TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-3629B

Frank Volleman Family, LP, Owner, seeks to amend Certificate of Adjudication No. 12-3629 to add a place of use in Comanche County, extend the limits of two authorized diversion reaches, and add four diversion reaches on the South Leon River, the Leon River, Indian Creek and an unnamed tributary of Walnut Creek, Brazos River Basin in Comanche County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Frank Volleman Family, LP, 600 County Road 252, Gustine, Texas 76455, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders pursuant to Title 30 TAC § 295.158(c)(3)(C).

Certificate of Adjudication No. 12-3629 authorizes Frank Volleman Family, LP (Applicant) to divert and use not to exceed 48 acre-feet of water per year from three diversion reaches on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin, at a maximum diversion rate of 0.50 cfs (225 gpm), for agricultural purposes to irrigate 816.3 acres in Comanche County.

The time priority of this right is September 8, 1975.

Applicant seeks to amend Certificate of Adjudication No. 12-3629 to add a place of use to irrigate an additional 2,043.828 acres in Comanche County.

Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams, have provided consent for Applicant to irrigate the additional 2,043.828 acres of land in Comanche County.

Applicant also seeks to extend the upstream limits for two of the authorized diversion reaches, B-B' and C-C', and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin in Comanche County.

Diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.901931° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.414662° W in Comanche County, in ZIP Code 76455.

The new upstream point of diversion reach B-B' is located on an unnamed tributary of the South Leon River being at Latitude 31.768137° N, Longitude 98.447875° W, in Comanche County, ZIP Code 76455.

The new upstream point of diversion reach C-C' is located on an unnamed tributary of the South Leon River being at Latitude 31.773764° N, Longitude 98.437648° W, in Comanche County, ZIP Code 76455.

Diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W in Comanche County, in Zip Code 76455.

Diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W in Comanche County, in ZIP Code 76455.

Diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W in Comanche County, in Zip Code 76455.

The application and partial fees were received on June 15, 2020. Additional information and fees were received on November 12, 2020. The application was declared administratively complete and filed with the Office of the Chief Clerk on December 9, 2020.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: View Pending Water Right Applications - Texas Commission on Environmental Quality - www.tceq.texas.gov. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by October 17, 2022. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by October 17, 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by October 17, 2022.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and

fax number, if any; (2) applicant's name and permit number; (3) the statement "[*I/we*] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/ by entering ADJ 3629 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al http://www.tceq.texas.gov.

Issued: September 28, 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-3629B

Owner: Frank Volleman Family, LP Address: 600 County Road 252

Gustine, Texas 76455

TYPE § 11.122

Filed: December 9, 2020 Granted:

Purpose: Agricultural County: Comanche

Watercourses: Unnamed tributary of Watershed: Brazos River Basin

of Walnut Creek;

Unnamed tributary of the

South Leon River; the South Leon River,

the Leon River,

and Indian Creek, tributaries

of the Brazos River

WHEREAS, Certificate of Adjudication No. 12-3629 (Certificate) authorizes Frank Volleman Family, LP (Applicant/Owner) to divert and use not to exceed 48 acre-feet of water per year from three diversion reaches on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, tributaries of the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 0.50 cfs (225 gpm), for agricultural purposes to irrigate 816.3 acres in Comanche County; and

WHEREAS, the time priority of this right is September 8, 1975; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-3629 to add a place of use for agricultural purposes to irrigate an additional 2,043.828 acres in Comanche County; and

WHEREAS, Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams have provided consent for Applicant to irrigate the additional 2,043.828 acres of land in Comanche County; and

WHEREAS, Applicant also seeks to extend the upstream limits of authorized diversion reaches B-B' and C-C' and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin in Comanche County; and

WHEREAS, diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.901931° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.414662° W; and

WHEREAS, the new upstream point of diversion reach B-B' is located on an unnamed tributary of the South Leon River being at Latitude 31.768137° N, Longitude 98.447875° W; and

WHEREAS, the new upstream point of diversion reach C-C' is located on an unnamed tributary of the South Leon River being at Latitude 31.773764° N, Longitude 98.437648° W; and

WHEREAS, diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W; and

WHEREAS, diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W; and

WHEREAS, diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-3629, designated Certificate of Adjudication No. 12-3629B, is issued to Frank Volleman Family, LP, subject to the following terms and conditions:

1. USE

In addition to the previous authorization:

- A. Owner is authorized to divert and use not to exceed the 48 acre-feet of water per year currently authorized by the Certificate for agricultural purposes to irrigate an additional 2,043.828 acres of land in Comanche County within the Brazos River Basin.
- B. Consent to irrigate and evidence of ownership of the additional 2,043.828 acres in Comanche County has been provided by Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams.

2. DIVERSION

In lieu of previous authorizations, Owner is authorized to divert its water from seven diversion reaches in the Brazos River Basin, Comanche County, described as follows:

- A. Diversion reach A-A' South is located on the South Leon River with the upstream point being at Latitude 31.782110° N, Longitude 98.450480° W and the downstream point being at Latitude 31.790818° N, Longitude 98.437541° W.
- B. Diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.901931° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.414662° W.
- C. Diversion reach B-B' is located on an unnamed tributary of the South Leon River with the upstream point being at Latitude 31.768137° N, Longitude 98.447875° W and the downstream point being at Latitude 31.787533° N, Longitude 98.444225° W.
- D. Diversion reach C-C' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.773764° N, Longitude 98.437648° W and the downstream point being at Latitude 31.785178° N, Longitude 98.436032° W.
- E. Diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W.
- F. Diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W.
- G. Diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W.
- H. Maximum combined diversion rate of 0.50 cfs (225 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water,

prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. In lieu of Special Condition Paragraphs 4.B. through 4.D. in Certificate of Adjudication No. 12-3629A, Owner shall not divert water from diversion reaches A-A' South, B-B', or C-C' if the average adjusted streamflow at USGS Gage No. 08100500 Leon River at Gatesville, TX is less than or equal to 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by the Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at the time by Owner under this water right equals adjusted streamflow.
- C. Diversions shall be restricted from diversion reaches A-A' North, D-D', E-E', and F-F', based on the following streamflows at USGS Gage No. 08100500 Leon River at Gatesville, TX, as set forth in Paragraphs 4.D. 4.F. below.

Season	Subsistence	Base	Base
Winter	1 cfs	9 cfs	9 cfs
Spring	1 cfs	10 cfs	10 cfs
Summer	1 cfs	4 cfs	4 cfs

cfs=cubic feet per second

D. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through October).

Subsistence Flow Special Condition

E. Owner shall not divert water from diversion reaches A-A' North, D-D', E-E', and F-F' if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at

the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

- F. If average adjusted streamflow at USGS Gage No. 08100500 Leon River at Gatesville, TX is greater than the applicable base flow, Owner shall not divert water from diversion reaches A-A' North, D-D', E-E', and F-F' in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- G. Owner shall install and maintain a measuring device(s) which account for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- H. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device(s) and records.
- I. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This water right is not appurtenant to the additional land authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-3629, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

	For the Commission
Date issued:	

 From:
 Richard George

 To:
 Joshua Schauer

 Cc:
 Corey Mullin

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts **Date:** Monday, September 19, 2022 8:47:57 AM

Mr. Schauer, looks good—we have no further comments.

Thanks, Richard

From: Joshua Schauer < Joshua. Schauer @Tceq. Texas. Gov>

Sent: Friday, September 16, 2022 2:01 PM

To:

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts

Mr. George,

The suggested revisions have been made to the notice. Please note that additional edits were made to the downstream longitude of diversion reach North AA.

I have attached redlined drafts for you review. Comments are requested by 9/30/22.

Thanks,

Joshua Schauer Project Manager TCEQ, Water Rights Permitting Section

From: Richard George

Sent: Tuesday, September 6, 2022 8:21 AM

To: Joshua Schauer < <u>Joshua.Schauer@Tceq.Texas.Gov</u>>

Cc: Corey Mullin

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts

Mr. Schauer, the one error on the Notice in the email below is the only comment we had on the drafts.

Thanks,

Richard

From: Richard George

Sent: Friday, September 02, 2022 4:29 PM

To: Joshua Schauer < Joshua. Schauer @ Tceq. Texas. Gov >

Cc: Corey Mullin

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts

Mr. Schauer, I reviewed the drafts and found an error on the Notice. Diversion reach A-A' North upstream Latitude is incorrect. Everything else looked good to me but I'm waiting on the owner to get back to me to see if he had any additional comments.

Thanks, Richard

From: Joshua Schauer < <u>Joshua.Schauer@Tceq.Texas.Gov</u>>

Sent: Tuesday, August 23, 2022 3:14 PM

To: Richard George

Subject: Frank Volleman Family LP; 12-3629B Drafts

CAUTION: This email originated from outside of Enviro-Ag Engineering. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed Certificate of Adjudication No. 12-3629B, and the related technical memoranda are attached.

Please review the drafts and provide comments by September 6, 2022.

Thanks,

Joshua Schauer Project Manager TCEQ, Water Rights Permitting Section

Disclaimer

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 From:
 Joshua Schauer

 To:
 "Richard George"

 Cc:
 Corey Mullin

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts

Date: Friday, September 16, 2022 2:00:00 PM

Attachments: Frank Volleman Family, LP; 12-3629B Redline Drafts 9.16.22.pdf

Mr. George,

The suggested revisions have been made to the notice. Please note that additional edits were made to the downstream longitude of diversion reach North AA.

I have attached redlined drafts for you review. Comments are requested by 9/30/22.

Thanks,

Joshua Schauer
Project Manager
TCEQ, Water Rights Permitting Section

From:

Sent: Tuesday, September 6, 2022 8:21 AM

To: Joshua Schauer < Joshua. Schauer@Tceq. Texas. Gov>

Cc:

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts

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Thanks, Richard

From: Richard George

Sent: Friday, September 02, 2022 4:29 PM

To: Joshua Schauer < <u>Joshua.Schauer@Tceg.Texas.Gov</u>>

Cc: Corey Mullin

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts

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Sent: Tuesday, August 23, 2022 3:14 PM

To: Richard George

Subject: Frank Volleman Family LP; 12-3629B Drafts

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Please review the drafts and provide comments by September 6, 2022.

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Joshua Schauer Project Manager TCEQ, Water Rights Permitting Section

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-3629B

TYPE § 11.122

Owner: Frank Volleman Family, LP

Address: 600 County Road 252

Gustine, Texas 76455

Brazos River Basin

Filed: December 9, 2020

Granted:

Watershed:

Purpose: Agricultural

County: Comanche

Watercourses: Unnamed tributary of

of Walnut Creek;

Unnamed tributary of the

South Leon River; the South Leon River,

the Leon River,

and Indian Creek, tributaries

of the Brazos River

WHEREAS, Certificate of Adjudication No. 12-3629 (Certificate) authorizes Frank Volleman Family, LP (Applicant/Owner) to divert and use not to exceed 48 acre-feet of water per year from three diversion reaches on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, tributaries of the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 0.50 cfs (225 gpm), for agricultural purposes to irrigate 816.3 acres in Comanche County; and

WHEREAS, the time priority of this right is September 8, 1975; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-3629 to add a place of use for agricultural purposes to irrigate an additional 2,043.828 acres in Comanche County; and

WHEREAS, Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams have provided consent for Applicant to irrigate the additional 2,043.828 acres of land in Comanche County; and

WHEREAS, Applicant also seeks to extend the upstream limits of authorized diversion reaches B-B' and C-C' and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin in Comanche County; and

WHEREAS, diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.901931° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.4146262° W; and

WHEREAS, the new upstream point of diversion reach B-B' is located on an unnamed tributary of the South Leon River being at Latitude 31.768137° N, Longitude 98.447875° W; and

WHEREAS, the new upstream point of diversion reach C-C' is located on an unnamed tributary of the South Leon River being at Latitude 31.773764° N, Longitude 98.437648° W; and

WHEREAS, diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W; and

WHEREAS, diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W; and

WHEREAS, diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-3629, designated Certificate of Adjudication No. 12-3629B, is issued to Frank Volleman Family, LP, subject to the following terms and conditions:

1. USE

In addition to the previous authorization:

- A. Owner is authorized to divert and use not to exceed the 48 acre-feet of water per year currently authorized by the Certificate for agricultural purposes to irrigate an additional 2,043.828 acres of land in Comanche County within the Brazos River Basin.
- B. Consent to irrigate and evidence of ownership of the additional 2,043.828 acres in Comanche County has been provided by Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams.

2. DIVERSION

In lieu of previous authorizations, Owner is authorized to divert its water from seven diversion reaches in the Brazos River Basin, Comanche County, described as follows:

- A. Diversion reach A-A' South is located on the South Leon River with the upstream point being at Latitude 31.782110° N, Longitude 98.450480° W and the downstream point being at Latitude 31.790818° N, Longitude 98.437541° W.
- B. Diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.901931° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.4146262° W.
- C. Diversion reach B-B' is located on an unnamed tributary of the South Leon River with the upstream point being at Latitude 31.768137° N, Longitude 98.447875° W and the downstream point being at Latitude 31.787533° N, Longitude 98.444225° W.
- D. Diversion reach C-C' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.773764° N, Longitude 98.437648° W and the downstream point being at Latitude 31.785178° N, Longitude 98.436032° W.
- E. Diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W.
- F. Diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W.
- G. Diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W.
- H. Maximum combined diversion rate of 0.50 cfs (225 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. In lieu of Special Condition Paragraphs 4.B. through 4.D. in Certificate of Adjudication No. 12-3629A, Owner shall not divert water from diversion reaches A-A' South, B-B', or C-C' if the average adjusted streamflow at USGS Gage No. 08100500 Leon River at Gatesville, TX is less than or equal to 1 cfs. The "average adjusted streamflow" at the gage is the average

of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by the Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at the time by Owner under this water right equals adjusted streamflow.

C. Diversions shall be restricted from diversion reaches A-A' North, D-D', E-E', and F-F', based on the following streamflows at USGS Gage No. 08100500 – Leon River at Gatesville, TX, as set forth in Paragraphs 4.D. – 4.F. below.

Season	Subsistence	Base	Base
Winter	1 cfs	9 cfs	9 cfs
Spring	1 cfs	10 cfs	10 cfs
Summer	1 cfs	4 cfs	4 cfs

cfs=cubic feet per second

D. Seasons are defined as follows: Winter (November through February), Spring (March through June), Summer (July through October).

Subsistence Flow Special Condition

E. Owner shall not divert water from diversion reaches A-A' North, D-D', E-E', and F-F' if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

- F. If average adjusted streamflow at USGS Gage No. 08100500 Leon River at Gatesville, TX is greater than the applicable base flow, Owner shall not divert water from diversion reaches A-A' North, D-D', E-E', and F-F' in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- G. Owner shall install and maintain a measuring device(s) which account for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- H. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device(s) and records.
- I. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This water right is not appurtenant to the additional land authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-3629, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

	For the Commission
Date issued:	

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-3629B

Frank Volleman Family, LP, Owner, seeks to amend Certificate of Adjudication No. 12-3629 to add a place of use in Comanche County, extend the limits of two authorized diversion reaches, and add four diversion reaches on the South Leon River, the Leon River, Indian Creek and an unnamed tributary of Walnut Creek, Brazos River Basin in Comanche County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Frank Volleman Family, LP, 600 County Road 252, Gustine, Texas 76455, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being mailed to the interjacent water right holders pursuant to Title 30 TAC § 295.158(c)(3)(C).

Certificate of Adjudication No. 12-3629 authorizes Frank Volleman Family, LP (Applicant) to divert and use not to exceed 48 acre-feet of water per year from three diversion reaches on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin, at a maximum diversion rate of 0.50 cfs (225 gpm), for agricultural purposes to irrigate 816.3 acres in Comanche County.

The time priority of this right is September 8, 1975.

Applicant seeks to amend Certificate of Adjudication No. 12-3629 to add a place of use to irrigate an additional 2,043.828 acres in Comanche County.

Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams, have provided consent for Applicant to irrigate the additional 2,043.828 acres of land in Comanche County.

Applicant also seeks to extend the upstream limits for two of the authorized diversion reaches, B-B' and C-C', and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin in Comanche County.

Diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.90190131° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.4146262° W in Comanche County, in ZIP Code 76455.

The new upstream point of diversion reach B-B' is located on an unnamed tributary of the South Leon River being at Latitude 31.768137° N, Longitude 98.447875° W, in Comanche County, ZIP Code 76455.

The new upstream point of diversion reach C-C' is located on an unnamed tributary of the South Leon River being at Latitude 31.773764° N, Longitude 98.437648° W, in Comanche

County, ZIP Code 76455.

Diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W in Comanche County, in Zip Code 76455.

Diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W in Comanche County, in ZIP Code 76455.

Diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W in Comanche County, in Zip Code 76455.

The application and partial fees were received on June 15, 2020. Additional information and fees were received on November 12, 2020. The application was declared administratively complete and filed with the Office of the Chief Clerk on December 9, 2020.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: Water Right Applications - Texas Commission on Environmental Quality - www.tceq.texas.gov.
Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by 2022. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by 2022.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX

78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/ by entering ADJ 3629 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al http://www.tceq.texas.gov.

Issued:



 From:
 Richard George

 To:
 Joshua Schauer

 Cc:
 Corey Mullin

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts **Date:** Tuesday, September 6, 2022 8:20:41 AM

Mr. Schauer, the one error on the Notice in the email below is the only comment we had on the drafts.

Thanks, Richard

From: Richard George

Sent: Friday, September 02, 2022 4:29 PM

To: Joshua Schauer < Joshua. Schauer@Tceq. Texas. Gov>

Cc: Corey Mullin

Subject: RE: Frank Volleman Family LP; 12-3629B Drafts

Mr. Schauer, I reviewed the drafts and found an error on the Notice. Diversion reach A-A' North upstream Latitude is incorrect. Everything else looked good to me but I'm waiting on the owner to get back to me to see if he had any additional comments.

Thanks, Richard

From: Joshua Schauer < Joshua. Schauer @Tceq. Texas. Gov >

Sent: Tuesday, August 23, 2022 3:14 PM

To: Richard George <

Subject: Frank Volleman Family LP; 12-3629B Drafts

CAUTION: This email originated from outside of Enviro-Ag Engineering. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed Certificate of Adjudication No. 12-3629B, and the related technical memoranda are attached.

Please review the drafts and provide comments by September 6, 2022.

Thanks,

Joshua Schauer Project Manager TCEQ, Water Rights Permitting Section

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

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Bryan W. Shaw, Ph.D., P.E., *Chairman*Jon Niermann, *Commissioner*Emily Lindley, *Commissioner*Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 23, 2022

Mr. Richard George Enviro-Ag Engineering, Inc. 9855 FM 847 Dublin, TX 76446 VIA EMAIL

RE: Frank Volleman Family, LP

ADJ 3629

CN605034248, RN106902042

Application No. 12-3629B to Amend Certificate of Adjudication No. 12-3629

Texas Water Code § 11.122, Requiring Limited Mailed Notice

Unnamed tributary of the South Leon River, the South Leon River, the Leon River, Indian

Creek, and an Unnamed tributary of Walnut Creek, Brazos River Basin

Comanche County

Dear Mr. George:

Drafts, subject to revision, of the public notice, proposed Certificate of Adjudication No. 12-3629B, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than September 6, 2022, with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 12-3629 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter, please contact me via email at Joshua. Schauer@tceq.texas.gov or by telephone at (512) 239-1371.

Sincerely,

Joshua Schauer, Project Manager Water Rights Permitting Team

oshuaSchauer

Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-3629B

TYPE § 11.122

Owner: Frank Volleman Family, LP Address:

600 County Road 252 Gustine, Texas 76455

Filed: December 9, 2020 Granted:

Purpose: Agricultural County: Comanche

Watercourses: Unnamed tributary of Watershed: Brazos River Basin

of Walnut Creek;

Unnamed tributary of the

South Leon River; the South Leon River,

the Leon River,

and Indian Creek, tributaries

of the Brazos River

WHEREAS, Certificate of Adjudication No. 12-3629 (Certificate) authorizes Frank Volleman Family, LP (Applicant/Owner) to divert and use not to exceed 48 acre-feet of water per year from three diversion reaches on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, tributaries of the Brazos River, Brazos River Basin, at a maximum combined diversion rate of 0.50 cfs (225 gpm), for agricultural purposes to irrigate 816.3 acres in Comanche County; and

WHEREAS, the time priority of this right is September 8, 1975; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 12-3629 to add a place of use for agricultural purposes to irrigate an additional 2,043.828 acres in Comanche County; and

WHEREAS, Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams have provided consent for Applicant to irrigate the additional 2,043.828 acres of land in Comanche County; and

WHEREAS, Applicant also seeks to extend the upstream limits of authorized diversion reaches B-B' and C-C' and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin in Comanche County; and

WHEREAS, diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.901931° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.414622° W; and

WHEREAS, the new upstream point of diversion reach B-B' is located on an unnamed tributary of the South Leon River being at Latitude 31.768137° N, Longitude 98.447875° W; and

WHEREAS, the new upstream point of diversion reach C-C' is located on an unnamed tributary of the South Leon River being at Latitude 31.773764° N, Longitude 98.437648° W; and

WHEREAS, diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W; and

WHEREAS, diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W; and

WHEREAS, diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment: and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-3629, designated Certificate of Adjudication No. 12-3629B, is issued to Frank Volleman Family, LP, subject to the following terms and conditions:

1. USE

In addition to the previous authorization:

- A. Owner is authorized to divert and use not to exceed the 48 acre-feet of water per year currently authorized by the Certificate for agricultural purposes to irrigate an additional 2,043.828 acres of land in Comanche County within the Brazos River Basin.
- B. Consent to irrigate and evidence of ownership of the additional 2,043.828 acres in Comanche County has been provided by Natural Dairy Grower Land, LP, Natural Dairy Grower, LLC, Conargo, LLC, and Larry Wayne Adams.

2. DIVERSION

In lieu of previous authorizations, Owner is authorized to divert its water from seven diversion reaches in the Brazos River Basin, Comanche County, described as follows:

- A. Diversion reach A-A' South is located on the South Leon River with the upstream point being at Latitude 31.782110° N, Longitude 98.450480° W and the downstream point being at Latitude 31.790818° N, Longitude 98.437541° W.
- B. Diversion reach A-A' North is located on the Leon River with the upstream point being at Latitude 31.901931° N, Longitude 98.427146° W and the downstream point being at Latitude 31.879919° N, Longitude 98.414622° W.
- C. Diversion reach B-B' is located on an unnamed tributary of the South Leon River with the upstream point being at Latitude 31.768137° N, Longitude 98.447875° W and the downstream point being at Latitude 31.787533° N, Longitude 98.444225° W.
- D. Diversion reach C-C' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.773764° N, Longitude 98.437648° W and the downstream point being at Latitude 31.785178° N, Longitude 98.436032° W.
- E. Diversion reach D-D' begins on the South Leon River and ends on the Leon River with the upstream point being at Latitude 31.847988° N, Longitude 98.370722° W and the downstream point being at Latitude 31.855678° N, Longitude 98.318098° W.
- F. Diversion reach E-E' is located on an unnamed tributary of Walnut Creek with the upstream point being at Latitude 31.765684° N, Longitude 98.430702° W and the downstream point being at Latitude 31.772118° N, Longitude 98.433832° W.
- G. Diversion reach F-F' is located on Indian Creek with the upstream point being at Latitude 31.887671° N, Longitude 98.430754° W and the downstream point being at Latitude 31.900242° N, Longitude 98.422109° W.
- H. Maximum combined diversion rate of 0.50 cfs (225 gpm).

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. In lieu of Special Condition Paragraphs 4.B. through 4.D. in Certificate of Adjudication No. 12-3629A, Owner shall not divert water from diversion reaches A-A' South, B-B', or C-C' if the average adjusted streamflow at USGS Gage No. 08100500 Leon River at Gatesville, TX is less than or equal to 1 cfs. The "average adjusted streamflow" at the gage is the average

of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by the Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at the time by Owner under this water right equals adjusted streamflow.

C. Diversions shall be restricted from diversion reaches A-A' North, D-D', E-E', and F-F', based on the following streamflows at USGS Gage No. 08100500 – Leon River at Gatesville, TX, as set forth in Paragraphs 4.D. – 4.F. below.

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Subsistence Flow Special Condition

E. Owner shall not divert water from diversion reaches A-A' North, D-D', E-E', and F-F' if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

- F. If average adjusted streamflow at USGS Gage No. 08100500 Leon River at Gatesville, TX is greater than the applicable base flow, Owner shall not divert water from diversion reaches A-A' North, D-D', E-E', and F-F' in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.
- G. Owner shall install and maintain a measuring device(s) which account for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 2. DIVERSION and maintain measurement records.
- H. Owner shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device(s) and records.
- I. Owner shall contact the Brazos Watermaster prior to diversion of water authorized by this amendment.

This water right is not appurtenant to the additional land authorized by this amendment.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-3629, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

	For the Commission
Date issued:	

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: Water Right Applications - Texas Commission on Environmental Quality - www.tceq.texas.gov. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by 2022. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by 2022. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by 2022.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX

78711-3087 or electronically at https://www14.tceq.texas.gov/epic/eComment/ by entering ADJ 3629 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al http://www.tceq.texas.gov.

Issued:



Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager Date: June 17, 2022

Water Rights Permitting Team

Through Kathy Alexander, Ph.D., Policy and Technical Analyst

Water Availability Division

From: Alisa Patterson, P.E., Senior Hydrologist

Water Rights Permitting & Availability Section

Subject: Frank Volleman Family, LP

ADJ 3629 CN605034248

Indian Creek, an unnamed tributary of the South Leon River, the South Leon River, the Leon River, and an unnamed tributary of Walnut

Creek, Brazos River Basin Comanche County

Water Availability Review

Application Summary

Certificate of Adjudication (Certificate) No. 12-3629 authorizes Frank Volleman Family, LP (Applicant) to divert 48 acre-feet of water per year from three diversion reaches on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin, at a maximum combined diversion rate of 0.5 cfs (225 gpm), for agricultural purposes in Comanche County.

Applicant requests to amend Certificate No. 12-3629 to add a place of use in Comanche County, extend the upstream limits for two of the authorized diversion reaches, and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin. The application was declared administratively complete on December 9, 2020.

Water Availability Review

Resource Protection Staff recommended that the application be subject to instream flow requirements. Specific instream flow requirements are included in the Resource Protection Staff's May 18, 2022 memorandum.

The application does not request a new appropriation of water; therefore, a water availability analysis is not necessary. However, the application must be reviewed to ensure that no water rights are affected by the request.

Frank Volleman Family, LP, Application 12-3629B Indian Creek, an unnamed tributary of the South Leon River, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin Page 2 of 2

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, channel losses, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

Staff used the Full Authorization simulation of the Brazos WAM to evaluate impacts on other water rights as a result of the application. The period of record for the Brazos WAM is 1940 to 2018.

Staff modeled the application with diversion of the authorized 48 acre-feet of water at a priority date of September 8, 1975 from each of the requested diversion reaches. Staff compared the pre- and post-application volume reliabilities of all water rights in the Brazos River Basin and found no negative impacts to other water rights.

In addition, the application is subject to the requirements and orders of the Brazos Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. This should provide additional protection for senior water rights.

Conclusion

Alisa Patterson

Staff can support granting the application.

Note that the application is subject to the requirements and orders of the Brazos Watermaster.

Alisa Patterson, P.E., Senior Hydrologist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Josh Schauer, Project Manager Date: May 18, 2022

Water Rights Permitting Team

Through: Leslie Patterson, Team Leader

→ Resource Protection Team

From: Kenneth Coonrod, Aquatic Scientist

Resource Protection Team

Subject: Frank Volleman Family, LP

ADJ 12-3629B CN605034248

Indian Creek, an unnamed tributary of the South Leon River, the

South Leon River, the Leon River, and an unnamed tributary of Walnut

Creek, Brazos River Basin

Comanche County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

APPLICATION SUMMARY

Certificate of Adjudication (Certificate) No. 12-3629 authorizes Frank Volleman Family, LP (Applicant) to divert 48 acre-feet of water per year from three diversion reaches on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin, at a maximum combined diversion rate of 0.5 cfs (225 gpm), for agricultural purposes in Comanche County.

Applicant requests to amend Certificate No. 12-3629 to add a place of use in Comanche County, extend the upstream limits for two of the authorized diversion reaches, and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin.

Frank Volleman Family, LP, ADJ 12-3629B Indian Creek, an unnamed tributary of the South Leon River, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin Page 2 of 6

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Leon River, the South Leon River, and Indian Creek are perennial streams, and the unnamed tributaries are intermittent streams with perennial pools. The Applicant's reaches on the Leon River and Indian Creek are located in the Western Cross Timbers ecoregion, the unnamed tributaries are situated in the Limestone Cut Plains ecoregion, and the South Leon River traverses both (Griffith et al. 2007).

The checklist for the Brazos River Basin identified 42 species of ichthyofauna occurring within the Leon hydrologic unit (United States Geological Survey [USGS] code 12070201) (Hendrickson and Cohen 2015). This amendment is not expected to have an effect on any high-interest aquatic or aquatic-dependent species, because no additional state water will be taken and no increase in diversion rate or amount is being requested.

The Applicant has agreed to install screens on any new diversion structures in order to minimize entrainment and impingement of aquatic organisms. The Applicant's request is not expected to adversely impact aquatic and riparian habitats in the area.

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its Associated Bay and Estuary System (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460). The Applicant does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted.

Resource Protection reviewed the Applicant's request to extend the upstream limits of two of the currently authorized diversion reaches, named B-B' and C-C' in this proposed amendment. The streamflow restriction contained in Certificate No. 12-3629A, Special Conditions 4.B. through 4.D., for these previously authorized reaches remains applicable and carries over to the Applicant's proposed extensions to diversion reaches B-B' and C-C', as well as remains in effect for the unchanged diversion reach A-A', renamed A-A' South in this proposed amendment.

Resource Protection staff also recommend a streamflow restriction for the addition of the four diversion reaches, denoted as A-A' North, D-D', E-E', and F-F'. Resource Protection staff utilized the subsistence and base environmental flow standards (Title 30 TAC §298.480) established at USGS Gage No. 08100500 - Leon River at Gatesville, TX for the streamflow restriction as shown in Table 1.

Frank Volleman Family, LP, ADJ 12-3629B Indian Creek, an unnamed tributary of the South Leon River, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin Page 3 of 6

Table 1. Environmental Flow Values at USGS Gage No. 08100500 - Leon River at Gatesville, TX

Season	Subsistence	Base
Winter	1 cfs	9 cfs
Spring	1 cfs	10 cfs
Summer	1 cfs	4 cfs

cfs = cubic feet per second

The applicable subsistence or base flow values depend on the season. Seasons are defined in Title 30 TAC §298.455 as follows: Winter (November through February), Spring (March through June), and Summer (July through October). Staff recommend that diversion of water under this proposed amendment should be limited to comply with the applicable subsistence and base flow values.

Recreational Uses: According to Appendix G of the *Texas Surface Water Quality Standards*, the South Leon River from the confluence of the Leon River south of the City of Gustine to the upstream perennial portion of the stream south of the City of Comanche, has a secondary contact recreation 1 use, and Indian Creek from the confluence with the Leon River upstream to the confluence with Armstrong Creek, has a secondary contact recreation 2 use (TCEQ 2018).

The Leon River Below Proctor Lake (Segment 1221) has a designated primary contact recreation 1 use, and the unnamed tributary of the South Leon River and the unnamed tributary of Walnut Creek have a presumed primary contact recreation 1 use (TCEQ 2018). The Applicant's request should not adversely impact recreational uses.

Water Quality: The Leon River Below Proctor Lake (Segment 1221) has a designated high aquatic life use and public water supply use (TCEQ 2018). Indian Creek and the South Leon River have a presumed high aquatic life use, and the unnamed tributary of the South Leon River and the unnamed tributary of Walnut Creek have presumed limited aquatic life use (TCEQ 2018).

Assessment Units 1221_05, 1221_06, and 1221D_01 are identified in the *Texas Integrated Report* with a concern for screening for chlorophyll-*a* in water, and Assessment Units 1221_05 and 1221D_01 are listed with a concern for screening for depressed dissolved oxygen in water (TCEQ 2020). Assessment Unit 1221_06 and 1221D_01 are listed as non-supporting and Assessment Unit 1221B_01 is identified with a use concern for bacteria in water (TCEQ 2020). Assessment Unit 1221B_01 has a concern for screening for impaired habitat in water and Assessment Unit 1221D_01 is listed with a concern for screening for nitrate in

Frank Volleman Family, LP, ADJ 12-3629B Indian Creek, an unnamed tributary of the South Leon River, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin Page 4 of 6

water (TCEQ 2020). The Applicant's request should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project is located more than 200 river miles from the Gulf of Mexico. The application does not request a new appropriation of water; therefore, the Applicant's request should not have any impact to the Brazos River's estuary system.

RECOMMENDATIONS

Resource Protection staff recommends the following Special Conditions be included in the proposed amendment, if granted:

- Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- 2. In lieu of Special Conditions 4.B. through 4.D. contained in Certificate of Adjudication No. 12-3629A, Owner shall not divert water at diversion reaches A-A' South, B-B', or C-C' if the average adjusted streamflow at USGS Gage No. 08100500 Leon River at Gatesville, TX is less than or equal to 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by the Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.
- 3. Diversions shall be restricted at diversion reaches A-A' North, D-D', E-E', and F-F' based on the following streamflows at USGS Gage No. 08100500 Leon River at Gatesville, TX, as set forth in Special Conditions 4-6 below.

Season	Subsistence	Base
Winter	1 cfs	9 cfs
Spring	1 cfs	10 cfs
Summer	1 cfs	4 cfs

cfs=cubic feet per second

4. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).

Subsistence Flow Special Condition

5. Owner shall not divert water at diversion reaches A-A' North, D-D', E-E', and F-F' if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the applicable subsistence flow. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

Base Flow Special Condition

6. If average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is greater than the applicable base flow, Owner shall not divert at diversion reaches A-A' North, D-D', E-E', and F-F' in excess of the rate that would reduce average streamflow at the gage to the applicable base flow; provided, however, Owner is not required to adjust its diversion rate more frequently than once every 24 hours.

LITERATURE CITED

Griffith GE, Bryce SA, Omernik JM, Rogers AC. 2007. Ecoregions of Texas - Project Report to Texas Commission on Environmental Quality. Reston (VA): U.S. Geological Survey. Report No.: AS-199. 125p.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [cited 2021 Jul 28]; Version 2.0. Available from http://doi.org/10.17603/C3WC70

TCEQ. 2018. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2020. Texas Integrated Report of Surface Water Quality §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

Frank Volleman Family, LP, ADJ 12-3629B Indian Creek, an unnamed tributary of the South Leon River, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin Page 6 of 6

TPWD. 2015. Rare, Threatened, and Endangered Species of Texas by County [Internet]. Austin (TX): Comanche County, revised June 22, 2021. [cited 2021 Jul 28]. Available from http://tpwd.texas.gov/gis/rtest/.

Kenneth Coonrod, Aquatic Scientist

Resource Protection Team

Kenneth Coonrod

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Joshua Schauer, Project Manager Date: May 19, 2022

Water Rights Permitting Team

Through: Leslie Patterson, Team Leader

Resource Protection Team

Jennifer Allis, Senior Water Conservation Specialist

Resource Protection Team

From: Jade Rutledge, Aquatic Scientist

Resource Protection Team

Subject: Frank Volleman Family, LP

ADJ 3629 CN605034248

Indian Creek, an unnamed tributary of the South Leon River, the

South Leon River, the Leon River, and an unnamed tributary of Walnut

Creek, Brazos River Basin

Comanche County

APPLICATION SUMMARY

Certificate of Adjudication (Certificate) No. 12-3629 authorizes Frank Volleman Family, LP (Applicant) to divert 48 acre-feet of water per year from three diversion segments on the South Leon River, an unnamed tributary of the South Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin, at a maximum combined diversion rate of 0.5 cfs (225 gpm), for agricultural purposes to irrigate 816.13 acres of land in Comanche County.

Applicant requests to amend the Certificate to add a place of use to irrigate an additional 2,043.828 acres of land in Comanche County, extend the upstream limits for two of the authorized diversion reaches, and add four diversion reaches on Indian Creek, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin.

WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code (TAC) §295.9(4), applications requesting to change the place of use require the submittal of a water conservation plan.

The water conservation plan for agricultural use was reviewed by Resource Protection staff and found to be administratively complete per 30 TAC §288.4.

Frank Volleman Family, LP, 12-3629B Indian Creek, an unnamed tributary of the South Leon River, the South Leon River, the Leon River, and an unnamed tributary of Walnut Creek, Brazos River Basin Page 2 of 2

The application is consistent with the 2021 Region G Water Plan and the 2022 State Water Plan because there is nothing in the water plans that conflicts with issuing this proposed amendment.

RECOMMENDATIONS

The following water conservation language should be included in the proposed amendment, if granted:

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

Jade Rutledge, Aquatic Scientist

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk

Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader

Water Rights Permitting Team

FROM: Joshua Schauer, Project Manager

Water Rights Permitting Team

DATE: December 9, 2020

SUBJECT: Frank Volleman Family, LP

ADJ 3629

CN605034248, RN106902042

Application No. 12-3629B to Amend Certificate of Adjudication No.

12-3629

Texas Water Code § 11.122, Limited Mailed Notice Required Indian Creek and the South Leon River, Brazos River Basin

Comanche County

The application and partial fees were received on June 15, 2020. Additional information and fees were received on November 12, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 9, 2020. Limited Notice is required pursuant to Title 30 Texas Administrative Code § 303.42 (c)(3)(C).

All fees have been paid and the application is sufficient for filing.

Joshua Schauer, Project Manager

Water Rights Permitting Team

Joshua Schauer

Water Rights Permitting and Availability Section

OCC Mailed Notice Required

DIES

 \Box NO

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 9, 2020

Mr. Richard George, Environmental Consultant Enviro-Ag Engineering, Inc. 9855 FM 847 Dublin, Texas 76446 VIA E-MAIL

RE:

Frank Volleman Family, LP ADJ 3629 CN605034248, RN106902042 Application No. 12-3629B to Amend Certificate of Adjudication No. 12-3629 Texas Water Code § 11.122, Limited Mailed Notice Required Indian Creek and the South Leon River, Brazos River Basin Comanche County

Dear Mr. George:

This acknowledges receipt, on November 12, 2020, of additional information and fees in the amount of \$112.50 (Receipt No. M105010, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on December 9, 2020. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via email at Joshua. Schauer@tceq.texas.gov or at (512) 239-1371.

Sincerely,

Joshua Schauer, Project Manager

Water Rights Permitting Team

Joshua Schauer

Water Rights Permitting and Availability Section

Attachment



TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code Account# Account Name	Ref#1 Ref#2 Paid In By	Check Number Card Auth. User Data	CC Type Tran Code Rec Code	Slip Key Document#	Tran Date	Tran Amount
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU NOTICE FEES WUP WATER USE PERMITS	M105010 123653C CONARGO LLC	1441 111920 VHERNAND	N CK	BS00083977 D1801246	20-NOV-20	-\$94.08
				Total	(Fee Code):		-\$94.08



TCEQ 20-NOV-20 11:32 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

	Fee Code Account#	Ref#1 Ref#2	Check Number	CC Type Tran Code	Slip Key		
Fee Description	Account Name	Paid In By	User Data	Rec Code	Document#	Tran Date	Tran Amount
WTR USE PERMITS	WUP WUP WATER USE PERMITS	M105011 3446 SIMS, CARSON	1012 111920 VHERNAND	N CK	BS00083977 D1801246	20-NOV-20	-\$100.00
	WUP WUP WATER USE PERMITS	M105012 123653D NATURAL DAIRY	10161 111920 VHERNAND	N CK	BS00083977 D1801246	20-NOV-20	-\$91.14
	WUP WUP	GROWER LAND LP M105013 123629B	102 111920	N	BS00083977 D1801246	20-NOV-20	-\$567.42
	WATER USE PERMITS WUP WUP	FRANK VOLLEMAN FAMILY LP M105014 123642A	VHERNAND 10163 111920	CK N	BS00083977 D1801246	20-NOV-20	-\$573.30
	WATER USE PERMITS	NATURAL DAIRY GROWER LAND LP	VHERNAND	CK	21001240		

Page 2 of 3



Water Availability Division

TCEQ 20-NOV-20 11:32 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code Account# Account Name	Ref#1 Ref#2 Paid In By	Check Number Card Auth. User Data	CC Type Tran Code Rec Code	Slip Key Document#	<u>Tran Date</u>	Tran Amount
WTR USE PERMITS	WUP WUP WATER USE PERMITS	M105015 123636C NATURAL DAIRY GROWER LAND LP	10162 111920 VHERNAND	N CK	BS00083977 D1801246	20-NOV-20	-\$88.20
	WUP WUP WATER USE PERMITS	M105016 122814A NATURAL DAIRY GROWER LAND LP	10160 111920 VHERNAND	N CK	BS00083977 D1801246	20-NOV-20	-\$111.72
				Total	(Fee Code):		-\$1,531.78

RECEIVED
NOV 24 2020
Water Availability Division

Grand Total:

Page 3 of 3

-\$1,625.86



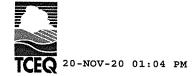
TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code Account# Account Name	Ref#1 Ref#2 Paid In By	Check Number Card Auth. User Data	CC Type Tran Code Rec Code	Slip Key Document#	Tran Date	Tran Amount
WTR USE PERMITS	WUP WUP WATER USE PERMITS	M104654 141600 SQ ENVIRONMENT	1206 111720 VHERNAND	N CK	BS00083909 D1801187	18-NOV-20	-\$100.00
	WUP WUP WATER USE PERMITS	AL LLC M104655 220 RBWR LLC	1507 111720 VHERNAND	n Ck	BS00083909 D1801187	18-NOV-20	-\$112.50
	WUP WUP WATER USE PERMITS	M104656 2012 KERR COUNTY	100689 111720 VHERNAND	N CK	BS00083909 D1801187	18-NOV-20	-\$111.25
	WUP WUP WATER USE PERMITS	M104657 2013 KERR COUNTY	100690 111720 VHERNAND	N CK	BS00083909 D1801187	18-NOV-20	-\$111.25
	WUP WUP WATER USE PERMITS	M104658 2014 KERR COUNTY	100691 111720 VHERNAND	N CK	BS00083909 D1801187	18-NOV-20	-\$111.25
	WUP WUP WATER USE PERMITS	M104659 2015 KERR COUNTY	100692 111720 VHERNAND	N CK	BS00083909 D1801187	18-NOV-20	-\$111.25

Page 1 of 2



Water Availability Division



TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Description	Fee Code Account# Account Name	Ref#1 Ref#2 Paid In By	Check Number Card Auth. User Data	CC Type Tran Code Rec Code	Slip Key Document#	Tran Date	Tran Amount
WTR USE PERMITS	WUP WUP WATER USE PERMITS	M104660 2016 KERR COUNTY	100693 111720 VHERNAND	N CK	BS00083909 D1801187	18-NOV-20	-\$111.25
				Total	(Fee Code):		-\$768.75
				Grand Total	:		-\$768.75

Page 2 of 2





Corporate Office: 3404 Airway Blvd. Amarillo TX 79118 Central Texas: 9855 FM 847 Dublin TX 76446 New Mexico: 203 East Main Street Artesia NM 88210

November 11, 2020

TCEQ

Attn: Joshua Schauer Water Rights Permitting & Availability (MC-160) P.O. Box 13087 Austin, TX 78711-3087

Re:

Frank Volleman Family, LP

App. No. 12-3629B

Mr. Schauer,

Attached please find the response to the RFI dated October 16, 2020 for the above referenced application. Please call or email me if you have any questions.

Respectfully Submitted,

Richard George

Ridard Dear

Enviro-Ag Engineering, Inc.

PHONE: 800-753-6525

Office # 254-233-9948

rgeorge@enviroag.com

Frank Volleman Family, LP

RFI Response:

- 1. The state and regional water plans generally do not address every possible change in individual water rights. The application is consistent with the 2016 Region G Water Plan and the 2017 State Water Plan because there is nothing in the plans that conflict with the application.
- 2. The applicant would like to withdraw the proposed off-channel storage as a use of the water in this application.
- 3. Attached please find a check for \$567.42 for the fees due.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 16, 2020

Mr. Richard George, Environmental Consultant Enviro-Ag Engineering, Inc. 9855 FM 847 Dublin, Texas 76446 **VIA E-MAIL**

RE: Frank Volleman Family, LP

ADJ 3629

CN605034248, RN106902042

Application No. 12-3629B to Amend Certificate of Adjudication No. 12-3629

Texas Water Code § 11.122, Limited Mailed Notice Required Indian Creek and the South Leon River, Brazos River Basin

Comanche County

Dear Mr. George:

This acknowledges receipt, on June 15, 2020, of the application and partial fees in the amount of \$112.50 (Receipt No. M020668 attached).

Additional information and fees are required before the application can be declared administratively complete.

- 1. 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 (Section 4.a. of the *Technical Information Report*). Refer to the second example on page 15 from the *Instructions for Completing the Water Right Permitting Application* (Form TCEQ-10214A-inst) for assistance.
- 2. Provide the location and capacity of the proposed off-channel reservoir described in the application summary including the latitude and longitude in decimal degrees, to at least six decimal places.
- 3. Remit fees in the amount of \$ 567.42 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (\$100.00 x 1 amendments)	\$ 100.00
Recording Fee	\$ 12.50
Notice Fee (\$2.94 X 193 WR Holders)	\$ 567.42
TOTAL FEES	\$ 679.92
FEES RECEIVED	\$ 112.50
BALANCE DUE	\$ 567.42

Please submit the requested information and fees by November 16, 2020 or the application may P.O. Box 13087 \cdot Austin, Texas 78711-3087 \cdot 512-239-1000 \cdot tceq.texas.gov

Frank Volleman Family, LP Application No. 12-3629B October 16, 2020 Page 2 of 2

be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via email at Joshua. Schauer@tceq.texas.gov or by telephone at (512) 239-1371.

Sincerely,

Joshua Schauer

Joshua Schauer, Project Manager Water Rights Permitting Team

Water Permitting and Availability Section

Attachment



Corporate Office: 3404 Airway Blvd. Amarillo TX 79118

Central Texas: 9855 FM 847 Dublin TX 76446 New Mexico: 203 East Main Street Artesia NM 88210

6/4/2020

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

Re:

Frank Volleman Family, LP (CN 605034248)

App. to Amend COA 12-3629A

To Whom It May Concern,

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

Sincerely,

Richard George

Environmental Consultant

Enviro-Ag. Engineering, Inc.



Water Availability Division

PHONE: 800-753-6525

www.enviroag.com

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): Frank Volleman Family, LP

Indicate whether the following items are incluyes) or N (for no) next to each item (all items a	ided in your application by writing either Y (for are <u>not</u> required for every application).
Y/N	Y/N
YAdministrative Information Report	Y Worksheet 3.0
N Additional Co-Applicant Information	YAdditional W.S 3.0 for each Point
N Additional Co-Applicant Signature Pages	YRecorded Deeds for Diversion Points
YWritten Evidence of Signature Authority	Y Consent For Diversion Access
YTechnical Information Report	NWorksheet 4.0
Y USGS Map (or equivalent)	NTPDES Permit(s)
Y Map Showing Project Details	N WWTP Discharge Data
YOriginal Photographs	N 24-hour Pump Test
NWater Availability Analysis	N Groundwater Well Permit
Y Worksheet 1.0	N Signed Water Supply Contract
Y Recorded Deeds for Irrigated Land	N Worksheet 4.1
YConsent For Irrigation Land	YWorksheet 5.0
NWorksheet 1.1	YAddendum to Worksheet 5.0
N Addendum to Worksheet 1.1	Y Worksheet 6.0
YWorksheet 1.2	YWater Conservation Plan(s)
YAddendum to Worksheet 1.2	NDrought Contingency Plan(s)
NWorksheet 2.0	NDocumentation of Adoption
NAdditional W.S 2.0 for Each Reservoir	NWorksheet 7.0
NDam Safety Documents	N Accounting Plan
Notice(s) to Governing Bodies	Y Worksheet 8.0
N Recorded Deeds for Inundated Land	YFees
Consent For Inundation Land	RECEIVED
For Commission Use Only:	JUN 1 5 2020
Proposed/Current Water Right Number: Basin: Watermaster area !	Y/N: Water Availability Division
watermaster area	1/11 Water Availability Division

ADMINISTRATIVE INFORMATION REPORT

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

***Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.

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

· · · · · · · · · · · · · · · · · · ·	
Indicate, by marking X, next to the following authorizations you are seeking.	
New Appropriation of State Water	
XAmendment to a Water Right *	
Bed and Banks	
*If you are seeking an amendment to an existing water rights authorization, you must owner of record of the authorization. If the name of the Applicant in Section 2, does match the name of the current owner(s) of record for the permit or certificate or if a co-owners is not included as an applicant in this amendment request, your application be returned. If you or a co-applicant are a new owner, but ownership is not reflected records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior submitting the application for an amendment. See Instructions page. 6. Please note that amendment application may be returned, and the Applicant may resubmit once the ownership is complete.	not my of the on could d in the or to that an
Please summarize the authorizations or amendments you are seeking in the space below attach a narrative description entitled "Summary of Request."	v or
Frank Volleman Family, LP is proposing to amend COA 12-3629A to add an additional 2	,043.828
irrigable acres as a new place of use (new total of 2,859.958 irrigable acres), add 4 new	
diversion segments (new total of 7 diversion segments), move upstream diversion limits	for
existing diversion segments B-B' & C-C', and add off-channel storage as an	
additional use of authorized water. The proposed off-channel storage reservoir location	and size
is tbd. The new irrigable acreage and diversion segments are being proposed in addition	to the
currently authorized irrigable acreage and diversion segments. The water in this COA sh	all not
be appurtenant to any new land being authorized for irrigation in this application.	

APPLICANT INFORMATION (Instructions, Page. 6) 2.

a.

. Applicant						
Indicate the number of Ap (Include a copy of this sec	pplicants/Co-Applition for each Co-A	icants 1 Applicant, if any)				
What is the Full Legal Name of the individual or entity (applicant) applying for this permit?						
Frank Volleman Family, LP						
(If the Applicant is an entity Secretary of State, County,	r, the legal name m or in the legal docu	nust be spelled exactly as filed with the Texas iments forming the entity.)				
You may search for your Cl	N on the TCEQ web	he TCEQ, what is the Customer Number (CN)? osite at n?fuseaction=cust.CustSearch				
CN: 605034248	(leave b	lank if you do not yet have a CN).				
What is the name and title of application is signed by an evidence that they meet the	individual applicar	ersons signing the application? Unless an at, the person or persons must submit written ments in 30 TAC § 295.14.				
First/Last Name: Frank \	/olleman					
Title: Registered Agent						
Have you provided writt 295.14, as an attachmen	en evidence meetir t to this applicatio	ng the signatory requirements in 30 TAC § n? Yes				
What is the applicant's mail may verify the address on the https://tools.usps.com/go/2	ne USPS website at					
Name: Frank Volleman F						
Mailing Address: 600 CR						
City: Gustine	State: Texas	ZIP Code: 76455-5704				
Indicate an X next to the typ	e of Applicant:					
Individual	Sole Proprie	torship-D.B.A.				
X_Partnership	Corporation					
Trust	Estate					
Federal Government	State Govern	ument				
County Government	City Govern	nent				
Other Government	Other					
For Corporations or Limited State Franchise Tax ID Numb	Partnerships, prov er: <u>32045916197</u> So	ride: OS Charter (filing) Number: <u>0801516782</u>				

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

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

First and Last Name: Richard George

Title: Environmental Consultant

Organization Name: Enviro-Ag. Engineering, Inc.

Mailing Address: 9855 FM 847

City: Dublin State: TX

ZIP Code: 76446

Phone No.: 254-233-9948

Extension:

Fax No.:

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 futu	re notices be receive	d on my/our behalf at th	e following:
First and Last Name:			
Title:			
Organization Name:			
Mailing Address:			
City:	State:	ZIP Code:	
Phone No.:	Extens	ion:	
Fax No.:	E-mail	Address:	

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.
 - 1. Does Applicant or Co-Applicant owe any fees to the TCEQ? Yes / No No

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

Amount past due:

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

If **yes**, please provide the following information:
Enforcement order number:

Amount

Amount past due:

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

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

c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use – if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5).

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

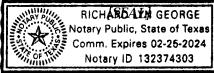
6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant: I, Frank Volleman for Frank Volleman Family, LP Registered Agent (Typed or printed name) 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: For Four Known Known Family L.P. Date: 5-14-20 (Use blue ink) Subscribed and Sworn to before me by the said Frak Vallena on this $14 \pm b$ day of $14 \pm$ RICHARDAYN GEORGE

Notary Public

Conarche

County, Texas



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





Franchise Tax Account Status

As of: 12/18/2019 15:35:22

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

FRANK VOLLEMAN FAMILY, LP

Texas Taxpayer Number 32045916197

Mailing Address 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

② Right to Transact Business in

Tavae

ACTIVE

State of Formation TX

Effective SOS Registration Date 01/01/2012

Texas SOS File Number 0801516782

Registered Agent Name FRANK VOLLEMAN

Registered Office Street Address 600 CR 252 GUSTINE, TX 76455

Public Information Report

Public Information Report FRANK VOLLEMAN FAMILY, LP

Report Year: 2019

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

You may order a copy of a Public Information Report from <u>open.records@cpa.texas.gov</u> or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title

Name and Address

GENERAL PA

VOLLEMAN MANAGEMENT (GP), LLC 600 CR 252 GUSTINE, TX 76455





Franchise Tax Account Status

As of: 12/18/2019 15:36:54

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

VOLLEMAN MANAGEMENT (GP), LLC

Texas Taxpayer Number 32045916320

Mailing Address 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

? Right to Transact Business in

ACTIVI

State of Formation TX

Effective SOS Registration Date 01/01/2012

Texas SOS File Number 0801516762

Registered Agent Name FRANK VOLLEMAN

Registered Office Street Address 600 CR 252 GUSTINE, TX 76455

Public Information Report

Public Information Report VOLLEMAN MANAGEMENT (GP), LLC

Report Year: 2018

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

You may order a copy of a Public Information Report from <u>open.records@cpa.texas.gov</u> or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title Name and Address

MEMBER ANNETTE VOLLEMAN
600 CR 252 GUSTINE, TX 76455

MEMBER FRANK VOLLEMAN 600 CR 252 GUSTINE, TX 76455

https://mycpa.cpa.state.tx.us/coa/coaSearchBtn#

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 strongly encouraged 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 call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y/N N (If yes, date: NA).

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

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

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

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? N/A Y/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. See instructions page. 6.

Water Right (Certificate or Permit) number you are requesting to amend: 12-3629A

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / 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 $_{
m N}$

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 γ If yes, submit:
 - Worksheet 1.0 Quantity, Purpose, and Place of Use Information Worksheet
 - Worksheet 1.2 Notice: "Marshall Criteria" Attachment A
- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y/NY

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)

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? $\, \mathbf{Y} \, / \, \mathbf{N} \, \, \mathbf{N} \,$

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

- - 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 $_{
m N}$

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 $_{
 m N}$

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 $_{
m N}$

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":

Conservation practices are implemented on-site which are consistent with the

Brazos (Region G) Water Planning Group for irrigation. These include irrigation timing

brush/weed control practices and land leveling to utilize water usage and prevent

waste/runoff. *Conservation/management strategies (BMPs) can be located in the

2016 Brazos G Regional Water Plan Volume II-Water Conservation Section--pg. 2-29.

- 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 $\underline{\text{Attachment B}}$

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

_____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:

1.	Location	Information	Regarding	the	Lands	to be	Irrigate	1
----	----------	-------------	-----------	-----	-------	-------	----------	---

i)	Applicant proposes to irrigate a tota all of or part of a larger tract(s) wh application and contains a total of _	ich is	described in a	supplement at	tached to	this
ii)	Location of land to be irrigated:		e	Origin	al Survey	No
	, Abstract No	:				,

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

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

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

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

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

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
48	Agricultural Irrigation	Agricultural Irrigation, Livestock & Off-Channel Storage	816.13 acres in Comanche County	2,859.958 acres in Comanche County as outlined in the attached Deeds/Maps.

^{*}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."

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

Agricultural rights, provide the following location information regarding the lands to be irrigated:

i) Applicant proposes to irrigate a total of 2,859.958 __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 2,859.958 __acres in _comanche County, TX.

ii) Location of land to be irrigated: In the _Attachment C _______ Original Survey No. _______, Abstract No. _______.

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

For any request which adds Agricultural purpose of use or changes the place of use for

use the land described.

Lease/Letters of Consent/Non Frank Volleman Family, LP Deeds - Attachment D;

Lease/Letters of Consent/Non Frank Volleman Family, LP Deeds - Attachment E

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.

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

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

 WCP Attachment F

^{**}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."

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 such amendments which include changes in use, changes in place of use, or other non-substantive changes in a water right (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 onstream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

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

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

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

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

Attachment A

- a. <u>Administrative Requirements and Fees.</u> 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. <u>Beneficial Use.</u> 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. <u>Public Welfare</u>. 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. <u>Groundwater Effects.</u> Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. <u>State Water Plan.</u> 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. <u>Waste Avoidance</u>. 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. <u>Impacts on Water Rights or On-stream Environment</u>. Explain how 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.

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).

1. I	Diversion	Information	(Instructions,	Page.	24)
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		_			
a.	This W	Vorksheet is to add new (select 1 of 3 below):			
	2. <u>A</u>	Diversion Point No. Upstream Limit of Diversion Reach No. <u>A-</u> _ Downstream Limit of Diversion Reach No	<u>A'</u> o.		
b.	Maxim or_ ²²⁵	um Rate of Diversion for this new point 0.5 gpm (gallons per minute)	cfs (cubic feet per second)		
c.	If yes, .	his point share a diversion rate with other points? submit Maximum Combined Rate of Diversion for a reaches orcfs orgpm	Y/NY all		
d.	For am	endments, is Applicant seeking to increase combin	ned diversion rate? Y/NN		
	** 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 diversi	($$) the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the		
e.	diversi Check	($$) the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the Write: Existing or Proposed		
e.	diversi	($$) the appropriate box to indicate diversion location location is existing or proposed): Directly from stream	Write: Existing or Proposed		
e.	diversion Check one	on location is existing or proposed):			
e.	diversion Check one	on location is existing or proposed): Directly from stream	Write: Existing or Proposed		
e.	diversion Check one	on location is existing or proposed): Directly from stream From an on-channel reservoir	Write: Existing or Proposed		
f.	Check one X Based above draina	on location is existing or proposed): Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Write: Existing or Proposed Existing calculate the drainage area		

a.	On watercourse (USGS name): South Leon River, Brazos River Basin
b.	Zip Code: 76455
c.	Location of point: In the J. Browne Original Survey No, Abstract No59, Comanche County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

d. Point is at:

Latitude 31.782110 °N, Longitude 98.450480 °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): Texas TOPO! Software_____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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).

1.	Diversion	Information	(Instructions,	Page.	24)
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a.	This Worksheet is to add new (select 1 of 3 below):				
	2	Diversion Point No. Upstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No	o. <u>A-A'</u>		
b.	Maxim or ²²⁵	um Rate of Diversion for this new point 0.5gpm (gallons per minute)	_ cfs (cubic feet per second)		
c.	If yes, s	his point share a diversion rate with other points? submit Maximum Combined Rate of Diversion for a reaches of gpm	Y/NY all		
d.	For am	endments, is Applicant seeking to increase combin	ed diversion rate? Y/NN		
	** An ii comple	ncrease in diversion rate is considered a new approption of Section 1, New or Additional Appropriation o	priation and would require of State Water.		
	61 1				
е.	aiversi	($$) the appropriate box to indicate diversion location location location is existing or proposed):	on and indicate whether the		
e.	diversion Check one	() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the Write: Existing or Proposed		
е.	Check	(v) the appropriate box to indicate diversion location location location is existing or proposed): Directly from stream	Write: Existing or Proposed		
e.	Check one	on location is existing or proposed):			
e.	Check one	Directly from stream	Write: Existing or Proposed		
e.	Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed		
	Check one X Based of above of drainage Applications	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Write: Existing or Proposed Existing calculate the drainage area		

a.	On watercourse (USGS name): South Leon River, Brazos River Basin
b.	Zip Code: 76455
c.	Location of point: In the William H. Murray Original Survey No, Abstract No. 641, ComancheCounty, 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.

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d.	$-\nu$	oir	١t	10	-21	٠.
u.		VII.	ıι	10	αι	

Latitude 31.790818 N, Longitude 98.437541 °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): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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):

	2. B	Diversion Point No. Upstream Limit of Diversion Reach No. B-E Downstream Limit of Diversion Reach No	<u>S'</u> O.			
b.	Maximum Rate of Diversion for this new point of cfs (cubic feet per second) or gpm (gallons per minute)					
c.	If yes, s	nis point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a Greaches 0.5 cfs or 225 gpm	Y/NY all			
	For amendments, is Applicant seeking to increase combined diversion rate? Y / NN ** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water. Check $()$ the appropriate box to indicate diversion location and indicate whether the					
	aiversi	on location is existing or proposed):	on and indicate whether the			
	Check one		Write: Existing or Proposed			
			1			
	Х	Directly from stream	Proposed			
		From an on-channel reservoir	Proposed (Diversion Reach B-B' is existing			
		From an on-channel reservoir From a stream to an on-channel reservoir	<u> </u>			
		From an on-channel reservoir	(Diversion Reach B-B' is existing			

decimal places

a. On watercourse (USGS name): Unnamed Tribulary, South Leon River, Brazos River Basin

b.	b. Zip Code: <u>76455</u>	
c.	c. Location of point: In the A. Davis No. 243 Comanche	riginal Survey No, Abstract County, Texas.
	must be submitted describing tra For diversion reaches, the Commi property that the Applicant does access, the Applicant will be requ documents supporting a legal rig diversion points within the reach	ording information from the county records ct(s) that include the diversion structure. Ission cannot grant an Applicant access to not own or have consent or a legal right to ired to provide deeds, or consent, or other to use the specific points when specific are utilized. Other documents may include, but ement, a land lease, a contract, or a citation to minent domain to acquire access.
d.	d. Point is at:	
	Latitude 31.768137 °N, Long	tude <u>-98.447875</u>
	Provide Latitude and Longitude co	pordinates in decimal degrees to at least six

- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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).

1.	Diversion	Information	(Instructions,	Page.	24)
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a.	This W	Vorksheet is to add new (select 1 of 3 below):			
	1 2 3. <u>B'</u>	Diversion Point No. Upstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No	o. <u>B-B'</u>		
b.	Maximum Rate of Diversion for this new point of cfs (cubic feet per second) or gpm (gallons per minute)				
c.	If yes, s	his point share a diversion rate with other points? submit Maximum Combined Rate of Diversion for a reaches of gpm	Y/NY all		
d.	For am	endments, is Applicant seeking to increase combin	ned diversion rate? Y/NN		
	** An ii comple	ncrease in diversion rate is considered a new approption of Section 1, New or Additional Appropriation o	priation and would require of State Water.		
e.	Check (() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the		
		transition of proposed).			
	Check one	proposed.	Write: Existing or Proposed		
-	Check	Directly from stream	Write: Existing or Proposed Existing		
	Check one		_		
	Check one	Directly from stream	_		
	Check one	Directly from stream From an on-channel reservoir	_		
f.	Based of above the drainage Application of the second control of t	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Existing calculate the drainage area ishes to also calculate the		

a.	On watercourse (USGS name): Unnamed Tribulary of South Leon River, Brazos River Basin
b.	Zip Code: 76455
с.	Location of point: In the J. Browne Original Survey No, Abstract No, ComancheCounty, 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 31.787533 °N, Longitude 98.444225 °W. Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
<u>.</u>	Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPOI Software

- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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.	a. This Worksheet is to add new (select 1 of 3 below):					
	 Diversion Point No. Diversion Point No. Diversion Reach No. Downstream Limit of Diversion Reach No. 					
b.	Maximum Rate of Diversion for this new point 0.5 cfs (cubic feet per second) or 225 gpm (gallons per minute)					
c.	If yes, s	his point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a Greaches 0.5 cfs or 225 gpm	Y/NY all			
d.	For am	endments, is Applicant seeking to increase combir	ned diversion rate? Y/NN			
	** An ii comple	** 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):					
e.	aiversi	() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the			
e.	Check (diversion) Check one	() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the Write: Existing or Proposed			
e.	Check	Directly from stream				
e.	Check one	on location is existing or proposed):	Write: Existing or Proposed			
e.	Check one	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir	Write: Existing or Proposed Proposed			
e.	Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed Proposed (Diversion reach C-C' is existing			
e.	Check one X Based (above)	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Proposed Proposed (Diversion reach C-C' is existing but this is a new proposed upstream limit.)			
	Check one X Based above adrainage	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional sheets if necessary) on the Application information provided, Staff will the diversion point (or reach limit). If Applicant w	Proposed Proposed (Diversion reach C-C' is existing but this is a new proposed upstream limit.)			

a.	On watercourse (USGS name): Unnamed Tribulary of Walnut Creek, Brazos River Basin
b.	Zip Code: _76455
c.	Location of point: In the T. Gilbert Original Survey No, Abstract No. 383, ComancheCounty, 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.

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u.	1	UII.	ш	12	aı.

Latitude 31.773764 °N, Longitude -98.437648 °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): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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).

1.	Diversion	Information	(Instructions,	Page.	24)
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			·			
a.	. This Worksheet is to add new (select 1 of 3 below):					
	 Diversion Point No. Upstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No. 					
b.		um Rate of Diversion for this new point 0.5 gpm (gallons per minute)	_ cfs (cubic feet per second)			
c.	If yes, s	nis point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a Greaches 0.5 cfs or 225 gpm				
d.	For am	endments, is Applicant seeking to increase combin	ned diversion rate? Y/NN			
	** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.					
	Check $()$ the appropriate box to indicate diversion location and indicate whether the					
е.	Check ($\sqrt{}$) the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the			
е.	Check (diversion Check one	() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the Write: Existing or Proposed			
е.	diversion Check	(v) the appropriate box to indicate diversion location location location is existing or proposed): Directly from stream	Write: Existing or Proposed			
е.	diversion Check one	on location is existing or proposed):				
е.	diversion Check one	on location is existing or proposed): Directly from stream	Write: Existing or Proposed			
е.	diversion Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed			
f.	Check one X Based above draina; Application	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Write: Existing or Proposed Existing calculate the drainage area			

a.	On watercourse (USGS name): Unnamed Tributary of Walnut Creek, Brazos River Basin
b.	Zip Code: <u>76455</u>
c.	Location of point: In the T. Gilbert Original Survey No, Abstract No. 383, ComancheCounty, Texas.
	A copy of the deed(s) with the recording information from the county records

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 3		°N, Longi	tude -98.436032	${}^{\circ}\!\mathrm{W}_{\scriptscriptstyle{-}}$		
Provide $ar{L}$	atitude a	ind Longitude co	ordinates in	decimal dea	rees to at least si	x
decimal p	olaces	· ·				-

- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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).

1.	Diversion	Information	(Instructions,	Page.	24)
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			·			
a.	. This Worksheet is to add new (select 1 of 3 below):					
	 Diversion Point No. A Upstream Limit of Diversion Reach No. A-A' North Downstream Limit of Diversion Reach No. 					
b.	Maxim or ²²⁵	um Rate of Diversion for this new point 0.5 gpm (gallons per minute)	_ cfs (cubic feet per second)			
c.	If yes, s	nis point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a Greaches 0.5cfs or 225gpm	Y/NY dl			
d.	For am	endments, is Applicant seeking to increase combin	ed diversion rate? Y/NN			
	** An ii comple	ncrease in diversion rate is considered a new approption of Section 1, New or Additional Appropriation of	priation and would require of State Water.			
е.	Check ($\sqrt{}$) the appropriate box to indicate diversion location location location is existing or proposed):	on and indicate whether the			
	Check one		Write: Existing or Proposed			
	X	Directly from stream	Proposed			
		From an on-channel reservoir				
		Parameter				
		From a stream to an on-channel reservoir				
		Other method (explain fully, use additional sheets if necessary)				
f.	above t drainag Applica	Other method (explain fully, use additional	calculate the drainage area ishes to also calculate the			

a.	On watercourse (USGS name): Leon River, Brazos River Basin
b.	Zip Code: 76455
c.	Location of point: In the Alexander Hodge Original Survey No, Abstract No. 426, ComancheCounty, 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.

т	-			
a.	PC	oint	18	at:

Latitude 31.901931 °N, Longitude 98.427146 °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): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 2
- 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.

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).

1.	Diversion	Information	(Instructions,	Page.	24)
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a.	This W	This Worksheet is to add new (select 1 of 3 below):			
	 Diversion Point No. Upstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No. <u>A-A' North</u> 				
b.	Maxim or 225	Maximum Rate of Diversion for this new point of cfs (cubic feet per second) or 225 gpm (gallons per minute)			
c.	If yes, .	his point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a Greaches 0.5 gpm	Y/NY all		
d.	For am	endments, is Applicant seeking to increase combin	ned diversion rate? Y/NN		
	** An i	ncrease in diversion rate is considered a new appro tion of Section 1, New or Additional Appropriation of	priation and would require		
	Check $()$ the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):				
e.	diversi	() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the		
е.	Check diversi Check one	() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the Write: Existing or Proposed		
е.	Check	(v) the appropriate box to indicate diversion location location location is existing or proposed): Directly from stream	Write: Existing or Proposed		
е.	Check one	on location is existing or proposed):			
е.	Check one	Directly from stream	Write: Existing or Proposed		
е.	Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed		
e.	Check one X Based above drainage	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Write: Existing or Proposed Proposed calculate the drainage area		

a.	On watercourse (USGS name): Leon River, Brazos River Basin
b.	Zip Code: 76455
c.	Location of point: In the William M. Vance Original Survey No, Abstract No. 980, ComancheCounty, 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 31.879919 °N, Longitude -98.414662 °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): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 2
- 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.

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).

1.	Diversion	Information	(Instructions,	Page.	24)
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a.	This W	This Worksheet is to add new (select 1 of 3 below):			
	 Diversion Point No. Dupstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No. 				
Ъ.	Maxim or 225	um Rate of Diversion for this new point 0.5 gpm (gallons per minute)	_ cfs (cubic feet per second)		
c.	If yes, s	nis point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a Greaches 0.5 cfs or 225 gpm	Y/NY all		
d.	For am	endments, is Applicant seeking to increase combin	ned diversion rate? Y/NN		
	** An ii	ncrease in diversion rate is considered a new appro tion of Section 1, New or Additional Appropriation o	priation and would reauire		
_	Check ($$) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):				
е.	diversion	(v) the appropriate box to indicate diversion location location location is existing or proposed):	on and indicate whether the		
е.	Check	(v) the appropriate box to indicate diversion location location location is existing or proposed):	On and indicate whether the Write: Existing or Proposed		
e. 	diversi	(v) the appropriate box to indicate diversion location location location is existing or proposed): Directly from stream	Write: Existing or Proposed		
е.	Check one	on location is existing or proposed):			
е.	Check one	Directly from stream	Write: Existing or Proposed		
е.	Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed		
	Check one X Based cabove to	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Write: Existing or Proposed Proposed calculate the drainage area		
f.	Check one X Based above adrainage	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional sheets if necessary) on the Application information provided, Staff will the diversion point (or reach limit). If Applicant w	Write: Existing or Proposed Proposed calculate the drainage area		

Attachment B - Site Map 3

Page. 38.

a.	On watercourse (USGS name): Conliguous Reach on South Leon River & Leon River (Brazos River Basin)
b.	Zip Code: 76455
c.	Location of point: In the M. Mahoney Original Survey No, Abstract No. 652, ComancheCounty, 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 31.847988 °N, Longitude 98.370722 °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): Texas TOPOL Software

f. Map submitted must clearly identify each diversion point and/or reach. See instructions

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).

1.	Diversion	Information	(Instructions,	Page.	24
_ ,	~~ · ~ · ~ · · · · · · · · · · · · · ·			_ ~ _ ~ .	

a.	This W	orksheet is to add new (select 1 of 3 below):			
	 Diversion Point No. Diversion Point No. Upstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No. 				
b.		ım Rate of Diversion for this new point <u>0.5</u> gpm (gallons per minute)	_ cfs (cubic feet per second)		
c.	If yes, s	nis point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a reaches 0.5 cfs or 225 gpm			
d.	For am	endments, is Applicant seeking to increase combin	ed diversion rate? Y/NN		
		ncrease in diversion rate is considered a new approption of Section 1, New or Additional Appropriation o			
e.	Check ($$) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):				
	diversion	on location is existing or proposed):			
	Check		Write: Existing or Proposed		
	Check one	on location is existing or proposed):	Write: Existing or Proposed		
	Check one	on location is existing or proposed): Directly from stream	Write: Existing or Proposed		
	Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed		

a.	On watercourse (USGS name): Configuous Reach on South Leon River & ending on Leon River (Brazos River Basin)
b.	Zip Code: 76455
c.	Location of point: In the H. McCaleb Original Survey No, Abstract No. 666, ComancheCounty, 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 31.855678 °N, Longitude -98.318098 °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): Texas TOPOI Software
f.	Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B - Site Map 3
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.

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).

1.	Diversion	Information	(Instructions,	Page.	24)
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a.	This W	This Worksheet is to add new (select 1 of 3 below):			
	 Diversion Point No. E Upstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No. 				
b.	Maximum Rate of Diversion for this new point of cfs (cubic feet per second) or gpm (gallons per minute)				
C.	ıı yes, :	his point share a diversion rate with other points? submit Maximum Combined Rate of Diversion for a freaches 0.5 cfs or 225 gpm	Y/NY all		
d.	For am	endments, is Applicant seeking to increase combin	ned diversion rate? Y/NN		
	** An i comple	ncrease in diversion rate is considered a new appro tion of Section 1, New or Additional Appropriation o	priation and would require of State Water.		
	O1 1				
e.	diversi	() the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the		
e.	diversion Check one	(√) the appropriate box to indicate diversion location location location is existing or proposed):	on and indicate whether the Write: Existing or Proposed		
е.	Check	(v) the appropriate box to indicate diversion location location location is existing or proposed): Directly from stream	Write: Existing or Proposed		
e.	Check one	on location is existing or proposed):			
е.	Check one	Directly from stream	Write: Existing or Proposed		
e.	Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed		
e.	Check one X Based cabove to	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Write: Existing or Proposed Proposed Calculate the drainage area		
e.	Check one X Based cabove to drainage	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional sheets if necessary) on the Application information provided, Staff will the diversion point (or reach limit). If Applicant w	Write: Existing or Proposed Proposed Calculate the drainage area		

a.	On watercourse (USGS name): Unnamed Tribulary of Walnut Creek, Brazos River Basin
b.	Zip Code:
c.	Location of point: In the J Cadenhead Original Survey No, Abstract No, Comanche County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure. For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to: a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

_7	n				
d.	- 14	าเท	T.	10	at:
u.		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		10	u.

Latitude 31.765684 °N, Longitude 98.430702 °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): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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

	1					
	 Diversion Point No. Upstream Limit of Diversion Reach No. Downstream Limit of Diversion Reach No. 					
b.	Maximum Rate of Diversion for this new point of cfs (cubic feet per second) or gpm (gallons per minute)					
c.	Does this point share a diversion rate with other points? Y/NY If yes, submit Maximum Combined Rate of Diversion for all points/reaches ^{0.5} cfs or ²²⁵ gpm					
d.	** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.					
е.	Check (diversio) the appropriate box to indicate diversion location location is existing or proposed):	on and indicate whether the			
	Check one		Write: Existing or Proposed			
	X	Directly from stream	Proposed			
		From an on-channel reservoir	•			
		From a stream to an on-channel reservoir				
f.	above t	From a stream to an on-channel reservoir Other method (explain fully, use additional	calculate the drainage area ishes to also calculate the			
£.	above t drainag	From a stream to an on-channel reservoir Other method (explain fully, use additional sheets if necessary) on the Application information provided, Staff will he diversion point (or reach limit). If Applicant w	calculate the drainage area ishes to also calculate the			

a.	On watercourse (USGS name): Unnamed Tributary of Walnut Creek, Brazos River Basin
b.	Zip Code: 76455
c.	Location of point: In the T. Gilbert Original Survey No, Abstract No, ComancheCounty, 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.
i.	Point is at: Latitude 31.772118

- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 1
- 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.

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 W	orksheet is to add new (select 1 of 3 below):			
	 Diversion Point No. F Upstream Limit of Diversion Reach No. F-F' Downstream Limit of Diversion Reach No. 				
b.	Maximum Rate of Diversion for this new point 0.5 cfs (cubic feet per second) or 225 gpm (gallons per minute)				
c.	If yes, s	his point share a diversion rate with other points? Submit Maximum Combined Rate of Diversion for a Treaches 0.5cfs or 225gpm	Y/NY ll		
d.	For am	endments, is Applicant seeking to increase combin	ed diversion rate? Y/NN		
	** An i	ncrease in diversion rate is considered a new approption of Section 1, New or Additional Appropriation o	priation and would require		
	Check ($$) the appropriate box to indicate diversion location and indicate whether the				
	diversi	() the appropriate box to indicate diversion location location is existing or proposed):	n and indicate whether the		
	Check (diversion Check one	() the appropriate box to indicate diversion location location location is existing or proposed):	n and indicate whether the Write: Existing or Proposed		
	Check	(√) the appropriate box to indicate diversion location location location is existing or proposed): Directly from stream	Write: Existing or Proposed		
	Check one	on location is existing or proposed):			
	Check one	Directly from stream	Write: Existing or Proposed		
	Check one	Directly from stream From an on-channel reservoir	Write: Existing or Proposed		
	Check one X Based cabove to drainage Applications	Directly from stream From an on-channel reservoir From a stream to an on-channel reservoir Other method (explain fully, use additional	Write: Existing or Proposed Proposed		

decimal places

a. On watercourse (USGS name): Indian Creek, tribulary of Leon River, Brazos River Basin

b.	Zip Code: 76455			
с.	Location of point: No. 426	In the A. Hodge	Original Survey No County, Texas.	, Abstract
	must be sub	mitted describin	e recording information fr g tract(s) that include the a	om the county records liversion structure
	For diversio property the access, the A documents s diversion po are not limit	n reaches, the Co at the Applicant of Applicant will be Supporting a lega ints within the re ted to: a recorde	ommission cannot grant and does not own or have conse required to provide deeds, all right to use the specific peach are utilized. Other does assement, a land lease, a cise eminent domain to acq	t Applicant access to ent or a legal right to or consent, or other points when specific cuments may include, but contract. or a citation to
d.	For diversion property the access, the Adocuments of diversion polyage are not limit the Applicate Point is at:	n reaches, the Co at the Applicant of Applicant will be Supporting a lego ints within the re ted to: a recorded at's right to exerc	ommission cannot grant and does not own or have conse required to provide deeds, al right to use the specific p each are utilized. Other do d easement, a land lease, a	Applicant access to ent or a legal right to or consent, or other or consent, or other ooints when specific cuments may include, but contract, or a citation to uire access.

- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Texas TOPO! Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 2
- 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.

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)

Upstream Limit of Diversion Reach N					
	 Diversion Point No. Upstream Limit of Diversion Reach No. F' Downstream Limit of Diversion Reach No. 				
Maximum Rate of Diversion for this new point 0.5 cfs (cubic feet per second) or 225 gpm (gallons per minute)					
oes this point share a diversion rate with other po yes, submit Maximum Combined Rate of Diversion ints/reaches ^{0.5} cfs or ²²⁵ gp	n for all				
r amendments, is Applicant seeking to increase co An increase in diversion rate is considered a new o mpletion of Section 1. New or Additional Appropri	appropriation and would reauire				
eck ($$) the appropriate box to indicate diversion 1	·				
eck e	Write: Existing or Proposed				
Directly from stream	Proposed				
From an on-channel reservoir	<u> </u>				
I.					
From a stream to an on-channel reservo	ir				
From a stream to an on-channel reservoi Other method (explain fully, use addition sheets if necessary)					
yyii r	es this point share a diversion rate with other pores, submit Maximum Combined Rate of Diversion onts/reaches. Cfs or 225 gp amendments, is Applicant seeking to increase of an increase in diversion rate is considered a new empletion of Section 1, New or Additional Appropriate (1) the appropriate box to indicate diversion location is existing or proposed): Cck Directly from stream				

a.	On watercourse (USGS name): Indian Creek, tribulary of Leon River, Brazos River Basin
b.	Zip Code: 76455
c.	Location of point: In the A. Hodge Original Survey No, Abstract No. 426, Comanche County, Texas.
	A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

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.	P	oir	ıt	is	at:
ч.				10	uı.

Latitude 31.900242 °N, Longitude -98.422109 °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): Texas TOPOI Software
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. Attachment B Site Map 2
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), <u>Existing Diversion Reach A-A</u>

a. Ider	ntify the appropriate description of the water body.
	■ Stream
	□ Reservoir
	Average depth of the entire water body, in feet:
	□ Other, specify:
b. Flov	v 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).
	\square Intermittent – dry for at least one week during most years
	\square Intermittent with Perennial Pools – enduring pools
	■ Perennial – normally flowing
]	Check the method used to characterize the area downstream of the new diversion location.
1	□ USGS flow records
[□ Historical observation by adjacent landowners
į	■ Personal observation
[□ Other, specify:
	rbody aesthetics
C a	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.

$\hfill\Box$ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
$\hfill\Box$ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
\square 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?
\square Primary contact recreation (swimming or direct contact with water)
\square Secondary contact recreation (fishing, canoeing, or limited contact with water)
■ Non-contact recreation
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 map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/4" mesh screens are used on all diversion pipes.
3. 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.
2. Alternate Sources of Water and/or Bed and Banks Applications
For all bed and banks applications: N/A
a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

If the alternate source is treated return flows, provide the TPDES permit number						
If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:						
fo if w fr fr He	a. 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 mi	ust be measured or	site at the time	he groundwater sa	mple is collected.		
Temperature must be measured onsite at the time the groundwater sample is collected. b. If groundwater will be used, provide the depth of the well and the name of the aquifer from which water is withdrawn						

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

b.

inflow requirements.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

a. Identify the appropriate description of the water body.	
≡ Stream	
□ Reservoir	
Average depth of the entire water body, in feet:	
☐ Other, specify:	
b. Flow characteristics	
If a stream, was checked above, provide the following. For new diversion locations, choose of the following that best characterize the area downstream of the diversion (checone).	ieck ik
\square 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.	
\square USGS flow records	
\square Historical observation by adjacent landowners	
■ Personal observation	
□ Other, specify:	
c. Waterbody aesthetics	
Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.	

\square Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional						
Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored						
$\hfill\Box$ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid						
$\hfill\Box$ 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?						
\square Primary contact recreation (swimming or direct contact with water)						
\square Secondary contact recreation (fishing, canoeing, or limited contact with water)						
■ Non-contact recreation						
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 map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G						
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).						
3. 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.						
2. Alternate Sources of Water and/or Bed and Banks Applications						
For all bed and banks applications: N/A						
a. Indicate the measures the applicant will take to avoid impingement and						

entrainment of aquatic organisms (ex. Screens on the new diversion structure).

If the alternate source is treated return flows, provide the TPDES permit number							
If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:							
a. 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					Dutte, IIIIc		
Chloride,							
mg/L							
Total							
Dissolved							
Solids, mg/L							
pH, standard							
units							
Temperature*,							
degrees Celsius							
			1 1	1			
* Temperature mu	st de measured on	isite at the time t	he groundwater sa	mple is collected.			
b. If g of the ac	roundwater will quifer from whic	be used, provion h water is with	le the depth of th	ne well	and the name 		

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

b.

inflow requirements.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

a. Identify the appropriate description of the water body.
■ Stream
☐ Reservoir
Average depth of the entire water body, in feet:
□ Other, specify:
b. Flow characteristics
If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).
\square 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
\square Historical observation by adjacent landowners
■ Personal observation
□ Other, specify:
c. Waterbody aesthetics
Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

\square Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
$\hfill\Box$ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
\square 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?
\square Primary contact recreation (swimming or direct contact with water)
\square Secondary contact recreation (fishing, canoeing, or limited contact with water)
■ Non-contact recreation
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 map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. 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.
2. Alternate Sources of Water and/or Bed and Banks Applications
For all bed and banks applications: N/A

Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

a.

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.						
source is treated	return flows, p	provide the TPDE	S permit number			
is the alternate s arse provide:	source, or grou	ndwater or other	surface water wi	ll be discharged		
a. 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.						
Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time		
				,		
groundwater will	be used, provid	de the depth of th	ne well	and the name 		
	e source is treated is the alternate surse provide: easonably current pollowing parameter is a specificater is withdrawn similar sized owler, onsite dated number or we rovide the Well North Average Conc. Average Conc.	e source is treated return flows, prist the alternate source, or ground rise provide: Leasonably current water chemist ollowing parameters in the table of there is a specific water quality rater is withdrawn. If data for one similar sized wells drawing sowever, onsite data may still be rell number or well identifier. Controvide the Well Number or identifiers with the Well Number or identifiers. Average Conc. Max Conc.	e source is treated return flows, provide the TPDE is the alternate source, or groundwater or other arse provide: easonably current water chemistry information in following parameters in the table below. Addition there is a specific water quality concern associated at is withdrawn. If data for onsite wells are unatom similar sized wells drawing water from the satisfied in the well number or well identifier. Complete the information in the well number or identifier. Average Conc. Max Conc. No. of Samples Average Conc. Max Conc. No. of Samples groundwater will be used, provide the depth of the groundwater will be used, provide the depth of the same and the same are the s	e source is treated return flows, provide the TPDES permit number is the alternate source, or groundwater or other surface water will urse provide: easonably current water chemistry information including but not pollowing parameters in the table below. Additional parameters may there is a specific water quality concern associated with the aquifurater is withdrawn. If data for onsite wells are unavailable; historic from similar sized wells drawing water from the same aquifer may sowever, onsite data may still be required when it becomes available ell number or well identifier. Complete the information below for rovide the Well Number or identifier. Average Conc. Max Conc. No. of Sample Type Samples		

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Proposed Diversion Reach A-A' North

Troposed Biversion Reach it in Worth
a. Identify the appropriate description of the water body.
■ Stream
□ Reservoir
Average depth of the entire water body, in feet:
□ Other, specify:
b. Flow characteristics
If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).
\square Intermittent – dry for at least one week during most years
\square 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
\square Historical observation by adjacent landowners
■ Personal observation
□ Other, specify:
c. Waterbody aesthetics
Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

\square Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
$\hfill\Box$ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
\square 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?
\square Primary contact recreation (swimming or direct contact with water)
\square Secondary contact recreation (fishing, canoeing, or limited contact with water)
■ Non-contact recreation
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 map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).
3. 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.
2. Alternate Sources of Water and/or Bed and Banks Applications
For all bed and banks applications: N/A
a. Indicate the measures the applicant will take to avoid impingement and

entrainment of aquatic organisms (ex. Screens on the new diversion structure).

in	flow requiremen	ts.	istraill abes all	a buy and estamy	11 CSIIWatei
If the alternate	source is treated	return flows, p	provide the TPDE	ES permit number	
If groundwater : into a watercour	is the alternate s rse provide:	source, or grour	ndwater or other	surface water wi	ll be discharged
if t wa fro Ho we	nowing paramete there is a specific iter is withdrawn om similar sized wever, onsite da	ers in the table water quality in If data for one wells drawing to ta may still be it identifier. Con	below. Addition concern associated wells are unawater from the sequired when it applete the information.	ncluding but not al parameters ma ted with the aquit available; historic ame aquifer may becomes availab mation below for	ay be requested fer from which cal data collected be provided. le. Provide the
Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L			builpies		Date/Time
Chloride,					
mg/L					
Total					
Dissolved					
Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					
* Temperature mu	st be measured on	site at the time t	he groundwater sa	mple is collected	
b. If g	roundwater will	be used, provid	le the depth of t	he well	and the name

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

b.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

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

a. Identify the appropriate description of the water body.
≡ Stream
□ Reservoir
Average depth of the entire water body, in feet:
□ Other, specify:
b. Flow characteristics
If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).
\square Intermittent – dry for at least one week during most years
\square 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
\square Historical observation by adjacent landowners
■ Personal observation
□ Other, specify:
c. Waterbody aesthetics
Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

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Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
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$\hfill\Box$ 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?
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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 map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include: N/A
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.
2. Alternate Sources of Water and/or Bed and Banks Applications
For all bed and banks applications: N/A
a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

If the alternate s	source is treated	return flows, pr	ovide the TPDES	permit number_	
If groundwater i into a watercour	s the alternate so	ource, or ground	lwater or other s	urface water wil	l be discharged
a. 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 mu	st be measured on	site at the time th	e groundwater sar	nple is collected	
b. If g	roundwater will quifer from whic	be used, provide	e the depth of the	e well a	and the name

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

b.

inflow requirements.

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Diversion Reach E-E' a. Identify the appropriate description of the water body. **■** Stream □ Reservoir Average depth of the entire water body, in feet: □ Other, specify: _____ b. Flow characteristics If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one). ■ Intermittent – dry for at least one week during most years ☐ Intermittent with Perennial Pools – enduring pools ☐ Perennial – normally flowing Check the method used to characterize the area downstream of the new diversion location. □ USGS flow records ☐ Historical observation by adjacent landowners ■ Personal observation

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.

□ Other, specify: _____

 Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
$\hfill\Box$ 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?
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■ Non-contact recreation
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 map submitted with the application indicating the location of the photograph and the direction of the shot. Attachment G
2. Measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure). 1/4" mesh screens are used on all diversion pipes.
3. If the application includes a proposed reservoir, also include: $\frac{N/A}{N}$
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.
2. Alternate Sources of Water and/or Bed and Banks Applications
For all bed and banks applications: N/A
a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).

b.	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.				
If the alterna	te source is treated	return flows, p	provide the TPDES	S permit number	
If groundwat into a waterc	er is the alternate s ourse provide:	source, or grour	ndwater or other :	surface water wil	ll be discharged
a. 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		Samples	1	Date/ Illie
Chloride,					
mg/L					
Total					
Dissolved					
Solids, mg/L					
pH, standard units					
Temperature	*		-		
degrees	'				
Celsius					
* Temperature	must be measured or	site at the time t	he groundwater sa	mple is collected.	
b. I of the	f groundwater will aquifer from whic	be used, provion the water is with	le the depth of th	ne wella	and the name

WORKSHEET 5.0 ENVIRONMENTAL INFORMATION

This worksheet is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins. The worksheet is also required in all basins for: requests to change a diversion point, applications using an alternate source of water, and bed and banks applications. **Instructions, Page 28.**

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

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location). Proposed Diversion Reach F-F a. Identify the appropriate description of the water body. □ Stream ☐ Reservoir Average depth of the entire water body, in feet: _____ ■ Other, specify: Creek b. Flow characteristics If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one). ☐ Intermittent - dry for at least one week during most years ■ Intermittent with Perennial Pools - enduring pools ☐ Perennial - normally flowing Check the method used to characterize the area downstream of the new diversion location. □ USGS flow records ☐ Historical observation by adjacent landowners ■ Personal observation □ Other, specify: _____ c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments

affected by the application and the area surrounding those stream segments.

$\hfill\square$ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional	
Natural Area: trees and/or native vegetation common; some development evident (frefields, pastures, dwellings); water clarity discolored	om
$\hfill\square$ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid	
\square 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)	
\square Secondary contact recreation (fishing, canoeing, or limited contact with water)	
■ Non-contact recreation	
Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:	
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2. Measures the applicant will take to avoid impingement and entrainment of aquati organisms (ex. Screens on the new diversion structure). 1/4" mesh screens are used on all diversion pipes	
3. If the application includes a proposed reservoir, also include: N/A	-
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.	
2. Alternate Sources of Water and/or Bed and Banks Applications	
For all bed and banks applications: N/A	
a. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on the new diversion structure).	

th	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.					
If the alternate	source is treated	return flows, p	rovide the TPDES	S permit number		
If groundwater into a watercou	is the alternate s rse provide:	ource, or groun	dwater or other	surface water wi	ll be discharged	
fo if wa fre He we	llowing paramete there is a specific ater is withdrawn om similar sized owever, onsite da	ers in the table loc water quality on the constant of the cons	ry information in below. Additiona concern associate site wells are una vater from the sa required when it nplete the inforn fier.	al parameters ma ed with the aquif vailable; historic me aquifer may becomes availab	ay be requested fer from which al data collected be provided. le. Provide the	
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						
	ist be measured or	site at the time t	he groundwater sa	mple is collected.		
b. If g	groundwater will	be used, provid	le the depth of th	ne well	and the name 	

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 512-239-4691, 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 Attachment F

- a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture including irrigation, wholesale):
 - 1. Request for a new appropriation or use of State Water.
 - 2. Request to amend water right to increase appropriation of State Water.
 - 3. Request to amend water right to extend a term.
 - 4. Request to amend water right to change a place of use.

 *does not apply to a request to expand irrigation acreage to adjacent tracts.
 - 5. Request to amend water right to change the purpose of use. *applicant need only address new uses.
 - 6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water *including return flows, contract water, or other State Water.
- b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

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

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

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

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

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

2. Drought Contingency Plans

etc. See 30 TAC § 288.30) Y / N

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

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 (\$)
	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>	
Filing Fee	a. Less than 100 \$100.00	
	b. 100 - 5,000 \$250.00	
	c. 5,001 - 10,000 \$500.00	
	d. 10,001 - 250,000 \$1,000.00	
	e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	Only for those with an Irrigation Use. Multiply 50° x Number of acres that will be irrigated with State Water. **	
	Required for all Use Types, excluding Irrigation Use.	
Use Fee	Multiply \$1.00 x Maximum annual diversion of State Water in acrefect. **	
Degraptional Starage	Only for those with Recreational Storage.	
Recreational Storage Fee	Multiply \$1.00 x acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	Only for those with Storage, excluding Recreational Storage.	
Storage Fee	Multiply $50 \ x$ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
	TOTAL	\$

2. AMENDMENT *OR* SEVER AND COMBINE

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

3. BED AND BANKS

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

Attachment A

Marshall Criteria

- <u>a.</u> This application meets the administrative code requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 TAC Ch. 281, 295, and 297.
- **<u>b.</u>** The specific proposed use of water in this amendment application is for agricultural crop irrigation. Beneficial use is defined in TWC §11.002 #4 as, "...use of the amount of water which is economically necessary for a purpose authorized by this chapter, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose and shall include conserved water (TWC§11.002 #4)."

For agricultural crop irrigation, the submitted application meets the following criteria outlined in TWC Section 11 as beneficial use: TWC §11.023 #2 clearly identifies agricultural use as a purpose for which water may be, "appropriated, stored or diverted," if the water has not been set aside, or needed to meet freshwater and downstream instream flow needs (TWC §11.023 #2). Agricultural use is defined in TWC §11.002 #12 (A) as, "cultivating the soil to produce crops for human food, animal feed...," which is the applicant's proposed purposes (TWC §11.002 #12 A). Off-Channel storage in the proposed application would be for subsequent agricultural use as well.

- $\underline{\mathbf{c}}$. No detrimental effects are anticipated to public welfare, including the well-being of humans and the environment, as a result of the proposed amendment.
- $\underline{\mathbf{d}}$. No effects are anticipated as a result of the proposed amendment on groundwater or groundwater recharge.
- e. Frank Volleman Family, LP is located within the Region G Planning Group (Brazos). The proposed amendment addresses a water supply need that is consistent with state and regional water plan management strategies pertaining to irrigation.

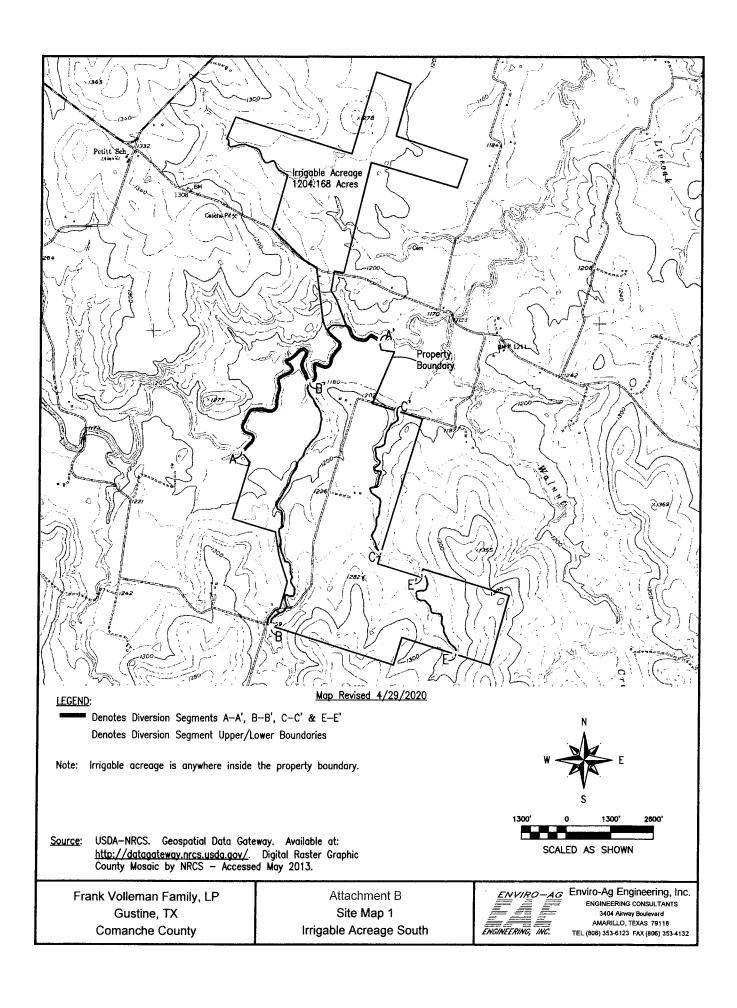
Conservation practices are implemented to reduce evaporation and eliminate runoff during times when the irrigation systems are run. The irrigation systems used are typically operated in the early morning or late evening hours when the temperature is lower to reduce evaporation. Irrigation is closely monitored on site and the systems are shut down when or before the soil reaches its water holding capacity. This conservation practice prevents over-watering of the field and eliminates wasteful runoff.

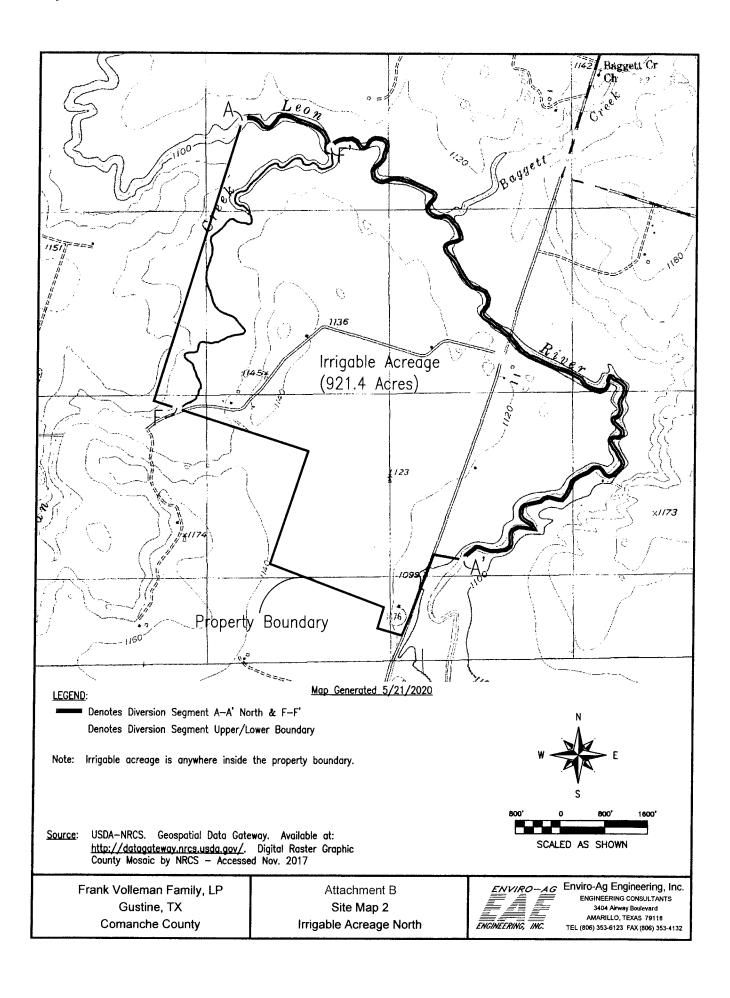
Brush/weed control is also practiced to aid in water conservation. Weeds and invasive species are killed or removed to reduce unwanted water consumption, thus leaving more irrigation water in the soil to be utilized by the production crop as intended.

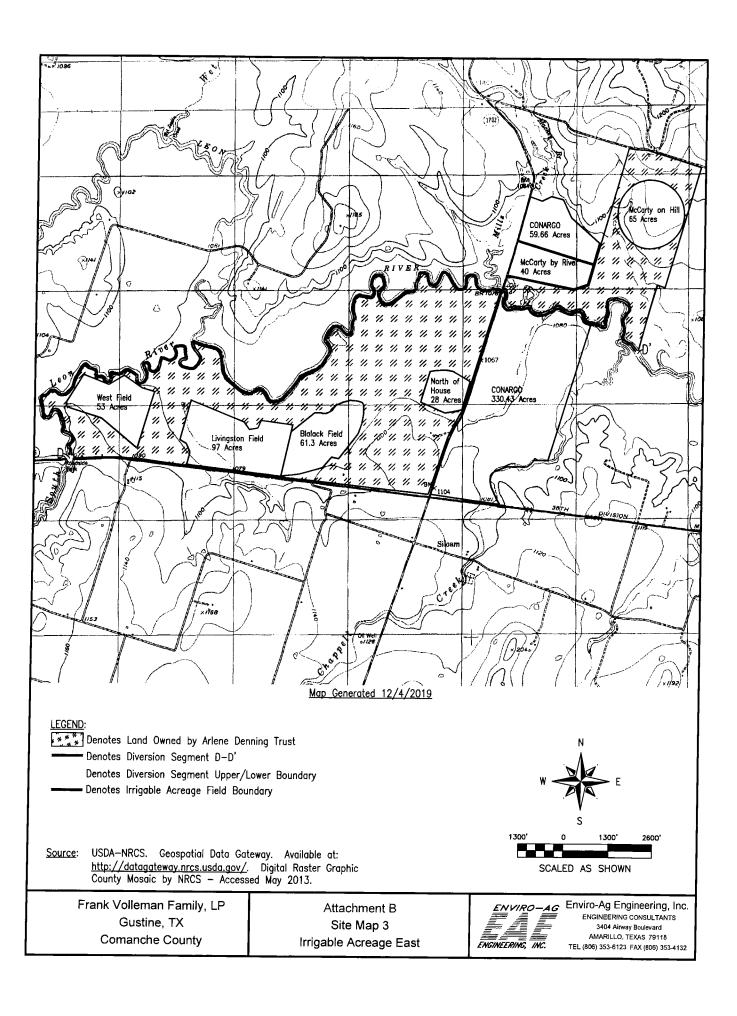
Land leveling is also utilized on cultivated land to increase water infiltration into the soil and eliminate water runoff when irrigating.

- *Conservation/management strategies (BMPs) can be located in the 2016 Brazos G Regional Water Plan Volume II-Water Conservation Section (Irrigation Water Conservation)-pg. 2-29
- **<u>f.</u>** A Water Conservation is attached (Attachment F). A Drought Contingency Plan is not required with this application.

g. The proposed amendment adds 4 diversion reaches, increases the irrigable acreage for the total water allotted in the permit and adds off channel storage as a purpose of use. No additional allocations of state water or diversion rate are being requested. As a result of the proposed amendment, no impact on water right holders or the environment is anticipated.







Attachment C

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

Location of land to be irrigated:

(2,859.958 Acres) In the <u>C. Howard Survey</u>, Abstract No. 443, the A. McCaleb Survey, Abstract No. 664, the A. Estes Survey, Abstract No. 286, the A E Hodge Survey, Abstract No. 426, the W M Vance Survey, Abstract No. 980, the J C Donley Survey, Abstract No. 246, the W Kigler Survey, Abstract No. 596, the W H Murry Survey, Abstract No. 641, the J H Browne Survey, Abstract No. 59, the T Y Gilbert Survey, Abstract No. 383, the A J Davis Survey, Abstract No. 243, the J. Cadenhead Survey, Abstract No. 150, the S Pipken Survey, Abstract No. 768, the A. Smothers Survey, Abstract No. 836, the J McConnell Survey, Abstract No. 651, the J Brennan Survey, Abstract No. 50, and the M. Mahoney Survey, Abstract No. 652 in Comanche County, TX – Brazos River Basin.

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.

ASSUMPTION WARRANTY DEED

DATE:

DECEMBER 29, 2011, but effective JANUARY 1, 2012

GRANTOR:

FRANK VOLLEMAN and wife, ANNETTE VOLLEMAN

GRANTOR'S MAILING ADDRESS:

(INCLUDING COUNTY):

600 CR 252, GUSTINE,

COMANCHE COUNTY, TEXAS 76455

GRANTEE:

FRANK VOLLEMAN FAMILY, LP, A Texas Limited Partnership

GRANTEE'S MAILING ADDRESS:

INCLUDING COUNTY):

600 CR 252, GUSTINE,

COMANCHE COUNTY, TEXAS 76455

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed and for which no liens are either retained or implied and Grantee's assumption of and agreement to pay, according to the terms of each note, the following:

- (1) The unpaid principal and earned interest as of January 1, 2012, on that certain Loan Commitment Note in the original principal sum of THREE MILLION ONE HUNDRED THOUSAND AND .00/100 DOLLARS (\$3,100,000.00) dated April 23, 2003, executed by Frank Volleman and wife, Annette Volleman, payable to the order of Wells Fargo Bank, National Association. The note is secured by a Deed of Trust dated April 23, 2003 executed by Frank Volleman and wife, Annette Volleman, as Grantor, in favor of Wells Fargo Bank, National Association, recorded in Volume 275, Page 379, Deed of Trust Records of Comanche County, Texas; said Note and Ilen being modified by that certain 2004 Renewal, Extension and Modification Agreement dated April 14, 2004 and recorded in Volume 843, Page 375, Died Records of Comanche County, Texas; and modified by that certain Renewal, Extension and Modification Agreement dated May 6, 2009 given Clerk's Document No. 1213, and recorded in Volume 914, Page 307, Deed Records of Comanche County, Texas; and modified by that certain Third Renewal, Extension and Modification Agreement Regarding 2003 Deed of Trust dated May 31, 2011, given Clerk's Document No. 1155 and recorded in Volume 937, Page 391, Deed Records of Comanche County, Texas; and modified by that certain Fourth Renewal, Extension and Modification Agreement Regarding 2003 Deed of Trust dated December 29, 2011 to be effective January 1, 2014, and recorded in Volume _______, Page ________, Deed Records of Comanche County, Texas.
- (2) The unpald principal and earned interest as of January 1, 2012, on that certain Loan Commitment Note in the original principal sum of ONE MILLION FIVE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$1,550,000.00) dated April 14, 2004, executed by Frank Volleman and wife, Annette Volleman, payable to the order of Wells Fargo Bank, National Association. The note is secured by a Deed of Trust dated April 14, 2004 executed by Frank Volleman and wife, Annette Volleman, as iGrantor, in favor of Wells Fargo Bank, National Association, recorded in Volume 285, Page 484, Deed of Trust Records of Comanche County, Texas; said Note and Ilen being modified by that certain 2005 iFicenewal, Extension and Modification Agreement dated May 31, 2005 and recorded in Volume 863, Page 188, Deed Records of Comanche County, Texas; and modified by that certain Renewal, Extension and Modification Agreement dated May 6, 2009 given Clerk's Document No. 1212, and recorded in Volume 914, Page 301, Deed Records of Comanche County, Texas; and modified by that certain Third Renewal, Extension and Modification Agreement Regarding 2004 Deed of Trust dated May 31, 2011, given Clerk's Document No. 1155 and recorded in Volume 934.

Page 1 of 6 ASSUMPTION WARRANTY DEED 113025.011 SWA

and modified by that certain Fourth Renewal, Extension and Modification Agreement Regarding	2004
Deed of Trust dated December 29, 2011 to be effective January 1, 2013, and recorded in Volume	
, Page, Deed Records of Comanche County, Texas.	

FROPERTY (INCLUDING ANY IMPROVEMENTS):

TRACT ONE:

All that certain lot, tract, or parcel of land being 331.62 acres, out of the W.H. Murray Survey, Abstract No. 383 and the J.H. Brown Survey, Abstract No. 59, Comanche County, Texas, and being more particularly described as Tract One in Exhibit A, attached hereto and fully incorporated herein for all purposes.

TRACT TWO:

All that certain lot, tract, or parcel of land being 131.40 acres, out of the Thomas Y. Gilbert Survey, Abstract No. 383, Comanche County, Texas, SAVE AND EXCEPT, 86.29 acres, out of the Thomas Y. Gilbert Survey, Abstract No. 383, Comanche County, Texas, and being more particularly described as Tract Two In Exhibit A, attached hereto and fully incorporated herein for all purposes.

TRACT THREE:

All that certain lot, tract, or parcel of land being 4.20 acres, out of the Thomas Y. Gilbert Survey, Abstract No. 383, Comanche County, Texas, and being more particularly described as Tract Three in Exhibit A, attached hereto and fully incorporated herein for all purposes.

RESERVATIONS FROM CONVEYANCE: NONE

EXCEPTIONS TO CONVEYANCE AND WARRANTY: Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, all oral and written leases, mineral interests outstanding in persons other than Grantor, and other instruments that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; and taxes for 2011, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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

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

FRANK VOLLEMAN

Ulleman

Page 2 of 6 ASSUMPTION WARRANTY DEED 113025.011 SM/d

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the $\frac{29^{44}}{2}$ day of December, 2011, by FRANK VOLLEMAN.



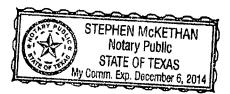
Notary Public, State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 29^{μ} day of December, 2011, by ANNETTE VOLLEMAN.



Notary Public, State of Texas

AFTER RECORDING RETURN TO: THE ALLEN FIRM, P.C. A Texas Professional Corporation 181 South Graham Street Stephenville, Texas 76401

EXHIBIT A

TRACT ONE:

All that certain 331.62 acre tract of land, being part of the W. H. Murray Survey, Abstract No. 383, and part of the J. H. Brown Survey, Abstract No. 59, in Comanche County, Texas, being all of Parcel One, being described as First Tract of 220 acres, Second Tract of 28 2/3 acres and Third Tract as 1 acre and all of Parcel Two of 80.71 acres of land, all being described in deed from Cecil M. Neel, et ux Jewell D. Neel to W. R. Surface, et ux, Elsie J. Surface, dated February 7, 1992, and recorded in Volume 691, Page 363 of the Deed Records of Comanche County, Texas, and described in one tract as follows:

BEGINNING at the intersection of the centerline of the South Leon River and the west line of the T. Y. Gilbert Survey, being the NW corner of the W. R. Surface 80.71 acre tract, for a corner of this tract, from which an iron rod found at a fence corner post at the NW corner of the T. Y. Gilbert Survey bears N 18° 35' 13" E, 1069.75'

THENCE down the center of the said river, being along the west lines of said 80.71 acre tract and east lines of a 129.93 acre tract described as a save and except in deed to W. R. Surface as follows, N 71° 20′ 31″ E, 26.20′, N 48° 48′ 56″ E, 230.84′, N 41° 21′ 41″ E, 154.47′, N 68° 56′ 40″ E, 103.27′, N 88° 42′ 06″ E, 65.16′, S 40° 13′ 49″ E, 55.31′, S 10° 36′ 30″ E, 80.58′, S 28° 22′ 05″ W, 390.45′, S 05° 41′ 30″ E, 210.53′, S 38° 28′ 43″ E, 85.06′, S 21° 58′ 51″ E, 206.42′, S 27° 37′ 49″ E, 114.79′, N 68° 12′ 29″ E, 105.78′, N 15° 10′ E, 171.76′, N 24° 42′ 51″ W, 141.64′, N 16° 13′ W 95.76′, N 22° 42′ 20″ E, 225.29′, S 78° 06′ 10″ E, 102.05′, N 55° 25′ 34″ E, 53.24′, N 27° 03′ 26″ E, 112.94′, N 01° 45′ 50″ W, 95.32′, N 17° 32′ 04″ E, 122.56′, N 32° 53′ 43″ E, 133.36′, N 54° 09′ 36″ E, 210.91′, N 24° 08′ 50″ E, 59.21′, N 25° 05′ 45″ W, 133.72′, N 89° 53′ 19″ W, 74.27′, N 66° 39′ 01″ W, 56.95′, N 34° 44′ 08″ W, 218.63′, N 21° 24′ 02″ W, 131.94′, N 50° 18′ 44″ E, 249.04′, N 89° 53′ 44″ E, 60.0′, S 66° 45′ 26″ E, 143.75′, S 89° 57′ 39″ E, 105.05′ to the intersection of the mouth of Wildcat Branch, being the SE corner of said 129.93 acre tract and the SW corner of a 1.36 acre tract, N 89° 13′ 30″ E, 160.45′, and S 13° 40′ 38″ E, 59.68′ to the SE corner of said 1.36 acre tract, for a corner of this tract;

THENCE S 53° 18' 43" W, 13.43' to an inner corner of said 80.71 acre tract, for a corner of this tract;

THENCE S 27° 39' 47" W along a fence line, 175.97' to an iron rod found at a fence corner post at an inner corner of said 80.71 acre tract, for a corner of this tract;

THENCE S 63° 35' 20" E along a fence line, 106.66' to an iron rod found at a corner of said 80.71 acre tract, for a corner of this tract;

THENCE S 65° 37' 03" E, 73.93' to a point in centerline of the Leon River, for a corner of this tract;

THENCE down the center of the Leon River as follows, S 66° 01' 26" E, 118.56', S 43° 18' 32" E, 60.12', S 78° 24' 48" E, 175.25', and N 44° 22' 31" E, 113.86' to an external corner of said 80.71 acre tract, for a corner of this tract;

THENCE S 73° 55' 16" E, at 50.66' pass an iron rod found at a fence corner post on the east bank of said River, continuing along a fence line in all 376.42' to an iron rod found at a fence corner post at a corner of said 80.71 acre tract, for a corner of this tract;

THENCE S 12° 26' 05" E along a fence line and extension thereof, 250.67' to an iron rod found at an inner corner of said 80.71 acre tract, for a corner of this tract;

THENCE S 78° 01' 58" E, 422.43' to an iron rod found at a fence corner post at the NE corner of said 80.71 acre tract, for the NE corner of this tract;

Page 4 of 6 ASSUMPTION WARRANTY DEED 113025.011 SM/n THENCE S 24° 44' 40" W along a fence line, 1595.60' to an iron rod found at a fence corner post in the north line of a County Road, being the SE corner of said 80.71 acre tract, for a corner of this tract;

THENCE N 71° 44′ 51" W along a fence line along the north line of said road, 514.15' to an iron rod found at a fence corner post at an inner corner of said 80.71 acre tract, for a corner of this tract:

THENCE S 18° 12' 47" W along the west line of said County Road, at 19.5' pass an external corner of said 80.71 acre tract and the NE corner of the W. R. Surface 220 acre tract, continuing in all 4417.79' to an iron rod set at a fence corner post at the SE corner of said 220 acre tract, for the SE corner of this tract;

THENCE N 71° 28' 56" W, crossing and recrossing a fence line, at 2198.93' pass the SW corner of said 220 acre tract and the SE corner of the W. R. Surface 28 2/3 acre tract, continuing in all 2406.80' to an iron rod set at a fence corner post at the SW corner of said 28 2/3 acre tract, for the SW corner of this tract;

THENCE N 18° 35' 02" E along a fence line, 1697.18' to an iron rod set at a fence corner post at an inner corner of said 28 2/3 acre tract, for a corner of this tract;

THENCE N 35° 09' 51" W along a fence line, at 322.89' pass an iron rod set at the end of said fence, continuing in all 406.88' to a point in the centerline of the Leon River, being at an external corner of said 28 2/3 acre tract, for a corner of this tract;

THENCE down the centerline of said River and the west lines of the W. R. Surface 28 2/3 acre tract and 1 acre tract as follows, N 62° 14′ 48″ E, 86.53′, N 33° 22′ 58″ E, 187.49′, N 46° 54′ 33″ E, 255.88′, N 14° 49′ 23″ W, 78.95′, S 88° 19′ 44″ W, 179.68′, N 55° 42′ 03″ W, 226.12′, N 00° 34′ 32″ E, 163.61′, N 31° 50′ 59″ E, 250.98′, N 23° 17′ 55″ E, 231.97′, N 70° 01′ 12″ E, 117.48′, N 73° 39′ 13″ E, 218.08′, S 52° 29′ 28″ E, 100.79′, S 77° 04′ 15″ E, 121.46′, N 82° 39′ 28″ E, 278.51′, N 12° 02′ 56″ E, 109.00′, N 13° 07′ 07″ E, 124.86′, N 03° 08′ 14″ W, 146.90′, N 14° 10′ 15″ E, 304.56′, N 31° 29′ 47″ W, 82.08′, N 08° 23′ 07″ W, 145.64′, and N 65° 20′ 55″ E, 280.69′ to a point in the east line of the J. H. Brown Survey and west line of the T. Y. Gilbert Survey, being in the west line of said 80.71 acre tract, for a corner of this tract, being located 56.25′, N 18° 35′ 13″ E from the SW corner of said 80.71 acre tract and NW corner of said 220 acre tract;

THENCE N 18° 35' 13" E along the west line of said 80.71 acre tract, crossing the Leon River, 486.88' to the place of beginning and containing 331.62 acres of land with approximately 5.53 acres being out of the W. H. Murray Survey, 30.53 acres out of the J. H. Brown Survey and 295.56 acres out of the T. Y. Gilbert Survey.

TRACT TWO:

All that certain lot, tract or parcel of land situated in Comanche County, Texas, out of the Thomas Y. Gilbert Survey, Abstract No. 383, containing 131.4 acres of land, described as follows;

BEGINNING at the NW corner of a division of said Gilbert Survey made for J. Proctor and D. D. Proctor and at the NE corner of a division of said W. J. Rollins;

THENCE South 19° West with Rollins East line 1035 vrs. for the SW corner of this tract;

THENCE South 73.5 East 728 vrs. stone set in ground on the East line Proctor Division;

THENCE North 19° East 1006 vrs. for the NE corner of this tract:

THENCE North 71° West 726 vrs. to the place of beginning.

LESS AND EXCEPT, HOWEVER, All that certain 86.29 acres of land, situated in Comanche

County, Texas, out of the Thomas Y. Gilbert Survey, A-383, and being part of a 131.4 acre tract of land that is described in a deed from Albert G. Leddy, Sr., et ux to Frank Volleman, et ux, recorded in Volume 776 at Page 280, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING, a 3 inch pipe post found in a fence corner at the Southeast corner of said 131.4 acre tract, and being the Northeast corner of a 292.238 acre tract of land that is described in Volume 784 at Page 183, said Deed Records, and being in the West line of a 435.03 acre tract of land that is described in Volume 373 at Page 384, said Deed Records, for the Southeast corner of this tract;

THENCE, N 74° 41' 44" W 1685.26 feet, with a fence along the South line of said 131.4 acre tract and the North line of said 393.238 acre tract, to a ½ inch iron rod found, and being in the East line of a proposed New County Road, for the Southwest corner of this tract;

THENCE, with the East line of said proposed New County Road, as follows, N 34° 16′ 03" E 1063.11 feet, to a ½ inch iron rod found, N 26° 55' 33" E 1809.61 feet, to a ½ inch iron rod found, and N 67° 20′ 08" E 61.70 feet, to a ½ inch iron rod found in the South line of Comanche County Road Number 252, for the Northwest corner of this tract;

THENCE, S 71° 17' 41" E 1048.62 feet, with the South line of said County Road 252, to a 3 inch pipe post found in the East line of said 131.4 acre tract and being in the West line of said 435.03 acre tract, for the Northeast corner of this tract;

THENCE, S 17° 48' 20" W 2774.60 feet, with the East line of said 131.4 acre tract and the West line of said 435.03 acre tract, and being along the general course of a fence, to the point of beginning and containing 86.29 acres of land.

TRACT THREE:

Being 4.20 acres of land, situated in Comanche County, Texas, out of the Thomas Y. Gilbert Survey, Abstract No. 383, and being part of a 392.238 acre tract of land that is described in deed from Harold R. Dillard, et al to Frank Brand, recorded in Volume 784 at Page 183, Deed Records of Comanche County, Texas, and further described as follows;

EEGINNING at the northwest corner of said 392.238 acre tract, and being in the center of Comanche County Road Number 252, and being the Southwest corner of a 131.4 acre tract of land that is described in a deed from Albert G. Leddy, Sr., et ux to Frank Volleman, et ux, recorded in Volume 776 at Page 280, said Deed Records, for the Northwest corner of this tract;

THENCE S 74° 41' 45" E at 21.00 feet pass a reference 3 inch pipe post and continue on for a total distance of 321.12 feet, to a ½ inch iron rod set in a fence on the North line of said 392.238 acre tract, and being in the South line of said 131.4 acre tract, for the Northeast corner of this tract:

THENCE S 32° 58' 33" W 1196.70 feet, to a point in the center of said County Road, and being in the West line of said 392.238 acre tract, from which a reference ½ inch iron rod set in a fence line bears N 32° 58' 33" E 70.98 feet, for the Southwest corner of this tract;

THENCE N 17° 25' 16" E 1141.00 feet, with the West line of said 392.238 acre tract and the center of said County Road, to the point of beginning and containing 4.20 acres of land, of which 0.53 of an acre is within the limits of the County Road.

Page 6 of 6 ASSUMPTION WARRANTY DEED 113025.011 SWA

FILED FOR RECORD AT 17:50 O'CLOCK A M

JAN 3 2012

Ruly Lesley.

County Count Comanche Co., Texas

the Allen Firm

6\$31.00 CK The Allen Firm

FILED

AT 11:50 O'CLOCK A M ON THE 3 DAY OF January A.D., 2012.

COUNTY CLERK, COMANCHE CO. TEXAS

STATE OF TEXAS
COUNTY OF COMANCHE
I hereby certify that this instrument was FILED
on the date and at the time stamped hereon by
me and was duly RECORDED in the Volume and
Page of the Records of Comenche County, Texas.

VOL. 944 PAGE /6.3

RECORDED 1-4-12

Attachment E

THE STATE OF TEXAS

COUNTY OF COMANCHE

Consent to Irrigate	:
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This agreement is made on the <u>Harman</u> day of <u>May</u>, 20 <u>20</u> between land owner CONARGO, LLC and irrigator, Frank Volleman Family, LP. CONARGO, LLC does hereby grant authorization to Frank Volleman Family, LP to irrigate on all tracts of land owned by CONARGO, LLC outlined in the warranty deed(s) included in (Attachment E).

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the agreement.

Frank Volleman for Frank Volleman Family, LP

Marcel Volleman for CONARGO, LLC

STATE OF TEXAS
COUNTY OF Comanche

I, the undersigned Notary Public in and for said County and State, hereby certify that

Frank Villemm & Marcel Vollemm, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

GIVEN under my hand and seal this 4 day of , 2020.

Notary Public My Commission Expires:

Comm. Expires 02-25-2024

Notary ID 132374303





Franchise Tax Account Status

As of: 06/15/2018 16:27:11

This Page is Not Sufficient for Filings with the Secretary of State

CONARGO, LLC

Texas Taxpayer Number 32036927013

Mailing Address 1741 COUNTY ROAD 353 DUBLIN, TX 76446-

6045

@ Right to Transact Business in Texas ACTIVE

State of Formation TX

Effective SOS Registration Date 05/01/2008

Texas SOS File Number 0800972421

Registered Agent Name MARCEL H. VOLLEMAN

Registered Office Street Address 1741 CR 353 DUBLIN, TX 76446



Public Information Report

Public Information Report CONARGO, LLC

Report Year: 2013

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

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

Title

Name and Address

DIRECTOR

MARCEL H VOLLEMAN

1741 CR 353 DUBLIN, TX 76446

MANAGING M

MARCEL H VOLLEMAN

1741 CR 353 DUBLIN, TX 76446

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.

WARRANTY DEED WITH VENDOR'S LIEN

DATE:

JUNE 29, 2017

GRANTOR:

GRANTEE:

LARRY ADAMS and wife, SHERI ADAMS

GRANTOR'S MAILING ADDRESS

P.O. BOX 172, GUSTINE, COMANCHE, TEXAS 76455

(INCLUDING COUNTY):

CONARGO, LLC, A Texas Limited Liability Company

GRANTEE'S MAILING ADDRESS

P.O. BOX 35, DUBLIN,

(INCLUDING COUNTY):

ERATH COUNTY, TEXAS, 76446

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, and in further consideration that Grantee herein has executed and delivered to Central Texas Land Bank, FLCA, a Real Estate Lien Note of even date herewith, payable to the order of Central Texas Land Bank, in the original principal sum of \$727,500.00, the payment of which Note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Central Texas Land Bank, FLCA and by a first-lien deed of trust of even date from Conargo, LLC, A Texas Limited Liability Company, as Grantor, to Boyd J. Chambers, Trustee.

PROPERTY (INCLUDING ANY IMPROVEMENTS):

All that certain lot, tract, or parcel of land being 59.66 acres, out of the C. Howard Survey, Abstract Number 443, Comanche County, Texas, and being more particularly described in Exhibit A, attached hereto and fully incorporated herein for all purposes.

,together with: a) all improvements and fixtures attached to the real property; b) all access rights and easement rights, claims, and permits, c) all cooperative or association memberships; d) all rights, title and interest of Grantor in and to all water located beneath and on the surface of the real property, together with all related water rights; e) all privileges and appurtenances pertaining to the real property; and f) strips or gores adjoining said real property.

RESERVATIONS FROM CONVEYANCE: NONE

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

- 1) Easement dated March 20, 1999, executed by Rita Thompson to Comanche County Electric Cooperative Association, recorded in Volume 779, Page 137, Deed Records of Comanche County, Texas.
- 2) Right of Way Easement from C.R. Rinehart, et ux to General Telephone of the Southwest, dated October 29, 1964, recorded in Volume 322, page 137, Deed Records of Comanche County, Texas.

- Mineral Reservation as described in Warranty Deed dated October 3, 1984, executed by Ralph S. Bridwell, et ux to Mike Langford, et al, recorded in Volume 585, Page 176, Deed Records of Comanche County, Texas.
- 4) Amended Water Permit dated June 23, 2003, recorded in Volume 3, Page 419, Water Permit Records of Comanche County, Texas.

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

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

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

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

LARRY ABAMS

SHERI ADAMS

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the ADAMS.

_ day of June, 2017, by LARRY

MAL

Notary Public, State of Texas

CHRSON STATES OF TEST OF THE SOLUTION OF THE S

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the day of June, 2017, by SHERI ADAMS.

Motary Public, State of Texas

THACLER OF THE O

AFTER RECORDING RETURN TO: COWBOY COUNTRY TITLE, LLC 1915-A, West Washington, Stephenville, Texas 76401

EXHIBIT A

Being 59.66 acres of land, situated in Comanche County, Texas, out of the C. HOWARD SURVEY, ABSTRACT NUMBER 443, and being out of a 206.75 acre tract of land that is described in a deed from Rita M. Thompson, et vir, to Larry W. Adams, recorded in Volume 785 at Page 306, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING, at a % inch iron rod set in the East Right of Way line of P. M. Highway 1702, and being in the South line of said 206.75 acre tract, and being the occupied Northwest corner of a 74.5 acre Second Tract, that is described in a deed from Grace Olena Adams, to Larry W. Adams, Trustee, recorded in Volume 962 at Page 56, said Deed Records, for the Southwest corner of this tract;

THENCE, N 14° 55' 19" E 1303.61 feet, with the East Right of Way line of F. M. Highway 1702, to a 1/2 inch iron rod set, for the Northwest corner of this tract;

THENCE, S 64° 42′ 28″ E 396.04 feet, to a 1/2 inch iron rod set, N 77° 47′ 42″ E 95.34 feet, to a 16 inch pecan tree, N 60° 17′ 43″ E 319.88 feet, to a 3 pipe post, S 56° 37′ 37″ E 20.86 feet, with a fence, to a 3 pipe post, S 65° 08′ 10″ E 116.50 feet, with a fence, to a 3 pipe post, S 65° 08′ 10″ E 116.50 feet, with a fence, to a 3 pipe post, S 31° 44′ 30″ E 138.30 feet, with a fence, to a 2 pipe post, S 33° 40′ 04″ E 375.23 feet, with a fence, to a 2 pipe post, S 33° 40′ 04″ E 375.23 feet, with a fence, to a 2 pipe post, S 05° 35′ 58″ W 82.48 feet, with a fence, to a 3 pipe post, and S 48° 17′ 01″ E 1085.72 feet, with a fence, to a 3 pipe post found in the East line of said 206.75 acre tract, for the Northeast corner of this tract;

THENCE, S 16° 34' 11" W 611.98 feet, with a fence, along the East line of said 206.75 acre tract, to a 1/2 inch iron rod set at the Southeast corner of said 206.75 acre tract, and being in the North line of said 74.5 acre tract, for the Southeast corner of this tract;

THENCE, N 73° 13' 55" W 2281.81 feet, with a fence, along the South line of said 206.75, and the Worth line of said 74.5 acre tract, to the point of beginning and containing 59.66 acres of land.

(4) 38.00 Country Itle

ATO LOCKER AM

AUG 4 2007

Claric County Court Community Co. Verce

AT 10:30 O'CLOCK A M ON THE 1th DAY OF AUGUST A.D., 2017.

BY amy Huddleston DEPUTY

STATE OF TEXAS COUNTY OF COMANCHE

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

County Clork, Comanche Co., Texas

PAGE TO

envi Courboy Country Vitle



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.

WARRANTY DEED WITH VENDOR'S LIEN

DATE: JUNE 29, 2017

GRANTOR: LARRY ADAMS, Trustee of the ARLENE DENNING TRUST.

created under Instrument dated April 1, 2013

GRANTOR'S MAILING ADDRESS

(INCLUDING COUNTY):

P.O. BOX 172, GUSTINE,

COMANCHE COUNTY, TEXAS 76445

GRANTEE: CONARGO, LLC, A Texas Limited Liability Company

GRANTEE'S MAILING ADDRESS

P.O. BOX 35, DUBLIN,

(INCLUDING COUNTY):

ERATH COUNTY, TEXAS, 76446

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, and in further consideration that Grantee herein has executed and delivered two (2) notes of even date and referred to as the first-lien note and the second-lien note. The first-lien note is payable to the order of Central Texas Land Bank, FLCA, in the original principal sum of \$727,500.00 The first lien note is secured by the first and superior vendor's lien against, and superior title to, the Property retained in this deed in favor of Central Texas Land Bank, FLCA, and by a first-lien deed of trust of even date from Conargo, LLC, A Texas Limited Liability Company, as Grantor, to Boyd J. Chambers, Trustee. The second-lien note is payable to the order of Arlene Denning Trust, in the original principal sum of \$478,624.59. The second-lien note is secured by a second and inferior vendor's lien against, and superior title to, the Property retained in this deed and is also secured by a second-lien deed of trust of even date from Conargo, LLC, A Texas Limited Liability Company as Grantor, to Scott D. Allen, Trustee.

PROPERTY (INCLUDING ANY IMPROVEMENTS):

All that certain lot, tract, or parcel of land being 330.43 acres, out of the A. McCaleb Survey, Abstract Number 664 and the A. Estes Survey, Abstract Number 286, Comanche County, Texas, and being more particularly described in Exhibit A, attached hereto and fully incorporated herein for all purposes.

together with: a) all improvements and fixtures attached to the real property; b) all access rights and easement rights, claims, and permits; c) all cooperative or association memberships; d) all rights, title and interest of Grantor in and to all water located beneath and on the surface of the real property, together with all related water rights; e) all privileges and appurtenances pertaining to the real property; and f) strips or gores adjoining said real property.

RESERVATIONS FROM CONVEYANCE: NONE



EXCEPTIONS TO CONVEYANCE AND WARRANTY:

- Right of Way granted by R.M. Daniel to E.W. Strickland, by instrument dated September 19, 1934, recorded at Volume 200, page 90, Deed Records of Comanche County, Texas.
- Right of Way granted by R.M. Daniel et al to the State of Texas for channel easement appurtenant to highway, by instrument dated March 14, 1952, recorded at Volume 270, page 95, Deed Records of Comanche County, Texas.
- Right of Way granted by Lilla Daniel to General Telephone Company, by Instrument dated February 21, 1961 and recorded at Volume 306, page 115, Deed Records of Comanche County, Texas.
- 4) Easement dated September 14, 1999, executed by Grace Adams to Comanche County Electric Cooperative Association recorded in Volume 783, page 322, Deed Records of Comanche County, Texas.
- Easement dated February 20, 2007, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 892, page 522, Deed Records of Comanche County, Texas.
- 6) Easement dated May 7, 1998, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 769, page 361, Deed Records of Comanche County, Texas.
- Easement dated December 19, 1997, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 762, page 5, Deed Records of Comanche County, Texas.
- 8) Easement dated September 30, 1997, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 760, page 345, Deed Records of Comanche County, Texas.
- Easement dated March 11, 1997, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 752, page 246, Deed Records of Comanche County, Texas.
- Easement dated March 22, 1996, executed by Grace Adams to Comanche County Electric Cooperative Association, recorded in Volume 740, page 470, Deed Records of Comanche County, Texas.
- 11) Lease Agreement from Grace Adams to Capitol Towers, LTD., dated December 15, 2007, recorded in Volume 899, page 154, Deed Records of Comanche County, Texas.
- 12) Agreement between Grace Adams and GTP Towers I, LLC, dated December 19, 2008, recorded in Volume 910, page 497, Deed Records of Comanche County, Texas.
- 13) Assignment of Lease from Capitol Towers, LTD., to GTP Towers I, dated December 19, 2008, recorded in Volume 972, page 340, Deed Records of Comanche County, Texas.
- 14) Assignment of lease from GTP Towers I, LTD., to GTP Acquisitions Partners I, dated February 4, 2015, recorded in Volume 991, page 313, Deed Records of Comanche County, Texas.

- 15) Assignment of Lease from GTP Acquisitions Partners I to GTP Acquisitions Partners II, dated November 11, 2015, recorded in Volume 993, page 127, Deed Records of Comanche County, Texas.
- 16) Deed of Trust dated March 26, 2015, executed by DCS Towers Sub, LLC, GTP Acquisition Partners II, LLC to Walter A. Wilson, Trustee, for the benefit of The Bank of New York Mellon, recorded in Volume 399, page 286, Deed of Trust Records of Comanche County, Texas.
- 17) Deed of Trust dated February 4, 2015, executed by GTP Acquisition Partners II, LLC to William Z. Fairbanks, Jr., Trustee, for the benefit of The Bank of New York Mellon, recorded in Volume 397, Page 484, Deed of Trust Records of Comanche County. Texas.

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

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

Central Texas Land Bank, FLCA, at Grantee's request, has paid in cash to Grantor, that portion of the purchase price of the Property that is evidenced by the first-lien note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Central Texas Land Bank, FLCA, and are transferred and assigned to Central Texas Land Bank, FLCA without recourse on Grantor to secure the first-lien note. The second and inferior vendor's lien against and superior title to the Property are retained for the benefit of Arlene Denning Trust to secure the second-lien note. Arlene Denning Trust agrees that the second and inferior vendor's lien against and superior title to the Property are and will remain subordinate and inferior to all liens securing the first-lien note, regardless of the frequency or manner of renewal, extension, or alteration of any part of the first-lien note or the liens securing it.

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

LARRY ADAMS, Trustee of the ARLENE DENNING TRUST, created under Instrument dated April 1, 2013

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the day of June, 2017, by LARRY ADAMS, Trustee of the ARLENE DENNING TRUST, created under Instrument dated April 1, 2013.

Notary Public, State of Texas

AFTER RECORDING RETURN TO: COWBOY COUNTRY TITLE 1915-A West Washington Stephenville, Texas 76401

EXHIBIT A

Being 330.43 acres of land, situated in Comanche County, Texas, of which 230.65 acres is out of the A. McCALEB SURVEY, ABSTRACT NUMBER 664, and the remaining 99.77 acre is out of the A. RSTRS SURVEY, ABSTRACT NUMBER 286, and being out of a 335.70 acre tract of land that is described in a deed from Grace Olena Adams, to Larry W. Adams, Trustee, recorded in Volume 762 at Page 61, Deed Records of Comanche County, Texas, and being out of a 74.5 acre Second Tract and a 1 acre Seventh Tract, that is described in a deed from Grace Olena Adams, to Larry W. Adams, Trustee, recorded in Volume 962 at Page 56, said Deed Records, and further described as follows; BEGINNING, at a 1/2 inch iron rod set, at the intersection of the East Right of Way line of F. M. Highway 1702, and the North Right of Way line of State Highway 36, and being the Southwest corner of said 135.70 acre tract, for the Southwest corner of this tract;
THENCE, with the Bast Right of Way line of P. M. Highway 1702, as follows, N 18° 12' 19" Z 1612.89 feet, to a 1/2 inch iron rod set, with the arc of a curve to the right having a Radius of 1867.08 feet. an Arc length of 431.77 foot, and being subtended by a Chord of N 24° 49° 49° B 430.81 foot, to a 1/2 inch iron rod set, N 31° 27' 19" B 232.10 foot, to a 1/2 inch iron rod set, With the arc of a curve to the left having a Radius of 1949.86 foot, an Arc length of 501.96 foot, and being subtended by a Chord of N 24° 04' 49° E 500.58 feet, to a 1/2 inch iron rod set, N 16° 42' 19° E 2349.44 feet, to a 1/2 inch iron rod set, and N 17° 10' 19" E 1053.51 feet, to a point in the center bed of the Leon River, from which a reference y inch iron rod set, on the South bank, bears S 17° 10' 19" W 44.38 feet, for the Northwest corner of this tract;
THENCS, with the center bed of the Leon River, as follows, 8 41° 51' 54° E 111.89 feet, to a point, 30° 59' 22" E 24.93 feet, to a point, S 21° 14' 58" W 115.98 feet, to a point, S 26° 57' 34" W 135.98 feet, to a point, S 26° 57' 34" W 136.25 feet, to a point, S 30° 26' 03" E 179.43 feet, to a point, S 56° 24' 31" E 125.13 feet, to a point, N 66° 08' 00" E 71.64 feet, to a point, N 83° 12' 28" E 149.55 feet, to a point, S 83° 32' 19" E 93.29 feet, to a point, S 86° 19' 58" E 76.90 feet, to a point, N 71° 24' 59" E 200.71 feet, to a point, S 74° 22' 04" E 37.08 feet, to a point, S 46° 55' 46" E 38.46 feet, to a point, S 27° 47' 07" E 59.40 feet, to a point, S 04° 57' 55" W 110.99 feet, to a point, N 89° 39' 18" E 134.84 feet, TO 3 POINT F 23° 21' 01" E 13 55 feet, to a point, N 73° 40' 30° E 181 26 feet, TO 3 POINT feet, to a point, 8 79° 21' 01° B 139.65 feet, to a point, N 73° 40' 30° B 181.26 feet, to a point, N 77° 40' 07° B 80.77 feet, to a point, N 56° 37' 44° B 136.74 feet, to a point, N 36° 44' 23° B 75.21 feet, to a point, N 73° 11' 11" E 102.75 feet, to a point, S 66° 06' 12" E 34.47 feet, to a point, B 45° 39' 46" E 47.70 feet, to a point, S 33° 35' 52" E 64.85 feet, to a point, B 64° 55' 29" E 71.13 feet, to a point, S 72° 12' 30" E 221.60 feet, to a point, N 77° 36' 17" E 214.87 feet, to a point, S 80° 47' 19" E 95.21 feet, to a point, S 80° 18' 52" E 13.73 feet, to a point, S 16° 14' 44" E 105.61 feet, to a point, S 05° 21' 49" N 83.09 feet, to a point, S 45° 39' 51" E 125.68 fost, to a point, and 5 72° 39' 50" E 151.07 feet, to a point in the East line of said 1 acre tract, and being the Northwest corner of a 219 acre tract of land that is described in a deed to Larry Adams, recorded in Volume 783 at Page 446, said Deed Records, from which a reference 3 inch pipe post on the South bank, bears S 17° 45' 41" W 50.00 feet, for the Northeast corner of this THENCE, <u>5 17° 45' 41" W 205.24 feet</u>, part way with a fence, to a 3 pipe post, <u>3 02° 16' 29° W 19.78 feet</u>, with a fence, to a 3 pipe post, <u>8 16° 52' 45" N 578.38 feet</u>, with a fence, to a 3 pipe post, <u>8 16° 57' 58" W 595.98 feet</u>, with a fence, to a 3 pipe post, <u>8 17° 57' 21" W 561.73 feet</u>, with a Ence, to a 3 pipe post, 8 42° 49° 10° W 54.71 foot, to a 1/2 inch iron rod set, 8 06° 10° 39° W 236.70 feet, to a 3 pipe post, 8 17° 18° 08° N 1011.27 feet, with a fence, to a 3 pipe post, N 77° 36° 28° W 10.96 feet, to a 3 pipe post, 8 17° 18° 08° N 527.64 feet, to a 3 inch pipe post, and 3 31° 40° 27° 2 6.99 feet, to a 3 pipe post found in the East line of said 335.70 acre tract, and being the Southwest corner of said 219 acre tract, and being the Northwest corner of a 77.04 acre tract of land that is described in a deed to Joe David McKee, Jr., recorded in Volume 825 at Page 180, said Deed Records, for a corner of this tract; THENCE, with a fence, along the East line of said 335.70 acre tract, and the West line of said 77.04 acre tract, as follows, <u>\$ 17" 29' 50" W 326.03 foot</u>, to a 20 inch pecan tree, <u># 80° 03' 29" W</u> 140.06 feet, to a 22 inch pecan tree, 3 58° 56' 32" W 111.71 feet, to a 1/2 inch iron rod set, N 64° 02' 59° W 152.26 feet, to a 42 inch pecan tree, 3 26° 10' 37" W 133.98 feet, to a 30 inch pecan tree, 5 53° 38' 18" W 69.19 foot, to a 23 inch pecan tree, 5 61° 41' 26" W 208.26 feet, to a 1/2 inch iron rod set, N 68° 30' 48" W 237.14 feet, to a 1/2 inch iron rod set, N 68° 30' 48" W 237.14 feet, to a 1/2 inch iron rod set, N 84° 15' 33" W 152.61 feet, to a 1/2 inch iron rod set, S 60° 31' 38" W 164.78 feet, to a 1/2 inch iron rod set, S 65° 41' 24" W 61.16 feet, to a 30 inch pecan tree, S 79° 11' 31" W 107.03 feet, to a 1/2 inch iron rod set, S 61° 04' 20" W 132.62 feet, to a 22' inch pecan tree, S 79° 11' 31" W 107.03 feet, to a 1/2 inch iron rod set, S 61° 04' 00" W 132.62 feet set, S 61° 04' 00° W 132.62 feet, to a 32 inch pecan tree, S 56° 16' 35° W 111.31 feet, to a 1/2 inch iron rod set, S 30° 23' 00° W 120.98 feet, to a 30 inch pecan tree, S 11° 11' 55° W 100.94 fact, to a 18 inch pecan tree, \$ 35° 41' 03" \$ 65.95 fact, to a 26 inch pecan tree, \$ 64° 30° 02" \$ 91.31 feet, to a 1/2 inch iron rod set, \$ 15° 36' 31" \$ 122.20 feet, to a 1/2 inch iron rod set, \$ 35° 10' 41" \$ 59.78 foot, to a 24 inch pecan tree, \$ 20° 02' 37" \$ 282.47 feet, to a 1/2 inch iron rod set, 3 10' 41" \$ 59.78 foot, to a 24 inch pecan tree, \$ 20° 02' 37" \$ 282.47 feet, to a 1/2 inch iron rod set, and \$ 49° 50' 56" \$ 172.27 feet, to a 1/2 inch iron rod set in the North Right of Way line of State Highway 36, for the Southeast corner of this tract; OF State Highway 36, for the Southeast corner of this trace;
THENCE, with the North Right of Way line of State Highway 36, as follows, N 83° 13′ 50° M 629.09

fest, to a concrete marker, N 06° 46′ 10° B 131.35 feet, to a 1/2 inch iron rod set, N 83° 13′ 50°

W 197.38 feet, to a 1/2 inch iron rod set, 3 06° 46′ 10° W 101.22 fest, to a concrete marker, and N

237.337 feet w 1003 B3 feet to the point of beginning and containing 330.43 acres of land.

542.00 Comboy Country Sitle

ATE O'CLOCK A M

AUG 4 2017

Clerk, County Court Comanche Co., Texas

FILED

AT 10:30 O'CLOCK A M ON THE LAND DAY OF AUGUST A.D. 2017.

COUNTY CLERK, COMANCHE CO. TEXAS

BY amy Huddleston DEPUTY

STATE OF TEXAS COUNTY OF COMANCHE

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

County Clork, Comanche Co., Texas

VOL. 1027 PAGE 180 RECORDED 08-01-2017

rv: Cowlog Country Vitle

THE STATE OF TEXAS

COUNTY OF COMANCHE

Consent to Irrigate:

This agreement is made on the $\frac{14}{14}$ day of $\frac{11}{14}$, 20	20 between land lessee Natural Dairy
Grower, LLC (Natural Dairy Grower Company) and irrigator, Fra	nk Volleman Family, LP. Natural
Dairy Grower Company does hereby grant authorization to Frank	
leased land owned by Larry Adams (344.3 acres) outlined in the a	
Map 3) & attached lease & warranty deed(s) included in (Attachm	

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the agreement.

Frank Volleman Family, LP

STATE OF TEXAS
COUNTY OF Comande

I, the undersigned Notary Public in and for said County and State, hereby certify that Frank Vollena, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

GIVEN under my hand and seal this 14 day of May, , 2020.

Notary Public

My Commission Expires:

Feb. 25 ,2024

RICHARD LYN GEORGE Notary Public, State of Texas Comm. Expires 02-25-2024 Notary ID 132374303





Franchise Tax Account Status

As of: 05/06/2020 14:06:06

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

NATURAL DAIRY GROWER, LLC

Texas Taxpayer Number	32017122394
	600 COUNTY ROAD 252 GUSTINE, TX 76455-5704
Q Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	01/05/2019
Texas SOS File Number	0803202804
Registered Agent Name	FRANK VOLLEMAN
Registered Office Street Address	600 CR 252 GUSTINE, TX 76455

THE STATE OF TEXAS

COUNTY OF COMANCHE

onsent to Convey:

This agreement is made on the 3c day of __ , 20 30 between land owner Larry Wayne Adams and irrigator, Frank Volleman Family,

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the

STATE OF TEXAS COUNTY OF Fith IN WITNESS WHEREOF, the grantor has caused this instrument to be executed and has hereto affixed grantor's hand and seal this day I, the undersigned Notary Public in and for said County and State, hereby certify that Ling United Advantages whose name is signed. GIVEN under my hand and seal this $\frac{30}{}$ day of to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same Notary Public, State of Texas Comm. Expires 02-25-2024 Larry Wayne Adams RICHARD LYN GEORGE Notary ID 132374303 My Commission Expires: whose name is signed Notary Public 20,30 COUNTY OF Comme I, the undersigned Notary Public in and for said County and State, hereby certify that Frank Villenaka, whose name is signed. GIVEN under my hand and seal this $\frac{30}{4}$ day of ____ this day that, being informed of the contents thereof, [he or she] executed the same to the foregoing instrument and who is known to me, acknowledged before me on IN WITNESS WHEREOF, the grantor has caused this instrument to be executed and has hereto affixed grantor's hand and seal this 3b day of 4c, 2030. 🐔 Comm. Expires 02-25-2024 Notary Public, State of Texas Frank Volleman Family, LP RICHARD LYN GEORGE My Commission Expires テルースター 20 , whose name is signed

Notary ID 132374303

Lease Agreement

Lessor: Larry Adams

Lessee: Natural Dairy Grower Company

Lessor agrees to lease unto Lessee several tracts of land including:

• West Field: 53 Acres

• Livingston Field: 97 Acres

• Boucher Field: 36 Acres

• Daniels Bottom: 70 Acres

• Upper South: 37.5 Acres

• Blalack Field: 61.3 Acres

• North of House: 28 Acres

• Antenna Field: 42 Acres

• Feed Lot: 30 Acres

McCarty by River: 40 Acres

McCarty on Hill: 65 Acres

• 2 Daniels Ptelds: 60 Acres

For a total of 628 Acres.

344.3 - Currently leased - Site Mip 3

The lease shall commence on September 19, 2016 and end in the fall of 2026, after the last crop is harvested on cultivated fields and the last cutting is done on coastal/tifton fields.

Addendum to "Lease Agreement" Dated February 7,2017

The following tracts have been removed from this lease agreement and the yearly lease has been adjusted to \$28,035.00 (\$45,540.00-\$17,505.00=\$28,035.00). All other conditions remain.

Tracts Removed:

- Boucher Field- 36 Acres (36 X \$90.00= \$3,240.00)
- Daniels Bottom- 70 Acres (70 X \$90.00= \$6,300.00)
- Upper South- 37.5 Acres (37.5 X \$90.00= \$3,375.00)
- 2 Daniels Fields- 60 Acres (60 X \$45.00= \$2,700.00)
- Antenna Field- 42 Acres (42 X \$45.00= \$1,890.00)
 TOTAL: \$17,505.00

Lessee: Y- College 17

Second Addendum to "Lease Agreement" Dated February 7,2017

The following tract has been removed from this lease agreement and the yearly lease has been adjusted to \$26,685.00 (\$28,035 - \$1350 = \$26,685). All other conditions remain.

Tract Removed:

. Feedlot Field -30 Acres (30ac X \$45.00 = \$1350.00)

essor: Resolvition

Date: 12-10-18;

Lessee:

Date: 12-10-18.

492

WARRANTY DEED

THE STATE OF TEXAS

()

COUNTY OF COMANCHE

() KNOW ALL MEN BY THESE PRESENTS:

That Grace Olena Adams, Independent Executrix of the Estate of Wayne Kenneth Adams, Deceased, pursuant to the power and authority given to the Independent Executrix of the Estate of Wayne Kenneth Adams, Deceased, as set out in the Last Will and Testament of Wayne Kenneth Adams, Deceased, which has been duly offered and admitted to Probate herein and under the terms of which Grace Olena Adams was appointed Independent Executrix of such Estate and to which the said Grace Olena Adams has been duly appointed, qualified and in such capacity is acting herein; joined by Grace Olena Adams, individually, and Shelba Arlene Denning have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto LARRY WAYNE ADAMS of the County of Comanche, State of Texas, all those various tracts of land hereinafter described, lying and situated in Comanche County, Texas, viz:

PARCEL A

FIRST TRACT:

All that certain tract or parcel of land situated in Comanche County, Texas out of the J. P. Berger Survey, Abstract No. 62, and more fully described by field notes as follows:

PARCEL A cont'd

BEGINNING at the N E cor of a 33.6 acre tract formerly owned by J. H. Mayes for S E cor of this tract;

THENCE North 19 East 807 vrs. to Leon River;

THENCE up said stream with its meanderings to the West boundary line of said Berger Survey for N W cor of this tract;

THENCE South 19 West 643 vrs to a stake for S W cor of this tract;

THENCE South 71 East 350 vrs. to the place of beginning, and containing 45 acres of land, more or less, being the same land described in a deed from P. H. Hutson, et ux, to N. E. Palmer, Jr., dated January 28, 1915, recorded in Volume 102, page 320 of the Deed Records of Comanche County, Texas, to which deed and record reference is here made for all legal purposes.

SECOND TRACT:

All that certain tract or parcel of land situated in Comanche County, Texas and being a part of the J. P. Berger Survey, Abstract No. 62, and more fully described by field notes as follows:

BEGINNING at a stake in the East line of the original grant and 560 vrs North 19 East from the original S E cor of same;

THENCE North 19 East with the original East line of the grant 720 vrs to cor in the center bed of Leon River;

THENCE up said Leon River with its center bed North 55-1/2 West 120 vrs; North 86-1/2 West 115 vrs; South 81 West 100 vrs; North 3 West 62 vrs; North 45 West 82 vrs; South 88 West 108 vrs; South 80 West 90 vrs; North 14 West 88 vrs; North 21 West 35 vrs to corner in the center of the bed of said river, the same being the N E cor of the Solman Ingram 78.6 acre sub'd of said Berger Survey;

THENCE South 19 West 789 vrs. to the N W cor of the W. Z. Bolton 65.7 acre sub'd of said survey from which a P O brs S $65-1/2 \to 6-2/3$ vrs. another brs S 10 E 6-2/5 vrs:

THENCE South 71 East 663 vrs to the place of beginning and containing 69.1 acres of land, more or less; and being the same land described in a deed from N. E. Palmer, Jr., to J. W. Robinson dated February 10, 1919, recorded in Volume 137, page 115 of the Deed Records of Comanche County, Texas, to which deed and record reference is here made for all legal purpose

The conveyance of said Parcel A is subject to the rollowing:

- (a) Rights of the State of Texas and any agency thereof in and to any portion of the above described property lying within the bed and banks of a navigable stream;
- (b) Easements and Rights-of-Way in, upon and across the land, not of record but apparent upon the ground.

PARCEL B

TRACT ONE:

All that certain tract or parcel of land out of the Joseph R. Berger Survey, Abstract No. 62, Patent No. 589, Volume 4, dated July 17, 1848, In Comanche County, Texas, described as follows:

BEGINNING at the SW corner of said Berger Survey;

THENCE S 71° E with the S line same 1013 vrs. to the SW corner of the George T. Chappell Survey for the SE corner of this;

THENCE N 19° E with the E line Berger and W line Chappell 560 vrs. for NE corner;

THENCE N 71° W 663 vrs. for corner;

THENCE S 19° W 33 vrs. for corner;

THENCE N 71° W 350 vrs. for NW corner In W line of said Berger Survey;

THENCE S 19° W with said W line 527 vrs. to the Place of Beginning. Being the same land described in Deed from Jesse Banner, et ux to the Veterans Land Board of Texas, dated April 13, 1954, and recorded in Volume 274, Page 532, Deed Records of Comanche County, Texas.

TRACT TWO: RIGHT-OF-WAY EASEMENT

BEGINNING at the SE corner of the 98.4 acre tract described above, which is also the SE corner of the Joseph P. Berger Survey, Abstract No. 62, for the SW corner of said easement;

THENCE E with the S line of the Chappell Survey, to the SE corner thereof, in the W line of the Gustine and Hazel Dell public road right-of-way;

THENCE N with said right-of-way 30 feet for the NE corner;

THENCE W parallel with the S line of said Chappell Survey to the W line thereof and the

E line of said 98.4 acre tract; THENCE S 19 W 30 feet to the Place of Beginning. Being the same easement and right-of-way granted by Charlie Rinehart and wife, Johnnie Rinehart, and Leona Allen and husband, Jesse Allen, to Jesse Banner, by Instrument dated February 23, 1954, and recorded in the Deed Records of Comanche County, Texas.

SAVE AND EXCEPT from tract one (1), of this Parcel B that certain undivided one-half (1/2) interest in the oil, gas and other minerals in and under that may be produced from said tract one(1) of this Parcel B, as heretofore reserved to Edwin R. Ware and wife, Lela Ware, their heirs and assigns, in deed dated October 19, 1984, and recorded ct Vol. 585, page 461, Deed Record of Comanche County, Texas.

The conveyance of this Parcel B is SUBJECT TO easements and Rights-of-Way in, upon and across the land, not of record but apparent upon the ground.

S

PARCEL C

lots, tracts or parcels of land situated in Comanche County, Texas, out of the A. E. Hodge Survey, Abstract No. 426, and described as follows; FIRST TRACT: Being 45 acres, more or less, a part of the Alex E. Hodge Survey, and more particularly described by field notes follows; to-wit: Beginning at a stake from which a P O marked H. Bears S 34 1/2 W 16-2/5 varas which beginning point is on the East line of the said A. E. Hodge Survey 835 varas N 19 E from the point where said E line crosses the Leon River. THENCE N 19 E with said E line 261 varas mD the NE corner this tract. THENCE N 71 W 60 varas stone Md; THENCE S 19 W 260 vrs a stake for corner; THENCE N 71 W 320 vrs. to stone for NW corner near the E Bankof Baggett THENCE S 19 W 550 vrs. to SW corner on N bank of Leon; THENCE down said stream 180 vrs. to a Burr Oak mkd T; THENCE'S 71 E 200 vrs to SE corner in East line of said A E Hodge Survey and elm mkd T Brs S 83 E 4-1/2 varas. THENCE N 19 E 660 varas to the place of Beginning.

SECOND TRACT: 7-1/2 acres being a part of the A E Hodge Survey, lying and being situated in said Comanche County and State of Texas, and BEGINNING at the NW corner of a 45 acre tract of land, out of the said' Hodge Survey for George Schwab, for SW Corner of this Survey, THENCE S 71 E 320 varas with line of said Schwab Survey a corner the SE corner of this Survey; THENCE N 19 E 132-1/3 varas a stake for nE corner of this survey S PO mkd X boars N 37 E 14 varas: THENCE N 71 380 varas to center of Baggett Creek for NW corner of this survey:

THENCE down said Creek to a point in said Creek 10 varas N 19 E of THENCE S 19 W 10 varas to place of beginning and containing 7-1/2 acres, more or less. THIRD TRACT: all that certain tract or parcel of land in Comanche County, Texas and being 4.66 acres out of the A. E. Hodge Survey and beginning at the SE corner of a 45 acre tract for George Schwabb; THENCE N 71° W 210 varas to Center Leon;
THENCE down same S 10° E 77 varas S 74° W 51 varas. S 38° E 133 varas;
THENCE S 71° E 60 varas, S 45° E 66 varas to East line said Hodge Survey;
THENCE North 19° E with said line 204 varas to beginning.
Being the same land conveyed by Joe Gaines et ux to T. E. Kelley, et ux, by deed dated December 13, 1954, recorded in Vol. 280, page 156, DRCCT.
FOURTH TRACT: Reing approximately 50 acres off of the South side of the by deed dated December 13, 1954, recorded in Vol. 280, page 156, DRUCI.

FOURTH TRACT: Being approximately 50 acres off of the South side of the
90 acre tract conveyed by J. N. Evans, et ux to T. E. Kelley, et ux by
deed dated January 8, 1944, recorded in Vol. 223, page 98, DRCCT, which said
50 acres is described as follows, to-wit;
BEGINNING at a stake 350.5 vrs S 19 W from the NE corner of the A. E.
Hodge Survey, for the BEGINNING POINT of this tract;
THENCE approximately 578 vrs. to twin paks in the West line of the above THENCE approximately 578 vrs. to twin oaks in the West line of the above mentioned 90 acres, which said point is 477 vrs S 19 W from the Northwest corner of the above mentioned 90 acre tract; THENCE South 19 West continuing with the West line of the said 90 acres to a corner in the channel of Baggett Creek; THENCE down said Baggett Creek with its meanderings to mouth of same to mothe N Leon River;

PARCEL C cont'd

THENCE down North Leon River to SW corner of 45 acres surveyed for George Swab;
THENCE N 19 E 590 vrs to center of Baggett Creek;
THENCE up said Baggett Creek with its meanderings to NW corner of 7-1/2 acres of land owned by said Swab;
THENCE N 71 E 380 vrs. to stake for corner from which a Spanish Oak brs S 37 E 14 vrs;
THENCE N 19 E 127 vrs to stone pile for corner;
THENCE S 71 E 60 vrs to rock for comner;
THENCE N 19 E 344.5 vrs to the place of beginning.

PARCEL D

56.03 acre tract of land in Comanche County, Texas, being out of and a part of the M. D. Mahoney Survey, Abstract No. 652, also being all of that certain 19.53 acre Second Tract and out of and a part of that certain 100 acre First Tract described in a deed from R. W. Neal to J. D. Allen dated December 11, 1958, and recorded in Vol. 294, page 378, of the Deed Records of Comanche County, Texas, and said 56.03 acre tract being herein described as one tract by metes and bounds as follows:

BEGINNING at an iron pin set by a concrete marker on the East line of a county road and on the East line of said First Tract, said pin being about 1325 vrs. North 19° East of and 3.6 vrs. North 71° West of the Southeast corner of said Mahoney Survey for the Southeast corner hereof; THENCE North 71° 10' West with a fence and at 609 vrs. pass an iron pin and concrete marker set by a corner post and then for a total distance of 665.0 vrs to a point in the center of the South Leon River and the West line of said First Tract for the Southwest corner hereof; THENCE with the meanderings of said center of the South Leon River and the West line of said First Tract as follows: North 24° 56' East 16.5 vrs; North 28° 33' East 41.3 vrs; North 32° 43' East 50.4 vrs; North 28° 20' East 35.1 vrs; North 0° 39' West 28.4 vrs; North 4° 36' East 20.4 vrs; North 9° 28' East 39.0 vrs.; North 7° 17' West 45.0 vrs; North 18° 52' East 20.5 vrs; North 41° 51' Fist 26.5 vrs; South 88° 51' East 20.7 vrs; South 85° 40' East 20.0 vrs; North 37° 27' East and at about 10 vrs. pass over the Northwest corner of said First Tract and Southwest corner of said Second Tract for a total distance of 34.0 vrs; North 43° 51' East 16.4 vrs; North 1° West 41.1 vrs. to a point on the intersection of said centerline of the South Leon River and the South R.O.W. line of Highway No. 36 and on the Northwest corner of said Second Tract for the Northwest corner hereof; THENCE with the South highway R.O.W. line and North line of said Second Tract as follows: North 88° 45' East 79.0 vrs; South 86° 24' East 101.0 vrs; North 89° 34' East 87.2 vrs; North 82° 43' East 81.8 vrs; South 88° 09' East 109.8 vrs; South 88° 06' East 148.0 vrs. to an iron pin set by a corner post on the East line of a county road for the Northeast corner hereof; THENCE South 19° 06' West with a fence on an East line of said Second Tract and at about 150 vrs. cross a bend in said County Road for a total distance of 186 vrs. to an iron pin set on the West side of said road on an inside corner of

PARCEL D cont'd

LESS, AND EXCEPT, HOWEVER, all that certain 19.1 acre tract of land heretofore Granted, Sold and Conveyed by Grantors herein, as set out and described in Warranty Deed dated December 31, 1976, recorded in Vol. 441, Page 314, Deed Records, Comanche County, Texas.

This conveyance is SUBJECT TO the following:
(a) Outstanding undivided one-half (1/2) of one-eighth (1/8) non-participating royalty interest reserved in Deed from L. A. Livingston et ux to R. W. Neal, Jr., dated July 15, 1952, and recorded at Vol. 268, page 411, Deed Records of Comanche County, Texas.
(b) Right-of-way easement granted by J. E. Allen et ux to General Telephone Company of the Southwest, dated December 14, 1960, and recorded at Vol. 307, page 12, Deed Records of Comanche County, Texas.
(c) Visible and apparent easements on or across the land.

PARCEL E

66-54/100 acres of land out of the following surveys, Jas. Brennen Survey, Abstract No. 50, M.D. Mahoney, Abstract No. 652, by virtue of said land is situated in Comanche County, Texas, about — miles— from, the county seat, and described by metes and bounds as follows, to-wit:

BEGINNING at a point in the EBL of the Jas. Brennen Survey, and in the EBL of a 79 acre tract; that is out of the Jas. Brennen Survey, S 19 W 54 vrs. from intersection with the SBL of Highway 36;

THENCE S 19 W 405-7/10 vrs. to SEC of said 79 acre tract, for the SEC of the tract herein described;

THENCE N 71-20 W 944 vrs. along wire fence, to fence comer for the SEC of this, on WBL of Jas. Brennen Survey and EBL of the M.D. Mahoney Survey;

THENCE N 19 E 73-8/10 vrs. to fence comer, for the "L" corner of this;

THENCE N 19 E 199-8/10 vrs. to fence corner for the Western SEC of this;

THENCE N 19 E 199-8/10 vrs. to fence corner on the SBL of Highway 36, for the NMC;

THENCE S 21-32 E 1005-7/10 vrs. along the SBL of highway, to a live stock underpass, for Northern NDT of this;

THENCE S 9, E 56 vrs. to the place of beginning, containing 65-07/100 acres out of the Jas. Brennen Survey, and 1-47/100 acres out of the M E. Mahoney Survey, a total of 66-54/100 acres.

AS ORIGINAL

PARCEL E cont'd

LESS AND EXCEPT: 1.400 acres of land out of and part of a 1-47/100 acre tract of land out of the Michael D. Mahoney Survey, Abstract No. 652, Comanche County, Texas, and part of a 65-7/10 acre tract of land out of the James Brennen Survey, Abstract No. 50, Comanche County, Texas, conveyed by L. A. Livingston to S. V. Black, et ux, by deed dated May 25, 1953, and recorded in Volume 274, page 148, Deed Records of Comanche County, Texas, said 1.400 acres of land being more particularly described as follows, to-wit: BEGINNING at a stake in the existing South ROW line 50 feet Southerly opposite proposed State Highway 36 centerline Station 793-19.3' said Station being North 81° 37' West a distance of 127.2 feet from a point in the East boundary line of the Michael D. Mahoney Survey; said point being North 19° 01' East a distance of 594 feet from the Southeast corner of the S. V. Black 1-47/100 acre tract and North 19° 01' East a distance of 824 feet from the Southwest corner of the S. V. Black 65-7/10 acre tract; THENCE South 19° 01' West a distance of 30.6 feet to a stake 80 feet Southerly opposite centerline Station 792/96.6; THENCE Easterly parallel to and 80 feet Southerly opposite to centerline having a 1° 00' curve to right a distance of 63.7 feet to a stake 80 feet Southerly opposite P. T. centerline station 793/61.2 (end of a 1° 00' curve to right with a central angle of 9° 46'); THENCE South 82° 55' East for a distance of 438.9 feet to a stake 70 feet Southerly opposite centerline Station 798/00 for angle; THENCE South 81° 37' East a distance of 2433 feet to a stake in the East boundary line of the John McConnell Survey; said stake being 70 feet Southerly opposite centerline Station 822/33; THENCE North 18° 54' East along said East boundary line a distance of 20.34 feet to a stake 50 feet Southerly opposite centerline Station 822/36.7; THENCE North 81° 37' West along existing ROW line a distance of 2875.5 feet to a stake 50 feet Southerly opposite P. T. Centerline Station 793/61.2 (end of said 1° 00' curve); THENCE around said curve along said existing POW line a distance of 41.6 feet to the place of beginning, and containing 1.400 acres of land.

The conveyance made by this instrument is in partition and distribution to LARRY WAYNE ADAMS the land to be received by him from the Estate of Wayne Kenneth Adams, Deceased, under the terms of the Last Will and Testament of Wayne Kenneth Adams, Deceased, which gave Grace Olena Adams, Independent Executrix of such Estate, absolute descretion to select property to be distributed in satisfaction of any devise or bequest provided

for therein and Grace Olena Adams, individually, and Shelba Arlene Denning join as Grantors herein, for valuable consideration receipt and sufficiency of which is hereby acknowledged and confessed, so that LARRY WAYNE ADAMS shall hereafter own the land and premises herein described in fee simple and the Grantors hereinabove named shall not hereafter have or enjoy any right, title to, or interest in the lands and property being herein conveyed. The lands herein conveyed to LARRY WAYNE ADAMS have a value of \$124,312.50 for PARCEL A AND B; a value of \$69,675.00 for PARCEL C; and a value of \$82,962.27 for PARCEL D AND E as shown by the INVENTORY AND APPRAISEMENT and U.S. ESTATE TAX RETURN duly filed in the Estate of Wayne Kenneth Adams, Deceased.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said LARRY WAYNE ADAMS, his heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said LARRY WAYNE ADAMS, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT
THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED
THEREIN BECAUSE OF RACE OR COLOR ARE INVALID U.IDER

-8FORERAL LAW AND ARE UNENFORCEABLE.

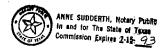
ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL TAW.

	WITNESS OUR HANDS at	Comanche, Texas this 28th
day of _	February, 1990.	Shelba Culene Seains SHELBA ARLENE DENNING
		ESTATE OF WAYNE KENNETH ADAMS, DECEASED by: Ince Olena ADAMS, INDEPENDENT EXECUTRIX OF THE ESTATE OF WAYNE KENNETH ADAMS, DECEASE
THE STATE	OF TEXAS	()
COUNTY OF	COMANCHE	()
28th day	Terruses	cknowledged before me on the by Grace Olena Adams and Shelba
Arlene Der	•	Inne Sudder L NOTARY PUBLIC, STATE OF TEXAS
		ANNE SUDDERTH, Notary Public in and for The State of Taxas Commission Expires 2-19-5-3
THE STATE	OF TEXAS	()
COUNTY OF	COMANCHE	()
	This instrument was ac	knowledged before me on the

28th day of February, 1990 by Grace Olena Adams, Independent

Executrix of the Estate of Wayne Konneth Adams, Deceased.

Vinne Sudderik NOTARY PUBLIC, STATE OF TEXAS



FILED 1st DAY OF March ,1990, AT 2:00 O'CLOCK P. M.

RECORDED 2nd DAY OF March ,1990, AT 9:00 O'CLOCK A. M.

BY Letha Summin DEPUTY

-10-

THE STATE OF TEXAS

COUNTY OF COMANCHE () KNOW ALL MEN BY THESE PRESENTS:

That I, GRACE OLENA ADAMS, of Comanche County, Texas, for and in consideration of the natural love and affection that I have for my son LARRY WAYNE ADAMS, have GIVEN, GRANTED and CONVEYED, and do by these presents GIVE, GRANT, CONVEY, SET OVER and DELIVER unto LARRY WAYNE ADAMS of Box 112, Gustine, Texas 76455, the following described property:

FIRST TRACT:

All that certain lot, tract or parcel of land in Comanche County, Texas, being out of and a part of the A. Smothers Survey, Abstract No. 836, and the A. L. Estes Survey, Abstract no. 286, described by metes and bounds as follows:

BEGINNING at a point on the WBL of the A. L. Estes Survey, 108 vrs. South 19 deg. 20' West from the NW corner of the A. L. Estes Survey, a stake under a wire fence the beginning corner of this survey;

THENCE North 71 deg. 00' West along said fence, a distance of 77 vrs. to an 8" cedar fence post a corner of this tract; THENCE South 58 deg. 20' West along a wire fence line a distance of 528.84 vrs. to an 8" corner cedar fence post a corner of this

tract;

THENCE North 83 deg. 12' West along a wire fence line a total distance of 245.16 vrs. to a 16" hackberry tree grown up on said corner in wire fence line the most Southerly NW corner of this tract:

THENCE South 19 deg. 00' West along a wire fence line a total distance of 487.44 vrs. to a large corner fence post on the NBL of State Highway No. 36, the SW corner of this tract;
THENCE North 82 deg. 10' East along said North ROW line of Highway

No. 36, a total distance of 875.44 vrs. to a break in said fence. THENCE North 11 deg. 40' East and with said fence line a distance of 13.6 vrs. to a 6" cedar fence post a corner of this tract;

THENCE North 82 deg. 10' East along said ROW fence line a total distance of 191.5 vrs. to a 5" cedar fence post the SE corner of this tract;

THENCE North 19 deg. 00' East and along an old fence line a distance of 775 vrs. to a 3" corner post the NE corner of this

THENCE North 71 deg. 00' West along a new fence line a total distance of 537.19 vrs. to the place of beginning, containing 134.57 acres of land. SECOND TRACT:

All that certain lot, tract or parcel of land situated in Comanche County, Texas, about 17 miles East of the City of Comanche, Texas, and being a part of the C. B. Howard Survey, Abst. No. 443, and described by metes and bounds as follows: BEGINNING at a point in the center of a county road on the North

> PROVISIONS CONTAINED IN ANY DOCUMENT WHICH DESTRUCT THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBER OF COLOR ARE LIVALID U.D.R. FEDERAL LAW AND ARE UNEMFORCEABLE.

> ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLUR OR RACE IS INVALID AND UNEMFORCEABLE UNDER FEDERAL LAW.

line of C. B. Howard Survey, and the South line of B. F. Reed Survey, 746.6 feet S 71 deg. E from the original NW corner of the C. B. Howard Survey, said point being a corner of the North 46.97 acre tract of R. M. Alexander 162.97 acre tract on the SW ROW line of Farm Road No. 591, for the NW corner of this tract; THENCE S 42 deg. 30' E with SW ROW line of said Farm Road, 108 feet to a corner of this tract, and a corner of said 46.97 acre THENCE S 12 deg. 30' E 325 feet to a point for the SW corner of this tract, and a corner of said 46.97 acre tract; THENCE S 70 deg. E crossing center line of said Farm Road No. 591, at 400 feet and a total distance of 746 feet to the SE corner of this tract in the center of Mill Branch; THENCE up the center of Mill Branch N 5 deg. E 350 feet to the center of a county road on the North line of C. B. Howard Survey, and the South line of B. F. Reed Survey for the NE corner of this tract; THENCE N 71 deg. W with center line of said county road, 910 feet to the place of beginning, and containing 6 acres of land, SAVE AND EXCEPT, 1.04 acres deeded to the County of Comanche, Texas, for Farm Road No. 591. THIRD TRACT: All that certain parcel of land in Comanche County, Texas, about 17 miles East of the City of Comanche, Texas, and being a part of the C. B. Howard Survey, Abst. No. 443, and the S Pipkin Survey, and being more particularly described as follows: BEGINNING at a point in the East or South East line of Dr. J. W. Applewhite 45.8 acre tract and the SW corner of a 46.97 acre tract, said point being 1475 feet S 19 deg. W of the NE corner of said Dr. Applewhite 45.8 acre tract, said point being the NW corner of this tract; THENCE S 19 deg. W with the East or South East line of said 45.8 acre tract, crossing the South or Southwest line of C. B. Howard Survey, and the North or Northeast line of S. Pipkin Survey, at 2044.4 feet and a total distance of 2139 feet to a fence post for the SW or West corner of this tract;
THENCE S 71 deg. E with fence now in place, 1928 feet to the center of Mill Branch for the SE or South corner of this tract; THENCE up said Mill Branch with its meanders as follows:N 33 deg. 30' W. 219.4 feet; N 80 deg. E 247.2 feet; N 32 deg. E 161.1 feet; N 31 deg. 30' W 141.6 feet; N 17 deg. 30' W 188.8 feet; n 52 deg. E 197.2 feet; N 20 deg. 30' E 341.6 feet; N 38 deg. E 111.1 feet; N 80 deg. E 263.8 feet; N 36 deg. 15' E 172.2 feet; S 75 deg. 30' E 80 feet crossing center line of concrete bridge over said branch; S 82 deg. 45' E 152.7 feet; E 55 deg. E 86.1 feet; S 1 deg. 30' E 202.7 feet; S 40 deg. E 72.2 feet; N 69 deg. 15' E 222.2 feet; N 46 deg. E 119.4 feet; N 12 deg. E 186.1 feet; N 14 deg. 30' W 191.6 feet; N 32 deg. 30' W 127.7 feet; N 26 deg. 15' E 80 feet to the Northeast or East corner of this tract, and the Southeast or South corner of 46.97 acre tract; THENCE N 71 deg. W with South or Southwest line of said 46.97 center of Mill Branch for the SE or South corner of this tract; THENCE N 71 deg. W with South or Southwest line of said 46.97 acre tract crossing center line of FM Road at 750 feet and a total distance of 2800 feet to the place of beginning, and containing 110 acres of land. FOURTH TRACT: All that certain lot and parcel of land situated in Comanche County, Texas, about 17 miles East of the City of Comanche, and being a part of the C. B. Howard Survey, Abst. No. 443, and being more particularly described as follows: BEGINNING at a point in the center of a county road on the North line of C. B. Howard Survey, and the South line of B. F. Reed Survey 566.6 feet S 71 E from the original NW corner of C. B. Howard Survey, said point being the NE corner of Dr. J. W. Applewhite 45.8 acre tract and the NW corner of this tract; THENCE S 71 deg. E with the Northeast line of said Howard Survey,

and the SW line of B. F. Read Survey, 180 feet to the SW ROW

line of Farm Road No. 591 for a corner of this tract; THENCE S 42. deg. 30' E with SW ROW line of said Farm Road 108 $\,$ THENCE S 12 deg. 30' E with SW line of school tract; THENCE S 12 deg. 30' E with SW line of school tract 325 feet to the SW corner of said school tract and a corner of this tract; THENCE S 70 deg. E with SW line of said school tract crossing center line of said FM Pond at 400 feet and a total distance center line of said FM Road at 400 feet and a total distance of 746 feet to a corner of this tract in the center of Mill Branch and the South or SouthEast corner of said school tract; THENCE down said branch with its meanders as follows: S 15 deg. E 98 feet; S 72 deg. 30' E 194.4 feet; THENCE S 12 deg. E 1027.7 feet to the SW corner of the Wm. Sisson tract, and a corner of this tract on the NE ROW line of said FM Road; THENCE S 71 deg. E 713.8 feet to the SE corner of said Wm. Sissons tract and a corner of this tract in the center of Mackey Branch; THENCE down said branch as follows: S 27 d eg. 30' E 144.4 feet; S 8 deg. 30' W 80 feet to the SE or South corner of this tract in the center of said branch; THENCE N 71 deg. W crossing center line of said FM Road at 750 feet and a total distance of 2800 feet to the Southwest or West corner of this tract in the East line of Dr. J. W. Applewhite 45.8 acre tract; THENCE N 19 deg. E with the East line of said 45.8 acre tract, 1475 feet to the place of beginning, and containing 46.97 acres of land, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said LARRY WAYNE ADAMS, his heirs and assigns, forever; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever defend all and singular, the said premises unto the said LARRY WAYNE ADAMS, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS MY HAND this 30th, day of December, 1992.

Strate Olena adams

THE STATE OF TEXAS () COUNTY OF COMANCHE ()

This instrument was acknowledged before me on the 30thday of December, 1992, by Grace Olena Adams.

Notary Public, State of Texas
Page 3
JOHN
NOTA
STATE

FILED 3	0th	DAY	OF	December	1992,AT	2:10	O'CLOCK P	<u>.</u> M.
RECORDED	4th	DAY	OF	January	1993,AT	9:00	O'CLOCK_A	<u>м.</u>
1	_	0						

BY Lether Summer DEPUTY BEILY CONWAY, County Clerk

BOOK 704 PAGE 120

THE STATE OF TEXAS ()

COUNTY OF COMANCHE () KNOW ALL MEN BY THESE PRESENTS:

That I, GRACE OLENA ADAMS, of Comanche County, Texas, for and in consideration of the natural love and affection that I have for my son LARRY WAYNE ADAMS, have GIVEN, GRANTED and CONVEYED, and do by these presents GIVE, GRANT, CONVEY, SET OVER and DELIVER unto LARRY WAYNE ADAMS of Box 112, Gustine, Texas 76455, the following described property:

FIRST TRACT: All that certain lot, tract or parcel of land in Comanche County, Texas, being out of and a part of the A. Smothers Survey, Abstract No. 836, and the A. L. Estes Survey, Abstract no. 286, described by metes and bounds as follows: BEGINNING at a point on the WBL of the A. L. Estes Survey, 108 vrs. South 19 deg. 20' West from the NW corner of the A. L. Estes Survey, a stake under a wire fence the beginning corner of this survey; THENCE North 71 deg. 00' West along said fence, a distance of 77 vrs. to an 8" cedar fence post a corner of this tract; THENCE South 58 deg. 20' West along a wire fence line a distance of 528.84 vrs. to an 8" corner cedar fence post a corner of this THENCE North 83 deg. 12' West along a wire fence line a total distance of 245.16 vrs. to a 16" hackberry tree grown up on said corner in wire fence line the most Southerly NW corner of this tract: THENCE South 19 deg. 00' West along a wire fence line a total distance of 487.44 vrs. to a large corner fence post on the NBL of State Highway No. 36, the SW corner of this tract; THENCE North 82 deg. 10 East along said North ROW line of Highway No. 36, a total distance of 875.44 vrs. to a break in said fence. THENCE North 11 deg. 40' East and with said fence line a distance of 13.6 vrs. to a 6" cedar fence post a corner of this tract; THENCE North 82 deg. 10' East along said ROW fence line a total distance of 191.5 vrs. to a 5" cedar fence post the SE corner of this tract;
THENCE North 19 deg. 00' East and along an old fence line a distance of 775 vrs. to a 3" corner post the NE corner of this THENCE North 71 deg. 00' West along a new fence line a total distance of 537.19 vrs. to the place of beginning, containing 134.57 acres of land. SECOND TRACT:

All that certain lot, tract or parcel of land situated in Comanche County, Texas, about 17 miles East of the City of Comanche, Texas, and being a part of the C. B. Howard Survey, Abst. No. 443, and described by metes and bounds as follows:
BEGINNING at a point in the center of a county road on the North

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH DESTRICT THE SALE, RENTAL, OR USE OF THE REAL PROPERTY OLS THEREIN DECAUSE OF RACE OR COLOR ARE INVALID U.D.R FEDERAL LAW AND ARE UNEMFORCEABLE.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLUR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL

line of C. B. Howard Survey, and the South line of B. F. Reed Survey, 746.6 feet S 71 deg. E from the original NW corner of the C. B. Howard Survey, said point being a corner of the North 46.97 acre tract of R. M. Alexander 162.97 acre tract on the SW ROW line of Farm Road No. 591, for the NW corner of this tract; THENCE S 42 deg. 30' E with SW ROW line of said Farm Road, 108 feet to a corner of this tract, and a corner of said 46.97 acre tract: THENCE S 12 deg. 30' E 325 feet to a point for the SW corner of this tract, and a corner of said 46.97 acre tract; THENCE S 70 deg. E crossing center line of said Farm Road No. 591, at 400 feet and a total distance of 746 feet to the SE corner of this tract in the center of Mill Branch; THENCE up the center of Mill Branch N 5 deg. E 350 feet to the center of a county road on the North line of C. B. Howard Survey, and the South line of B. F. Reed Survey for the NE corner of this tract; THENCE N 71 deg. W with center line of said county road, 910 feet to the place of beginning, and containing 6 acres of land, SAVE AND EXCEPT, 1.04 acres deeded to the County of Comanche, Texas, for Farm Road No. 591. THIRD TRACT: All that certain parcel of land in Comanche County, Texas, about 17 miles East of the City of Comanche, Texas, and being a part of the C. B. Howard Survey, Abst. No. 443, and the S Pipkin Survey, and being more particularly described as follows: BEGINNING at a point in the East or South East line of Dr. J. W. Applewhite 45.8 acre tract and the SW corner of a 46.97 acre tract, said point being 1475 feet S 19 deg. W of the NE corner of said Dr. Applewhite 45.8 acre tract, said point being the NW corner of this tract; THENCE S 19 deg. W with the East or South East line of said 45.8 acre tract, crossing the South or Southwest line of C. B. Howard Survey, and the North or Northeast line of S. Pipkin Survey, at 2044.4 feet and a total distance of 2139 feet to a fence post for the SW or West corner of this tract; THENCE S 71 deg. E with fence now in place, 1928 feet to the center of Mill Branch for the SE or South corner of this tract; center of Mill Branch for the SE or South corner of this tract; THENCE up said Mill Branch with its meanders as follows:N 33 deg. 30' W. 219.4 feet; N 80 deg. E 247.2 feet; N 32 deg. E 161.1 feet; N 31 deg. 30' W 141.6 feet; N 17 deg. 30' W 188.8 feet; n 52 deg. E 197.2 feet; N 20 deg. 30' E 341.6 feet; N 38 deg. E 111.1 feet; N 80 deg. E 263.8 feet; N 36 deg. 15' E 172.2 feet; S 75 deg. 30' E 80 feet crossing center line of concrete bridge over said branch; S 82 deg. 45' E 152.7 feet; E 55 deg. E 86.1 feet; S 1 deg. 30' E 202.7 feet; S 40 deg. E 72.2 feet; N 69 deg. 15' E 222.2 feet: N 46 deg. E 119.4 feet; N 12 deg. E 186.1 deg. 15' E 222.2 feet; N 46 deg. E 119.4 feet; N 12 deg. E 186.1 feet; N 14 deg. 30' W 191.6 feet; N 32 deg. 30' W 127.7 feet; N 26 deg. 15' E 80 feet to the Northeast or East corner of this tract, and the Southeast or South corner of 46.97 acre tract; THENCE N 71 deg. W with South or Southwest line of said 46.97 acre tract crossing center line of FM Road at 750 feet and a total distance of 2800 feet to the place of beginning, and containing 110 acres of land. FOURTH TRACT: All that certain lot and parcel of land situated in Comanche County, Texas, about 17 miles East of the City of Comanche, and being a part of the C. B. Howard Survey, Abst. No. 443, and being more particularly described as follows: BEGINNING at a point in the center of a county road on the North line of C. B. Howard Survey, and the South line of B. F. Reed Survey 566.6 feet S 71 E from the original NW corner of C. B. Howard Survey, said point being the NE corner of Dr. J. W.

Applewhite 45.8 acre tract and the NW corner of this tract; THENCE S 71 deg. E with the Northeast line of said Howard Survey, and the SW line of B. F. Read Survey, 180 feet to the SW ROW

line of Farm Road No. 591 for a corner of this tract;
THENCE S 42. deg. 30' E with SW ROW line of said Farm Road 108
feet to a corner of this tract, and a corner of a school tract;
THENCE S 12 deg. 30' E with SW line of school tract 325 feet
to the SW corner of said school tract and a corner of this tract; THENCE S 70 deg. E with SW line of said school tract crossing center line of said FM Road at 400 feet and a total distance of 746 feet to a corner of this tract in the center of Mill Branch and the South or SouthEast corner of said school tract; THENCE down said branch with its meanders as follows: S 15 deg. THENCE S 12 deg. 30' E 194.4 feet;
THENCE S 12 deg. E 1027.7 feet to the SW corner of the Wm. Sisson tract, and a corner of this tract on the NE ROW line of said THENCE S 71 deg. E 713.8 feet to the SE corner of said Wm. Sissons tract and a corner of this tract in the center of Mackey Branch; THENCE down said branch as follows: S 27 d eg. 30' E 144.4 feet; S 8 deg. 30' W 80 feet to the SE or South corner of this tract in the center of said branch; THENCE N 71 deg. W crossing center line of said FM Road at 750 feet and a total distance of 2800 feet to the Southwest or West corner of this tract in the East line of Dr. J. W. Applewhite 45.8 acre tract; THENCE N 19 deg. E with the East line of said 45.8 acre tract, 1475 feet to the place of beginning, and containing 46.97 acres of land, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said LARRY WAYNE ADAMS, his heirs and assigns, forever; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever defend all and singular, the said premises unto the said LARRY WAYNE ADAMS, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS MY HAND this __30th_, day of December, 1992.

Straes Ovena adams

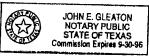
THE STATE OF TEXAS () COUNTY OF COMANCHE ()

This instrument was acknowledged before me on the 30th day of December, 1992, by Grace Olena Adams.

Notary Public, State of Texas

Page 3

JOHN STATE
Commission



FILED	30th	_DAY	OF_	December	1992,AT	2:10	O'CLOCK_	Р.	_M.
RECORDE	o <u>4th</u>	_DAY	OF_	January	1993,AT	9:00	o'clock_	Α.	_м.
0									

BY Letha Summer DEPUTY BEITY CONWAY, County Clerk

BOOK 704 PAGE 120

685

SPECIAL WARRANTY DEED

Effective Date: April 1, 2013

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Power of Attorney

Grantor's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702 Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

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

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

Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

April 1, 2013

GRACE OLENA ADAMS, by LARRY W. ADAMS, Power of Attorney.

AFTER RECORDING RETURN TO: Krueger Law Firm, PLLC Attn: David A. Krueger 6201 Technology Drive, Suite 106 Frisco, Texas 75033

STATE OF TEXAS

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COUNTY OF DALLAS

This instrument was acknowledged before me on April 1, 2013 by LARRY W. ADAMS, in his capacity as Power of Attorney for GRACE OLENA ADAMS.

> DAVID A. KRUEGER MY COMMISSION EXPIRES September 4, 2013

EXHIBIT "A"

The real property located at in Comanche County, Texas more fully described as:

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High across of Iaul located in a correct of 20% across of land out of the A. Smothers, dames Breanes and M. D. Mahoney surveys alterted in Comanche County, Texas, on the waters of the Borth and South forzs of the bron Hiver, made for L. A. Livingston by virtue of his contensitie, described in follows:
Fightning at the N. S. corner of Pirat Tract described in deed from Martha Livingston by virtue of his contensitie, described in Action 196, 18ge h8, of the Deed Becords of Comanche County, Texas, in the counter of the Leon River, for the N.E. Corner of this tract;
Hishies up the Leon River, with its meanderings, the following courses and distances:
N. 536 651, W. 250 ves.; N. 299 32 W. 90 ves.; N. 7900 W. 290 ves. to the North and booth fork of said Leon River, 188, 189 ves.; N. 77000 W. 290 ves. to the North and booth fork of said Leon River, 189 189 ves.; N. 1900 W. 280 ves.; N. 190 187 W. 83 ves.; N. 590 187 W. 87 ves.; N. 190 187 W. 190 ves.; N. 190 187 W. 89 ves.; N. 190
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AS ORIGINAL

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110.76 acres of land out of the A. Smothers and M. D. Mahoney surveys, situated
  in Commonde County, Texas, on the South fork of the Leon Hiver, made for
  i. A. Livingston Estate described as follows:
  REGINALIST at a petrified stump pointed out to me by L. A. Livingston for the S.W.
 corner of the A. Smothers and N. W. corner of the M. D. Mahoney surveys;
HERRY S. 20 W. with old wire fence 157 vrs. to the center of the South Fork of
  the Loom River:
the Leen River;
THERCE up said river, the following courses and distances:
N. 57° 30° E. 36 vrs.; N. 16° 30° E. 68 vrs.; East 67 vrs.;
S. 15 b. 66 vrs.; S. 21° 10° E. 81 vrs.; S. 12° 20° W. 77 vrs.;
S. 59° 10° E. 97 vrs; S. 21° 50° E. h) vrs.; S. h0 W. 92 vrs;
S. 22° 35° E. h2 vrs; S. 1h° 10° E. 58 vrs.; to the North right of way of Firhway 36, for the South corner of this tract;
HERCE with and right-of-way, E. 82° h0° E. 153.5 vrs. and N. 89° 35° E. 152 vrs. to an iron jipe in said hath right-of-way for the Southwest corner of a 20% acre-
trust and a Jouthnast corner of this trust; for one Somerwest corner of a zer 12 N. 80 .51 E. 127 vares to a corner of this trust and a corner of said
706 arms tract; Fig. 237 yrs. for a corn of of said 206 agre tract and a corner of
THERMS H. 199 55 E. 87.4 varies to a corner of said 206 acre tract and a corner
THE ACK R. 190 55 E. With East line of said 206 acre track and the N.E. corner
the N.E. corner of said field, a corner of said 206 acre tract and the N.E. corner of
 THERE N. NO 17' W. with North line of said field 185.5 was, to a corner on South bank of said river for a corner of said 206 acre tract and a corner of this tract;

THERES N. 21° 10' E. 12.5 was, to the center of said river;
THERRE N. 21° 10' E. 12.5 vrs. to the center of said river;
THERE up said river the following courses and distances:
N. 16° 30' W. 27 vrs.; N. 19° 19' E. 72 vrs.; N. 59° 51' W. 140 vrs.;
S. 54° 59' W. 96 vrs.; S. 73° 07' W. 91 vrs.; South 86 vrs.;
S. 71° 13' W. 33 vrs.; N. 16° 32' W. 66 vrs.; N. 82° 58' W. 66 vrs.;
N. 0° 37' d. 71 vrs.; N. 67° 11' W. 65 vrs.; N. 52° 00' W. 20 vrs.;
S. 31° 50' W. 172 vrs; S. 30° 13' W. 101 vrs.; S. 51° 25' W. 93 vrs.;
N. 60° 55' W. 29 vrs.; N. 25° 25' d. 16 vrs.; N. 81° 10' W. 13 vrs.;
to the West line of the A. Spothers Survey;
 to the West line of the A. Smothern Survey;
to the west line of the A. Smothern Survey;
THENCE S. 20 W. 150 vis. to the place of beginning, there being approximately
TO dores out of the A. Smothern Survey, and 21 series out of the K. B. Maheney
To be see that promise that the strength dense out of the K. B. Maheney
The see that promise that the strength dense of the See Brepared by
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FILED 5th	DAY OF Apri	1, 2	1013, AT	2:00	O,CTOCK	PM.
RECORDED	8th DAY OF Apri	.1, 2	013, AT	9:00	_ 0'CLOCK _	AM.
				EY, COMA	NCHE COUN	ITY CLERK
VERIFIED BY:	Amy Schwart	DEPUTY				
YOU 962	PAGE 55					

686

SPECIAL WARRANTY DEED

Effective Date: April 1, 2013

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Power of Attorney

Grantor's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

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

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

April 1, 2013

GRACE OLENA ADAMS, by LARRY W. ADAMS, Power of Attorney.

AFTER RECORDING RETURN TO: Krueger Law Firm, PLLC Attn: David A. Krueger 6201 Technology Drive, Suite 106 Frisco, Texas 75033

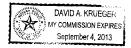
STATE OF TEXAS

§ § 8

COUNTY OF DALLAS

8 §

This instrument was acknowledged before me on April 1, 2013 by LARRY W. ADAMS, in his capacity as Power of Attorney for GRACE OLENA ADAMS.



Notary Public

EXHIBIT "A"

The real property located at in Comanche County, Texas more fully described as:

<u>FIRST TRACT</u>: All that certain tract of land situated in the County of Comanche and State of Texas being 80 acres of land, more or less, out the C.B. Howard Survey, Patent No. 766, Vol.6.;

BEGINNING 356 vrs; N 71° W from the original N.E. corner of said Howard Survey;

THENCE S. 19 W. 1268 vrs to the original S. line stake in S. line for S.E. comer;

THENCE N. 71°W. 356 vrs. to a stake for corner in S. line of grant for S.W. corner of this tract;

THENCE N. 19 E. 1268 vrs. a stake in N. line said Howard Survey for N.W. corner of this tract;

THENCE S. 71°E. 356 vrs. to the place of beginning.

SECOND TRACT: Being 74.5 acres out of the A. McCaleb Survey as follows;

BEGINNING at a stake on the N. bank of the Leon River in the W. line of said McCaleb survey;

THENCE N. 19 E. 364 vrs. to the original N.W. corner of said survey;

THENCE S. 71 e. 950 vrs. to the N.E. corner of said survey;

THENCE S. 19 W. crosses Leon River 112 vrs. from bed of said river, a stake for corner on E. boundary line of said survey.

THENCE N. 71 W 75 vrs. to a rock for corner;

THENCE N. 19 E. 166 vrs. for corner of S. bank of said river from which an elm marked X brs. N. 76 E. 5 vrs.

THENCE N. 80-15 W. 112.5 vrs. for corner from which a burr oak mkd X brs for corner;

THENCE up said river with its S. bank far enough back on the level ground to build a fence to a stake for another corner and W. of the mouth of a slough from which an elm mkd X brs. S 30.5 W. 8 6 yrs.

THENCE N. 19 E. to a stake on the N. bank of said river for corner from which an elm mkd X brs. N. 85 W. 3 vrs.;

THENCE up said river far enough back from the top of the bank on level ground to build a fence to place of beginning; These field notes contain 83.5 acres, there being reserved 4 acres being S. of Leon River;

THIRD TRACT:

24 acres out of the Chas B. Howard Survey, described as follows;

Being the N.W. quarter of 100 acre tract out of said Howard Survey in the name of W.D. Thomas;

BEGINNING at a stake 934 vrs. N. 71 W. from the original N.E. corner of the said Howard Survey for the N.E. corner of this;

THENCE N. 71 W. with the N. boundary line of said survey 60 vrs.;

THENCE S. 19 W. 40 vrs. to a stake for corner:

THENCE N. 71 W. 162 vrs. to a stake for corner;

THENCE S. 18-30 W. with W. boundary line of said 100 acre tract 600 vrs. to a stake for the S.W. corner a post oak and elm brs. N. 36 E. 4 vrs;

THENCE S. 71 E. 220.5 vrs. to a stake for the S.E. corner;

THENCE N. 19 e. 640 vrs. to the place of beginning;

FOURTH TRACT:

All that certain tract or p0arcel of land situated in Comanche County, Texas, on the waters of the North Leon River, and being out of the Chas B. Howard Survey, and described by field notes as follows;

BEGINNING at a stake the S.W. corner of the J.A. Thomas tract for the N.W. corner of this tract, a P.O. brs N. 36 E. 4 vrs.;

THENCE S. 18.5 W. 647 vrs. to a stake for S.W. corner;

THENCE S. 71 E. 215.5 vrs. to a stake for S.E. corner;

THENCE N. 19 E. 647 vrs. to a stake for N.E. corner of this tract and S.E. corner J.A. Thomas tract and S.W. corner of a tract sold to Mrs. Nannie Wall;

THENCE N. 71 W. 220.5 vrs. to the place of beginning, containing 25 acres of land.

FIFTH TRACT:

25 acres situated on the waters of the North Leon river and more particularly described as follows; The N.E. quarter of a 100 acre tract out of the Chas B. Howard Survey, in the name of W.D. Thomas, and beginning at a stake 712 vrs. N. 71 W. from the original N.E. corner of said survey for the N.E. corner of this;

THENCE N. 71 W. with the N. boundary line of said Howard Survey 222 vrs.; to a stake in the N. line of said Howard survey for the N.W. comer of this;

THENCE S. 19 W. 640 vrs. to a stake for the S.W. corner of this;

THENCE S. 71 E. 220.5 vrs. to a stake on E. line of said 100 acre tract for the S.E. corner of this;

THENCE N. 19 E. with the E. line of said 100 acre tract, 640 vrs. to the place of beginning and containing 25 acres of land.

SIXTH TRACT:

All that certain tract or parcel of land situated in Comanche County, State of Texas, being a part of the Chas B. Howard Survey, and more fully described as follows, to-wit:

BEGINNING at a stake in the S. boundary line of the Howard Survey and the S.E. Corner of the W. E. Thomas tract for the S.W. corner of this;

THENCE S. 71 E. 215.5 vrs. to a stake for corner, being the S.E. corner of the original 100 acre of W.D. Thomas;

THENCE E. 19 E. 647 vrs. to stake for N.E. comer of this tract;

THENCE N. 71 W. 220.5 vrs. to the N.E. corner of the W.E. Thomas S.E. corner of the J.A. Thomas and S.W. corner of the Mrs. Nannie Wall tract for the N.W. corner of this;

THENCE S. 19 W. 647 vrs. to the place of beginning, containing 25 acres, more or less;

SEVENTH TRACT:

All that certain tract or parcel of land lying the County of Comanche, State of Texas, described as follows, to-wit;

A portion of a certain three acre tract, more or less, out of the A. McCaleb Survey, Comanche County, Texas, said three acres, more or less, being described as follows;

BEGINNING in the E. line of the A. McCaleb survey, at a point N. 19 E. 1243 vrs. from the original S.E. corner of said Survey;

THENCE N. 71 W. 75 vrs. a corner;

THENCE N. 19 E. 166 vrs. a corner from which an elm mkd X brs; N. 76 E.3 vrs.;

THENCE N. 80-115 W. 111.5 vrs. a corner of the S. bank of the Leon River at which a Burr Oak mkd X for corner;

THENCE down and along the S. bank of the Leon River, with its meanderings to where it crosses the E. line of the said McCaleb Survey.

THENCE S. 19 W. to the place of beginning.

The said Leon River having changed its course across the above described tract. It is the intention of this deed to convey all land lying between the S. bank of said river in its original course and the N. bank of said river in its present course, wherein same crosses the land above described and containing one acre of land, more or less;

EIGHTH TRACT:

5 acres of land our of A. McCaleb Survey, commencing at a stake 256 vrs. from the original N.E. corner of the A. McCaleb Survey, 256 vrs. S. 19 E. to a stake for a beginning corner of the E. boundary line of the aforesaid A. McCaleb Survey;

THENCE S. 19 W. 332 vrs. to a stake on N. bank of N Leon River;

THENCE up the meanderings of said Leon River to a stake on N. bank of said Leon River;

THENCE S. 71 E. 137 vrs. to a stake this being for corner, containing 5 acres.

NINTH TRACT

50.5 acres of land out of the A. McCaleb Survey, of land in Comanche County, Texas, bounded as follows;

BEGINNING 516.5 vrs. N. 71 W. from the N.E. corner of said survey, for the N.E. corner of this tract;

THENCE N. 71 W. 516.5 vrs. to the N.W. corner of said survey;

THENCE S. 19 W. 590 vrs. to the Leon River for the S.W. corner of this tract;

THENCE down said stream with its meanderings to the S.W. corner of a tract sold by William Conway to C. Westmoreland;

THENCE N. to the place of beginning.

TENTH TRACT:

Plus land described in deed dated April 11, 1955, from Lella Daniel et al, to E.R. McCarty and wife, and recorded in Vol. 318, page 144, of the deed records of Comanche County, Texas, and containing approximately 2 acres of land, and less the land described in a quitclaim deed from E.H. McCarty and wife, Ella McCarty to Mrs. Lilla Daniel, dated April 11, 1955 and recorded in Vol. 317, page 607, of the Deed Records of Comanche County, Texas, and containing approximately 2 acres of land.

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TOTAL ACREAGE herein conveyed covers 315 acres, more or less.

SPECIAL WARRANTY DEED

Effective Date: February 17, 2014

GRACE OLENA ADAMS, by LARRY W. ADAMS, Trustee

Grantor's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

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

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

GRACE OLENA ADAMS, by LARRY W. ADAMS,

Trustee.

AFTER RECORDING RETURN TO: Krueger Law Firm, PLLC Attn: David A. Krueger 6201 Technology Drive, Suite 106 Frisco, Texas 75033

STATE OF TEXAS

888

COUNTY OF COMANCHE

This instrument was acknowledged before me on November 14th, 2014 by LARRY W. ADAMS, in his capacity as Trustee for GRACE OLENA ADAMS.

SUSAN HARRISON Comm. Exp. 02-12-50-124 PUSTAN Comm. Exp. 07-12-50-124 Comm. Exp. 01-12-50-124 Comm. Exp. 01-12-50-124 Comm. Exp. 01-12-50-124 Comm. MOSIFIAH NASUS

EXHIBIT "A"

The real property located at in Comanche County, Texas more fully described as:

All that certain tract of land situated in the County of Comanche and State of Texas being 283 acres of land.

<u>First Tract</u>: Being 320 acres, more or less, and being all the Stewart (S.W.) Pinkin Survey in said County and State, being Patent No. 602, Abstract No. 768.

Second Tract: Being 71 acres, more or less, a part of and out of the Anson L. Estes Survey in said County and State, described by metes and bounds as follows, to wit:

BEGINNING at a point in the S. line of the said Pipkin Survey, and the North line of said Estes Survey, which beginning point is located 190 foot in a westerly direction from the S.E. corner of said Pipkin Survey;

Thence in a southerly direction and with public road, to a state in N. side of State Highway No. 36, for the S.E. corner this tract, a total distance of 787.68 vrs., state in A.F. Gaines S. line for the S.W. corner of this tract;

Thence in a Northerly direction and with F. Gaines said E. line, 884.88 vrs. To S. line of said Pipkin Survey, stake for N.W. corner of this tract at A.F. Gaines most easterly N.E. corner;

Thence in an Easterly direction and with the dividing line between said Pipkin and Estes Surveys to the point of beginning, containing 71 acres, more or less and being all of that certain tract of 108 acres sold to W.S. Price by Dan McMillan by deed of record in the Deed Records of Comanche County, Texas, save and except 37 acres of said 308 acre tract heretofore sold by said W.S. Price to Young. It is understood and agreed and made a condition hereof that said 71 acres of land herein conveyed and described as in second tract is conveyed subject to all the terms and conditions and mineral deed heretofore executed by said W.S. Price and covering 27 acres out of said 108 acre tract of land. The two tracts herein described and conveyed contain in the aggregate 391 acres, more or less, and being the identical lands described in and conveyed by deed from W.S. Price and Wife, Lula Price, to W.S. Price Jr., dated December 27, 1944, of record in Vol. 226, Page 216, of the Deed Records of Comanche County, Texas.

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FILED	21st	_ DAY OF	November	, 2014, AT _	10:45	_ O'CLOCK	A M .
RECORDED	24th	DAY OF	November	, 2014, AT	9:00	_ о'сгоск _	AM.
VERIFIED BY:	Amer	4.440	f of the		LEY, COM	ANCHE COUN	TY CLERK
vol. 986	0		CRINIFC	<i>52.</i> 011			

SPECIAL WARRANTY DEED

Effective Date: February 17, 2014

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Trustee

Grantor's Mailing Address (including county):

Grantce's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

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

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

GRACE OLENA ADAMS, by LARRY W. ADAMS,

Trustee

AFTER RECORDING RETURN TO:

Krueger Law Firm, PLLC Attn: David A. Krueger

6201 Technology Drive, Suite 106

Frisco, Texas 75033

STATE OF TEXAS

§

COUNTY OF COMANCHE

This instrument was acknowledged before me on November ______, 2014 by LARRY W.

ADAMS, in his capacity as Trustee for GRACE OLENA ADAMS.

SUBAN HARRISON
NOTARY PUBLIC
State of Texas
Comm. Exp. 07-17-2015

Notary Public

EXHIBIT "A"

The real property located at in Comanche County, Texas more fully described as:

All that certain tract of land situated in the County of Comanche and State of Texas being 108.51 acres of land and being part of:

<u>First Tract</u>: Being 320 acres, more or less, and being all the Stewart (S.W.) Pinkin Survey in said County and State, being Patent No. 602, Abstract No. 768.

<u>Second Tract:</u> Being 71 acres, more or less, a part of and out of the Anson L. Estes Survey in said County and State, described by metes and bounds as follows, to wit:

BEGINNING at a point in the S. line of the said Pipkin Survey, and the North line of said Estes Survey, which beginning point is located 190 foot in a westerly direction from the S.E. corner of said Pipkin Survey;

Thence in a southerly direction and with public road, to a state in N. side of State Highway No. 36, for the S.E. corner this tract, a total distance of 787.68 vrs., state in A.F. Gaines S. line for the S.W. corner of this tract;

Thence in a Northerly direction and with F. Gaines said E. line, 884.88 vrs. To S. line of said Pipkin Survey, stake for N.W. corner of this tract at A.F. Gaines most easterly N.E. corner;

Thence in an Easterly direction and with the dividing line between said Pipkin and Estes Surveys to the point of beginning, containing 71 acres, more or less and being all of that certain tract of 108 acres sold to W.S. Price by Dan McMillan by deed of record in the Deed Records of Comanche County, Texas, save and except 37 acres of said 308 acre tract heretofore sold by said W.S. Price to Young. It is understood and agreed and made a condition hereof that said 71 acres of land herein conveyed and described as in second tract is conveyed subject to all the terms and conditions and mineral deed heretofore executed by said W.S. Price and covering 27 acres out of said 108 acre tract of land. The two tracts herein described and conveyed contain in the aggregate 391 acres, more or less, and being the identical lands described in and conveyed by deed from W.S. Price and Wife, Lula Price, to W.S. Price Jr., dated December 27, 1944, of record in Vol. 226, Page 216, of the Deed Records of Comanche County, Texas.

 FILED
 21st
 DAY OF
 November
 , 2014, AT
 10:45
 O'CLOCK
 A.M.

 RECORDED
 24th
 DAY OF
 November
 , 2014, AT
 9:00
 O'CLOCK
 A.M.

3

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Any Huddles ton DEPUTY

VOL. 986 PAGE

Effective Date: February 17, 2014

Grantor: GRACE OLENA ADAMS, by LARRY W. ADAMS, Trustee

Grantor's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Grantee: LARRY W. ADAMS, Trustee of the GRACE ADAMS FAMILY TRUST

Grantee's Mailing Address (including county):

3758 Highway 1702

Gustine, Comanche County, Texas 76455

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements):

All of Grantor's right, title and interest in and to that certain real property more fully described on Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, including liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any applicable governmental district, agency, or authority; taxes and assessments for the current and subsequent assessments for the current and for prior years due to a change in land use or ownership of the Property, and the terms, provisions and conditions of any contract or agreement presently affecting the Property.

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

assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

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

Effective as of the date first set forth above, but executed as of the date set opposite the signature below.

GRACE OBENA ADAMS, by LARRY W. ADAMS,

AFTER RECORDING RETURN TO: Krueger Law Firm, PLLC Attn: David A. Krueger 6201 Technology Drive, Suite 106 Frisco, Texas 75033

STATE OF TEXAS

§ §

COUNTY OF COMANCHE

This instrument was acknowledged before me on November 14th, 2014 by LARRY W. ADAMS, in his capacity as Power of Attorney for GRACE OLENA ADAMS.

SUSAN HARRISON

State of Texas

NOTARY PUBLIC

Comm. Exp. 07-17-2015

EXHIBIT "A"

The real property located at in Comanche County, Texas more fully described as:

All that certain tract of land situated in the County of Comanche and State of Texas being 6.1 acres of land.

<u>First Tract</u>: Being 320 acres, more or less, and being all the Stewart (S.W.) Pinkin Survey in said County and State, being Patent No. 602, Abstract No. 768.

Second Tract: Being 71 acres, more or less, a part of and out of the Anson L. Estes Survey in said County and State, described by metes and bounds as follows, to wit:

BEGINNING at a point in the S. line of the said Pipkin Survey, and the North line of said Estes Survey, which beginning point is located 190 foot in a westerly direction from the S.E. corner of said Pipkin Survey;

Thence in a southerly direction and with public road, to a state in N. side of State Highway No. 36, for the S.E. corner this tract, a total distance of 787.68 vrs., state in A.F. Gaines S. line for the S.W. corner of this tract;

Thence in a Northerly direction and with F. Gaines said E. line, 884.88 vrs. To S. line of said Pipkin Survey, stake for N.W. corner of this tract at A.F. Gaines most easterly N.E. corner;

Thence in an Easterly direction and with the dividing line between said Pipkin and Estes Surveys to the point of beginning, containing 71 acres, more or less and being all of that certain tract of 108 acres sold to W.S. Price by Dan McMillan by deed of record in the Deed Records of Comanche County, Texas, save and except 37 acres of said 308 acre tract heretofore sold by said W.S. Price to Young. It is understood and agreed and made a condition hereof that said 71 acres of land herein conveyed and described as in second tract is conveyed subject to all the terms and conditions and mineral deed heretofore executed by said W.S. Price and covering 27 acres out of said 108 acre tract of land. The two tracts herein described and conveyed contain in the aggregate 391 acres, more or less, and being the identical lands described in and conveyed by deed from W.S. Price and Wife, Lula Price, to W.S. Price Jr., dated December 27, 1944, of record in Vol. 226, Page 216, of the Deed Records of Comanche County, Texas.

3

RUBY LESLEY, COMANCHE COUNTY CLERK

VERIFIED BY: Army Huddleston DEPUTY

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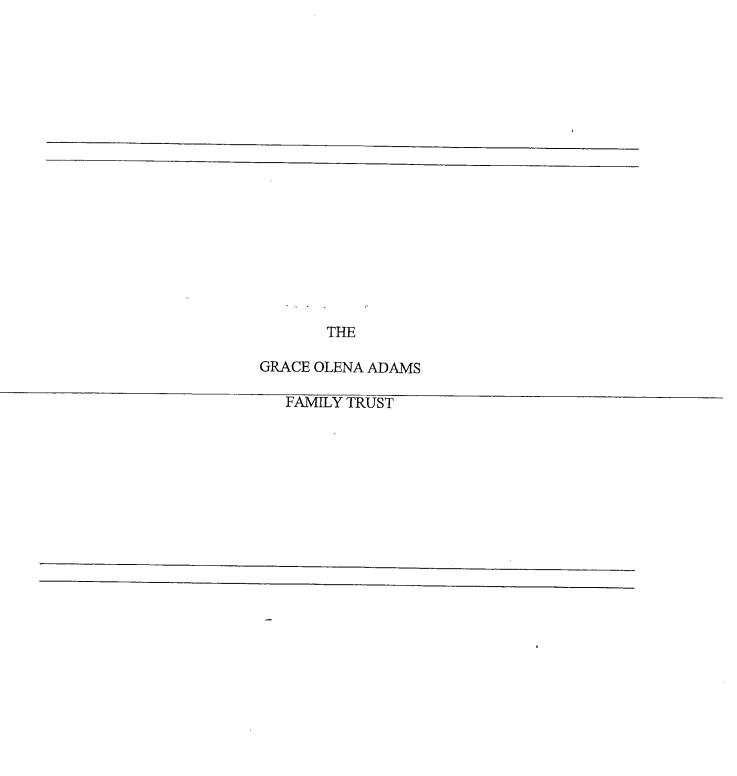


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PRIMARY PORTION OF THE GRACE OLENA ADAMS FAMILY TRUST AGREEMENT

This AGREEMENT OF TRUST is executed by GRACE OLENA ADAMS in order to create this Family Trust on the terms, conditions and provisions as set forth below in this Trust Agreement.

ARTICLE I.

ESTABLISHMENT OF TRUST

- 1.1. General Name of Trust. The general name of the Trust shall be THE GRACE OLENA ADAMS FAMILY TRUST. For convenience, it will be referred to at times in this Agreement as the "Trust" unless a more specific trust is indicated.
- 1.2. <u>Initial Assets of Trust</u>. The initial assets of the Trust shall consist of those assets described on the attached Exhibit "B" which is hereby incorporated by reference for all purposes of this Trust Agreement.
- 1.3. <u>Amendability and Revocability of Trust</u>. This Trust shall either be revocable or irrevocable pursuant to the following applicable provisions:
 - (a) <u>Amendable and Revocable Period of Trust</u>: Settlor [including Settlor's agents or appointed representatives] expressly reserves the power to amend or revoke this Agreement at any time during Settlor's lifetime by delivering to the Trustee any writing which sets forth the terms of the amendment or revocation.
 - (b) <u>Irrevocable Period of Trust</u>: This Trust shall become irrevocable and shall not thereafter be subject to amendment or revocation upon the death of Settlor.
- 1.4. Special Definitions for Agreement. The following terms shall have the indicated meanings for purposes of this Agreement:
 - (a) "Settlor": References to "Settlor" shall mean GRACE OLENA ADAMS.

- (b) "Beneficiary" or "Beneficiaries": References to a "Beneficiary" or "Beneficiaries" shall mean the initial as well as successor beneficiary or beneficiaries of the Trust.
- (c) "GST" and "GSTT": References to "GST" shall mean "generation-skipping transfer", and to "GSTT" shall mean "generation-skipping transfer tax(es)", both in the context of Chapter 13 of the Code or any successor statute.
- (d) "GSTT Exemption": References to "GSTT Exemption" shall mean the exemption from GSTT treatment then in effect as provided by Section 2631 of the Code or any successor statute.
- (e) "Inclusion Ratio": References to the "Inclusion Ratio" shall mean, for GSTT purposes, the net result from applying the formula specified by Section 2642 of the Code.
- (f) "Personal Effects": References to "Personal Effects" shall mean any personal property [broadly construed] owned by the Trust, and shall include, as examples only, the Trust's interest in the following items which it owns at the time of Settlor's death: household furnishings [again, broadly construed]; paintings, sculptures, and other items of art work; personal automobiles and boats [including any equipment associated with either]; recreational property and equipment [such as mobile homes, vans, and the like]; all club memberships; frequent flyer miles and bonuses; and all items of jewelry, clothing and books. The definition of personal effects specifically includes all insurance policies associated with such items.

Settlor does not intend, however, to include under this Section any tangible personal property of a business or investment nature, such as office files, business equipment or business automobiles, and other such business or investment items.

1.5. Distributions During Settlor's Lifetime. In the event any property (other than a minimum initial asset to fund the Trust or the mere inchoate right of the Trust to receive the proceeds of any insurance policy or employee benefit plan) is transferred to the Trust during Settlor's lifetime, the Trustee shall distribute to or for the benefit of Settlor [during Settlor's lifetime] so much of the net income and/or principal of the Trust as shall be appropriate or necessary to provide for Settlor's health, maintenance and support [broadly construed]. In addition, the Trustee shall distribute to or for the benefit of Settlor so much or all of the income and/or principal of the

Trust as Settlor shall direct in writing. These distributions may be made directly to or for the benefit of Settlor without the intervention of any legal guardian.

ARTICLE II.

TRUSTEE PROVISIONS

- 2.1. <u>Settlor's Appointment of Co-Trustees</u>. The initial Co-Trustees of this Trust shall be GRACE OLENA ADAMS and LARRY WAYNE ADAMS.
 - (a) <u>Designation of Successor Trustees</u>: In the event both GRACE OLENA ADAMS and LARRY WAYNE ADAMS fail, refuse or cease to serve as Trustee of the Trust, Settlor appoints GAYLON STEPHENS to serve as Trustee of the Trust.
 - (b) <u>Appointment or Removal of Trustees</u>: Settlor reserves the power during her lifetime to appoint additional Trustees or remove any Trustee of this Trust. Settlor may exercise these powers by delivering a written instrument or letter to all other then serving Trustees [if any] which evidences not only the appointment or removal, but in the case of an appointment, the additional Trustee's acceptance of the terms, provisions and conditions of this Trust Agreement. Settlor's appointment of any additional Trustees pursuant to this provision shall supersede all other Trustee appointments provided by the Trust Agreement unless otherwise specified by Settlor.
 - (c) **Incapacity of Trustee:** Should any question arise with regard to the capacity of any Trustee to serve subsequent to such Trustee being appointed pursuant to any provision of the Trust, such Trustee must provide proof of his or her capacity to continue serving as Trustee upon written request by the following individuals, in the order given: [1] Any Co-Trustee, if applicable; [2] Settlor, while living and competent, or, if not; [3] a majority of the then living, competent adult children of Settlor, if any, or, if none; [4] a majority of the then living, competent adult Beneficiaries of the Trust who, at such time, are then entitled to distributions of income from the Trust, if any, or, if none; [5] a majority of the parents or natural custodians or natural or appointed guardians of the then living minor and/or incompetent Beneficiaries of the Trust who are then entitled to current distributions of income. Such proof shall be in the form of a written report from a qualified medical doctor licensed to practice medicine in the state of Texas. If any Trustee fails or refuses to provide adequate proof of his or her capacity to continue serving as Trustee within thirty (30) days of receiving such written request, such

Trustee will be removed as Trustee and a successor Trustee will be appointed pursuant to paragraph (a) of Section 2.2 of this Trust.

- 2.2. <u>Provisions Pertaining to the Appointment of Successor Trustees</u>. The successor Trustees of the Trust may or shall be appointed according to the following provisions:
 - (a) <u>Successor Trustee</u>: Should all named and/or designated Trustees for any reason cease or fail to serve, a successor Trustee shall immediately be appointed by the following individuals, in the order given: [1] Settlor, while she is living and competent, or, if not; [2] a majority of the then living, competent adult Beneficiaries of the Trust who, at such time, are then entitled to distributions of income from the Trust, if any, or, if none; [3] a majority of the parents or natural custodians or natural or appointed guardians of the then living minor and/or incompetent Beneficiaries of the Trust who are then entitled to current distributions of income.
 - (b) <u>Suspension of Powers of Previous or Resigning Trustee</u>: The previous or resigning Trustee shall be relieved of all further liabilities, responsibilities, and duties under this Trust Agreement upon [1] the appointment, qualification, and acceptance of the position by a successor Trustee if any is required, and [2] the delivery of all assets of that respective Trustee then in its possession either to its respective successor Trustee or to any other then serving Trustee.
 - (c) <u>Acceptance of Assets by Successor Trustee</u>: Settlor has provided that upon the appointment of a successor Trustee the previous or resigning Trustee, or its representatives, shall deliver all assets of the Trust then in its possession to its respective successor or to any other then serving Trustee. The respective successor Trustee or any other then serving Trustee is authorized, but not directed, to accept such assets [if any] based upon the accounting and/or other written instrumentation as given by that previous or resigning Trustee or its representatives.
 - (d) <u>Liability for Predecessor Fiduciaries</u>: In no event shall any Trustee, whether original or successor, be liable for the actions, inactions, or default of any existing or prior Trustee, Co-Trustee, legal representative, executor, or administrator from whom distributions may be received [any of such fiduciaries being referred to as "Prior Fiduciaries"] or for failure to contest the accounting as rendered by such Prior Fiduciaries.
 - (e) <u>Successor Trustee's Powers and Liabilities</u>: The successor Trustee shall succeed to all of the powers, duties, and responsibilities of the previous or resigning Trustee upon the effective resignation, termination, or removal of such prior Trustee and the written acceptance of the position, as a Trustee, by the respective successor Trustee.

- (f) No Duty of Investigation by Successor Trustees: In no event shall the terms and provisions of this Trust Agreement be interpreted or construed to require any successor Trustee to investigate the prior acts or omissions of any Prior Fiduciaries, except to the extent that the successor Trustee has actual notice or knowledge of any act or omission of the Prior Fiduciaries contrary to the terms of this Trust Agreement. Settlor is incorporating this provision into the Trust Agreement in hopes of reducing the expenses and delays of any change in Trustees. Accordingly, the successor Trustee is not required to go beyond the facts and representations as known to it in succeeding to the position of Trustee, subject, of course, to the provisions regarding known irregularities or violations.
- (g) <u>Designation and References to Trustees</u>: Any specific reference in this Trust Agreement to a "Related Trustee" shall mean Settlor or any Beneficiary in their capacity as a Trustee of the Trust. Any specific reference to an "Independent Trustee" shall be in reference to a Trustee who is not a Settlor or Beneficiary. Otherwise, any general reference to "Trustee" or "Trustees" shall include all Trustees which may be serving at that time.
- 2.3. Special Trustee Co-Administration Provisions. The following special provisions shall apply in the event Co-Trustees are serving for the Trust:

(a) <u>Custody of Trust Assets</u>: Any Trustee shall have the right to maintain sole custody and possession of any and all Trust assets capable of being reduced to custody and possession and, to the extent this right of custody is exercised by a Trustee, the remaining Trustees shall be under no obligation to maintain custody and possession with respect to these assets. Settlor hereby specifically directs that to the extent any corporate Trustee maintains custody and possession of any Trust asset, the remaining Trustee shall abide by such decision and shall not be liable or responsible for maintaining custody or possession of such assets.

- (b) <u>Actions of Single Trustee Authorized</u>: For convenience, it is unnecessary for all Trustees to participate in any given transaction. Accordingly, all third parties dealing with the Trust or a single Trustee may rely exclusively upon such acting Trustee and are fully protected in conducting such business or transaction with that Trustee only. This provision shall be construed as fully exonerating such third parties from any duty, liability, or responsibility for dealing with less than all the then serving Trustees.
- (c) <u>Agreement Among Co-Trustees</u>: No action may be taken unless a majority of the then serving Co-Trustees are in agreement. If a disagreement should arise among the Co-Trustees concerning the administration of this Trust, and provided such matters are not exclusively delegated to one of the remaining Trustees by this Trust Agreement, the decision and judgment of Settlor

shall be binding upon any other person or entity that may then be serving as a Co-Trustee. The remaining Co-Trustees shall be fully protected and shall not be held responsible or liable for any consequence that may evolve from the contrary decision or judgment of either a majority of the Trustees or of the Related Trustee.

However, this paragraph (c) shall not be construed as in any way limiting the third party reliance provisions outlined immediately above in paragraph (b) of this Section.

- (d) <u>Delegation of Duties by a Trustee</u>: Any Trustee may, with the written consent of the remaining Trustees, be relieved of any or all powers, authority, duties, and discretion vested in or imposed upon that Trustee by this Trust Agreement by delivering to the remaining then serving Trustees a written statement delegating these powers, authority, duties, and discretion to them. Any act performed according to such written statement shall be binding upon all persons interested in this Trust.
- (e) <u>Disclaimer of Powers, Duties and Responsibilities</u>: Any Trustee may disclaim, in whole or in part, any specific or general power, duty, or responsibility imposed by law or by the terms of this Trust Agreement. Thereafter, the remaining Co-Trustees shall exercise sole power, duty, or responsibility over such disclaimed powers, duties, or responsibilities. Such disclaimer shall not, however, affect the remaining non-disclaimed powers, duties, and responsibilities of such Trustee.

ARTICLE III.

DIVISION AND DISTRIBUTION OF TRUST ESTATE FOLLOWING SETTLOR'S DEATH

The Trustee shall divide, administer and distribute the Trust Estate following Settlor's death in accordance with the following provisions:

- 3.1. <u>Division and Distribution of Personal Effects</u>. The Trustee shall divide and distribute all of the Personal Effects held by the Trust following Settlor's death in accordance with the following provisions:
 - (a) <u>Distribution to Children or Descendants</u>: The Trustee shall distribute the Personal Effects held by the Trust within a reasonable period of time following Settlor's death to the then living children of Settlor. If all of Settlor's children have predeceased Settlor, then the Trustee shall distribute such property to Settlor's then living descendants.

To the extent any minor descendant of Settlor becomes entitled to such assets, the Trustee shall retain such descendant's share of such assets as custodian for such minor descendant under the Texas Uniform Transfers to Minors Act.

or Descendants: The Trustee shall divide, partition and distribute the Personal Effects between Settlor's children or descendants [should they become entitled to any of these assets] as they may agree among themselves. Should they fail to agree as to how this property [in whole or in part] shall be distributed between them, then the Trustee, in its sole discretion, shall have the following alternative powers over such unagreed upon Personal Effects and property items: [1] to divide, partition and distribute such items among Settlor's children or descendants in such manner as it deems fair and equitable; [2] to sell any of such items and include the proceeds in the remaining Trust Estate, although the Trustee shall give all of such Beneficiaries the initial opportunity to purchase such items; or [3] to regard any of such unagreed upon items as part of the remaining Trust Estate, thereby disposing of such items pursuant to the remaining provisions of this Trust Agreement.

Settlor may leave a letter or written memorandum to the Trustee that sets forth her desire as to how certain items of Personal Effects should be divided between the Beneficiaries. Settlor does not intend that such a letter or any written memorandum [if any] be construed as an amendment or addition to this Trust Agreement. However, Settlor requests that her children and descendants respect her wishes as expressed in such letter or written memorandum in deciding how to divide the Personal Effects held by the Trust. Settlor directs that the good faith decisions and actions of the Trustee shall be final and conclusive.

Any costs or expenses of transporting any of such property to Settlor's children or descendants shall be borne by that respective individual.

- (c) <u>Ultimate Disposition of Personal Effects</u>: This property shall be distributed pursuant to the remaining provisions of this Trust Agreement if Settlor's children and descendants predecease her.
- 3.2. <u>Division Date</u>. The "Division Date" for purposes of dividing the remaining Trust Estate shall be that date selected by the Trustee to implement the required divisions, allocations and distributions as specified below.
- 3.3. Settlor's Directions to Create Exempt and Nonexempt GSTT Shares.

 Settlor has designed this Trust to take into account the complexities created by the GSTT provisions

of the Code. As such, Settlor is providing for the division of the remaining Trust Estates following her death into two broad categories, one consisting of a GSTT exempt Trust Estate portion and the remaining consisting of a GSTT nonexempt Trust Estate portion. Settlor hereby directs the Trustee to establish and administer any and all separate Trusts for the surviving Beneficiaries in strict accordance with such GSTT shares and, when necessary, to establish two sets of separate Trusts, the first consisting of the exempt GSTT Trust Estate and the second consisting of the nonexempt GSTT Trust Estate. A separate Trust established and funded with exempt GSTT properties will be referred to at times as an "Exempt Trust", and a separate Trust established and funded with nonexempt GSTT properties will be referred to as a "Nonexempt Trust".

Settlor recognizes that this direction may create the necessity of establishing and administering at least TWO (2) identical Trusts for the same Beneficiary, one consisting of exempt GSTT properties and the other consisting of nonexempt GSTT properties. However, the complexities and tax problems posed by the GSTT laws necessitate this procedure and Settlor expects the Trustee to comply with these directions in order to mitigate potential transfer taxes.

- 3.4. Distribution of GSTT Exempt Trust Estate and Division of GSTT

 Nonexempt Trust Estate into Separate Shares. The Trustee shall distribute and/or divide the remaining Trust Estate into separate shares in accordance with the following provisions within a reasonable period of time following the Division Date:
 - (a) <u>Division and Distribution of GSTT Exempt Trust Estate</u>: The Trustee shall distribute the GSTT Exempt Trust Estate to the Trustee and its successors of THE GRACE OLENA ADAMS DYNASTY TRUST created by Trust Agreement dated <u>December 1</u>, 2005 to be held and administered pursuant to the terms and provisions of such Trust Agreement.
- (b) <u>Division and Administration of GSTT Nonexempt Trust Estate</u>
 The Trustee shall divide the GSTT Nonexempt Trust Estate between and among the children and descendants of Settlor in shares of approximately equal value, ONE (1) share for each then living child of Settlor, and ONE (1) share for the collective benefit of the then

living descendants on a per stirpes basis of any deceased child of Settlor. The Trustee shall administer and distribute the GSTT Nonexempt Trust Estate shares in accordance with the provisions of Article IV.

ARTICLE IV.

TRUST PROVISIONS FOR SETTLOR'S CHILDREN AND DESCENDANTS

The provisions of this Article IV shall become applicable following the Division Date as to the Nonexempt Trusts to be established for the benefit of Settlor's children and descendants.

Administration for Children or Descendants. The Trustee shall establish a separate Nonexempt Trust(s) for the benefit of Settlor's children or descendants in accordance with the following provisions:

- (a) <u>Establishment of Separate Trust(s)</u>: The Trustee shall establish a separate Trust for each then living child and a separate Trust for each then living descendant of a deceased child of Settlor and shall allocate such child's or descendant's share of the GSTT Nonexempt Trust Estate to such separate Trust in accordance with paragraph (b) of Section 3.4, above.
- (b) <u>Beneficiary of Trust(s)</u>: The Beneficiary of each such separate Trust(s) shall be the then living child and/or the then living descendant of a deceased child of Settlor.
- (c) <u>Designation of Trust(s)</u>: Each separate Trust established for the benefit of a child or the descendant of a deceased child shall be named after the child or descendant for whose benefit it has been established. For administrative convenience, the Trustee is authorized to conduct the affairs of the separate Trusts under the general name of this Trust.
- (d) <u>Special Trustee Provisions for Larry</u>: LARRY WAYNE ADAMS shall become the sole Trustee of the separate Nonexempt Trust established for his benefit and shall become the sole Trustee of the separate Nonexempt Trust established for the benefit of SHELBA ARLENE DENNING.
- (e) <u>Larry's Power to Appoint Additional and Successor Trustees</u>: LARRY WAYNE ADAMS shall have the power to appoint additional

Trustees of his and/or SHELBA ARLENE DENNING's separate Nonexempt Trust and/or designate any one or more successor Trustees of his and/or SHELBA ARLENE DENNING's separate Nonexempt Trust. LARRY WAYNE ADAMS may exercise these powers by delivering a written instrument or letter to all other then serving Trustees [if any] which evidences not only the appointment but the additional or successor Trustee's acceptance of the appointment subject to the terms, provisions and conditions of this Trust Agreement.

distribute so much or all of the net income and/or principal of a separate Trust to or for the benefit of the respective Beneficiary as, when added to other sources of funds reasonably available to him or her at that time, is necessary or appropriate to provide for his or her health, education, maintenance and support in accordance with his or her respective standard of living maintained at that time. The Independent Trustee (only) may also distribute so much or all of the net income and/or principal of a separate Trust to or for the benefit of the respective Beneficiary at any time and from time to time when the Independent Trustee, in its sole and absolute discretion, determines that such a distribution or distributions is advisable or appropriate for any purpose and for any reason.

Settlor directs that the distributions to or for the benefit of a Beneficiary shall be made (if at all) solely out of the separate Trust established for the benefit of that respective Beneficiary. Taking into account the different needs of the Beneficiaries that may arise from time to time, the Trustee is specifically authorized to make distributions to or for the benefit of the Beneficiaries out of their respective separate Trusts in unequal amounts and at different times. In all events, however, the Trustee's decision and actions will be final and binding upon all Beneficiaries, their heirs, descendants and successors in interest (if any).

4.3. <u>Termination of Children's Nonexempt Trusts and Distributions of Remaining Trust Estates</u>. Each Nonexempt Trust shall terminate and the Trustee shall distribute the remaining Trust Estate pursuant to the following:

- (a) <u>Termination Date</u>: A separate Nonexempt Trust shall terminate as of the date of death of the respective child of Settlor for whose benefit such Nonexempt Trust was established.
- (b) <u>General Power of Appointment Over Nonexempt Trust</u>: Each Beneficiary shall have the general power to appoint any remaining Trust Estate of a Nonexempt Trust established for his or her benefit if such Beneficiary dies before receiving distribution of the entire Trust Estate.

Any remaining Trust Estate of a Nonexempt Trust shall be distributed in accordance with the remaining provisions of this Section of the Trust Agreement to the extent the Beneficiary fails to exercise such general power.

Trustee shall distribute the remaining Nonexempt Trust Estates: The Beneficiary following his or her death according to the following applicable provisions, in the order specified subject, however, to the applicable provisions of this Trust Agreement regarding continued trust administration because of the age or incompetency of a Beneficiary and subject to the applicable provisions regarding the reserves and withholding of taxes: [1] to the then living descendants of such deceased Beneficiary on a per stirpes basis, if any, or, if none, then [2] to his or her then living sibling(s) and the then living descendants of any then deceased sibling(s), on a per stirpes basis.

Settlor hereby directs, however, that any part of such Trust Estate that would otherwise be distributed to a Beneficiary for whose benefit a separate Nonexempt Trust has been established under this Trust Agreement shall instead be added to such Beneficiary's own separate Nonexempt Trust. Further, Settlor hereby directs that the share for any descendants of a deceased Beneficiary or descendants of a deceased sibling of such deceased Beneficiary shall be retained by the Trustee in a separate Nonexempt Trust to be established and administered pursuant to the provisions of this Section of the Trust Agreement.

any distribution above, the Trustee shall establish a reserve out of the Nonexempt Trust Estate of a Beneficiary's Trust in an amount which, in the sole opinion of the Trustee, shall be sufficient to pay a pro rata portion of the estate and inheritance taxes of the Beneficiary's Estate attributable to the includability of the Nonexempt Trust Estate in such Beneficiary's Estate for federal and state estate and inheritance tax purposes by virtue of the exercise or nonexercise of the general power of appointment by such Beneficiary. The share of these taxes shall be determined by multiplying the net estate taxes payable for the Beneficiary's Estate by a fraction, the numerator of which is the net value of the Nonexempt Trust Estate over which such Beneficiary had a general power of appointment, and the denominator of which is the amount which for federal estate tax purposes is utilized to determine the tentative estate tax under Section 2001(c) of the Code in effect at the date of death of the

Beneficiary. Values as utilized and finally determined for federal estate tax purposes shall be utilized by the Trustee for purposes of this formula.

The Trustee shall distribute the amount of such taxes to the executor or administrator of the Beneficiary's Estate on or before TEN (10) days of the date or dates on which the Executor is required to make payment or payments [if payable in installments] to the Internal Revenue Service. To the extent that the Beneficiary's Estate incurs interest obligations on its estate and/or inheritance taxes, then the Trustee shall increase its payment or payments for its share of such interest, calculated by the same formula specified above.

Settlor hereby directs that any and all federal, state or local laws which are inconsistent with or contrary to the provisions of this paragraph shall be inapplicable and void as to this Trust, including but not limited to Section 322A of the Texas Probate Code.

Once the Trustee is satisfied that it no longer has any liabilities with respect to such taxes and interest, the Trustee shall distribute any remaining Nonexempt Trust Estate according to the applicable provisions pertaining to the Trust. No Trust Beneficiary shall be entitled to reimbursement from the Beneficiary's Estate for these payments made by the Trustee from such Beneficiary's separate Trust.

Grandchildren. Settlor has previously provided that the descendants of a deceased child will receive a portion of the Nonexempt Trust Estate to the extent that the child has not received complete distribution of his Trust Estate and does not fully exercise any applicable powers of appointment, or predeceases Settlor. Settlor hereby directs that the Trustee shall retain a grandchild's share of any Nonexempt Trust Estate if the grandchild is below the age of THIRTY-FIVE (35) years at the time such share or portion of a share would otherwise be distributable to such grandchild.

(a) <u>Establishment of Separate Nonexempt Trusts</u>: The Trustee shall establish a separate Nonexempt Trust for such grandchild, consistent with Settlor's prior directions. Income and principal distributions may be made from the Trust to or for the benefit of the grandchild in accordance with the provisions of Section 4.2, above.

- (b) <u>Special Income</u> and <u>Principal Distributions to Grandchildren</u>: The Trustee shall distribute all of the then accumulated income and the applicable principal distributions described in this Section to or for the benefit of each then living and competent grandchild of Settlor from his or her separate Trust within a reasonable period of time following the attainment of the age or ages specified below.
 - [1] Age Twenty-Five (25) Years: The Trustee shall distribute all of the then accumulated income and ONE-THIRD (1/3) of the remaining Trust Estate when the grandchild attains the age of TWENTY-FIVE (25) years.
 - [2] <u>Age Thirty (30) Years</u>: The Trustee shall distribute all of the then accumulated income and ONE-HALF (1/2) of the balance of the remaining Trust Estate when the grandchild attains the age of THIRTY (30) years.
 - [3] Age Thirty-Five (35) Years: The Trustee shall distribute all of the then accumulated income and all of the remaining Trust Estate when the grandchild attains the age of THIRTY-FIVE (35) years.
- (c) <u>Alternative Terminating Distributions</u>: If a grandchild dies prior to attaining the age of THIRTY-FIVE (35) years, his or her separate Nonexempt Trust shall terminate and the Trust Estate shall be distributed as follows: [1] such grandchild shall have a general power of appointment; and [2] the remaining Trust Estate passing in default of such grandchild exercising such general power of appointment shall be distributed in accordance with the provisions of Section 4.3(c), above.
- 4.5. Continuation of Nonexempt Trust for More Remote Descendants. In the unlikely but possible event that any more remote descendants of Settlor (other than her children and grandchildren) shall become entitled to a portion of the Trust, the Trustee shall administer and distribute such share in accordance with the provisions of Section 4.4, above. However, the Trustee shall distribute all of the Nonexempt Trust Estate of each Trust to the more remote descendant upon his or her attaining the age of TWENTY-ONE (21) years, provided he or she is then living and competent, whereupon such Trust will terminate.

ARTICLE V.

MISCELLANEOUS TRUST PROVISIONS AND INCORPORATION OF STANDARD TRUST PROVISIONS

- 5.1. Alternative Distributions of Property. The provisions of this Section shall become applicable if and to the extent the other provisions of this Trust Agreement do not fully dispose of the Trust Estate. In such event, the Trustee shall distribute such undisposed of property according to the following applicable provisions. Settlor hereby further directs that any distribution which would otherwise be made to an individual that is below the age of TWENTY-ONE (21) years shall be subject instead to continued trust administration pursuant to Section 4.5 above.
 - (a) <u>Distribution to Descendants</u>: The Trustee shall distribute such undisposed of Trust Estate to the then living descendants of Settlor on a <u>per stirpes</u> basis. If Settlor has no then living descendants, the provisions of paragraph (b) below shall be applicable.
 - (b) <u>Ultimate Distribution to Heirs</u>: In the event that all or a portion of the Trust Estate still remains undistributed, then the Trustee shall distribute such property to the heirs at law of Settlor. For these purposes, heirs at law shall be determined as of the time of such distribution under the laws of descent and distribution of the State of Texas applicable to an intestate's separate personal property.
- 5.2. Standard Trust Provisions. The terms, provisions and conditions of Exhibit "A" (STANDARD TRUST PROVISIONS) shall be construed as a part of this Trust Agreement for all purposes as though included in the primary portion hereof. The provisions of this primary portion of the Trust Agreement shall, however, in all events control the administration of the Trust unless specifically provided otherwise in such Exhibit.
- 5.3. <u>Powers Cumulative</u>. The Trustee shall have all of the rights, powers and privileges as set forth in the Texas Trust Code (or its successor statute) governing the powers and responsibilities of Trustees. In the event, however, that any provisions of such Code in any way

conflict or otherwise do not conform to the terms of this Trust Agreement (including the STANDARD TRUST PROVISIONS), then the provisions of this Trust Agreement shall in all events control the administration of the Trust to the maximum extent permitted by law.

This TRUST AGREEMENT shall extend to and be binding upon all heirs, executors, administrators, legal representatives, and successors, respectively, of the parties to this Agreement, and shall be effective as of the date of Settlor's signature.

DATE	SIGNATURE
December 1 ,2005	Hrace adams GRACE OLENA ADAMS, Settlor
December 1, 2005	Arace Adams GRACE OLENA ADAMS, Co-Trustee
December 1 ,2005	LARRY WAYNE ADAMS, Co-Trustee

STATE OF TEXAS §	
COUNTY OF COMANCHE §	
This instrument was acknowledged by GRACE OLENA ADAMS, Settlor and Co-Trus (SEAL) DAVID-A KRUEGER My Commission Expires September 4, 2009	before me on December 1 , 2005 tee. Notary Public, State of Texas
My Commission Expires:	Printed or Stamped Name:
· · · · · · · · · · · · · · · · · · ·	· .
STATE OF TEXAS §	
COUNTY OF COMANCHE §	
This instrument was acknowledged by LARRY WAYNE ADAMS, Co-Trustee.	before me on December 1 , 2005
(SEAL) DAVID-A KRUEGER My Commission Expires September 4, 2009	Notary Public, State of Texas
My Commission Expires:	Printed or Stamped Name:

THE STATE OF TEXAS

COUNTY OF COMANCHE

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This agreement is made on the day of _____, 2020 between landowner Natural Dairy Grower Land, LP and irrigator, Frank Volleman Family, LP. Natural Dairy Grower Land, LP does hereby grant authorization to Frank Volleman Family, LP to irrigate on all tracts of land owned by Natural Dairy Grower Land, LP outlined in the warranty deed(s) included in (Attachment E).

This agreement shall remain in effect until either ownership of the land changes or either party submits written notice that they wish to terminate the agreement.

Frank Volleman for Natural Dairy Grower Land, LP

Frank Volleman Family, LP

Frank Volleman Family, LP

STATE OF TEXAS
COUNTY OF Commilie

I, the undersigned Notary Public in and for said County and State, hereby certify that Frank Uzllena, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, [he or she] executed the same voluntarily.

> Comm. Expires 02-25-2024 Notary ID 132374303





Franchise Tax Account Status

As of: 12/05/2019 10:15:32

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

NATURAL DAIRY GROWER LAND, LP

Texas Taxpayer Number 32045916148

Mailing Address 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

Q Right to Transact Business in ACTIVE

iexas

State of Formation TX

Effective SOS Registration Date 01/01/2012

Texas SOS File Number 0801516789

Registered Agent Name FRANK VOLLEMAN

Registered Office Street Address 600 CR 252 GUSTINE, TX 76455

Public Information Report

Public Information Report NATURAL DAIRY GROWER LAND, LP

Report Year :2019

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

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

Title

Name and Address

GENERAL PA VOLLEMAN MANAGEMENT (GP), LLC, A TEXAS LIMITED LIA 600 CR 252 GUSTINE, TX 76455





Franchise Tax Account Status

As of: 12/05/2019 10:46:16

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

VOLLEMAN MANAGEMENT (GP), LLC

Texas Taxpayer Number 32045916320

Mailing Address 600 COUNTY ROAD 252 GUSTINE, TX 76455-5704

Q Right to Transact Business in ACTIVE

Texas

State of Formation TX

Effective SOS Registration Date 01/01/2012

Texas SOS File Number 0801516762

Registered Agent Name FRANK VOLLEMAN

Registered Office Street Address 600 CR 252 GUSTINE, TX 76455

Public Information Report

Public Information Report VOLLEMAN MANAGEMENT (GP), LLC

Report Year: 2018

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

You may order a copy of a Public Information Report from <u>open.records@cpa.texas.gov</u> or Comptroller of Public Accounts, Open Records Section, PO Box 13528, Austin, Texas 78711.

Title Name and Address

MEMBER ANNETTE VOLLEMAN

600 CR 252 GUSTINE, TX 76455

MEMBER 600 CR 252 CHETINI

600 CR 252 GUSTINE, TX 76455

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.

ASSUMPTION WARRANTY DEED

DATE:

DECEMBER 29, 2011, but effective JANUARY 1, 2012

(i)

GRANTOR:

FRANK VOLLEMAN and wife, ANNETTE VOLLEMAN

GRANTOR'S MAILING ADDRESS:

DUKESS: 00

600 CR 252, GUSTINE,

(INCLUDING COUNTY):

COMANCHE COUNTY, TEXAS 76455

GRANTEE:

NATURAL DAIRY GROWER LAND, LP, A Texas Limited

Partnership

GRANTEE'S MAILING ADDRESS:

(INCLUDING COUNTY):

600 CR 252, GUSTINE,

COMANCHÉ COUNTY, TEXAS 76455

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, this receipt and sufficiency of which are hereby acknowledged and confessed and for which no liens are either retained or implied and Grantee's assumption of and agreement to pay, according to the terms of each note, the following:

* TRACT ONE:

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO HUNDRED THREE THOUSAND EIGHT HUNDRED FIFTEEN AND NC/100 DOLLARS \$203,815.00), dated March 23, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Carolyn Smith. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated March 23, 2010, executed by Carolyn Smith, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee, and additionally secured by a Deed of Trust dated March 23, 2010, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to James H. Dudley, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.



* * TRACT TWO:

(1) The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO HUNDRED SEVENTY-FOUR THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$274,600.00), dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Lone Star, FLCA. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated November 20, 2007, executed by Bobby Clark and wife, Gall Clark, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to Jason M. Johnson, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman In Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION CINE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

(2) The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00), dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Bobby Clark and wife, Gall Clark. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated November 20, 2007, executed by Bobby Clark and wife, Gail Clark, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated November 20, 2007, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to Jason M. Johnson, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,2()0.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

TRACT THREE:

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$350,000.00), dated April 29, 2009, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Mack Stark and wife, Lavon Stark. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated April 29, 2009, executed by Mack Stark and wife, Lavon Stark, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated April 20, 2009, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to James H. Dudley, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION CINE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

TRACT FOUR:

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of ONE MILLION THREE HUNDRED EIGHTY THOUSAND AND NO/100 DCILLARS (\$1,380,000.00), dated April 18, 2011, executed by Natural Dairy Grower Company, A Texas Corporation, to Central Texas Land Bank, FLCA and additionally secured by a Deed of Trust dated April 18, 2011, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to Boyd J. Chambers, as Trustee, recorded in Volume 360, Page 130, Deed of Trust Records, Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

TRACT FIVE:

The uripaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of SIXTY-SIX THOUSAND SIX HUNDRED SIXTY-SEVEN AND NO/100 DOLLARS (\$66,667.00) dated January 16, 2008, executed by Natural Dairy Grower Company, A Texas Corporation, payable to the order of Garry Clyde Davis and wife, Janice Davis. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated January 16, 2008, executed by Garry Clyde Davis and wife, Janice Davis, as Grantor, to Natural Dairy Grower Company, A Texas Corporation, as Grantee and additionally secured by a Deed of Trust dated January 16, 2008, executed by Natural Dairy Grower Company, A Texas Corporation, as Grantor, to John E. Gleaton, as Trustee; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION (NE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by a second-lien Deed of Trust dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

TRACT SIX:

The unpaid principal and earned interest as of January 1, 2012, on that certain promissory note in the original principal sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,177,200.00) dated September 27, 2010, executed by Natural Dairy Grower, A Texas Corporation, payable to the order of Central Texas Land Bank, FLCA. The note is secured by an express vendor's lien and superior title retained in a Warranty Deed with Vendor's Lien dated September 27, 2010, executed by Gayland G. Stephens and wife, Julie Stephens, as Grantor, to Natural Dairy Grower, A Texas Corporation, as Grantee, recorded in Volume 929, Page 469, Real Records of Comanche County, Texas, and additionally secured by a Deed of Trust dated September 27, 2010, which Deed of Trust covers Tracts One through Six, executed by Natural Dairy Grower, A Texas Corporation, as Grantor, to James R. Isenhower, as Trustee, recorded in Volume 355, Page 101, Deed of Trust Records of Comanche County, Texas; said Note and Lien being assumed by Frank Volleman and wife, Annette Volleman in Assumption Warranty Deed dated December 29, 2011, but effective January 1, 2012.

PROPERTY (INCLUDING ANY IMPROVEMENTS):

* **

TRACT ONE:

All that certain lot, tract, or parcel of land being 106.14 acres, more or less, being out of and a part of the survey patented to James M. Alexander, assignee of William H. Murry, by patent dated December 11, 1843, being Patent No. 287, Volume No. 131, Abstract No. 641, Comanche County, Texas, and being more particularly described as Tract One in Exhibit A, attached hereto and fully incorporated herein for all purposes.

*

TRACT TWO:

All that certain lot, tract, or parcel of land being 167,33 acres, out of the W.H. Murray Survey, Abstract No. 641, Comanche County, Texas, and being more particularly described as Tract Two in Exhibit B, attached hereto and fully incorporated herein for all purposes.

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TRACT THREE:

PARCEL ONE:

All that certain lot, tract, or parcel of land being 77.4 acres, more or less, out of the James Hamilton Survey, Abstract No. 455, Comanche County, Texas, and being more particularly described as Tract Three, Parcel One in Exhibit C, attached hereto and fully incorporated herein for all purposes.

PARCEL TWO:

All that certain lot, tract, or parcel of land being situated in Comanche County, Texas, about 2 miles West of the town of Gustine; and being out of and a part of the James Hamilton Survey No. 83, Abstract No. 453, Ratent No. 302, Volume 1, and being a part of the land conveyed by E.F. Adcock and wife, Mary Adcock, to L.S. Adcock, January 9, 1909, and recorded in Volume 76, Page 273, Deed Records of Comanche County, Texas, and being more particularly described as Tract Three, Parcel Two In Exhibit C, attached hereto and fully incorporated herein for all purposes.

TRACT FOUR:

PARCEL ONE:

All that certain lot, tract, or parcel of land being 190.057 acres, out of the James Hamilton Survey 83, Abstract Number 453, Comanche County, Texas, and being more particularly described as Tract Four, Parcel One in Exhibit D, attached hereto and fully incorporated herein for all purposes.

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PARCEL TWO:

All that certain lot, tract, or parcel of land being 126.483 acres, out of the James Hamilton Survey 82, Abstract Number 455, Comanche County, Texas, and being more particularly described as Tract Four, Parcel Two in Exhibit D, attached hereto and fully incorporated herein for all purposes.

PARCEL THREE:

All that certain lot, tract, or parcel of land being 170.37 acres, out of the Green Lee Survey, Abstract Number 621, Comanche County, Texas, and being more particularly described as Tract Four, Parcel Three in Exhibit D, attached hereto and fully incorporated herein for all purposes.

PARCEL FOUR:

All that certain lot, tract, or parcel of land being 20.00 acres, out of the William Cox Survey, Abstract Number 2:10, Comanche County, Texas, and being more particularly described as Tract Four, Parcel Four in Exhibit D, attached hereto and fully incorporated herein for all purposes.

TRACT FIVE:

PARCEL ONE:

All that certain lot, tract, or parcel of land being 24.633 acres, more or less, out of the Samuel Jones Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Five, Parcel One in Exhibit E, attached hereto and fully incorporated herein for all purposes.

TRACT TWO:

All that certain lot, tract, or parcel of land being 19.602 acres, more or less, out of the Samuel Jones Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Five, Parcel Two in Exhibit E, attached hereto and fully incorporated herein for all purposes.

TRACT SIX:

PARCEL ONE:

All that certain lot, tract, or parcel of land being 137.3 acres, out of the John C. Donley Survey, Abstract No. 246, Comanque County, Texas, and being more particularly described as Tract Six, Parcel One in Exhibit F, attached hereto and fully incorporated herein for all purposes.

PARCEL TWO:

All that certain lot, tract, or parcel of land being 221.5 acres, out of the A.E. Hodge Survey, Abstract No. 426, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Two in Exhibit F, attached hereto and fully incorporated herein for all purposes.

PARCEL THREE:

All that certain lot, tract, or parcel of land being 141.10 acres, out of the A.E. Hodge Survey, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Three in Exhibit F, attached hereto and fully incorporated herein for all purposes.

PARCEL FOUR:

All that certain lot, tract, or parcel of land being 25 acres, out of the Alexandria E. Hodge Comanche County, Texas, and being more particularly described as Tract Six, Parcel Four In Exhibit F, attached hereto and fully incorporated herein for all purposes.

PARCEL FIVE:

All that certain lot, tract, or parcel of land being 33 acres, out of the Alexander E. Hodge Survey, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Five in Exhibit F, attached hereto and fully incorporated herein for all purposes.

PARCEL SIX:

All that certain lot, tract, or parcel of land being 16 acres, out of the Alexander E. Hodge Survey, Comanche County, Texas, and being more particularly described as Tract Six, Parcel Six in Exhibit F, attached hereto and fully incorporated herein for all purposes,

EASEMENT TRACT:

Together with all of Grantor's rights title and interest, in and to that certain easement executed by Cullen Stephens and wife, Florine Stephens, as Grantor, to A.L. Reese, as Grantee, for the purpose of constructing, reconstructing, repairing, patrolling, laying, and maintaining a water supply easement over and across a 60 2/3 acres tract of land out of the William Vance Survey, Abstract 980, Comanche County, Texas.

The Easement terms, restrictions and requirements (including annual required payment) are described in the Easement, recorded in Volume 354, Page 288, Official Public Records, Comanche County, Texas.

The above-described Easement was subsequently transferred to Seller by Deed recorded in Volume 606, Page 30, Deed Records, Comanche County, Texas, and by Deed recorded in Volume 605, Page 94, Deed Records, Comanche County, Texas.

TRACT SEVEN:

All that certain lot, tract, or parcel of land being 3:20 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Seven in Exhibit G, attached hereto and fully incorporated herein for all purposes.

TRACT EIGHT:

All that certain lot, tract, or parcel of land being 2:28 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and being more particularly described as Tract Eight in Exhibit H, attached hereto and fully incorporated herein for all purposes.

RESERVATIONS FROM CONVEYANCE: NONE

EXCEPTIONS TO CONVEYANCE AND WARRANTY: Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, all oral and written leases, mineral interests outstanding in persons other than Grantor, and other instruments that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, liens described as part of

the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; and taxes for 2011, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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

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

FRANK VOLLEMAN

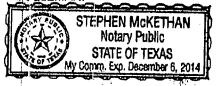
ANNE HE VOLLEMAN

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the day of December, 2011, by FRANK



Notary Public, State of Texas

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the 29th day of December, 2011, by ANNETTE VOLLEMAN.

Notary Public, State of Texas

AFTER RECORDING RETURN TO: THE ALLEN FIRM, P.C. A Texas Professional Corporation 181 South Graham Street Stephenville, Texas 76401



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EXHIBIT A

TRACT ONE:

106.14 acres of land, more or less, being out of and a part of the survey patented to James M. Alexander, assignee of William H. Murry, by patent dated December 11, 1843, being Patent No. 287, Volume No. 131, Abstract No. 641, and being described in two tracts, as follows:

FIRST TRACT:

46.14 acres of land, more or less, described by metes and bounds as follows, to-wit: BEGINNING at the SE corner of a 200 acre tract conveyed by J. M. Cobbs to J. A. Cobbs, by deed dated 5 April, 1886, recorded in Volume R, Page 319, Deed Records of Comanche County, Texas, said beginning point being 1100 yards S. 19 W. and 880 yards S. 71 E. from the NW corner of the James M. Alexander Survey;

THENCE N. 19 E. 331 vrs. along the E. line of said Cobbs tract;

THENCE S. 71 E. 790 vrs.;

THENCE S. 19 W. 331 vrs. to the S. line of 200 acres conveyed to G. W. Bean by J. E. Rector, by deed dated 16 August, 1883, recorded in Volume O, Page 290, Deed Records of Comanche County, Texas;

THENCE N. 71 W. 790 vrs. with the S. line said Bean tract to the place of beginning.

SECOND TRACT:

60 acres of land, more or less, described by metes and bounds as follows, to-wit:

BEGINNING at the same beginning point as First Tract above;

THENCE N. 71 W. with the S. line of said Cobbs tract, 352 yards;

THENCE N. 19 E. 825 yards;

THENCE S. 71 E. 352 yards to the E. line of said Cobbs 200 acre tract;

THENCE S. 19 W. 825 yards to the beginning point, and being the East 80 acres of said Cobbs 200 acre tract, less and except 20 acres of the North end sold by R. L. Smith and wife, to J. L. Patton, deed dated 3 February, 1914, of record in Volume 95, Page 616, Deed Records of Comanche County, Texas.

Being the same land and premises described in Warranty Deed dated July 20, 1972, from Stanley A. Glenn et ux to J. S. Couch et al of record in Vol. 379, Page 350, Deed Records of Comanche County, Texas, to which reference is here made for all legal purposes.

EXHIBIT B

TRACT TWO:

All that certain 167.33 acre tract of land out of the W.H. Murray Survey, Abstract No. 641, Comanche County, Texas, being all of that certain 100 acre tract described as Slxth Tract, part of that certain 25 acre tract described as Seventh Tract, part of that certain 87 acre tract described as First Tract and part of that certain 8 1/3 acre tract described as Eleventh Tract described in deed from Margaret Callaway, Administratrix to Allan A. Striegler and J. Paul Cook by deed dated July 13, 1976, and recorded in Volume 435, Page 359, of deed records of Comanche County, Texas and described as follows:

BEGINNING at an iron rod set at the intersection of the N right of way line of F.M. Hwy. 2486 and the W line of the W.H. Murray Survey, in the W line of the Allen Streigler 25 acre tract for the SW corner of this tract;

THENCE N 18° 34' 20" E along a fence line, 2758.6' to an iron rod set at the NW corner of the Streigler 100 acre tract for the NW corner of this tract;

THENCE along a fence line along the N line of said 100 acre tract as follows, 8 70° 53' B, 3 15.1' to an iron rod set at a fence corner, S 70° 09' 30" B, 1277.8" to a fence corner post and S 70° 25' E, 619.1' to an iron rod set at the occupied Ni2 corner of said 100 acre tract for the NB corner of this tract:

THENCE along a fonce line along the occupied E lines of said 100 acre tract and 87 acre tract as follows, S 19° 25' W. 1175.8' to an iron rod set at a fence corner post, S 19° 20' 30" W, 654.5' to an iron rod set at a fence corner, S 12° 25' E, 190.3' to an iron spike set in a 3" elm tree fence corner, S 02° 49' E, 45.3' to an iron spike set in a 6" live oak tree fence corner, S 12° 23' W, 137.1' to an iron rod set at a fence corner, S 14° 21' E, 131.8' to a 4" live oak tree fence corner, S 25° 45' E, 59.8' to an iron rod set at intersection of fence lines, S 21° 24' W, 220.0' to an iron rod set in fence and S 18° 45' W, 778.6' to a corner in the N right of way line of F.M. Hwy. 2486 for the SE corner of this tract, from which an iron rod referenced monument set at a fence corner post bears N 18° 45' E, 1;7';

THENCE along the N line of F.M. Hwy. 2486 as follows, N 77° 04' W 601.8' to the beginning of a curve, continuing along a curve to the right, radius = 1382.40', long chord = N 60° 39' W, 783.26', along a curve distance of 794.1' to the end of said curve, N 44° 13' 30" W, 918.0' to the beginning of a curve, continuing along a curve to the left, radius = 1959.86', long chord = N 74° 54' 20" W, 251.05', along a curve distance of 251.2' to the place of beginning and containing 167.33 acres of land in Cornanche, Texas.

Save and except, and there is hereby excluded herefrom, that certain mineral interest reserved and described in Warranty Deed dated September 18, 1980, from Alien Striegler and Paul Cook to Jimmie D. Lee and wife, Shetrie Lee, recorded in Volume 509, Page 284, Deed Records of Comanche County, Texas, to which reference is here made for a description of such interest, and that certain mineral interest described in the mineral reservation in favor of J.K. Wilhelm, et ux, as shown on record in Volume 318, Page 62, Deed Records of Comanche County, Texas, to which reference is here made for a description of such interest.

EXHIBIT C

TRACT THREE:

PARCEL I:

All that certain 77.4 acres of land, more or less, situated in Comanche County, Texas, out of the James Hamilton Survey, Abstract No. 455, and described as follows:

PEGINNING at a stake set in the South line of said James Hamilton Survey, at a point 717 varas North 71 deg. West from the SE corner of said Survey, same being the SW corner of 90,4 acres sold to L. A. and D. L. Redwine;

THENCE North 71 deg. West with said South line 717 varas to a stake for the SW corner of this tract:

THENCE North 19 deg. East 659 varas to a stake in the South R.O.W. line of Highway No. 36, for the NW corner of this tract;

THENCE South 62 deg. East with said R.O.W. line 721 yaras to a stake in the West line of said Redwine tract of 90.4 acres, for the NE corner of this fract;

THENCE South 19 deg. West 564 varas to the place of beginning.

PARCEL 21

All that certain lot, tract or parcel of land simulated in Comanche County, Texas, about 2 miles. West of the town of Gustine, and being out of and a part of the James Hamilton Survey No. 83, Abstract No. 453, Patent No. 302, Volume 1, and being a part of the land conveyed by E. F. Adcock and wife, Mary Adcock, to L. S. Adcock, January 9, 1909, and recorded in

Volume 76, Page 273, Deed Records of Comanobe County, Texas, described by metes and bounds as follows:

BEGINNING at a stake and fence post set in the ground on the North line of James Hamilton Survey No. 83, and the South line of James Survey No. 82, said point being 486.1 varas No. 71 deg. W from the NE corner of James Hamilton Survey No. 83, and the SE corner of James Hamilton Survey No. 82, for the NE corner of this tract;

THENCE S 18 deg. 24' W with fence now in place, 773.28 vrs. to a stake driven in the ground for the SE corner of this tract;

THENCE N 69 deg. W with fence now in place 471.96 varas to a stake and fence post set in the ground for the SW corner of this tract;

THENCE N 19 deg. E with fence now in place, 756.72 vrs. to a stake and fence post set in the ground on the North line of James Hamilton Survey No. 83, and the South line of James Hamilton Survey No. 82, for the NW comer of this tract;

THENCE S 71 deg. E with fence now in place on the North line of Survey No. 83, and the South line of James Hamilton Survey No. 82, 463.57 vrs. to the place of beginning, and containing 63.3397 acres of land.

Being the same land and premises described in Warranty Deed dated April 9, 1993, from Sue Simpson Biggs to Mack Stark and wife, Lavon Stark, recorded in Volume 708, Page 184, Deed Records of Comanche County, Texas, to which record reference is here made for all purposes.

EXHIBIT D

TRACT FOUR:

Property (including any improvements): <u>Tract One:</u> Being 190.057 acres of land, situated in Comanche County, Texas, and being 152.515 acres out of the JAMES HAMILTON SURVEY 83, ABSTRACT NUMBER 453, and the remaining 37.992 acres is out of the JAMES HAMILTON SURVEY 82, ABSTRACT NUMBER 455, and being the land that is described as a 110.44 acre tract in a deed from T. J. Edwards, et al to W. N. Edwards, recorded in Volume 155 at Page 367, Deed Records of Comanche County, Texas, and a 80.5 acre tract that is described in a deed from J. T. Edwards, et al to J. H. Edwards, recorded in Volume 155 at Page 422, said Deed Records, and further described as follows:

BEGINNING, at a concrete marker found in the East line of Comanche County Road Number 403, and being in the Southwest corner of said 110,44 acre tract, and being in the North line of 23,939 acre tract of land that is described in a deed to Franklin G. Rankin, recorded in Volume 728 at Page 555, said Deed Records, for the Southwest corner of this tract;

THENCE, with a fence along the East line of said County Road as follows, N 23 deg. 06' 27" E for a distance of 311.14 feet, to a 1/2 inch iron rod set, N 24 deg. 43' 09" E for a distance of 28.98 feet, to a 1/2 inch iron rod set, N 05 deg. 16' 03" E for a distance of 41.83 feet, to a 1/2 inch iron rod set, N 18 deg. 39' 30" E for a distance of 1574.78 feet, to a 1/2 inch iron rod set, N 18 deg. 53' 13" E for a distance of 650.85 feet, to a 1/2 inch iron rod set, N 19 deg. 32' 06" E for a distance of 1059.68 feet, to a 1/2 inch iron rod set, and N 18 deg. 29' 36" E for a distance of 953.36 feet, to a 1/2 inch iron rod found in the South Right of Way line of State Highway 36, and being the Northwest corner of said 110.44 acre tract, for the Northwest corner of this tract;

THENCE, S 63 deg. 45' 20" E for a distance of 349.37 feet, with the South Right of Way line of State Highway 36, to a 1/2 inch iron rod found at the Northwest corner of a 5.00 acre tract that is described in a deed to Robert T. Jonson, et ux, recorded in Volume 571 at Page 460, said Deed Records, for a corner of this tract;

THENCE, S 18 deg. 10' 55" W for a distance of 789.57 feet, with a fence to a 1/2 inch iron rod found at the Southwest corner of said 5.00 acre tract, and being in the West line of a former 50.66 acre tract that is described in a deed to Darla C. Deal, recorded in Volume 589 at Page 240, said Deed Records:

THENCE, S 18 deg. 09' 04" W for a distance of 432.36 feet, with a fence to a 1/2 inch iron rod set in a fence corner at the Southwest corner of said 50.66 agre tract, for a corner of this tract;

THENCE, S 71 deg. 19' 02" E for a distance of 582.10 feet, with a fence, to a 3/8 inch iron rod found at the Northwest corner of a 126.483 acre tract that is described in a deed to Arnold C. Pettijohn, et ux, recorded in Volume 697 at Page 477, said Deed Records, for a corner of this tract; THENCE, S 18 deg. 17' 25" W for a distance of 987.47 feet, with a fence, to a 3/8 inch iron rod found in a fence corner at a corner of said 126.483 acre tract, for a corner of this tract;

THENCE, 71 deg. 12' 23" E for a distance of 473.84 feet, with a fence to a 3/8 inch iron rod found, S 66 deg. 46' 45" E for a distance of 162.86 feet, with a fence to a spike set in a 16 inch Elm tree, and S 71 deg. 25' 08" E for a distance of 1272.44 feet, with a fence, to a 1/2 inch iron rod set in a fence corner at the Northeast corner of said 80.5 acre tract, and being a corner of said 126.483 acre tract, for a corner of this tract;

THENCE, S 17 deg. 40' 28" W for a distance of 36.83 feet, to a 3/8 inch iron rod found, S 19 deg. 00' 51" W for a distance of 1224.63 feet, with a fence to a 1/2 inch iron rod set and S 18 deg. 54' 23" W for a distance of 1273.07 feet, to a 1/2 inch iron rod set at the Southeast corner of said 80.5 acre tract and being in the West line of said 126.483 acre tract, and being in the North line of a 58 acre tract that is described in Volume 476 at Page 447, said Deed Records, for the Southeast corner of this tract;

THENCE, N 71 deg. 55' 23" W for a distance of 892.35 feet, with a fence to a 1/2 inch iron rod set in a fence corner at the Northwest corner of said 58 acre tract and being in the East line of a 44.47 acre tract that is described in a deed to Jarrell A. Hurst, recorded in Volume 617 at Page 214, said Deed Records, for a corner of this tract:

THENCE, N 18 deg. 50' 07" E for a distance of 187.74 feet, with a fence, to a 1/2 inch iron rod set in a fence corner at the Northeast corner of said 44.47 acre tract, for a corner of this tract,

THENCE, N 71 deg. 11' 27" W for a distance of 1356.07 feet, with a fence to a 1/2 inch from rod found in a fence corner at the Northwest corner of said 44.47 acre tract and being the Northeast corner of said 23.939 acre tract, and N 71 deg. 09' 22" W for a distance of 627.07 feet, with a fence to the point of beginning and containing 190.507 acres of land.

Tract Two: Being 126.483 acres of land, situated in Comanche County, Texas, and being 66.475 acres out of the JAMES HAMILTON SURVEY 82, ABSTRACT NUMBER 455 and 60.008 acres out of the JAMES HAMILTON SURVEY 83, ABSTRACT NUMBER 453, and being the land that is described in a deed from Milton C. Lawdermilk to Lonnie Tate, et ux, and recorded in Volume 596, Page 234, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING, at an iron rod found in place in a fence corner on the South line of Survey 82 and the North line of Survey 83, and being 3196.7 feet S 71 degrees 28' E of the Northwest corner of Survey 82, for a corner of this tract;

THENCE, S 17 degrees 49' 58" W 1179.61 feet, an iron rod, S 38 degrees 27' E 7.18 feet, an iron rod and S 19 degrees 16' 36" W 1243.47 feet, all with a fence on the occupied East line of a former 62.5 acre tract of land that is described in a deed recorded in Volume 155, Page 425, said Deed Records, to an iron rod set in a fence corner for the Southeast corner of this tract;

THENCE, N 72 degrees 02' 53" W 1076.96 feet, with a fence to an iron rod set in a fence corner at the Southwest corner of said 62.5 acre tract, for a Southerly Southwest corner of this tract;

THENCE, N 18 degrees 57' 35" E 1260.35 feet, an iron rod, N 19 degrees 03' 56" E 1247.91 feet, an iron rod and N 18 degrees 08' 20" E 37.06 feet, all with a fence to an iron rod set in a fence comer, for an internal corner of this tract;

THENCE, N 71 degrees 21' 58" W 1272.92 feet, an iron rod, N 66 degrees 38' 49" W 162.24 feet, an iron rod and N 71 degrees 07' 50" W 474.03 feet, all with a fence and the occupied South line of a 63.669 acre Third Tract of land described in Volume 596, Page 234, said Deed Records, to an iron rod set in a fence corner for a Northerly Southwest corner of this tract;

THENCE, N 18 degrees 22' 10" E 987.75 feet, with an old fence line to an iron rod found in place at the Northwest corner of said 63.669 acre tract, for the Northwest corner of this tract;

THENCE, S 71 degrees 18' 21" E 2345.62 feet, with a fence to an iron rod set in a fence corner at the Northwest corner of a 3 acre tract, for an external corner of this tract;

THENCE, S 17 degrees 43' 02" W 226.82 feet, with a fence to an iron rod at the Southwest corner of a 3 acre tract, for an internal corner of this tract;

THENCE, S 70 degrees 58' 09" B 205.84 feet, with a fence to an iron rod found at the Northwest corner of a former 3.708 acre tract of land that is described in a Builders and Mechanic's Lien Contract that is recorded in Volume X, Page 148 of the M&M Records of Comanche County, Texas, and S 71 degrees 13' E 368.79 feet, with a fence to an iron rod found in place on the West side of a 30 wide access road, for the Northeast corner of this tract;

THENCE, S 18 degrees 26' 21" W 426.70 feet, to an iron rod at the Southeast corner of said 3.708 acre tract and S 18 degrees 18' 24" W 334.79 feet, with a fence and the West side of said 30 foot access road, for an internal corner of this tract;

THENCE, S 70 degrees 31' 23" E 35.38 feet, with a fence across the end of access road, to an iron rod set in a fence corner, and S 17 degrees 19' 14" W 115.07 feet, with a fence to the point of beginning and containing 126.483 acres of land.

Tract Three: Being a 170.37 acre tract of land in Comanche County, Texas, being out of the Green Lee Survey, Abstract No. 621, and the William Cox Survey No. 151, Abstract No. 210, also being out of that tract described in a Receiver's Deed from P. M. Fagan to Ed Duke dated December 1, 1942, and recorded in Volume 219, Page 570, Deed Records of Comanche County, Texas, and said 170.37 acre tract being herein described by metes and bounds as follows:

BEGINNING, at a concrete monument and corner post set on the Northwest corner of said Cox survey and the Northwest corner of said Duke tract for the Northwest corner hereof; THENCE, S 71°44' E., 1803.0 feet with a fence on the North line of said Cox survey to an iron pin for a corner hereof:

THENCE, S 19° 08' W., 901.6 feet to an Iron pln for a comer hereof;

THENCE, S 77° 49° E., 1036.6 feet to a point in the center line of a county road and in the East line of said Cox survey and the East line of said Duke tract for the Northeast corner hereof;

THENCE, S 19° 08' W., 2328.3 feet with said center line of a county road and said East line of the Cox survey to a point from which an iron pin set in a ferice bears 20 feet N. 70° 16' W., for the Southeast corner hereof:

THENCE, N 70° 16' W 1889.2 feet to an iron pin set in a fence on a West line of said Duke tract for a corner hereof;

THENCE, N 18° 54' E 410.2 feet to a concrete monumerit and corner post set on a corner of said Cox survey and corner of said Lee Survey for a corner hereof;

THENCE, N 71° W 896.3 feet with a fence on the South line of said Cox Survey and the North line of said Lee Survey and a South line of said Duke tract to a concrete monument and corner post set on the Southwest corner of said Cox Survey for the Southwest corner hereof;

THENCE, N 18° 54' E 2649.7 feet along a fence on the West line of said Cox Survey to the place of beginning and containing 170.37 acres of land.

Tract Four: 20 acres of land in Comanche County, Texas, being out of the William Cox Survey No. 11, Abstract No. 210, and also being out of that tract described in a Receiver's Deed from P. M. Fagan to Ed Duke, dated December 1, 1942, and recorded in Volume 219, Page 570 of the Deed Records of Comanche County, Texas, and said 20 acres being described as follows:

BEGINNING, at a point in the center of a county road and in the West line of the James Hamilton Survey No. 82, and on the NB corner of said Cox Survey and the Northeast corner of said Duke tract, said point from which a concrete monument and corner post set in the West line of said road bears 20 feet N. 71° 44' W for the NB corner hereof;

THENCE, S 19° 08' W., 791.7 feet with said center line of a county road, and said Bast line of the Duke tract to a point from which an iron pin set in a fence on the West line of said County Road bears 20 feet N 77° 49' W for the SE corner hereof;

THENCE, N 77° 49° W 1036.6 feet to an iron pin for the SW corner hereof;

THENCE, N 19° 09' B 901.5 feet to an Iron pin set in a fence on the North line of said Duke tract and the North line of said Cox Survey for the NW corner hereof;

THENCE, S 71° 44' E 1029.0 feet with said fence on the North line of the Duke tract to the place of beginning, containing 20.0 acres of land.

EXHIBIT E

TRACT FIVE:

<u>Tract One:</u> Being 24.633 acres of land, more or less, situated in Comanche County, Texas, out of the Samuel Jones Survey, Abstract No. 577, and being part of a 63 acre tract of land that is described in a Deed from Mrs. M. Stewart, et vir to M. F. Harkins, et ux, recorded in Volume 217 at Page 526, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING, at a 3/8 inch iron rod found in a fence corner at the Northeast corner of said 63 acre tract, and being the Northeast corner of said James Survey, and being an internal corner of a 100 acre tract of land that is recorded in Volume 234 at Page 244, said Deed Records, for the Northeast corner of this tract:

THENCE, S 00 degrees 08' 35" E 596.16 feet, with a fence, to a point in the East line of said 63 acre tract, from which a 3/8 inch iron rod found bears S 00 degrees 08' 35" E 42.20 feet, for the Southeast corner of this tract:

THENCE, S 88 degrees 58' 38" W 1748.94 feet, to a 1/2 inch iron rod set in a fence on the East line of Comanche County Road Number 324, for the Southwest corner of this tract;

THENCE, N 01 degrees 55' 14" W 620.99 feet, with a fence along the East line of said County Rod, to a ½ inch iron rod set in a fence corner, for the Northwest corner of this tract;

THENCE, N 89 degrees 30' 45" E 735.47 feet, with a fenge, to a 3/8 inch iron rod found in a fence corner at the Southeast corner of a 14.2 acre tract of land that is described in Volume 343 at Page 517, and N 89 degrees 58' 27" E 1032.54 feet, to the point of beginning and containing 24.633 acres

of land, more or less.

<u>Tract Two:</u> Being 19.602 acres of land, more or less, situated in Comanche County, Texas, out of the Samuel Jones Survey, Abstract Number 577, and being part of a 63 acre tract of land that is described in a Deed from Mrs. M. Stewart, et vir to M. F. Harkins, et ux, recorded in Volume 217 at Page 526, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING at a ½ inch iron rod set in a fence corner at the Northwest corner of said 63 acre tract, and being the Northwest corner of said Jones Survey, and being the Southwest corner of a 44 acre tract of land that is described in a deed recorded in Volume 637 at Page 435, said Deed Records, and being in the East line of a 100 acre Second Tract of land that is described in a deed to Carl D. Hall, recorded in Volume 637 at Page 435, said Deed Records, for the Northwest corner of this tract;

THENCE N 89 degrees 34' 45" E 1350.12 feet, with a fence along the North line of said 63 acre tract, to a 3/8 inch iron rod found in a fence corner on the West line of Comanche County Road Number 324 and being the Southeast corner of a 6.933 acre tract of land that is described in a deed to Armando Lopez, recorded in Volume 731 at Page 51, said Deed Records, for the Northeast corner of this tract;

THENCE S 01 degrees 55' 14" E 661.23 feet, with the West line of said County Road, to a point in a deed gully, from which a reference iron rod set bears N 39 degrees 41' 08" E 53.36 feet, for the Southeast corner of this tract:

THENCE N 88 degrees 45' 10" W 875.15 feet, to a ½ inch iron rod set and N 80 degrees 49' 09" W 499.49 feet, to a ½ inch iron rod set in a fence on the West line of said 63 acre tract and being the East line of said 100 acre tract, for the Southwest corner of this tract;

THENCE N 00 degrees 26' 13" W 552.21 feet, with a fence, to the point of beginning and containing 19.602 acres of land, more or less.

EXHIBIT F

TRACT SIX:

PARCEL ONE;

<u>Traci One:</u> A tract of land located in Comanche County, Texas, and being 137.3 acres of the John C. Donley Survey, Abstract No. 246, and being a part of 248.6 acres of said survey deeded to W. M. Odell, said 137.3 acres described by metes and bounds as follows:

BEGINNING at the N. E. comer of said John C. Donley Survey;

THENCE North 69 West with North line of said 987 yrs. for N. W. corner of this;

THENCE South 19 West with West line of said W. M. Odell 248.6 acre tract, 773.7 vrs. for the SW corner of this and the NW corner of 111.25 acres deeded by Marcy C. Moore and husband, C. C. Moore to Maudie Redwine, et al;

THENCE South 71 East 792 vrs. for corner:

THENCE South 19 West 150 vrs. for corner,

THENCE South 71 Bast 195 vrs. for corner in East line said Donley Survey;

THENCE North 19 East with said East line 923 vrs. to the place of beginning.

PARCEL TWO

Tract Tirce: Being all that certain 221 1/2 acres of land, more or less, out of the A. E. Hodge Survey, Abstract No. 426, Patent No. 630, Vol. 6, Cert. No. 134, and described as follows:

BEGINNING in the South line of said Hodge Survey, 840 vrs. S. 7) E from its S. W. corner, and at the S. E. corner of the Thos W. Dunlap tract of 425 acres out of said Hodge Survey, a stone set in ground from which a B. J. mkd X brs. S 101/2 E. 9.6 vrs;

THENCE S 71 E with said South line at 187 vrs. cross Indian Croek, at 214 vrs. cross Comanche and Waco Road, at 635 vrs. to S. W. corner of J. N. Walker tract a pile of stone from which a P.O. brs. S 83 E 20.2 vrs;

THENCE N 20 E with Walker's West line at 230 vrs. cross public road, at 807 vrs. to corner;

THENCE S 71 E 23 vrs. to corner;

THENCE N 19 E 1000 vrs. crossing Indian Crock at 1155 vrs. to center bed of Leon River;

THENCE up said river with its meanderings \$ 52 W 120 vrs; N 56 W 35 vrs; N 1 W 83 vrs; S 67 1/2 W 61 vrs; S 48 W 53 vrs; S 85 W 43 vrs; N 37 W 59 vrs; S 88 W 75 vrs, to the N. E. corner of said Dunlap tract, from which an Elm brs S 6 vrs; THENCE S 19 W with Dunlap's East line 1890 vrs, to the place of beginning.

PARCEL THREE:

Tract Four: All that certain one hundred and forty one and one tenth (141.1) acres of the A. E. Hodge Survey, described by field notes as follows:

BEGINNING at the NW corner of the Price twenty five acres out of said Hodge Survey, an iron rod in ground on top of a small hill for SW corner of this tract;

THENCE N 19 E 197 vrs round stake in ground for corner;

THENCE South 71 E 250 yrs another comer this tract;

THENCE N 19 E 1150 vrs to center bed Leon River; the NW corner this tract;

THENCE down said river with its meanderings to a point N 19 E 1088 vis from the NE corner of said 25 acre tract;

THENCE South 19 W 1088 vrs to the NE corner said 25 nores;

THENCE North 17 W with North line said 25 acres, 650 vrs to the beginning.

PARCEL FOUR:

Tract Five: All that certain parcel of land located in Comanche County, Texas, out of Alexandria E. Hodge Survey, being that part of the John N. Walker Estate conveyed by (lib Callaway, as Executor to Maud Byrd as her part of the estate, described as follows:

BEGINNING on the Wilne of a 93 acre tract sold to John N. Walker by deed recorded in Vol. K, Page 388, Deed Records of Comanche County, Texas, at a point 179 vrs. S. of the N. E. corner of said 93 acres, which is also the S. W. corner of a tract of 100 acres conveyed by Gib Callaway, Executor, to Mrs. Mattle Williams and Mrs. Ida Cody, for the N. E. corner of this tract;

THENCE S 71 E with the N. line of Mrs. Williams Sub-div. 650 yrs to the E, line of said 93 acres for the N. E. comor of this;

THENCE S. 19 W. with said E. line 205 vrs. to a stake for the corner of this Sub-Div;

THENCE N. 71 W 581 vrs. to a stake in the field for a corner of this;

THENCE S. 19 W. 83 vrs to a stake in the field for another corner;

THENCE N. 71 W. 80 yrs. to a stake in the W. line of the said 93 acres for the S. W. comer of this Sub-Div;

THENCE N. 19 E. 288 vrs. to the place of beginning and containing 25 acres of land, more or less.

PARCEL FIVE:

<u>Fract Six:</u> All that certain lot, tract or parcel of land situated in Comanche County, Texas, being a part of the Alexander E. Hodge Survey, and being out of a 93 acre tract heretoforn sold to J. N. Walker by M. Hodge and W. W. Miller, as shown by deed recorded in Volume K at Page 388 of the Deed Records of Comanche County, Texas;

BIEGINNING at a point on the West line of the said 93 acre tract, at the Southwest corner of the Mrs. Maud Bird 25 acre subdivision for the Northwest corner of this:

THENCE South 71 East 80 vrs. to a corner in the field;

THENCE North 19 W. 83 vrs. with said Maud Bird line for corner;

THENCE South 71 East 383 vrs. to a stake in the Maud Bird line for the Northeast corner of this tract;

THENCE South 19 West 457 vrs. to a stake in the South line of the Hodge Survey for the Southeast corner of this tract;

THENCE North 71 West 461 yrs, to the Southwest corner of the sald John Walker 93 acre tract, for the Southwest corner of this tract;

THENCE North 19 East 374 vrs. to the place of beginning, containing 33 acres of land, more or less.

PARCEL SIX:

Tract Seven: All that certain lot, tract or parcel of land situated in Comanche County, Texas, being a part of a former 93 acrestract out of the Alexander E. Hodge Survey heretofore sold to J. N. Walker by M. Hodge and W. W. Miller, as shown by Deed Records in Volume K at Page 388 of the Deed Records of Comanche County, Texas;

BEGINNING at a point in the South line of Maud Bird Subdivision and at the Northeast corner of the said Mrs. Pearl Miller tract for the Northwest corner of this tract:

THENCE South 71 East 198 vrs. with the South line of the Maud Bird Subdivision to the Southeast corner of the said Maud Bird tract in the East line of the said 93 acre tract for the Northeast corner of this;

THENCE South 19 West with the East line of the said 93 acre tract, 457 vrs. to the Southeast corner of said tract for the Southeast corner of this;

THENCE North 71 West with the South line of the original Hodge Survey 198 vrs. to a stake for the Southwest corner of the tract and the Southeast corner of the Pearl Miller tract:

THENCE North 19 East 457 vrs. to the place of beginning, and containing 16 acres of land, more or less.

EXHIBIT G

TRACT SEVEN:

PROPERTY (including any improvements): All that certain lot, tract or parcel of land being 3.20 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and described by metes and bounds as follows:

BEGINNING at the Northeast corner of that certain 17.248 acre tract described in Warranty Deed from Nerrell Burney to Paul Fisher dated September 11, 2000, and recorded in Volume 795, Page 264, Deed Records of Comanche County, Texas;

THENCE North 88° 58' 38" E, 1748.94 feet to a point in the East line of County Road 324;

THENCE South 39° 41' 11" W, 53,35 feet to a point in the West line of County Rod 324;

THENCE South along the West line of County Road 324, crossing said County Road to the South side of County Road 324 for the Southwest corner of this tract;

THENCE North 87° 40' 18" E, along the South side of County Road 318 to the Northeast corner of that certain 2.99 acre tract of land described in Warranty Deed from Paul Fisher to Janis L. Wells dated July 15, 2010, and recorded in Volume 927, Page 82, Deed Records of Comanche County, Texas, for an internal corner of this tract;

THENCE North 00° 49' 53" E to a point in County Road 318 approximately 25 feet;

THENCE North 84° 49' 02" E, 512.01 feet to a point in County Road 318;

THENCE North 87° 50' 45" E 334.00 feet, to a point in County Road 318;

THENCE South 85° 38' 48" E 165.64 feet, to a point in County Road 318;

THENCE South 66° 08' 38" East 425.39 feet, to a point for the Southeast corner of this tract;

THENCE North 00° 08' 35" West, to the place of beginning.

EXHIBIT H

TRACT EIGHT:

PROPERTY (including any improvements): All that certain lot, tract or parcel of land being 2.28 acres, more or less, out of the Samuel James Survey, Abstract No. 577, Comanche County, Texas, and described by metes and bounds as follows:

BEGINNING at the Northwest corner of that certain 17.248 acre tract described in Warranty Deed from Nerrell Bruney to Paul Fisher dated September 11, 2000, and recorded in Volume 795, Page 264, Deed Records of Comanche County, Texas;

THENCE South 80° 49' 15" E, 499.55';

THENCE south 88° 45' 10" E, 875.15' to a point in the West line of County Road No. 324 for the Northeast corner of this tract;

THENCE South along the West side of County Road 324, crossing said county road to the South side of County Road 324 for the Southeast corner of this tract;

THENCE in a Westerly direction along the South line of County Road 324 to a point in the West line of the above mentioned 17.248 acre tract for the Southwest corner of this tract;

THENCE North 1° 10' 02" E, to the place of beginning.

FILED FOR RECORD

JAN 3 2012

Lig Ledy-Glerk, County Court Comanche Co., Texas

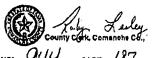
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FILED

AT 11:50 0'CLOCK A M ON THE 3 DAY OF DANUERY A.D., 2012.

COUNTY CLEHK, COMANCHE CO. TEXAS BY Amu. Sohwart



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:

WARRANTY DEED WITH VENDOR'S LIEN

Date: June 27, 2012

Grantor: INANTHA BETH HOWELL, SYLVIA ANN WATKINS and CULLEN STEPHENS, JR.

Grantor's Mailing Address: 4571 County Road 176, Stephenville, Erath County, Texas 76401; 5901 Highway 1476, Comanche, Comanche County, Texas 76442 and P.O. Box 83, Gustine, Comanche County, Texas 76455

Grantee: NATURAL DAIRY GROWER LAND, L.P.

Grantee's Mailing Address: 600 County Road 252, Gustine, Comanche County, Texas 76455

Consideration: TEN AND NO/100 (\$10,00) DOLLARS, cash in hand paid, the receipt of which is hereby acknowledged, and the execution and delivery of one note in the original principal sum of ONE MILLION ONE HUNDRED EIGHTY FIVE THOUSAND EIGHT HUNDRED EIGHTY AND NO/100 (\$1,185,880.00) DOLLARS, and is executed by Grantee, payable to the order of Inantha Beth Howell, Sylvia Ann Watkins and Cullen Stephens, Jr. It is secured by a vendor's lien retained in this deed and by a deed of trust from Grantee to John E. Gleaton, Trustee, said note bearing interest and being due and payable as therein stated.

Property (including any improvements): Tract One: Being 192.11 acres of land, situated in Comanche County, Texas, out of the Alexander Hodge Survey, Abstract Number 426, and being part of the land that is described in a deed from Floriene Stephens to Inantha Beth Howell, Sylvia Ann Watkins and Cullen Stephens, Jr., recorded in Volume 796 at Page 305, Deed Records of Comanche County, Texas, and being all of a 1 acre tract of land that is described in a deed to W. F. Rambo, recorded in Volume 152 at Page 175, said Deed Records, and further described as follows:

BEGINNING, at a ½ inch iron rod set in the North line of Comanche County Road Number 304, and being at the occupied Southwest corner of said Stephens tract, and being the occupied Southeast corner of a tract of land that is described in a deed to Natural Dairy Grower Company, recorded in Volume 929 at Page 469, said Deed Records, for the Southwest corner of this tract;

THENCE, with a fence along the West line of said Stephens tract and the East line of said Natural Dairy Grower Company tract, as follows, N 19° 32` 22" E 2245.76 feet, to a 3 inch pipe post, N 20° 11' 35" E 1026.55 feet, to a 3 inch pipe post, N 20° 03' 00" E 1054.80 feet, to a 3 inch pipe post, and N 19° 21' 38" E 420.23 feet, to the center bed of the Leon River, from which a reference 3 inch pipe post bears S 19° 21' 38" W 46.33 feet, for the Northwest corner of this tract;

THENCE, down stream with the center bed of the Leon River, as follows, S 33° 21' 05" E 48.12 feet, to a point, S 50° 46' 03" E 118.65 feet, to a point, S 81° 37' 12" E 77.80 feet, to a point, N 81°



03' 52" E 133.03 feet, to a point, S 56° 20' 49" E 80.35 feet, to a point, S 46° 21' 09" E 175.52 feet, to a point, S 14° 45' 16" E 154.56 feet, to a point, S 16° 58' 29" E 62.82 feet, to a point, S 05° 10' 40" E 65.78 feet, to a point, S 70° 45' 47" W 74.68 feet, to a point, S 82° 44' 45" W 103.51 feet, to a point, S 56° 08' 24" W 90.13 feet, to a point, S 18° 10' 44" W 60.69 feet, to a point, S 16° 28' 02" E 50.42 feet, to a point, S 38° 28' 55" E 163.28 feet, to a point, S 28° 53' 05" E 283.68 feet, to a point, S 33° 04' 02" E 171.38 feet, to a point, S 44° 09' 36" E 161.99 feet, to a point, S 74° 32' 44" E 140.33 feet, to a point, S 59° 36' 48" E 109.68 feet, to a point, S 38° 01' 02" E 77.85 feet, to a point, S 07° 38' 59" E 142.78 feet, to a point, S 13° 50' 47" W 56.82 feet, to a point, S 39° 27' 37" W 38.85 feet, to a point, S 44° 28' 39" W 106.94 feet, to a point, S 05° 28' 46" W 26.80 feet, to a point, S 50° 48' 26" E 404.15 feet, to a point, S 51° 57' 04" E 198.88 feet, to a point in the West Right of Way line of F. M. Highway 1476, from which a reference ½ inch iron rod set bears S 18° 28' 12" W 43.62 feet, for the Northeast corner of this tract;

THENCE, with the West Right of Way line of F. M. Highway 1476, as follows, S 18° 28' 12" W 330.23 feet, to a ½ inch iron rod set, N 78° 42' 48" W 252.00 feet, to a ½ inch iron rod set, S 18° 28' 12" W 37.00 feet, to a ½ inch iron rod set, S 64° 20' 48" E 252.00 feet, to a ½ inch iron rod set, S 18° 28' 12" W 2013.88 feet, to a ½ inch iron rod set, with the arc of a curve to the right, having a Radius of 5681.47 feet, and an Arc length of 327.23 feet, and being subtended by a Chord S 20° 07' 12" W 327.17 feet, to a ½ inch iron rod set, and S 21° 46' 12" W 351.73 feet, to a ½ inch iron rod set in the North line of Comanche County Road Number 304, for the Southeast corner of this tract; THENCE, N 70° 00' 33" W 2144.85 feet, with a fence along the North line of Comanche County Road Number 304, to the point of beginning and containing 192.11 acres of land

Tract Two: Being 139.36 acres of land, situated in Comanche County, Texas, out of the William M. Vance Survey. Abstract Number 980, and being part of the land that is described in a deed from Floriene Stephens to Inantha Beth Howell, Sylvia Ann Watkins and Cullen Stephens, recorded in Volume 800 at Page 372, Deed Records of Comanche County, Texas, and being part of a 78 acre tract of land that is described in a deed to W. L. Stephens, recorded in Volume 97 at Page 348, said Deed Records, and further described as follows:

BEGINNING, at a ½ inch iron rod found in the East Right of Way line of F. M. Highway 1476, and being the Northwest corner of a 16.03 acre tract of land that is described in a deed to Sylvia Ann Watkins, recorded in Volume 806 at Page 286, said Deed Records, for the Southwest corner of this tract:

THENCE, with the East Right of Way line of F. M. Highway 1476, as follows, N 21° 46′ 12" E 565.92 feet, to a ½ inch iron rod set, with the Arc of a curve to the left, having a Radius of 5781.47 feet, and an Arc length of 332.99 feet, and being subtended by a Chord of N 20° 07′ 12" E 332.94 feet, to a ½ inch iron rod set, and N 18° 28′ 12" E 2376.69 feet, to a point in the center bed of the Leon River, from which a reference ½ inch iron rod set bears S 18° 28′ 12" W 49.57 feet, for the Northwest corner of this tract;

THENCE, down stream with the center bed of the Leon River, as follows, S 35° 16' 29" E 25.95 feet, to a point, S 44° 50' 55" E 298.27 feet, to a point, S 71° 02' 19" E 143.62 feet, to a point, S 60° 10' 07" E 337.42 feet, to a point, S 73° 48' 22" E 123.62 feet, to a point, S 62° 45' 04" E 275.05 feet, to a point, S 62° 19' 28" E 202.37 feet, to a point, S 43° 47' 42" E 234.18 feet, to a point, S 71° 08' 10" E 122.45 feet, to a point, N 89° 37' 54" E 125.37 feet, to a point, N 55° 40' 49" E 73.95 feet, to a point, N 11° 10' 15" E 112.68 feet, to a point, N 18° 1' 02" E 113.16 feet, to a point, S 63° 59' 21" E 89.48 feet, to a point, S 58° 28' 16" E 193.21 feet, to a point, S 58° 51' 24" E 58.61 feet, to a

point, S 07° 09° 48" E 93.06 feet, to a point, S 00° 10° 38" E 104.50 feet, to a point, S 32° 08° 26" W 185.56 feet, to a point, S 04° 51' 21" W 60.95 feet, to a point, S 37° 02' 14" E 49.18 feet, to a point, S 10° 58' 46" E 71.69 feet, to a point, S 42° 12' 21" W 111.44 feet, to a point, S 62° 45' 43" W 69.88 feet, to a point, S 05° 42' 40" W 39.65 feet, to a point, S 34° 54' 06" E 173.47 feet, to a point, S 56° 33' 22" E 146.32 feet, to a point, S 58° 48' 14" W 94.96 feet, to a point, S 63° 32' 02" W 47.76 feet, to a point, S 88° 14' 35" W 124.93 feet, to a point, S 68° 46' 27" W 24.36 feet, to a point, S 09° 48° 31" W 63.17 feet, to a point, S 28° 23' 16" E 245.58 feet, to a point, S 44° 12' 20" E 104.72 feet, to a point, S 10° 33' 09" E 115.72 feet, to a point, S 42° 54' 14" W 164.45 feet, to a point, S 48° 36' 57" W 141.88 feet, to a point, S 56° 52' 34" W 56.06 feet, to a point, N 81° 17' 04" W 62.25 feet, to a point, N 48° 43' 13" W 72.59 feet, to a point, N 32° 16' 15" W 124.76 feet, to a point, N 88° 03' 47" W 94.78 feet, to a point, S 57° 40' 43" W 167.93 feet, to a point, S 65° 56' 37" W 175.03 feet, to a point, S 34° 13' 17" W 161.24 feet, to a point, S 21° 26' 54" W 174.51 feet, to a point, S 30° 02' 04" W 77.81 feet, to a point, S 46° 46' 25" W 101.91 feet, to a point, N 85° 57' 58" W 103.86 feet, to a point, N 61° 18' 02" W 116.23 feet, to a point, N 86° 45' 22" W 44.06 feet, to a point, S 63° 36' 59" W 186.92 feet, to a point, S 83° 01' 00" W 166.60 feet, to a point, S 73° 12' 57" W 79.76 feet, to a point, S 41° 51' 36" W 82.91 feet, to a point, S 17° 44' 40" E 145.30 feet, to a point, S 46° 45' 14" E 70.92 feet, to a point, S 64° 29' 19" E 143.05 feet, to a point, S 50° 28' 38" E 68.57 feet, to a point, S 46° 07' 13" W 83.47 feet, to a point, N 85° 41' 02" W 78.23 feet, to a point, N 76° 59' 39" W 191.49 feet, to a point, S 71° 57' 58" W 92.43 feet, to a point, S 50° 55' 08" W 59.72 feet, to a point, and S 08° 27' 29" W 34.02 feet, to the Northeast corner of said 16.03 acre tract, from which a reference ½ inch iron rod found bears N 70° 06' 52" W 45.89 feet, for the Southeast corner of this tract;

THENCE, N 70° 06' 52" W 1104.61 feet, with the North line of said 16.03 acre tract to the point of beginning and containing 139.36 acres of land.

Reservation: There is hereby reserved unto Cullen Stephens, Jr., a right to the use and occupancy of the family residence which he presently occupies and located on the subject property for and during his lifetime.

Reservations from and Exceptions to Conveyance and Warranty: Right of Way Easement dated October 18, 1960, executed by Cullen Stephens. et ux to General Telephone Company of the Southwest, recorded in Volume 306, Page 105, Deed Records of Comanche County, Texas.

Certificate of Adjudication dated April 5, 1985, between Texas Water Commission and Cullen Stephens, recorded in Volume 2, Page 236, Water Permit Records of Comanche County, Texas.

This conveyance is made subject to any visible or apparent easements on or across said land which do not appear of record; and all easements, restrictions, reservations, and encumbrances of record, and unpaid ad valorem taxes, if any.

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

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

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

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

In an the B Nacco

SYLVIA ANN WATKINS

CULLEN STEPHENS, JR.

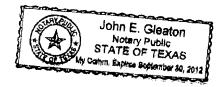
THE STATE OF TEXAS

COUNTY OF COMANCHE

This instrument was acknowledged before me on the 27th day of June, 2012, by INANTHA BETH HOWELL, SYLVIA ANN WATKINS and CULLEN STEPHENS, JR.

Notary Public, State of Texas

After Record, Return to: Natural Dairy Grower Land, L.P. 600 County Road 252 Gustine, Texas 76455



(4) 23 ge CCAE

FILED FOR RECORD AT 4100 O'CLOCK P M

3.8 2012

Ridy Ledy_ Clark, County Court Comanche Co., Texas

FILED

AT <u>4:10</u> O'CLOCK <u>P</u>M ON THE <u>28</u> DAY OF June A.D., 2012

STATE OF TEXAS COUNTY OF COMANCHE

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

951 PAGE 455 RECORDED 6-29-12

WARRANTY DEED Adjudicated Water Rights

THE STATE OF TEXAS

COUNTY OF COMANCHE

§ KNOW ALL MEN BY THESE PRESENTS:

That SYLVIA ANN WATKINS, 5581 Highway 1476, Comanche, Comanche County, Texas 76442, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid by NATURAL DAIRY GROWER LAND, L.P., 600 County Road 252, Gustine, Comanche County, Texas 76455, has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto the said NATURAL DAIRY GROWER LAND, L.P., the following described property:

Being 130 acre-feet of water per annum from the Leon River to irrigate a maximum of 125 acres of land out of a 16.03 acres of land, situated in Comanche County, Texas, out of the William W. Vance Survey, Abstract No. 980, and being part of a 60.66 acre tract of land that is described in deed from Effie Kennedy, et al, to Cullen Stephens, et ux, recorded in Volume 282, Page 455, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING, 3 inch pipe post found in the East Right of Way line of FM Highway 1476, and being the Southwest corner of said 60.66 acre tract and the Northwest corner of a 118.5 acre tract of land that is described in a deed to O.A. Dickey, et ux, recorded in Volume 280, Page 145, said Deed Records, for the Southwest corner of this tract;

THENCE, N. 23° 28' 08" E. 818.53 feet, with the East Right of Way line of FM Highway 1476, to a ½" iron rod set, for the Northwest corner of this tract;

THENCE, S. 68° 19' 35" E. 1104.61 feet, to a point in the center of the Leon River, and being in the East line of said 60.66 acre tract and the West line of a 133.25 acre tract of land that is described in a deed to Gayland Wayne Carson, recorded in Volume 797, Page 125, said Deed Records, from which a reference ½" iron rod set on the West bank of the Leon River bears N. 68° 19' 35" W. 45.16 feet, for the Northeast corner of this tract;

THENCE, down stream with the center of the Leon River, as follows, S 26° 27' 52" W. 20.02 feet, S. 05° 05' 24" W. 100.68 feet, S. 08° 04' 43" W. 79.27 feet, S. 12° 17' 58" W. 57.64 feet, S. 56° 45' 06" W. 134.51 feet, S 80° 24' 38" W. 112.77 feet, S. 86° 55' 00" W. 67.85 feet, N. 81° 45' W. 118.45 feet, N. 65° 09' 16" W. 167.94 feet, N. 80° 58' 45" W. 72.52 feet, S. 69° 34' 12" South line of said Vance Survey and being the Southeast corner of said 60.66 acre tract, from which a reference ½" iron rod set on the West bank of the Leon River, bears N. 68° 09' 36" W. 42.50 feet, for the Southeast corner of this tract;

THENCE, N. 68° 09' 36" W. 480.29 feet, with the South line of said 60.66 acre tract, to the point of beginning and containing 16.03 acres of land.

Being a portion of the same property described in Certificate of Adjudication No. 12-3649, recorded in Volume 2, Page 236, Water Permit Records of Comanche County, Texas.

TO HAVE AND TO HOLD the above described Adjudicated Water Rights, together with all and singular, the rights and appurtenances thereto in anywise belonging to the said Sylvia Ann

Watkins., her heirs, executors and administrators, to Warranty and Forever Defend all and singular the said premises unto the said Natural Dairy Grower Land, L.P., its successors and assigns against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

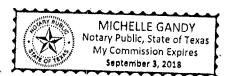
WITNESS my hand to Comanche, Texas, this 20th day of July, 2015.

SYLVIA ANN WATKINS

STATE OF TEXAS

COUNTY OF COMANCHE

This instrument was acknowledged before me on the 20^{th} day of July, 2015, by SYLVIA ANN WATKINS.



Notary Public, State of Texas

Return to: Natural Dairy Grower Land, L.P. 600 County Road 252 Gustine, Texas 76455

230.60 CCAC

FILED FOR RECORD AT 2:30 0'CLOCK PM

JUL 21 2015

Clerk, County Court Comanche Co., Texas

FILED

AT 2:30 O'CLOCK PM
ON THE 21 DAY OF July

A.D., 2015.

COUNTY CLERK, COMANCHE CO. TEXAS

BY amy Huddleston

STATE OF TEXAS COUNTY OF COMANCHE

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



VOL. 994 PAGE 248
RECORDED 7-22-15

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

WARRANTY DEED WITH VENDOR'S LIEN

DATE:

October 28, 2014

GRANTOR:

Janice R. Schuetz, a single woman

GRANTOR'S MAILING ADDRESS:

8651 FM 1476, Gustine, Comanche County, Texas 76455

GRANTEE:

Natural Dairy Grower Land, LP

GRANTEE'S MAILING ADDRESS:

600 CR 252, Gustine, Comanche County, Texas 76455

CONSIDERATION: TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, and the execution and delivery of one certain note, of even date herewith, executed by Natural Dairy Grower Land, LP payable to the order of Central Texas Land Bank, FLCA, in the original principal sum of \$86,100.00, bearing interest and being due and payable according to the terms as are more fully set forth in said note, reference to which is here made for all purposes. The note is secured by a vendor's lich herein and hereby retained and by a Deed of Trust, of even date herewith, executed by Natural Dairy Grower Land, LP to Boyd J. Chambers, Trustee.

Property (including any improvements):

TRACT I:

Being 33.74 acres of land, situated in Comanche County, Texas, out of the WILLIAM KIGIER SURVEY, ABSTRACT NUMBER 596, and being out of a 160 acre Tract I that is described in a deed from Gen Morgan, et ux, to Kenneth W. Schuetz, et ux, recorded in Volume 732 at Page 477, Deed Records of Comanche County, Texas, and further described as follows:

BEG (NNING, at a 3/8" inch iron rod found at a corner of said 160 acre tract, and being the Northwest corner of a 167.33 acre Tract Two that is described in a deed to Natural Dairy Grower Land, LP, recorded in Volume 944 at Page 187, said Deed Records, and being in the East line of said Kigler Survey, and being in the West line of the William H. Murry Survey, Abstract Number 641, for the Northeast corner of this tract;

THENCE, S 17° 06' 26" W 1140.34 feet, with a fence along the East line of 160 acre tract, and the West line of 167.33 acre tract, to a 5 inch pipe post found at the occupied Southeast corner of said 160 acre tract, and being the Northeast corner of a 106.469 acre tract of land that is described in a deed to Donald Huffmaster, recorded in Volume 978 at Page 378, said Deed Records, for the Southeast corner of this tract;

THENCE, with a fence along the South line of said 160 acre tract, and the North line of said 106.469 acre tract as follows, N 89° 01' 19" W 15.99 feet, to a 4 inch pipe post found, N 36° 18' 39" W 534.84 feet, to a 3/8 inch iron rod found, N 53° 34' 42" W 609.21 feet, to a 4 inch pipe post found, N 65° 21' 47" W 377.40 feet, to a 4 inch pipe post found, and N 82° 51' 11"

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W 425.13 feet, to the Northeast corner of a 0.33 acre Tract Two that is described in a deed to Donald Huffmaster, recorded in Volume 937 at Page 311, said Deed Records, and being a corner of a 62.10 acre Second Tract that is described in a deed to Harriet Marguerite Chambers, recorded in Volume 937 at Page 314, said Deed Records, from which a ½ inch iron rod found bears, S 46° 32' 42" W 4.80 feet, for a corner of this tract;

THENCE, with a fence along the occupied South line of said 160 acre tract, as follows, N 35° 56′ 28″ W 72.85 feet, to a 3 inch pipe post found, and N 64° 41′ 13″ W 128.06 feet, to a 3 inch iron pipe corner post found at the occupied Southwest corner of said 160 acre tract, and being the occupied East line of said 62.10 acre tract, for the Southwest corner of this tract;

THE NCE, with a fence along the occupied West line of said 160 ace tract, and the occupied East line of said 62.10 acre tract, as follows, N 06° 18′ 15″ E 151.04 feet, to a 3 inch iron pipe post found, N 17° 13′ 54″ E 52.65 feet, to a 3 inch pipe post found, N 23° 53′ 27″ E 287.05 feet, to a 3 inch pipe post found, and N 27° 40′ 53″ E 116.76 feet, to a ½ inch iron rod set, for the Northwest corner of this tract;

THENCE, S 72° 28' 39" E 1970.51 feet, to the point of beginning and containing 33.74 acres of land.

Being the same land and premises described in plat and field notes dated October 21, 2014, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

TRACT 2: EASEMENT TRACT

Being the centerline of a 30 foot wide Roadway Easement, situated in Comanche County, Texas, out of the WILLIAM KIGLER SURVEY, ABSTRACT NUMBER 596, and being out of 160 acre Tract I and a 40 ace Tract II that is described in a deed from Glen Morgan, et ux, to Kenneth W. Schuetz, et ux, recorded in Volume 732 at Page 477, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING, at ½ inch iron rod set in the Southeast Right of Way line of F.M. Highway 1476, and being the center of an existing road, in the Northwest line of said 40 acre tract, from which a ½ inch iron rod found at the Northwest corner of said 40 acre tract bears, N 54° 13' 02" E 1344.33 feet, and a 3 inch pipe corner post found at the Northeast corner of said 160 acre tract bears, N 89° 02' 26" E 3381.95 feet, for the North end of this 30 foot wide Roadway Easement;

THENCE, with the center of an existing roadway, as follows, S 44° 23' 10" E 191.30 feet, to a point, S 30° 11' 09" E 407.72 feet, to a point, S 61° 10' 12" E 76.63 feet, to a point, S 82° 55' 15" E 166.10 feet, to a point, S 64° 46' 08" E 198.17 feet, to a point, S 51° 37' 57" E 253.76 feet, to a point, S 63° 33' 56" E 137.01 feet, to a point, S 74° 57' 11" E 109.11 feet, to a point, S 39° 33' 56" E 88.17 feet, to a point, S 00° 06' 52" E 76.62 feet, to a point, S 29° 47' 55" W 114.98 feet, to a point, S 06° 55' 26" W 199.08 feet, to a point, S 54° 46' 52" W 309.15 feet, to a point, S 41° 46' 04" W 138.37 feet, to a point, S 16° 26' 13" W 141.39 feet, to a point, S 35° 24' 30" W 153.90 feet, to a point, and S 58° 12' 22" W 63,59 feet, to a ½ inch iron rod set in the North line of a 33.74 acre tract of land surveyed this day by me, from which a ½ inch iron rod set at the Northwest corner of said 33.74 acre tract bears, N 72° 28' 39" W 228.50 feet, for the South end of this 30 foot wide Roadway Easement.

Being the same land and premises described in plat and field notes dated October 21, 2014, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

Reservations from and Exceptions to Conveyance and Warranty:

Mineral Reservation as set out in a Warranty Deed dated October 8, 1954, from H. C. Little and wife, Stella Little to the Veteran's Land Board of the State of Texas, recorded in Volume 279, Page 552, Deed Records of Comanche County, Texas. (Tract 1)

Mineral Reservation as set out in a Warranty Deed dated October 8, 1954, from H. C. Little and wife, Stella Little to the Veteran's Land Board of the State of Texas, recorded in Volume 280, Page 82, Deed Records of Comanche County, Texas. (Tracts 1 & 2)

Easement and Right of Way dated March 28, 1961, from Glen Morgan and wife, Imageane Morgan to General Telephone Company of the Southwest, recorded in Volume 307, Page 599, Deed Records of Comanche County, Texas. (Tracts 1 and 2)

And being subject to all other mineral reservations, easements and restrictions properly of record in Comanche County, Texas.

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

The Central Texas Land Bank, FLCA, at the instance and request of Grantee herein, having advanced and paid to Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described \$86,100.00 note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Central Texas Land Bank, FLCA, and the same are hereby transferred, assigned, sold and conveyed to the Central Texas Land Bank, FLCA, its successors and assigns, the payee named in said note without recourse on Grantor.

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

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

THE STATE OF TEXAS

COUNTY OF COMANCHE

This instrument was acknowledged before me on the 28th day of October, 2014, by

Janice R. Schuetz.

JIM DUDLEY NOTARY PUBLIC 9TATE OF TEXAS My Comin Expires 08-31-2016

NOTARY FUBLIC

Janice R. Schuetz

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COUNTY OF COMMINGRE

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

WARRANTY DEED WITH VENDOR'S LIEN

DATE:

April 20, 2015

GRANTOR:

Lane's Green Oaks, Inc. acting by and through its President, Bill Lane,

GRANTOR'S MAILING ADDRESS:

1601 County Road 248, Gustine, Comanche County, Texas 76455-5717

GRANTEE:

Natural Dairy Grower Land, LP

GRANTEE'S MAILING ADDRESS:

600 County Road 252, Gustine, Comanche County, Texas 76455

CONSIDERATION: TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, and the execution and delivery of one certain note, of even date herewith, executed by Natural Dairy Grower Land, LP payable to the order of Central Texas Land Bank FLCA, in the original principal sum of \$138,400.00, bearing interest and being due and payable according to the terms as are more fully set forth in said note, reference to which is here made for all purposes. The note is secured by a vendor's lien herein and hereby retained and by a Deed of Trust, of even date herewith, executed by Natural Dairy Grower Land, LP to Boyd J. Chambers, Trustee.

Property (including any improvements):

Being 34.62 acres of land, situated in Comanche County, Texas, out of the ALLEN J. DAVIS SURVEY, ABSTRACT NUMBER 243, and being out of a 130.44 acre tract of land that is described in a deed from Ralph Coleman, to Green Oaks, Dairy, Inc., recorded in Volume 492 at Page 506, Deed Records of Comanche County, Texas, and further described as follows:

BEGINNING at a ½ inch iron rod found at the occupied Northeast corner of said 130.44 acre that, and being the Southeast corner of a 331.62 acre tract of land that is described in a deed to Frank Volleman Family, LP, recorded in Volume 944 at Page 163, said Deed Records, for the Northeast corner of this tract;

THENCE, with a fencer along the East line Comanche County Road Number 252, as follows, S 00° 44' 05" W 715.16 feet to a ½ inch iron rod set, S 08° 35' 22" E 23.42 feet, to a ½ inch iron rod set, S 00° 21' 20" W 424.49 feet, to a ½ inch iron rod set, S 26° 30' 19" W 148.14 feet, to a ½ inch iron rod set, S 35° 13' 06" W 245.17 feet, to a ½ inch iron rod set, S 59° 14' 59" W 20.60 feet, to a ½ inch iron rod set, S 36° 08' 55" W 377.52 feet, to a ½ inch iron rod set, and S 51° 37' 31" W 17.61 feet, to a ½ inch iron rod set, for the Southeast corner of this tract;

THENCE, S 82° 15' 19" W 418.65 feet, with a fence along the North line of Comanche County Road Number 252, to a ½ inch iron rod set, for the Southwest corner of this tract; THENCE, crossing said 130.44 acre tract, as follows, N 13° 32' 30" E 990.12 feet, to a ½ inch iron rod set, N 31° 38' 12" W 381.91 feet, to a ½ inch iron rod set, N 17° 43' 22" W

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485.81 feet, to a ½ inch iron rod set, and N 03° 47' 48" W 440.92 feet, to a point in the South line of said 331.62 acre tract, from which a ½ inch iron rod set bears N 03° 47' 48" W 5.15 feet, for the Northwest corner of this tract;

THENCE, S 73° 06' 00" E 1076.00 feet, with the South line of said 331.62 acre tract, to the point of beginning and containing 34.62 acres of land.

Being the same land and premises described in plat and field notes dated March 16, 2015, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

Reservations from and Exceptions to Conveyance and Warranty:

Easement dated August 20, 1013, executed by Lane's Green Oaks, Inc. to Bridge Tex Pipeline, recorded in Volume 969, Page 63, Deed Records of Comanche County, Texas.

Overhead Electric Line across the subject property as shown on survey dated March 16, 2015, prepared by Scott Huddleston, Registered Professional Land Surveyor for the State of Texas.

And being subject to all other mineral reservations, easements and restrictions properly of record in Comanche County, Texas.

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

Central Texas Land Bank FLCA, at the instance and request of Grantee herein, having advanced and paid to Grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described \$138,400.00 note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said Central Texas Land Bank FLCA, and the same are hereby transferred, assigned, sold and conveyed to the Central Texas Land Bank FLCA, its successors and assigns, the payee named in said note without recourse on Grantor.

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

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

LANE'S GREEN OAKS, INC.

Bill Lane, President

THE STATE OF TEXAS

COUNTY OF COMANCHE

This instrument was acknowledged before me on the 20th day of April, 2015, by Bill Lane, President of Lane's Green Oaks, Inc., a Texas Corporation, on behalf of said corporation.

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JIM DUDLEY
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Expires 00:31-2018

THO BRIT COOK

FILED FOR HECORD

APR 2 0 2015

Slark, County Court Communitie Co., Towns

JHD

FILED

AT 1 00 O'CLOCK PM ON THE 20 DAY OF APRIL A.D., 2015.

COUNTY CLERK, COMANCHE CO. TEXAS
RV No. 1 doi: Addition

STATE OF TEXAS
COUNTY OF COMANCHE
I haveby carrily that this instrument was FILED
on the falls and at the lime stamped heleon by
me and was daily RECORDED in the Volume and
Page of the DEED
flecords of Comanche County, Texas.

County Cok, Committee Co., TOWARD

VOL. 991 PAGE 262

INOTICE 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.

GENERAL WARRANTY DEED

DATE:

JANUARY 2, 2013

GRANT'OR:

NATURAL DAIRY GROWER COMPANY,

A Texas Corporation

GRANTOR'S MAILING ADDRESS

(INCLUDING COUNTY)

600 CR 252, GUSTINE,

COMANCHE COUNTY, TEXAS 76455

GRANTEE:

NATURAL DAIRY GROWER LAND, LP

A Texas Limited Partnership

GRANTEE'S MAILING ADDRESS

(INCLUDING COUNTY)

600 CR 252, GUSTINE,

COMANCHE COUNTY, TEXAS 76455

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed and for which no liens are either retained or implied.

PROPERTY (INCLUDING ANY IMPROVEMENTS):

Being 7.08 acre tract of land, situated in Comanche County, Texas, out of the William M. Murry Survey, Abstract Number 641, and being part of a 129.93 acre Tract One, and all of a 1.36 acre Tract Two, that is described in a deed from Cecil M. Neel, et ux, to Lawrence C. Petta, recorded in Volume 684 at Page 378, Deed Records of Comanche County, Texas.

RESERVATIONS FROM CONVEYANCE: NONE

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, all oral and written leases, mineral interests outstanding in persons other than Grantor, and other instruments that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or protrusions, or any overlapping



of improvements; homestead or community property or survivorship rights, if any, liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; and taxes for 2012, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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

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

NATURAL DAIRY GROWER COMPANY, A Texas Corporation

Bv:

FRANK VOLLEMAN, President

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF ERATH

This instrument was acknowledged before me on the <u>12</u> day of November, 2013, by FRANK VOLLEMAN, President of Natural Dairy Grower Company, A Texas Corporation.

SHANNEL J. LANDEROS
Notary Public
STATE OF TEXAS
My Comm. Exp. 01/17/2016

Notary Public State of Texas

AFTER RECORDING RETURN TO: THE ALLEN FIRM, P.C. A Texas Professional Corporation 181 South Graham Street Stephenville, Texas 76401

Pago 2 of 2 UKSTRAL WARRANTY DIREC OFTOUS HOT SDA/M

FILED FOR RECORD
AT 2 15 O'CLOCK P M

DEC 2 2013

Mark, County Court Contanche Co., Texas

ENV. THE MIEW FIRM, P.C. 181 S. GRAHAM STEPHENVING, TX 74401

(2) 20.00 CK THE AllEN FIRM

FILED STATE OF TEXAS COUNTY OF COMANCHE

AT 2 1 15 0'CLOCK M

ON THE 2 DAY OF December me and was duly RECORDER in the Yolumo and Page of the Records of Committee County, Toxas.

BY Amy Schwart

17] PAGE 2810 RECORDED 12 - 3113

ACT 26989-SH

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

Effective Date:

Grantors:

December 2, 2019

Frank Brand a/k/a Eltje Frans Brand a/k/a E. Frans Brand, a/k/a Eltje Fran Brand

and Joni Brand

Grantor(s) Mailing Address:

P. O. Box 11 Energy, Texas 76452

Grantee:

Natural Dairy Grower Land, LP

Grantec(s) Mailing Address:

600 County Road 252 Gustine, Texas 76455

CONSIDERATION: Ten Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee, the receipt of which is hereby acknowledged, and the further consideration of loan proceeds from a promissory note by the Grantee to Central Texas Land Bank, FLCA, in the principal amount of One Million Seventy Thousand Eight Hundred and NO/100 Dollars (\$1,070,800.00) (hereinafter called "Noteholder") the receipt of which is hereby acknowledged; said sum having been advanced by said Noteholder at the special instance and request of Grantee herein and used as a part of the purchase price of the hereinafter described Property and to evidence which said Grantee has this day executed that certain promissory note ("Note") of even date herewith payable to the order of said Noteholder, and said Note bearing interest at the rate and payable as provided in said Note, and said Note being secured by a vendor's lien on the hereinafter described property and said Note being additionally secured by a Deed of Trust of even date herewith from Grantee to Boyd J. Chambers, Trustee.

Property (including any improvements):

- A. All of Grantors' rights, title, and interest in the property described in Exhibit "A," attached hereto and incorporated herein by reference for all purposes, together with all improvements thereon and all rights, privileges and appurtenances pertaining thereto, including but not limited to claims and permits, easements, water rights, and all rights and obligations of applicable government programs for 2020 and thereafter (Grantors reserve all government payments attributable to 2019). Included with the conveyance are the following items, if any: irrigation equipment, irrigation pumps, electric panels, center pivots, electric motors, underground irrigation pipe, underground electric lines, gas lines, and all other property owned by Grantors that is attached to the above described real Property except the livestock panels and corrals.
- B. All of the groundwater rights in and under the Property, subject to the rules of the groundwater district, if any.

Reservations from and Exceptions to Conveyance and Warranty:

- A. Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the Property; rights of any adjoining owners in any walls, fences, and turn rows situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2019, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.
 - B. Rights of adjoining owners in fences or turn rows situated on a common boundary.
 - C. All oil, gas, and other minerals reserved by prior owners.
- D. The terms of any valid oil and gas or other mineral lease or wind energy lease as shown of record in the Office of the County Clerk of Comanche County, Texas.
- E. Grantors reserve wind rights equal to an undivided fifty percent (50%) of the proceeds of or value of any and all royalties, lease payments, bonus payments, rental payments in lieu of royalties, or other benefits directly or indirectly paid or accrued for, or in anticipation of, or in connection with, the generation and transmission of electrical power converted from wind energy on the Property. Grantee shall have all executive rights to negotiate and execute any future wind lease. Grantee shall be entitled to receive all payments for surface damages related to any wind lease.
 - F. Grantors reserve all oil, gas and other minerals owned by Grantors.
- G. Grantors and Grantee acknowledge that a Pipeline Right of Way and Easement Grant, more particularly described as that Pipeline Right of Way and Easement Grant between Eltje Frans Brand (also known as E. Frans Brand and Frank Brand) and wife, Joni Brand, Grantors, and Wink to Webster Pipeline, LLC, Grantee, dated April 23, 2019, is to be constructed at a future date.
- H. Grantors and Grantee acknowledge that Triple J Farm and Ranch Partnership will be granted a 40 foot right of way easement along the south boundary of the property to access his property from the nearest county road. Grantors shall receive all payments for clearing and related work on the easement, even if received after the date of Closing. Triple J Farm and Ranch Partnership will be allowed to continue to use the current easement and roadway for a period of six (6) months or until the new roadway is completed, whichever is earlier.

Grantors, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grant, sell, and convey to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee,

Grantee's successors or assigns forever. Grantors bind Grantors and Grantors' successors to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through and under Grantors, but not otherwise.

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

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

Frank Brand

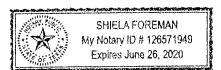
Joni Brand

STATE OF TEXAS

COUNTY OF COM anches

This instrument was acknowledged before me on the 30 day of December, 2019, by Frank Brand.

Notary Public, State of /exas



STATE OF TEXAS

STATE OF TEXAS

COUNTY OF COMPANY &

This instrument was acknowledged before me on the 30 day of December, 2019, by Joni Brand.



SHIELA FOREMAN My Notary ID # 126571949 Expires June 26, 2020

AFTER RECORDING, RETURN TO:

Lynn Tate Underwood Law Firm, P.C. P. O. Box 9158 Amarillo, Texas 79105

EXHIBIT "A"

Tract One: All that certain 527.98 acres of land out of the Thomas Y. Gilbert Survey, Abstract No. 383, Allen J. Survey, Abstract No. 243, and J. F. Cadenhead Survey, Abstract No. 150, situated in Comanche County, Texas, and being the same lands conveyed from Porter Franks, et ux, to Gayle Victor Isham, Jr., et ux, on May 5,1965, and of record in Volume 324, Page 111, of the Deed Records of Comanche County, Texas, except for a 5.302 acre tract of land conveyed from Gayle Victor Isham, Jr., et ux to Bill B. Lane, recorded in Volume 355, Page 240, Deed Records of Comanche County, Texas, and described as follows:

Beginning at the Northwest corner of the said Davis Survey, for a Western Northwest corner of this tract;

Thence S. 71-55 E. 798.5 vrs. with fence to the center of county road;

Thence N. 16-28 E. 548.3 vrs. with the center of the county road, for a Northerly Northwest corner of this tract;

Thence S. 74-31 E. 722.3 vrs. with fence, for a Northerly Northeast corner;

Thence S. 17-36 W. 581.1 vrs. to an inner Northerly corner;

Thence S. 71-55 E. 466.3 vrs. to another inner corner and the Northeast corner of the said Davis Survey;

Thence N. 18-36 E. 85.5 vrs. with the West line of the Cadenhead Survey to the Northwest comer of the said Cadenhead Survey;

Thence S. 72-45 E. 941.4 vrs. with the North line of said Cadenhead Survey to the Eastern Northeast corner of this tract;

Thence S. 18-43 W. 751.3 vrs. with fence to the Southeast corner of this tract;

Thence N. 72-45 E. 961.6 vrs. with a dim fence line to an inner Southerly corner on the West line of said Cadenhead Survey;

Thence S. 18-26 W. 297.4 vrs. with fence to an outer Southerly corner of this tract;

Thence N. 71-3 7 W. 1884.7 vrs. to the Southwest corner of this tract, and the Southeast comer of said 5.302 acre land tract;

Thence N. 18-23 E. 344.9 vrs. with fence to an inner Westerly comer;

Thence N. 71-37 W. 88.9 vrs. with fence to a stake on the West line of said Davis Survey;

Thence N. 20-29 E. 609,0 vrs. to the point of Beginning, and calculated to contain 527.98 acres of land

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 5
Doc# OOOWHBOY0D1L70

Save and except for a 5.302 acre tract of land conveyed from Gayle Victor Isham, Jr., et ux to Bill B. Lane, recorded in Volume 355, Page 240, Deed Records of Comanche County, Texas

Save and except: One certain 130.44 acre tract of land conveyed to Ralph Coleman, being the West 130.44 acre tract out of the above 527.98 acre Tract.

Save and except 4.20 acres described in deed dated May 11, 2001, executed by Frank Brand as Grantor to Frank Volleman and wife, Annette Volleman, as Grantee recorded as Volume 807, Page 351 Deed Records of Comanche County, Texas.

ANCIDE LE

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN - Page 6 Dec# OOOWHBOYODIL70

FILED FOR RECORD ATOMO'CLOCK M

JAN 2 2020

Ruly Leiley
Clerk, County Court Comanche Co., Texas

FILED

AT 2:00 O'CLOCK P M
ON THE 200 DAY OR LOUGH A.D., <u>2020</u>.

1

COUNTY CLERK, COMANCHE CO. TEXAS

STATE OF TEXAS COUNTY OF COMANCHE

1065 1065 PAGE 125 RECORDED 01-03-2020

Attachment F



Texas Commission on Environmental Quality

Water Availability Division MC-160, P.O. Box 13087 Austin, Texas 78711-3087 Telephone (512) 239-4691, FAX (512) 239-2214

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

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

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:	Frank Volleman Family, LP		
Address:	600 CR 252 Gustine, TX 76455		
Telephone Number:	(254) 977-9888	Fax: ()
Form Completed By:	Richard George		
Title:	Environmental Consultant		
Signature:	F. bll.	Date: .	5 / 14 / 20.

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

I. BACKGROUND DATA

	A.	Water	Use
--	----	-------	-----

- 1. Annual diversion appropriated or requested (in acre-feet): 48
- 2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

Actual totals may vary monthly depending on weather conditions (i.e. heat, precipitation, wind, etc... not to exceed 48 acrefeet annually.

January	February	Marsh	April
4	4	4	4
May	June	July	August
4	4	4	4
September	October	November	December
4	4	4	4
		Total All Months	48

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

Type of crop	Growing Season (Months)	Acres irrigated/year
Tifton Coastal	April-September	2,283.558
Sorghum/Corn	March-August	2,283.558
Small Grain (Rye/Wheat)	September-March	Up to 2,859.958
	Total acres irrigated	2,859.958

4.	Are crops rotated seasonally or annually?	X Yes	□ No
	,		, - m-m

If yes, please describe: <u>Cultivated crops are rotated seasonally</u>. All crops may be rotated seasonally/annually depending on economic feasibility and nutritional demand.

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

Dominant soils are clays, loams, sandy clay & sandy clay loams.

B. Irrigation system information

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

Existing irrigation systems are center pivots fitted with MESA drop nozzles for increased efficiency in application and reduced evaporation losses. The pivots are fed by portable pumps and water is conveyed from the pumps to the pivots via sealed pipeline. If more than one diversion pump is utilized simultaneously, the diversion rate will not exceed 225 gpm. As more technological advances are made, the applicant will upgrade the systems accordingly when it is economically feasible. Future additions may be made with the possibility of additional center pivots being installed. A reel gun is planned for future irrigation on land not under center pivots.

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

Flowmeters are installed on all diversion pipes with +/- accuracy ratings of 3-5%.

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

The current pivot efficiency ratings are estimated at 85%. Although not currently planned, any future modifications made to the equipment will maintain or increase the current efficiency of the existing systems and any new systems installed will target an 85% or higher efficiency rating as well.

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

a. 5-year goal: Savings in acre-feet	or system efficiency as a percentage <u>85 %</u>
b. 10-year goal: Savings in acre-feet	or system efficiency as a percentage 85 %

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

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

Yes	X No

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

C. Conservation practices

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

Existing center pivots are fitted with high efficiency MESA drop nozzles and the systems are fed by a sealed pipeline to avoid leaks/waste.

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

All irrigation equipment is routinely maintained and repaired to maintain maximum operating efficiency. The systems are closely monitored during operation and any leaks found during inspections are promptly repaired to avoid water losses and increase conservation.

- 3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).
 - The center pivot irrigation systems are run during optimal weather conditions such as low wind, early morning, or late evening to avoid high losses due to wind and evaporation.
- 4. Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).
 - Weed control practices are implemented throughout the year to rid out weeds and unwanted/invasive plants. Land leveling & terracing are also practiced where applicable to eliminate runoff from steep slopes and increase the infiltration rate of the water into the soil.
- 5. Describe any methods for recovery and reuse of tail water runoff.
 - Center pivots are monitored during operation and fields are not watered over their water holding capacity. Irrigation systems are shut off before any tail water runoff occurs.
- 6. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.
 - All irrigation equipment is maintained to operate at the highest level of efficiency and is monitored during operation to prevent any water waste and achieve maximum water conservation.

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

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

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

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

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Attachment G

Note: All photos in Attachment G were taken on the bank directly adjacent to the upstream and downstream diversion limit locations (1 photo facing upstream and 1 photo facing downstream.) All photos correspond with the upstream and downstream limits as noted in the maps (Attachment B Site Maps 1, 2 & 3 – limits marked as yellow dots.)



Photo 1: (Reach A-A' North) Upstream Limit A Looking Upstream



Photo 2: (Reach A-A' North) Upstream Limit A Looking Downstream



Photo 3: (Reach A-A' North) Downstream Limit A' Looking Upstream



Photo 4: (Reach A-A' North) Downstream Limit A' Looking Downstream



Photo 5: (Reach A-A' South) Upstream Limit A Looking Upstream

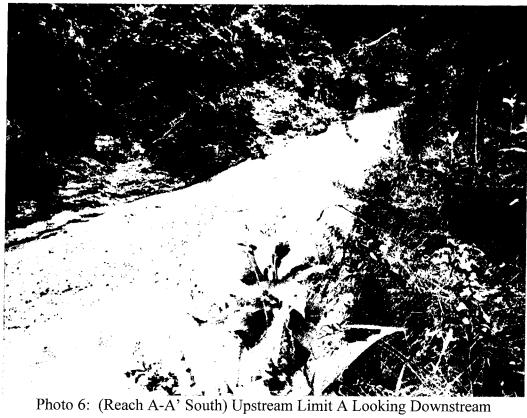




Photo 7: (Reach A-A' South) Downstream Limit A' Looking Upstream

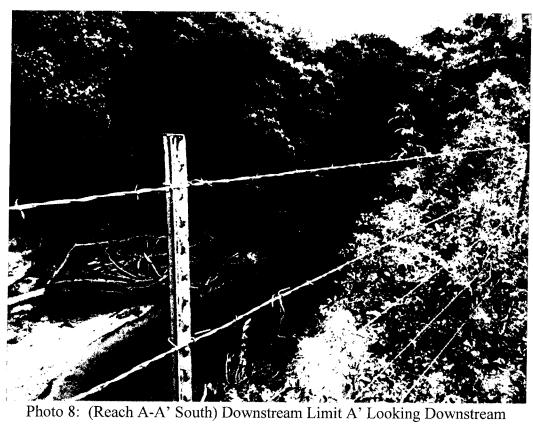
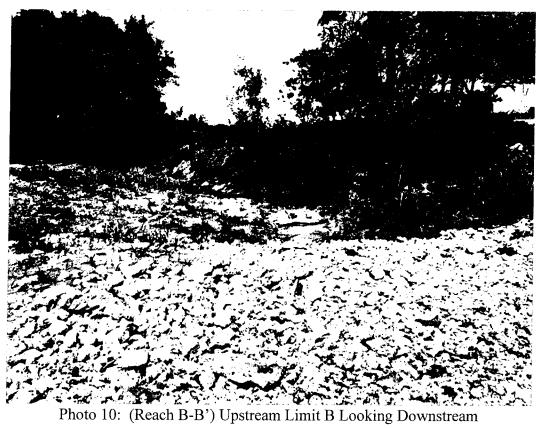
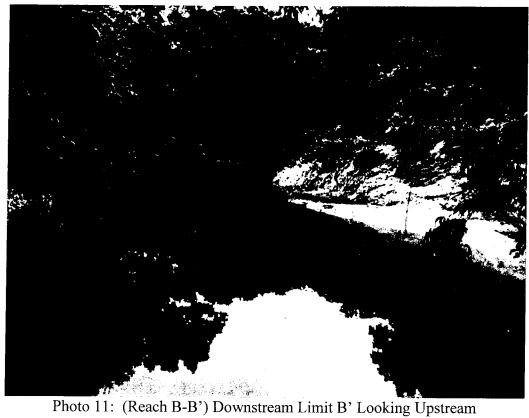




Photo 9: (Reach B-B') Upstream Limit B Looking Upstream





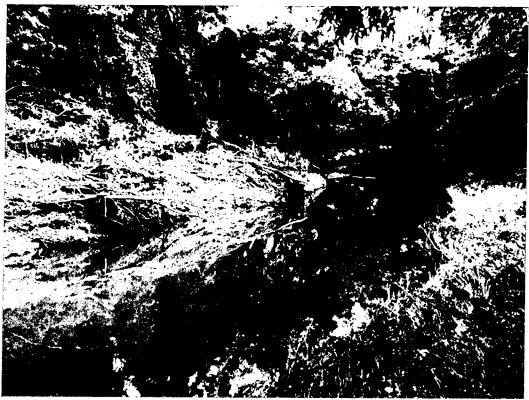
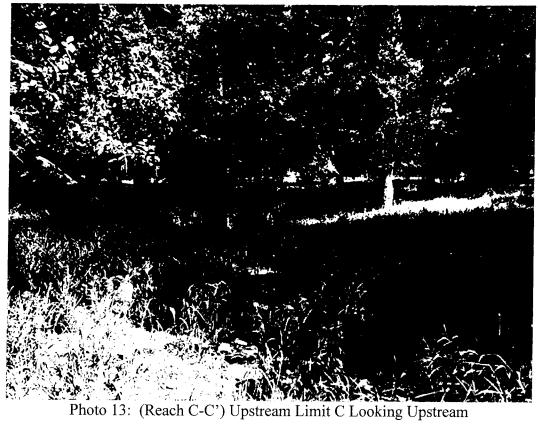


Photo 12: (Reach B-B') Downstream Limit B' Looking Downstream



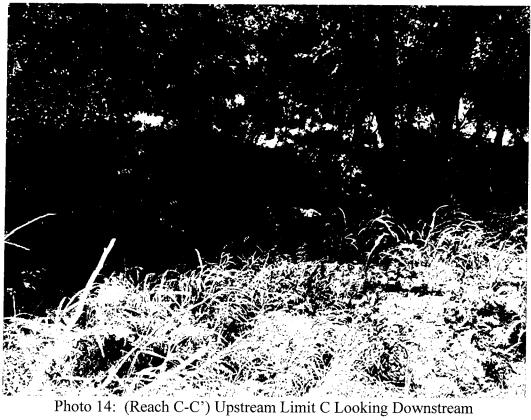




Photo 15: (Reach C-C') Downstream Limit C' Looking Upstream



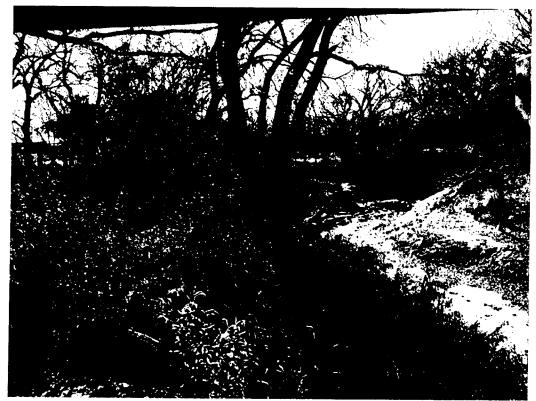


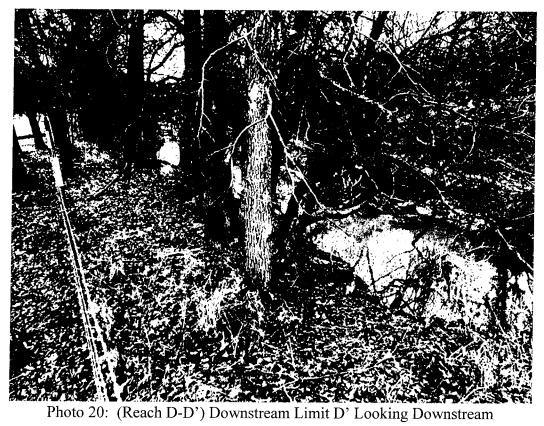
Photo 17: (Reach D-D') Upstream Limit D Looking Upstream



Photo 18: (Reach D-D') Upstream Limit D Looking Downstream



Photo 19: (Reach D-D') Downstream Limit D' Looking Upstream



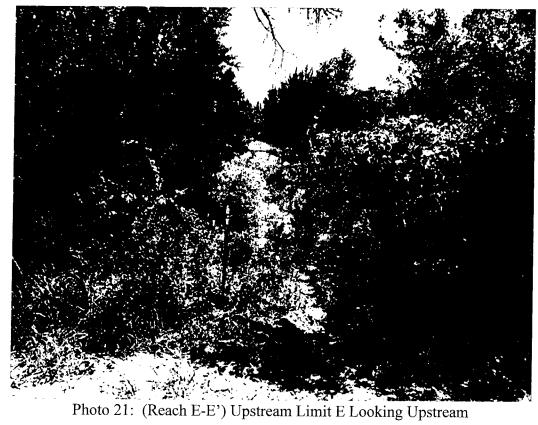






Photo 23: (Reach E-E') Downstream Limit E' Looking Upstream



Photo 24: (Reach E-E') Downstream Limit E' Looking Downstream



Photo 25: (Reach F-F') Upstream Limit F Looking Upstream



Photo 26: (Reach F-F') Upstream Limit F Looking Downstream



Photo 27: (Reach F-F') Downstream Limit F' Looking Upstream



Photo 28: (Reach F-F') Downstream Limit F' Looking Downstream