

SURFACE WATER RIGHTS PERMIT APPLICATION

**Ingleside Blue Ammonia
Ingleside, San Patricio County,
Texas**

November 2024

Prepared for:

Ingleside Clean Ammonia Partners, LLC
Ingleside, Texas 78362

Prepared by:

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1.0 ADMINISTRATIVE INFORMATION CHECKLIST

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): Ingleside Clean Ammonia Partners, LLC

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

Y/N

Y **Administrative Information Report**

N Additional Co-Applicant Information

N Additional Co-Applicant Signature Pages

Y Written Evidence of Signature Authority

Y **Technical Information Report**

Y USGS Map (or equivalent)

Y Map Showing Project Details

Y Original Photographs

N Water Availability Analysis

Y **Worksheet 1.0**

N Recorded Deeds for Irrigated Land

N Consent for Irrigated Land

N **Worksheet 1.1**

N Addendum to Worksheet 1.1

N **Worksheet 1.2**

N **Worksheet 2.0**

N Additional W.S. 2.0 for Each Reservoir

N Dam Safety Documents

N Notice(s) to Governing Bodies

N Recorded Deeds for Inundated Land

N Consent for Inundated Land

Y/N

Y **Worksheet 3.0**

N Additional W.S. 3.0 for each Point

N Recorded Deeds for Diversion Points

N Consent for Diversion Access

N **Worksheet 4.0**

N TPDES Permit(s)

N WWTP Discharge Data

N Groundwater Well Permit

N Signed Water Supply Contract

N **Worksheet 4.1**

Y **Worksheet 5.0**

N Addendum to Worksheet 5.0

Y **Worksheet 6.0**

Y Water Conservation Plan(s)

N Drought Contingency Plan(s)

N Documentation of Adoption

N **Worksheet 7.0**

N Accounting Plan

Y **Worksheet 8.0**

Y Fees

Y Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

☒ New Appropriation of State Water

☐ Amendment to a Water Right *

☐ Bed and Banks

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

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

See Supplemental Text Section 2.1 "Summary of Request"

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

Ingleside Clean Ammonia Partners, LLC

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

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

You may search for your CN on the TCEQ website at

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

CN : 606190668 (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: Luis Perez

Title: Vice President of Operations; Ingleside Clean Ammonia Partners, LLC

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

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

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

Name: Ingleside Clean Ammonia Partners, LLC

Mailing Address: 915 North Eldridge Parkway, Suite 1100

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

Indicate an X next to the type of Applicant:

☐ Individual ☐ Sole Proprietorship-D.B.A.

☐ Partnership ☒ Corporation

☐ Trust ☐ Estate

☐ Federal Government ☐ State Government

☐ County Government ☐ City Government

☐ Other Government ☐ Other N/A

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32090052138 SOS Charter (filing) Number: N/A

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: Robin Mann

Title: Partner

Organization Name: EDGE Engineering and Science, LLC

Mailing Address: 16285 Park Ten Place, Suite 300

City: Houston State: TX ZIP Code: 77084

Phone Number: 832-772-3037

Fax Number: _____

E-mail Address: 

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

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

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

First and Last Name: N/A

Title: N/A

Organization Name: N/A

Mailing Address: N/A

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

Phone Number: N/A

Fax Number: N/A

E-mail Address: N/A

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

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

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

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

Account number: N/A Amount past due: N/A

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

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

Enforcement order number: N/A Amount past due: N/A

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

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

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

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

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

Yes / No Yes ***None Required**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Luis Perez

Vice President USGC Terminal Operations

(Typed or printed name)

(Title)

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

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

Signature: _____

(Use blue ink)

Date: _____

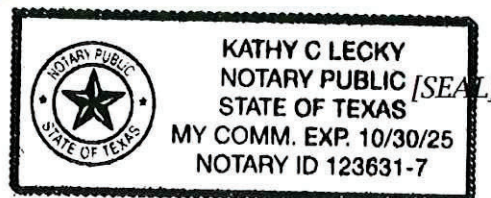
11/12/2024

Subscribed and Sworn to before me by the said

on this 12th day of November, 2024.

My commission expires on the 10/30/2025 day of October, 2025.

Kathy C. Lecky
Notary Public



County, Texas

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

2.0 TECHNICAL INFORMATION REPORT

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: 11/07/2024

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

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

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

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: N/A

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

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

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

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

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

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

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

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

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

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

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

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

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

Additionally, all amendments require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

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

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

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

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

See Supplemental Text Section 3.1 "Addendum Regarding the State and Regional Water Plans"

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
88,715	San Antonio-Nueces Coastal Basin	Industrial Use	San Patricio County San Antonio-Nueces Coastal Basin

88,715 Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated **N/A - No Lands to be Irrigated**

- i) Applicant proposes to irrigate a total of N/A 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 N/A acres in N/A County, TX.
- ii) Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

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

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

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

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

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

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
N/A	N/A	N/A	N/A	N/A

**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 N/A 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 N/A acres in N/A County, TX.
 - Location of land to be irrigated: In the N/A Original Survey No. N/A, Abstract No. N/A.

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

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

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

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

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

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? **Y / N** N/A
- iii. Additional information required for **on-channel** storage:
1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: N/A.
 2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. **Y/N** N/A
If yes, the drainage area is N/A sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): N/A
- b. Zip Code: N/A
- c. In the N/A Original Survey No. N/A, Abstract No. N/A,
N/A County, Texas.

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

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

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

Latitude N/A °N, Longitude N/A °W.

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

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

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

1. ☒ Diversion Point No. 001 (I-001)
2. ☐ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** 123 cfs (cubic feet per second)
or 55,000 gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N N
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 123 cfs or 55,000 gpm

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

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

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

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

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

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is N/A sq. miles.

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

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Corpus Christi Bay
- b. Zip Code: 78362
- c. Location of point: In the N/A Original Survey No. N/A, Abstract No. N/A, San Patricio County, Texas.

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

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

- d. Point is at:
Latitude 27.8208667 °N, Longitude -97.2077444 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth Pro
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

See Supplemental Information Section 3.6.1

WORKSHEET 4.0

DISCHARGE INFORMATION

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

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

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
4. The percentage of return flows from groundwater N/A, surface water N/A?
5. If any percentage is surface water, provide the base water right number(s) N/A.
- d. Is the source of the water being discharged groundwater? **Y / N** N/A If yes, provide the following information:
 1. Source aquifer(s) from which water will be pumped: N/A
 2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers N/A.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.

N/A
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- di. Is the source of the water being discharged a surface water supply contract? **Y / N** N/A
If yes, provide the signed contract(s).
- dii. Identify any other source of the water N/A

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

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

Instructions, Page 27.

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

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

See Supplemental Text Section 3.8.1 "Impingement and Entrainment"

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

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

N/A - See Supplemental Text Section 3.8

☐ Stream

☐ Reservoir

Average depth of the entire water body, in feet: N/A

☐ Other, specify: N/A

b. Flow characteristics

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

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☐ Perennial – normally flowing

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

☐ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: N/A

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

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

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

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

a. For all bed and banks applications:

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

b. For all alternate source applications:

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

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

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

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

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. X Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

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

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

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

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

See Supplemental Text Section 3.9.1 and 4.0, Attachment 3

2. Drought Contingency Plans

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

N/A - Drought Contingency Plan not required, see Supplemental Text Section 3.9.2

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	\$1,000.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x ^{88,715} _____ Maximum annual diversion of State Water in acre-feet. **	\$50,000.00
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x <u>N/A</u> acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	N/A
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.	N/A
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	\$14.10
TOTAL		\$51,039.10

2. AMENDMENT OR SEVER AND COMBINE N/A

	Description	Amount (\$)
Filing Fee	Amendment: \$100 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		\$ 0

3. BED AND BANKS N/A

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

3.0 PUBLIC INVOLVEMENT PLAN



Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

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

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

Section 1. Preliminary Screening

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

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

Section 2. Secondary Screening

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

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

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

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

Section 3. Application Information

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V
Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

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

Water Rights New Permit

☐ New Appropriation of Water
☐ New or existing reservoir

Amendment to an Existing Water Right

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

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

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

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

(City)

(County)

(Census Tract)

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

☐

City

☐

County

☐

Census Tract

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

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

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

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

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

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

☐ Yes ☒ No

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

☐ Yes ☒ No

If Yes, please describe.

Mailed information ("fact sheet"), periodic stakeholder meetings in English and Spanish

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

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

☐ Yes ☐ No

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

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

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

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

Section 7. Voluntary Submittal

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

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

☒ Yes ☐ No

What types of notice will be provided?

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

4.0 SUPPLEMENTAL INFORMATION

SURFACE WATER RIGHTS PERMIT APPLICATION- SUPPLEMENTAL INFORMATION

**Ingleside Blue Ammonia
Ingleside, San Patricio County,
Texas**

November 2024

Prepared for:

Ingleside Clean Ammonia Partners, LLC
Ingleside, Texas 78362

Prepared by:

EDGE
ENGINEERING & SCIENCE
further insight.

Edge Engineering and Science, LLC
16285 Park Ten Place, Suite 300
Houston, Texas 77084
Texas Registered Engineering Firm F-12795

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LIST OF ACRONYMS

§	Section
CFR	Code of Federal Regulations
CN	Customer Number
IBA	Ingleside Blue Ammonia
ICAP	Ingleside Clean Ammonia Partners, LLC
NH ₃	ammonia
RN	Regulated Entity Number
SIC	standard industrial classification
TCEQ	Texas Commission on Environmental Quality
US EPA	United States Environmental Protection Agency

1.0 INTRODUCTION

Ingleside Clean Ammonia Partners, LLC (ICAP) plans to build the Ingleside Blue Ammonia (IBA) plant (the Plant) located at 1450 Lexington Blvd in Ingleside, San Patricio County, Texas. The IBA plant will be a low carbon ammonia production facility (comprising two production trains) with storage facilities and piping to support marine loading operations.

The purpose of this document is to provide the necessary information for ICAP to obtain a water use permit from the TCEQ to provide the Plant with water for industrial use in cooling towers and boilers.

Sections 2.0 through 4.0 of this document contain supporting information for this application. Section 2.0 provides supplemental information in support of the Administrative Information Report (TCEQ- 10214B Form). Section 3.0 provides supplemental information in support of the Technical Information Report (TCEQ- 10214C form) and its required Worksheets. Section 4.0 contains appendices, which include figures, photographs, a Water Conservation Plan, a site property deed, and corporate authorization for ICAP's Duly Authorized Representative.

2.0 ADMINISTRATIVE INFORMATION CHECKLIST

The Administrative Information Checklist is required to be submitted with each application. This section provides supplemental information in support of the Administrative Information Checklist.

2.1 Summary of Request

The IBA plant will be a low carbon ammonia production facility (comprising two production trains) with storage and piping to support marine loading operations. The trains will generate low carbon ammonia from natural gas and share common utilities, storage, and piping to marine loading facilities.

ICAP is requesting to divert 88,715 acre-feet (AF) of water per year for industrial use in cooling towers and boilers.

Section 3.2 provides further information regarding the quantity, purpose, and place of use of the new appropriation of State Water. Section 3.6 provides detailed information regarding the diversion point.

2.2 Applicant Information – Signatory Requirements 30 TAC §295.14

Title 30 of the Texas Administrative Code (TAC) §295.14 states that if the application is by a corporation, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. This application has been signed by Luis Perez, a duly authorized official of Ingleside Clean Ammonia Partners, LLC; therefore, the signatory requirements of 30 TAC §295.14 have been met.

3.0 TECHNICAL INFORMATION REPORT

The Technical Information Report is required for applications for new or amended water rights. This section provides supplemental information in support of the Technical Information Report submitted with this application package.

3.1 Addendum Regarding the State and Regional Water Plans

This application is consistent with the Coastal Bend Regional Water Planning Area N, 2021 Regional Water Plan and the 2022 State Water Plan for Texas. The proposed industrial water use in this application does not conflict with any of the provisions of these plans. The water use that ICAP proposes for the Plant for this requested appropriation is primarily non-consumptive use with an estimated 76% being returned, and ICAP does not propose to use any fresh surface water or groundwater for process water for this project. Section 5D.3 of the 2021 Regional Water Plan discusses various approaches to water conservation for water used in manufacturing processes. One of the specific best management practices the plan identifies, as reflected in Section 5D.3.2 on available yield, is for industrial water users to seek alternative sources and to reuse and recirculate process water. ICAP's proposed appropriation uses an alternative source—saline water—which conserves groundwater and fresh surface water resources so that they remain available for other uses. ICAP's proposed appropriation also meets the goal of water reuse and recirculation, since 76% of the water will be discharged back to the state-owned water body. In addition, and as further described in ICAP's Water Conservation Plan, ICAP's water management plan implements another best management practice discussed in Section 5D.3.2—Industrial Site Specific Conservation—as ICAP is committed to annually review water intake and discharge volumes to determine progress on increasing water returns.

3.2 Worksheet 1.0: Quantity, Purpose, and Place of Use

This worksheet provides information regarding quantity, purpose, and place of use new or additional appropriations of State Water. No Bed and Banks authorizations are part of this permit application. As stated in Worksheet 1.0 of the Technical Information Report, ICAP is seeking authorization for a new appropriation of State Water in the amount of and not to exceed 88,715 AF of water per year. The water will be diverted from and returned to Corpus Christi Bay located in the San Antonio-Nueces Coastal Basin. The purpose and place of use for the water is detailed below:

Purpose of Use

The new appropriation of State Water requested with this application will be for industrial use.

Place of Use

The water will be used onsite at the Plant located in San Patricio County, Texas. A map and aerial photographs showing the location of the site and the proposed diversion point are provided in Appendix A, Figures 1 and 2, and additional photographs of the location of the proposed diversion point are provided in Appendix B.

3.3 Worksheet 1.1 Interbasin Transfers

Worksheet 1.1 applies to new or amended water rights which request to transfer State Water from its river basin or origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board (TWDB) by rule pursuant to Texas Water Code (TWC) §16.051. With this application, ICAP is not requesting to transfer State Water between river basins; therefore, this worksheet is not required.

3.4 Worksheet 1.2 Notice: The Marshall Criteria

Worksheet 1.2 is intended to assist the TCEQ in determining notice required for certain amendments to existing water rights permits. This application is for a new appropriation of State Water; therefore, this worksheet is not required.

3.5 Worksheet 2.0 Impoundment/Dam Information

Worksheet 2.0 is required for an impoundment, reservoir, and/or dam. With this application, ICAP is not intending to use or construct an impoundment or dam; therefore, this worksheet is not required.

3.6 Worksheet 3.0 Diversion Point (or Diversion Reach) Information

Worksheet 3.0 is required for each diversion point or diversion reach requested. ICAP is seeking to divert water from a single proposed diversion point. Table 3.1 provides a summary of the proposed diversion point and maximum diversion rate. The following subsection provides supplemental information in support of Worksheet 3.0 for the proposed diversion point. According to Worksheet 3.0, TCEQ staff will calculate the drainage area at the diversion point. ICAP will provide additional information necessary for TCEQ staff to complete the drainage calculations.

Table 3-1: Summary of Proposed Diversion Point Location and Diversion Rate

Diversion Point or Reach No.	Diversion Type	Diversion Method	Latitude/ Longitude	Watercourse	Maximum Rate of Diversion (gpm)	Plan of Diversion
I-001	Diversion Point 1	Intake Pump	27.8208667 / -97.2077444	Corpus Christi Bay (Segment 2481)	55,000	See Section 3.6.1

3.6.1 Diversion Point

The diversion point will be maintained by ICAP. I-001 will be located approximately one-fourth of the distance from shore along the westernmost wharf (4/5). The proposed diversion point is shown on the site map located in Appendix A, Figure 2.

3.7 Worksheet 4.0 & 4.1 Discharge Information

Worksheet 4.0 is required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use, and Worksheet 4.1 is required for each discharge location. ICAP is not requesting to authorize discharge into a State Watercourse for conveyance and later withdrawal or in-place use; therefore, these worksheets are not applicable. After use of the requested water appropriation, ICAP will release the water directly back into Corpus Christi Bay in accordance with the requirements of a separate Texas Pollutant Discharge Elimination System (TPDES) authorization.

3.8 Worksheet 5.0 Environmental Information

Section 1 of Worksheet 5.0 requires measures the applicant will take to avoid impingement and entrainment of aquatic organisms for any new diversion point that is not already authorized, and ICAP addresses this in Section 3.8.1 below. The remainder of Worksheet 5.0 is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins, for requests to change a diversion point in all basins, and for applications to use an alternate source of water or to use bed and banks. ICAP is not requesting a new appropriation of water in the aforementioned basins or requesting to change a diversion point, apply for an alternate source of water, or apply for a bed and banks application; therefore, those portions of the worksheet are not required.

3.8.1 Impingement and Entrainment

ICAP will take appropriate, reasonable measures to avoid impingement and entrainment of aquatic organisms at the new diversion structure. The cooling water intake structure (CWIS) will include two levels of screening to minimize the potential for species impingement and entrainment, and to protect pumping systems and process equipment and to minimize the intake of grit, sand and sediments that may accumulate in the cooling water sumps. The first level of screening will be a trash rack (bar screen) to prevent intake of large debris (e.g., twigs, driftwood). The second level of screening will be a 200-mesh traveling screen. Velocities through openings in each level of screening will be limited to a maximum 0.5 feet per second (fps) to limit impingement of species on mechanical surfaces. As a result, approach velocities to each screen will be less than 0.5 fps. Aquatic organisms that pass these two levels of screens may travel back out against the low intake velocities. CWIS design and permitting under the industrial discharge permitting process is in progress and is identifying the limiting species size for preventing entrainment. Per species studies, second level screen will be based on preventing organisms in the range of 2 to 6 mm from being entrained. In addition, the anticipated intake structure location will not be directly on the seafloor, thus benthic organisms would not be at risk.

3.9 Worksheet 6.0 Water Conservation/Drought Contingency Plans

Worksheet 6.0 is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plan is required and to specify the requirements for the plans. The following subsections detail the requirements pertaining to ICAP's application for a new appropriation for the Plant.

3.9.1 Water Conservation Plan

A Water Conservation Plan must be completed for a request for a new appropriation or use of State Water.

Part III of the Water Conservation Plan must include information that supports the applicant's proposed use of water with consideration of water conservation goals, evaluates conservation as an alternative to the proposed appropriation, and evaluates any other feasible alternatives to new water development. ICAP is requesting to divert 88,715 AF of water per year, of which, approximately 63,467 AF per year is expected to be returned directly to the water body it was diverted from, with losses due to boiler and cooling water evaporation. When analyzing its industrial water needs, ICAP considered water conservation and the principles of efficient use and reuse of water, each as discussed in the Water Conservation Plan. After calculating the volume of water needed for cooling towers and boilers, ICAP determined that no feasible alternatives exist to the proposed appropriation and the requested amount of appropriation is necessary and reasonable to ensure the facility has adequate water for operations.

- The Water Conservation Plan can be found in Appendix C.

3.9.2 Drought Contingency Plan

A Drought Contingency Plan is required for entities that are requesting any authorization in section (1)(a) of Worksheet 6.0. ICAP is seeking authorization in section (1)(a); however, the requested authorization is for industrial use, which does not fall under the municipal, irrigation, or wholesale categories listed on the Drought Contingency Plan requirements. Therefore, a Drought Contingency Plan is not required for this application.

3.10 Worksheet 7.0 Accounting Plan Information Worksheet

Accounting Plans are generally required for applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point. With this application, ICAP is requesting 88,715 AF per year and will be diverting the water from a new diversion point in Corpus Christi Bay; therefore, this project does not require an Accounting Plan.

3.11 Worksheet 8.0 Calculation of Fees

Worksheet 8.0 is used for calculating required application fees. Below is a list of applicable application fees for this requested authorization:

Table 3-2
Summary of Applicable Fees

Type of Fee	Amount of Fee	Total
Filing Fee	\$1,000.00	\$1,000.00
Recording Fee	\$25.00	\$25.00
Use Fee	\$1.00 x 88,715 AF or \$50,000.00 MAX	\$50,000
Mailed Notice		TBD
Total		TBD

The requested appropriation of State Water will not be used for irrigation and will not be stored onsite; therefore, the Agriculture Use Fee, Storage Fee, and Recreational Storage Fee are not included in the calculation of fees above.

3.12 Certificate of Amendment, Declaration of Merger and Name Change, and Underlying Special Warranty Deeds

The title ownership of the land for the facility in this proposed application is held by Enbridge Ingleside Oil Terminal, LLC (“EIOT”). A copy of the Certificate of Amendment, whereby the EIOT name replaced the prior name (i.e. Moda Ingleside Oil Terminal, LLC), can be found in Appendix D, along with the prior Declaration of Merger and Name Change and underlying deeds evidencing EIOT’s ownership of the land. No letter of consent for use of the land is necessary because an affiliate of EIOT is a member of ICAP, which is a joint venture between Enbridge and Yara.

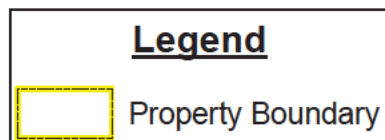
APPENDIX A

FIGURES



Scale: 1" = 1,250 feet

This information is for environmental review purposes only.



0 0.125 0.25
Miles



Figure 1
General Location Map

Ingleside Clean Ammonia Partners, LLC
1450 Lexington Drive
Ingleside, San Patricio County, Texas

EDGE
ENGINEERING & SCIENCE



Legend

- Intake Location
- Property Boundary

0 500 1,000 Feet

Scale: 1:16,000

EDGE
ENGINEERING & SCIENCE

Figure 2
Intake Location Map

Ingleside Clean Ammonia Partners, LLC
1450 Lexington Drive
Ingleside, San Patricio County, Texas

APPENDIX B

PHOTOGRAPHS

Water Rights Permit Application
Supplemental Information: Photo Log
Ingleside, San Patricio County, Texas

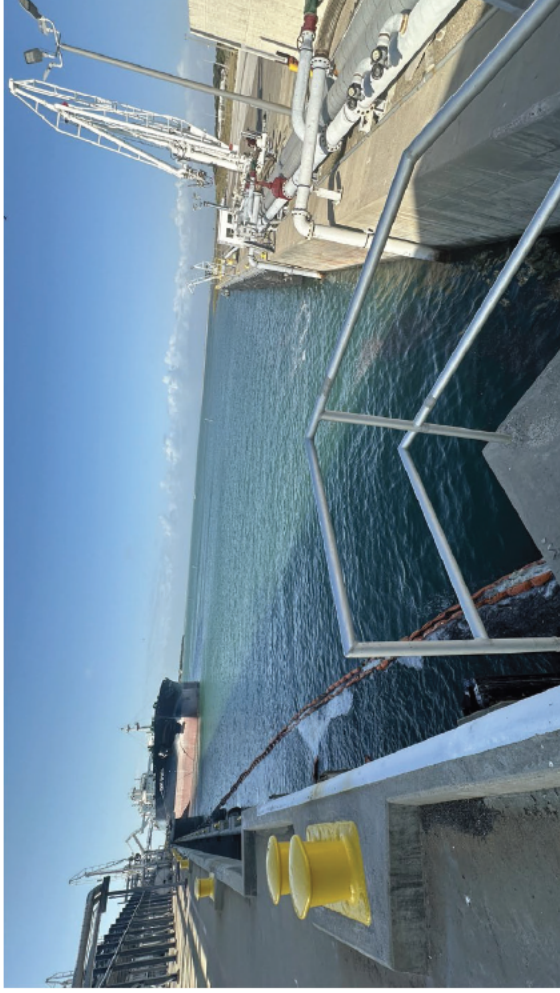


Photograph 1 – View of the location of the proposed intake location (I-001) for the proposed facility.



Photograph 2 – View of Dock 4/5 where the proposed intake location will be installed.

Water Rights Permit Application
Supplemental Information: Photo Log
Ingleside Blue Ammonia
Ingleside, San Patricio County, Texas



Photograph 3 – View upstream of the proposed intake location.

APPENDIX C

WATER CONSERVATION PLAN



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

Industrial Water Conservation Plan

This form is provided to assist entities in developing a water conservation plan for industrial water use. 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: Ingleside Clean Ammonia Partners, LLC
Address: 915 North Eldridge Parkway, Suite 1100
Telephone Number: (855) 385-6645 Fax: ()
Form Completed By: Clayton Curtis
Title: Director Regulatory Compliance
Signature:  Date: 11/12/2024

A water conservation plan for industrial use must include the following requirements (as detailed in 30 TAC Section 288.3). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.

I. BACKGROUND DATA

A. Water Use

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

88,715

2. Maximum diversion rate (cfs):

123

B. Water Sources

1. Please indicate the maximum or average annual amounts of water currently used and anticipated to be used (in acre-feet) for industrial purposes:

<i>Source</i>	<i>Water Right No.(s)</i>	<i>Current Use</i>	<i>Anticipated Use</i>
Surface Water		0	88,715
Groundwater		0	0
Purchased		0	0
Total		0	88,715

2. How was the surface water data and/or groundwater data provided in B(1) obtained?

Master meter ; Customer meter ; Estimated X; Other

3. Was purchased water raw or treated?

If both, % raw N/A; % treated N/A; and Supplier(s) N/A

C. Industrial Information

1. Major product(s) or service(s) produced by applicant:

Ammonia

2. North American Industry Classification System (NAICS):

325311

II. WATER USE AND CONSERVATION PRACTICES

A. Water Use in Industrial Processes

<i>Production Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling, condensing, & refrigeration	0	0	0	0	0
Processing, washing, transport	0	0	0	0	0
Boiler feed	0	0	100	0	8,250
Incorporated into product	0	0	0	0	0
Other	0	0	0	0	0

<i>Facility Use</i>	<i>% Groundwater</i>	<i>% Surface Water</i>	<i>% Saline Water</i>	<i>% Treated Water</i>	<i>Water Use (in acre-ft)</i>
Cooling tower(s)	<u>0</u>	<u>0</u>	<u>100</u>	<u>0</u>	<u>80,465</u>
Pond(s)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Once through	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Sanitary & drinking water	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Irrigation & dust control	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

- Was fresh water recirculated at this facility? ☐ Yes ☒ No
- Provide a detailed description of how the water will be utilized in the industrial process.
The Plant will be a low carbon ammonia production facility (comprising two production trains) with storage facilities and piping to support marine loading operations. The water will be withdrawn from the diversion point and pumped via a pipe to the Plant, which is located at the same industrial site, and then used as cooling tower water and boiler water.
- Estimate the quantity of water consumed in production processes and is therefore unavailable for reuse, discharge, or other means of disposal.
Approximately 21,288 acre feet/year will be consumed in the process. Approximately 67,423 acre feet/year will be available for discharge after industrial use.
- Monthly water consumption for previous year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
February	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
March	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
April	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
May	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
June	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
July	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

August	N/A	N/A	N/A
September	N/A	N/A	N/A
October	N/A	N/A	N/A
November	N/A	N/A	N/A
December	N/A	N/A	N/A
Totals	N/A	N/A	N/A

5. Projected monthly water consumption for next year (in acre-feet).

<i>Month</i>	<i>Diversion Amount</i>	<i>% of Water Returned (If Any)</i>	<i>Monthly Consumption</i>
January	7,392	76	1,774
February	7,392	76	1,774
March	7,392	76	1,774
April	7,392	76	1,774
May	7,392	76	1,774
June	7,392	76	1,774
July	7,392	76	1,774
August	7,392	76	1,774
September	7,392	76	1,774
October	7,392	76	1,774
November	7,392	76	1,774
December	7,392	76	1,774
Totals	88,715	76	21,288

B. Specific and Quantified Conservation Goal

Water conservation goals for the industrial sector are generally established either for (1) the amount of water recycled, (2) the amount of water reused, or (3) the amount of water not lost or consumed, and therefore is available for return flow.

1. Water conservation goal (water use efficiency measure)

Type of goal(s):

% reused water

76 % of water not consumed and therefore returned

Other (specify)

2. Provide specific, quantified 5-year and 10-year targets for water savings and the basis for development of such goals for this water use/facility.

This facility will use saline water and thus not require the use of any fresh water or groundwater supplies. ICAP will monitor the piping and processes to identify and address any leaks and potential inefficiencies. Once the Plant is operational, ICAP will annually review water intake and discharge volumes to determine progress on increasing water returns.

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

- a. 5-year goal: Increase water returned by 5%
 - b. 10-year goal: Increase water returned by 6%
3. 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%. The final design of the blue ammonia plant has not been completed yet, however, a meter with an accuracy of +/-5% will be installed to accurately measure the flow diverted from the bay.
 4. Provide a description of the leak-detection and repair, and water-loss accounting measures used.
ICAP will monitor the piping and processes to identify and address any leaks and potential inefficiencies. Once the Plant is operational, ICAP will annually review water intake and discharge volumes to determine progress on increasing water returns..
 5. Describe the application of state-of-the-art equipment and/or process modifications used to improve water use efficiency.
After start up, the process will be evaluated to assess whether water can be recirculated within the process prior to discharge without significantly altering the water quality.
 6. Describe any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan:
A water balance will be periodically performed to assess whether there are any unidentified leaks.

III. Water Conservation Plans submitted with a Water Right Application for New or Additional State Water

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

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
This facility will use saline water and thus not require the use of any fresh water or groundwater supplies for process water.
2. evaluates conservation as an alternative to the proposed appropriation; and

The process will use saline water and avoid the consumption of fresh water so that fresh water remains available for other uses as supported by 30 TAC 288.1 definition 4. Water remaining after the process will be discharged back to the state-owned water body, as described in 30 TAC 288.1 definition 20.


3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

The Plant requires 88,715 af per year for operations. ICAP reviewed available water supplies (including fresh water and groundwater sources) and other potential water development projects and determined that no feasible alternative exists to the preferred use of saline water for the Plant's process water needs. Fresh water and groundwater from municipal sources in the San Patricio County area are severely limited, and an adequate supply from these other water sources is not readily available. ICAP has concluded that sourcing its process water supply from the proposed saline source is the optimum—and only feasible—water management practice for the Plant, and it preserves fresh water for other uses in the region.

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.

APPENDIX D

CERTIFICATE OF AMENDMENT, DECLARATION OF MERGER AND
NAME CHANGE, UNDERLYING SPECIAL WARRANTY DEEDS,
PERMISSION FOR LAND USE



Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF AMENDMENT OF "MODA INGLESIDE OIL
TERMINAL, LLC", CHANGING ITS NAME FROM "MODA INGLESIDE OIL
TERMINAL, LLC" TO "ENBRIDGE INGLESIDE OIL TERMINAL, LLC", FILED
IN THIS OFFICE ON THE TWELFTH DAY OF OCTOBER, A.D. 2021, AT
3:56 O`CLOCK P.M.*


Jeffrey W. Bullock, Secretary of State

5130003 8100
SR# 20213491834

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 204396652
Date: 10-13-21

**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: _____
Moda Ingleside Oil Terminal, LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows:

Article First is amended to read as follows:

"The name of the limited liability company is "Enbridge Ingleside Oil Terminal, LLC"

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 12th day of October, A.D. 2021.

By: Kelly Gray
Authorized Person(s)

Name: Kelly L. Gray
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:56 PM 10/12/2021
FILED 03:56 PM 10/12/2021
SR 20213491834 - File Number 5130003

TAB 10

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

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF SAN PATRICIO §

THAT, PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS ("**Grantor**"), a navigation district and political subdivision of the State of Texas, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration in hand paid to Grantor by OXY INGLESIDE ENERGY CENTER, LLC (formerly known as Oxy Ingleside Property Holdings, LLC), a Delaware limited liability company ("**Grantee**"), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, the Land, Improvements, Rights and Appurtenances defined below (collectively, the "**Property**"), save and except and subject to the matters described in paragraphs 1-4 below (collectively, the "**Permitted Encumbrances**"):

(a) **Land**. Approximately 814.53 acres, more or less, of real property (the "**Land**") located in San Patricio County, Texas, and more particularly described in Exhibit A attached hereto and made a part hereof for all purposes. This conveyance is in gross and the consideration is not calculated upon a price per acre. Grantor does not warrant that the Land is the number of acres stated in the description. Grantee waives any claim against Grantor for shortages in area, if it is determined that the acreage is less than the number stated.

(b) **Improvements**. Grantor's right, title and interest in and to any improvements located on the Land, or appended or annexed thereto, including but not limited to all structures, additions, fixtures, walls, fences, landscaping, infrastructure, utilities and related facilities, and all other improvements located on the Land (herein called the "**Improvements**").

(c) **Rights and Appurtenances**. The benefits, privileges, easements, tenements, hereditaments and appurtenances on the Land or in anywise appertaining thereto (herein called the "**Rights and Appurtenances**").

1. **Reservation of Oil, Gas and Other Minerals**. Grantor reserves unto itself, its successors and assigns, all of the oil, gas and other mineral substances, and/or deposits of any kind or character, whether similar or dissimilar, whether solid, liquid or gaseous, in or under or that may be mined, produced, removed, saved, or recovered from the Land, including, without limitation by enumeration, all hydrocarbons, coal, lignite, sulphur, phosphate, iron ore, sodium, salt, uranium, thorium, molybdenum, vanadium, titanium, and other fissionable materials, gold, silver, magnesium, iron, bauxite, geothermal energy (including hydrostatic pressure and thermal



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THAT, **PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS ("Grantor")**, a navigation district and political subdivision of the State of Texas, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration in hand paid to Grantor by **OXY INGLESIDE ENERGY CENTER, LLC** (formerly known as Oxy Ingleside Property Holdings, LLC), a Delaware limited liability company ("**Grantee**"), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, the Land, Improvements, Rights and Appurtenances defined below (collectively, the "**Property**"), save and except and subject to the matters described in paragraphs 1-4 below (collectively, the "**Permitted Encumbrances**"):

(a) **Land**. Approximately 814.53 acres, more or less, of real property (the "**Land**") located in San Patricio County, Texas, and more particularly described in Exhibit A attached hereto and made a part hereof for all purposes. This conveyance is in gross and the consideration is not calculated upon a price per acre. Grantor does not warrant that the Land is the number of acres stated in the description. Grantee waives any claim against Grantor for shortages in area, if it is determined that the acreage is less than the number stated.

(b) **Improvements**. Grantor's right, title and interest in and to any improvements located on the Land, or appended or annexed thereto, including but not limited to all structures, additions, fixtures, walls, fences, landscaping, infrastructure, utilities and related facilities, and all other improvements located on the Land (herein called the "**Improvements**").

(c) **Rights and Appurtenances**. The benefits, privileges, easements, tenements, hereditaments and appurtenances on the Land or in anywise appertaining thereto (herein called the "**Rights and Appurtenances**").

1. **Reservation of Oil, Gas and Other Minerals**. Grantor reserves unto itself, its successors and assigns, all of the oil, gas and other mineral substances, and/or deposits of any kind or character, whether similar or dissimilar, whether solid, liquid or gaseous, in or under or that may be mined, produced, removed, saved, or recovered from the Land, including, without limitation by enumeration, all hydrocarbons, coal, lignite, sulphur, phosphate, iron ore, sodium, salt, uranium, thorium, molybdenum, vanadium, titanium, and other fissionable materials, gold, silver, magnesium, iron, bauxite, geothermal energy (including hydrostatic pressure and thermal

energy), hard rock minerals and base precious metals; and the term "gas" shall include helium, carbon dioxide, gaseous sulfur compounds, coal bed methane, and any other commercial gaseous substances, as well as natural gas and other "normal" hydrocarbon gases (hereinafter being collectively referred to as the "**Oil, Gas and Other Minerals**"). Notwithstanding Grantor's mineral reservation, it is expressly understood and agreed, and Grantor does hereby covenant, stipulate and agree in favor of Grantee and its successors and assigns, as follows:

(a) Grantor does hereby expressly release and waive, on behalf of itself and its successors and assigns, all rights of ingress and egress and all other rights of every kind and character whatsoever, to enter upon or to use the surface of the Land or any part thereof, including without limitation the right to enter upon the surface of the Land for purposes of exploring for, developing, drilling, producing, transporting, mining, treating, storing or any other purposes incident to the development or production of the Oil, Gas and Other Minerals in, on and under the Land, even if the foregoing release and waiver make it impossible or materially more expensive to do any of the foregoing. Without limiting the generality of the foregoing, Grantor further covenants and agrees that any directional drilling for, or other method of extracting, the Oil, Gas and Other Minerals by Grantor and any lessees shall be done in such a way so as not to interfere with Grantee's use of or operations on the Land or diminish or impair the value of the Land or the Improvements.

(b) Subject in all respects to the restrictions set forth in the immediately preceding paragraph, it is understood and agreed by Grantor and Grantee that nothing herein shall ever be construed as an absolute prohibition on Grantor or Grantor's lessees, and their respective heirs, successors and assigns, developing and producing the Oil, Gas and Other Minerals in and under the Land by pooling or by directional drilling from well sites located on tracts other than the Land.

(c) Without limiting the foregoing, Grantor does further hereby expressly covenant and agree that any lease for the Oil, Gas and Other Minerals hereafter executed by Grantor in favor of any person, firm or corporation covering or affecting any portion of the reserved mineral estate or the Land shall be expressly made subject to the terms and provisions of this instrument.

(d) These provisions relating to minerals and surface rights are covenants running with the Land binding upon and inuring to the benefit of Grantor and Grantee and their respective successors and assigns.

2. **Reservation of Littoral Rights.** Grantor reserves unto itself, its successors and assigns, all littoral rights belonging or in anywise appertaining to the Land or Improvements, and the right to access the waters of Corpus Christi Bay from the Property.

3. **Reservation of a Road and Utility Easement.** Grantor reserves unto Grantor, its successors and assigns an easement in, on, along, under and across all main road rights of way located on the Land and existing as of the date hereof, for the purpose of allowing ingress and egress between FM 1069 and Grantor's Adjacent Lands (defined below); for the purpose of ingress and egress between any two non-contiguous portions of Grantor's Adjacent Lands; and for the purpose of providing utilities (i.e., water, gas, sewer, electricity, telephone and cable) to

Grantor's Adjacent Lands. Notwithstanding the foregoing reservations, Grantor's, and its successors' and assigns', maintenance and construction of any utility lines or equipment within such rights of way shall not unreasonably interfere with utility and road access by the owners of the Land. For the purposes of this reservation "**Grantor's Adjacent Lands**" means the real property described in Exhibit B attached hereto.

4. **Other Matters.** In addition, this Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to the matters described in Exhibit C attached hereto, to the extent the same are validly existing and applicable to the Property.

5. **"As Is".** Grantor conveys the Property and Grantee accepts the Property "AS IS, WHERE IS AND WITH ALL FAULTS". EXCEPT AS EXPRESSLY SET FORTH HEREIN OR IN THAT SURPLUS PROPERTY SALES AGREEMENT DATED MAY 8, 2012, BY AND BETWEEN GRANTOR AND GRANTEE, GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, OF THE PROPERTY, OR ANY PART THEREOF. GRANTEE EXPRESSLY WAIVES, TO THE EXTENT ALLOWED BY LAW, ANY CLAIMS UNDER FEDERAL, STATE OR OTHER LAW THAT GRANTEE MIGHT OTHERWISE HAVE AGAINST GRANTOR RELATING TO THE CONDITION OF THE PROPERTY.

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

[Signature Page(s) Follow This Page]

DATED to be effective the 8th day of November, 2012.

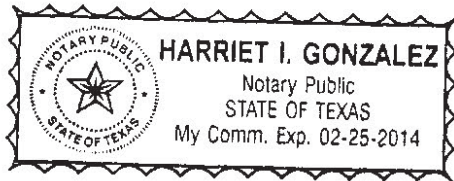
GRANTOR:

**PORT OF CORPUS CHRISTI AUTHORITY
OF NUECES COUNTY, TEXAS**

By: Mike Carrell
Mike Carrell,
Chairman of the Port Commission

STATE OF TEXAS §
 §
COUNTY OF NUECES §

This instrument was acknowledged before me on the 7th day of November, 2012, by Mike Carrell, Chairman of the Port Commission of Port of Corpus Christi Authority of Nueces County, Texas, a navigation district and political subdivision of the State of Texas, on behalf of said navigation district.



Harriet I. Gonzalez
NOTARY PUBLIC, State of Texas

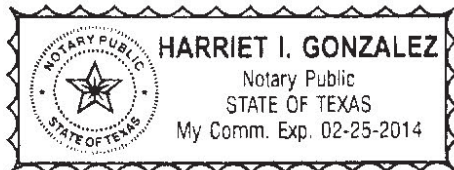
GRANTEE:

OXY INGLESIDE ENERGY CENTER, LLC, a
Delaware limited liability company

By: *Hasham Mukadam*
Hasham Mukadam, President

STATE OF TEXAS §
 §
COUNTY OF NUECES §

This instrument was acknowledged before me on the 7th day of November, 2012, by Hasham Mukadam, President of Oxy Ingleside Energy Center, LLC, a Delaware limited liability company, on behalf of said limited liability company.



Harriet Gonzalez
NOTARY PUBLIC, State of Texas

EXHIBIT A
TO
SPECIAL WARRANTY DEED
LAND
TRACT 1
(378.83 Acres)

A 378.83 acre tract of land, more or less, herein designated Tract I, being out of a 478.551-acre remainder of 483.158-acres known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, Save and Except a 8.496-acre tract herein designated Tract V, Campus "A", a 85.947-acre tract herein designated Tract VI, Campus "B" and a 5.280-acre tract herein designated Tract VII, Campus "C", said 378.83-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a concrete monument with a square brass plate stamped "14.86" found in the west right-of-way of F.M. Road 1069 at the southwest area of the intersection with F.M. 2725 for the most southerly northeast corner of this tract, said monument having coordinates of N 17195295.81, E 1406451.58, Texas State Plane Coordinates, South Zone, NAD 83;

THENCE, S-21°-18'-43"-W, along said west right-of-way, a distance of **1216.17'** to a concrete monument with a square brass plate found for a bend point in said right-of-way and a bend point in the east line of this tract;

THENCE, S-21°-09'-10"-W, continuing along said right-of-way and along the west line of a called 40-acre tract described in a deed to the State of Texas as recorded in Volume 195, Page 19, Deed Records, San Patricio County, Texas, at **541.46'** pass a found concrete monument with a square brass plate, in all a distance of **1610.15'** to a concrete monument with a square brass plate found for an exterior corner in the east line of this tract;

THENCE, N-68°-51'-00"-W, a distance of **249.35'** to a concrete monument with a square brass plate found for an interior corner of this tract;

THENCE, S-21°-08'-35"-W, a distance of **191.54'** to a monument with a cap stamped "OXY Ingleside Property Holdings", herein after referred to as "an OXY monument", set at the time of this survey to replace the original found property marker in the north line of the current Flint Hills facility described in a deed to Koch Refining Company, L.P. as recorded in Clerks File #447427, Real Property Records, San Patricio County, Texas for an exterior of this tract;

THENCE, N-68°-54'-55"-W, at **86.04'** pass a concrete monument with a square brass plate found for the northwest corner of said Flint Hills tract and the northeast corner of a 1.62-acre tract of land out of said Tract I described as Parcel A in a deed to Flint Hills Resources Corpus

Christi, LLC as recorded in Clerks File #606859, Official Public Records, San Patricio, Texas, in all a distance of **105.04'** to an OXY monument set for an interior corner of this tract;

THENCE, S-21°-08'-40"-W, a distance of **2505.41'** to an OXY monument set for an interior corner of said Parcel A and an exterior corner of this tract;

THENCE, N-68°-51'-30"-W, a distance of **260.90'** to an OXY monument set for an exterior corner of said Parcel A and an interior corner of this tract;

THENCE, S-65°-41'-03"-W, a distance of **16.86'** to an OXY monument for an exterior corner of said Parcel A and an interior corner of this tract;

THENCE, S-21°-08'-50"-W, at 812.38' pass a 5/8" steel rod found for the southwest corner of said Parcel A and the northwest corner of Parcel B as recorded in the same deed, in all a distance of **855.93'** to an OXY monument set for an exterior corner of said Parcel B and an interior corner of this tract;

THENCE, S-81°-27'-49"-E, a distance of **20.23'** to an OXY monument set for an interior corner of said Parcel B and an exterior corner of this tract;

THENCE, S-07°-57'-56"-W, a distance of **138.38'** to an OXY monument set for an interior corner of said Parcel B and an exterior corner of this tract;

THENCE, N-82°-02'-54"-W, a distance of **168.65'** to an OXY monument set for an exterior corner of said Parcel B and an interior corner of this tract;

THENCE, S-07°-57'-06"-W, at 64.41' pass an OXY monument set for a 15.00' offset to the corner, in all a distance of **79.41'** to a point on the face of the bulkhead of the existing dock facility, now agreed on to be the location of the existing shoreline, said point being the northeast corner of Tract IV of this description, shown on the same plat as this Tract I and the southeast corner of this tract, said point having coordinates of N 17189367.17, E 1403379.78, Texas State Plane Coordinates, South Zone, NAD 83;

THENCE, along the south line of said Tract I, said line being the face of the bulkhead, the following calls;

N-82°-03'-17"-W, a distance of **1364.36'**;

N-69°-04'-59"-W, a distance of **79.86'**;

S-88°-09'-25"-W, a distance of **559.60'**;

THENCE, N-47°-31'-29"-W, continuing along said bulkhead line, a distance of **33.82'** to the point at which the bulkhead line meets the existing natural shoreline as determined by the 0.7' contour line, then continuing along said contour line the following calls;

S-47°-55'-30"-W, a distance of **15.27'**;
S-68°-58'-00"-W, a distance of **38.73'**;
N-64°-23'-51"-W, a distance of **27.79'**;
N-73°-10'-44"-W, a distance of **62.07'**;
S-76°-13'-49"-W, a distance of **43.76'**;
S-87°-56'-22"-W, a distance of **41.82'**;
S-70°-46'-41"-W, a distance of **64.04'**;
S-73°-12'-49"-W, a distance of **126.80'**;
S-62°-08'-19"-W, a distance of **160.68'**;
S-60°-21'-58"-W, a distance of **85.26'**;
S-74°-07'-34"-W, a distance of **97.00'**;
N-89°-52'-20"-W, a distance of **119.54'**;
N-89°-06'-15"-W, a distance of **26.69'**;

THENCE, N-84°-55'-44"-W, continuing along the shoreline, a distance of **2.79'** to an unmarked point in the east boundary line of a called 98.44-acre tract described in a deed to Baker's Port, Inc. as recorded in Clerks File #353262, Real Property Records, San Patricio County, Texas for the northwest corner of said Tract IV and the southwest corner of this tract;

THENCE, N-21°-09'-21"-E, at 100.00' pass an OXY monument set on line for reference, at 156.92' pass a found concrete monument with a square brass plate, at 6308.78' pass an OXY monument set for the south right-of-way of F.M. 1069 as described in Clerks File #374150, Real Property Records, San Patricio County, Texas, in all a distance of **6628.43'** to a broken concrete monument found in the original south right-of-way of F.M. 1069 for the northeast corner of said 98.44-acre tract and for the northwest corner of this tract;

THENCE, N-88°-21'-05"-E, a distance of **3291.23'** to an OXY monument set for the most northerly northeast corner of this tract, said point being the point of curvature for a curve to the right from which the radius bears S-01°-38'-55"-E, 266.26, said curve having a central angle of 112°-57'-40" and a tangent of 401.98';

THENCE, along said curve and right-of-way, an arc length of **524.94'** to the **POINT OF BEGINNING** and containing 478.551-acres of land of which 6.849-acres are within the right-of-way of F.M. 1069.

SAVE AND EXCEPT TRACT V, CAMPUS "A"

Save and except an 8.496 acre tract of land, more or less, herein designated Tract V, Campus "A", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 8.496-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" steel rod set for the northwest corner of this tract and having coordinates of N 17193449.71, E 1402151.38, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found in the south right-of-way of F.M. Road 1069 for the lower northwest corner of said 478.551-acre tract bears N-68°-50'-39"-W, 60.00' and N-21°-09'-21"-E, 2081.34';

THENCE, S-68°-50'-39"-E, a distance of **535.54'** to a 5/8" steel rod set 40' west of the centerline of Wisconsin Road as constructed for the northeast corner of this tract, said point being the non-tangent point of curvature for a curve to the left from which the radius bears S-48°-23'-39"-E, 455.00', said curve having a central angle of 25°-14'-53" and a tangent of 101.90';

THENCE, continuing along said curve and 40' offset, an arc length of **200.50'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-16°-21'-28"-W, continuing along 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-73°-38'-32"-W, 675.00', said curve having a central angle of 28°-08'-16" and a tangent of 169.16';

THENCE, continuing along said curve and 40' offset, an arc length of **331.49'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-44°-29'-44"-W, a distance of **30.41'** to a 5/8 steel rod set for the point of curvature for a curve to the left from which the radius bears S-45°-30'-16"-E, 1255.00', said curve having a central angle of 01°-24'-37" and a tangent of 15.45';

THENCE, continuing along said curve and 40' offset, an arc length of **30.89'** to a 5/8" steel rod set for the southeast corner of this tract;

THENCE, N-68°-50'-39"-W, a distance of **444.41'** to a 5/8" steel rod set for the southwest corner of this tract;

THENCE, N-21°-09'-21"-E, a distance of **729.30'** to the **POINT OF BEGINNING** and containing 8.496-acres of land, more or less.

SAVE AND EXCEPT TRACT VI, CAMPUS "B"

Save and except an 85.947 acre tract of land, more or less, herein designated Tract VI, Campus "B", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 85.947-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" steel rod set in a 40' offset from the centerline of South Coral Sea Road as constructed for the lower northeast corner of this tract and having coordinates of N 17192761.03, E 1404254.52, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas and an interior corner in the east line of said 478.551-acre tract bears S-78°-59'-23"-E, 788.23';

THENCE, S-21°-07'-17"-W, continuing along said 40' offset, a distance of **63.27'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-68°-52'-43"-W, 675.00', said curve having a central angle of 15°-05'-38" and a tangent of 89.43';

THENCE, continuing along said curve and 40' offset, an arc length of **177.82'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-36°-12'-56"-W, continuing along 40' offset, a distance of **140.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-53°-47'-04"-E, 855.00', said curve having a central angle of 35°-56'-54" and a tangent of 277.38';

THENCE, continuing along said curve and 40' offset, an arc length of **536.44'** to a Mag nail set in asphalt paving for the point of tangency;

THENCE, S-00°-16'-01"-W, a distance of **268.99'** to a 5/8 steel rod set for the point of curvature for a curve to the right from which the radius bears N-89°-43'-59"-W, 1175.00', said curve having a central angle of 45°-21'-40" and a tangent of 491.05';

THENCE, continuing along said curve and 40' offset, an arc length of **930.25'** to a 5/8" steel rod set for the upper southeast corner of this tract and the point of compound curvature for a curve to the right from which the radius bears N-44°-22'-19"-W, 50.00', said curve having a central angle of 85°-00'-14" and a tangent of 45.82';

THENCE, continuing along said curve, an arc length of **74.18'** to a 5/8" steel rod set in a 40' offset from the centerline of Midway Road as constructed and the lower southeast corner of this tract for the point of reverse curvature for a curve to the left from which the radius bears S-40°-37'-58"-W, 505.00', said curve having a central angle of 39°-45'-31" and a tangent of 182.60';

THENCE, continuing along said curve and 40' offset, an arc length of **350.43'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-89°-07'-35"-W, continuing along said 40' offset, a distance of **84.85'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-00°-52'-25"-E, 475.00', said curve having a central angle of 20°-14'-52" and a tangent of 84.81';

THENCE, continuing along said curve and 40' offset, an arc length of **167.86'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-68°-52'-43"-W, continuing along said 40' offset, a distance of **201.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-21°-07'-17"-W, 530.00', said curve having a central angle of 07°-30'-56" and a tangent of 34.81';

THENCE, continuing along said curve and 40' offset, an arc length of **69.52'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-76°-23'-38"-W, continuing along said 40' offset, a distance of **106.64'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-13°-36'-22"-E, 475.00', said curve having a central angle of 26°-57'-20" and a tangent of 113.84';

THENCE, continuing along said curve and 40' offset, an arc length of **223.47'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-49°-26'-18"-W, continuing along 40' offset, a distance of **87.14'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-40°-33'-42"-W, 455.00', said curve having a central angle of 29°-59'-07" and a tangent of 121.85';

THENCE, continuing along said curve and 40' offset, an arc length of **238.12'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-79°-25'-26"-W, continuing along said 40' offset, a distance of **24.84'** to a 5/8" steel rod set for the lower southwest corner of this tract and the point of curvature for a curve to the right from which the radius bears N-10°-34'-34"-E, 50.00', said curve having a central angle of 84°-40'-18" and a tangent of 45.55';

THENCE, continuing along said curve, an arc length of **73.89'** to a 5/8" steel rod set in a 40' offset from the centerline of Wisconsin Road as constructed for the upper southwest corner of this tract and for the point of tangency;

THENCE, N-05°-15'-11"-E, continuing along said 40' offset, a distance of **444.22'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears S-84°-44'-49"-E, 1175.00', said curve having a central angle of 39°-14'-33" and a tangent of 418.89';

THENCE, continuing along said curve and 40' offset, an arc length of **804.77'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-44°-29'-44"-E, continuing along 40' offset, a distance of **30.41'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-45°-30'-16"-W, 755.00', said curve having a central angle of 28°-08'-17" and a tangent of 189.21';

THENCE, continuing along said curve and 40' offset, an arc length of **370.78'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-16°-21'-28"-E, continuing along said 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the lower northwest corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-73°-38'-32"-E, 375.00', said curve having a central angle of 94°-45'-51" and a tangent of 407.55';

THENCE, continuing along said curve, an arc length of **620.23'** to a 5/8" steel rod set in a 40' offset from the centerline of Ticonderoga Road as constructed for the upper northwest corner of this tract and for the point of tangency;

THENCE, S-68°-52'-43"-E, a distance of **1148.24'** to a 5/8" steel rod set for the upper northeast corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-21°-07'-17"-W, 100.00', said curve having a central angle of 90°-00'-01" and a tangent of 100.00';

THENCE, continuing along said curve, an arc length of **157.08'** to the **POINT OF BEGINNING** and containing 85.947-acres of land, more or less.

SAVE AND EXCEPT TRACT VII, CAMPUS "C"

Save and except a 5.280 acre tract of land, more or less, herein designated Tract VII, Campus "C", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 in San Patricio County, Texas, said 5.280-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" steel rod set for the northeast corner of this tract and having coordinates of N 17192157.44, E 1404820.86, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract of land described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas bears S-68°-51'-20"-E, 30.00' and N-21°-08'-40"-E, 497.36';

THENCE, S-21°-08'-40"-W, a distance of **258.89'** to a 5/8" steel rod set for the southeast corner of this tract;

THENCE, N-68°-51'-20"-W, a distance of **554.93'** to a drill hole set in concrete for an interior corner in the south line of this tract;

THENCE, S-21°-17'-40"-W, a distance of **35.01'** to a drill hole set in concrete for an exterior corner in the south line of this tract;

THENCE, N-68°-49'-05"-W, a distance of **197.93'** to a drill hole set in concrete 40' east of the centerline of South Coral Sea Road as constructed for the southwest corner of this tract, said point being the non-tangent point of curvature for a curve to the right from which the radius bears S-72°-59'-03"-E, 775.00', said curve having a central angle of 19°-11'-59" and a tangent of 131.08';

THENCE, continuing along said 40' offset and curve, an arc length of **259.70'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-36°-12'-56"-E, continuing along said 40' offset, a distance of **140.09'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-53°-47'-04"-W, 755.00', said curve having a central angle of 01°-00'-03" and a tangent of 6.60';

THENCE, continuing along said 40' offset and curve, an arc length of **13.19'** to a 5/8" steel rod set for the northwest corner of this tract;

THENCE, S-55°-00'-01"-E, a distance of **282.69'** to a drill hole set in concrete for the point of curvature for a curve to the left from which the radius bears N-34°-59'-59"-E, 202.50', said curve having a central angle of 13°-45'-14" and a tangent of 24.42';

THENCE, along said curve, an arc length of **48.61'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-68°-45'-15"-E, a distance of **60.33'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears N-21°-14'-45"-E, 20.00', said curve having a central angle of 89°-45'-14" and a tangent of 19.91';

THENCE, continuing along said 40' offset and curve, an arc length of **31.33'** to a drill hole set in concrete for the point of tangency;

THENCE, N-21°-29'-38"-E, a distance of **12.27'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

THENCE, S-68°-36'-41"-E, a distance of **23.78'** to a drill hole set in concrete for an exterior corner in the north line of this tract;

THENCE, S-20°-53'-41"-W, a distance of **30.14'** to a Mag nail set in concrete for an interior corner of this tract;

THENCE, S-69°-08'-07"-E, a distance of **20.02'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

THENCE, S-21°-12'-41"-W, a distance of **39.89'** to a 5/8" steel rod set for an interior corner of this tract;

THENCE, S-68°-51'-20"-E, a distance of **241.64'** to the **POINT OF BEGINNING** and containing 5.280-acres of land, more or less.

TRACT II
(435.7 Acres)

A 435.7 acre tract of land, more or less, herein called Tract II, being the 258.879-acre "Exhibit A" in a correction deed to The Port of Corpus Christi Authority as recorded in Clerks File #512869, Real Property Records, San Patricio County, Texas, 74.71-acres as described in a deed to The Port of Corpus Christi Authority as recorded in Clerks File #353260, Real Property Records, San Patricio County, Texas, a called 98.44-acre tract described in a deed to The Port of Corpus Christi Authority as recorded in Clerks File #353262, Real Property Records, San Patricio County, Texas and a called 3.861-acre tract described in a quitclaim deed to The Port of Corpus Christi Authority as recorded in Clerks File #508819, Real Property Records, San Patricio County, Texas, all being out of the L. Von Zacharias Survey 1, Abstract 271, the T.H. Judson Survey 63, Abstract 177, the J. Robinson Survey, Abstract 225 and the T.T. Williamson Survey, Abstract 295, all in San Patricio County, Texas, said 435.7-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a broken concrete monument found in the original south right-of-way of F.M. Road 1069 for the northwest corner of a called 483.158-acre tract of land described as Tract I in a deed to the Department of the Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and the northeast corner of this tract, said monument having coordinates of N 17195564.17, E 1402905.32, Texas State Plane Coordinates, South Zone, NAD 83;

THENCE, S-21°-09'-21"-W, at 162.72' pass a monument with a cap stamped "OXY Ingleside Property Holdings", herein after referred to as "an OXY monument", set at the time of this survey to replace the original found property marker in the existing south right-of-way of F.M. 1069 for the southeast corner of a tract described in Clerks File #383009, Real Property Records, San Patricio County, Texas, at 6471.50' pass a found concrete monument with a square brass plate previously set for reference, at 6528.43' pass an OXY monument set online for reference, in all a distance of **6628.43'** to an unmarked point on the existing shoreline for the southeast corner of this tract and being the beginning of the state land boundary as measured along the 0.7' contour;

THENCE, along the north line of a 29.26-acre tract, herein called Tract III, said line being the 0.7' contour as observed on this date, the following calls;

N-84°-55'-44"-W, a distance of **90.28'**;

N-80°-56'-04"-W, a distance of **90.53'**;
N-73°-42'-00"-W, a distance of **117.72'**;
N-76°-25'-18"-W, a distance of **94.85'**;
N-79°-09'-39"-W, a distance of **99.99'**;
N-81°-46'-03"-W, a distance of **83.76'**;
N-82°-55'-50"-W, a distance of **74.82'**;
S-85°-18'-45"-W, a distance of **71.05'**;
S-89°-06'-28"-W, a distance of **75.93'**;
S-89°-05'-16"-W, a distance of **91.98'**;
N-83°-31'-46"-W, a distance of **125.10'**;
N-67°-25'-49"-W, a distance of **95.44'**;

THENCE, N-52°-26'-36"-W, a distance of **31.20'** to an unmarked point which is the point of intersection of the current shoreline and a line created to parallel the east line of this tract for the northwest corner of said Tract III and the southwest corner of this tract;

THENCE, N-21°-09'-21"-E, at 30.00' set an OXY monument online for reference, in all a distance of **71.36'** to an OXY monument set for the southwest corner of said 3.861-acre tract and an interior corner of this tract;

THENCE, N-01°-14'-20"-W, along a line which is the extension of the east right-of-way of Rustic Avenue as shown on the plat of Ingleside Townsite as recorded in Volume 5, Page 39, Map Records, San Patricio County, Texas, at 316.16' pass the northwest corner of said 3.861-acre tract and the southwest corner of said 258.879-acre tract, from this point continuing along said right-of-way as platted (70' r.o.w.), in all a distance of **898.51'** to an OXY monument set in the northeast right-of-way of Live Oak Street (50' r.o.w.) as shown on said plat for an interior corner of this tract;

THENCE, N-53°-28'-10"-W, along said right-of-way, a distance of **2425.49'** to an OXY monument set in the southeast right-of-way of Wildwood Drive (50' r.o.w.) as shown on said plat for an exterior corner in the west line of this tract;

THENCE, N-36°-31'-10"-E, along said right-of-way, a distance of **349.90'** to an OXY monument set in the northeast right-of-way of Ebony Street (49.90' r.o.w.) as shown on said plat for an interior corner in the west line of this tract;

THENCE, N-53°-28'-50"-W, along said right-of-way, a distance of **210.00'** to an OXY monument set for the south corner of Lot 1, Block 105, as shown on the old map of Ingleside Townsite as recorded in Volume 2, Pages 5 and 6, Map Records, San Patricio County, several blocks of which have been vacated except those portions of Blocks 105 and 93 as described in a Cession Agreement recorded in Clerks File 587749, Real Property Records, San Patricio County, Texas and for an exterior corner in the west line of this tract;

THENCE, N-36°-31'-10"-E, a distance of **300.00'** to an OXY monument set for the east corner of Lot 6 in said Block 105 and the southwest right-of-way of Fifteenth Street (unopened 49.90' r.o.w.) for an exterior corner in the west line of this tract;

THENCE, S-53°-28'-50"-E, along said right-of-way, a distance of **10.00'** to an OXY monument set in the centerline of a 20' wide alley shown on said plat for an interior corner in the west line of this tract;

THENCE, N-36°-31'-10"-E, along the center of said alley, a distance of **150.32'** to an OXY monument set found for an interior corner in the west line of this tract;

THENCE, N-53°-28'-50"-W, at 10' pass the east corner of Lot 5, Block 93 of said subdivision, in all a distance of **149.64'** to an OXY monument set in the south right-of-way of Starlight Drive (50' r.o.w.) for the north corner of said Lot 5 and an exterior corner in the west line of this tract;

THENCE, N-36°-30'-45"-E, along said right-of-way, a distance of **2782.72'** to an OXY monument set in said east right-of-way of Rustic Avenue for an interior corner in the west line of this tract;

THENCE, N-01°-13'-43"-W, along said right-of-way, at 392.73 pass an OXY monument set in the existing south right-of-way of F.M. 1069, in all a distance of **402.73'** to an OXY monument set in the original south right-of-way of said F.M. 1069 for the northwest corner of this tract;

THENCE, N-88°-21'-05"-E, along said original right-of-way, a distance of **3609.81'** to the **POINT OF BEGINNING** and containing 435.7-acres of land of which 3.677-acres are within the right-of-way of F.M. 1069.

EXHIBIT B
TO
SPECIAL WARRANTY DEED
GRANTOR'S ADJACENT LANDS

TRACT V
(Campus "A" - 8.496 acres)

An 8.496 acre tract of land, more or less, herein designated Tract V, Campus "A", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 8.496-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" steel rod set for the northwest corner of this tract and having coordinates of N 17193449.71, E 1402151.38, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found in the south right-of-way of F.M. Road 1069 for the lower northwest corner of said 478.551-acre tract bears N-68°-50'-39"-W, 60.00' and N-21°-09'-21"-E, 2081.34';

THENCE, S-68°-50'-39"-E, a distance of **535.54'** to a 5/8" steel rod set 40' west of the centerline of Wisconsin Road as constructed for the northeast corner of this tract, said point being the non-tangent point of curvature for a curve to the left from which the radius bears S-48°-23'-39"-E, 455.00', said curve having a central angle of 25°-14'-53" and a tangent of 101.90';

THENCE, continuing along said curve and 40' offset, an arc length of **200.50'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-16°-21'-28"-W, continuing along 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-73°-38'-32"-W, 675.00', said curve having a central angle of 28°-08'-16" and a tangent of 169.16';

THENCE, continuing along said curve and 40' offset, an arc length of **331.49'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-44°-29'-44"-W, a distance of **30.41'** to a 5/8 steel rod set for the point of curvature for a curve to the left from which the radius bears S-45°-30'-16"-E, 1255.00', said curve having a central angle of 01°-24'-37" and a tangent of 15.45';

THENCE, continuing along said curve and 40' offset, an arc length of **30.89'** to a 5/8" steel rod set for the southeast corner of this tract;

THENCE, N-68°-50'-39"-W, a distance of **444.41'** to a 5/8" steel rod set for the southwest corner of this tract;

THENCE, N-21°-09'-21"-E, a distance of **729.30'** to the **POINT OF BEGINNING** and containing 8.496-acres of land, more or less.

TRACT VI
(Campus "B" – 85.947 acres)

An 85.947 acre tract of land, more or less, herein designated Tract VI, Campus "B", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 and the T.H. Judson Survey 63, Abstract 177, both in San Patricio County, Texas, said 85.947-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" steel rod set in a 40' offset from the centerline of South Coral Sea Road as constructed for the lower northeast corner of this tract and having coordinates of N 17192761.03, E 1404254.52, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas and an interior corner in the east line of said 478.551-acre tract bears S-78°-59'-23"-E, 788.23';

THENCE, S-21°-07'-17"-W, continuing along said 40' offset, a distance of **63.27'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-68°-52'-43"-W, 675.00', said curve having a central angle of 15°-05'-38" and a tangent of 89.43';

THENCE, continuing along said curve and 40' offset, an arc length of **177.82'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-36°-12'-56"-W, continuing along 40' offset, a distance of **140.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-53°-47'-04"-E, 855.00', said curve having a central angle of 35°-56'-54" and a tangent of 277.38';

THENCE, continuing along said curve and 40' offset, an arc length of **536.44'** to a Mag nail set in asphalt paving for the point of tangency;

THENCE, S-00°-16'-01"-W, a distance of **268.99'** to a 5/8 steel rod set for the point of curvature for a curve to the right from which the radius bears N-89°-43'-59"-W, 1175.00', said curve having a central angle of 45°-21'-40" and a tangent of 491.05';

THENCE, continuing along said curve and 40' offset, an arc length of **930.25'** to a 5/8" steel rod set for the upper southeast corner of this tract and the point of compound curvature for a

curve to the right from which the radius bears N-44°-22'-19"-W, 50.00', said curve having a central angle of 85°-00'-14" and a tangent of 45.82';

THENCE, continuing along said curve, an arc length of **74.18'** to a 5/8" steel rod set in a 40' offset from the centerline of Midway Road as constructed and the lower southeast corner of this tract for the point of reverse curvature for a curve to the left from which the radius bears S-40°-37'-58"-W, 505.00', said curve having a central angle of 39°-45'-31" and a tangent of 182.60';

THENCE, continuing along said curve and 40' offset, an arc length of **350.43'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-89°-07'-35"-W, continuing along said 40' offset, a distance of **84.85'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-00°-52'-25"-E, 475.00', said curve having a central angle of 20°-14'-52" and a tangent of 84.81';

THENCE, continuing along said curve and 40' offset, an arc length of **167.86'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-68°-52'-43"-W, continuing along said 40' offset, a distance of **201.09'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-21°-07'-17"-W, 530.00', said curve having a central angle of 07°-30'-56" and a tangent of 34.81';

THENCE, continuing along said curve and 40' offset, an arc length of **69.52'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-76°-23'-38"-W, continuing along said 40' offset, a distance of **106.64'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears N-13°-36'-22"-E, 475.00', said curve having a central angle of 26°-57'-20" and a tangent of 113.84';

THENCE, continuing along said curve and 40' offset, an arc length of **223.47'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-49°-26'-18"-W, continuing along 40' offset, a distance of **87.14'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears S-40°-33'-42"-W, 455.00', said curve having a central angle of 29°-59'-07" and a tangent of 121.85';

THENCE, continuing along said curve and 40' offset, an arc length of **238.12'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-79°-25'-26"-W, continuing along said 40' offset, a distance of **24.84'** to a 5/8" steel rod set for the lower southwest corner of this tract and the point of curvature for a curve to the right from which the radius bears N-10°-34'-34"-E, 50.00', said curve having a central angle of 84°-40'-18" and a tangent of 45.55';

THENCE, continuing along said curve, an arc length of **73.89'** to a 5/8" steel rod set in a 40' offset from the centerline of Wisconsin Road as constructed for the upper southwest corner of this tract and for the point of tangency;

THENCE, N-05°-15'-11"-E, continuing along said 40' offset, a distance of **444.22'** to a 5/8" steel rod set for the point of curvature for a curve to the right from which the radius bears S-84°-44'-49"-E, 1175.00', said curve having a central angle of 39°-14'-33" and a tangent of 418.89';

THENCE, continuing along said curve and 40' offset, an arc length of **804.77'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-44°-29'-44"-E, continuing along 40' offset, a distance of **30.41'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-45°-30'-16"-W, 755.00', said curve having a central angle of 28°-08'-17" and a tangent of 189.21';

THENCE, continuing along said curve and 40' offset, an arc length of **370.78'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-16°-21'-28"-E, continuing along said 40' offset, a distance of **152.49'** to a 5/8" steel rod set for the lower northwest corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-73°-38'-32"-E, 375.00', said curve having a central angle of 94°-45'-51" and a tangent of 407.55';

THENCE, continuing along said curve, an arc length of **620.23'** to a 5/8" steel rod set in a 40' offset from the centerline of Ticonderoga Road as constructed for the upper northwest corner of this tract and for the point of tangency;

THENCE, S-68°-52'-43"-E, a distance of **1148.24'** to a 5/8" steel rod set for the upper northeast corner of this tract and for the point of curvature for a curve to the right from which the radius bears S-21°-07'-17"-W, 100.00', said curve having a central angle of 90°-00'-01" and a tangent of 100.00';

THENCE, continuing along said curve, an arc length of **157.08'** to the **POINT OF BEGINNING** and containing 85.947-acres of land, more or less.

TRACT VII
(Campus "C" – 5.280 acres)

A 5.280 acre tract of land, more or less, herein designated Tract VII, Campus "C", being out of the 478.551-acre remainder of a 483.158-acre tract known as Tract I as described in a deed to The Department of The Navy as recorded in Volume 2081, Page 483, Deed Records, Nueces County, Texas and being out of the L. Von Zacharias Survey 1, Abstract 271 in San Patricio County, Texas, said 5.280-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" steel rod set for the northeast corner of this tract and having coordinates of N 17192157.44, E 1404820.86, Texas State Plane Coordinates, South Zone, NAD 83, from which an OXY monument found for the northwest corner of a 1.62-acre tract of land described as "Parcel A" in a deed to Flint Hills as recorded in Clerks File #606859, Official Public Records, San Patricio County, Texas bears S-68°-51'-20"-E, 30.00' and N-21°-08'-40"-E, 497.36';

THENCE, S-21°-08'-40"-W, a distance of **258.89'** to a 5/8" steel rod set for the southeast corner of this tract;

THENCE, N-68°-51'-20"-W, a distance of **554.93'** to a drill hole set in concrete for an interior corner in the south line of this tract;

THENCE, S-21°-17'-40"-W, a distance of **35.01'** to a drill hole set in concrete for an exterior corner in the south line of this tract;

THENCE, N-68°-49'-05"-W, a distance of **197.93'** to a drill hole set in concrete 40' east of the centerline of South Coral Sea Road as constructed for the southwest corner of this tract, said point being the non-tangent point of curvature for a curve to the right from which the radius bears S-72°-59'-03"-E, 775.00', said curve having a central angle of 19°-11'-59" and a tangent of 131.08';

THENCE, continuing along said 40' offset and curve, an arc length of **259.70'** to a 5/8" steel rod set for the point of tangency;

THENCE, N-36°-12'-56"-E, continuing along said 40' offset, a distance of **140.09'** to a Mag nail set in asphalt paving for the point of curvature for a curve to the left from which the radius bears N-53°-47'-04"-W, 755.00', said curve having a central angle of 01°-00'-03" and a tangent of 6.60';

THENCE, continuing along said 40' offset and curve, an arc length of **13.19'** to a 5/8" steel rod set for the northwest corner of this tract;

THENCE, S-55°-00'-01"-E, a distance of **282.69'** to a drill hole set in concrete for the point of curvature for a curve to the left from which the radius bears N-34°-59'-59"-E, 202.50', said curve having a central angle of 13°-45'-14" and a tangent of 24.42';

THENCE, along said curve, an arc length of **48.61'** to a 5/8" steel rod set for the point of tangency;

THENCE, S-68°-45'-15"-E, a distance of **60.33'** to a 5/8" steel rod set for the point of curvature for a curve to the left from which the radius bears N-21°-14'-45"-E, 20.00', said curve having a central angle of 89°-45'-14" and a tangent of 19.91';

THENCE, continuing along said 40' offset and curve, an arc length of **31.33'** to a drill hole set in concrete for the point of tangency;

THENCE, N-21°-29'-38"-E, a distance of **12.27'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

THENCE, S-68°-36'-41"-E, a distance of **23.78'** to a drill hole set in concrete for an exterior corner in the north line of this tract;

THENCE, S-20°-53'-41"-W, a distance of **30.14'** to a Mag nail set in concrete for an interior corner of this tract;

THENCE, S-69°-08'-07"-E, a distance of **20.02'** to a 5/8" steel rod set for an exterior corner in the north line of this tract;

THENCE, S-21°-12'-41"-W, a distance of **39.89'** to a 5/8" steel rod set for an interior corner of this tract;

THENCE, S-68°-51'-20"-E, a distance of **241.64'** to the **POINT OF BEGINNING** and containing 5.280-acres of land, more or less.

EXHIBIT C
TO
SPECIAL WARRANTY DEED

1. The following restrictive covenants of record itemized below:

Clerk's file No. 294033, Volume 455, Page 586, Deed Records of San Patricio County, Texas.
Clerk's file No. 578022, Volume 2081, Page 483, Deed Records of Nueces County, Texas and
under Clerk's file No. 363726, Official Public Records of San Patricio County, Texas.

2. Any shortages in area.

3. Intentionally omitted.

4. ANY TITLES OR RIGHTS asserted by anyone, including but not limited to persons, corporations, governments or other entities to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans or to any lands extending beyond the line of the harbor or bulkhead lines as established or changed by any government or to filled-in lands, or artificial islands, or to statutory water rights, including riparian rights, or to the area extending from the line of mean low tide to the line of vegetation, or the right of access to that area or easement along and across that area.

5. Standby fees, taxes and assessments by any taxing authority for the year 2012, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.

6. The matters and terms set forth in the following documents:

Documents applicable to Tracts I, II, III & IV:

- a. Rights of the public in and to any portion of subject property lying within FM 1069 along the Northern boundary of Tract I.
- b. 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 whether listed herein or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed herein.

Documents applicable to Tract I:

- c. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated December 28, 1938 recorded in Volume 32, Page 526, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument

is here made for particulars.

- d. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated January 15, 1969 and recorded in Volume 69, Page 1, Oil and Gas Records of Aransas County, Texas and in Volume 209, Page 281, Deed Records of San Patricio County, Texas which document contains the following language: reservation of an undivided 1/2 interest in and to all oil, gas and other minerals in and under or hereafter produced from the above described land. Reference to which instrument is here made for full particulars.
- e. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated November 6, 1937 recorded in Volume 129, Page 566, Oil and Gas Records of San Patricio County, Texas; Amended by instrument recorded in Volume 134, Page 439, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- f. Right of Way Easement dated July 28, 1950 executed by Ingleside Land Co. to Tennessee Gas Transmission Co., recorded under Clerk's file No. 71075, Volume 165, Page 352, Deed Records of San Patricio County, Texas, (Affects Tract I only) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- g. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated December 22, 1958 recorded in Volume 240, Page 473, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- h. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated January 15, 1969, recorded under Clerk's file No. 196435, Volume 382, Page 452, Deed Records of San Patricio County, Texas which document contains the following language "conveyance of surface estate only". Reference to which instrument is here made for full particulars.
- i. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated August 12, 1981 recorded in Volume 308, Page 359, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- j. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated August 26, 1981 recorded in Volume 308, Page 377, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- k. Terms, provisions and conditions as contained in Memorandum of Agreement for Donation of Land and Establishment of Homeport dated June 8, 1987 by and between the United States of America and the Port of Corpus Christi Authority recorded under Clerk's file No. 363659, Official Public Records of San Patricio County, Texas, also recorded under Clerk's file No. 578021, Official Public Records of Nueces County, Texas. Amendment recorded under Clerk's file No. 373407, Official Public Records of San Patricio County, Texas. Amendment recorded under Clerk's file No. 373408, Official Public Records of San Patricio County, Texas.

- l. Terms, provisions and conditions as contained in Special Warranty Deed dated September 15, 1987 executed by Port of Corpus Christi Authority to United States America, acting by and through the Department of the Navy recorded under Clerk's file No. 578022, Volume 2081, Page 483, Deed Records of Nueces County, Texas and under Clerk's file No. 363726, Official Public Records of San Patricio County, Texas. (contains reverter clause)
- m. Subordination of Reversionary Interest dated September 20, 1988 executed by the Port of Corpus Christi Authority to State of Texas recorded under Clerk's file No. 374149, Official Public Records of San Patricio County, Texas, located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- n. Grant of Easement dated December 23, 1987 between the United States of America and the State of Texas Highway Department recorded under Clerk's file No. 374150, Official Public Records of San Patricio County, Texas, located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- o. Grant of Easement dated February 6, 1990 executed by and between the United States of America and GTE Southwest Incorporated recorded under Clerk's file No. 386560, Official Public Records of San Patricio County, Texas, (Affects Tract I only) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- p. Intentionally omitted.
- q. Intentionally omitted.
- r. Intentionally omitted.
- s. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated February 19, 2003 recorded under Clerk's file No. 515627, Official Public Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- t. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated November 14, 2006 recorded under Clerk's file No. 562965, Official Public Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- u. Intentionally omitted.
- v. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196735, Volume 209, Page 327, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- w. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No.

196736 Volume 209, Page 373, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.

- x. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196737, Volume 209, Page 419, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- y. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196738, Volume 209, Page 465, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- z. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196739, Volume 210, Page 1, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- aa. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated June 26, 1959 recorded in Volume 246, Page 311, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- bb. Intentionally omitted.
- cc. Intentionally omitted.
- dd. Acknowledgment of Reversion effectively dated April 30, 2010 recorded under Clerk's file No. 600060, Official Public Records of San Patricio County, Texas (Affects Tracts I and IV).
- ee. 50' foot Pipeline Easement date January 10th, 2011, recorded on, February 7, 2011, under Clerk's file No. 606142, Official Public Records of San Patricio County, Texas, (Affects Tract I) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- ff. Special Warranty Deed, dated March 7, 2011, between the Port of Corpus Christi Authority of Nueces County, Texas and Flint Hills Resources Corpus Christi, LLC, recorded on March 7, 2011 under Clerk's File No.606859, Official Public Records of San Patricio County, Texas, (conveying portion of subject property, contains numerous provisions) (Affects Tracts I and IV) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- gg. 10 foot Pipeline Easement date February 17, 2011, recorded on, March 10, 2011, under Clerk's file No. 2011008369, Official Public Records of Nueces County, Texas, (Affects Tract I) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.

Documents applicable to Tract II:

- hh. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated December 28, 1938 recorded in Volume 32, Page 526, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- ii. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated January 15, 1969 and recorded in Volume 69, Page 1, Oil and Gas Records of Aransas County, Texas and in Volume 209, Page 281, Deed Records of San Patricio County, Texas which document contains the following language: reservation of an undivided 1/2 interest in and to all oil, gas and other minerals in and under or hereafter produced from the above described land. Reference to which instrument is here made for full particulars.
- jj. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated November 6, 1957 recorded in Volume 129, Page 566, Oil and Gas Records of San Patricio County, Texas. Amendment recorded in Volume 134, Page 439, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- kk. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated December 22, 1958 recorded in Volume 240, Page 473, Deed Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- ll. Intentionally omitted.
- mm. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated January 15, 1969, recorded under Clerk's file No. 196435, Volume 382, Page 452, Deed Records of San Patricio County, Texas which document contains the following language "conveyance of surface estate only". Reference to which instrument is here made for full particulars.
- nn. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated August 12, 1981 recorded in Volume 308, Page 359, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- oo. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated August 26, 1981 recorded in Volume 308, Page 377, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- pp. Easement and Right of Way dated February 28, 1989 executed by Port of Corpus Christi Authority to Central Power and Light Company recorded under Clerk's file No. 377701, Official Public Records of San Patricio County, Texas located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- qq. Easement and Right of Way dated February 28, 1989 executed by Port of Corpus Christi

Authority to Central Power and Light Company recorded under Clerk's file No. 377702, Official Public Records of San Patricio County, Texas, located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012. (Substation)

- rr. Right of Way Deed dated August 8, 1989 executed by Port of Corpus Christi Authority of Nueces County, Texas to State of Texas recorded under Clerk's file No. 383009, Official Public Records of San Patricio County, Texas, (Affects Tract II only) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- ss. Intentionally omitted.
- tt. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated February 19, 2003 recorded under Clerk's file No. 515627, Official Public Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- uu. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated December 19, 2006, by and between Dagger Island Partners, Ltd., as Lessor, and Davis Petroleum Corp., as Lessee, recorded under Clerk's file No. 564436, Official Public Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- vv. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196734, Volume 209, Page 281, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- ww. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196735, Volume 209, Page 327, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- xx. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded in Volume 209, Page 373, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- yy. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196737, Volume 209, Page 419, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- zz. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No. 196738, Volume 209, Page 465, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- aaa. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 15, 1969 recorded under Clerk's file No.

196739, Volume 210, Page 1, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.

- bbb. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated June 26, 1959 recorded in Volume 246, Page 311, Deed Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- ccc. Intentionally omitted.
- ddd. Intentionally omitted.
- eee. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated October 21, 2002 and recorded under Clerk's file No. 508818, Official Public Records of San Patricio County, Texas; As recorded and refiled under Clerk's file No. 512869, Official Public Records of San Patricio County, Texas which document contains the following language: reservation of an undivided 50% interest in and to all oil, gas and other minerals in and under or hereafter produced from the above described land. Reference to which instrument is here made for full particulars.
- fff. Easement by and between Ingleside Land Company and Central Power and Light Easement dated August 11, 1952 filed for record under Volume 179, Page 25, Deed Records of San Patricio County, Texas located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.

Documents applicable to Tract III:

- ggg. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated January 14, 1950, recorded under Clerk's file No. 294033, Volume 455, Page 586, Deed Records of Nueces County, Texas which document contains the following language "reserving all the minerals". Reference to which instrument is here made for full particulars.
- hhh. Intentionally omitted.
- iii. Intentionally omitted.
- jjj. Intentionally omitted.
- kkk. Utility Easement dated February 13, 1996 executed by Port of Corpus Christi Authority to Diamond Shamrock Refining Company, LP, a Delaware limited partnership recorded under Clerk's file No. 2000027718, Official Public Records of Nueces County, Texas. (no metes and bounds attached)

Documents applicable to Tract IV:

- III. ANY TITLES OR RIGHTS asserted by anyone, including but not limited to persons, corporations, governments or other entities to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans or to any land extending from the line of mean low tides to the line of vegetation, or to lands

beyond the line of the harbor or bulkhead lines as established or changed by any government or to filled lands, or artificial islands, or to riparian rights or the rights of interest of the State of Texas, or the public generally in the area extending from the line of mean low tide to the line of vegetation or their rights of access thereto or right to easement along and across the same.

- mmm. Terms, conditions, restrictions, and stipulations as contained in Patent 217 dated January 14, 1950 from the State of Texas to Nueces County Navigation District No. 1 recorded under Clerk's file No. 294033, Volume 455, Page 586, Deed Records of Nueces County, Texas and in Warranty Deed dated November 8, 1973 executed by Nueces County Navigation District No. 1 to Natural Gas Pipeline Company of America recorded under Clerk's file No. 932366, Volume 1482, Page 16, Deed Records of Nueces County, Texas.
- nnn. Coal, lignite, oil, gas or other mineral interest(s), together with rights incident thereto, contained in instrument dated January 14, 1950, recorded under Clerk's file No. 294033, Volume 455, Page 586, Deed Records of Nueces County, Texas which document contains the following language "reserving all the minerals". Reference to which instrument is here made for full particulars.
- ooo. Terms, provisions and conditions as contained in Memorandum of Agreement for Donation of Land and Establishment of Homeport dated June 8, 1987 by and between the United States of America and the Port of Corpus Christi Authority recorded under Clerk's file No. 363659, Official Public Records of San Patricio County, Texas. Amendment recorded under Clerk's file No. 373407, Official Public Records of San Patricio County, Texas. Amendment recorded under Clerk's file No. 373408, Official Public Records of San Patricio County, Texas.
- ppp. Terms, provisions and conditions as contained in Special Warranty Deed dated September 15, 1987 executed by Port of Corpus Christi Authority to United States America, acting by and through the Department of the Navy recorded under Clerk's file No. 578022, Volume 2081, Page 483, Deed Records of Nueces County, Texas and under Clerk's file No. 363726, Official Public Records of San Patricio County, Texas. (contains reverter clause)
- qqq. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated April 6, 1976, by and between The State of Texas., as Lessor, and Getty Oil Company., as Lessee, recorded under Clerk's file No. 11920, Volume 310, Page 374, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- rrr. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, dated October 7, 1980, by and between The State of Texas., as Lessor, and Getty Oil Company., as Lessee, recorded under Clerk's file No. 209440, Volume 342, Page 807, Oil and Gas Records of San Patricio County, Texas. Reference to which instrument is here made for particulars.
- sss. Acknowledgment of Reversion effectively dated April 30, 2010 recorded under Clerk's file No. 600060, Official Public Records of San Patricio County, Texas (Affects Tracts I and IV) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.

- ttt. Special Warranty Deed, dated March 7, 2011, between the Port of Corpus Christi Authority of Nueces County, Texas and Flint Hills Resources Corpus Christi, LLC, recorded on March 7, 2011 under Clerk's File No.606859, Official Public Records of San Patricio County, Texas (conveying portion of subject property, contains numerous provisions) (Affects Tracts I and IV) located and limited as shown on the survey prepared by David L. Nesbitt, P.L.S. #5302 of Coym, Rehmet & Gutierrez Engineering, L.P. dated May 9, 2011, last revised August 6, 2012.
- uuu. Memorandum of Lease recorded under Clerk's file No. 606954, Official Public Records of San Patricio County, Texas and Clerk's file No. 2011010166, Official Public Records of Nueces County, Texas.(Affects Tract IV)

Additional document applicable to Tracts I & IV:

- vvv. Terms, conditions and provisions as set forth in that certain Special Warranty Deed dated March 7, 2011, from Port of Corpus Christi Authority of Nueces County, Texas to Flint Hills Resources Corpus Christi, LLC, recorded under Clerk's File No. 606859, Official Public Records of San Patricio County, Texas.

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Gracie Alaniz-Gonzales

Gracie Alaniz-Gonzales, County Clerk
San Patricio Texas



November 08, 2012 08:57:31 AM

FEE: \$136.00
DEED

622714

CHARGE & RETURN TO:

San Jacinto Title Services
520 Lawrence Street
Corpus Christi, Texas 78401

GF#: 120221353

NUMBER OF PAGES: _____

FEE: _____

Doc# 2012044015
Pages 32
11/08/2012 10:28AM
e-Filed & e-Recorded in the
Official Public Records of
NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
Fees [REDACTED]

Any provision herein which restricts the Sale, Rental
or use of the described REAL PROPERTY because of
Race, Color, Religion, Sex, Handicap, Familial Status
or National Origin is invalid and unenforceable
under FEDERAL LAW, 3/12/89

STATE OF TEXAS
COUNTY OF NUECES
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS
FILED IN FILE NUMBER SEQUENCE ON THE DATE AND
AT THE TIME STAMPED HEREON BY ME AND WAS DULY
RECORDED IN THE OFFICIAL PUBLIC
RECORDS OF NUECES COUNTY TEXAS

 *Diana T. Barrera*
COUNTY CLERK
NUECES COUNTY TEXAS



Enbridge
Energy Center Five
915 N Eldridge Parkway,
Suite 1100
Houston, Texas 77056

November 12, 2024

Permission for Land Use

Enbridge Ingleside Oil Terminal, LLC gives permission to Ingleside Clean Ammonia Partners, LLC (ICAP) to use the property located at 1450 Lexington Blvd, Ingleside, San Patricio County, Texas for construction and operation of a low carbon ammonia facility. This permit allows ICAP to install and maintain equipment for water withdrawal for industrial use from the Corpus Christi Bay.

A handwritten signature in blue ink, appearing to read 'Luis Perez Vera', with a large, stylized flourish extending to the left.

Luis Perez Vera

Vice President USGC Terminal Operations
Energy Centre Five, 915 N Eldridge Parkway, Suite 1100
Houston, TX 77079

APPENDIX E

CORPORATE AUTHORIZATION FOR DULY AUTHORIZED REPRESENTATIVE



INGLESIDE CLEAN AMMONIA PARTNERS, LLC

UNANIMOUS WRITTEN CONSENT OF

THE BOARD OF MANAGERS

September 18, 2024

Subject: Removal and Election of Officers

The undersigned, being all of the Managers of Ingleside Clean Ammonia Partners, LLC, a Delaware limited liability company (the “**Company**”), do hereby, in conformity with the laws of the State of Delaware (as may be amended from time to time), consent to the adoption of the following resolutions, as though such resolutions had been unanimously adopted at a meeting of the Board of Managers of the Company duly called, noticed, convened and held for the purpose of considering the same, and direct that this consent be filed with the minutes of the proceedings of the Company.

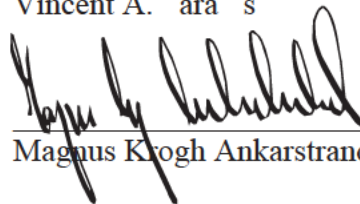
IN WITNESS WHEREOF, all of the Managers of the Company have executed this Consent in one or more counterparts effective as of the date first written above.



Luis F. Perez



Vincent A. Parris



Magnus Knogh Ankarstrand

Lise Winther

INGLESIDE CLEAN AMMONIA PARTNERS, LLC

UNANIMOUS WRITTEN CONSENT OF

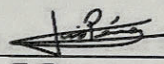
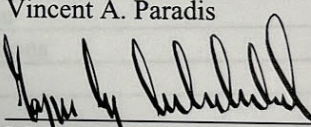
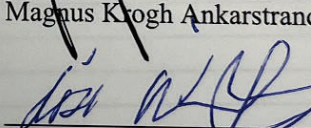
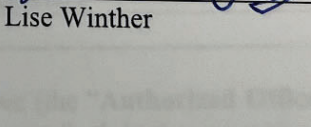
THE BOARD OF MANAGERS

September 18, 2024

Subject: Removal and Election of Officers

The undersigned, being all of the Managers of Ingleside Clean Ammonia Partners, LLC, a Delaware limited liability company (the "**Company**"), do hereby, in conformity with the laws of the State of Delaware (as may be amended from time to time), consent to the adoption of the following resolutions, as though such resolutions had been unanimously adopted at a meeting of the Board of Managers of the Company duly called, noticed, convened and held for the purpose of considering the same, and direct that this consent be filed with the minutes of the proceedings of the Company.

IN WITNESS WHEREOF, all of the Managers of the Company have executed this Consent in one or more counterparts effective as of the date first written above.

Signature	Title	Effective Date
	Vice President, Operations	August 2, 2024
Luis E. Perez		
	President	
Vincent A. Paradis		
	Vice President, Finance	
Magnus Krogh Ankarstrand		
	Vice President, Operations	
Lise Winther		

Removal of Officer

WHEREAS, roles of various management have changed, and the Company has determined it to be advisable and in the best interests of the Company to realign the roles of management of the Company.

RESOLVED, that the following officer of the Company is hereby removed without cause from the office and position set forth opposite his name, effective as of the date set forth below:

Officer	Title	Effective Date
Javier del Olmo	Vice President	August 9, 2024

Election of Officer

RESOLVED, that the following individual is hereby appointed to the office and position set forth opposite his name, effective as of the date set forth below, to act on behalf of the Company and to serve until the election and qualification of the individual's successor or until his earlier death, resignation, or removal, and otherwise in accordance with and subject to the provisions of the Limited Liability Company Agreement of the Company:

Officer	Title	Effective Date
Luis E. Perez	Vice President	August 9, 2024

RESOLVED, that immediately following the above removal and appointment, for the avoidance of doubt, the officers of the Company shall be as follows:

Officer	Title
Vincent A. Paradis	Vice President
Nafeesa Kassam	Vice President, Finance
Luis E. Perez	Vice President
Ivan de Witte	Vice President
Lise Winther	Vice President
Jonathan E. Gould	Treasurer
David L. Berry	Controller
Kelly L. Gray	Corporate Secretary
Lee Ann Cis	Assistant Corporate Secretary
LaWonda C. Love	Tax Officer

RESOLVED, that the officers set forth above (the "**Authorized Officers**") be, and each of them individually hereby is, granted the authority set forth in the governing documents of the Company (and such other authority normal or incident to such office and as may from time to time be delegated or assigned by the Board) and are authorized and empowered to take any and all such actions and to execute and deliver any and all such contracts, documents and any other instruments in the name and on behalf of the Company, including without limitation actions taken by the Company on behalf of or with respect to any subsidiary of the Company, and to affix the corporate seal if applicable;

RESOLVED, that the Authorized Officers be, and each of them hereby is, authorized and empowered to delegate the roles and responsibilities conferred by these resolutions to employees of the Company or an affiliate entity to the extent permitted by law, the entity's governing documents, and the Policies of the Company; and

RESOLVED, that all acts and deeds previously performed by the Authorized Officers or their delegates on behalf of the Company or its subsidiaries prior to the date of these resolutions that are within the authority conferred by the foregoing resolutions are hereby approved, authorized, ratified and confirmed in all respects as the authorized acts and deeds of the Company or its subsidiaries, as applicable.

General

RESOLVED, that Authorized Officers be, and each them individually hereby is, authorized and empowered to take all such action and otherwise to do or cause to be done in the name and on behalf of the Company or any subsidiary of the Company any and all actions, including, without limitation, to execute and deliver, or cause to be executed and delivered, any and all such further documents, notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, undertakings, supplements, amendments, further assurances or other instruments or communications and to pay all such expenses, as are deemed by them necessary or advisable to fully effectuate the intent and purposes of the foregoing resolutions (the taking of each such action, the execution and delivery of each such document, and the payment of each such expense being conclusive evidence of its necessity or advisability), and that any and all such actions taken by the Authorized Officers relating to and within the terms of these resolutions be, and they hereby are, adopted, affirmed, approved and ratified in all respects as the act and deed of the Company or its subsidiaries, as applicable.

[Remainder of Page Intentionally Left Blank]