

TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek Project Manager
Water Rights Permitting Team

DATE: November 22, 2021

SUBJECT: MC 288, LLC
WRPERM 13780
CN604538983, RN111322806
Application No. 13780 for a Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Mustang Bayou, San Jacinto - Brazos Coastal Basin
Brazoria County

The application and partial fees were received on August 24, 2021. Additional information and fees were received on November 9, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on November 22, 2021. Published and mailed notice to the water right holders of record in the San Jacinto-Brazos Coastal Basin is required pursuant to Title 30 Texas Administrative Code §§ 295.152 and 295.153.

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

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required **YES** **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

November 22, 2021

Mr. Fred Balda, President
MC 288, LLC
3000 Turtle Creek Blvd.
Dallas, TX 75219

VIA E-MAIL

RE: MC 288, LLC
WRPERM 13780
CN604538983, RN111322806
Application No. 13780 for a Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Mustang Bayou, San Jacinto - Brazos Coastal Basin
Brazoria County

Dear Mr. Balda:

This acknowledges receipt on November 9, 2021 of the requested additional information and fees in the amount of \$730.00 (Receipt No. M203637, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on November 22, 2021. 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 Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment



Basis2 Receipt Report by Endorsement Number

NOV-16-21 01:02 PM

Acct. #: WUP

Account Name: WATER USE PERMITS

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M203637		LJA ENGINEERING INC	CK	54201		BS00090115	12-NOV-21	\$730.00

Natalia Ponebshek

From: Kelsey Latta [REDACTED] >
Sent: Tuesday, November 9, 2021 3:50 PM
To: Natalia Ponebshek
Cc: Larissa Knapp-Scott; [REDACTED]
Subject: RE: WRPERM 13780 Application - Second Submittal
Attachments: Exhibit-8_DetailedContourMap.pdf; Exhibit-7_PropertyDetailsMap.pdf; Application Fee Check_SprintPond_2ndSub.pdf; Technical Information Report_Sprint Pond.pdf; 2009_06-25_Sprint_Sandpit_Detention_Agreement.PDF; Sprint Pipeline Brazoria CAD.pdf; Sprint Pond Exhibit 101921.pdf; 20211109 Summary of Request- Pomona Sprint Ponds WAP Memo.pdf; 20211109 TCEQ Review Comments Response Letter.pdf

Natalia,

Attached are the PDFs that were included in the 2nd Submittal zip file.
They are in the Appendix listed below:

Appendix A:

Exhibit-7_PropertyDetailsMap.pdf
Exhibit-8_DetailedContourMap.pdf

Appendix B:

Application Fee Check_SprintPond_2ndSub.pdf
Technical Information Report_Sprint Pond.pdf

Appendix C:

2009_06-25_Sprint_Sandpit_Detention_Agreement.PDF
Sprint Pipeline Brazoria CAD.pdf

Appendix D:

Sprint Pond Exhibit 101921.pdf

Let me know if there is anything else you need or if you cannot access these files.

Thanks!

Kelsey Latta, EIT, CFM

Water Resources Graduate Engineer

LJA Engineering | We seek solutions.

• [Fort Worth](#)

D: 817.288.1964

From: Kelsey Latta

Sent: Tuesday, November 9, 2021 1:44 PM

To: 'Natalia Ponebshek' <Natalia.Ponebshek@tceq.texas.gov>; 'wrpt@tceq.texas.gov' <wrpt@tceq.texas.gov>

Cc: Larissa Knapp-Scott [REDACTED]

Subject: RE: WRPERM 13780 Application - Second Submittal

Hello Natalia and TCEQ,

Please see attached for Sprint Ponds Water Appropriations Permit Application 2nd submittal. I've only included items that were revised or added to the 1st submittal package.

The check with the remaining fee was sent with express mail today, and should be delivered to the accounting office tomorrow morning.

Please contact me or Larissa if you have any questions.

Thanks!

Kelsey Latta, EIT, CFM
Water Resources Graduate Engineer

LJA Engineering | We seek solutions.

• [Fort Worth](#)

D: 817.288.1964

From: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Sent: Wednesday, October 20, 2021 11:42 AM

To: Kelsey Latta [REDACTED] >

Cc: Larissa Knapp-Scott [REDACTED]

Subject: RE: WRPERM 13780 Application - Attachments Request

[EXTERNAL EMAIL]

Please see the attachments. Please let me know if you have any further questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Kelsey Latta [REDACTED] >

Sent: Wednesday, October 20, 2021 10:41 AM

To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>

Cc: Larissa Knapp-Scott [REDACTED]

Subject: WRPERM 13780 Application - Attachments Request

Hello Natalia,

It appears that the attachments mentioned in the comment letter were not included. Would it be possible for you to email those to me?

Thanks for your time in advance!

Kelsey Latta, EIT, CFM
Water Resources Graduate Engineer

LJA Engineering | We seek solutions.

• [Fort Worth](#)

D: 817.288.1964

From: Brian Edwards [REDACTED]
Sent: Wednesday, October 13, 2021 9:05 PM
To: Kelsey Latta [REDACTED]
Cc: Larissa Knapp-Scott [REDACTED]
Subject: FW: MC_288_LLC_13780_RFI_1_Sent_10.11.2021.pdf

Kelsey,

See below and attached. Please let us know if you need anything from us.

Thanks,

Brian T. Edwards, PE
Senior Project Manager

LJA Engineering | We seek solutions.

• 1904 W Grand Parkway N, Suite 100, Katy, Texas 77449

P: 713.953.5118

[LJA.com](#)

[Facebook](#) • [Twitter](#) • [LinkedIn](#)

From: Bynum, Russell [REDACTED] >
Sent: Monday, October 11, 2021 4:50 PM
To: Brian Edwards [REDACTED] >
Cc: Scott Wright [REDACTED]
Subject: MC_288_LLC_13780_RFI_1_Sent_10.11.2021.pdf

[EXTERNAL EMAIL]

See attached regarding water rights and additional information request.

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email



November 9, 2021

Texas Commission on Environmental Quality
Water Availability Division, MC-160
PO Box 13087
Austin, Texas 78711
12100 Park 35 Circle
Austin, TX 78753
Attn: Natalia Ponebshek

VIA E-MAIL

Re: Response letter for Application No. 13780
MC 288, LLC
WRPERM 13780
CN604538983, RN111322806
Application No. 13780 for a Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Mustang Bayou, San Jacinto - Brazos Coastal Basin
Brazoria County

Dear Ms. Ponebshek:

In response to the TCEQ comments dated October 11, 2021, on behalf of MC 288, LLC, LJA Engineering has addressed your comments as follows.

1. Provide a completed *Information Sheet: Existing Dam* worksheet for both reservoirs (copy attached).

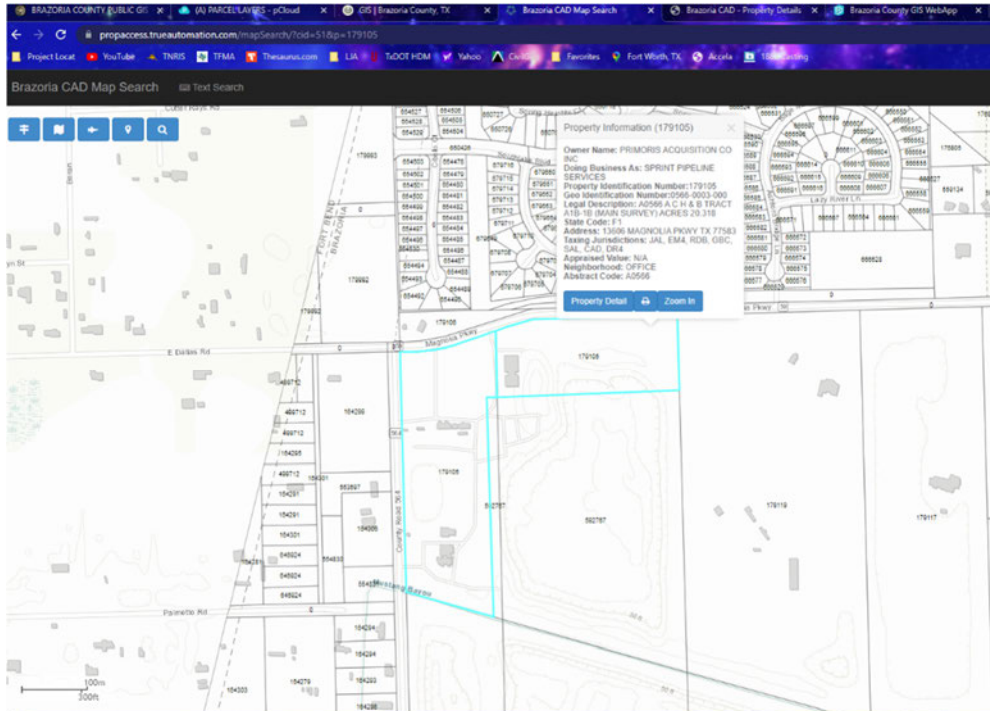
Response: LJA contacted the Dam Safety Team – Johnny Cosgrove for consultation on November 3, 2021. After review of the location and ponds, these are built as deep dug holes in the ground and minimal height. It was confirmed that these ponds would not meet the TCEQ dam height to require this information sheet. The revised application is included to show this review meeting with Dam Safety. In Appendix A, Exhibit 8 shows detailed contours of ponds with cross section profiles to show pond geometry.

2. Provide a recorded copy of the deed(s) for the property where the off-channel reservoirs are located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 Texas Administrative Code (TAC) §295.11.

Staff notes a portion of North Spring Pond may inundate land owned by Primoris Acquisition Co., Inc.

Response: Enclosed in Appendix C is the agreement with the North Pond land owner to use that land for the pond and storage. Note that Primoris is doing business as Sprint Pipeline Services, which also owns Sprint Clay and Sand. The Property ID 179105 can be verified on the website at:

https://propaccess.trueautomation.com/ClientDB/Property.aspx?cid=51&prop_id=179105&year=2021



Click on a title bar to expand or collapse the information.

Property

Account		Legal Description: A0566 A C H & B TRACT A1B-1B (MAIN SURVEY) ACRES 20.318						
Property ID:	179105	Zoning:	1/19/16CJC					
Geographic ID:	0566-0003-000	Agent Code:	204					
Type:	Real							
Property Use Code:								
Property Use Description:								
Location								
Address:	13606 MAGNOLIA PKWY TX 77583	Mapscod:	COMMSAL					
Neighborhood:	OFFICE	Map ID:						
Neighborhood CD:	COMM.OF							
Owner								
Name:	PRIMORIS ACQUISITION CO INC	Owner ID:	1080606					
Mailing Address:	% PRIMORIS SERVICES CORP 13606 MAGNOLIA PKWY ROSHARON, TX 77583-1672	% Ownership:	100.000000000000%					
Exemptions:								
Values								
Taxing Jurisdiction								
Improvement / Building								
Land								
#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	FRONT ACREAGE	10.0000	435600.00	0.00	0.00	\$200,000	\$0
2	A1	FRONT ACREAGE	10.3180	449452.08	0.00	0.00	\$4,130	\$0
Roll Value History								
Deed History - (Last 3 Deed Transactions)								
#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	3/12/2012	WD	WARRANTY DEED	PRIMORIS ENERGY SERVICES CORPORATION	PRIMORIS ACQUISITION CO INC	12	010953	
2	12/31/2008	WD	WARRANTY DEED	POARCH/SWINBANK LIMITED PARTNERSHIP	PRIMORIS ENERGY SERVICES CORPORATION	09	000003	
3	11/22/2002	WD	WARRANTY DEED	SPRINT SAND AND CLAY LP	POARCH/SWINBANK L P	02	061093	0

3. Remit fees in the amount of \$730.00 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$	250.00
Recording Fee	\$	25.00
Storage Fee (\$1.00 x 724)	\$	724.00
Notice Fee (San Jacinto – Brazos Coastal Basin)	\$	58.28
<u>TOTAL FEES</u>	\$	<u>1,057.28</u>
<u>FEES RECEIVED</u>	\$	<u>327.28</u>
TOTAL FEES DUE	\$	730.00

Response: The additional fee has been provided via FedEx to the TCEQ Financial Administration Division cashier's office, MC-214. A copy of the check is enclosed for your files.

We trust this additional information will allow further review and processing for approval. If you have any questions or require additional information, please contact me at 817.288.1966 or [REDACTED]

Sincerely,



Larissa Knapp-Scott, CFM
North Texas Water Resource Lead

LKS/kl/rr

Enclosures

CC: Fred Balda – MC 288, LLC
Kelsey Latta, Brian Edwards – LJA Engineering

Memorandum

To: Texas Commission on Environmental Quality
Water Rights Division

From: Larissa Knapp-Scott, CFM; Kelsey Latta, EIT, CFM

Date: 11/09/2021

Re: Summary of Request - Pomona Development Sprint Ponds Water Appropriation Permit
LJA Job No. 2149-6513

Pomona is a proposed development located west of South Fwy 288 and north of Croix Rd in the City of Manvel, Brazoria County, TX. The applicant (MC 288 LLC) is submitting this permit to appropriate state water. The two existing ponds are located on Mustang Bayou, just upstream of the Pomona development, in the San-Jacinto Brazos watershed. A vicinity map and aerial photo map are shown in **Appendix A, Exhibits 1 and 2**. A USGS Topographic Map with the location of the ponds and development is shown in **Appendix A, Exhibit 3**. The FEMA FIRM with the location of the ponds and development is shown in **Appendix A, Exhibit 4**. A pre-submittal conference was held virtually with the TCEQ Water Rights team on January 12, 2021.

The two existing sprint ponds are off channel reservoirs that the applicant proposes to use to impound storm water during the 1% annual chance storm for storm mitigation/recreational and water quality purposes. A combined total for both ponds of 724 ac-ft will be diverted during the 1% annual chance storm over a proposed weir and released back into Mustang Bayou through an outfall pipe.

A volume of approximately 198.4 ac-ft will be stored for the North Reservoir, and a volume of 525.6 ac-ft will be stored for the South Reservoir. The general locations of the lateral weir and outlet pipes can be seen in **Appendix A, Exhibit 5**. This project will have no adverse impacts to the volume of State water available for downstream water rights holders. This permit application proposed improvements are consistent with the state or regional water plan. The drainage areas above the north and south pond diversion points, is calculated to be 9.2 acres and 9.5 acres, respectively. These values have been identified in Worksheet 3.0, section f for both ponds, and a drainage area map is included in **Appendix A, Exhibit 6**.

Completed Administrative Information Checklist, Technical Information Report, scanned copy of the Application Fee, and Written Consent required for water rights permit application, are provided in **Appendix B**. The deed and survey describing the overall tract with the recording information from the county records, are provided in **Appendix C**. Detention Agreement and Brazoria County Appraisal District information for the parcel splitting the north pond is also included in **Appendix C**. For clarity and simplicity, a Property Details Map is also provided in **Appendix A, Exhibit 7**. A detailed contour map showing cross section profiles of ponds is provided in **Appendix A, Exhibit 8**.

Normal pool water surface elevation (WSEL) in Mustang Bayou at the North and South Reservoirs is approximately 58.7' and 58.5', and the flowrate is 2037.81 cfs and 1612.54 cfs, respectively. Water will be diverted into the off-channel reservoirs through a proposed lateral weir structure at the North and South ponds when WSEL in Mustang Bayou reaches 62' and 61.5', respectively. The off-channel reservoirs will release water back into Mustang Bayou if reservoirs normal WSEL is at or above flowlines of Outfall Pipes, (North Reservoir Pipe @ 59.9', South Reservoir Pipe @ 59.7'). For details on the two ponds and the diversion points, exhibits are located in **Appendix D**.

We trust the provided application and supporting document will provide for an administratively complete review. Please contact Larissa Knapp-Scott at 817-288-1966\lknappscott@lja.com if you have any questions or comments.

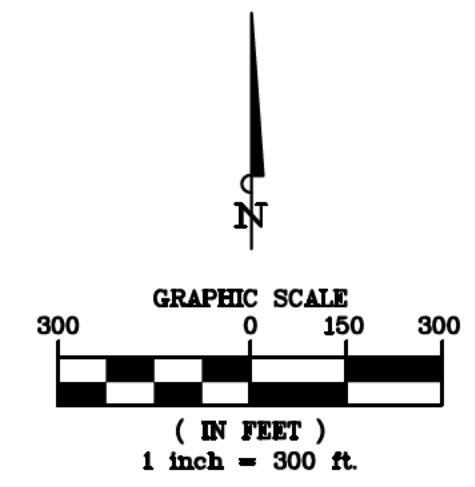
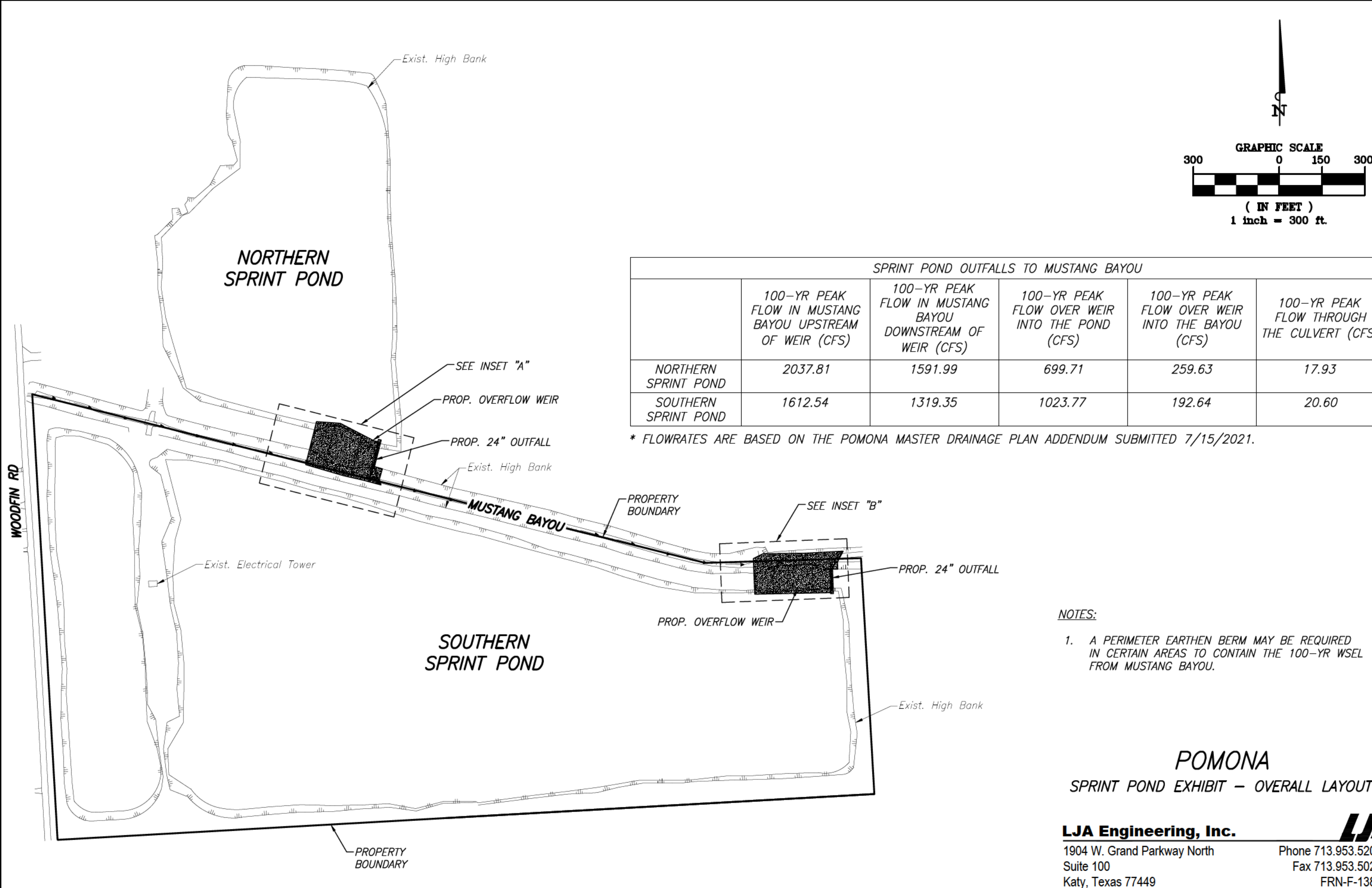
Enclosures
LKS/kl

CC: LJA Land – Brian Edwards, Hannah James, Adrian Todsen
LJA Water – Kelsey Latta
Client – MC 288 LLC

The following enclosures accompany this memo report:

- Appendix A – Exhibits
 - 1 – Vicinity Map
 - 2 – Aerial Map
 - 3 – USGS Topo Map
 - 4 – FIRM
 - 5 – Structure Location Map
 - 6 – Drainage Area Map
 - 7 – Property Details Map
 - 8 – Detailed Contour Map
- Appendix B – Application
 - Administrative Information Checklist
 - Technical Information Report
 - Written Consent
 - Application Fee Check Copy
- Appendix C – Property Documents
 - Deed Transaction
 - Special Warranty Deed
 - Survey Document
 - Detention Agreement/BCAD Document
- Appendix D – Structure Plans
 - Sprint Pond Exhibits

Date: Tue, 19 Oct 2021 - 11:39am
 Path: I:\Projects\2149\6513\Drawings\Sprint Pond Exhibit 101921.dwg
 User Name: relhakim



SPRINT POND OUTFALLS TO MUSTANG BAYOU					
	100-YR PEAK FLOW IN MUSTANG BAYOU UPSTREAM OF WEIR (CFS)	100-YR PEAK FLOW IN MUSTANG BAYOU DOWNSTREAM OF WEIR (CFS)	100-YR PEAK FLOW OVER WEIR INTO THE POND (CFS)	100-YR PEAK FLOW OVER WEIR INTO THE BAYOU (CFS)	100-YR PEAK FLOW THROUGH THE CULVERT (CFS)
NORTHERN SPRINT POND	2037.81	1591.99	699.71	259.63	17.93
SOUTHERN SPRINT POND	1612.54	1319.35	1023.77	192.64	20.60

* FLOWRATES ARE BASED ON THE POMONA MASTER DRAINAGE PLAN ADDENDUM SUBMITTED 7/15/2021.

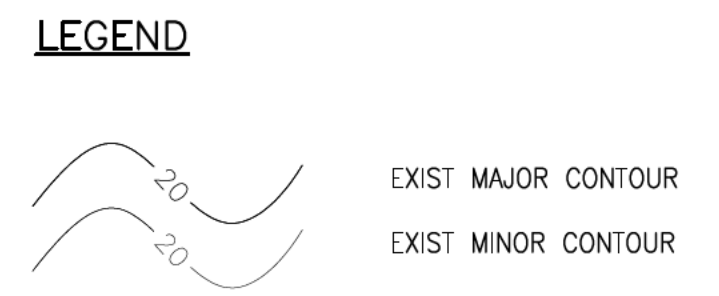
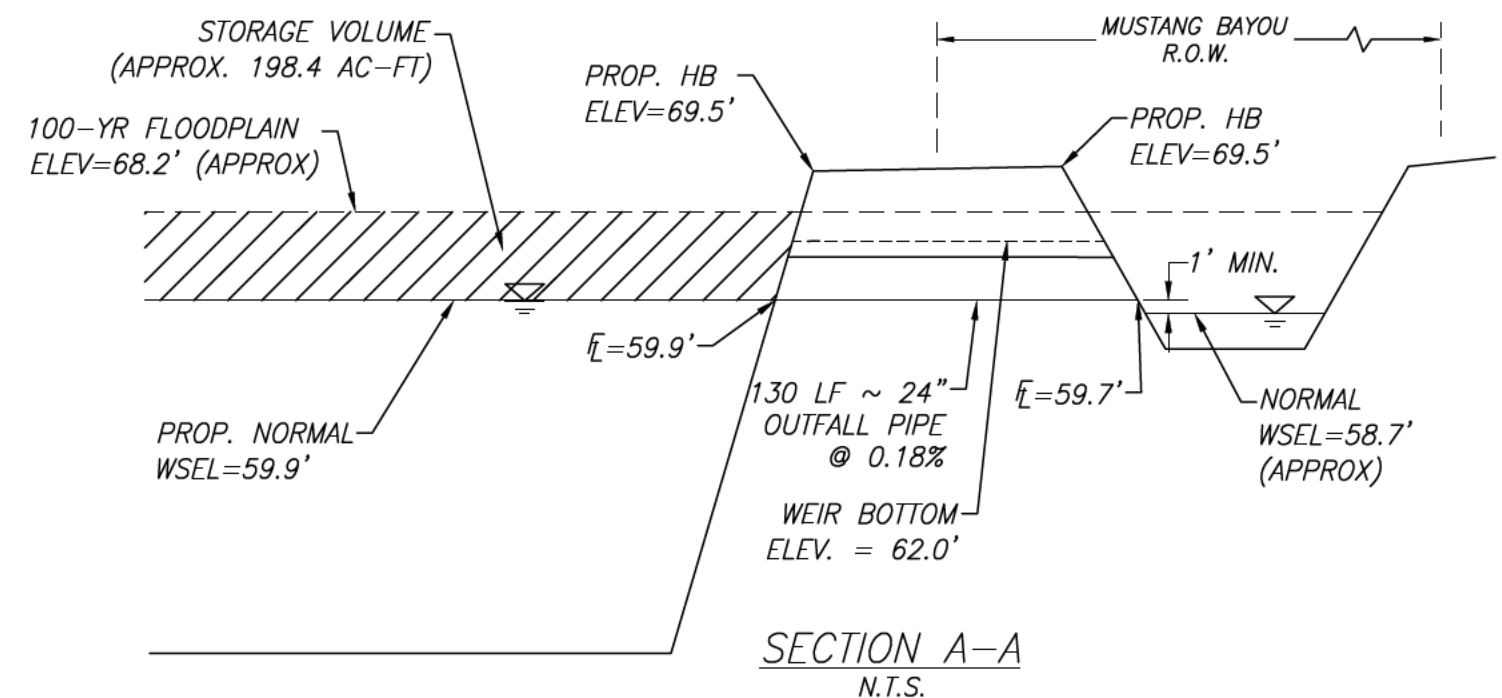
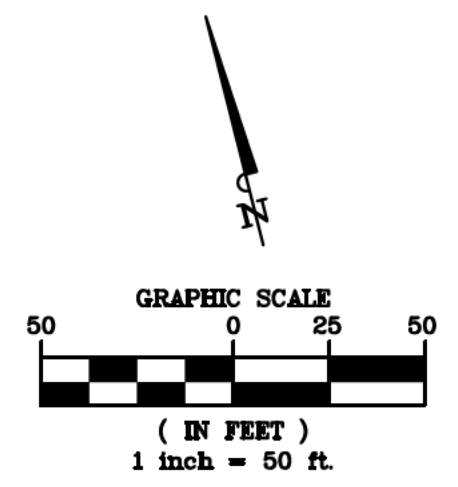
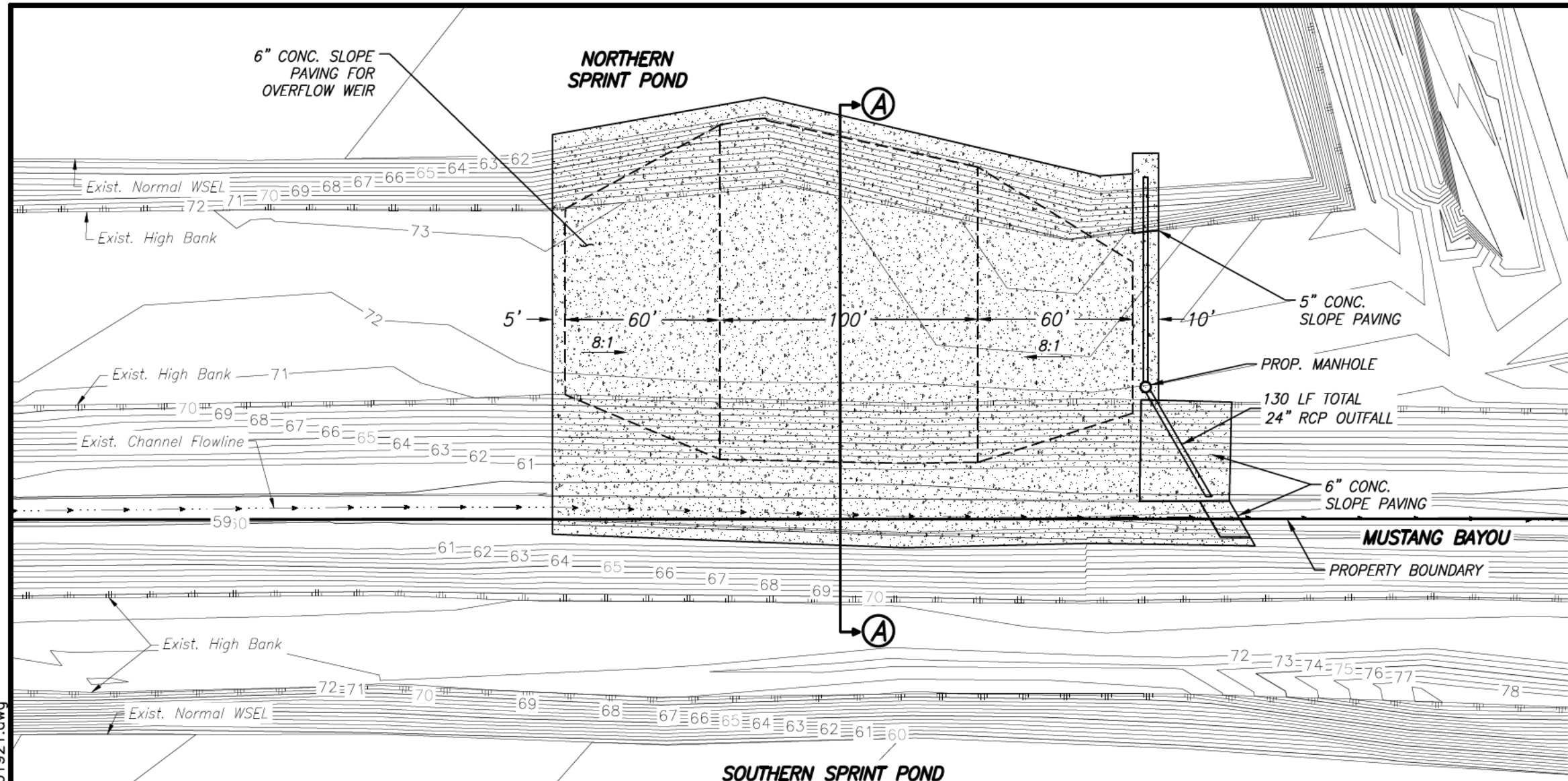
NOTES:

1. A PERIMETER EARTHEN BERM MAY BE REQUIRED IN CERTAIN AREAS TO CONTAIN THE 100-YR WSEL FROM MUSTANG BAYOU.

POMONA
 SPRINT POND EXHIBIT - OVERALL LAYOUT

LJA Engineering, Inc.
 1904 W. Grand Parkway North
 Suite 100
 Katy, Texas 77449
 Phone 713.953.5200
 Fax 713.953.5026
 FRN-F-1386

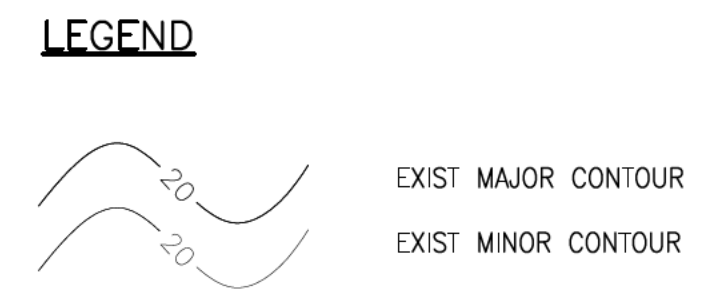
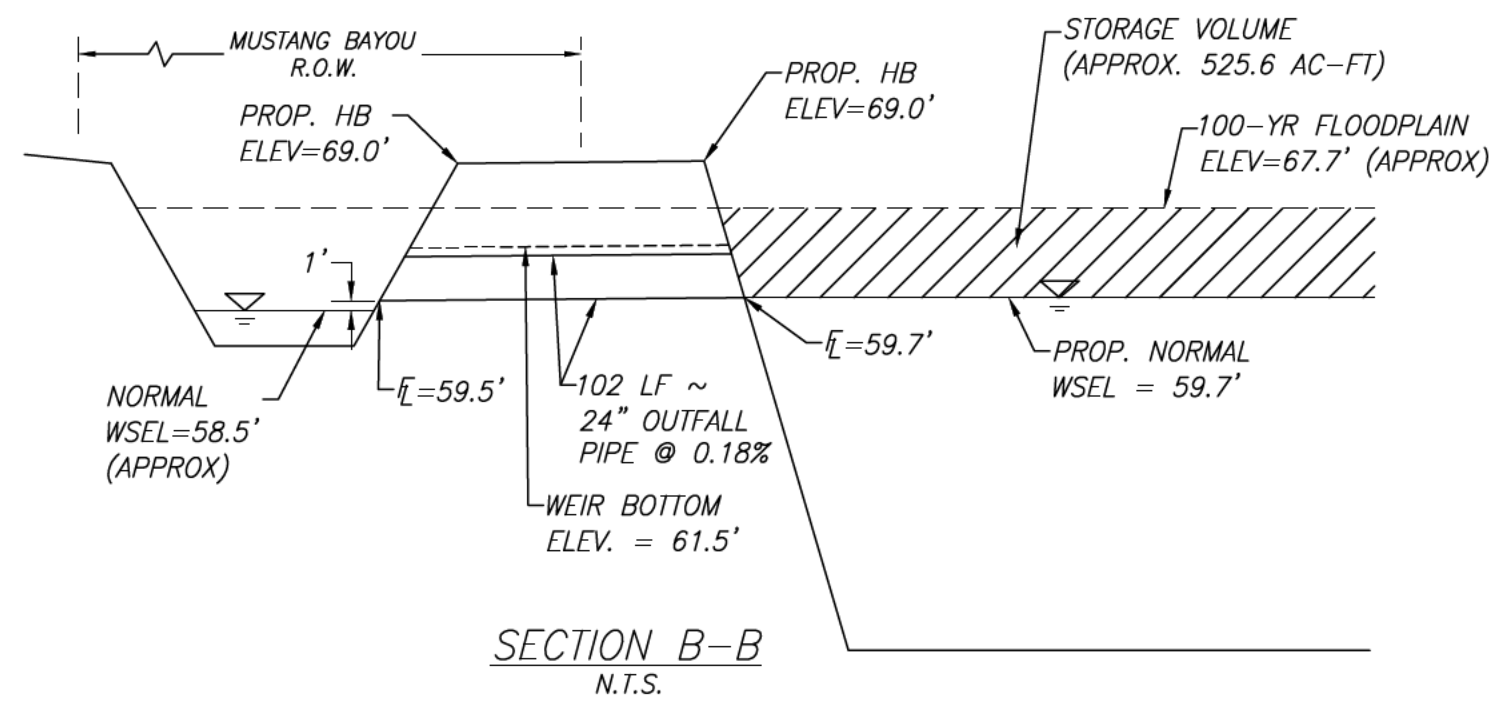
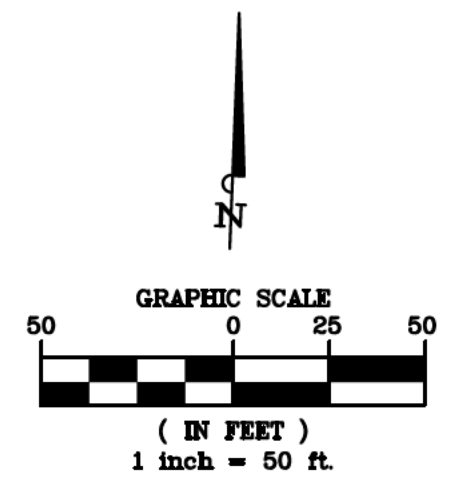
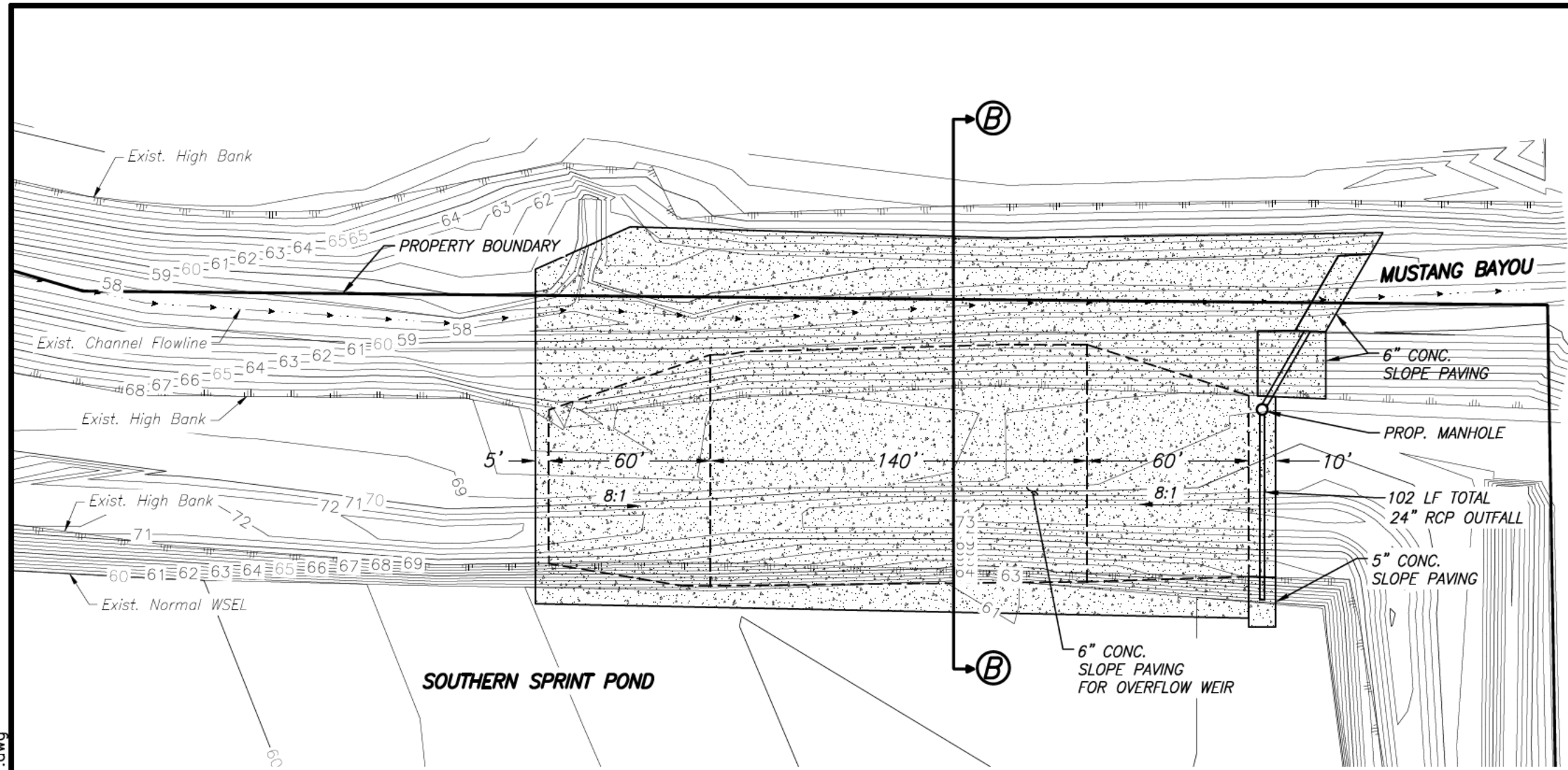
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POMONA
 SPRINT POND EXHIBIT - INSET "A"

LJA Engineering, Inc.
 1904 W. Grand Parkway North
 Suite 100
 Katy, Texas 77449
 Phone 713.953.5200
 Fax 713.953.5026
 FRN-F-1386

Date: Tue, 19 Oct 2021 - 11:39am
 Path: I:\Projects\2149\6513\Drawings\Sprint Pond Exhibit 101921.dwg
 User Name: reihakim



POMONA
 SPRINT POND EXHIBIT - INSET "B"

LJA Engineering, Inc.
 1904 W. Grand Parkway North
 Suite 100
 Katy, Texas 77449
 Phone 713.953.5200
 Fax 713.953.5026
 FRN-F-1386

Property Identification #: 179105

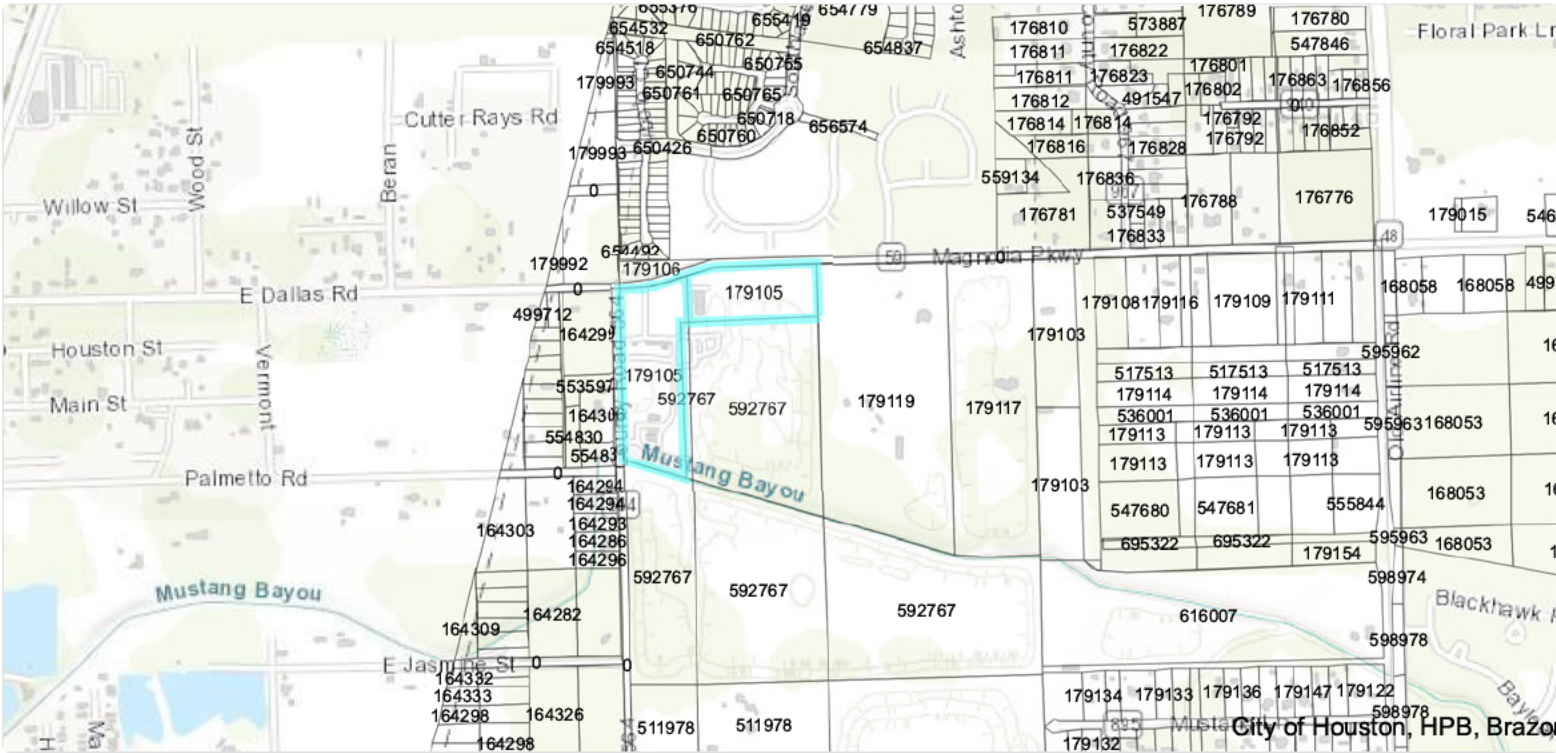
Geo ID: 0566-0003-000
 Situs Address: 13606 MAGNOLIA PKWY TX 77583
 Property Type: Real
 State Code: F1

Property Information: 2022

Legal Description: A0566 A C H & B TRACT A1B-1B (MAIN SURVEY) ACRES 20.318
 Abstract: A0566
 Neighborhood: OFFICE
 Appraised Value: N/A
 Jurisdictions: JAL, EM4, RDB, GBC, SAL, CAD, DR4

Owner Identification #: 1080606

Name: PRIMORIS ACQUISITION CO INC
 Exemptions:
 DBA: SPRINT PIPELINE SERVICES



Brazoria CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.

Brazoria CAD

2021

Property

Account

Property ID:	179105	Legal Description:	A0566 A C H & B TRACT A1B-1B (MAIN SURVEY) ACRES 20.318
Geographic ID:	0566-0003-000	Zoning:	1/19/16CJC
Type:	Real	Agent Code:	204
Property Use Code:			
Property Use Description:			

Location

Address:	13606 MAGNOLIA PKWY TX 77583	Mapsc0:	COMMSAL
Neighborhood:	OFFICE	Map ID:	
Neighborhood CD:	COMM.OF		

Owner

Name:	PRIMORIS ACQUISITION CO INC	Owner ID:	1080606
Mailing Address:	% PRIMORIS SERVICES CORP 13606 MAGNOLIA PKWY ROSHARON, TX 77583-1672	% Ownership:	100.000000000000%

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$800,040	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$204,130	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0

(=) Market Value:	=	\$1,004,170	
(-) Ag or Timber Use Value Reduction:	-	\$0	

(=) Appraised Value:	=	\$1,004,170	
(-) HS Cap:	-	\$0	

(=) Assessed Value:	=	\$1,004,170	

Taxing Jurisdiction

Owner: PRIMORIS ACQUISITION CO INC
 % Ownership: 100.000000000000%
 Total Value: \$1,004,170

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$1,004,170	\$1,004,170	\$0.00
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.152000	\$1,004,170	\$1,004,170	\$1,526.34
EM4	BRAZORIA COUNTY EMERGENCY DISTRICT #4	0.100000	\$1,004,170	\$1,004,170	\$1,004.17
GBC	BRAZORIA COUNTY	0.336530	\$1,004,170	\$1,004,170	\$3,379.34
JAL	ALVIN COMMUNITY COLLEGE	0.183211	\$1,004,170	\$1,004,170	\$1,839.75
RDB	ROAD & BRIDGE FUND	0.050000	\$1,004,170	\$1,004,170	\$502.09
SAL	ALVIN INDEPENDENT SCHOOL DISTRICT	1.397700	\$1,004,170	\$1,004,170	\$14,035.28
Total Tax Rate:		2.219441			

Taxes w/Current Exemptions:	\$22,286.97
Taxes w/o Exemptions:	\$22,286.97

Improvement / Building

Improvement #1:	Commercial	State Code:	F1	Living Area:	7969.0 sqft	Value:	\$607,301
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
→ 344	OFFICE BUILDING	D - 2.5		2009	4725.0
→ CP6	CANOPY ROOF/SLAB	B		2009	600.0
→ 344	OFFICE BUILDING	D - 2.5		2009	3244.0
→ CRP1	OPEN PORCH LOWER LEVEL	B		2009	473.0
→ YPA1	ASPHALT PAVING	C		2009	10800.0

Improvement #2:	Commercial	State Code:	F1	Living Area:	sqft	Value:	\$22,486
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
↳ YPA1	ASPHALT PAVING	C		2009	18760.0

Improvement #3:	Commercial	State Code:	F1	Living Area:	sqft	Value:	\$83,979
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
↳ 599	Relocatable Office	D - 2		2019	1820.0
↳ CP5	CANOPY ONLY	C		2019	120.0
↳ CP5	CANOPY ONLY	C		2019	120.0

Improvement #4:	Misc Imp	State Code:	F1	Living Area:	sqft	Value:	\$15,501
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
↳ YCP5	CANOPY ONLY	C		2019	504.0
↳ YCP5	CANOPY ONLY	C		2019	3730.0
↳ YCP5	CANOPY ONLY	C		2019	2550.0
↳ YRS2	METAL STORAGE BLDG	C		2019	300.0

Improvement #5:	Commercial	State Code:	F1	Living Area:	sqft	Value:	\$70,773
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
↳ CP5	CANOPY ONLY	C		2019	54.0
↳ 599	Relocatable Office	D - 2		2019	1440.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	FRONT ACREAGE	10.0000	435600.00	0.00	0.00	\$200,000	\$0
2	A1	FRONT ACREAGE	10.3180	449452.08	0.00	0.00	\$4,130	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$800,040	\$204,130	0	1,004,170	\$0	\$1,004,170
2020	\$781,020	\$204,130	0	985,150	\$0	\$985,150
2019	\$729,310	\$204,130	0	933,440	\$0	\$933,440
2018	\$722,860	\$204,130	0	926,990	\$0	\$926,990
2017	\$722,860	\$204,130	0	926,990	\$0	\$926,990
2016	\$659,670	\$204,130	0	863,800	\$0	\$863,800

2015	\$656,420	\$204,130	0	860,550	\$0	\$860,550
2014	\$743,600	\$204,130	0	947,730	\$0	\$947,730
2013	\$748,670	\$204,130	0	952,800	\$0	\$952,800
2012	\$713,880	\$204,130	0	918,010	\$0	\$918,010
2011	\$705,620	\$204,130	0	909,750	\$0	\$909,750
2010	\$0	\$204,130	0	204,130	\$0	\$204,130
2009	\$0	\$204,130	0	204,130	\$0	\$204,130
2008	\$0	\$204,130	0	204,130	\$0	\$204,130

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	3/12/2012	WD	WARRANTY DEED	PRIMORIS ENERGY SERVICES CORPORATION	PRIMORIS ACQUISITION CO INC	12	010953	
2	12/31/2008	WD	WARRANTY DEED	POARCH/SWINBANK LIMITED PARTNERSHIP	PRIMORIS ENERGY SERVICES CORPORATION	09	000003	
3	11/22/2002	WD	WARRANTY DEED	SPRINT SAND AND CLAY LP	POARCH/SWINBANK L P	061093	0	

Tax Due

Property Tax Information as of 11/08/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
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NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

2004 Mustang Creek, LTD.
7676 Woodway, Suite 104
Houston, Texas 77063

June 25, 2009

Mr. Don Poarch
Sprint Companies
1041 Conrad Sauer
Houston, Texas 77043

**RE: Detention Capacity for 7.945 Acres Owned by Sprint Pipeline Services, L.P.,
Brazoria County Drainage District No. 4**

Dear Mr. Poarch:


This letter serves as our approval to allow the stormwater runoff from the 7.945 acre Sprint tract to drain into the existing sandpit on our property.

The northern portion of our 100.353 acre tract, adjoining your tract, contains an existing sandpit. A portion of the existing pit extends into the referenced property and portions of the referenced property drain into the pit, as it did when we purchased the land from Sprint.

We agree to allow detention capacity for development the 7.945 acre Sprint tract (approximately 6 acre-feet) to be provided for in the existing pit and to include the detention capacity into our overall plan for development of the 2004 Mustang Creek, LTD. property, its successors and assigns. This approval shall not obligate 2004 Mustang Creek, LTD. in any way to incur any costs related to constructing or maintaining an outfall or related facilities for the sole benefit of Sprint Companies, its successors and assigns.

In the future, when the sandpit is converted into a detention facility, we will preserve detention capacity and accommodate the conveyance of the flow related to the developed 7.945 acre tract in our improved drainage detention system. It is our understanding that the excavated portion of the pond that is on the Sprint property, which provides the required storage capacity, shall never be filled. The detention capacity required for development of the 7.945 acre tract will always be provided on Sprint property.

On behalf of
2004 Mustang Creek, LTD.


Keith Faselek

cc: Al Lentz, Lentz Engineering, (Brazoria County Drainage District No. 4 Engineer)

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, Applicant 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) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N^N_____ (If yes, date :_____).

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

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

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

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

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

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

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

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

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

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

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

Not Applicable

Water Right (Certificate or Permit) number you are requesting to amend: _____

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

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 _____

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 _____

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 _____

If yes, submit:

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

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

If yes, submit:

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

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

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

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

Additionally, all amendments require:

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

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

Not Applicable

- 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_____

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_____

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_____

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_____

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_____

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”:

The applicant proposes to divert 724 ac-ft during the 100-yr storm event from Mustang Bayou for recreational and water quality purposes in two off channel reservoirs. The diverted water will be released back into Mustang Bayou through an outfall pipe from the reservoirs. This permit application does not propose to do anything that is not consistent with the state or regional water plan.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

⁷²⁴ _____ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of ^{NA}_____ 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 ^{NA}_____ acres in ^{NA}_____ County, TX.

ii) Location of land to be irrigated: In the ^{NA}_____ Original Survey No. ^{NA}_____, 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)

Not Applicable

- 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**
NA				

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i. Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - ii. Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.
A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1
INTERBASIN TRANSFERS, TWC § 11.085 **Not Applicable**

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA” Not Applicable

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 on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: NA -- North Sprint Pond
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 198.4.
- c. The impoundment is on-channel _____ or off-channel^x _____ (mark one)
- i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N^N** _____
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N^{NA}** _____
- d. Is the impoundment structure already constructed? **Y / N^Y** _____
- i. For already constructed **on-channel** structures:
 - 1. Date of Construction: NA
 - 2. Was it constructed to be an exempt structure under TWC § 11.142? **Y / N^{NA}** _____
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N^{NA}** _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? **Y / N^{NA}** _____
 - 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N^{NA}** _____
 - a. If yes, provide the Site No. ^{NA} _____ and watershed project name ^{NA} _____;
 - b. Authorization to close "ports" in the service spillway requested? **Y / N^{NA}** _____
 - ii. For **any** proposed new structures or modifications to structures:
 - 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N^Y** _____
Provide the date and the name of the Staff Person Johnny Cosgrove 11/3/2021 _____
 - 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. **Y / N^N** _____
 - b. Plans (with engineer's seal) for the structure required. **Y / N^N** _____
 - c. Engineer's signed and sealed hazard classification required. **Y / N^N** _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N^N** _____

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

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

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

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Mastang Bayou
- b. Zip Code: 77538
- c. In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-568,
Brazoria County, Texas.

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

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

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

Latitude 29.537710 °N, Longitude -95.430725 °W.

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

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

See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: NA -- South Sprint Pond
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 525.6.
- c. The impoundment is on-channel _____ or off-channel^x _____ (mark one)
- Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y / N^N** _____
 - If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y / N^{NA}** _____
- d. Is the impoundment structure already constructed? **Y / N^Y** _____
- For already constructed **on-channel** structures:
 - Date of Construction: NA
 - Was it constructed to be an exempt structure under TWC § 11.142? **Y / N^{NA}**
 - If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y / N^{NA}** _____
 - If No, has the structure been issued a notice of violation by TCEQ? **Y / N^{NA}** _____
 - Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y / N^{NA}**
 - If yes, provide the Site No. ^{NA} _____ and watershed project name ^{NA} _____;
 - Authorization to close "ports" in the service spillway requested? **Y / N^{NA}** _____
 - For **any** proposed new structures or modifications to structures:
 - Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y / N^Y** _____
Provide the date and the name of the Staff Person Johnny Cosgrove 11/3/2021
 - As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - No additional dam safety documents required with the Application. **Y / N^N** _____
 - Plans (with engineer's seal) for the structure required. **Y / N^N** _____
 - Engineer's signed and sealed hazard classification required. **Y / N^N** _____
 - Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y / N^N** _____

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

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

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

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Mastang Bayou
- b. Zip Code: 77538
- c. In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-568,
Brazoria County, Texas.

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

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

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

Latitude 29.533915 °N, Longitude -95.428790 °W.

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

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

See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

- a. This Worksheet is to add new (select 1 of 3 below):
1. North Diversion Point No.
 2. Upstream Limit of Diversion Reach No.
 3. Downstream Limit of Diversion Reach No.
- b. Maximum Rate of Diversion for **this new point** ^{699.71}_____ cfs (cubic feet per second)
or _____ gpm (gallons per minute)
- c. Does this point share a diversion rate with other points? Y / N ^N_____
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* ^{NA}_____ cfs or ^{NA}_____ gpm
- d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N ^{NA}_____

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

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

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

Applicant has calculated the drainage area. Y / N ^Y_____

If yes, the drainage area is ^{9.2}_____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)
See Map in Exhibit 6 in Appendix A

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Mustang Bayou
- b. Zip Code: 77538
- c. Location of point: In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-566, Brazoria 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 29.535813 °N, Longitude -95.429717 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. **See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.**
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** ^{1023.77} cfs (cubic feet per second)
or gpm (gallons per minute)

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

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

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

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

Check one		Write: Existing or Proposed
x	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is ^{9.5} sq. miles.

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

See Map in Exhibit 6 in Appendix A

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Mustang Bayou
- b. Zip Code: 77538
- c. Location of point: In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-566, Brazoria 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 29.534796 °N, Longitude -95.425796 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. **See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.**
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

Not Applicable

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

- a. The purpose of use for the water being discharged will be _____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses _____% and explain the method of calculation: _____

Is the source of the discharged water return flows? Y / N _____ If yes, provide the following information:

1. The TPDES Permit Number(s). _____ (attach a copy of the **current** TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? Y / N _____

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater _____, surface water _____?
 5. If any percentage is surface water, provide the base water right number(s) _____.
- c. Is the source of the water being discharged groundwater? Y / N _____ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: _____
 2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers _____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N _____ If yes, provide the signed contract(s).
- cii. Identify any other source of the water _____

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

Not Applicable

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

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

Applicant will take reasonable measures to avoid impingement and entrainment of aquatic organisms.

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

This section is required for new appropriations of water in the Canadian, Red, **Not Applicable** Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: _____

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

Not Applicable

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
 - i. If the alternate source is treated return flows, provide the TPDES permit number_____
 - ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

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

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

- iii. If groundwater will be used, provide the depth of the well_____and the name of the aquifer from which water is withdrawn_____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans Not Applicable

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

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

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

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

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

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

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. ___Municipal Uses by public water suppliers. See 30 TAC § 288.20. **Not Applicable**
 2. ___Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. ___Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N___

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

Not Applicable

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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



Owner Name: Primoris Acquisition Co Inc
Doing Business As: Sprint Pipeline Services
Legal Description: ABST - 566 Tract -1 B
Property ID: 179105
Acreage: 7.643 ac
DOC.NO. 2006-054897
Brazoria County Appraisal District

See Attached in Appendix C:
-Sprint Sandpit Detention Agreement
-Sprint Pipeline Brazoria CAD

North Sprint Pond

Mustang Bayou

Grantor: 2004 Mustang Creek, LTD.
DOC. NO. 2006054897 B.C.O.R.
Grantee: MC 288, LLC
DOC.NO. 2013052984 B.C.O.R.
October, 29th, 2013
100.353 ACRES
Deed Attached in Appendix C

South Sprint Pond

Legend

- Parcel Boundary
- San_Jacinto_Brazos_Flowline

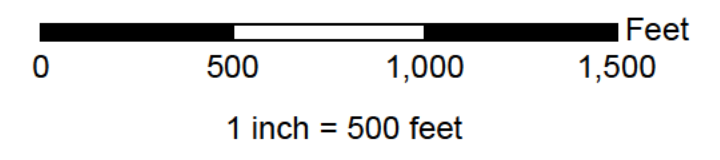
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

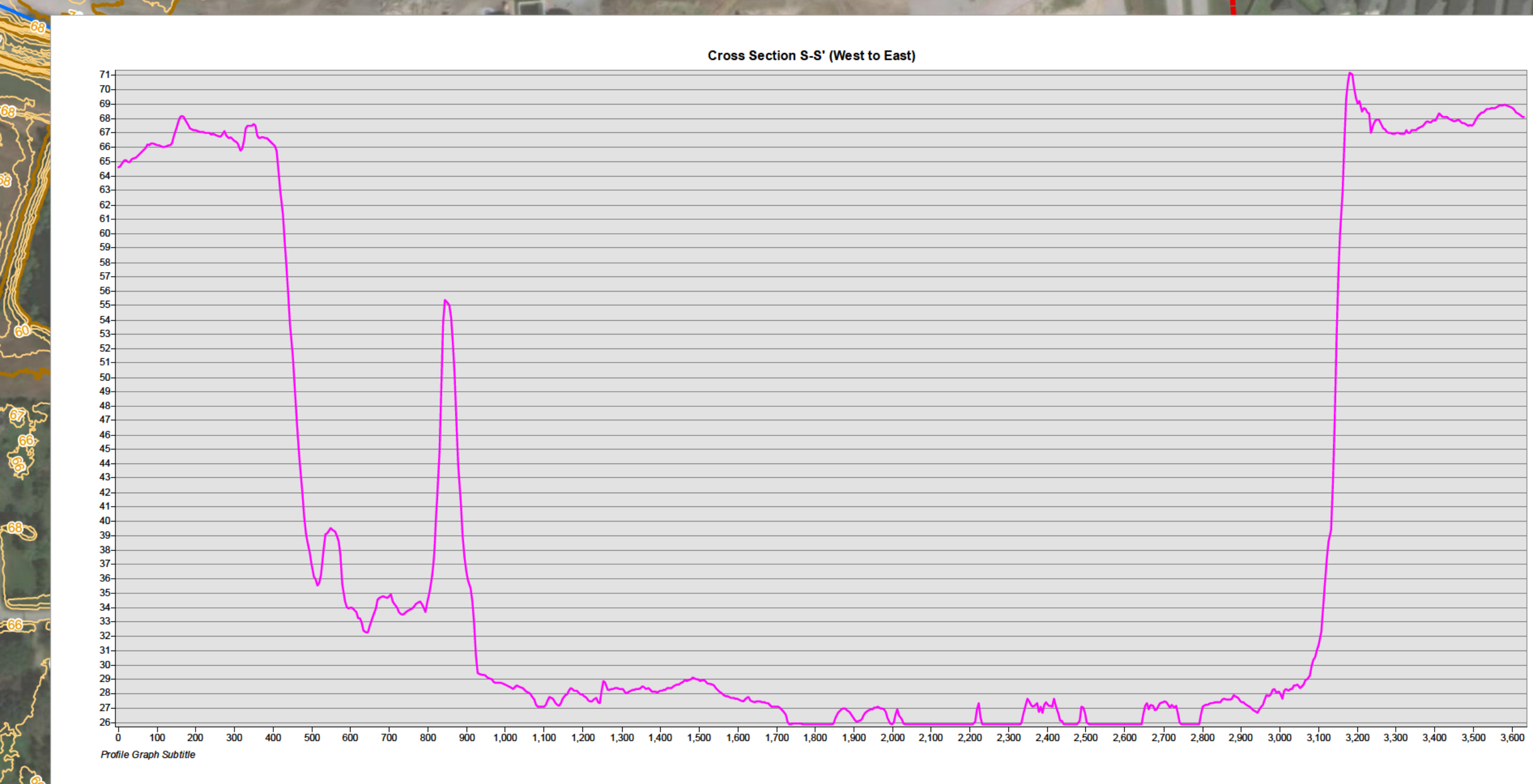
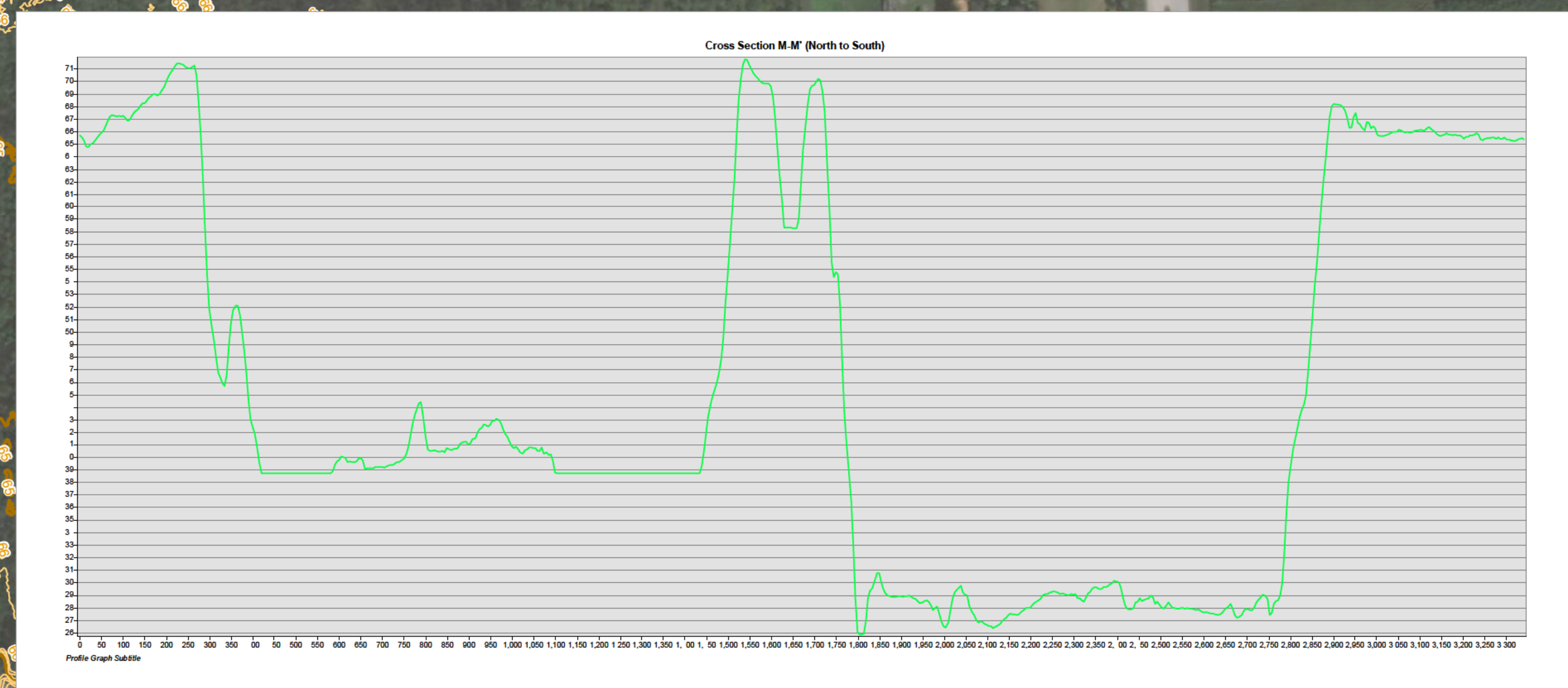
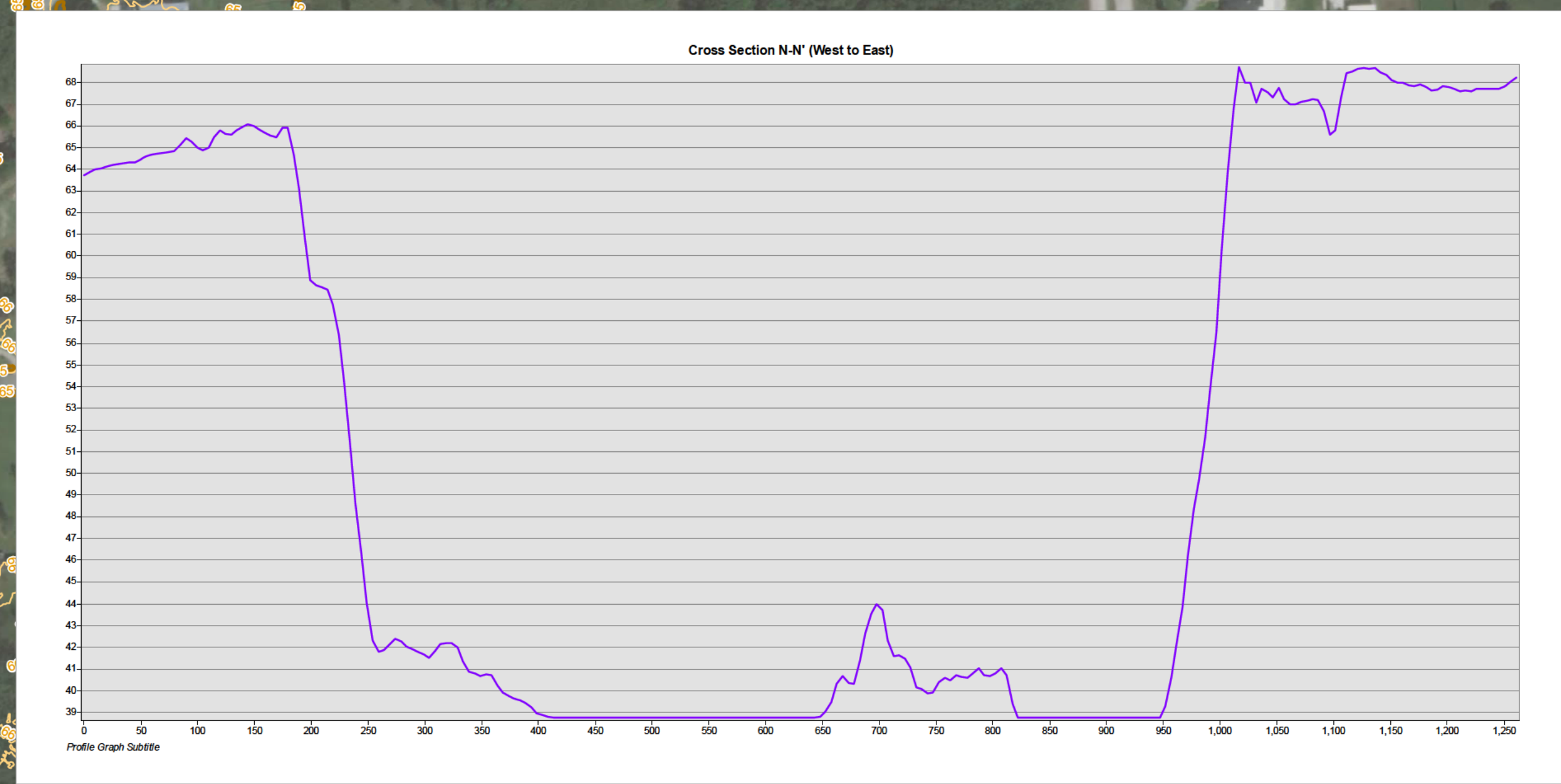
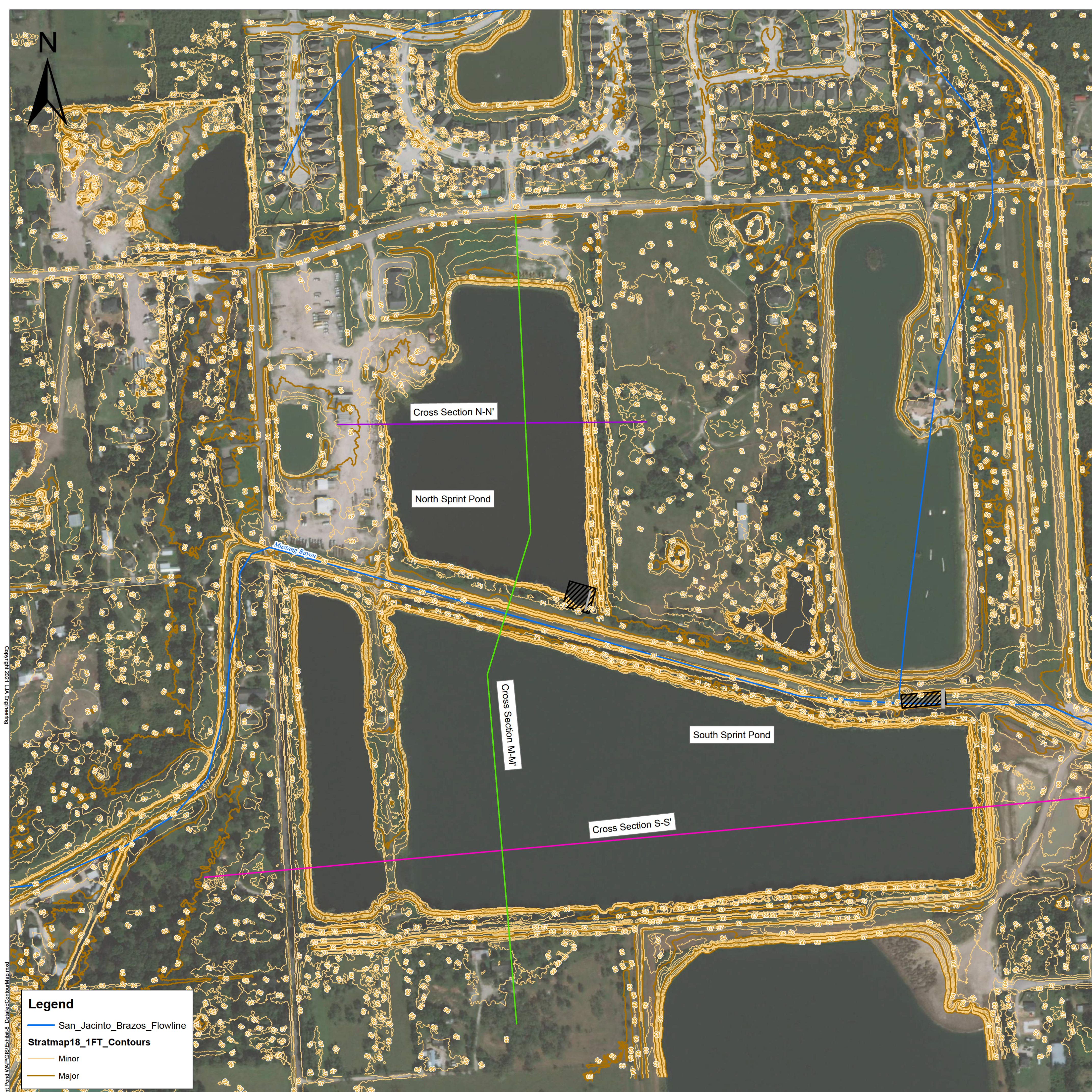
Exhibit
7



FRN: F-1386

Property Details Map
Pomona Sprint Pond WAP
Manvel, Brazoria Co., Texas
LJA Project No. 2149-6513





Legend

- San_Jacinto_Brazos_Flowline
- Stratmap18_1FT_Contours
- Minor
- Major

Copyright 2021 LJA Engineering
C:\KELSEY_WB\Projects\Sprint Pond WAP\GIS\Exhibit 8_DetailedContourMap.mxd

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Wednesday, October 20, 2021 11:42 AM
To: 'Kelsey Latta'
Cc: Larissa Knapp-Scott; [REDACTED]
Subject: RE: WRPERM 13780 Application - Attachments Request
Attachments: MC_288_LLC_13780_Receipt_1.pdf; Existing Dam Worksheet.pdf

Please see the attachments. Please let me know if you have any further questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Kelsey Latta [REDACTED]
Sent: Wednesday, October 20, 2021 10:41 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: Larissa Knapp-Scott [REDACTED]
Subject: WRPERM 13780 Application - Attachments Request

Hello Natalia,

It appears that the attachments mentioned in the comment letter were not included. Would it be possible for you to email those to me?

Thanks for your time in advance!

Kelsey Latta, EIT, CFM
Water Resources Graduate Engineer

LJA Engineering | We seek solutions.

• [Fort Worth](#)

D: 817.288.1964

From: Brian Edwards [REDACTED]
Sent: Wednesday, October 13, 2021 9:05 PM
To: Kelsey Latta [REDACTED]
Cc: Larissa Knapp-Scott [REDACTED] >
Subject: FW: MC_288_LLC_13780_RFI_1_Sent_10.11.2021.pdf

Kelsey,

See below and attached. Please let us know if you need anything from us.

Thanks,

Brian T. Edwards, PE
Senior Project Manager

LJA Engineering | We seek solutions.

● 1904 W Grand Parkway N, Suite 100, Katy, Texas 77449

P: 713.953.5118

LJA.com

[Facebook](#) • [Twitter](#) • [LinkedIn](#)

From: Bynum, Russell <Russell.Bynum@hillwood.com>

Sent: Monday, October 11, 2021 4:50 PM

To: Brian Edwards <bedwards@lja.com>; Adrian Todsen <atodsen@lja.com>

Cc: Scott Wright <swright@mhinc.com>

Subject: MC_288_LLC_13780_RFI_1_Sent_10.11.2021.pdf

[EXTERNAL EMAIL]

See attached regarding water rights and additional information request.

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Monday, October 11, 2021 3:59 PM
To: [REDACTED]
Subject: RE: MC 288, LLC App No. 13780 RFI
Attachments: MC_288_LLC_13780_Receipt_1.pdf

Please find the attached receipt.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Natalia Ponebshek
Sent: Monday, October 11, 2021 1:58 PM
To: [REDACTED]
Subject: MC 288, LLC App No. 13780 RFI

Please find the attached request for information for the abovementioned application. A response is due by November 10, 2021

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

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 11, 2021

Mr. Fred Balda, President
MC 288, LLC
3000 Turtle Creek Blvd.
Dallas, TX 75219

VIA E-MAIL

RE: MC 288, LLC
WRPERM 13780
CN604538983, RN111322806
Application No. 13780 for a Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Mustang Bayou, San Jacinto - Brazos Coastal Basin
Brazoria County

Dear Mr. Balda:

This acknowledges receipt, on August 24, 2021, of the referenced application and fees in the amount of \$327.28 (Receipt Nos. M121783A and M121783B, copies attached).

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

1. Provide a completed *Information Sheet: Existing Dam* worksheet for both reservoirs (copy attached).
2. Provide a recorded copy of the deed(s) for the property where the off-channel reservoirs are located. The deed should include the legal description of the land (metes and bounds). Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 Texas Administrative Code (TAC) § 295.11.

Staff notes a portion of North Spring Pond may inundate land owned by Primoris Acquisition Co., Inc.

3. Remit fees in the amount of \$730.00 as described below. Please make check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 250.00
Recording Fee	\$ 25.00
Storage Fee (\$1.00 x 724)	\$ 724.00
<u>Notice Fee (San Jacinto- Brazos Coastal Basin)</u>	<u>\$ 58.28</u>
TOTAL FEES	\$1,057.28
<u>FEES RECEIVED</u>	<u>\$ 327.28</u>
TOTAL FEES DUE	\$ 730.00

Please provide the requested information and fees by November 10, 2021 or the application may be returned pursuant to 30 TAC § 281.18.

Mr. Fred Balda
Application No. 13780
October 11, 2021
Page 2 of 2

Be aware that this Water Use Permit, if granted, may result in annual Water Use Assessment Fees (WUF). For more detailed information on these fees, see the attached WUF: *The Annual Fee Associated with Water Rights Permits* fact sheet or contact the Water Quality Monitoring & Assessment Section at wateruse@tceq.texas.gov.

If you have any questions concerning this matter, please contact me via e-mail at Natalia.Ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachments



Basis2 Receipt Report by Endorsement Number

OCT-11-21 03:34 PM

<u>Acct. #:</u>	<u>Account Name:</u>								
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
PTGU	NOTICE FEES WUP WATER USE PERMITS								
	M121783B		LJA ENGINEERING INC	CK	53966		BS00088199	24-AUG-21	\$52.28
<u>Acct. #:</u>	<u>Account Name:</u>								
<u>WUP</u>	<u>WATER USE PERMITS</u>								
<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M121783A		LJA ENGINEERING INC	CK	53966		BS00088199	24-AUG-21	\$275.00

Memorandum

RECEIVED

AUG 24 2021

Water Availability Division

To: Texas Commission on Environmental Quality
Water Rights Division

From: Larissa Knapp-Scott, CFM; Kelsey Latta, EIT, CFM

Date: 08/23/2021

Re: Summary of Request - Pomona Development Sprint Ponds Water Appropriation Permit
LJA Job No. 2149-6513

Pomona is a proposed development located west of South Fwy 288 and north of Croix Rd in the City of Manvel, Brazoria County, TX. The applicant (MC 288 LLC) is submitting this permit to appropriate state water. The two existing ponds are located on Mustang Bayou, just upstream of the Pomona development, in the San-Jacinto Brazos watershed. A vicinity map and aerial photo map are shown in **Appendix A, Exhibits 1 and 2**. A USGS Topographic Map with the location of the ponds and development is shown in **Appendix A, Exhibit 3**. The FEMA FIRM with the location of the ponds and development is shown in **Appendix A, Exhibit 4**. A pre-submittal conference was held virtually with the TCEQ Water Rights team on January 12, 2021.

The two existing sprint ponds are off channel reservoirs that the applicant proposes to use to impound storm water during the 1% annual chance storm for storm mitigation/recreational and water quality purposes. A combined total for both ponds of 724 ac-ft will be diverted during the 1% annual chance storm over a proposed weir and released back into Mustang Bayou through an outfall pipe.

A volume of approximately 198.4 ac-ft will be stored for the North Reservoir, and a volume of 525.6 ac-ft will be stored for the South Reservoir. The general locations of the lateral weir and outlet pipes can be seen in **Appendix A, Exhibit 5**. This project will have no adverse impacts to the volume of State water available for downstream water rights holders. This permit application proposed improvements are consistent with the state or regional water plan. The drainage areas above the north and south pond diversion points, is calculated to be 9.2 acres and 9.5 acres, respectively. These values have been identified in Worksheet 3.0, section f for both ponds, and a drainage area map is included in **Appendix A, Exhibit 6**.

Completed Administrative Information Checklist, Technical Information Report, scanned copy of the Application Fee, and Written Consent required for water rights permit application, are provided in **Appendix B**. The deed and survey describing the overall tract with the recording information from the county records, are provided in **Appendix C**. For clarity and simplicity, a Deed Location Map is also provided in **Appendix A, Exhibit 7**.

Normal pool water surface elevation (WSEL) in Mustang Bayou at the North and South Reservoirs is approximately 58.7' and 58.5', and the flowrate is 2037.81 cfs and 1612.54 cfs, respectively. Water will be diverted into the off-channel reservoirs through a proposed lateral weir structure at the North

and South ponds when WSEL in Mustang Bayou reaches 62' and 61.5', respectively. The off-channel reservoirs will release water back into Mustang Bayou if reservoirs normal WSEL is at or above flowlines of Outfall Pipes, (North Reservoir Pipe @ 59.9', South Reservoir Pipe @ 59.7'). For details on the two ponds and the diversion points, exhibits are located in **Appendix D**.

We trust the provided application and supporting document will provide for an administratively complete review. Please contact Larissa Knapp-Scott at 817-288-1966\lknappscott@lja.com if you have any questions or comments.

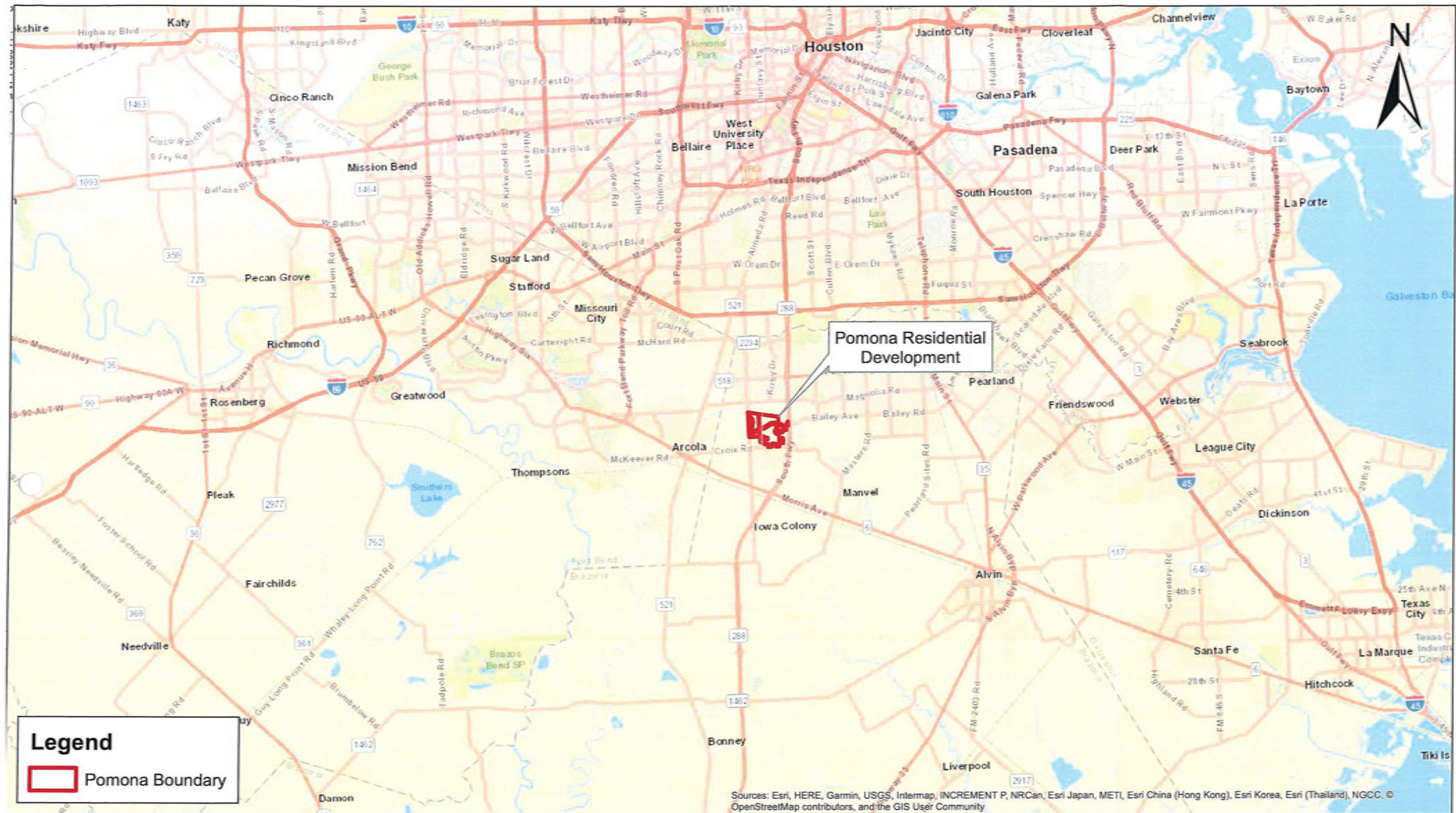
Enclosures
LKS/kl

CC: LJA Land – Brian Edwards, Hannah James, Adrian Todsen
LJA Water – Kelsey Latta
Client – MC 288 LLC

The following enclosures accompany this memo report:

- Appendix A – Exhibits
 - 1 – Vicinity Map
 - 2 – Aerial Map
 - 3 – USGS Topo Map
 - 4 – FIRM
 - 5 – Structure Location Map
 - 6 – Drainage Area Map
 - 7 – Deed Location Map
- Appendix B – Application
 - Administrative Information Checklist
 - Technical Information Report
 - Written Consent
 - Application Fee Check Copy
- Appendix C – Property Documents
 - Deed Transaction
 - Special Warranty Deed
 - Survey Document
- Appendix D – Structure Plans
 - Sprint Pond Exhibits

APPENDIX A

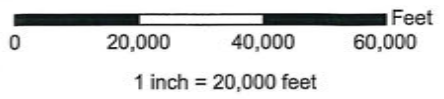


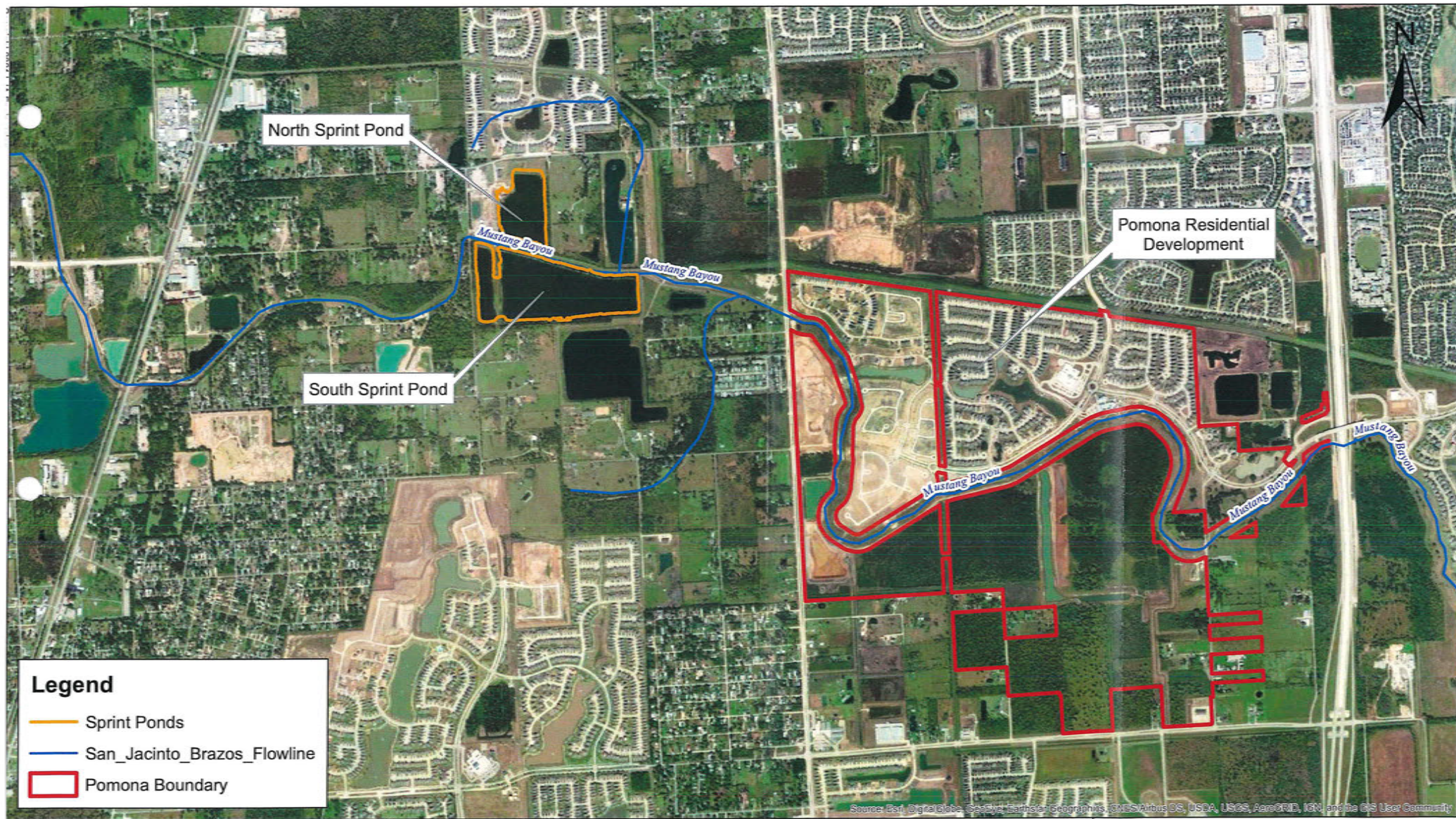
Legend
 Pomona Boundary

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Exhibit
1
LJA ENGINEERING
 FRN: F-1386

Vicinity Map
Pomona Sprint Pond WAP
 Manvel, Brazoria Co., Texas
 LJA Project No. 2149-6513





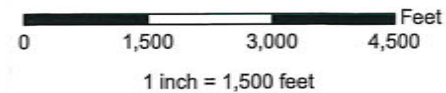
Exhibit

2



FRN: F-1386

Aerial Map
Pomona Sprint Pond WAP
Manvel, Brazoria Co., Texas
LJA Project No. 2149-6513



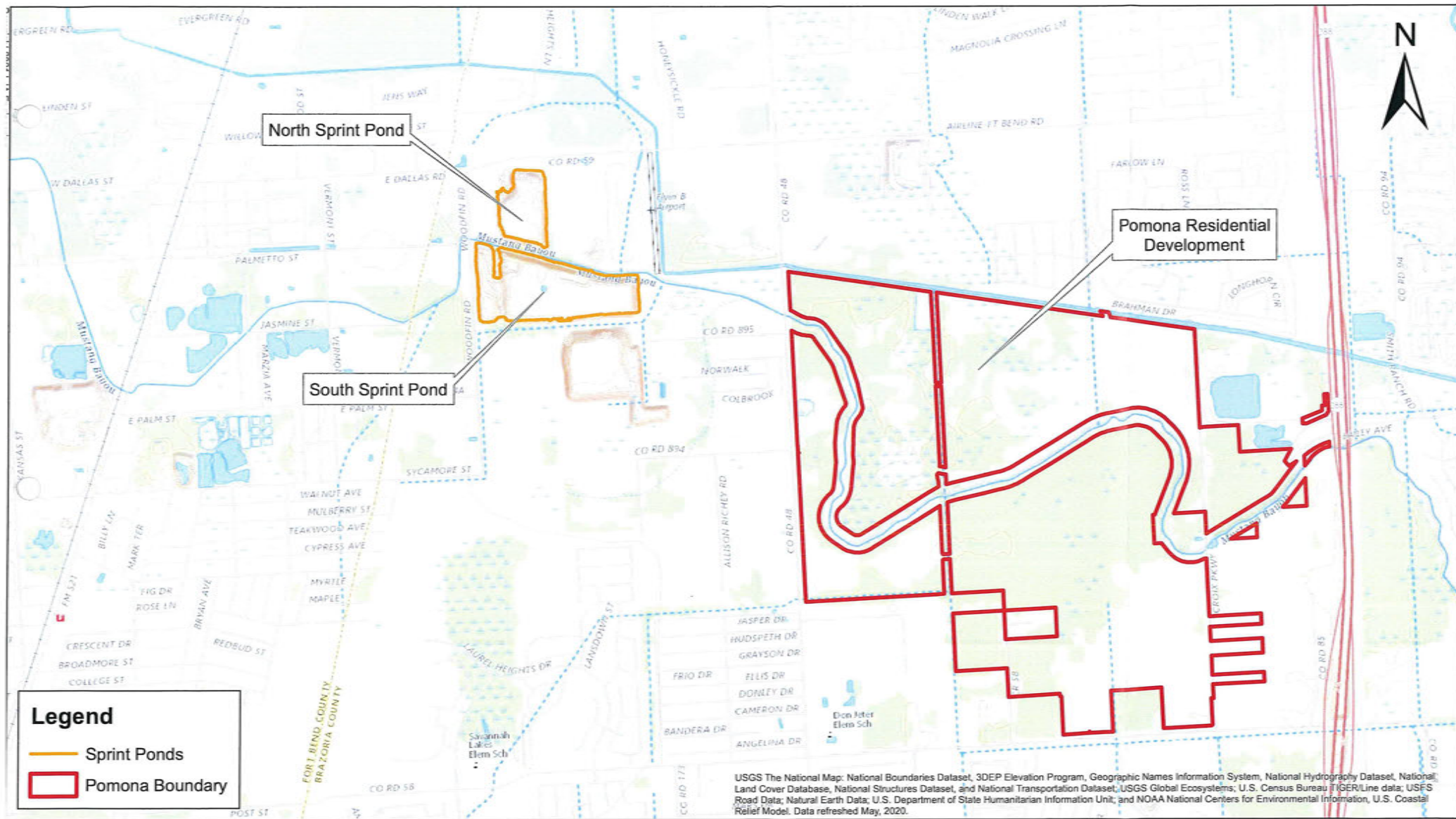
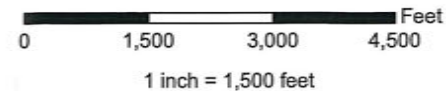


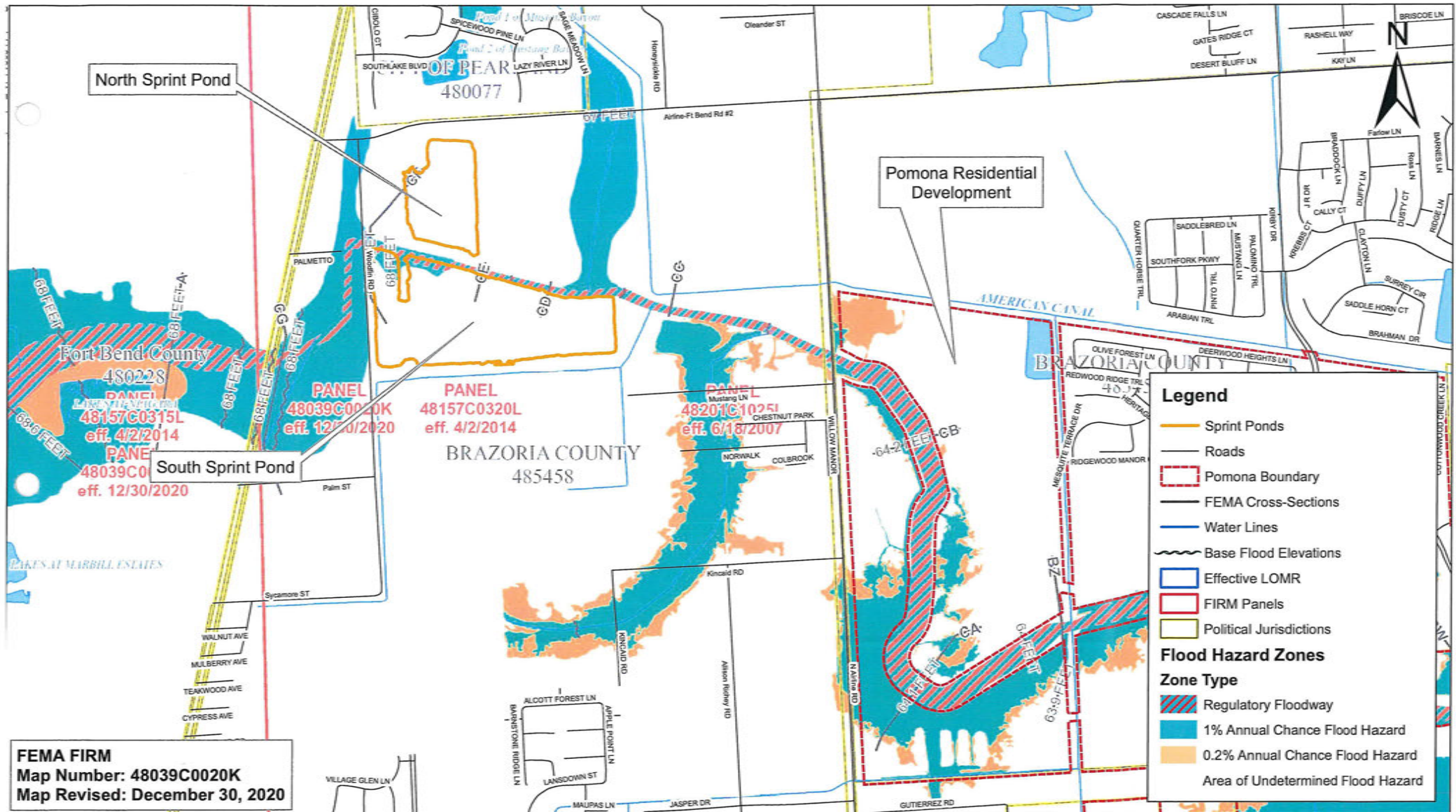
Exhibit
3



FRN: F-1386

**USGS Topographic Map
Pomona Sprint Pond WAP
Manvel, Brazoria Co., Texas
LJA Project No. 2149-6513**





North Sprint Pond

Pomona Residential Development

South Sprint Pond

FEMA FIRM
 Map Number: 48039C0020K
 Map Revised: December 30, 2020

Legend

- Sprint Ponds
- Roads
- Pomona Boundary
- FEMA Cross-Sections
- Water Lines
- Base Flood Elevations
- Effective LOMR
- FIRM Panels
- Political Jurisdictions

Flood Hazard Zones

Zone Type

- Regulatory Floodway
- 1% Annual Chance Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Area of Undetermined Flood Hazard

Exhibit
 4

LJA ENGINEERING
 FRN: F-1386

FIRM
Pomona Sprint Pond WAP
Manvel, Brazoria Co., Texas
LJA Project No. 2149-6513

0 1,000 2,000 Feet
 1 inch = 1,000 feet



Legend

- Sprint Ponds
- San_Jacinto_Brazos_Flowline

Proposed Structures

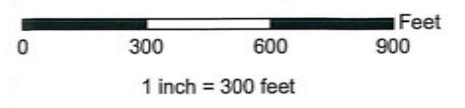
- Pipe
- Weir

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Exhibit
5

LJA LJA ENGINEERING
FRN: F-1386

**Structure Location Map
Pomona Sprint Pond WAP
Manvel, Brazoria Co., Texas
LJA Project No. 2149-6513**



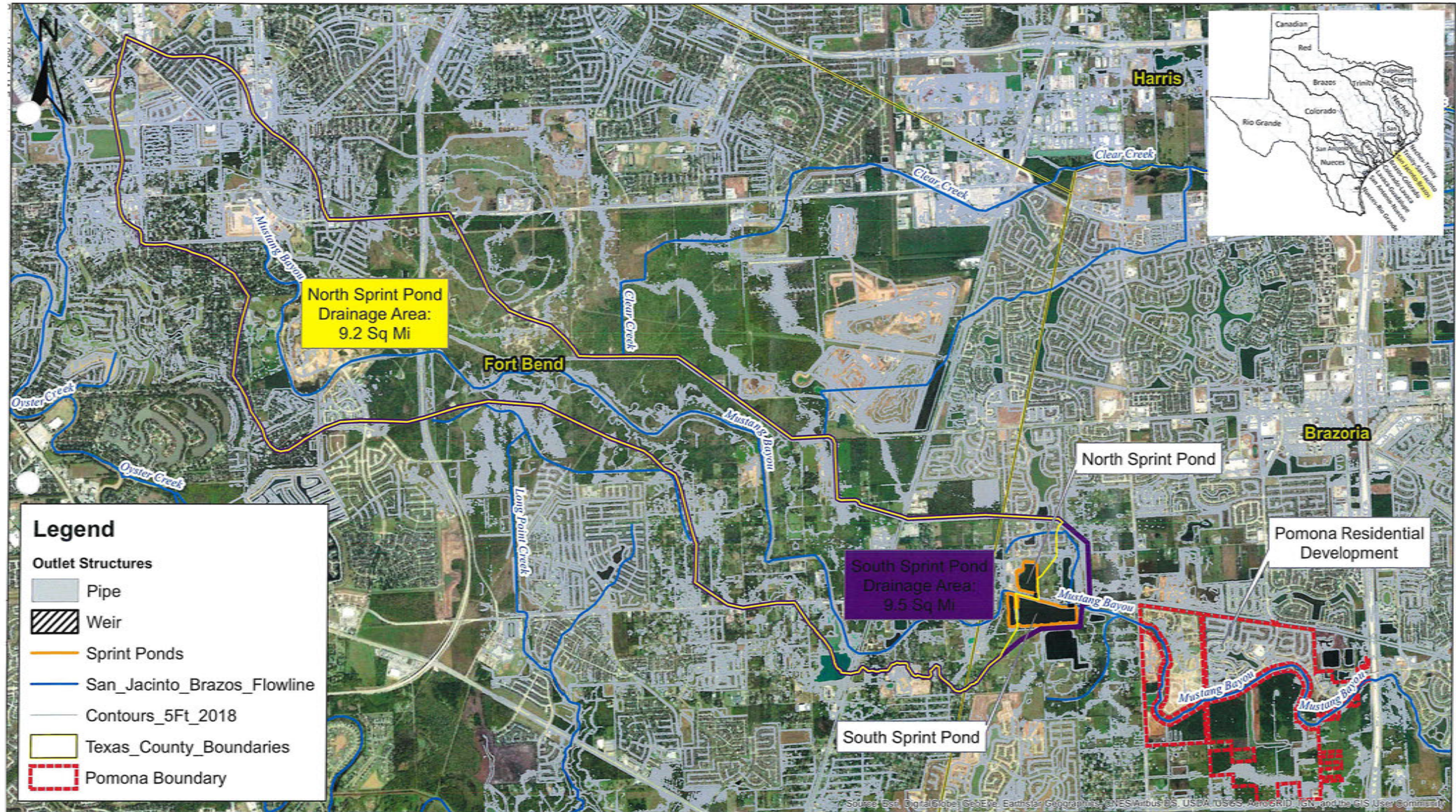


Exhibit
6

LJA ENGINEERING
FRN: F-1386

**Drainage Area Map
Pomona Sprint Pond WAP
Manvel, Brazoria Co., Texas
LJA Project No. 2149-6513**

Contour Source: TNRIS Upper Coast LIDAR 2018 - 5ft
0 3,500 7,000 Feet
1 inch = 3,500 feet



Legend

- Parcel Boundary
- San_Jacinto_Brazos_Flowline

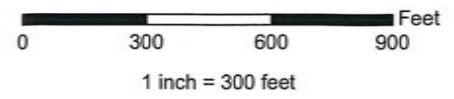
Grantor: 2004 Mustang Creek, LTD.
 DOC. NO. 2006054897 B.C.O.R.
 Grantee: MC 288, LLC
 DOC. NO. 2013052984 B.C.O.R.
 October, 29th, 2013
 100.353 ACRES

Deed Attached in Appendix C
 See PDF Pages 1, 2, 15, and 32

Exhibit
7

LJA ENGINEERING
 FRN: F-1386

Deed Location Map
Pomona Sprint Pond WAP
 Manvel, Brazoria Co., Texas
 LJA Project No. 2149-6513



APPENDIX B

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): MC 288 LLC

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

Y/N		Y/N	
<input type="checkbox"/> Y	Administrative Information Report	<input type="checkbox"/> Y	Worksheet 3.0
<input type="checkbox"/> NA	Additional Co-Applicant Information	<input type="checkbox"/> Y	Additional W.S 3.0 for each Point
<input type="checkbox"/> NA	Additional Co-Applicant Signature Pages	<input type="checkbox"/> Y	Recorded Deeds for Diversion Points Appendix C
<input type="checkbox"/> Y	Written Evidence of Signature Authority	<input type="checkbox"/> NA	Consent For Diversion Access
<input type="checkbox"/> Y	Technical Information Report Appendix B	<input type="checkbox"/> NA	Worksheet 4.0
<input type="checkbox"/> Y	USGS Map (or equivalent) Appendix A, Exhibit 3	<input type="checkbox"/> NA	TPDES Permit(s)
<input type="checkbox"/> Y	Map Showing Project Details Appendix A, Exhibits 1-6	<input type="checkbox"/> NA	WWTP Discharge Data
<input type="checkbox"/> N	Original Photographs	<input type="checkbox"/> NA	24-hour Pump Test
<input type="checkbox"/> N	Water Availability Analysis	<input type="checkbox"/> NA	Groundwater Well Permit
<input type="checkbox"/> Y	Worksheet 1.0	<input type="checkbox"/> NA	Signed Water Supply Contract
<input type="checkbox"/> NA	Recorded Deeds for Irrigated Land	<input type="checkbox"/> NA	Worksheet 4.1
<input type="checkbox"/> NA	Consent For Irrigation Land	<input type="checkbox"/> Y	Worksheet 5.0
<input type="checkbox"/> NA	Worksheet 1.1	<input type="checkbox"/> NA	Addendum to Worksheet 5.0
<input type="checkbox"/> NA	Addendum to Worksheet 1.1	<input type="checkbox"/> NA	Worksheet 6.0
<input type="checkbox"/> NA	Worksheet 1.2	<input type="checkbox"/> NA	Water Conservation Plan(s)
<input type="checkbox"/> NA	Addendum to Worksheet 1.2	<input type="checkbox"/> NA	Drought Contingency Plan(s)
<input type="checkbox"/> Y	Worksheet 2.0	<input type="checkbox"/> NA	Documentation of Adoption
<input type="checkbox"/> Y	Additional W.S 2.0 for Each Reservoir	<input type="checkbox"/> NA	Worksheet 7.0
<input type="checkbox"/> NA	Dam Safety Documents	<input type="checkbox"/> NA	Accounting Plan
<input type="checkbox"/> NA	Notice(s) to Governing Bodies	<input type="checkbox"/> Y	Worksheet 8.0
<input type="checkbox"/> Y	Recorded Deeds for Inundated Land Appendix C	<input type="checkbox"/> Y	Fees
<input type="checkbox"/> NA	Consent For Inundation Land		

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

- New Appropriation of State Water
 Amendment to a Water Right *
 Bed and Banks

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

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

Applicant is proposing to use two existing off channel reservoirs to divert 724 ac-ft

of water during the 1% annual chance storm event from Mustang Bayou for recreational and

water quality purposes. The off channel reservoirs will just be used to impound storm water and

will release water back into Mustang Bayou if reservoirs normal WSEL is at or above

flowlines of Outfall Pipes, (North Reservoir Pipe @ 59.9', South Reservoir Pipe @ 59.7').

Normal WSEL in Mustang Bayou at the North and South Reservoirs is approx 58.7' and 58.5'.

Water will be diverted into the north & south off channel reservoirs through a weir structure when

WSEL in Mustang Bayou reaches 62' and 61.5', respectively. See memo for additional information.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

MC 288 LLC

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

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

You may search for your CN on the TCEQ website at

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

CN : 604538983 (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: Fred Balda

Title: President

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

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

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

Name: Fred Balda

Mailing Address: 3000 Turtle Creek Blvd

City: Dallas

State: TX

ZIP Code: 75219

Indicate an X next to the type of Applicant:

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship-D.B.A. |
| <input type="checkbox"/> Partnership | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Estate |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government |
| <input type="checkbox"/> County Government | <input type="checkbox"/> City Government |
| <input type="checkbox"/> Other Government | <input type="checkbox"/> Other _____ |

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 32052185280 SOS Charter (filing) Number: 0801864305

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: Fred Balda

Title: President

Organization Name: MC 288 LLC

Mailing Address: 3000 Turtle Creek Blvd

City: Dallas

State: TX

ZIP Code: 75219

Phone No.:

Extension:

Fax No.:

E-mail Address:

[REDACTED]

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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

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) 239-4600, prior to submitting your application.

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. 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 NA**

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Fred Balda

President

(Typed or printed name)

(Title)

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

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

Signature: _____

Fred Balda

(Use blue ink)

Date: _____

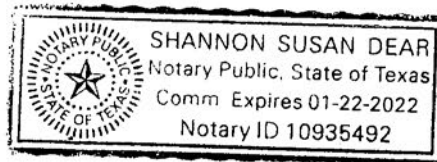
7-30-21

Subscribed and Sworn to before me by the said

on this 30 day of July, 2021.

My commission expires on the 22 day of January, 2021.

Notary Public



[SEAL]

County, Texas

Dallas

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

WRITTEN CONSENT OF
THE MAJOR DECISION COMMITTEE OF
MC 288, LLC

January 1, 2021

The undersigned, being the members of the Major Decision Committee of MC 288, LLC, a Delaware limited liability company (the "Company"), do hereby consent to, adopt, and approve, in all respects, the following resolutions and each and every action effected thereby.

Annual Election of Officers

RESOLVED, that the individuals named below are hereby authorized to act, on behalf of the Company, in the capacity listed set forth opposite their respective names, to serve until he/she resigns, is removed or otherwise disqualified to serve, or until the appointment of a successor:

<u>Name</u>	<u>Office</u>
Fred J. Balda	President, Executive Vice President
M. Thomas Mason	Executive Vice President, Chief Financial Officer
Brian Carlock	Senior Vice President
Angie Mastrocola	Senior Vice President
John McClure	Senior Vice President
Elaine Ford	Senior Vice President
Timothy E. Kinnear	Senior Vice President, Tax
Kyle D. Corgan	Vice President, Tax Director
Michele M. Ringnald	Secretary
Stephen D. Parker	Assistant Secretary

RESOLVED, that the officers of the Company, except those elected in a limited capacity, are hereby authorized and directed, in the name and on behalf of the Company, to do and perform such acts and deeds and to execute and deliver such instruments and documents as may be necessary or desirable to carry out and comply with the terms and provisions of these resolutions, and that all past and present actions and deeds of any such officer that are consistent with the purposes of the Company be, and the same hereby are, in all respects, ratified, approved and adopted as the acts of the Company.

RESOLVED, that the Secretary and/or Assistant Secretary of the Company is directed to place this Written Consent of the Major Decision Committee of MC 288, LLC, in the Company's corporate records.

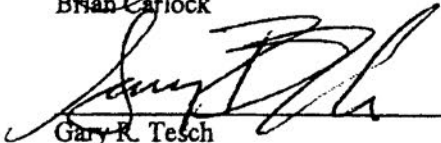
This written consent of the Major Decision Committee of MC 288 LLC is dated to be effective as of the date first above written.¹



Fred Balda¹



Brian Carlock



Gary R. Tesch

¹ Pursuant to Section 7.2 of the LLC Agreement, at least one vote of a voting representative on the MDC designated by HMM and 2013 Mustang is sufficient to constitute an approval of the MDC.

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, Applicant 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) 239-4600 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N^N_____ (If yes, date :_____).

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

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

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

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

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

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

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

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

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

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

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

Not Applicable

Water Right (Certificate or Permit) number you are requesting to amend: _____

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

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 _____

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 _____

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 _____

If yes, submit:

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

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

If yes, submit:

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

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

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

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

Additionally, all amendments require:

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

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13) Not Applicable

- 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 _____

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 _____

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 _____

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 _____

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 _____

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”:

The applicant proposes to divert 724 ac-ft during the 100-yr storm event from Mustang Bayou for recreational and water quality purposes in two off channel reservoirs. The diverted water will be released back into Mustang Bayou through an outfall pipe from the reservoirs. This permit application does not propose to do anything that is not consistent with the state or regional water plan.

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

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

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

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

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

⁷²⁴ _____ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

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

a. Location Information Regarding the Lands to be Irrigated

i) Applicant proposes to irrigate a total of ^{NA} _____ 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 ^{NA} _____ acres in ^{NA} _____ County, TX.

ii) Location of land to be irrigated: In the ^{NA} _____ Original Survey No. ^{NA} _____, 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)

Not Applicable

- 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**
NA				

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i. Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - ii. Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.
A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.
- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1
INTERBASIN TRANSFERS, TWC § 11.085 Not Applicable

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

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

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

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

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

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

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

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

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

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

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

WORKSHEET 1.2

NOTICE. "THE MARSHALL CRITERIA" Not Applicable

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 on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

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

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

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

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

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

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

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: NA -- North Sprint Pond
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 198.4
- c. The impoundment is on-channel _____ or off-channel^x _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N^N
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N^{NA}
- d. Is the impoundment structure already constructed? Y / N^Y
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: NA
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N^{NA}
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N^{NA}
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N^{NA}
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N^{NA}
 - a. If yes, provide the Site No. NA and watershed project name NA;
 - b. Authorization to close "ports" in the service spillway requested? Y / N^{NA}
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N^N
Provide the date and the name of the Staff Person NA
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / N^{NA}
 - b. Plans (with engineer's seal) for the structure required. Y / N^{NA}
 - c. Engineer's signed and sealed hazard classification required. Y / N^{NA}
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N^{NA}

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

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

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

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Mastang Bayou
- b. Zip Code: 77538
- c. In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-566,
Brazoria County, Texas.

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

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

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

Latitude 29.537710 °N, Longitude -95.430725 °W.

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

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

See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: NA -- South Sprint Pond
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 525.6
- c. The impoundment is on-channel _____ or off-channel^x _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N^N
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N^{NA}
- d. Is the impoundment structure already constructed? Y / N^Y
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: NA
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N^{NA}
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N^{NA}
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N^{NA}
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N^{NA}
 - a. If yes, provide the Site No. NA and watershed project name NA;
 - b. Authorization to close "ports" in the service spillway requested? Y / N^{NA}
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N^N
Provide the date and the name of the Staff Person NA
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / N^{NA}
 - b. Plans (with engineer's seal) for the structure required. Y / N^{NA}
 - c. Engineer's signed and sealed hazard classification required. Y / N^{NA}
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N^{NA}

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

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

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

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Mastang Bayou
- b. Zip Code: 77538
- c. In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-566,
Brazoria County, Texas.

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

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

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

Latitude 29.533915 °N, Longitude -95.428790 °W.

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

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

See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.

WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** ^{699.71}_____ cfs (cubic feet per second)
or _____ gpm (gallons per minute)

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

d. For amendments, is Applicant seeking to increase combined diversion rate? **Y / N**^{NA} _____

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

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

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is ^{9.2}_____ sq. miles.

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

See Map in Exhibit 6 in Appendix A

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Mustang Bayou
- b. Zip Code: 77538
- c. Location of point: In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-566, Brazoria 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 29.535813 °N, Longitude -95.429717 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** ^{1023.77} cfs (cubic feet per second)
or gpm (gallons per minute)

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

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

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

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

Check one		Write: Existing or Proposed
X	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

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

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

If yes, the drainage area is ^{9.5} sq. miles.

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

See Map in Exhibit 6 in Appendix A

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Mustang Bayou
- b. Zip Code: 77538
- c. Location of point: In the J.S. Talmage Survey Original Survey No. _____, Abstract No. A-566, Brazoria 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 29.534796 °N, Longitude -95.425796 °W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 38. See Map in Exhibit 5 in Appendix A, and Structure Plans in Appendix D.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0 DISCHARGE INFORMATION

Not Applicable

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

- a. The purpose of use for the water being discharged will be _____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses _____% and explain the method of calculation: _____

Is the source of the discharged water return flows? Y / N _____ If yes, provide the following information:

1. The TPDES Permit Number(s). _____ (attach a copy of the current TPDES permit(s))
2. Applicant is the owner/holder of each TPDES permit listed above? Y / N _____

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

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater _____, surface water _____?
 5. If any percentage is surface water, provide the base water right number(s) _____.
- c. Is the source of the water being discharged groundwater? Y / N _____ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped: _____
 2. Any 24 hour pump test for the well if one has been conducted. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers _____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- ci. Is the source of the water being discharged a surface water supply contract? Y / N _____ If yes, provide the signed contract(s).
- cii. Identify any other source of the water _____

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

Not Applicable

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

For water discharged at this location provide:

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

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

WORKSHEET 5.0

ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 29.**

Applicant will take reasonable measures to avoid impingement and entrainment of aquatic organisms.

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

This section is required for new appropriations of water in the Canadian, Red, Not Applicable Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: _____

Other, specify: _____

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

Not Applicable

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

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

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

- a. For all bed and banks applications:
 - i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.
- b. For all alternate source applications:
 - i. If the alternate source is treated return flows, provide the TPDES permit number_____
 - ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

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

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

- iii. If groundwater will be used, provide the depth of the well_____and the name of the aquifer from which water is withdrawn_____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans Not Applicable

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

Instructions, Page 31.

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

1. Water Conservation Plans

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

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

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

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

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

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

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

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

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. ___Municipal Uses by public water suppliers. See 30 TAC § 288.20. Not Applicable
 2. ___Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. ___Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N___

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

Not Applicable

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

1. Is Accounting Plan Required

Accounting Plans are generally required:

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

2. Accounting Plan Requirements

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

WORKSHEET 8.0 CALCULATION OF FEES

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	250.00
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	52.28
TOTAL		\$ 327.28

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	
	OR Sever and Combine: \$100 x ___ of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 0.00

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ 0.00

APPENDIX C

SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM 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.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BRAZORIA §

THAT, 2004 MUSTANG CREEK, LTD., a Texas limited partnership ("Grantor"), for and in consideration of the sum of \$10.00 cash in hand paid by MC 288, LLC, a Delaware limited liability company ("Grantee"), whose address is 3090 Olive Street, Suite 300, Dallas, Texas 7519, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, has GRANTED and CONVEYED, and by these presents does GRANT and CONVEY unto Grantee, all of the real property situated in Brazoria County, Texas, and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes, together with all improvements, structures and fixtures located thereon, and all and singular, the rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto (collectively, the "Property").

For the same consideration, Grantor has GRANTED and CONVEYED, and by these presents does GRANT and CONVEY unto Grantee, without warranty, express or implied, all interest of Grantor, if any, in (1) strips and gores, if any, between the Property and any abutting properties, whether owned or claimed by deed, limitations or otherwise, and whether located inside or outside the Property; and (2) any land lying in or under the bed of any creek, stream or waterway or any highway, avenue, street, road, alley, easement or right of way, open or proposed, in, or across, abutting or adjacent to the Property.

This conveyance is being made by Grantor and accepted by Grantee subject only to those certain title exceptions and other matters set forth in Exhibit "B" attached hereto and made a part hereof for all purposes, but only to the extent that such exceptions are valid, existing, and, in fact, affect the Property.

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's successors and assigns forever; and subject only to the exceptions set forth on the attached Exhibit "B", Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

Republic Title of Texas, Inc. - COMMERCIAL
GF # 13R00869 GRG PFS

EXECUTED to be effective the 29 day of October, 2013.

GRANTOR:

2004 MUSTANG CREEK, LTD.,
a Texas limited partnership

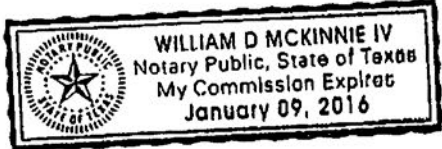
By: 2004 Mustang Creek GP, LLC,
a Texas limited liability company,
its general partner

By: *David Bruning*
Name: DAVID BRUNING
Title: VICE PRESIDENT

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on October 25, 2013, by David Bruning, Vice President of 2004 Mustang Creek GP, LLC, a Texas limited liability company, on behalf of said limited liability company in its capacity as general partner of 2004 Mustang Creek, Ltd., a Texas limited partnership on behalf of said limited partnership.

William D. McKinnie IV
Notary Public, State of Texas



After Recording, Return to:

MC 288, LLC
3090 Olive Street, Suite 300
Dallas, Texas 75219
Attn: Michele Ringnald

EXHIBIT "A"DESCRIPTION OF
1005.653 ACRES

Being 1005.653 acres of land located in the H.T. & B.R.R. Co. Survey, Section 88 (A.K.A.) R.B. Lyle Survey, Abstract 540, the A.C.H. & B.R.R. Co. Survey, Section 89, Abstract 417, the H.T. & B.R.R. Co. Survey, Section 78 (A.K.A.) J.S. Talmage Survey, Abstract 563 and the H.T. & B.R.R. Co. Survey, Section 79, Abstract 298, Brazoria County, Texas, more particularly being portions of Lots 5-10, 15, 26, 36, 46, 47 and 57 and all of Lots 16-20, 27-30, 37-40, 48-50, 58-60 of said Section 79, being portions of Lots 7, 17, 18, 38 and 50 and all of Lots 8-10, 19-20 of said Section 88, being portions of Lots 16, 17, 19-21, 27-29, 32, 34, and 41-42 and all of Lots 1-9, 11-13, 15, 22-24 and 33 of said Section 89, being a portion of Lots 1-6, 14-16, 26, 34-36 and 60 and all of Lots 11-13, 21-25, 31-33, 37, 38, 41-46 and 51-59 of said Section 78, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, Plat Records of said Brazoria County, being a portion of the residue of that certain called 656.512 acre tract (described as Tract 8) of record in File No. 2004058547, being a portion of that certain called 2.323 acre tract of record in File No. 2005040194, being all of the residue of that certain called 16.667 acre tract of record in File No. 2005029585, being all of the residue of that certain called 98.8 acre tract (described as Lots 2, 4, north 1/3 of 6, 11, 12, 14, 15, north 1/3 of 16, north 1/3 of 26, 41, 42 and 52) of record in File No. 2005040989, being all of that certain called 10.00 acre tract of record in File No. 2004071747, being all of that certain called 10.000 acre tract of record in File No. 2005008492, being all of that certain called 7 acre tract of record in File No. 2005005440, being all of that certain called 10.007 acre tract of record in File No. 2005009774, being all of that certain tract of land (described as Lot 58) of record in File No. 2004066618, being all of that certain called 10.007 acre tract (described as Tract 4) of record in File No. 2005029587, being all of the residue of that certain called 16.665 acre tract of record in File No. 2006024200, being all of that certain called 10.008 acre tract (described as Tract 1) of record in File No. 2005029631, being all of that certain called 5.002 acre tract of record in File No. 2005029627, being all of that certain called 5.005 acre tract of record in File No. 2005037389, being all of that certain called 10.000 acre tract (described as Tract 5) of record in File No. 2004058547, being a portion of that certain called 4.997 acre tract of record in File No. 2005029626, being a portion of that certain called 4.995 acre tract of record in File No. 2005029632, being all of that certain called 5.002 acre tract of record in File No. 2005029629, being all of that certain called 4.979 acre tract of record in File No. 2005029630, being a portion of that certain called 16.667 acre tract (described as Tract 4) of record in File No. 2004058547, being a portion of that certain called 2.500 acre tract of record in File No. 2005040193, being a portion of that certain called 2.500 acre tract of record in File No. 2005040190, being a portion of that certain called 2.500 acre tract of record in File No's. 2006055623 and 2006056371, being a portion of that certain called 19.736 acre tract (described as Tract 1) of record in File No. 2005029587, being a portion of that certain called 10.007 acre tract of record in File No. 2005032745, being all of that certain called 10.002 acre tract (described as Tract 3) of record in File No. 2004058547, being a portion of that certain called 9.998 acre tract (described as Tract 2) of record in File No. 2004058547, being a portion of the residue of a called 19.997 acre tract (described as Tract 2)

of record in File No. 2005029587, being all of that certain called 10.006 acre tract of record in File No. 2004074054, being a portion of that certain called 9.917 acre tract (described as Tract 7) of record in File No. 2004058547, being all of that certain called 2.444 acre tract (described as Tract 1) by instrument of record in File No. 2004058547, being all of that certain called 3.682 acre tract (described as Tract 3) of record in File No. 2005029628, being all of that certain called 2.500 acre tract (described as Tract 1) of record in File No. 2005029628, being all of that certain called 2.500 (described as Tract 2) of record in File No. 2005029631, being all of that certain called 1.668 acre tract (described as Tract 2) of record in File No. 2005029628, being all of that certain called 1.660 acre tract (described as Tract 3) of record in File No. 2005029631, being all of that certain called 20.005 acre tract (described as Tract 6) by instrument of record in File No. 2004058547, being the residue of that certain called 0.776 acre tract of record in File No. 200501332, being all of that certain called 1.537 acre tract of record in File No. 2007058411, being the residue of that certain called 3.540 acre tract of record in File No. 2007015511, all being Official Records of said Brazoria County (B.C.O.R.), and being conveyed to 2004 Mustang Creek, Ltd., and being all of Restricted Reserve "A", as shown on Mustang Creek Water Plant Site No. 1, a subdivision of record in Document No. 2007066891, B.C.O.R., being a residue of that certain called 139.676 acre tract (described as Part One) of record in File No. 2013000062, being a portion of that certain called 2.351 acre tract (described as Part Two) of record in File No. 2013000062, being all of that certain called 7.361 acre tract (described as Part Three) of record in File No. 2013000062, all being Official Public Records of said Brazoria County (B.C.O.P.R.), and being conveyed to 2004 Mustang Creek, Ltd., and being all of that certain called 1.00 acre tract by Sherriff's Deed of record in File No. 2007036078, B.C.O.R., conveyed to 2006 Mustang Creek Development, Inc., said 1005.653 acres being more particularly described in seven (7) parts by metes and bounds as follows, all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83 (1993 adjustment);

PART ONE

BEGINNING at the northeast corner of the aforementioned 656.512 acre tract, same being on the centerline of that certain Brazos Valley Irrigation Company easement (called 160' wide) of record in Volume 1367, Page 980, Deed Records, of said Brazoria County (B.C.D.R.), and transferred to American Canal Co., by instrument of record in Volume 733, Page 11, B.C.D.R, and on the common line of Lots 18 and 28 of Section 88;

Thence, with an east line of said 656.512 acre tract and east lines of Lots 18-20 of Section 88 and Lot 11 of Section 89, South $03^{\circ} 12' 16''$ East, 1,780.03 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set for corner, same being on the common line of Lots 11 and 21 of said section 89, the beginning of a curve;

Thence, leaving said common line, 67.27 feet along the arc of a non-tangent curve to the right having a radius of 275.00 feet, a central angle of $14^{\circ} 00' 54''$, and a chord that bears North $79^{\circ} 43' 18''$ East, 67.10 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;

Thence, North $86^{\circ} 43' 45''$ East, 593.41 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the northeast corner of the

aforementioned Restricted Reserve "A", as shown on Mustang Creek Water Plant Site No. 1;

Thence, South $03^{\circ} 12' 16''$ East, 465.01 feet to a 5/8-inch iron rod found marking the southeast corner of said 2.500 acre tract of record in File No. 2005040190, same being on the common line of Lots 21 and 22 of Section 89;

Thence, with the north line of Lots 22 and 32 of Section 89, North $86^{\circ} 43' 43''$ East, 883.43 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found on the west line of that certain called 1.5356 acre tract of land conveyed to Brazoria County, by instrument of record in File No. 2008043735, B.C.O.R., on the north line of the aforementioned 19.736 acre tract of record in File No. 2005029587;

Thence, leaving the north line of said 19.736 acre tract of record in File No. 2005029587 and the north line of said Lot 32 of Section 89, and along the west line of said 1.5356 acre tract, South $30^{\circ} 32' 59''$ West, 236.02 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;

Thence, South $42^{\circ} 43' 00''$ East, 130.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner, marking the south corner of said 1.5356 acre tract;

Thence, with the south line of said 1.5356 acre tract, North $54^{\circ} 59' 05''$ East, 265.90 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner, the beginning of a curve;

Thence, 155.10 feet along the arc of a non-tangent curve to the right having a radius of 696.20 feet, a central angle of $12^{\circ} 45' 52''$, and a chord that bears South $10^{\circ} 16' 38''$ East, 154.78 feet to a point for corner;

Thence, North $86^{\circ} 47' 41''$ East, 20.00 feet to a point for corner, on the east line of said 19.736 acre tract of record in File No. 2005029587 and the east line of said Lot 32 of Section 89;

Thence, with the east line of Lots 32 and 33 of Section 89, South $03^{\circ} 12' 19''$ East, 679.86 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common east corner of Lots 33 and 34 of Section 89;

Thence, with the common line of Lots 33 and 34 of Section 89, South $86^{\circ} 43' 57''$ West, 463.02 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;

Thence, leaving said common line, South $58^{\circ} 12' 11''$ West, 474.69 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner on the common line of Lots 24 and 34 of Section 89;

Thence, with said common lot line, South $03^{\circ} 09' 39''$ East, 268.28 feet to a 22-inch oak tree marking the common east corner of Lots 24 and 25 of Section 89;

Thence, with the common line of Lots 24 and 25 of Section 89, South $86^{\circ} 42' 40''$ West, 880.00 feet to a PK Nail set marking the common south corner of Lots 14 and 24 of Section 89, same being the southeast corner of that certain tract of

land conveyed to Gary Wayne Iltis, by instrument of record in File No. 98-025708, B.C.O.R.;

Thence, with the common line of Lots 14 and 24 of Section 89, North 03° 12' 16" West, 495.00 feet to a PK Nail set marking the common east corner of Lots 13 and 14 of Section 89, same being the northeast corner of that certain tract of land conveyed to Charles Logan Dietz, et ux, by instrument of record in File No. 96-018231, B.C.O.R.;

Thence, with the common line of Lots 13 and 14 of Section 89 and the north line of said Charles Logan Dietz tract, South 86° 46' 18" West, 879.70 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common north corner of Lots 4 and 14 of Section 89, same being the northwest corner of said Charles Logan Dietz tract;

Thence, with the common line of Lots 4 and 14 of Section 89, South 03° 10' 41" East, 495.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common west corner of Lots 14 and 15 of Section 89, same being the southwest corner of the aforementioned Gary Wayne Iltis tract;

Thence, with the common line of Lots 14 and 15 of Section 89 and the south line of said Gary Wayne Iltis tract, North 86° 46' 18" East, 879.92 feet to the aforementioned PK Nail set marking the common north corner of Lots 15 and 25 of Section 89, same being the southeast corner of said Gary Wayne Iltis tract;

Thence, with the east line of Lots 15, 16, and 17 of Section 89, South 03° 12' 16" East, 1,237.96 feet to a PK Nail set marking the southeast corner of the aforementioned 5.002 acre tract, same being the northeast corner of that certain tract of land conveyed to John Wayne Bond, et ux, by instrument of record in Volume 1260, Page 330, B.C.D.R.;

Thence, with the common line of said 5.002 acre tract and said John Wayne Bond tract, South 86° 48' 27" West, 880.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common west corner of said 5.002 acre tract and said John Wayne Bond tract, same being on the common line of Lots 7 and 17 of Section 89;

Thence, with the west line of Lots 17-19 of Section 89, South 03° 12' 16" East, 990.65 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common west corner of the aforementioned 4.979 acre tract of record in File No. 2005029630 and that certain tract of land conveyed to Ben T. Harris, by instrument of record in Volume 895, Page 262, B.C.D.R.;

Thence, with the north line of said 4.979 acre tract, North 86° 46' 14" East, 880.00 feet to a PK Nail set marking the common east corner of said 4.979 acre tract and that certain called 2.76 acre tract conveyed to Ben T. Harris, by instrument of record in File No. 98-036700, B.C.O.R., same being on the common line of Lots 19 and 29 of Section 89;

Thence, with the common line of Lots 19 and 29 of Section 89, South 03° 12' 16" East, 82.35 feet to a PK Nail set marking the northwest corner of the aforementioned 1.668 acre tract (described as Tract 2) of record in File No. 2005029628;

Thence, with the north line of said 1.668 acre tract, North 86° 45' 49" East, 880.12 feet to a 1/2-inch iron pipe found marking the northeast corner of said 1.668 acre tract, same being on the common line of Lots 29 and 39 of Section 89;

Thence, with the common line of said Lots 29 and 39 of Section 89, South 03° 12' 59" East, 164.30 feet to a 1-inch iron rod found marking the common east corner of Lots 29 and 30 of Section 89, same being the southeast corner of the aforementioned 1.660 acre tract (described as Tract 3) of record in File No. 2005029631;

Thence, with the common line of Lots 29 and 30 of Section 89, South 86° 50' 31" West, 880.16 feet to a PK Nail set marking the common north corner of Lots 20 and 30 of Section 89;

Thence, with the common line of Lots 20 and 30 of Section 89, South 03° 12' 16" East, 238.23 feet to a PK Nail set for the northeast corner of that certain called 5.33 acre tract conveyed to Brazoria County, Texas by an instrument of record in File No. 2012058942, B.C.O.P.R.;

Thence, South 86° 38' 54" West, departing said common line, passing at 29.78 feet a found 1/2-inch iron rod with a cap stamped "PIN-POINT RPLS-6086" and continuing in all 496.75 feet to a 1/2-inch iron rod with a cap stamped "PIN-POINT RPLS-6086" found for the northwest corner of said 5.33 acre tract;

Thence, South 03° 13' 44" East, 466.77 feet to a point for corner on the north line of that certain called 1.776 acre tract (described as Parcel 417-20) conveyed to Brazoria County, Texas, for road widening by an instrument of record in File No. 2007037564, B.C.O.R., from which point a found 1/2-inch iron rod with a cap stamped "PIN-POINT RPLS-6086" bears South 03° 13' 44" East, 0.36 feet;

Thence, along the north line of said 1.776 acre tract, South 86° 38' 13" West, 383.45 feet to a 5/8-inch iron rod with plastic cap stamped "Weisser Eng. Houston, Tx." found marking the northwest corner of said 1.776 acre tract, on the common line of Lots 10 and 20 of Section 89;

Thence, along said common lot line, North 03° 12' 16" West, 704.89 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common east corner of Lots 9 and 10 of Section 89;

Thence, with the common line of Lots 9 and 10 of Section 89, South 86° 38' 13" West, 880.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common north corner of Lot 60 of Section 78 and Lot 10 of Section 89, on the common line of the aforementioned A.C.H. & B.R.R. Co. Survey, Section 89 and the H.T. & B.R.R. Co. Survey, Section 78;

Thence, with the common line of Lot 60 of Section 78 and Lot 10 of Section 89 and said common survey line, South 03° 13' 04" East, 704.89 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set at the northeast corner of that certain called 1.818 acre tract (described as Parcel 563-60) conveyed to Brazoria County, Texas, for road widening, by an instrument of record in File No. 2007037563, B.C.O.R.;

Thence, along the north line of said 1.818 acre tract, South $86^{\circ} 38' 13''$ West, 879.84 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set at the northwest corner of said 1.818 acre tract, on the common line of Lots 50 and 60 of Section 78;

Thence, with the common line of Lots 50 and 60 of Section 78, North $03^{\circ} 13' 52''$ West, 704.90 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common south corner of Lots 49 and 59 of Section 78;

Thence, along the west line of Lots 58 and 59 of Section 78, North $03^{\circ} 12' 16''$ West, 990.65 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common south corner of Lots 47 and 57 of Section 78;

Thence, along the common line of Lots 47 and 57 of Section 78, North $03^{\circ} 11' 46''$ West, 495.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the common east corner of Lots 46 and 47 of Section 78;

Thence, with the common line of Lots 46 and 47 of Section 78, South $86^{\circ} 38' 13''$ West, 880.00 feet to a 5/8-inch iron rod found marking the common south corner of Lots 36 and 46 of Section 78;

Thence, with the common line of Lots 36 and 46 of Section 78, North $03^{\circ} 14' 23''$ West, 346.50 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;

Thence, departing said common line, South $86^{\circ} 46' 18''$ West, 2,520.81 feet to a 5/8-inch iron rod with cap stamped "CCI-713-947-6606" found for the southeast corner of that certain called 2.634 acre tract (described as Parcel NS-6E) conveyed to Brazoria County, Texas by an instrument of record in File No. 2010028179, B.C.O.P.R.;

Thence, North $03^{\circ} 15' 49''$ West, 148.52 feet to a 5/8-inch iron rod with plastic cap stamped "CCI-713-947-6606" found for corner;

Thence, North $03^{\circ} 12' 16''$ West, 633.50 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set for corner;

Thence, North $28^{\circ} 38' 44''$ East, 176.53 feet to the northeast corner of said 2.634 acre tract said point being in the centerline of Mustang Bayou and on the arc of a curve whose center bears North $11^{\circ} 32' 56''$ West;

Thence, 136.08 feet along the arc of a non-tangent curve to the right having a radius of 300.00 feet, a central angle of $25^{\circ} 59' 24''$ and a chord which bears North $88^{\circ} 33' 14''$ West, 134.92 feet to the northwest corner of said 2.634 acre tract said point being in the centerline of Mustang Bayou;

Thence, South $28^{\circ} 38' 44''$ West, departing said centerline passing at 69.08 feet a found 5/8-inch iron rod with plastic cap stamped "CCI-713-947-6606" and continuing in all 149.10 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set for corner;

Thence, South $03^{\circ} 12' 16''$ East, 667.81 feet to a 5/8-inch iron rod with plastic

cap stamped "LJA ENG" set for corner;

Thence, South 03° 15' 49" East, 148.50 feet to a 5/8-inch iron rod with plastic cap stamped "CCI-713-947-6606" found for the southwest corner of said 2.634 acre tract;

Thence, South 86° 46' 18" West, 751.91 feet to the southeast corner of that certain called 11.775 acre tract (described as Parcel 298-6), conveyed to Brazoria County, Texas, for road widening by an instrument of record in File No. 2007037562, B.C.O.R., from which point a found 5/8-inch iron rod with plastic cap stamped Weisser Eng. Houston, Tx." bears North 03° 18' 17" West, 0.16 feet;

Thence, along the east line of said 11.775 acre tract, North 03° 18' 17" West, 5,488.42 feet to a 5/8-inch iron rod with plastic cap stamped "Weisser Eng. Houston, Tx." found for corner;

Thence, continuing along the east line of said 11.775 acre tract, North 03° 15' 07" West, 275.70 feet to a point for corner, on the north line of said 656.512 acre tract and on the centerline of the aforementioned 160 foot wide American Canal Company easement;

Thence, with said north line and said centerline, South 81° 51' 19" East, 7,060.73 feet to the POINT OF BEGINNING and containing 972.859 gross acres of land.

SAVE & EXCEPT however from Part One, the following two (2) tracts of land.

SAVE & EXCEPT TRACT ONE

Being 0.455 acre of land located in the A.C.H. & B.R.R. Co. Survey, Section 89, Abstract 417, Brazoria County, Texas, more particularly being a portion of Lot 16 of Section 89, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, Plat Records, of said Brazoria County, being all of that certain called 0.091 acre tract conveyed to Nancy Davis, by instrument of record in File No. 2006038046, B.C.O.R., being all of that certain called 0.091 acre tract conveyed to Danny A. Traylor, by instrument of record in File No. 2006038040, B.C.O.R., being all of that certain called 0.091 acre tract conveyed to David A. Hamilton, by instrument of record in File No. 2006038047, B.C.O.R., being all of that certain called 0.091 acre tract conveyed to Nancy A. Stone, by instrument of record in File No. 2006038044, B.C.O.R., and being all of that certain called 0.091 acre tract conveyed to Floyd A. Mechler, Jr., by instrument of record in File No. 2006038042, B.C.O.R., said 0.455 acre tract being more particularly described metes and bounds as follows, all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83 (1993 adjustment);

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for the northeast corner of the herein described 0.455 acre tract, being the northeast corner of said 0.091 acre tract conveyed to Nancy Davis and on the common line of Lots 15 and 16 of Section 89;

Thence, leaving said common line of Lots 15 and 16 of Section 89, South 03° 12' 16" East, 247.50 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the southeast corner of the herein described 0.455 acre tract, being the southeast corner of said Floyd A. Mechler, Jr. tract;

Thence, along the south line of said Floyd A. Mechler, Jr. tract, South 86° 46' 18" West, 80.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the southwest corner of the herein described 0.455 acre tract, being the southwest corner of said Floyd A. Mechler, Jr. tract;

Thence, North 03° 12' 16" West, 247.50 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the northwest corner of the herein described tract, being the northwest corner of the aforementioned Nancy Davis tract and on said common line of Lots 15 and 16 of Section 89;

Thence, along the north line of said Nancy Davis tract and the common line of Lots 15 and 16 of Section 89, North 86° 46' 18" East, 80.00 feet to the POINT OF BEGINNING and containing 0.455 acre of land.

SAVE & EXCEPT TRACT TWO

Being 0.448 acre of land located in the H.T. & B.R.R. Co. Survey, Section 78, (A.K.A.) J. S. Talmage Survey, Abstract 563, Brazoria County, Texas, more particularly being a portion of Lots 34 and 35 of said Section 78, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, Plat Records, Brazoria County, Texas, being all of that certain called 0.090 acre tract conveyed to Alicia Skinner, by instrument of record in File No. 2006038168, being all of that certain called 0.090 acre tract conveyed to Michelle L. Steadman, by instrument of record in File No. 2006038169, being all of that certain called 0.090 acre tract conveyed to C.M. Eastland, by instrument of record in File No. 2006038163, being all of that certain called 0.090 acre tract conveyed to Michael Thornhill, by instrument of record in File No. 2006038157, and being all of that certain called 0.090 acre tract conveyed to Brandon Guillory, by instrument of record in File No. 2006038159, all being Official Records of said Brazoria County, Texas, said 0.448 acre being more particularly described by metes and bound as follows, all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83 (1993 adjustment);

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking an angle point in the west line of the aforementioned C.M. Eastland tract, same being the common south corner of Lots 24 and 34 of Section 78;

Thence, with the common line of Lots 24 and 34 of Section 78, North 03° 04' 09" West, 346.98 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the northwest corner of the herein described 0.448 acre tract, being the northwest corner of said Alicia Skinner tract;

Thence, leaving said common line of Lots 24 and 34 of Section 78, with north line of said Alicia Skinner tract, North 86° 55' 51" East, 30.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for the northeast corner of

the herein described tract, being the northeast corner of said Alicia Skinner tract;

Thence, South $03^{\circ} 04' 09''$ East, 346.94 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner, being on the common line of Lots 34 and 35 of Section 78;

Thence, leaving said common line, South $03^{\circ} 15' 00''$ East, 303.02 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the southeast corner of the herein described tract, same being the southeast corner of said Brandon Guillory tract;

Thence, with the south line of said Brandon Guillory tract, South $86^{\circ} 45' 00''$ West, 30.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the southwest corner of the herein described 0.448 acre tract, same being the southwest corner of said Brandon Guillory tract and on the common line of Lots 25 and 35 of Section 78;

Thence, with said common lot line, North $03^{\circ} 15' 00''$ West, 303.06 feet to the POINT OF BEGINNING and containing 0.448 acre of land.

Resulting, however, in a net area of 971.956 acres of land for Part One.

PART TWO

BEGINNING at a 1/2-inch iron rod found marking the common south corner of Lots 28 and 38 of Section 88, same being the southwest corner of the aforementioned 2.444 acre tract (described as Tract 1);

Thence, with the common line of Lots 28 and 38 of Section 88 and the west line of said 2.444 acre tract, North $03^{\circ} 15' 40''$ West, 244.31 feet to the northwest corner of said 2.444 acre tract, same being on the centerline of the aforementioned 160 foot wide American Canal Co. easement;

Thence, with the north line of said 2.444 acre tract and said centerline, South $81^{\circ} 51' 19''$ East, 91.13 feet to a point for corner;

Thence, continuing with said north line and said centerline, South $76^{\circ} 42' 09''$ East, 788.35 feet to the east corner of said 2.444 acre tract, same being on the common line of Lots 38 and 39 of Section 88;

Thence, with the south line of said 2.444 acre tract and said common lot line, South $86^{\circ} 37' 46''$ West, 844.99 feet to the POINT OF BEGINNING and containing 2.444 acres of land.

PART THREE

BEGINNING at a PK Nail set at the southwest corner of the aforementioned 3.682 acre tract (described as Tract 3), same being the common south corner of Lots 17 and 27 of Section 89;

Thence, with the west line of said 3.682 acre tract and the common line of Lots

17 and 27 of Section 89, North 03° 12' 16" West, 182.27 feet to a PK Nail set at the northwest corner of said 3.682 acre tract;

Thence, with the north line of said 3.682 acre tract, North 86° 43' 24" East, 880.52 feet to a 1/2-inch iron pipe found marking the northeast corner of said 3.682 acre tract, same being on the common line of Lots 27 and 37 of Section 89;

Thence, with the east line of said 3.682 acre tract and said common lot line, South 03° 08' 05" East, 182.12 feet to a 1/2-inch iron pipe found marking the southeast corner of said 3.682 acre tract, same being the common east corner of Lots 27 and 28 of Section 89;

Thence, with the south line of said 3.682 acre tract and common line of Lots 27 and 28 of Section 89, South 86° 42' 47" West, 880.30 feet to the POINT OF BEGINNING and containing 3.682 acres of land.

PART FOUR

BEGINNING at a PK Nail set at the southwest corner of the aforementioned 2.500 acre tract (described as Tract 2), same being the common south corner of Lots 18 and 28 of Section 89;

Thence, with the common line of Lots 18 and 28 of Section 89, North 03° 12' 16" West, 247.50 feet to a PK Nail set at the northwest corner of the aforementioned 2.500 acre tract (described as Tract 1);

Thence, with the north line of said 2.500 acre tract (described as Tract 1), North 86° 42' 47" East, 880.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found marking the northeast corner of said 2.500 acre tract (described as Tract 1), same being on the common line of Lots 28 and 38 of Section 89;

Thence, with said common lot line, South 03° 11' 51" East, 247.50 feet to a 1-inch iron pipe found marking the southeast corner of said 2.500 acre tract (described as Tract 2), same being the common east corner of Lots 28 and 29 of Section 89;

Thence, with the south line of said 2.500 acre tract (described as Tract 2) and the common line of Lots 28 and 29 of Section 89, South 86° 42' 47" West, 879.97 feet to the POINT OF BEGINNING and containing 5.000 acres of land.

PART FIVE

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set at the southwest corner of the aforementioned 20.005 acre tract (described as Tract 6), same being the common south corner of Lots 28 and 38 of Section 78;

Thence, with the west line of said 20.005 acre tract and the west line of Lots 37 and 38 of Section 78, North 03° 15' 00" West, 990.27 feet to a 3/4-inch iron rod found marking the northwest corner of said 20.005 acre tract, same being the

common west corner of Lots 36 and 37 of Section 78;

Thence, with the north line of said 20.005 acre tract and the common line of Lots 36 and 37 of Section 78, North $86^{\circ} 46' 18''$ East, 880.39 feet to a 5/8-inch iron rod found marking the northeast corner of said 20.005 acre tract, same being the common east corner of Lots 36 and 37 of Section 78;

Thence, with the east line of said 20.005 acre tract and the east lines of Lots 37 and 38 of Section 78, South $03^{\circ} 12' 51''$ East, 990.04 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set at the southeast corner of said 20.005 acre tract, same being the common east corner of Lots 38 and 39 of Section 78;

Thence, with the south line of said 20.005 acre tract and the common line of Lots 38 and 39 of Section 78, South $86^{\circ} 45' 23''$ West, 879.76 feet to the POINT OF BEGINNING and containing 20.005 acres of land.

PART SIX

BEGINNING at a 5/8-inch iron rod found on the north right-of-way line of County Road 101 (125 feet wide at this point), same being on the common line of Lots 31 and 41, of Section 89, and being the southwest corner of the aforementioned 1.537 acre tract;

Thence, with said common line of Lots 31 and 41, of Section 89 and Lots 40 and 50, of Section 88, and along the west line of said 1.537 acre tract, North $03^{\circ} 22' 45''$ West, 85.18 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;

Thence, leaving said common lot line and with the north line of said 1.537 acre tract, the following five (5) courses:

1. North $67^{\circ} 47' 59''$ East, 367.51 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;
2. North $00^{\circ} 00' 31''$ West, 84.36 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;
3. North $88^{\circ} 50' 26''$ East, 33.59 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner;
4. North, 194.79 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner on the south line of that certain undivided interest tract conveyed to Joe M. Robinson by an instrument of record in Volume 1063, Page 297, Deed Records, of said Brazoria County, and to William R. Sledge, et ux by an instrument of record in File No. 03-004844, B.C.O.R.;
5. North $86^{\circ} 46' 01''$ East, 62.30 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner, same being the southeast corner of said Robinson and Sledge tract and being on the west right-of-way line of State Highway No. 288 (420 feet wide at this point);

Thence, with said west right-of-way line, South $03^{\circ} 15' 57''$ East, 295.00 feet to

a 4-inch by 4-inch concrete monument found for corner, same being on the aforesaid north right-of-way line of County Road 101 (width varies);

Thence, with said north right-of-way line, South $32^{\circ} 05' 10''$ West, 80.72 feet to a 4-inch by 4-inch concrete monument found for corner;

Thence, continuing with said north right-of-way line, South $67^{\circ} 47' 59''$ West, 373.07 feet to a 4-inch by 4-inch concrete monument found for corner;

Thence, continuing with said north right-of-way line, South $86^{\circ} 46' 01''$ West, 59.62 feet to the POINT OF BEGINNING and containing 1.537 acres of land.

PART SEVEN

COMMENCING at a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found on the south right-of-way line of County Road 101 (125 feet wide at this point), same being on the common line of Lots 31 and 41 of said Section 89, marking the northwest corner of that certain called 2.5107 acre tract conveyed to Brazoria County, by instrument of record in Document No. 2008043735, B.C.O.R.;

Thence, with the west line of Lots 41 and 42 of Section 89 and the west line of said 2.5107 acre tract, South $03^{\circ} 12' 19''$ East, 430.92 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found, marking the southwest corner of said 2.5107 acre tract for the POINT OF BEGINNING, the beginning of a curve;

Thence, along the south line of said 2.5107 acre tract, 497.00 feet along an arc of a curve to the right having a radius of 1312.40 feet, a central angle of $21^{\circ} 41' 51''$, and a chord that bears North $60^{\circ} 26' 52''$ East, 494.03 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" found for corner, being on the west right-of-way line of State Highway No. 288 (width varies), marking the southeast corner of said 2.5107 acre tract;

Thence, along said west right-of-way line, South $03^{\circ} 15' 57''$ East, 88.10 feet to a point for corner in the centerline of Mustang Bayou;

Thence, with the centerline meanders of said Mustang Bayou, the following seven (7) courses:

1. South $86^{\circ} 56' 53''$ West, 33.98 feet to a point for corner;
2. South $74^{\circ} 11' 51''$ West, 57.55 feet to a point for corner;
3. South $60^{\circ} 35' 04''$ West, 112.75 feet to a point for corner;
4. South $52^{\circ} 29' 58''$ West, 84.60 feet to a point for corner;
5. South $49^{\circ} 05' 05''$ West, 56.57 feet to a point for corner;
6. South $36^{\circ} 44' 29''$ West, 144.49 feet to a point for corner;
7. South $41^{\circ} 57' 06''$ West, 62.16 feet to a 5/8-inch iron rod with plastic cap

stamped "LJA ENG" found for corner on the common line of Lots 32 and 42 of Section 89;

Thence, with the common line of Lots 32 and 42 of Section 89, North 03° 12' 19" West, 167.99 feet to the POINT OF BEGINNING and containing 1.029 acres of land.

Said Part One, Part Two, Part Three, Part Four, Part Five, Part Six and Part Seven containing a total of 1005.653 acres of land.

A FIELD NOTE DESCRIPTION of 100.353 Acres of Land

Being a portion of a 120.672 Acre Tract of Land (Brazoria County Clerk's File No. 02-061093) being out of an original call 193 Acre Tract of Land (Volume 600, Page 488; Deed Records of Brazoria County, Texas) being in the J. S. Talrnage Survey, Abstract No. 566, Brazoria County, Texas.

BEGINNING at a 1/2 inch diameter iron rod found for the Southwest corner of said 120.672 Acre Tract; Said corner being in the Easterly right-of-way line of Brazoria County Road No. 564 (width varies), being the Southeast corner of a call 0.67 Acre Tract of Land ten feet wide for road right-of-way (Parcel No. 1, Volume 980, Page 894; Deed Records of Brazoria County, Texas), being the Southwest corner of a 42.134 Acre Tract of Land (Brazoria County Clerk's File No. 92-040666), being the Southwest corner of a call 90.922 Acre Tract (Volume 84-54, Page 501; Official Records of Brazoria County, Texas) and bears North 89 Degrees, 52 Minutes, East -10.0 feet from the Southwest corner of said call 193 Acre Tract; Said beginning corner being the Southwest corner of this 100.353 Acre Tract;

THENCE; North 0 Degrees, 10 Minutes, 0 Seconds West (reference bearing), at 1518.59 feet pass a 5/8 inch iron rod with plastic cap found for reference in the Southwesterly line of an eighty foot wide drainage easement (Volume 1027, Page 595; Deed Records of Brazoria County, Texas), in all 1560.50 feet to a point for the most Westerly Northwest corner of this tract; Said corner being in the centerline of Mustang Bayou, being the Northwest corner of said 42.134 Acre Tract and being the Southwest corner of a 20.319 Acre Remainder Tract of said 120.672 Acre Tract;

THENCE; South 72 Degrees, 49 Minutes, 3 Seconds East, at 360.83 feet pass the Westerly line of an eighty foot wide power company easement (Unrecorded), in all 444.60 feet along the centerline of said Mustang Bayou, along the centerline of said eighty foot wide drainage easement and along the most southerly line of said 20.319 Acre Tract to a point for interior corner of this tract; Said corner being the most Southerly Southeast corner of said 20.319 Acre Tract;

THENCE; North 0 Degrees, 5 Minutes, 17 Seconds West, at 41.89 feet pass a 5/8 inch diameter iron rod with plastic cap set for reference in the Northerly line of said eighty foot wide drainage easement, in all 1071.49 feet along the Easterly line of said eighty foot wide power company easement to a 5/8 inch diameter iron rod with plastic cap set for the most Northerly Northwest corner of this tract;

THENCE; North 89 Degrees, 50 Minutes, 0 Seconds East - 935.46 feet to a 5/8 inch diameter iron rod with plastic cap set for the most Northerly Northeast corner of this tract; Said corner being the most Easterly Southeast corner of said 20.319 Acre Tract and bears South 0 Degrees, 10 Minutes, 0 Seconds East - 378.61 feet from a 3/4 inch inside diameter iron pipe found for the most Northerly Northeast corner of said 120.672 Acre Tract;

THENCE; South 0 Degrees, 10 Minutes, 0 Seconds East, at 1322.28 feet pass a 1/2 inch diameter iron rod found for reference in the Northerly line of said eighty foot wide drainage easement, in all 1364.19 feet along an Easterly line of said 120.672 Acre Tract to a point for interior corner of this tract; Said corner being the Northeast corner of said 42.134 Acre Tract and being the Northwest corner of a 32.042 Acre Tract (Brazoria County Clerk's File No. 92-040667);

THENCE; Southeasterly, along a Northerly line of said 120.672 Acre Tract, being along the Northerly line of said 32.042 Acre Tract, being along the centerline of said eighty foot wide drainage easement and along the centerline of said Mustang Bayou with the following courses and distances;

South 72 Degrees, 53 Minutes, 47 Seconds East - 999.18 feet to a point for corner;

South 88 Degrees, 40 Minutes, 0 Seconds East - 544.15 feet to a point for the most Easterly Northeast corner of this tract; Said corner being the most Easterly Northeast corner of said 120.672 Acre Tract and being the Northeast corner of said 32.042 Acre Tract;

THENCE; South 0 Degrees, 10 Minutes, 0 Seconds East, at 40.01 feet pass a 5/8 inch iron rod with plastic cap found for reference in the Southerly line of said eighty foot wide drainage easement, in all 826.00 feet along the most Easterly line of said 120.672 Acre Tract being along the Easterly line of said 32.042 Acre Tract to a 1/2 inch diameter iron rod found for the Southeast corner of this tract; Said corner being the Southeast corner of said 120.672 Acre Tract;

THENCE; South 89 Degrees, 52 Minutes, 0 Seconds West, at 1498,10 feet pass a 1/2 inch diameter iron rod found for the Southwest corner of said 32.042 Acre Tract and for the Southeast corner of said 42.134 Acre Tract, in all 2859,40 feet along the Southerly line of said 120.672 Acre Tract and along the Southerly line of said call 193 Acre Tract to the PLACE OF BEGINNING and containing 100.353 Acres of land.

Description of a 1.00 acre tract of land:

The Surface Only of Tract 57A consisting of 1 acre of land, more or less out of the HT&B Railroad Company Survey, Abstract 298, located in Brazoria County, Texas, conveyed to 2006 Mustang Creek Development, Inc. by Sheriff's Deed, dated June 25, 2007 and recorded as Document Number 2007036078 in the Official Public Records of Brazoria County, Texas.

EXHIBIT "B"**PERMITTED EXCEPTIONS**

1. Restrictive Covenants recorded in/under Document No. 2007066891 of the Official Public Records of BRAZORIA County, Texas. (As to Mustang Creek Water Plant Site No. 1 - 2.351 acres only).
2. Road easements located through out subject property, as shown on plat of record in Volume 2, Page 98; Volume 131, Page 594; Volume 123, Page 517; Brazoria County Clerk's No. 2008046832, 2008046833, 2008046834, Plat Records, Brazoria County, Texas, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
3. Canal easement conveyed to or reserved by Brazos Valley Irrigation Company, described in instruments recorded in Volume 1367, Page 954, Volume 1367, Page 960, Volume 1367 Page 947, Volume 1367 Page 973, Volume 1367 Page 976, Volume 1367 Page 980, Volume 1367 Page 989, of the Deed Records of Brazoria County, Texas and as reflected by Volume 2, Page 98 of the Plat Records of Brazoria County, Texas, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
4. Conveyance (with reverter) for road purposes to Brazoria County, Texas, as recorded in Volume 128, Page 235 of the Deed Records of Brazoria County, Texas, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
5. Easement(s) granted to Brazos Valley Irrigation Company by instrument(s) recorded in Volume 1368, Page 1 of the Deed Records of Brazoria County, Texas, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
6. Easement(s) granted to Brazoria County, Texas by instrument(s) recorded in Volume 899, Page 621 of the Deed Records of Brazoria County, Texas, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
7. Canal easements recorded in Volume 638, Page 127; Volume 733, Page 11; Volume 749, Page 441; Volume 1367, Page 967; Volume 1367, Page 971, and Volume 379, Page 83 all of the Deed Records of Brazoria County, Texas, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
8. Easement(s) ten (10) feet in width, together with aerial easements five (5) feet wide from a plane twenty (20) above the ground, located on both sides of said ten (10) foot wide easements granted to Houston Lighting and Power Company by instrument(s) recorded in Volume 1617, Page 437 and in Volume 1617, Page 440 of the Deed Records of Brazoria

County, Texas, as shown on the survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.

9. Non-participating 1/8 royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 945, Page 616 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to west 1/2 of Lot 38 of Allison-Richey Gulf Coast Home Company's Subdivision, Section 88.)
10. 1/8 perpetual non-participating royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 945, Page 605 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to east 1/2 of Lot 58 of Allison-Richey Gulf Coast Home Company Subdivision of Section 79.)
11. 1/32 non-participating royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 737, Page 194 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lots 8, 9, 18 and 19 of the Allison Richey Gulf Coast Home Company Subdivision of Section 88.)
12. Mineral reservation in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property from R H Allison and Olivia Colbury to Morris Jamison is excepted herefrom as set forth in instrument recorded in Volume 394, Page 153 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument.
13. 1/16 non-participating royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 685, Page 28 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lots 8, 9, 18 and 19 of Allison-Richey Gulf Coast Home Company Subdivision of Section 88.)
14. 1/16 royalty interest in and to the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted here from, as set forth in instrument recorded in Volume 387, Page 502 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument.

15. $\frac{3}{32}$ non-participating royalty interest in and to all of the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 620, Page 45 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lot 46, Allison-Richey Gulf Coast Home Company Subdivision of Section 78.)
16. $\frac{1}{8}$ of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 786, Page 659 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lot 9, Abstract 417)
17. $\frac{1}{4}$ of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 391, Page 511 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lot 6, Abstract 417)
18. $\frac{1}{4}$ of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 442, Page 439 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lot 6, Abstract 417)
19. $\frac{1}{2}$ of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 738, Page 569 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lot 38, Abstract 563)
20. All the oil, gas and other minerals, except a $\frac{1}{64}$ royalty interest, the royalties, bonuses, rentals and all other rights in connection with same, all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded in Volume 476, Page 502 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lot 33, Abstract 417)
21. All the oil, gas and other minerals, except a $\frac{1}{32}$ royalty interest, the royalties, bonuses, rentals and all other rights in connection with same, all of which are expressly excepted

herefrom and not insured hereunder, as same are set forth in instrument recorded in Volume 394, Page 150 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (waivers of surface rights as set out under Brazoria County Clerk's File No. 2005066588) (As to Lots 1 through 5, 11 through 13, 20, 24, West 6.5 acres of 44, West 1/2 of 55 through 58, Abstract 417; Lots 1, 3, 5, 13, North 3 acres of 35, 51, 53, 55, North 3 acres of 56, Abstract 563; and Lots 36, 37, 47, 48, 49, 50 and 59, Abstract 298)

22. All the oil, gas and other minerals, except a 1/32 royalty interest, the royalties, bonuses, rentals and all other rights in connection with same, all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded in Volume 426, Page 217 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to the East 1/2 of Lot 38, Abstract 540)
23. All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same, all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded in Volume 611, Page 155 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lots 4 through 7, 14 through 17, 24 through 27 and 34 through 37, Abstract 540)
24. 1/8 royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 223, Page 291 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lot 40, Abstract 298)
25. Reservation of all minerals and mineral rights; except a 1/32 non-participating royalty of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 379, Page 77 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. Surface rights waived as set out under Brazoria County Clerk's File No. 2006042673, as amended by 2007058413. (As to Lots 21 through 25, 31, 32, 43, 44 and 45, Abstract 563; Lots 6 through 10, 16 through 20, 26 through 30, Abstract 298)
26. Reservation of a 1/16 non-participating royalty of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 630, Page 434 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to Lots 38 and 39 of HT&B Railway Company Survey Section No. 79, Abstract No. 298, Brazoria County, Texas.)

27. Conveyance of 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 801, Page 231 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. (As to the West 3 acres and 1 acre out of the West 5 acres of Lot 57, Abstract 298)
28. 1/16 non-participating royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 442, Page 109 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument.
29. Conveyance of 1/16th of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 222, Page 67 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. The right of ingress and egress for the exploration of minerals was retained therein. (As to Lot 56, Abstract 563)
30. Conveyance of 1/4 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 378, Page 585 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. The right of ingress and egress for the exploration of minerals was retained therein. (As to Lot 56, Abstract 563)
31. Conveyance of 1/16th royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 381, Page 309 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. The right of ingress and egress for the exploration of minerals was retained therein. (As to Lot 34, Abstract 563)
32. Conveyance of royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 621, Page 608 of the Deed Records of Brazoria County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. The right of ingress and egress for the exploration of minerals was retained therein. (As to Lot 34, Abstract 563)

33. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded in Volume 1004, Page 761 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (Affects numerous acres out of Abstract 563) (waiver of surface rights as set out under Brazoria County Clerk's File No. 2005066587)
34. 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 697, Page 97 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to Lot 58, Abstract 563)
35. 1/8 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 188, Page 226 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to the South 7 acres of Lot 56, Abstract 563)
36. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded in Volume 706, Page 680 and Volume 713, Page 46 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to Lots 26, 27, 29 and the North 1/2 of 8, Abstract 417)
37. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded in Volume 920, Page 135 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to Lot 29, Abstract 417)
38. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded in Volume 1542, Page 392 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to Lots 8, 17, 26 and 29, Abstract 417)
39. Reservation of all (except 1/32nd non-participating royalty interest) of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 428, Page 15 of the Deed Records of Brazoria County, Texas. The right of ingress and egress for the

exploration of minerals was retained therein. Title to said interest not checked subsequent to the date thereof. (As to Lots 22 and 32, Abstract 417)

40. Conveyance of 1/32nd non-participating royalty interest and mineral reservation in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 428, Page 15 of the Deed Records of Brazoria County, Texas. The right of ingress and egress for the exploration of minerals was retained therein. Title to said interest not checked subsequent to the date thereof. (As to Lots 22 and 32, Abstract 417)
41. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded in Volume 704, Page 666 of the Deed Records of Brazoria County, Texas. The right of ingress and egress for the exploration of minerals was retained therein. Title to said interest not checked subsequent to the date thereof. (As to Lots 8, 17, 26 and 29, Abstract 417)
42. Mineral Deed recorded in Volume 88521, Page 696 and Volume 85159, Page 277 of the Official Public Records of Brazoria County, Texas, and in Volume 1505, Page 460 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to Lots 22 and 32, Abstract 417)
43. Reservation of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 317, Page 109 of the Deed Records of Brazoria County, Texas. The right of ingress and egress for the exploration of minerals was retained therein. Title to said interest not checked subsequent to the date thereof. (As to the West 1/2 of Lot 59, Abstract 563)
44. 1/16th royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 207, Page 372 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to North 1/2 of Lot 8 in the Allison-Richey Gulf Coast Home Company's Suburban Gardens Subdivision Section 89.)
45. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2003-024917. Title to said interest not checked subsequent to the date thereof. (As to Lot 8, Abstract 417)

46. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded in Volume 1313, Page 206 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to the South 1/2 of Lot 19, Abstract 417)
47. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded in Volume 1313, Page 215 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to the South 1/2 of Lot 16, Abstract 417)
48. 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 1127, Page 297 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to the West 1/2 of the East 1/2 of Lot 21, Abstract 417)
49. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 93005876. Title to said interest not checked subsequent to the date thereof. (As to Lot 23, Abstract 417)
50. 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same are excepted herefrom, as set forth in instrument recorded in Volume 758, Page 175 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof. (As to Lot 35, Abstract 563)
51. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2004074054. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation". (As to Lot 35, Section 78 of Allison-Richey Gulf Coast Home Company part of Suburban Gardens.)
52. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005047727. Title to said interest not checked subsequent to the date thereof. Said deed

herein states, "waives and releases any and all rights to use the surface of the Property to conduct exploratory operations with respect tot he retained oil, gas and other minerals". (As to West one half of Lot 58, Allison-Richey Gulf Coast Home Company Subdivision Section 78.)

53. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2004058547. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
54. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005040989. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation". (As to Lots 2, 4, the North 1/3 of Lot 6, Lots 11, 12, 14, 15, the North 1/3 of Lot 16, the North 1/3 of Lot 26, Lots 41, 42 and 52, Abstract 563)
55. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005005440. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
56. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029587. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
57. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029627. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".

58. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005037389. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
59. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029631. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
60. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029626. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
61. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029632. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
62. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029629. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
63. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005032745. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".

64. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005013332. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives and releases to Grantee all rights to use the surface of the Land for exploration, production or development of such minerals".
65. 1/16th royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property is excepted herefrom as set forth in instrument recorded in Volume 383, Page 172 of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof.
66. All of the oil, gas and other minerals and all other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029628. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation". (As to portion of Lots 27, 28 and 29 Section 89 of Allison-Richey Gulf Coast Home Company part of Suburban Gardens.)
67. The ten (10') foot Protective Strip of the City of Manvel is the remainder of Annexation Ordinance 75-D recorded in Volume 1279, Page 857, B.C.D.R. and dated July 10, 1975 after disannexation by ordinance 93-02, recorded under File Number 93-031978, B.C.D.R., and dated September 2, 1993, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
68. All of the oil, gas and other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2005029630. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
69. All of the oil, gas and other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2007048706. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".

70. All easements shown on the plat of Mustang Creek Water Plant Site No. 1 recorded in Document No. 2007066891 of the Official Public Records of Brazoria County, Texas, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
71. Terms, conditions and stipulations contained in that certain Affidavit as to Certification of OSSF Requiring Maintenance, dated February 1, 2007, as set out under Brazoria County Clerk's File No. 2007008411.
72. Terms, conditions and stipulations contained in that certain Affidavit as to Certification of OSSF Requiring Maintenance, dated February 1, 2007, as set out under Brazoria County Clerk's File No. 2008002104.
73. Road Easement (Croix Parkway Expansion) granted to Brazoria County by instrument filed under Brazoria County Clerk's File No. 2009041915, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
74. The right to prohibit, limit, restrict or control access to Highway State Highway 288, as set forth in instrument recorded under Brazoria County Clerk's File No. 2008043733.
75. Easement One Hundred Twenty (120) feet wide granted to Brazoria County, as set out under Brazoria County Clerk's File No. 2009032205, as shown on survey of Keith Monroe, R.P.L.S., #4797, dated 03/21/2013.
76. Easement fifty (50) feet wide granted to Brazoria County, as set out under Brazoria County Clerk's File No. 2009032206, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
77. Easement of varying width from Fifty (50) to One Hundred Fifty (150) feet wide granted to Brazoria County, as set out under Brazoria County Clerk's File No. 2009032207, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
78. Easement One Hundred Fifty (150) feet wide granted to Brazoria County, as set out under Brazoria County Clerk's File No. 2009032208, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
79. Terms, conditions and stipulations contained that certain Developers Agreement for Contributions to Transportation Improvement Project at State Highway 288 and Brazoria County Road 101 dated July 16, 2007, as set out under Brazoria County Clerk's File No. 2009054397.

80. Limitation of access to Highway State Highway 288, as set forth in instrument recorded in Volume 1041, Page 466, and Volume 1048, Page 505 of the Deed Records of Brazoria County, Texas, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
81. Mineral and/or royalty interest recorded in Volume 394, Page 150, of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof.
82. Mineral and/or royalty interest recorded in Volume 379, Page 77, of the Deed Records of Brazoria County, Texas. Title to said interest not checked subsequent to the date thereof.
83. Easement to Brazos Valley Irrigation Company recorded in Volume 733, Page 11 and Volume 1367, Page 960 of the Deed records, of Brazoria County, Texas. Being more particularly described by metes and bounds contained therein and as shown on the map or plat thereof recorded In Volume 2, Page 98 of the Plat Records of Brazoria County, Texas, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
84. Mustang Bayou the boundaries of which are in a southwesterly to northeasterly direction through the northerly portion of Tract I as shown on the map or plat thereof recorded in Volume 2, Page 98 of the Plat Records of Brazoria County, Texas.
85. Rights of tenants, as tenants only, under unrecorded agricultural leases.
86. Terms, conditions, and stipulations of Drill Site Agreement and Waiver of Surface Rights, dated October 12, 2007, by and between Sharp Corporation, ("Mineral Owner"), and, LIS-SPVEF Mustang Creek II, LLC, a Texas Limited Liability Company ("Surface Owner") as set out under Brazoria County Clerk's File No. 2007058410. Title to said interest not checked subsequent to the date thereof.
87. All of the oil, gas and other elements not considered a part of the surface estate are excepted herefrom, not insured herein nor guaranteed hereunder, all having been reserved in instrument recorded under Brazoria County Clerk's File No. 2007058411. Title to said interest not checked subsequent to the date thereof. Said deed herein states, "waives any surface rights and other rights of ingress and egress in and to the Real Property that he has with respect to the Mineral Estate Reservation".
88. An unrecorded easement to Houston Lighting and Power Company being eighty feet (80') in width as cited in the field note description attached to the Deed recorded in Volume 1027, Page 229 of the Deed Records of Brazoria County, Texas, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 06/12/2013.

89. Drainage easement being eighty (80') feet in width granted by E.L. Woodfin to Brazoria County Drainage District by instrument dated February 24, 1969, and recorded in Volume 1027, Page 595 of the Deed Records of Brazoria County, Texas, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 06/12/2013.
90. 1/32nd royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property as set forth in an instrument recorded in Volume 207, Page 504 of the Deed Records of Brazoria County, Texas.
91. 1/16th non-participating royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property as set forth in an instrument recorded in Volume 600, Page 488 of the Deed Records of Brazoria County, Texas.
92. 1/16th non-participating royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property as set forth in an instrument recorded in Volume 1026, Page 798 of the Deed Records of Brazoria County, Texas.
93. 1/16th non-participating royalty interest in and to all oil, gas and other minerals, on, in, under, that may be produced from the subject property as set forth in an instrument recorded in Volume 1027, Page 229 of the Deed Records of Brazoria County, Texas.
94. 1/2 of all the oil, gas and other minerals, the royalties, bonuses, rentals, and all other rights in connection with the same as set forth in an instrument recorded in Volume 8454, Page 501 of the Deed Records of Brazoria County, Texas (File No. 366578). Surface rights waived as set forth therein.
95. Right-of-way and easement fifteen (15) feet wide granted to LGS Renewables I, L.C. by instrument recorded under Brazoria County Clerk's File No. 2008044368, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 06/12/2013.
96. Rights of third parties to unrecorded twenty foot easement for transmission towers, and electric lines associated therewith; right of third parties to use 20' dirt road; as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.
97. Rights, if any, of third parties with respect to any portion of the subject property lying within the boundaries of County Road 48, County Road 58, and Croix Parkway, as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.

98. Rights of tenants, as tenants only, with respect to mobile homes or manufactured housing units located on the land, as shown by survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.

99. Easement granted to Houston Light and Power Company by instrument recorded in Volume 1617, Page 433 and Volume 1617, Page 446 Deed Records of Brazoria County, Texas, and as shown on survey of Keith Monroe, R.P.L.S. #4797, dated 03/21/2013.

FILED and RECORDED

Instrument Number: 2013052984

Filing and Recording Date: 10/29/2013 10:39:46 AM Pages: 32 Recording Fee: \$136.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-krista

Brazoria CAD

Property Search Results > 592767 MC 288 LLC for Year 2020

Tax Year: 2020

Property

Account

Property ID: 592767 Legal Description: A0566 A C H & B TRACT 1-1A-1B1-A1-A1B1 MAIN SURVEY ACRES 100.353
 Geographic ID: 0566-0003-001 Zoning: 1/19/16CJC
 Type: Real Agent Code: 1140278
 Property Use Code:
 Property Use Description:

Location

Address: Mapsco: SAL25
 Neighborhood: SAL-NORTHWEST Map ID:
 Neighborhood CD: SAL.NW

Owner

Name: MC 288 LLC Owner ID: 1098993
 Mailing Address: %HILLWOOD % Ownership: 100.0000000000%
 ATTN:LAURIE D ZIRPEL
 9800 HILLWOOD PARKWAY STE 300
 FORTH WORTH, TX 76177-1552

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$40,140	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$40,140	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$40,140	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$40,140	

Taxing Jurisdiction

Owner: MC 288 LLC
 % Ownership: 100.0000000000%
 Total Value: \$40,140

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$40,140	\$40,140	\$0.00
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.146000	\$40,140	\$40,140	\$58.60
EM4	BRAZORIA COUNTY EMERGENCY DISTRICT #4	0.100000	\$40,140	\$40,140	\$40.14
GBC	BRAZORIA COUNTY	0.365233	\$40,140	\$40,140	\$146.61
JAL	ALVIN COMMUNITY COLLEGE	0.185862	\$40,140	\$40,140	\$74.61
RDB	ROAD & BRIDGE FUND	0.050000	\$40,140	\$40,140	\$20.07
SAL	ALVIN INDEPENDENT SCHOOL DISTRICT	1.397700	\$40,140	\$40,140	\$561.04
Total Tax Rate:		2.244795			
Taxes w/Current Exemptions:					\$901.07
Taxes w/o Exemptions:					\$901.06

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A16	DET-RET POND	100.3530	4371376.68	0.00	0.00	\$40,140	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$0	\$40,140	0	40,140	\$0	\$40,140
2019	\$0	\$36,430	0	36,430	\$0	\$36,430
2018	\$0	\$41,890	0	41,890	\$0	\$41,890
2017	\$0	\$41,890	0	41,890	\$0	\$41,890
2016	\$0	\$40,070	0	40,070	\$0	\$40,070
2015	\$0	\$40,140	0	40,140	\$0	\$40,140
2014	\$0	\$40,140	0	40,140	\$0	\$40,140
2013	\$0	\$40,140	0	40,140	\$0	\$40,140
2012	\$0	\$40,140	0	40,140	\$0	\$40,140
2011	\$0	\$40,140	0	40,140	\$0	\$40,140
2010	\$0	\$40,140	0	40,140	\$0	\$40,140
2009	\$0	\$40,140	0	40,140	\$0	\$40,140
2008	\$0	\$44,140	0	44,140	\$0	\$44,140
2007	\$0	\$44,140	0	44,140	\$0	\$44,140

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/29/2013	WD	WARRANTY DEED	2004 MUSTANG CREEK LTD	MC 288 LLC	13	052984	
2	9/13/2006	WD	WARRANTY DEED	POARCH/SWINBA L P	2004 MUSTANG CREEK LTD	06	054897	

Tax Due

Property Tax Information as of 10/06/2020

Amount Due if Paid on:

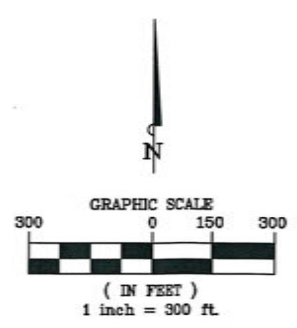
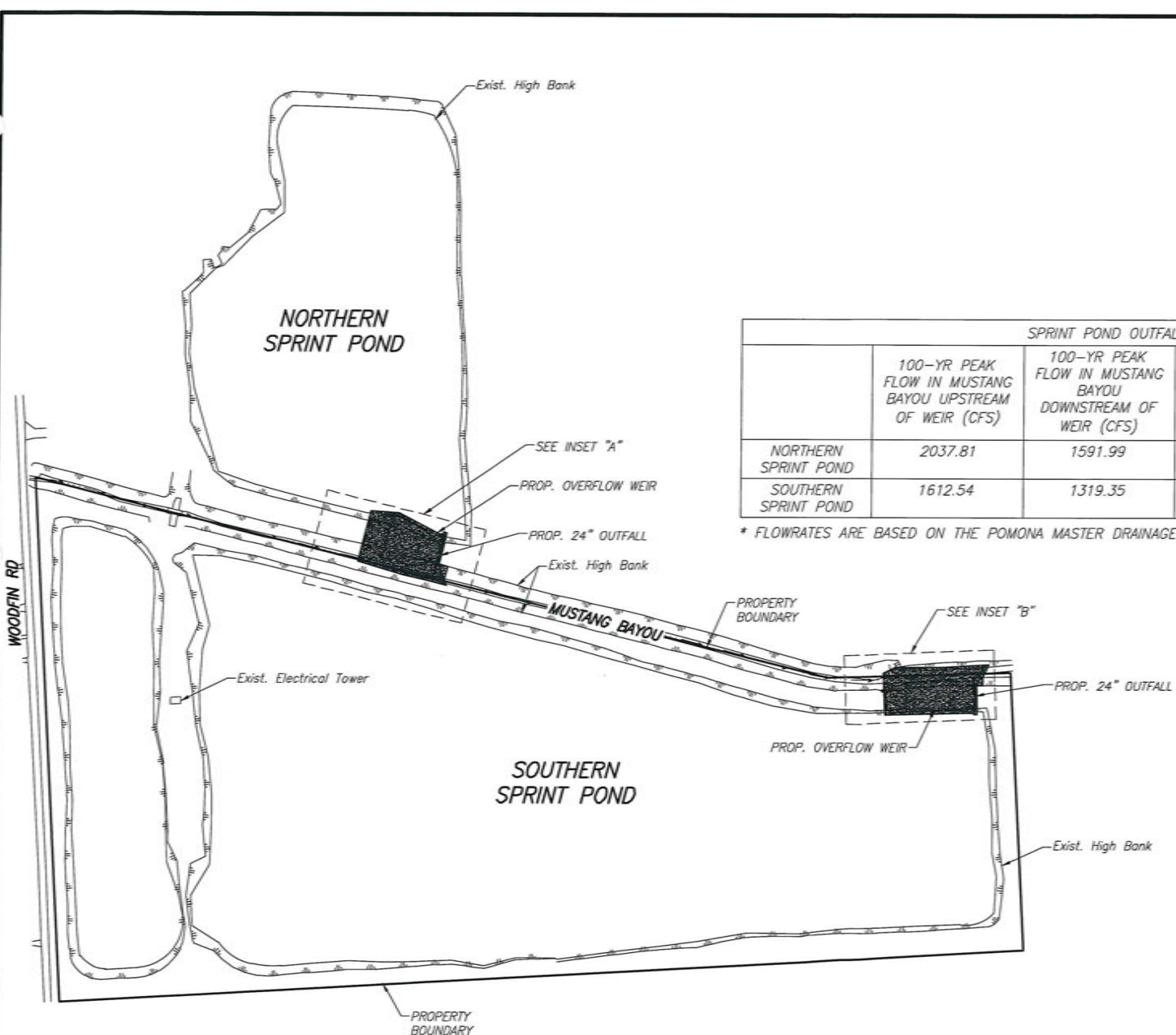
Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (979) 849-7792

APPENDIX D

Path Name: I:\Users\bjornes\AppData\Local\Temp\AcPublish-23916\Sprint
 User Name: hbjornes
 Date Time: Tue, 20 Jul 2021 9:34am
 Exhibit 072021.dwg



SPRINT POND OUTFALLS TO MUSTANG BAYOU					
	100-YR PEAK FLOW IN MUSTANG BAYOU UPSTREAM OF WEIR (CFS)	100-YR PEAK FLOW IN MUSTANG BAYOU DOWNSTREAM OF WEIR (CFS)	100-YR PEAK FLOW OVER WEIR INTO THE POND (CFS)	100-YR PEAK FLOW OVER WEIR INTO THE BAYOU (CFS)	100-YR PEAK FLOW THROUGH THE CULVERT (CFS)
NORTHERN SPRINT POND	2037.81	1591.99	699.71	259.63	17.93
SOUTHERN SPRINT POND	1612.54	1319.35	1023.77	192.64	20.60

* FLOWRATES ARE BASED ON THE POMONA MASTER DRAINAGE PLAN ADDENDUM SUBMITTED 7/15/2021.

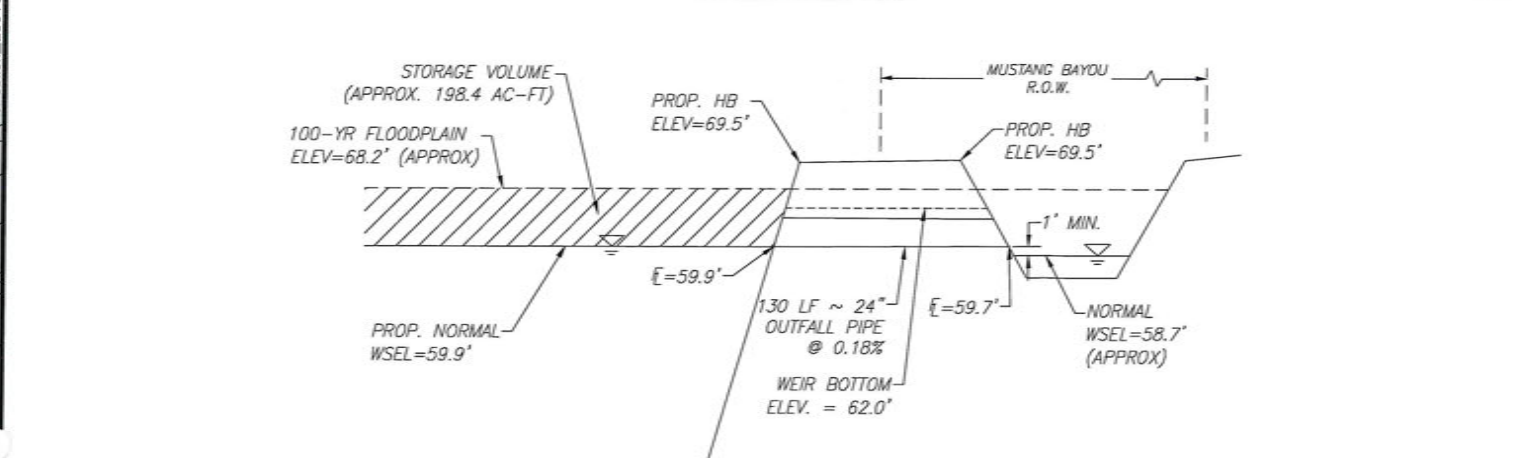
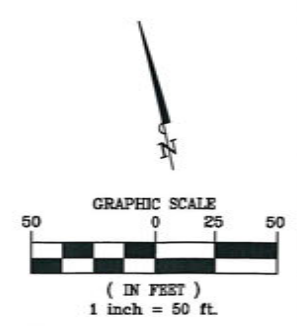
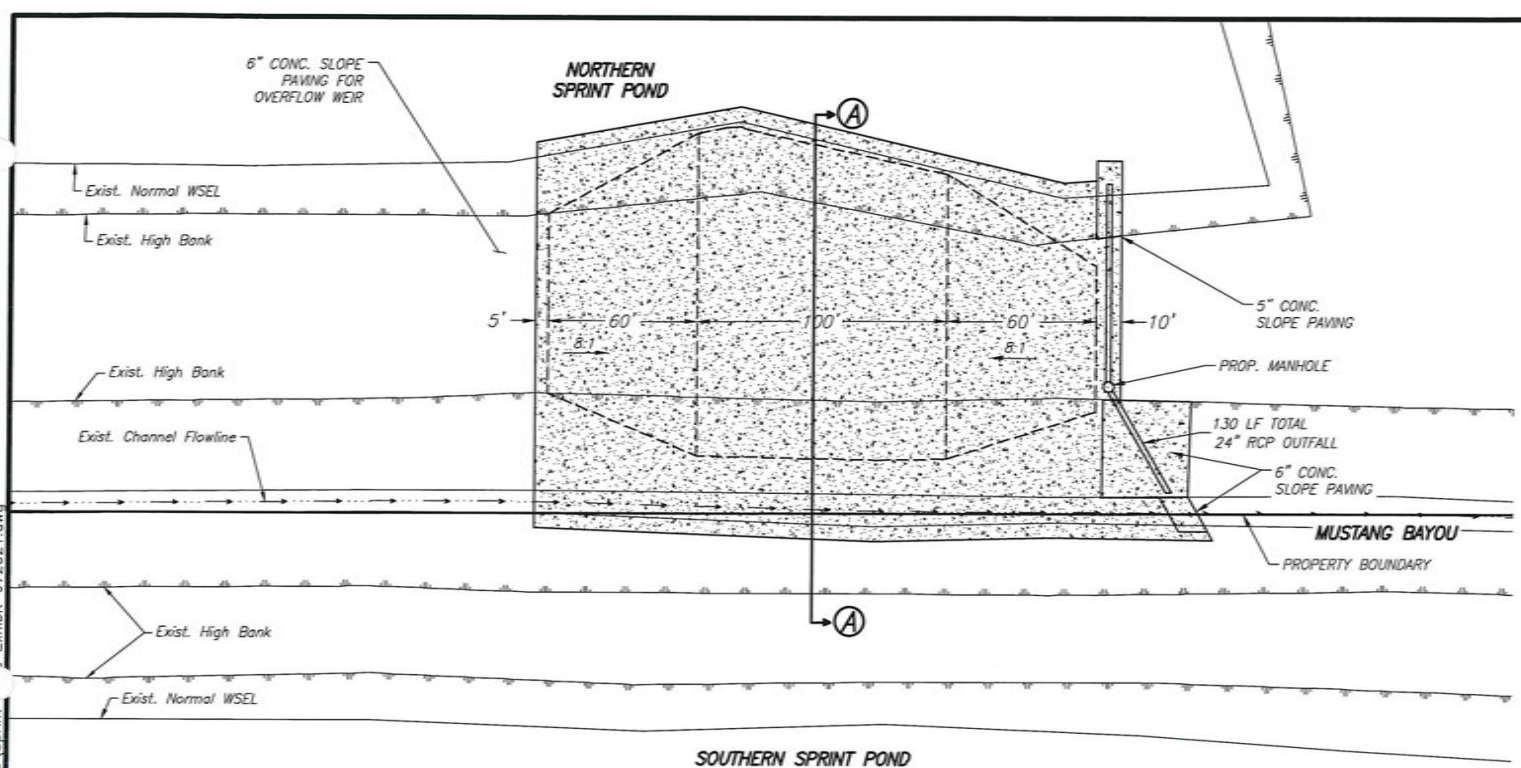
NOTES:

1. A PERIMETER EARTHEN BERM MAY BE REQUIRED IN CERTAIN AREAS TO CONTAIN THE 100-YR WSEL FROM MUSTANG BAYOU.

POMONA
 SPRINT POND EXHIBIT – OVERALL LAYOUT

LJA Engineering, Inc.
 1904 W. Grand Parkway North
 Suite 100
 Katy, Texas 77449
 Phone 713.953.5200
 Fax 713.953.5026
 FRN-F-1386

Date: Tue, 20 Jul 2021 9:34am
 Path: \\Users\hjolmes\AppData\Local\Temp\AcPublish_239116\Sprint
 Exhibit 072021.dwg

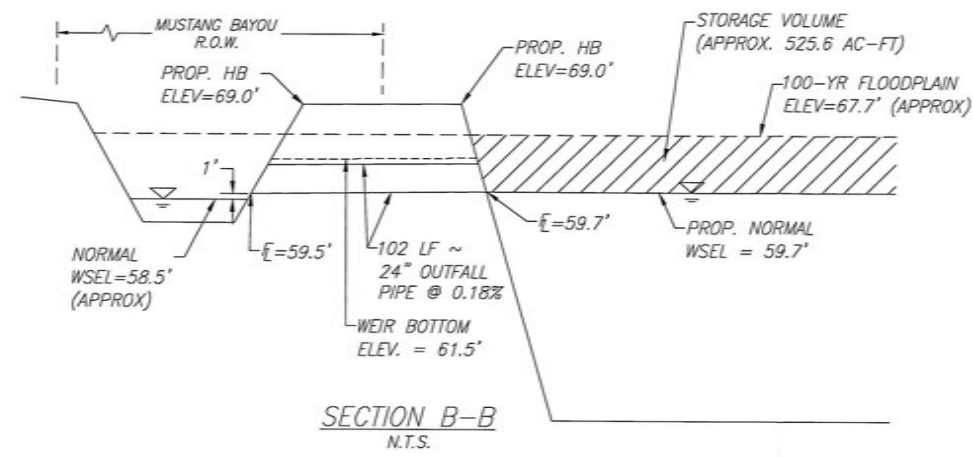
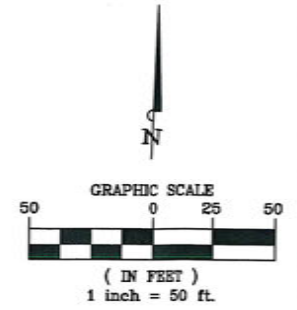
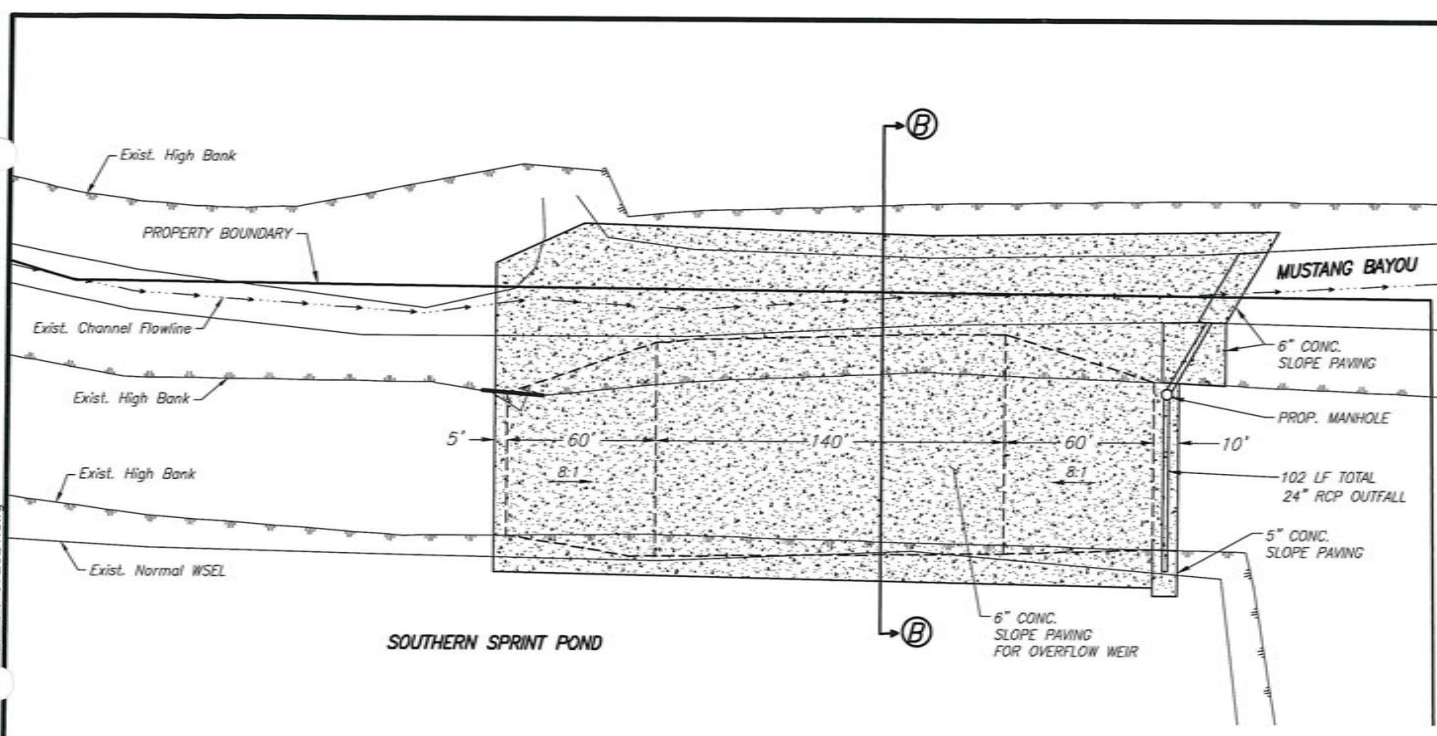


SECTION A-A
 N.T.S.

POMONA
 SPRINT POND EXHIBIT - INSET "A"

LJA Engineering, Inc.
 1904 W. Grand Parkway North
 Suite 100
 Katy, Texas 77449
 Phone 713.953.5200
 Fax 713.953.5026
 FRN-F-1386

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