feet (1043.91 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 28' 04" E (N 08° 51' 38" E), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 147.45 feet (115.65 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 51° 59' 15" W (N 51° 28' 15" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 106.02 feet (106.03 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 15' 00" W (N 08° 12' 36" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 1564.27 feet (1565.93 feet) to a # 4 rebar found on a curve of said U. S. 281 Expressway east right-of-way line, for an angle corner of this tract;

THENCE, along the east right-of way line of U.S. 281 Expressway and said curve to the right with a radius of 2901.40 feet (2864.79 feet), an interior angle of 16° 50' 24" (17° 04' 43"), an arc length of 852.76 feet (853.94 feet), a tangent of 429.48 feet (430.16 feet) and a chord that bears N 00° 11' 00" W a distance of 849.58 feet to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 17' 17" E (N 08° 52' 07" E), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 474.92 feet (475.37 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 50° 34' 50" E (N 51° 09' 37" E), continuing along the east right-of-way of U.S. 281 Expressway, a distance of 74.89 feet (74.30 feet) to a # 4 rebar found for an angle corner of this tract;

THENCE N 09° 01' 00" E, a distance of 30.01 feet to a # 4 rebar found for an angle corner of this tract;

THENCE N 33° 50' 48" W (N 33° 23' 14" W), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 74.46 feet (74.36 feet), to a # 4 rebar found for an angle corner of this tract;

THENCE N 08° 23' 00" E (N 08° 52' 07" E), continuing along the east right-of-way line of U.S. 281 Expressway, a distance of 851.50 feet (839.94 feet) to a point for an angle corner of this tract;

THENCE S 81° 19' 21" E (S 81° 05' 30" E), a distance of 626.11 feet (631.54 feet), to a pipe found for an angle corner of this tract;

THENCE N 08° 36' 05" E (N 08° 50' 38" E), a distance of 329.00 feet (329.97 feet), to a pipe found for an angle corner of this tract;

THENCE N 81° 19' 11" W (N 81° 05' 30" W), a distance of 682.18 feet (681.40 feet), to a pipe found on the east right-of-way line of U.S. 281 Expressway for an angle corner of this tract;

THENCE N 08° 22' 58" E (N 08° 52' 07" E) along the east right-of-way line of U.S. 281 Expressway, a distance of 852.42 feet to a # 4 rebar set on the north line of Lot 40, Santa Cruz Ranch Subdivision, for the northwest corner of this tract;

THENCE S 81° 39' 56" E (S 81° 37' 00" E), along the north lot lines of Lots 40, 41, 42 and 43, Santa Cruz Ranch Subdivision, a distance of 4820.35 feet to a # 4 rebar set on the west boundary line of Santa Cruz Gardens Subdivision No. 3 for the northeast corner of this tract;

THENCE S 08° 38' 33" W (S 08° 23' 00" W) along said west boundary line, a distance of 7663.07 feet to the POINT OF BEGINNING and containing 741.75 gross acres of land, of which 13.05 acres lie on dedicated Road R.O.W., leaving 728.70 net acres of land, more or less.

SAVE AND EXCEPT TRACT OF LAND SOLD TO FLYING J:

A tract of land containing 15.251 acres situated in the County of Hidalgo, Texas, being a part or portion of Lot "I", SANTA CRUZ RANCH SUBDIVISION, according to the plat thereof recorded in Volume Z, Page 161, Hidalgo County, Deed Records, said 15.251 acres also being apart or portion of a 741.75 acre tract out of Lots 40, 41, 42, 43, 49, 50, 51, 52, I and J in said Santa Cruz Ranch Subdivision, which said 741.75 acre tract was conveyed to Bill L. Burns by virtue of a Warranty Deed recorded in under Document 343198, Hidalgo County Official Records, said 15.251 acres also being more particularly described as follows:

BEGINNING at an iron rod found on the intersection of the East line of Lot "I", Santa Cruz Ranch Subdivision and the North right of way line Montecristo Road (F.M. 1925), for the Southeast corner of this tract;

THENCE, North 82 degrees 09 minutes 02 seconds West along the North right-of-way line of Montecristo Road (F.M. 1925) according to a Warranty Deed from Bill L. Burns to the State of Texas, recorded under Document No. 891396, Hidalgo County Official Records, a distance of 171.05 feet to an iron rod found for an angle point of this tract;

THENCE, North 80 degrees 59 minutes 02 seconds West continuing along said North right-of-way line of Montecristo Road (F.M. 1925), a distance of 687.43 feet to an iron rod found for the southernmost Southwest corner of this tract;

THENCE, North 47 degrees 15 minutes 27 seconds West (North 48 degrees 01 minutes 58 seconds in said Document No. 891396), along a right of way clip line, a distance of 95.97 feet (96.34 feet in said Document No. 891396) to an iron rod found for the westernmost Southwest corner of this tract;

THENCE, along the East right-of-way line of U.S. Expressway 281 and a curve to the left, with a central angle 7 degrees 54 minutes 08 seconds, a radius of 4583.66 feet, an arc length of 632.17 feet, a tangent of 316.59 feet, and chord that bears North 05 degrees 28 minutes 06 seconds West a distance of 631.67 feet to an iron rod set for the Northwest corner of this tract;

THENCE, South 80 degrees 59 minutes 02 seconds East a distance of 1093.84 feet to an iron rod set on East lien of Lot "I", for the Northeast corner of this tract;

THENCE, South 08 degrees 48 minutes 27 seconds West along the East line of Lot "I", a distance of 661.39 feet to the POINT OF BEGINNING, and containing 15.251 acres of land, more or less.

SAVE AND EXCEPT TRACT DONATED TO CITY OF EDINBURG:

Tract I: Being a 9.098 acres of land out of Lot "J", Santa Cruz Ranch Subdivision, Hidalgo County, Texas, as per map recorded in Volume "Z", Page 161, Deed Records of Hidalgo County, Texas, being out of the same land described in a Warranty Deed recorded in Document No. 343198, Official Records of Hidalgo County, Texas, said 9.098 acres tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a half (1/2) inch iron rod found at the intersection of the North right-of-way line of Monte Cristo Road, and the East boundary line of Lot "J", for the Southeast corner of this tract of land and the POINT OF BEGINNING, said Southeast corner bears North 08°40'00" East, a distance of 39.10 feet from the Southeast corner of Lot "J";

THENCE North 81°24'00" West, with the North right-of-way line of Monte Cristo Road (F.M. 1925), a distance of 150.00 feet to a half (1/2) inch iron rod set for the Southwest corner of this tract of land;

THENCE North 08°40'00" East, a distance of 2643.00 feet to a half (1/2) inch iron rod set for the Northwest corner of this tract of land;

THENCE South 81°24'00" East, a distance of 150.00 feet to a half (1/2) inch iron rod found at the East boundary line of said Lot "J", for the Northeast corner of this tract of land;

THENCE South 08°40'00" West, with the East boundary line of said Lot "J", also being the West boundary line of Santa Cruz Gardens Unit No. 3, recorded in Volume 9, Page 3, Map Records of Hidalgo County, Texas, a distance of 2643.00 feet to the POINT OF BEGINNING, containing 9.098 acres of land, more or less, 2643.00.

Tract II: 60' Road R.O.W.

A tract of land containing 3.827 acres (166,718.6 square feet) situated in the County of Hidalgo, Texas, being 0.127 of one acre (5,516.8 sq. ft.) out of Lot "I" and 3.700 acres (161,201.8 sq. ft.) out of Lot "J", Santa Cruz Ranch Subdivision, according to the map recorded in Volume "Z", Page 161, Hidalgo County Deed Records, said 3.827 acres (166,718.6 sq. ft.) also being more particularly described as follows:

BEGINNING at an iron rod set on the South right-of-way line of a 30.00 foot County Road for the Northeast corner of this tract, said iron rod bears S 08° 48' 27" W a distance of 15.00 feet, and S 80° 54' 54" E a distance of 55.00 feet from the Northeast corner of Lot "I" and the Northwest corner of Lot "J", Santa Cruz Ranch Subdivision;

1. THENCE, S 53° 56' 46" W along a proposed right-of-way clip line, a distance of 35.27 feet to an iron rod set for an inside corner of this tract;
2. THENCE, in a Southeasterly direction along the East line of the hereby proposed 60.00 feet road right-of-way, being a curve to the left with a central angle of 47° 31' 44", a radius of 774.89 feet, an arc length of 642.80 feet, a tangent of 341.19 feet, and a chord that bears S 14° 58' 03" E a distance of 624.53 feet to an iron rod set for the point of curvature for a curve to the right;
3. THENCE, in a Southeasterly direction along the East line of the hereby proposed 60.00 feet road right-of-way, being a curve to the right with a central angle of 47° 32' 32", a radius of 834.89 feet, an arc length of 692.73 feet, a tangent of 367.71 feet, and a chord that bears S 14° 57' 44" E a distance of 673.03 feet to an iron rod set for the point of tangency;
4. THENCE, S 08° 48' 27" W along the East line of the hereby proposed 60.00 feet road right-of-way, a distance of 1371.63 feet to an iron rod set for an inside corner of this tract;
5. THENCE, S 36° 40' 18" E along a proposed right-of-way clip line, a distance of 35.06 feet to an iron rod set for the Southeast corner of this tract;
6. THENCE, N 82° 09' 02" W along the North right-of-way line of Monte Cristo Road (F.M. 1925), a distance of 110.01 feet to an iron rod set for the Southwest corner of this tract, which said iron rod bears S 82° 09' 02" E a distance of 468.12 feet from an iron rod found for the Southeast corner of Flying "J", a Subdivision not yet recorded;
7. THENCE, N 53° 19' 42" E along a proposed right-of-way clip line, a distance of 35.65 feet to an iron rod set for an inside corner of this tract;
8. THENCE, N 08° 48' 27" E along the West line of the hereby proposed 60.00 feet road right-of-way, a distance of 1362.74 feet to an iron rod set for the point of curvature for a curve to the left;

9. THENCE, in a Northwesterly direction along the West line of the hereby proposed 60.00 feet road right-of-way, being a curve to the left with a central angle of $47^{\circ} 32' 22''$, a radius of 774.89 feet, an arc length of 642.95 feet, a tangent of 341.28 feet, and a chord that bears $N 14^{\circ} 57' 44'' W$ a distance of 624.66 feet to an iron rod set for the point of curvature for a curve to the right;
10. THENCE, in a Northwesterly direction along the West line of the hereby proposed 60.00 feet road right-of-way, being a curve to the right with a central angle of $47^{\circ} 32' 58''$, a radius of 834.89 feet, an arc length of 692.87 feet, a tangent of 367.79 feet, and a chord that bears $N 14^{\circ} 57' 26'' W$ a distance of 673.16 feet to an iron rod set for an inside corner of this tract;
11. THENCE, $N 36^{\circ} 03' 14'' W$ along a proposed right-of-way clip line, a distance of 35.44 feet to an iron rod set for the Northwest corner of this tract;
12. THENCE, $S 80^{\circ} 54' 54'' E$ along the South right-of-way line of the above mentioned 30.00 foot County Road, at a distance of 55.00 feet pass the East line of Lot "I" and the West line of Lot "J", continuing a total distance of 110.00 feet to the POINT OF BEGINNING, and containing 3.827 acres (166,718.6 sq. ft.) of land, more or less.

Filed for Record in:
Hidalgo County
by J. D. Salinas, III
County Clerk
On: Jun 03, 2003 at 01:52P
As a Recording
Document Number: 1205101
Total Fees : 26.00
Receipt Number - 502276
By:
Anna Maria Muniz, Deputy



Office of the Secretary of State

November 10, 2006

Attn: Marissa Vargas

Kittleman Thomas Ramirez Gonzales PLLC
P O Box 1416
McAllen, TX 78505 USA

RE: BURNS BROTHERS, LTD.

File Number: 800209540

File Date: 11/08/2006

It has been our pleasure to file the amendment to the certificate or application of limited partnership for the referenced limited partnership. This letter may be used as evidence of the filing and payment of the filing fee.

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

Sincerely,

Corporations Section
Statutory Filings Division
(512) 463-5555



Office of the Secretary of State

CERTIFICATE OF FILING OF

BURNS BROTHERS, LTD.
Filing Number: 800209540

[formerly: SKC Development, Ltd.]

The undersigned, as Secretary of State of Texas, hereby certifies that an amendment to the certificate of limited partnership or the application for registration as a foreign limited partnership for the above named limited partnership has been received in this office and filed as provided by law on the date shown below.

Accordingly, the undersigned, as Secretary of State hereby issues this Certificate evidencing the filing in this office.

Dated: 11/08/2006
Effective: 11/08/2006



A handwritten signature in black ink that reads "Roger Williams".

Roger Williams
Secretary of State

Form 424
(Revised 01/06)

Return in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: See instructions



Certificate of Amendment

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas

NOV 08 2006

Corporations Section

Entity Information

The name of the filing entity is:

SKC DEVELOPMENT, LTD.

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- | | |
|--|---|
| <input type="checkbox"/> For-profit Corporation | <input type="checkbox"/> Professional Corporation |
| <input type="checkbox"/> Nonprofit Corporation | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association | <input type="checkbox"/> Professional Association |
| <input type="checkbox"/> Limited Liability Company | <input checked="" type="checkbox"/> Limited Partnership |

The file number issued to the filing entity by the secretary of state is: 800209540

The date of formation of the entity is: June 2, 2003

Amendments

1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

BURNS BROTHERS, LTD.

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

Effectiveness of Filing (Select either A, B, or C.)

- A. This document becomes effective when the document is filed by the secretary of state.
- B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____
- The following event or fact will cause the document to take effect in the manner described below:
- _____
- _____

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: October 17, 2006

SKC MANAGEMENT COMPANY, L.L.C.

Its Sole General Partner

By: 

SANDY BURNS, President

Signature and title of authorized person(s) (see instructions)

SUMMARY OF REQUEST

RE: APPLICATION TO AMEND RIGHTS UNDER CERTIFICATE OF ADJUDICATION NO. 23-421G

The Applicant is requesting to change the place of use of its water rights. The following represents the background and summary of the purpose of this request in support of its request for an Amendment to Certificate of Adjudication No. 23-421, as amended, including Amendment to Certificate of Adjudication No. 23-421G:

1. Applicant's predecessor in title, CM Hidalgo Properties, LLC conveyed to Gauranga Dream Ranch LLC the existing place of use owned then by it under Amendment to Certificate of Adjudication No. 23-421G, that is, the right to divert and use not to exceed 164.104 acre feet per annum from the Rio Grande, Rio Grande Basin, allocated on Class B irrigation priority basis for agricultural and recreational use purposes ("the Water Rights") by Special Warranty Deed executed December 30, 2021, of record as Document No. 3297309. As described in said Deed, the then existing place of use of the Water Rights was a certain 100.769 acre tract out of Tract 150, San Salvador De Tule Grant in Hidalgo County, Texas, as described in Exhibit "A" attached to said Deed. A copy of said Deed is attached to this Attachment A, as Exhibit 1. In this Deed, the Grantor specifically reserved the Water Rights in Page 2 of the Deed.

2. Later, CM Hidalgo Properties, LLC conveyed the Water Rights to Burns Brothers, Ltd. by Water Rights Conveyance dated June 7, 2022, of record as Document No. 3350961 in the Official Real Estate Records of Hidalgo County, Texas, a copy of this Conveyance is attached hereto as Attachment A, Exhibit 2. This Conveyance was filed with the Commission for a Change of Ownership. The Change of Ownership Commission transmittal letter and the Change of Ownership Memorandum dated August 18, 2022, is attached hereto as Attachment A, Exhibit 3.

3. Applicant has other land owned by it for designation as the new place of use of the Water Rights. The new place of use requested by this Application is a certain 109 acre tract out of Lots 40, 49, 50, 51, and 52, Santa Cruz Ranch, as more specifically described on Attachment A, Exhibit 4, attached hereto. Applicant owns this 109 acre tract, which is located within a larger tract of 741.75 acres covered by Warranty Deed, dated May 29, 2003, of record as Document No. 1205101, attached hereto as Attachment A, Exhibit 5 by virtue of being the successor to SKC Development, LTD., as shown by Change of Name Certificate, dated November 8, 2006, attached as Attachment A, Exhibit 6.

It is noted that the legal description in the 2003 Deed contains 3 excepted tracts out of the larger tract of 741.75 acres described by metes and bounds and with references to other recorded deeds. This makes it difficult to understand what has been conveyed to third parties, and the remaining tract out of the 741.75 still owned by Applicant under the 2003 Deed.

For further clarification of the land owned by Applicant, including the said 109 acre tract out of the 741.75 acre tract, there is attached, as Attachment A, Exhibit 7, is a Survey entitled "Water Rights Exhibit" showing the location of the excepted tracts and the 109 acre tract within the larger 741.75 acre tract. This shows that the 109 acre tract lies within the larger tract of 741.75 acres, which is owned by Applicant.

4. Applicant is requesting that the place of use of the Water Rights be changed to the 109 acre tract described upon Attachment A, Exhibit 4 attached hereto.

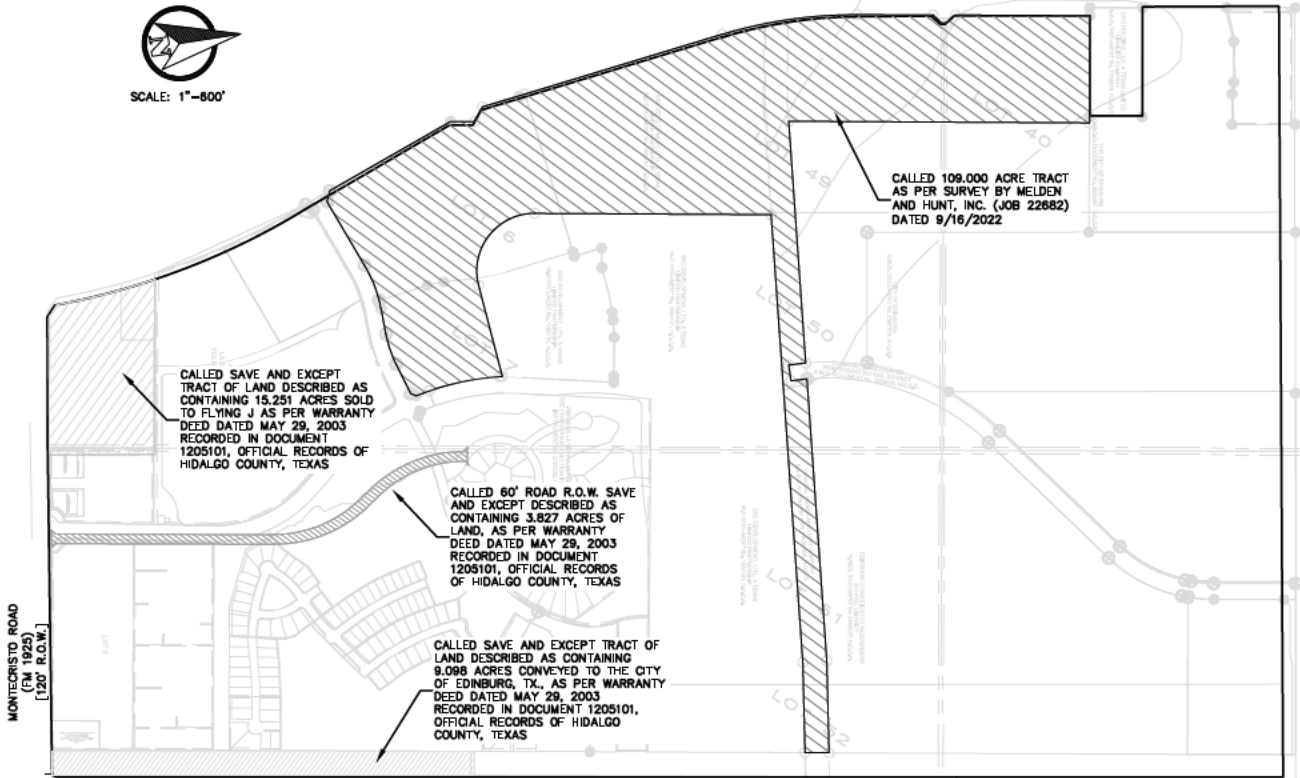
Applicant=s Tax Identification No.: 83-0359958

llc\burns.\2022\appl\Attach A



SCALE: 1"=800'

U.S. HWY 281 [VARIABLE R.O.W.]



CALLED SAVE AND EXCEPT TRACT OF LAND DESCRIBED AS CONTAINING 15.251 ACRES SOLD TO FLYING J AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

CALLED 60' ROAD R.O.W. SAVE AND EXCEPT DESCRIBED AS CONTAINING 3.827 ACRES OF LAND, AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

CALLED SAVE AND EXCEPT TRACT OF LAND DESCRIBED AS CONTAINING 9.098 ACRES CONVEYED TO THE CITY OF EDINBURG, TX., AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

CALLED 109.000 ACRE TRACT AS PER SURVEY BY MELDEN AND HUNT, INC. (JOB 22682) DATED 9/16/2022

CALLED 741.75 ACRE TRACT AS PER WARRANTY DEED DATED MAY 29, 2003 RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

NOTES

1. THIS EXHIBIT HAS BEEN CREATED BY ABSTRACTING TRACTS AS DESCRIBED IN WARRANTY DEED DATED MAY 29, 2003 AND RECORDED IN DOCUMENT 1205101, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, AND A SAVED AND SCALED SURVEY PRODUCED BY MELDEN AND HUNT (SEE LABEL).
2. THIS IS AN EXHIBIT MEANT TO SHOW THE TRACT BOUNDARY FROM SAID RECORDED DEED AND SAID CALLED 109.000 ACRE SURVEY BY MELDEN AND HUNT, INC. AND IS NOT AN "ON THE GROUND" SURVEY AND SHOULD NOT BE RECORDED AS SUCH.
3. THIS EXHIBIT WAS CREATED BY CARRIZALES LAND SURVEYING, L.L.C. A TEXAS REGISTERED LAND SURVEYING FIRM.



Carrizales Land Surveying, LLC

Texas Registered Surveying Firm
 TRESLS Firm No. 20120415
 4807 Grandola Avenue,
 Edinburg, TX 78542
 Office: 361-667-2167
 www.cljland

WATER RIGHTS EXHIBIT

BURNS BROTHERS, LTD
4216 N. US Hwy 281
Edinburg, TX 78542

Meeting Minutes

January 3, 2022

Present: Sandy Burns, Kent Burns

Next meeting:

I. Announcements

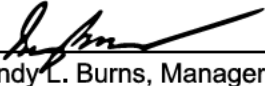
The undersigned being the managers of SKC Management Co., LLC, general partner of Burns Brothers, Ltd have by unanimous consent given signature authority to Kent Burns for business with the Texas Commission on Environmental Quality Agency (TCEQ) pertaining to issues concerning water rights.

II. Discussion

None



Kent Burns, Manager



Sandy L. Burns, Manager




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: Burns Brothers Ltd
Address: 4216 N. US Hwy 281, Edinburg, TX 78542
Telephone Number: (956)380-0006 Fax: ()
Form Completed By: Kent Burns
Title: Manager
Signature:  Date: 11/04/2022

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

ATTACHMENT C

INTRODUCTION

Burns Brothers, Ltd., currently is filing an Application with the TCEQ to change the place of use of its Water Rights to the Rio Grande to other property owned by it. The new place of use is near the previous place of use of other land which it owned in Hidalgo County, Texas, where it had access to more water rights and water allocation than is covered by the pending TCEQ Application and was primarily engaged in irrigation. The reason for changing the place of use is that the Water Rights associated with the previous place of use was reserved when the land was sold to a third party.

The Water Rights available involved in the TCEQ Application is the right to divert a maximum of 164.14 acre feet per annum from the Rio Grande for agricultural and recreational use under the terms of Certificate of Adjudication No. 23-421 owned by it. Water from the Rio Grande is arranged to be diverted and delivered by an adjoining Irrigation District who charges diversion from the Rio Grande under the Water Rights a conveyance loss factor of 40% incurred from the Rio Grande to the delivery point of this land in reporting diversions under the Water Rights to the Rio Grande Watermaster. This leaves a net deliverable to the delivery point of 98.4624 acre feet depending upon available water allocated to the Water Rights by the Rio Grande Watermaster.

This Plan is for the new place of use containing 109 acres containing 2 reservoirs (lakes) and open ditches with a surface area of approximately 14.3 acres leaving 94.7 acres of land for agricultural or recreational use. Water is held in the reservoirs or lakes for recreational use, but can be used for agricultural use in a more limited amount than in the previous place of use. Most water will be for recreational use purposes, and an irrigation system is planned to be established depending upon available water.

The water supply for these uses will have available a limited amount of groundwater to supplement the supply for use. An aerial map is showing a description of the land and water facilities is shown in FIGURE I below.

This Water Conservation Plan is only for that portion of the water rights planned to be used for agricultural use on 20.6 acres portion of the 94.7 acres available for such use depending upon available water supply.

FIGURE I



I. BACKGROUND DATA

A. Water Use For Irrigation Purposes

- Annual diversion appropriated or requested (in acre-feet): **The total maximum amount of water from the Rio Grande authorized is 164.104 acre feet per annum.**
- In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year. **Since most of the available Rio Grande water will be used for recreational purposes, the amount of water available for irrigation is interruptible and initially is estimated to be 40 acre feet per annum distributed in the months shown below when available:**

January	February	March	April
2.97	2.10	2.62	4.54
May	June	July	August
3.49	3.32	3.84	3.84
September	October	November	December
4.72	3.14	2.80	2.62
Total Months			All 40.00

- In the table below, list the type of crop(s), growing season, and acres irrigated per year. **Under the circumstances described, the type of crops which can be viably grown will depend upon available water for irrigation. At this time, it appears that the following crops will be grown:**

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
Live oak trees	12	12.3
Ornamentals	12	3.0
Grass	12	5.3
Total acres irrigated		20.6

- Are crops rotated seasonally or annually? Yes No

If yes, please describe:

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

Sandy loam

B. Irrigation system information

- 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. See FIGURE I

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%.

Meter, See FIGURE I above which is used for recreational use water and also for agricultural use water supply.

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.

We are not planning in the next 5 years to change our system as it relates to recreational use, however, depending upon available water supply, irrigation will be delivered from the Ditch and reservoirs for row crop irrigation and development of best management practices, such as drip irrigation, because of available reservoir storage to achieve maximum beneficial use.

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

- a. 5-year goal:
Savings in acre-feet: **80**

Plan is also to use well water to offset the inefficiency of transferring water from District supplier by the application of the 40% conveyance loss factor.

- b. 10-year goal:
Savings in acre-feet **80** 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).

As indicated, drip irrigation.

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

Meter, ditches, and lakes are visually monitored daily.

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).

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There is no runoff in our system and infiltration of rain is facilitated by land leveling and sloping towards our ditches and reservoirs. The ditches and reservoirs are open systems and thereby captures rain.

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

See Paragraph 4 above, any irrigation tail water would be recovered in the ditches.

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A water well was installed at the point of delivery to help supply water to the system to offset evaporation, the 40% loss of transferring water from the diversion point to our meter, and cover available Rio Grande water in drought periods. The well supplies approximately 300 gal/min or 1.3 acre-feet per day.

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

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;
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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.



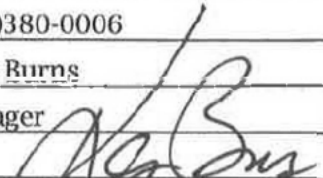
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Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.

Law Offices

of

GLENN JARVIS

Telephone (956) 682-2660

Telefax (956) 618-2660

Vantage Bank Texas Bldg.
1801 South Second Street, Suite 550
McAllen, Texas 78503
[REDACTED]

November 8, 2022

Texas Comm. On Environmental Quality
Water Availability Division, MC-160
P. O. Box 13087, Capitol Station
Austin, TX 78711-3087

Via Electronic Transmission

RE: Burns Brothers Ltd.
Application for Amendment to Certificate of Adjudication No. 23-421

Dear Water Availability Division,

On behalf of the Burns Brothers, Ltd., I am enclosing original executed copy of the completed TCEQ Form 10238 (System Inventory and Water Conservation Plan for Individually-Operated Irrigation Systems) for your files.

Please file this Plan amongst the documents of the above-mentioned Application.

Thank you for your attention and assistance in this matter. Should you need further information regarding the enclosed Application, please contact me.

Very truly yours,

Glenn Jarvis

Glenn Jarvis

GJ:lhc

Encl.

cc: Ms. Jenna Rollins
Jenna.Rollins@tceq.texas.gov

Mr. Chris Burns
[REDACTED]

Mr. Kent Burns
[REDACTED]

Mr. Todd Gilliland
[REDACTED]