

Cover page for:

Preliminary Title Insurance Schedules

(with copies of recorded exception documents *)

Preliminary title insurance schedules prepared by:

Botts Title Company
(File Number: FA-24-246)

Auction Tract 1 & 2

(Fayette County, Texas)

For 8/29/2024 Sealed Bid Auction conducted by:

Schrader Real Estate and Auction Company, Inc.

On behalf of:

**BOKF NA, doing business as Bank of Texas, in its capacity as the
Trustee of the Jim R. Cole Exempt Lifetime Trust**

*** The following exception documents have not been provided by the title company:**

- o. Pipeline Right of Way designated in Condemnation Suit filed in Fayette County District Court, Case No. 233A, styled Phillips Natural Gas Company vs. Evelyn E. Mikeska, which designates a 1.03 acre right of way.**
- ii. Any rights, claims or other matters which may exist or arise by virtue of the discrepancy between the fence line and actual property line as shown on survey plat dated October 26, 2004 prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (7.30 acres)**
- jj. Any claim, right or assertion, including rights of ingress and egress, in and to the overhead electric lines as shown on survey plat dated October 26, 2004 prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (7.30 acres)**
- oo. Any claim, right or assertion, including rights of ingress and egress, in and to the GPM Pipelines running along the north side of property as shown on survey plat dated October 26, 2004, prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (5.00 acres)**
- pp. Any claim, right or assertion, including rights of ingress and egress, in and to the overhead electric lines as shown on survey plat dated October 26, 2004, prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (5.00 acres)**

COMMITMENT FOR TITLE INSURANCE T-7

ISSUED BY

SCHEDULE A

Effective Date: **August 2, 2024, 8:00 am**

GF No. **FA-24-246**

Commitment No. _____, issued **August 13, 2024, pm**

1. The policy or policies to be issued are:

- a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount:
PROPOSED INSURED:
- b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)
Policy Amount:
PROPOSED INSURED:
- c. LOAN POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:
- d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)
Policy Amount:
PROPOSED INSURED:
Proposed Borrower:
- e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount:
PROPOSED INSURED:
Proposed Borrower:
- f. OTHER
Policy Amount:
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is: **Fee Simple**

3. Record title to the land on the Effective Date appears to be vested in:
BOKF NA, doing business as Bank of Texas, in its capacity as the Trustee of the Jim R. Cole Exempt Lifetime Trust

4. Legal description of land:
See Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Being the same property described in Deed effective April 27, 2023, executed by Scott A. Morrison, Independent Executor of the Estate of E. J. Cole, Deceased to BOKF NA, doing business as Bank of Texas, in its capacity as the Trustee of the Jim R. Cole Exempt Lifetime Trust, recorded in Volume 2098, Page 532, Official Records of Fayette County, Texas.

NOTE: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

Countersigned
Botts Title Company

By 
Authorized Signature

SCHEDULE B

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. ~~The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):~~
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.(Applies to the Owner's Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year **2024**, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year _____ and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only.) Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
- a. **Rights of Parties in possession. (Owner's Title Policy Only)**
 - b. **Such presently valid and subsisting easements, if any, to which the above property is subject, as may be actually located upon the ground, which are not of record.**
 - c. **Any portion of the property herein described, if any, which falls within the boundaries of any road or roadway.**
 - d. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.**
 - e. **The tax certificate furnished by the taxing authorities is issued on real property only. It does not include taxes on the mineral estate and/or personal property, therefore, no liability is assumed hereunder for the payment of said taxes on the mineral estate and/or personal property.**
 - f. **All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.**
 - g. **All leases, grants, exceptions or reservations of the geothermal energy and associated resources below the surface of the land, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of the geothermal energy and associated resources below the surface of the land that are not listed.**
 - h. **Fayette County Groundwater Conservation District stating the District Rules filed April 8, 2004, recorded in Volume 1260, Page 142, Official Records of Fayette County, Texas, and revised in Volume 1384, Page 493, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.**
 - i. **Any rights that may have been created by a certain Petition for the organization of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1, as shown by an instrument dated January 5, 1956, recorded in Volume 286, Page 370, Deed Records of Fayette County, Texas, and Order of Confirmation recorded in Volume 291, Page 148, Deed Records of Fayette County, Texas, and also Appointment recorded in Volume 291, Page 625, Deed Records of Fayette County, Texas, and Amended and Restated in Volume 1842, Page 435, Official Records of Fayette County, Texas and further amended in Volume 1874, Page 160, Official Records of Fayette County, Texas, and further Amended and Restated in Volume 1976, Page 380, Official Records of Fayette County, Texas, and further Amended and Restated in Volume 2025, Page 172, Official Records of Fayette County, Texas, and further Amended and Restated in Volume 2109, Page 777, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.**
 - j. **Flood Damage Prevention Regulations regarding development in the unincorporated areas of Fayette County, Texas effective July 3, 2017, recorded in Volume 1822, Page 706, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.**
 - k. **Rights of tenant(s) in possession under unrecorded lease(s) or rental agreement(s).**
 - l. **Mineral Deed dated February 2, 1995, executed by Thomas Gene Mikeska, et ux to Evelyn M. Mikeska, recorded in Volume 916, Page 257, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.**

- m. Mineral and/or Royalty Reservation appearing in Deed dated February 2, 1995, executed by Evelyn E. Mikeska and Thomas Gene Mikeska to Edmond D. Lively and wife, Marian B. Lively, recorded in Volume 916, Page 263, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- n. Pipeline Right of Way dated April 14, 1993, executed by Evelyn E. Mikeska to Phillips Natural Gas Company, recorded in Volume 868, Page 273, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- o. Pipeline Right of Way designated in Condemnation Suit filed in Fayette County District Court, Case No. 233A, styled Phillips Natural Gas Company vs. Evelyn E. Mikeska, which designates a 1.03 acre right of way.
- p. Easement dated March 26, 1947, executed by Walter L. Veith and wife, Nathalie Veith to Fayette Electric Cooperative, Inc., recorded in Volume 221, Page 65, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- q. Right of Way Easement dated September 24, 2002, executed by Marian B. Lively to Fayette Electric Cooperative, Inc., recorded in Volume 1193, Page 469, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- r. Oil, Gas and Mineral Lease dated June 9, 2000, executed by Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased to Orbis Energy, LLC, recorded in Volume 1101, Page 377, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- s. Right of Way Easement dated October 30, 1959, executed by Vollie L. English and Mrs. V. L. English to State of Texas, recorded in Volume 339, Page 276, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- t. Right of Way Deed dated October 11, 1924, executed by P. D. Krause to John P. Ehlinger, County Judge, recorded in Volume 122, Page 327, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- u. Right of Way as set out in Deed dated December 12, 1921, executed by P. D. Krause to John P. Ehlinger, County Judge, recorded in Volume 115, Page 346, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- v. Ratification of Lease dated May 13, 1991, executed by Evelyn E. Mikeska to Capital Risk Management Corporation, recorded in Volume 311, Page 327, Oil and Gas Lease Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- w. Jury of View dated January 30, 1929, executed by Henry Thielmann and E. F. Hueske to State of Texas, recorded in Volume 144, Page 21, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- x. Oil, Gas and Mineral Lease dated August 2, 1984, executed by Evelyn E. Mikeska to John M. Wainwright, recorded in Volume 222, Page 237, Oil and Gas Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
- y. Mineral and/or Royalty Reservation(s) appearing in the Deed dated March 21, 2017, executed by Barbara Ann Seargeant and husband, Thomas Dee Seargeant, Johnnie Ray Richards and wife, Lisa Laurette Richards to Elwyn J. Cole, recorded in Volume 1808, Page 305, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such

- document. (10.114 acres)
- z. Notice to Purchaser filed March 22, 2017, between Barbara Ann Seargeant and Thomas Dee Seargeant and Johnnie Ray Richards and Lisa Laurette Richards and Elwyn J. Cole, recorded in Volume 1808, Page 299, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (10.114 acres)
- aa. Notice to Purchaser filed March 22, 2017, between Barbara Ann Seargeant and Thomas Dee Seargeant and Johnnie Ray Richards and Lisa Laurette Richards and Elwyn J. Cole, recorded in Volume 1808, Page 302, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (10.114 acres)
- bb. Any claim, right or assertion, including rights of ingress and egress, in and to the overhead electric lines, septic and underground cable signs as shown on survey plat dated March 7, 2016, prepared by Timothy D. Hearitige, R.P.L.S. No. 5036. (10.114 acres)
- cc. Any rights, claims or other matters which may exist or arise by virtue of deed line overlap as shown on survey plat dated March 7, 2016, prepared by Timothy D. Hearitige, R.P.L.S. No. 5036. (10.114 acres)
- dd. Mineral and/or Royalty Reservation appearing in the Deed dated November 3, 2004, executed by Marian B. Lively, aka Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased to Elwyn J. Cole, recorded in Volume 1288, Page 831, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (7.30 acres)
- ee. Notice to Purchaser filed November 3, 2004, between Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased and Elwyn J. Cole, recorded in Volume 1288, Page 829, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (7.30 acres)
- ff. Notice to Purchaser filed November 3, 2004, between Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased and Elwyn J. Cole, recorded in Volume 1288, Page 830, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (7.30 acres)
- gg. Telecommunications Easement dated September 18, 2009, executed by Elwyn J. Cole to Colorado Valley Telephone Cooperative, Inc., recorded in Volume 1497, Page 783, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (7.30 acres)
- hh. Telecommunications Easement dated February 14, 2017, executed by Elwyn J. Cole to Colorado Valley Telephone Cooperative, Inc., recorded in Volume 1808, Page 230, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (7.30 acres)
- ii. Any rights, claims or other matters which may exist or arise by virtue of the discrepancy between the fence line and actual property line as shown on survey plat dated October 26, 2004 prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (7.30 acres)
- jj. Any claim, right or assertion, including rights of ingress and egress, in and to the overhead electric lines as shown on survey plat dated October 26, 2004 prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (7.30 acres)
- kk. Mineral and/or Royalty Reservation appearing in the Deed dated December 16, 2004, executed by Marian B. Lively, aka Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased to Elwyn J. Cole, recorded in Volume 1293, Page 322, Official Records of Fayette County,

- Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (5.00 acres)
- ll. Notice to Purchaser filed December 16, 2004, between Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased and Elwyn J. Cole, recorded in Volume 1293, Page 321, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (5.00 acres)
- mm. Notice to Purchaser filed December 16, 2004, between Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased and Elwyn J. Cole, recorded in Volume 1293, Page 320, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (5.00 acres)
- nn. Affidavit to the Public regarding on-site sewage facilities dated February 14, 2020, executed by Elwyn J. Cole to the Public, recorded in Volume 1932, Page 328, Official Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document. (5.00 acres)
- oo. Any claim, right or assertion, including rights of ingress and egress, in and to the GPM Pipelines running along the north side of property as shown on survey plat dated October 26, 2004, prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (5.00 acres)
- pp. Any claim, right or assertion, including rights of ingress and egress, in and to the overhead electric lines as shown on survey plat dated October 26, 2004, prepared by Rocky Von Roesler, R.P.L.S. No. 4702. (5.00 acres)

SCHEDULE C

Your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - a. no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - b. all standby fees, taxes, assessments and charges against the property have been paid,
 - c. all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
 - d. there is legal right of access to and from the land,
 - e. (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. **Require all taxes be paid up and including 2023.**
6. **Require execution of an Affidavit as to Debts and Liens by Sellers.**
7. **Require execution of Waiver of Inspection form by Buyers.**
8. **This is a preliminary Title Commitment for the benefit of Schrader + Wellings Real Estate & Auction Company to provide preliminary title evidence only and should not be shared or used with any other parties. Upon receipt of a fully executed contract, Company will update title and reserves the right to make additional requirements and/or exceptions.**
9. **Provide marital history information on Elwyn J. Cole (previous owner) from November 3, 2004 to November 29, 2020. If there has been any change in the marital status, the Company must be satisfied that there is no outstanding interest. Additional exceptions and/or requirements may be made upon receipt and review.**
10. **A determination must be made as to whether or not the Estate of E. J. Cole, Deceased, filed under Cause No. 11531, Probate Court of Colorado County, Texas, constitutes a taxable estate for federal estate tax and/or state inheritance tax purposes. Company requires review of the following:**
 - a) Estate tax returns;
 - b) Inventory, Appraisal and List of Claims on the Estate; or
 - c) Such other information as may be relevant to the taxability of said Estate.

Further, require any debts or claims owing on the Estate to be paid, if applicable.

Company reserves the right to make additional exceptions and/or requirements upon receipt and review.

11. **We must be furnished with an executed copy of the Jim R. Cole Exempt Lifetime Trust along with any and all amendments thereof. Additional exceptions and/or requirements may be made upon receipt and review.**

12. Obtain and file for record a Notice to Purchaser of Fayette County Groundwater Conservation District from BOKF NA, doing business as Bank of Texas, in its capacity as the Trustee of the Jim R. Cole Exempt Lifetime Trust to Buyer(s).
13. Obtain and file for record a Notice to Purchaser of Cummins Creek Water Control Improvement District from BOKF NA, doing business as Bank of Texas, in its capacity as the Trustee of the Jim R. Cole Exempt Lifetime Trust to Buyer(s).
14. Obtain and file for record a Warranty Deed from BOKF NA, doing business as Bank of Texas, in its capacity as the Trustee of the Jim R. Cole Exempt Lifetime Trust vesting title in Buyer(s).
15. If Company is to delete the appropriate portion on the standard survey exception and provide a T-19 endorsement, obtain on a form and in a manner acceptable to this Company a survey and field notes from a Registered Public Surveyor showing the following: (a) the location of all improvements, and showing the exact location of all building lines in relation to the property lines; (b) easements and/or rights of way dedicated or not, that a physical inspection of the premises might disclose; (c) indicating and labeling all encroachments, or on the face of the survey, "No Encroachments". Any survey required in the current transaction must be submitted to Company at least 24 hours prior to closing for review. Company reserves the right to make additional exceptions and/or requirements upon receipt and review of said survey. **TITLE COMPANY WILL NOT AND DOES NOT ORDER SURVEYS.** The ordering of surveys is the responsibility of the parties.
16. If a Loan Policy contemplated by this commitment is subsequent issued to the proposed lender shown on Schedule A, at the request of the proposed lender, upon the ISSUANCE of the loan policy the insured lender on Schedule A of the loan policy will appear as follows: "(Name of Proposed Lender), and each successor in ownership of the indebtedness secured by the insured mortgage, except a successor who is an obligor under the provision of Section 12(c) of the Conditions."
17. Title Company must be furnished with any closing package from lender at least 24 hours prior and 48 hours prior if a Home Equity Loan to closing for review. Company reserves the right to make additional exceptions and/or requirements upon receipt and review of said closing instructions.
18. Underwriter requires a copy of a valid photo identification of all parties executing documents at closing be kept in guarantee file. (i.e. Driver's License, Passport, Governmental ID)
19. All instruments must be created on forms satisfactory to Title Company.
20. Note to all Buyers, Sellers, Borrowers, Lenders and all parties interested in the transaction covered by this Commitment. The following constitutes major changes in the procedures and requirements for disbursement of funds by the Title Agent pursuant to this transaction: Effective August 1, 1988, the State Board of Insurance has adopted Procedural Rule P-27 which requires that "Good Funds" be received and deposited before a Title Agent may disburse from its trust fund account. The term "Good Funds" is defined as: (1) Cash or wire transfers; (2) Certified funds, including certified checks and cashier's checks; (3) Uncertified funds in amounts less than \$1,500.00, including checks, traveler's checks, money orders and negotiable orders of withdrawal; provided multiple items shall not be used to avoid the \$1,500.00 limitation; and (4) Uncertified funds in amounts of \$1,500.00 or more, drafts and any other items when collected by the financial institution.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE D

GF No. FA-24-246

Effective Date: August 2, 2024, 8:00 am

Pursuant to the requirements of Rule P-21, Basic Manual of Rules, Rates and Forms for the writing of Title Insurance in the State of Texas, the following disclosures are made:

1. The following individuals are directors and/or officers, as indicated, of the Title Insurance Company issuing this Commitment

2. Agent: Botts Title Company

Shareholder, owner, partner or other person having, owning or controlling one percent (1%) or more of the Title Insurance Agent: Val Walters

Shareholder, owner, partner or other person having, owning or controlling ten percent (10%) or more of an entity that has, owns or controls one percent (1%) or more of the Title Insurance Agent: None

If the Title Insurance Agent is a corporation, the following is a list of the members of the Board of Directors: Val Walters

If the Title Insurance Agent is a corporation, the following is a list of its officers: President & Secretary: Val Walters

3. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving a portion of the premium from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium* is:

Owner's Policy	<u> </u>	\$TBD
Loan Policy	<u> </u>	\$0.00
Endorsement Charges	<u> </u>	\$0.00
Other	<u> </u>	\$0.00
Total	<u> </u>	\$TBD

Of this total amount: 15% will be paid to the policy issuing Title Insurance Company; 85% will be retained by the issuing Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows:

<u>Amount</u>	<u>To Whom</u>	<u>For Services</u>
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" *The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance."

EXHIBIT "A"

Tract 1:
Parcel A:

STATE OF TEXAS)
)
COUNTY OF FAYETTE)

Land Description

BEING a 7.30 acre tract of land, being part of the D.E. Colton Survey, Abstract 33 of Fayette County, Texas. and being a all of that called "Second Tract" as conveyed to Edmond D. Lively and wife, Marian B. Lively as recorded in volume 916, page 263 of the Deed Records of Fayette County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron rod set in the Northeast line of Farm to Market Road 954 for the Southwest corner hereof;

THENCE with the East line of Farm to Market Road 954 North 02 deg. 14 min. 00 sec. West 57.23 feet to a 1/2" iron rod set in the intersection of the Southeast line of State Highway 237 and the East line of Farm to Market Road 954 for an exterior corner hereof;

THENCE with the Southeast line of State Highway 237 North 42 deg. 55 min. 10 sec. East 524.20 feet to a 1/2" iron rod set for the West corner of a Edmond Lively parent "First Tract" (volume 916, page 263) and for the North corner hereof;

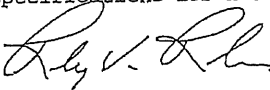
THENCE with the Southwest line of the Lively "First Tract" South 47 deg. 13 min. 38 sec. East 583.58 feet to a 1/2" iron rod set for an angle point of the Lively "First Tract", the North corner of a David Nester tract (volume 826, page 609) and for the East corner hereof;

THENCE with the Northwest line of the Nester tract South 43 deg. 47 min. 00 sec. West 500.84 feet to a 1/2" iron rod set in the Northeast line of Farm to Market Road 954 for the West corner of the Nester tract and for the South corner hereof;

THENCE with the Northeast line of Farm to Market Road 949 with a curve to the right having a radius of 1382.38 feet, a length of 446.58 feet and a chord which bears North 55 deg. 40 min. 00 sec. West 444.64 feet to a 1/2" iron rod set for an angle point hereof;

THENCE with the Northeast line of Farm to Market Road 954 North 46 deg. 25 min. 00 sec. West 95.80 feet to the PLACE OF BEGINNING, containing 7.30 acres of land.

I hereby certify that this land description represents the facts as found during an on the ground survey made under my direct supervision on October 26, 2004, and that it substantially conforms to the current Standards and Specifications for a Category 1A, Condition IV Survey.


Rocky Von Roesler
Registered Professional Land Surveyor
Number 4702

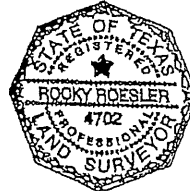


EXHIBIT "A"

Tract 1:
Parcel B:

STATE OF TEXAS)
COUNTY OF FAYETTE)

Land Description

BEING a 5.00 acre tract of land, being part of the D. E. Colton Survey, Abstract 33 of Fayette County, Texas, and being part of that "First Tract" as conveyed to Edmond D. Lively and wife, Marian B. Lively as recorded in volume 916, page 263 of the Deed Records of Fayette County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron rod found in the Southeast line of State Highway 237 for the West corner of a David Kay tract (volume 1263, page 715) and for the North corner hereof;

THENCE with the Southwest line of the Kay tract South 28 deg. 01 min. 20 sec. East 593.00 feet to a 1/2" iron rod found for the South corner of the Kay tract and for the East corner hereof;

THENCE across the parent tract South 26 deg. 19 min. 06 sec. West 273.79 feet to a 1/2" iron rod set in the Northeast line of a David Nester tract (volume 826, page 609) for the West corner of the residual of the parent "First Tract", an exterior corner of the Nester tract and for the South corner hereof;

THENCE with the Northeast line of the Nester tract North 60 deg. 54 min. 00 sec. West 30.27 feet to a 1/2" iron rod set for an angle point hereof;

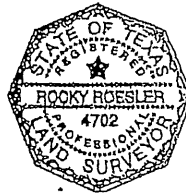
THENCE with the Northeast line of the Nester tract North 51 deg. 43 min. 00 sec. West 25.83 feet to a 1/2" iron rod set for the East corner of a 7.30 acre Edmond Lively tract (volume 916, page 263), the North corner of the Nester tract and for an angle point hereof;

THENCE with the Northeast line of the Lively 7.30 acre tract North 47 deg. 13 min. 38 sec. West 583.58 feet to a 1/2" iron rod set in the Southeast line of State Highway 237 for the North corner of the 7.30 acre tract and for the West corner hereof;

THENCE with the Southeast line of State Highway 237 North 42 deg. 55 min. 10 sec. East 466.82 feet to the PLACE OF BEGINNING, containing 5.00 acres of land.

I hereby certify that this land description represents the facts as found during an on the ground survey made under my direct supervision on October 26, 2004, and that it substantially conforms to the current Standards and Specifications for a Category 1A, Condition IV Survey.

Rocky Von Roesler
Registered Professional Land Surveyor
Number 4702



Tract 2:

EXHIBIT "A"

HEARITIGE SURVEYING, CO.

M. D. HEARITIGE
7 West Point Loop
West Point, Texas 78963

Registered Professional Land Surveyor No. 5036
Licensed State Land Surveyor
Phone (979)242-3485

March 15, 2016

FIELD NOTE DESCRIPTION OF 10.114 ACRES ACRES OF LAND OUT OF THE DAN E. COLTON LEAGUE (also known as the J.G. ROBINSON LEAGUE), ABSTRACT NO. 33 IN FAYETTE COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT CERTAIN (FIRST TRACT-35.67 ACRE) TRACT OF LAND CONVEYED TO EDMUND D. LIVELY AND MARIAN B. LIVELY IN A DEED AS RECORDED IN VOLUME 916 PAGE 263 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4" iron rod found at the base of a fence corner post in the southwesterly right-of-way line of Huenefeld Lane, being at the most northerly corner of that certain (49,959 acre) tract of land conveyed to Jacquelyn Ditsler in a deed as recorded in Volume 1331 Page 613 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (First Tract-35.67 acre) tract of land conveyed to Edmund D. Lively and Marian B. Lively in a deed as recorded in Volume 916 Page 263 of the Deed Records of Fayette County, Texas, and being at the most northerly corner of that certain (43,063 acre) tract of land conveyed to Erik P. Littlejohn in a deed as recorded in Volume 1540 Page 290 of the Official Records of Fayette County, Texas, and being 2.6 feet northeast of the southwest line of that certain (49,902 acre) tract of land conveyed to James B. Saxton and Elizabeth Saxton in a deed as recorded in Volume 1353 Page 856 of the Official Records of Fayette County, Texas, and being for the most easterly corner of the tract herein described,

THENCE, leaving the southwesterly right-of-way line of Huenefeld Lane, and with the common line between the Lively tract and the Littlejohn tract, S 47 deg. 37' 37" W 664.46 feet to a 1/2" iron rod found, S 39 deg. 22' 12" W 988.86 feet to a 1/2" iron rod found, and N 48 deg. 40' 49" W 222.19 feet to a 1/4" iron rod found at the most westerly north corner of the Littlejohn tract and being for an angle in the westerly line of this tract,

THENCE, N 26 deg. 18' 25" W 15.51 feet to a 1/2" iron rod found at the most southerly corner of that certain (5.00 acre) tract of land conveyed to David R. Kay in a deed as recorded in Volume 1263 Page 715 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (5.00 acre) tract of land conveyed to Elwyn J. Cole in a deed as recorded in Volume 1293 Page 322 of the Official Records of Fayette County, Texas, and being for the most westerly corner of this tract,

THENCE, with the southeasterly line of the Kay tract, being in the interior of the Lively tract, N 40 deg. 20' 12" E 487.49 feet to a 1/2" iron rod found at the most easterly corner of the Kay tract, and being the most southerly corner of that certain (14.03 acre) tract of land conveyed to Jackie Leeburajin and Lawrence K. Lee in a deed as recorded in Volume 1345 Page 602 of the Official Records of Fayette County, Texas, and being for an angle in the northwesterly line of this tract,

THENCE, with the southeasterly line of the Leeburajin tract, and continuing in the interior of the Lively tract, N 40 deg. 18' 37" E 555.85 feet to a 1/4" iron rod found, N 37 deg. 27' 54" W 161.04 feet to a 1/2" iron rod found, and N 49 deg. 22' 09" E 631.65 feet to a 1/2" iron rod found, in the southwesterly right-of-way line of Huenefeld Lane, being for the most northerly corner of this tract,

THENCE, with the southwesterly right-of-way line of Huenefeld Lane, and the northeasterly line of the Lively tract, S 47 deg. 11' 51" E 179.22 feet to a 1/4" iron rod set, and S 30 deg. 41' 00" E 132.00 feet, to the PLACE OF BEGINNING, in all containing 10.114 acres of land.

SURVEYED: March 7, 2016

BY:

Timothy D. Hearitige

Registered Professional Land Surveyor No. 5036



04- 2358

**FAYETTE COUNTY
GROUNDWATER
CONSERVATION DISTRICT**

DISTRICT RULES

Adopted: December 19, 2003

Effective: January 1, 2004

The Rules of the Fayette County Groundwater Conservation District (the District) were adopted by the Board of Directors (the Board) on December 19, 2003 at a duly posted public meeting held in compliance with the Texas Open Meetings Act and following publication in the newspaper of a notice of a public hearing, which public hearing was held to receive public comment concerning the Rules, all in accordance with the Texas Water Code Sec. 36.101, as amended. The District was created in accordance with Section 59 of Article XVI of the Texas Constitution and in accordance with Chapter 36 of the Texas Water Code and by an Act of the Legislature of the State of Texas, meeting in Regular Session in 2001 as the 77th Legislature, said Act being Chapter 302 of the General and Special Laws of the State of Texas, 77th Legislature (2001), Regular Session, said Act being effective September 1, 2001, said Act (Chapter 302) also being known as Texas House Bill 1081, as amended by House Bill 535, 78th Legislature (2003), Regular Session. The following Rules are hereby ratified and adopted as the Rules of this District by its Board. These Rules shall take effect on January 1, 2004.

The rules, regulations, and modes of procedure herein contained are and have been adopted to simplify procedures, avoid delays, and facilitate the administration of the water laws of the State and the Rules of this District. These Rules are to be construed to attain those objectives.

These Rules may be used as guides in the exercise of discretion by the Board, where discretion is vested. However, these Rules shall not be construed as a limitation or restriction upon the exercise of discretion conferred by law, nor shall they be construed to deprive the District or the Board of any powers, duties, or jurisdiction provided by law.

The Rules of the Fayette County Groundwater Conservation District were adopted on December 19, 2003, effective January 1, 2004.

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SECTION 1. DEFINITIONS AND CONCEPTS

RULE 1.1 DEFINITIONS OF TERMS

In the administration of its duties, the Fayette County Groundwater Conservation District follows the definitions of terms set forth in the District Act, Chapter 36 of the Texas Water Code, as amended, and the definitions of terms as follows:

"Abandoned well" shall mean a well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

- (A) a non-deteriorated well which contains the casing, pump, and pump column in good working condition; or
- (B) a non-deteriorated well which has been capped in accordance with these Rules.

"Acre-foot" shall mean the amount of water necessary to cover one acre of land one foot deep, or about 325,851 gallons of water.

"Agricultural crop" shall mean food or fiber commodities grown for resale or commercial purposes that provide food, clothing, or animal feed.

"Board" shall mean the Board of Directors of the District.

"Capped well" shall mean a well that is closed or capped with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.

"Deteriorated well" shall mean a well or borehole that, because of its condition, will cause, or is likely to cause, pollution of any water in this state, including groundwater.

"De-watering well" shall mean a well used to remove water from a construction site or excavation, or to relieve hydrostatic uplift on permanent structures.

"District" shall mean the Fayette County Groundwater Conservation District.

"District Act" shall mean the Act of the Legislature of the State of Texas, meeting in Regular Session in 2001 as the 77th Legislature, said Act being Chapter 302 of the General and Special Laws of the State of Texas, 77th Legislature (2001), Regular Session, said Act being effective September 1, 2001, said Act (Chapter 302) also being known as Texas House Bill 1081, as amended by House Bill 535, 78th Legislature (2003), Regular Session, and the non-conflicting provisions of Chapter 36, Water Code, as amended.

"District office" shall mean the office of the District as established by resolution of the Board.

"Domestic use" shall mean the use of groundwater, from a well drilled, completed, or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day, as provided by §36.117(b)(1), used only at and for a single-family household to support domestic activity. Such use may include water for drinking, bathing, sanitation, washing, or culinary purposes; for filling a pond or swimming pool which is entirely lined with permanent (non-degradable) man-made materials which stop and prevent leakage of water; for irrigation of single-family household lawns, or of a family garden and/or orchard; and for watering of domestic animals. Household lawns, family gardens, and/or orchards

to be irrigated by a "domestic use" well shall not exceed two contiguous acres in the aggregate. Domestic use does not include water used to support activities for which payment or other consideration is given or received or for which the product of the activity is sold. Domestic use does not include (1) use by or for a public water system, (2) use for any commercial purpose or at any commercial establishment, or (3) use at any commercial establishment with a single-family household.

"Emergency conditions" shall mean any condition or activity which is causing a shortage of available groundwater, including severe and sustained drought; below normal recharge to the groundwater and/or aquifers in the District due to lack of rainfall; or any condition or activity which causes a well or wells to go dry.

"Groundwater" shall mean water located beneath the earth's surface within the District.

"Hand-dug well" shall mean a well installed by hand digging or by hand auger drilling.

"Hearing body" shall mean the Board, any committee of the Board, or a Hearing Examiner at any hearing held under the authority of the District Act.

"Hearing Examiner" shall mean a person appointed by the Board of Directors to conduct a hearing or other proceeding.

"Injection well" includes:

- An air conditioning return flow well used to return water used for heating or cooling in a heat pump to the aquifer that supplied the water;
- A cooling water return flow well used to inject water previously used for cooling;
- A drainage well used to drain surface fluid into a subsurface formation;
- A recharge well used to replenish the water in an aquifer;
- A saltwater intrusion barrier well used to inject water into a freshwater aquifer to prevent the intrusion of salt water into the freshwater;
- A sand backfill well used to inject a mixture of water and sand, mill tailings, or other solids into subsurface mines;
- A subsidence control well used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water; or
- A closed system geothermal well used to circulate water, other fluids, or gases through the earth as a heat source or heat sink.

"Landowner" shall mean the person who bears ownership of the land surface.

"Leachate well" shall mean a well used to remove contamination from soil or groundwater.

"Monitoring well" shall mean a well installed to measure some property of the groundwater or aquifer it penetrates, and does not produce more than 5,000 gallons of groundwater per year, unless the well is being monitored with the permission of the well owner.

"New well application" shall mean an application for a permit for a water well that has not yet been drilled.

"Open meeting law" shall mean Chapter 551, as amended, Texas Government Code.

"Operating Permit" shall mean a permit issued by the District for a water well, allowing groundwater to be withdrawn from a water well for a designated period.

"Pitless adapter" shall mean an assembly of parts which will permit water to pass through the wall of the

well casing or extension thereof; provides access to the well and to the parts of the water system within the well; and provides for the transportation of the water and the protection of the well and water therein, from surface or near surface contamination. Parts or appurtenances to a pitless well adapter include, but are not limited to, the vent, the device(s) on or in the wall of the casing, and the cap or cover on top of the casing or casing extension.

"Plugging" shall mean an absolute sealing of the well bore.

"Pollution" shall mean the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any or reasonable purpose.

"Public Information Act" shall mean Chapter 552, as amended, Texas Government Code.

"Person" includes corporation, individual, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

"Presiding officer" shall mean the President, Vice-President, Secretary, or other Board member presiding at any hearing or other proceeding or a Hearing Examiner conducting any hearing or other proceeding.

"Rules" shall mean the rules of the District compiled in this document and as may be supplemented or amended from time to time, as provided by the laws of the State of Texas.

"Section" shall mean the number section of a survey or block as shown in "Texas Country Farm Plats," 1996 Edition, (Smith Publishing Co.).

"Texas Rules of Civil Procedure" and "Texas Rules of Civil Evidence" mean the civil procedure and evidence rules as amended and in effect at the time of the action or proceeding. Except as modified by the rules of the District, the rights, duties, and responsibilities of the presiding officer acting under the Texas Rules of Civil Procedure or the Texas Rules of Evidence are the same as a court acting under those rules.

"Vanity pond" shall mean a pond used purely for aesthetic/landscape purposes.

"Waste" shall mean Chapter 36.001 (B) Definitions and Section 13 herein.

"Water meter" shall mean a water flow measuring device that can accurately record the amount of groundwater produced during a measured time.

"Well" shall mean any facility, device, or method used to withdraw groundwater from the groundwater supply within the District, including a water well, test well, injection well, dewatering well, monitoring well, piezometer well, observation well, or recovery well.

"Well operator" shall mean the person who operates a well or operates a water distribution system supplied by a well.

"Well owner" shall mean the person who owns the land upon which a well is located or is to be located, or any person or other entity, public or private, that has the right to produce groundwater from the land either by ownership, contract, lease, easement or any other estate in the land or groundwater.

"Well system" shall mean a well and distribution system or group of wells connected or tied to the same distribution system.

"Withdraw" shall mean extracting groundwater by pumping or by another method.

"Windmill" shall mean a wind-driven or hand-driven device that uses a piston pump to remove groundwater.

RULE 1.2 PURPOSE OF RULES

These rules are adopted to achieve the provisions of the District Act, of Chapter 36, Water Code, as amended, and Section 59 of Article XVI, Texas Constitution, and to accomplish their purposes. The rules contained herein are the foundation for achieving the goals of the District Act and Management Plan.

RULE 1.3 USE AND EFFECT OF RULES

The District uses these rules as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District Act. They may not be construed as a limitation or restriction on the exercise of any discretion nor be construed to deprive the District or Board of the exercise of any powers, duties or jurisdiction conferred by law.

RULE 1.4 AMENDING OF RULES

The Board may, following notice and hearing, amend these rules or adopt new rules from time to time.

RULE 1.5 HEADINGS AND CAPTIONS

The section and other headings and captions contained in these rules are for reference purposes only. They do not affect the meaning or interpretation of these rules in any way.

RULE 1.6 CONSTRUCTION

A reference to a title, chapter or section without further identification is a reference to a title, chapter or section of the Water Code, as amended. Construction of words and phrases are governed by the Code Construction Act, Subchapter B, Chapter 311, Government Code.

RULE 1.7 METHODS OF SERVICE UNDER THE RULES

Except as otherwise expressly provided in these rules, any notice or documents required by these rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, in person, by agent, by courier receipted delivery, by certified mail sent to the recipient's or authorized representative's last known address, or by telephonic document transfer to the recipient's current telecopier number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by telephonic document transfer is complete upon transfer, except that any transfer occurring after 5:00 p.m. will be deemed complete on the following business day. If service or delivery is by mail, and the recipient has the right, or is required, to do some act within a prescribed time after service, three (3) days will be added to the prescribed period. Where service by

one of more methods has been attempted and failed, the service is complete upon publication of notice in a newspaper of general circulation in Fayette County.

RULE 1.8 SEVERABILITY

If any one or more of the provisions contained in these rules are for any reason held to be invalid, illegal, or unenforceable in any respect, or the application thereof to any person or circumstances is held to be invalid, the invalidity, illegality, or unenforceability shall not affect any other rules or provisions of these rules, and these rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these rules, and to this end the provisions of these rules are severable.

RULE 1.9 EFFECTIVE DATE

All rules contained herein are effective January 4, 2004 and apply to all water wells drilled, repaired, or altered within the District, on or after such effective date.

SECTION 2. BOARD

RULE 2.1 PURPOSE OF BOARD

The Board was created to determine policy and regulate the withdrawal of groundwater within the boundaries of the District for the purposes of conserving, preserving, protecting and recharging the groundwater within the District, and for the purpose of preventing waste of the groundwater within the District, and to exercise its rights, powers, and duties in a way that will effectively and expeditiously accomplish the purposes of the District Act and of Chapter 36, Water Code, as amended, and of Section 59, Article XVI, Texas Constitution. The Board's responsibilities include, but are not limited to, the adoption and enforcement of reasonable rules and other orders.

RULE 2.2 BOARD STRUCTURE, OFFICERS

The Board consists of the members elected and qualified as required by the District Act. The Board will elect one of its members to serve as President, to preside over Board meetings and proceedings; one to serve as Vice President to preside in the absence of the President; and one to serve as Secretary to keep a true and complete account of all meetings and proceedings of the Board. The Board may make other appointments as allowed by Chapter 36, Water Code, as amended. The Board may elect officers annually, but must elect officers at the first meeting following the November elections of each even numbered year. Members and officers serve until their successors are elected or appointed and sworn in accordance with the District Act and these rules.

RULE 2.3 MEETINGS

The Board will hold a regular meeting at least once each month as the Board may establish from time to time by resolution. At the request of the President, or by written request of at least three members, the Board may hold special meetings. All Board meetings will be held according to the Texas Open Meetings Law.

RULE 2.4 COMMITTEES

The President may establish committees for formulation of policy recommendations to the Board, and appoint the chair and membership of the committees. Committee members serve at the pleasure of the President.

RULE 2.5 EX PARTE COMMUNICATIONS

Board members may not communicate, directly or indirectly, about any issue of fact or law in any contested case before the board, with any agency, person, party or their representatives, except on notice and opportunity for all parties to participate.

SECTION 3. DISTRICT STAFF

RULE 3.1 GENERAL MANAGER

The Board may employ a person to manage and conduct the duties, business, and functions of the District, subject to orders, directions and control of the Board. The title of this person is general manager. The Board will determine the salary and review the position of general manager each year at the beginning of the third quarter of every fiscal year.

RULE 3.2 STAFFING OF THE DISTRICT

The General Manager, with approval of the Board, may employ all persons necessary for the proper handling of business and operation of the District. The General Manager shall recommend salaries for employees (other than his/her self), but said salaries must be approved by the Board. The General Manager will review the position of each staff member as necessary.

SECTION 4. DISTRICT

RULE 4.1 MINUTES AND RECORDS OF THE DISTRICT

All documents, reports, records, and minutes of the District are available for public inspection and copying following the Texas Open Records Act. Upon written application of any person, the District will furnish copies of its public records. A copying charge may be levied pursuant to policies established by the District, in accordance with the Open Records Act. A list of the charges for copies will be furnished by the District.

RULE 4.2 CERTIFIED COPIES

Requests for certified copies must be in writing. Certified copies will be made under the direction of the Board of Directors. A certification charge and copying charge may be assessed, pursuant to policies established by the Board of Directors.

SECTION 5. SPACING REQUIREMENTS

RULE 5.1 REQUIRED SPACING

When a water well is pumped, water levels in the vicinity are drawn down in the shape of an inverted cone, with its apex at the pumped well. Where intensive development has taken place in ground-water reservoirs, each well superimposes its own individual cone of depression on the cone of neighboring wells. This results in the development of a regional cone of depression. When the cone of one well overlaps the cone of another, interference occurs and an additional lowering of water levels occurs as the wells compete for water by expanding their cones of depression. The amount or extent of interference between cones of depression depends on the rate of pumping from each well, the spacing between wells, and the hydraulic characteristics of the groundwater or aquifer in which the wells are completed.

Therefore, it is important to set minimum spacing requirements between water wells, in order to prevent a well on one tract from interfering with the production of a well on adjoining property.

1. No new well may be drilled within 50 feet (50') from the property line of any adjoining landowner. On any new division of property, new property lines shall also be a minimum of fifty feet (50') from any existing wells, unless otherwise approved by the District.
2. In addition to the spacing of wells from adjoining property boundaries, well spacing (distance of one well from other wells) is an important tool suggested by Chapter 36 to help in the management and protection of the groundwater and aquifers from large and/or concentrated water usage. Spacing requirements for permitted wells will be based on the distance of the well from the adjoining property lines as well as from other wells.

RULE 5.2 EXCEPTIONS TO SPACING REQUIREMENTS

1. If the applicant presents waivers signed by all the adjoining landowner(s) stating that they have no objection to the proposed location of the well site, the Board has the discretion to grant an exception to the spacing requirements concerning the new proposed well location.

2. Providing an applicant can show, by clear and convincing evidence, good cause why a new well should be allowed to be drilled closer than the required spacing of 50 feet from an adjoining property line, the issue of spacing requirements will be considered during the contested case process. If the Board, after considering the evidence presented, determines to grant a permit to drill a well that does not meet the spacing requirements, the Board must limit the production of the well to ensure no injury is done to the groundwater or aquifer.

3. If the Board grants an exception to the spacing requirements for a proposed new well, that well must be completed in accordance and in compliance with the standards of the Texas Water Well Drillers and Water Well Pump Installers Rules (see section 76.1000 Technical Requirements -- Locations and Standards of Completion of Wells).

4. The Board may, if good cause is shown by clear and convincing evidence by an applicant, enter special orders or add special permit conditions increasing or decreasing spacing requirements.

RULE 5.3 MINIMUM TRACT SIZE

Unless otherwise authorized and approved by the Board, a new well will not be permitted on properties of less than five (5) contiguous acres. The District will cooperate with Fayette County officials to ensure that proposed new wells will be drilled in compliance with current minimum tract sizes or other tract or lot requirements or restrictions imposed by Fayette County.

SECTION 6. PRODUCTION LIMITATIONS

RULE 6.1 MAXIMUM ALLOWABLE PRODUCTION

1. Maximum allowable production of groundwater will be determined based upon the number of contiguous acres in the property on which the well or well system is located, and upon the distance of that well from the adjoining property line as well as from other wells.

2. A well that is between 50 and 260 feet from the adjoining property line may not exceed 30,000 gallons of water per month, unless otherwise approved by the district. (A well is not permitted within 50 feet of the adjoining property line.)

3. The total annual production for a well that is greater than 260 feet from the adjoining property line will be determined by the distance from the property line and other wells on the property in accordance with known factors of groundwater and aquifer productivity, available hydrological data and calculated recharge rates deemed appropriate for the groundwater resource. Any and all production rates may be altered or adjusted by the Board should a drought condition occur in the area or region.

4. An exception to the production limitations will be considered after ten (10) calendar days' written notice is given by the applicant to all adjacent landowners and all other landowners within one-half mile of the well site. Following proof of written notice, the Board shall call a public hearing to take evidence and testimony on the proposed exception, after which they may grant or deny the request for the exception. If all the land owners required to receive notification by this rule waive their right to object to

the exception, the exception may be granted, provided the application meets all other requirements and provisions of these rules.

SECTION 7. OTHER DISTRICT ACTIONS AND DUTIES

RULE 7.1 DISTRICT MANAGEMENT PLAN

The District Management Plan specifies the acts, procedures, performance and avoidance necessary to prevent waste, the reduction of artesian pressure, or the draw-down of the water table. The District shall use the Rules of the District to implement the Management Plan. The Board will review the plan at least every fifth year. If the Board considers amendments to the plan or a new plan necessary or desirable, after notice and public hearing, amendments to the plan or a new plan will be adopted. A plan, or amended plan, once adopted, remains in effect until the adoption of a new plan.

SECTION 8. TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

RULE 8.1 PERMIT REQUIRED

Groundwater produced from within the District may not be transported outside the District's boundaries unless the Board has issued the well owner a transport permit. The requirements of this rule are applicable without regard to the manner the water is transferred out of the district and specifically includes discharges into watercourses to convey water, as well as pipelines, conduits and aqueducts.

RULE 8.2 APPLICABILITY

A groundwater transport permit is not required for transportation of groundwater that is to be used on property under the same ownership that straddles the district boundary line.

RULE 8.3 APPLICATION

An application for a transportation permit must be filed in the District office, be in writing and sworn to, and must include the following information:

- 1) The name and mailing address of the applicant, and the name and address of the owner of the land, if different from the applicant, on which the well is to be located;
- 2) If the applicant is other than the owner of the property, documentation establishing the necessary and applicable authority to construct and operate a well on the owner's property for the proposed use;

- 3) A statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose and the period of time each purpose is expected to continue;
- 4) A water conservation plan or a declaration showing that the applicant will comply with the District's management plan, which is acceptable to the District;
 - a. Contents of Conservation Plan. Conservation plans shall consider, as a minimum, the following:
 - i. Promotion and encouragement of voluntary conservation measures;
 - ii. Promotion and encouragement, installation, and use of water saving devices;
 - iii. Promotion and encouragement of water efficient landscape practices;
 - iv. Implementation of a conservation-oriented rate structure;
 - v. Financial measures which encourage conservation;
 - vi. Distribution of conservation information and other educational efforts;
 - vii. Provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the Conservation Plan; and
 - viii. Other conservation criteria set by the Board.
 - b. Compliance. The District shall approve Conservation Plans, if they satisfy the objectives of this Rule. The permittee may revise or amend the Conservation Plans, as necessary, with approval by the District.
- 5) The location of the well(s) and rates of withdrawal;
- 6) Proof of notification of all landowners adjacent to the property where the well or wells are located and all well owners within one-half mile of any of the proposed production wells;
- 7) A drought contingency plan (DCP) which is acceptable to the District.
 - a. Contents of DCP. DCPs shall consider, as a minimum, the following:
 - i. establishment of a permittee historical baseline pumpage volume and target pumpage volume in accordance with reduction goal percentages of the three Critical Groundwater Depletion Area categories;
 - ii. voluntary compliance restrictions to achieve a 10% reduction goal;
 - iii. demand reduction measures which may include prohibition of water waste, alternative and/or supplemental water supply sources, adjustment to water rates, and use of water saving devices;
 - iv. additional demand reduction measures developed by the permittee which achieve reduction goal percentages associated with each Critical Groundwater Depletion Area category;

- v. financial measures which encourage compliance with the DCP and Drought Contingency Plan while maintaining financial stability of the permittee during Critical Groundwater Depletion Area categories;
 - vi. provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the DCP; and
 - vii. provisions for reporting pumpage.
- b. Compliance: The District shall approve DCPs, if they satisfy the objectives of this Rule. The permittee may revise or amend the DCP, as necessary to reflect changes in permitted pumpage, subject to administrative approval by the General Manager. Any other revisions or amendments must be approved by the Board.

RULE 8.4 HEARING AND PERMIT ISSUANCE

- a) Applications for transportation permits are subject to the hearing procedures provided by these rules.
- b) In determining whether to issue a permit to transfer groundwater out of the District, the Board shall consider the information provided in Rule 8.3 above, the provisions and requirements of the Texas Water Code, as amended, and the following information:
 - 1) availability of water in the District and in the proposed receiving area;
 - 2) availability of feasible and practicable alternative supplies to the applicant;
 - 3) the amount and purposes of use for which water is needed in the proposed receiving area;
 - 4) the projected effect of the proposed transfer on groundwater and aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;
 - 5) the indirect costs and economic and social impacts associated with the proposed transfer of water from the District;
 - 6) the approved regional and state water plan, if one has been approved for the receiving area, and the certified District management plan, if one has been approved for the receiving area;
 - 7) other facts and considerations considered necessary by the District's Board for protection of the public health and welfare and conservation and management of underground water resources in the District.
 - 8) the applicant's water conservation plan and whether the applicant has agreed to prevent waste and achieve water conservation and, if any subsequent user of the water is a municipality or entity providing retail water services, the water conservation plan, and agreement to prevent waste and achieve water conservation, of that municipality or entity shall also be provided;
 - 9) the location of the well and rates of withdrawal; and
 - 10) the period of time for which the permit is sought.

RULE 6.5 TRANSPORTATION PERMIT AMENDMENTS.

Amendment to a Transportation Permit. It is a violation of these rules to transfer any amount of water in excess of the amount or withdrawal rate specified in the transportation permit issued by the District, or by any means or route not authorized by a transportation permit issued by the District. A written, sworn application for an amendment to a transportation permit must be filed and the amendment granted before any deviation in the transportation permit occurs. The applicant must demonstrate that the originally authorized terms and conditions in the transportation permit have proven inadequate and why there is a need to change the authorization.

(1) Submission of application. The applicant for an amendment to modify the transportation permit shall provide sufficient documentation that the original authorizations have proven inadequate and the reasons for the need to make the change(s).

(2) Action on amendment. The general manager shall prepare a notice to be given of the application for amendment, which notice shall be given as in the original application, and a hearing conducted in the manner prescribed for permit issuance.

SECTION 9. FEES AND DEPOSITS FOR WELL PERMITS AND REGISTRATION

RULE 9.1 FEES

Section 36.205 authorizes the District to assess fees for administrative acts of the District. These fees may not unreasonably exceed the cost to the District of providing the administrative function for which the fee is charged. Fees shall be assessed in accordance with the District Fee Schedule set by the Board. A copy of the Fee Schedule may be obtained from the District Office.

The Board, by resolution or order, shall adopt a fee schedule to apply to all applications, registrations, inspections, and permits that are issued, renewed, or amended as well as fees for other acts the District performs or fees to cover charges incurred by the District. These fees are non-refundable. The fee schedule shall be adopted as soon as practical after the rules are adopted by the Board, and the fees shall be effective upon adoption of the schedule.

In addition to well registration, permit application fees, and other fees, the District shall impose a reasonable fee or surcharge, established by Board resolution or order, for transportation of groundwater out of the District and production of groundwater for non-agricultural commercial use. Such transportation fees and production fees shall be set in accordance with the provisions of Chapter 36 of the Texas Water Code, as amended.

The District may amend the fee schedule from time to time.

RULE 9.2 DEPOSITS

Each well registration or application for a well permit must be accompanied by a well log deposit, and any administrative fee, as set out in the Fee Schedule adopted by the Board of Directors, which will be accepted and deposited by the District staff. The deposit will be returned to the applicant by the District if: (1) the application is denied; (2) if the application is granted, upon the receipt of correctly completed driller's log of the well; or (3) if the permit location is abandoned without having been drilled or if the drilling results in a dry hole, upon return and surrender of the permit marked "abandoned" by the applicant.

In the event that neither the driller's log of the well nor the permit marked "abandoned" is returned to the District office within six (6) months after application date of the permit, the deposit becomes the property of the District.

In the event the well is abandoned, the hole must be plugged by the applicant of the permit in accordance with the Texas Water Well Drillers' Rules (see section 76.1004 Technical Requirements - Standards for Capping and Plugging of Wells). Proof of proper closure must be provided by the applicant to the District, or a satisfactory inspection must be performed by District personnel.

SECTION 10. PERMITS

RULE 10.1 REGISTRATION OF WELLS

a) It is a violation of these rules for a well owner, well operator, or water well driller to drill any well without the well registration form being filed with the District, either in person, by mail, or by facsimile.

b) All new wells must be registered by the well owner, well operator, or water well driller. If a new well meets spacing (Rule 5) and production (Rule 6) requirements and meets the exclusions or exemptions provided in Rule 10.5, the registrant may begin drilling immediately. A registration form, and a completed Well Driller's Log, must be filed within fourteen (14) calendar days after the well is drilled. For any other (non-exempt) wells, an application for a well permit must be filed by the well owner, well operator, or water well driller prior to drilling the well.

c) All existing wells must be registered by the well owner or well operator. Registration forms will be provided by the District and furnished to the applicant upon request. The District offers a grace period, up to one year from the effective date of the District Rules, in which existing wells can be registered without requiring a well log deposit or any application fee.

It shall be unlawful for any person to act as, or to offer to perform services as a well driller or pump installer without first obtaining a license pursuant to the Texas Water Code, Chapters 32 and 33. Only a licensed well driller or licensed pump installer may install, service or alter a well within the boundaries of the Fayette County Groundwater Conservation District, unless a person drills or constructs a water well on his property for his own use. All well drillers and persons having a well drilled, deepened, or altered shall adhere to the provisions of Chapters 32 and 33 of the Texas Water Code, and Chapter 76 of the Texas Administrative Code, prescribing the location of wells and proper drilling, completion, capping, and plugging.

RULE 10.2 GENERAL PERMITTING POLICIES AND PROCEDURES

a) **Permit Requirement:** The well owner, well operator, or any other person acting on behalf of the well owner, must file a completed well registration/application for a water well permit before a well may be drilled. Providing the application for a well permit meets all the guidelines of these rules, the applicant may thereupon proceed at his own risk to drill such well. This application for a well permit shall not, however, be granted until the opportunity for a due process public hearing has been satisfied and the Board has approved the permit.

b) Within fourteen (14) calendar days after a well is drilled, the well owner or well operator must notify the District office that the well is operational. The well or well system must remain permitted until an operating permit is no longer required for the well/well system.

c) **Permit Applications:** Each original application for a water well permit or permit renewal requires a separate application. Application forms will be provided by the District and furnished to the applicant upon request.

The application for a permit shall be in writing and sworn to, and shall include the following:

1. the name and mailing address of the applicant and the owner of the land on which the well will be located;
2. if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
3. a location map of all existing wells within a quarter (1/4) mile radius of the proposed well or the existing well to be modified;
4. a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;
5. a declaration that the applicant will comply with the District's Rules and all groundwater use permits and plans promulgated pursuant to the District's Rules;
6. a water conservation plan or a declaration that the applicant will comply with the District's management plan;
 - A. Contents of Conservation Plan. Conservation plans shall consider, as a minimum, the following:
 - i. Promotion and encouragement of voluntary conservation measures;
 - ii. Promotion and encouragement, installation, and use of water saving devices;
 - iii. Promotion and encouragement of water efficient landscape practices;
 - iv. Implementation of a conservation-oriented rate structure;
 - v. Financial measures which encourage conservation;
 - vi. Distribution of conservation information and other educational efforts;

vii. Provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the Conservation Plan; and

viii. Other conservation criteria set by the Board.

B. **Compliance.** The District shall approve Conservation Plans, if they satisfy the objectives of this Rule. The permittee may revise or amend the Conservation Plans, as necessary, with approval by the District.

C. **Irrigation.** Irrigation water users may be required to obtain an irrigation water management plan in cooperation with the local soil and water conservation district.

7. the location of each well and the estimated rate at which water will be withdrawn;

8. a Drought Contingency Plan (DCP). Each permittee is required to prepare, adopt, and implement a DCP consistent with these Rules.

A. **Contents of DCP.** DCPs shall consider, as a minimum, the following:

i. establishment of a permittee historical baseline pumpage volume and target pumpage volume in accordance with reduction goal percentages of the three Critical Groundwater Depletion Area categories;

ii. voluntary compliance restrictions to achieve a 10% reduction goal;

iii. demand reduction measures which may include prohibition of water waste, alternative and/or supplemental water supply sources, adjustment to water rates, and use of water saving devices;

iv. additional demand reduction measures developed by the permittee which achieve reduction goal percentages associated with each Critical Groundwater Depletion Area category;

v. financial measures which encourage compliance with the DCP and Drought Contingency Plan while maintaining financial stability of the permittee during Critical Groundwater Depletion Area categories;

vi. provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the DCP; and

vii. provisions for reporting pumpage.

B. **Compliance.** The District shall approve DCPs, if they satisfy the objectives of this Rule. The permittee may revise or amend the DCP, as necessary to reflect changes in permitted pumpage, subject to administrative approval by the General Manager. Any other revisions or amendments must be approved by the Board.

d) **Notice of Permit Hearing:** Once the District has received a completed original application for a water well permit or an operating permit renewal, the District will issue written notice indicating a date and time for a hearing on the application in accordance with these rules. The District may schedule as many applications at one hearing as deemed necessary.

- e) **Decision and Issuance of Permit:** In deciding whether or not to issue a permit, and in setting the terms of the permit, the Board must consider the District Rules.
- f) **Operating Permits:** Unless specified otherwise by the Board or these rules, operating permits are effective until revoked. The permit term will be shown on the permit. Operating permits may be renewed by the Board following application and hearing.
- g) **Permit Provisions:** The permit will contain the standard provisions listed in Rules 10.3. The permit may also contain provisions relating to the means and methods of transportation of water produced within the district.
- h) **Aggregation of Withdrawal:** In issuing an operating permit, the authorized withdrawal for a given well may be aggregated with the authorized withdrawal from other permitted wells designated by the District. District Rules 5 and 6, as well as other applicable rules, will be considered in determining whether or not to allow aggregation of withdrawal. For the purpose of categorizing wells by the amount of groundwater production, where wells are permitted with an aggregate withdrawal, the total authorized withdrawal will be assigned to the wells in aggregate, rather than allocating to each well its pro rata share of production. This will allow a well owner, with a number of water wells which supply a single well system, to apply for an operating permit for the well system, and consequently, will not be required to apply for a separate operating permit for each individual well. This provision will allow a well owner to apply for an operating permit for each individual well, in the event a number of wells from more than a single numbered Section, may be used to supplying a very large single well system.
- i) **Effect of Acceptance of Permit:** Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions.

RULE 10.3 OPERATING PERMIT PROVISIONS

All permits are granted subject to these rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued must contain the following standard permit provisions:

This permit is granted in accordance with the provisions of the Rules of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules and any emergency conditions assessed by the District.

1. This permit confers only the right to operate the permit under the provisions of Rule 6.1, and its terms may be modified or amended pursuant to the provisions of that Rule. Any person who becomes the owner of a currently permitted well is responsible for that permit and is responsible to comply with the terms of that permit.
2. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
3. Withdrawals from all non-exempt wells must be measured or estimated by the owner or operator using a device or method that is within plus or minus 10% of accuracy. Measured or estimated water use shall be reported to the District annually in January. The Board may require monitoring devices on permitted wells which would be available for District inspection during business hours.

4. The well site must be accessible to District representatives for inspection, as stated in Rule 15.1, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
5. The application pursuant to which the operating permit has been issued is incorporated in this permit, and this permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
6. Violation of the operating permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District Rule 15.3.

RULE 10.4 OPERATING PERMIT LIMITATIONS

On approval of an application, the District shall issue an operating permit to the applicant. The permitted right to produce shall be limited to the extent of and for stated purpose(s) in the permit. The permit is in effect and valid for the life of the well as permitted, unless the well is reworked, as discussed in Section 11, or unless the District determines that the permit owner is not in compliance with the permit conditions or District Rules. In event of such noncompliance, the District will notify the permit owner of the conditions that may cause revocation of the permit and allow the owner an opportunity to correct any noncompliance. If the owner does not effect compliance with the permit conditions or the District Rules, by Board action the permit may be canceled.

- a) **Maximum Authorized Withdrawal:** It is a violation of these rules to pump any amount of water over the amount authorized by the permit.
- b) **Operating Permit Required:** It is violation of these rules to pump a well without an operating permit application being filed with the District awaiting approval by the Board of Directors.
- c) Permits may be transferred to another person through change of ownership of the well provided all permit conditions remain in compliance with District rules.
- d) Permits issued under these rules are subject to change or revocation for waste, deviation from the purposes and terms of the permit, damage or adverse affect caused to groundwater or to aquifers, or availability of other sources of water not available at the time of permit issuance.
- e) A new permit must be obtained when any qualifying information on the permit changes, including, but not limited to, a change in ownership of the land the well or well system is located on, a change in the boundaries of the property, a change in the type of use of the water produced, or the repair or reworking of the well as discussed in Section 11.

RULE 10.5 EXCLUSIONS AND EXEMPTIONS

The following wells are exempted from the permit requirements in Section 10 of obtaining an operating permit:

- a) wells for "domestic use" as defined in these Rules, and wells used to supply the domestic needs of 10 or fewer households if each of the households is for the well owner, a person related to the well owner within the second degree of consanguinity, or a full-time employee of the well owner;

- b) wells for providing water for livestock and poultry in connection with farming, ranching or dairy enterprises conducted on the property where the well is located;
- c) a well drilled or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day; or
- d) wells used to supply water for hydrocarbon production activities associated with any oil or gas well permitted by the Railroad Commission of Texas.

As stated in Rule 10.1, wells exempt from the requirements of obtaining a permit must still register with the District.

A well used solely for agricultural and/or domestic use that is capable of producing more than 25,000 gallons of groundwater per day may obtain an exempt status if the well owner signs an agreement stating that such well will not produce more than 25,000 gallons per day on any day.

SECTION 11. REWORKING, REPAIRING AND REPLACING A WELL

RULE 11.1 PROCEDURES

- a) An existing well may be reworked, re-drilled, repaired, or re-equipped in a manner that will not change the existing well status.
- b) Any improvement, alterations, or professional maintenance or repair of a well or well system requires that the well be re-registered within fourteen (14) calendar days, and may require that the well be re-permitted. If the well or well system was in existence at the time the rules were adopted by the District, such well must be registered with the District. If the improvement, alterations, maintenance or repair render the well non-exempt, such well must be permitted by the District, and application for a permit must be made by the well owner.
- c) A permit must be applied for and the board will consider approving the permit, if a person wishes to increase the rate of production of an existing well to the point of increasing the size of the column pipe and/or g.p.m. rate by reworking, re-equipping, or re-drilling such well.
- d) A permit must be applied for and granted by the board if a person wishes to replace an existing well with a replacement well.
- e) In the event the application meets spacing (Rule 5) and production (Rule 6) requirements, the Board may grant such application without further notice.
- f) An emergency replacement or reworking of a well may be performed, with notice to the District afterward, so long as there is no change to the rate or amount of withdrawal. New driller's and completion logs must be filed with the district within the same period of time as the logs are required to be filed with the water well drillers' board, and the well must be re-registered within fourteen (14) calendar days, and may require that the well be re-permitted.

SECTION 12. WELL LOCATION AND COMPLETION

RULE 12.1 RESPONSIBILITY

After an application for a well permit has been granted, the well, if drilled, must be drilled within ten (10) yards (30 feet) of the location specified in the permit, and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code. As described in the Texas Water Well Drillers' Rules, all well drillers and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of the rule prescribing the location of wells and proper completion.

RULE 12.2 LOCATION OF DOMESTIC, INDUSTRIAL, INJECTION, AND IRRIGATION WELLS

All new wells must comply with the spacing and location requirements set forth under the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Part 4, Chapter 76, Texas Administrative Code, unless a written variance is granted by the Texas Department of Licensing and Regulation and a copy of the variance is forwarded to the District by the applicant or registrant.

- a) A well must be located a minimum horizontal distance of 50 feet from any water-tight sewage facility and liquid-waste collection facility.
- b) A well must be located a minimum horizontal distance of not less than 100 feet from any contamination, such as existing or proposed livestock or poultry yards, privies, and septic system absorption fields, and must be located in accordance with any applicable federal, state, county, and/or Texas Water Well Drillers and Pump Installers rules and regulations.
- c) A well must be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it must be completed with a watertight sanitary well seal and steel casing extending a minimum of 24 inches above the 100 Year Flood Plain elevation, as established by the most recent mapping of the National Flood Insurance Program.
- d) No well may be located within five-hundred (500) feet of a sewage treatment plant, solid waste disposal site, or land irrigated by sewage plant effluent, or within three-hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.

RULE 12.3 STANDARDS OF COMPLETION FOR DOMESTIC, INDUSTRIAL, INJECTION, AND IRRIGATION WELLS

- (a) All wells must be completed in accordance with the well completion standards set forth under the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Part 4, Chapter 76, Texas Administrative Code.

- (b) Water well drillers shall indicate the method of completion performed on the Well Report (TDLR Form #001 WWD, Section 10, Surface Completion).

RULE 12.4 RE-COMPLETIONS

- a) The landowner shall have the continuing responsibility of insuring that a well does not allow commingling of undesirable water and fresh water or the unwanted loss of water through the wellbore to other porous strata.
- b) If a well is allowing the commingling of undesirable water and fresh water or the unwanted loss of water, and the casing in the well cannot be removed and the well re-completed within the applicable rules, the casing in the well shall be perforated and cemented in a manner that will prevent the commingling or loss of water. If such a well has no casing, then the well shall be cased and cemented, or plugged in a manner that will prevent such commingling or loss of water.
- c) The Board of Directors may direct the landowner to take steps to prevent the commingling of undesirable water and fresh water, or the unwanted loss of water or pollution through the well bore.

SECTION 13. WASTE AND BENEFICIAL USE

RULE 13.1 DEFINITION OF WASTE

"Waste" means any one or more of the following:

1. Withdrawal of groundwater from a groundwater bearing sand or strata or from a groundwater reservoir at a rate in an amount that causes or threatens to cause intrusion into the groundwater or reservoir of water unsuitable for agricultural, gardening, domestic or stock watering purposes;
2. The flowing or producing of wells from groundwater or a groundwater reservoir if the water produced is not used for a beneficial purpose;
3. Escape of groundwater from a groundwater bearing sand or strata or from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
4. Pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
5. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the Texas Commission on Environmental Quality under Chapter 26;
6. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the owner of the land receiving the discharge;

7. For water produced from an artesian well, waste has the meaning assigned by Section 11.205 Texas Water Code.
8. The supply of groundwater to a surface reservoir of any nature (stock tank, lake, vanity pond, or other confinement) which has a capacity greater than 50,000 gallons is considered waste. This does not apply to temporary storage of water for irrigation purposes.

RULE 13.2 WASTE PREVENTION

- a) Underground water shall not be produced within, or used within or without the District, in such a manner or under such conditions as to constitute waste as defined in Rule 13.1 hereof. Water shall not be produced from an abandoned or deteriorated well.
- b) No person shall pollute or harmfully alter the character of the underground water reservoir of the District by means of salt water or of other deleterious matter admitted from some other stratum or strata from the surface of the ground.
- c) No person shall commit waste of groundwater as that term is defined in Section 13.
- d) Any person producing or using underground water shall use every possible precaution, in accordance with the best available or most approved methods, to stop and prevent waste of such water.
- e) A well identified as an abandoned or deteriorated well, or a borehole, must be plugged, capped or re-completed in accordance with the requirements of the District and of any statewide law, agency or political subdivision having jurisdiction including, but not limited to, the Texas Water Well Drillers Act, and the Texas Commission on Environmental Quality.

RULE 13.3 USE FOR A BENEFICIAL PURPOSE

Use of groundwater in accordance with the rules of the District is for a beneficial purpose if it is used for:

- a) Agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, or recreational purposes;
- b) Exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or
- c) Any other purpose that is useful and beneficial to the user and does not meet the definition of waste as described in Rule 13.1.

SECTION 14. HEARINGS

RULE 14.1 TYPES OF HEARINGS

The District conducts two general types of hearings: hearings involving permit matters, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing, and rulemaking or other hearings involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District. Any matter designated for hearing before the Board involving a permit matter may be referred by the Board for hearing before a Hearing Examiner.

a) **Permit Hearings:**

- 1) **Permit Applications, Amendments and Revocations:** The District will hold hearings on water well operating permits, permit renewals or amendments and permit revocations or suspensions. Hearings involving permit matters may be scheduled before a Hearing Examiner.
- 2) **Hearings on Motions for Rehearing:** Motions for Rehearing will be heard by the Board pursuant to Rule 14.8(b).

b) **Rule-making and Other Hearings:**

- 1) **District Rules or District Management Plan:** At its discretion, the Board may hold a hearing to consider adoption of amended or new District rules, or an amended or new District Management Plan.
- 2) **Other Matters:** A public hearing may be held on any matter within the jurisdiction of the Board, if the Board deems a hearing to be in the public interest, or necessary to effectively carry out the duties and responsibilities of the District.

RULE 14.2 NOTICE AND SCHEDULING OF HEARINGS

The District, by its General Manager, as instructed by the Board, is responsible for giving notice of all hearings in the following manner:

a) Notice will be given to each person who requests copies of hearing notices pursuant to the procedures set forth in subsection (b), and any other person the Board of Directors deems appropriate. The date of mailing of notice or of delivery may not be less than ten (10) calendar days before the date set for the hearing.

1. If the hearing is to be held during the District's regular business hours, notice of the hearing must be posted in accordance with the Texas Open Meetings Law by posting on the Courthouse Bulletin Board. If the hearing is to be held as part of the Board's regular business meeting, the hearing must be listed as a separate item on the meeting agenda. If the hearing is not to be held during the District's regular business hours, notice of hearing will be published at least once in a newspaper of general circulation in the District. The date of publication may not be less than ten (10) calendar days before the date set for the hearing.
2. A copy of the notice will be posted at the county courthouse in the place where notices are usually posted. The date of posting may not be less than ten (10) calendar days before the date of the hearing.
3. In addition to the notices required above, when a hearing involves an operating permit matter, notice of the date, time, and location of the hearing will be given to the applicant by depositing the notice in the United States Postal Service mail in an envelope or wrapper addressed to the

applicant and stamped, or by delivery to the applicant, at least ten (10) calendar days before the day of the hearing.

4. In addition to the notice required above, when a hearing involves designation of a Critical Groundwater Depletion Area, a copy of the notice must be provided to each landowner, well owner, well operator and known groundwater right holder in the proposed management area, or notice of hearing must be published at least once in a newspaper of general circulation in the District, describing the proposed management area in such a way that each landowner, well owner, well operator and known groundwater right holder in the proposed management area can recognize their inclusion.

b) Any person having an interest in the subject matter of a specific hearing or specific hearings may receive written notice of such hearing or hearings by submitting to the District a request in writing. The request must identify with as much specificity as possible the hearing or hearings concerning a specific or individual matter for which written notice is requested. The request remains valid for a period of one year from the date of the request, after which time a new request must be submitted. Failure to provide written notice under this section does not invalidate or have any effect on any action taken by the Board.

c) Hearings may be scheduled during the District's regular business hours, Monday through Friday of each week, except on District holidays. All permit hearings will be held at the District Office. However, the Board may from time to time change or schedule additional dates, times, and places for permit hearings by resolution adopted at a regular Board meeting. The General Manager is instructed by the Board to schedule hearings involving permit matters at such dates, times, and places set forth above for permit hearings. Other hearings will be scheduled at the dates, times and locations set at a regular Board meeting.

d) In the event that a hearing is scheduled, either outside of the District's regular business hours or in a place that is not the District's office, the District may require that the person requesting the hearing pay 45% of the costs of holding the hearing, and the District will pay the remaining 55%.

RULE 14.3 GENERAL PROCEDURES

a) **Authority of Presiding Officer:** The presiding officer may conduct the hearing or other proceeding in the manner the presiding officer deems most appropriate for the particular proceeding. The presiding officer has the authority to:

- 1) set hearing dates, other than the initial hearing date for permit matters set by the District, by its General Manager as instructed by the Board, in accordance with Rule 14.2(c);
- 2) convene the hearing at the time and place specified in the notice for public hearing;
- 3) establish the jurisdiction of the District concerning the subject matter under consideration;
- 4) rule on motions and on the admissibility of evidence and amendments to pleadings;
- 5) designate and align parties and establish the order for presentation of evidence;
- 6) administer oaths to all persons presenting testimony;
- 7) examine witnesses;
- 8) issue subpoenas when required to compel the attendance of witnesses or the production of papers and documents;
- 9) require the taking of depositions and compel other forms of discovery under these rules;
- 10) ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudging the rights of any party to the proceeding;
- 11) conduct public hearings in an orderly manner in accordance with these rules;
- 12) recess any hearing from time to time and place to place;

- 13) reopen the record of a hearing for additional evidence when necessary to make the record more complete; and
- 14) exercise any other appropriate powers necessary or convenient to effectively carry out the responsibilities of presiding officer.
- b) **Hearing Registration Forms:** Each individual attending a hearing or other proceeding of the District must submit a form providing the following information: full name; street address; telephone number; whether the person plans to testify; and any other information relevant to the hearing or other proceeding.
- c) **Appearance; Representative Capacity:** Any interested person may appear in person or may be represented by counsel, or accompanied by an engineer, or other representative provided the representative is fully authorized to speak and act for the principal. Such person or representative may present evidence, exhibits, or testimony, or make an oral presentation in accordance with the procedures applicable to the particular proceeding. Any partner may appear on behalf of the partnership. A duly authorized officer or agent of a public or private corporation, political subdivision, governmental agency, municipality, association, firm, or other entity may appear for the entity. A fiduciary may appear for a ward, trust, or estate. A person appearing in a representative capacity may be required to prove proper authority.
- d) **Alignment of Parties; Number of Representatives Heard:** Participants in a proceeding may be aligned according to the nature of the proceeding and their relationship to it. The presiding officer may require the participants of an aligned class to select one or more persons to represent them in the proceeding or on any particular matter or ruling and may limit the number of representatives heard, but must allow at least one representative of an aligned class to be heard in the proceeding or on any particular matter or ruling.
- e) **Appearance by Applicant or Movant:** The applicant, movant or party requesting the hearing or other proceeding or a representative must be present at the hearing or other proceeding. Failure to so appear may be grounds for withholding consideration of a matter and dismissal without prejudice or may require the rescheduling or continuance of the hearing or other proceeding if the presiding officer deems it necessary in order to fully develop the record.
- f) **Reporting:** Hearings and other proceedings will be recorded on audio cassette tape or, at the discretion of the presiding officer, may be recorded by a certified shorthand reporter. The District does not prepare transcripts of hearings or other proceedings recorded on audio cassette tape on District equipment for the public, but the District will arrange access to the recording. Subject to availability of space, any party to a specific hearing may, at their own expense, arrange for a reporter to report the hearing or other proceeding or for recording of the hearing or other proceeding. The cost of reporting or transcribing a permit hearing may be assessed in accordance with Rule 14.5(b). If a proceeding other than a permit hearing is recorded by a certified shorthand reporter, and a copy of a written transcript of testimony is ordered by any person, the testimony will be transcribed by the certified shorthand reporter and the original written transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing or other proceeding thus reported may be purchased thereafter from the reporter by the person requesting the copy.
- g) **Continuance:** The presiding officer may continue hearings or other proceedings from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice. If a hearing or other proceeding is continued and a time and place (other than the District Office) for the hearing or other proceeding to reconvene are not publicly announced at the hearing or other proceeding by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding will be delivered at a reasonable time to all parties, persons who have

requested notice of the hearing pursuant to Rule 14.2(b), and any other person the presiding officer deems appropriate, but it is not necessary or required to post at the county courthouse or publish a newspaper notice of the new setting.

h) **Filing of Documents; Time Limit:** Applications, motions, exceptions, communications, requests, briefs or other papers and documents required to be filed under these rules or by law must be received in hand at the District's Office within the time limit, if any, set by these rules or by the presiding officer for filing. Mailing by deposit with the United States Postal Service within the time period is insufficient if the submissions are not actually received by the District within the time limit.

i) **Computing Time:** In computing any period of time prescribed, allowed, or specified by these rules, by a presiding officer, by Board orders, or by applicable law, the day of the act, event, or default after which the designated period of time begins to run is not included, but the last day of the period so computed is included, unless the last day is a Saturday, Sunday or legal holiday as determined by the Board, in which case the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday as determined by the Board.

j) **Affidavit:** Whenever the making of an affidavit by a party to a hearing or other proceeding is necessary, it may be made by the party or the party's representative or counsel. This rule does not dispense with the necessity of an affidavit being made by a party when expressly required by statute.

k) **Broadening the Issues:** No person will be allowed to appear in any hearing or other proceeding that in the opinion of the presiding officer is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding.

l) **Conduct and Decorum:** Every person, party, representative, witness, and other participant in a proceeding must conform to ethical standards of conduct and must exhibit courtesy and respect for all other participants. No person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If in the judgment of the presiding officer, a person is acting in violation of this provision, the presiding officer will first warn the person to refrain from engaging in such conduct. Upon further violation by the same person, the presiding officer may exclude that person from the proceeding for such time and under such conditions as the presiding officer deems necessary.

RULE 14.4 UNCONTESTED PERMIT HEARINGS PROCEDURES

a) **Written Notice of Intent to Contest:** Any person who intends to contest a permit application must provide written notice of that intent to the District at the District office located at 254 North Jefferson, Room 600, P. O. Box 625, La Grange, TX 78945 at least five (5) calendar days prior to the date of the hearing. If the Board of Directors intends to contest a permit application, the Board of Directors must provide the applicant written notice of that intent at least five (5) calendar days prior to the date of the hearing. If no notice of intent to contest is received five (5) calendar days prior to the hearing, the general manager as instructed by the Board of Directors, will cancel the hearing and the board will consider the permit at the next regular board meeting.

b) **Informal Hearings:** Permit hearings may be conducted informally when, in the judgment of the Hearing Examiner, the conduct of a proceeding under informal procedures will not prejudice the rights of any party and will save time or cost to the parties, or lead to a negotiated or agreed settlement of facts or issues in controversy.

c) **Agreement of Parties:** If, during an informal proceeding, all parties reach a negotiated or agreed settlement which, in the judgment of the Hearing Examiner, settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the Hearing Examiner will

summarize the evidence, make findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.

d) **Decision to Proceed as Uncontested or Contested Case:** If the parties do not reach a negotiated or agreed settlement of the facts and issues in controversy or if any party contests a staff recommendation, and the Hearing Examiner determines these issues will require extensive discovery proceedings, the Hearing Examiner will declare the case to be contested and convene a prehearing conference as set forth in Rule 14.5. The Hearing Examiner may also recommend issuance of a temporary permit for a period not to exceed 4 months, with any special provisions the Hearing Examiner deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision is an uncontested case and the Hearing Examiner will summarize the evidence, make findings of fact and conclusions of law, and make appropriate recommendations to the Board.

RULE 14.5 CONTESTED PERMIT HEARINGS PROCEDURES

a) **Prehearing Conference:** A prehearing conference may be held to consider any matter which may expedite the hearing or otherwise facilitate the hearing process.

- 1) **Matters Considered:** Matters which may be considered at a prehearing conference include, but are not limited to, (1) the designation of parties; (2) the formulation and simplification of issues; (3) the necessity or desirability of amending applications or other pleadings; (4) the possibility of making admissions or stipulations; (5) the scheduling of discovery; (6) the identification of and specification of the number of witnesses; (7) the filing and exchange of prepared testimony and exhibits; and (8) the procedure at the hearing.
- 2) **Notice:** A prehearing conference may be held at a date, time, and place stated in a separate notice given in accordance with Rule 14.2, or at the date, time, and place for hearing stated in the notice of public hearing, and may be continued from time to time and place to place, at the discretion of the Hearing Examiner.
- 3) **Conference Action:** Action taken at a prehearing conference may be reduced to writing and made a part of the record or may be stated on the record at the close of the conference.

b) **Assessing Reporting and Transcription Costs:** Upon the timely request of any party, or at the discretion of the Hearing Examiner, the Hearing Examiner may assess reporting and transcription costs to one or more of the parties. The Hearing Examiner must consider the following factors in assessing reporting and transcription costs:

- 1) the party who requested the transcript;
- 2) the financial ability of the party to pay the costs;
- 3) the extent to which the party participated in the hearing;
- 4) the relative benefits to the various parties of having a transcript;
- 5) the budgetary constraints of a governmental entity participating in the proceeding;
- 6) any other factor that is relevant to a just and reasonable assessment of costs.

In any proceeding where the assessment of reporting or transcription costs is an issue, the Hearing Examiner must provide the parties an opportunity to present evidence and argument on the issue. A recommendation regarding the assessment of costs must be included in the Hearing Examiner's report to the Board.

c) **Designation of Parties:** Parties to a hearing will be designated on the first day of hearing or at such other time as the Hearing Examiner determines. The Board of Directors and any person specifically named in a matter are automatically designated parties. Persons other than the automatic parties must,

In order to be admitted as a party, appear at the proceeding in person or by representative and seek to be designated. After parties are designated, no other person may be admitted as a party unless, in the judgment of the Hearing Examiner, there exists good cause and the hearing will not be unreasonably delayed.

d) **Rights of Designated Parties:** Subject to the direction and orders of the Hearing Examiner, parties have the right to conduct discovery, present a direct case, cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notices issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.

e) **Persons Not Designated Parties:** At the discretion of the Hearing Examiner, persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record, but may not be considered by the Hearing Examiner as evidence.

f) **Furnishing Copies of Pleadings:** After parties have been designated, a copy of every document including a pleading, request, motion, or reply filed in the proceeding must be provided by the person who signs the document, or the author or the person who files the document with the District, to every other party or the party's representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.

g) **Interpreters for Deaf Parties and Witnesses:** If a party or subpoenaed witness in a contested case is deaf, the District must provide an interpreter whose qualifications are approved by the State Commission for the Deaf and Hearing Impaired to interpret the proceedings for that person. "Deaf person" means a person who has a hearing impairment, whether or not the person also has a speech impairment, that inhibits the person's comprehension of the proceedings or communication with others.

h) **Agreements to be in Writing:** No agreement between parties or their representatives affecting any pending matter will be considered by the Hearing Examiner unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered as record.

i) **Discovery:** Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the Hearing Examiner. Unless specifically modified by these rules or by order of the Hearing Examiner, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the Hearing Examiner.

j) **Discovery Sanctions:** If the Hearing Examiner finds a party is abusing the discovery process in seeking, responding to, or resisting discovery, the Hearing Examiner may:

- 1) suspend processing of the application for a permit if the applicant is the offending party;
- 2) disallow any further discovery of any kind or a particular kind by the offending party;
- 3) rule that particular facts be regarded as established against the offending party for the purposes of the proceeding, in accordance with the claim of the party obtaining the discovery ruling;
- 4) limit the offending party's participation in the proceeding;
- 5) disallow the offending party's presentation of evidence on issues that were the subject of the discovery request; and
- 6) recommend to the Board that the hearing be dismissed with or without prejudice.

k) **Ex Parte Communications:** The Hearing Examiner may not communicate, directly or indirectly, in connection with any issue of fact or law pending for decision before the Hearing Examiner, with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. This provision does not prevent communications with District staff not directly involved in the hearing to utilize the special skills and knowledge of the District in evaluating the evidence.

l) **Compelling Testimony; Swearing Witnesses and Subpoena Power:** The Hearing Examiner may compel the testimony of any person which is necessary, helpful, or appropriate to the hearing. The Hearing Examiner will administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth. The Hearing Examiner may issue subpoenas to compel the testimony of any person and the production of books, papers, documents, or tangible things, in the manner provided in the Texas Rules of Civil Procedure.

m) **Evidence:** Except as modified by these rules, the Texas Rules of Civil Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of Civil Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties.

n) **Written Testimony:** When a proceeding will be expedited and the interest and rights of the parties will not be prejudiced, testimony may be received in written form. The written testimony of a witness, either in narrative or question and answer form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.

o) **Requirements for Exhibits:** Exhibits of a documentary character must be sized to not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, and except for good cause shown, may not exceed 8-1/2 by 11 inches in size.

p) **Abstracts of Documents:** When documents are numerous, the Hearing Examiner may receive in evidence only those which are representative and may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. Parties have the right to examine the documents from which the abstracts are made.

q) **Introduction and Copies of Exhibits:** Each exhibit offered must be tendered for identification and placed in the record. Copies must be furnished to the Hearing Examiner and to each of the parties, unless the Hearing Examiner rules otherwise.

r) **Excluding Exhibits:** In the event an exhibit has been identified, objected to, and excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit will be included in the record for the purpose of preserving the objection to excluding the exhibit.

s) **Official Notice:** The Hearing Examiner may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.

t) **Documents in District Files:** Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.

u) **Oral Argument:** At the discretion of the Hearing Examiner, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The Hearing

Examiner may require or accept written briefs in lieu of, or in addition to, oral arguments. When the matter is presented to the Board for final decision, further oral arguments may be heard by the Board.

RULE 14.6 CONCLUSION OF THE HEARING; REPORT

a) **Closing the Record; Final Report:** At the conclusion of the presentation of evidence and any oral argument, the Hearing Examiner may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the Hearing Examiner. After the record is closed, the Hearing Examiner will prepare a report to the Board. The report must include a summary of the evidence, together with the Hearing Examiner's findings and conclusions and recommendations for action. Upon completion and issuance of the Hearing Examiner's report, a copy must be submitted to the Board and delivered to each party to the proceeding. In a contested case, delivery to the parties must be by certified mail.

b) **Exceptions to the Hearing Examiner's Report; Reopening the Record:** Prior to Board action any party in a contested case may file written exceptions to the Hearing Examiner's report, and any party in an uncontested case may request an opportunity to make an oral presentation of exceptions to the Board. Upon review of the report and written exceptions, the Hearing Examiner may reopen the record for the purpose of developing additional evidence, or may deny the written exceptions and submit the report and written exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearing Examiner for further proceedings.

c) **Time for Board Action on Certain Permit Matters:** In the case of hearings involving new permit applications, original applications for existing wells, or applications for permit renewals or amendments, the Hearing Examiner's report should be submitted, and the Board should act, within 60 (60) calendar days after the close of the hearing record.

RULE 14.7 RULEMAKING HEARINGS PROCEDURES

a) **General Procedures:** The presiding officer will conduct the rulemaking or other hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible. The presiding officer may follow the guidelines of "Robert's Rules of Order", Henry M. Robert III, 10th revised edition, or as amended.

b) **Submission of Documents:** Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the rulemaking or other hearing. Such documents must be submitted no later than the time of the public hearing, as stated in the notice of public hearing. Such notice is to be published at least once in a newspaper of general circulation in the District, and is to be published at least ten (10) calendar days before the date of the hearing.

c) **Oral Presentations:** Any person desiring to speak or testify on the subject of the rulemaking or other hearing must so indicate on the registration form provided at the hearing. The presiding officer establishes the order of testimony and may limit the number of times a person may speak, the length of

time for oral presentations, and the time period for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.

d) **Conclusion of the Hearing; Closing the Record; Hearing Examiner's Report:** At the conclusion of the testimony, and after the receipt of all documents, the presiding officer may either close the record, or keep it open to allow the submission of additional information. If the presiding officer is a Hearing Examiner, the Hearing Examiner must, after the record is closed, prepare a report to the Board. The report must include a summary of the subject of the hearing and the public comments received, together with the Hearing Examiner's recommendations for action. Upon completion and issuance of the Hearing Examiner's report, a copy must be submitted to the Board. Any interested person who so requests in writing will be notified when the report is completed, and furnished a copy of the report.

e) **Exceptions to the Hearing Examiner's Report; Reopening the Record:** Any interested person may make exceptions to the Hearing Examiner's report, and the Board may reopen the record, in the manner prescribed in Rule 14.6(b).

RULE 14.8 FINAL DECISION; APPEAL

a) **Board Action:** After the record is closed and the matter is submitted to the Board, the Board may then take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.

b) **Requests for Rehearing:** Any decision of the Board on a matter may be appealed by requesting a rehearing before the Board within twenty (20) calendar days of the Board's decision. Such a rehearing request must be filed at the District Office in writing and must state clear and concise grounds for the request. Such a rehearing request is mandatory with respect to any decision or action of the Board before any appeal may be brought. The Board's decision is final if no request for rehearing is made within the specified time, or upon the Board's denial of the request for rehearing, or upon rendering a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within forty-five (45) calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for rehearing within ninety (90) calendar days of submission will be deemed to be a denial of the request.

SECTION 15. INVESTIGATIONS AND ENFORCEMENT

RULE 15.1 NOTICE AND ACCESS TO PROPERTY

Board Members and District agents and employees are entitled to access to all property within the District at any reasonable time to carry out technical and other investigations necessary to the implementation of the District Rules or for the purpose of inspecting and investigating conditions relating to the quality of water in the State or the compliance with any rule, regulation, permit or other order of the District. Prior to entering upon property for the purpose of conducting an investigation, the person seeking access must first make a reasonable attempt to give notice in writing or in person or by telephone to the owner, lessee, or operator, agent, or employee of the well owner or lessee before entering a property. Information contained in any application or other information on file with the District may be used to contact a person concerning entry upon the property. Notice is not required if prior permission is granted to enter without notice. Inhibiting or prohibiting access to any Board Member or District agents or

employees who are attempting to conduct an investigation under the District Rules constitutes a violation and subjects the person who is inhibiting or prohibiting access, as well as any other person who authorizes or allows such action, to the penalties set forth in the Texas Water Code Chapter 36.102.

RULE 15.2 CONDUCT OF INVESTIGATION

Investigations or inspections that require entrance upon property must be conducted at reasonable times, and must be consistent with the establishment's rules and regulations concerning safety, internal security, and fire protection. The persons conducting such investigations must identify themselves and present credentials upon request of the owner, lessee, operator, or person in charge of the well.

RULE 15.3 RULE ENFORCEMENT

If it appears that a person has violated, is violating, or is threatening to violate any provision of the District Rules or of any regulation, permit, or other order of the District, the Board of Directors may institute and conduct a suit in the name of the District for enforcement of rules through the provisions of Chapter 36.102 Texas Water Code.

RULE 15.4 EXCEPTION TO DISTRICT RULES

a) In order to accomplish the purpose set forth in these Rules, the Board may grant exceptions to Rules of the District. This Rule, and all other Rules of the District, shall not be construed so as to limit the discretionary power of the Board, and the powers stated are cumulative of all other powers possessed by the Board.

b) Procedure:

1. Any person, firm, corporation, association of persons, or other entity desiring an exception to any Rule shall file a written application with the District office stating:
 - a) The nature of the exception requested;
 - b) The justification for granting the exception;
 - c) Any information that the applicant deems appropriate in support of the application for an exception; and
 - d) A waiver signed by each landowner whose property borders that of the applicant.
2. Six copies of any application for an exception shall be submitted to the District at its general office.
3. All applications for exceptions shall be heard and considered by the Board meeting in regular or special session, within ninety (90) calendar days after submittal. At least ten (10) calendar days notice of the hearing shall be given to the applicant, to known interested parties, including governmental agencies having potential concurrent jurisdiction, and notice shall also be given to the public by appropriate notice as set forth in Rule 14.2, at least ten calendar (10) days before the date of the hearing.

4. The Board shall enter an order granting or denying an application for exception, with such conditions as it shall deem proper within sixty calendar days (60) after the close of such hearing.
 5. Any hearing held hereunder shall be open to the public.
 6. At the hearing the applicant and other interested parties, state or federal agencies or officials, will be given the opportunity to present evidence.
 7. The decision of the Board shall be based upon the evidence submitted at the hearing, on facts of which the Board may take judicial notice, and on statements and arguments.
- c) If all such interested parties execute a waiver in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice or hearing except to the applicant. The applicant may also waive notice or hearing, or both.
- d) After a public hearing at which all interested parties may appear and be heard, and after the Board has decided that an exception should be granted, such exception may be granted ten (10) calendar days after written notice has been given to the applicant and all interested parties.
- e) The orders of the Board in any non-contested application or proceeding shall become the final Order of the Board. The Orders of the Board in contested applications, appeals or other proceedings shall contain a statement that same was contested. In all events, the Order will become final after fifteen (15) calendar days from the entry thereof and be binding on the parties thereto unless a motion for rehearing is filed.

RULE 15.5 PENALTY FOR VIOLATING RULES, PERMIT CONDITION, OR BOARD ORDERS

Section 36.102, Texas Water Code, as amended, authorizes the District to assess reasonable civil penalties for breach of any rule of the District. The civil penalty for breach or violation of a rule of the District, of a permit term or condition or breach or violation of an order of the board is up to \$10,000 per violation per day for each day the violation continues, as provided by and allowed by Section 36.102, Water Code. The schedule for fines and penalties will be set and adopted by the Board of Directors each year at the same time as the Fee Schedule is set and adopted.

RULE 15.6 SEALING OF WELLS

The District may, upon orders from the judge of the courts, seal wells that are prohibited by the District Rules from withdrawing groundwater within the District to ensure that a well is not operated in violation of the District Rules. A well may be sealed when: (1) no application has been made for a permit to drill a new water well which is not exempted; or (2) no application has been made for an operating permit to withdraw groundwater from an existing well that is not exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; or (3) the Board has denied, canceled or revoked an operating permit.

The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well.

The action or actions of tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these rules and subjects the person performing such action(s), as well as any well owner or primary operator who does not prevent such action(s) or who authorizes or allows such action(s), to such penalties as provided by the District Rules.

SECTION 16. CRITICAL GROUNDWATER DEPLETION AREA

RULE 16.1 IDENTIFICATION OF A CRITICAL GROUNDWATER DEPLETION AREA

The District periodically reviews the water level data obtained from its various water level monitoring programs across the District. If evidence of drawdown of the water table or reduction of artesian pressure in groundwater or in an area of an aquifer indicates a groundwater or an aquifer mining situation, that is, a non-sustainable yield, and/or in consideration of such local climate indicators such as the Palmer Hydrological Drought Severity Index published by the National Oceanic and Atmospheric Administration (NOAA), the Board may declare the area a Critical Groundwater Depletion Area (CGDA). Prior to establishing a CGDA the District will invite comment and exchange groundwater and aquifer amount and condition data from well owners within the proposed CGDA. Following the foregoing collaboration study, a public hearing will be held prior to declaration of a CGDA. A CGDA will be classified into one of three categories:

- (1) A Category One classification will be assigned to an area experiencing critical depletion of groundwater due to climatic events where the ability of the aquifer to provide sustainable yields at normal usage rates is seriously impaired. The duration and severity of the climatic conditions will determine the extent and period of the conservation actions taken by the District. Upon return of normal climatic conditions and adequate recharge to bring the aquifer back to sustainable normal usage, the District will cancel the CGDA.
- (2) A Category Two classification will be assigned to an area experiencing critical depletion due to increased pumpage that has caused or will shortly cause the groundwater or aquifer to fall below sustainable yield on a long-term or permanent basis, not primarily caused by but possibly exacerbated by short-term climatic conditions. Conservation actions taken by the District will remain in effect until such time the aquifer shows long-term reversal of the non-sustaining condition. Such reversal can conceivably be brought about through permanent pumpage reduction, use of alternative water sources, or changes in well owners use of water.
- (3) A Category Three classification will be assigned to an area experiencing a potential critical depletion due to increased pumpage that may have caused or will shortly cause the groundwater or aquifer to fall below sustainable yield on a long-term or permanent basis. While this area is being further evaluated, water users in this area will be encouraged to voluntarily curtail their water use in order to prevent the situation from escalating to a Category Two or Three.

RULE 16.2 PROCEDURES FOLLOWING ESTABLISHMENT OF A CGDA

Once a CGDA is declared and delineated, the area shall be given a unique name or number for

identification purposes and all well owners in the area will be notified by public media. Notification of all Board decisions related to a CGDA will be made to all well and landowners within the CGDA by published notice in a local newspaper of general circulation. When the Board declares and delineates a CGDA, the Board may:

- (1) Deny all applications for drilling within the CGDA during the time the area is declared to be a Critical Groundwater Depletion Area,
- (2) Set production limits on Permitted Wells located within the CGDA to an assigned volume of water as determined from the historical production data obtained from District records. The allowed volume shall be an amount that will halt the decline of the groundwater or aquifer sustainable yield, which may allow continued but reduced pumpage. The approved conservation/drought management plans will be considered in determining the production limits. The Board will review the production allocation on a quarterly basis and make appropriate adjustments as permitted or dictated by groundwater or aquifer conditions.
- (3) Require all Permitted Wells within the CGDA to be equipped with a District approved meter or measuring device. The expense of the device shall be borne by the well owner, or
- (4) Increase spacing within the CGDA of any new wells authorized by the District, or
- (5) Invoke any or all of the above, and
- (6) Establish production limits on domestic use by all wells within the CGDA other than wells subject to regulation in Rule 16.2 (2) above or which are otherwise exempted from production limitations by Chapter 36.117(c) Texas Water Code.

Owners or operators of Permitted Wells within the CGDA shall provide the District with reports of the amount of water produced from each well under permit in the CGDA on forms provided by the District and on a schedule determined by the Board. If the Board has not required metering devices on wells, production volume reports shall be provided by accurate estimates such as recording duration of pumping and the well output capacity (gpm).

Owners or operators of Permitted Wells within the CGDA may request a temporary change in water allocation through petition to the Board. Decision on such requests will be made consistent with prudent groundwater and aquifer management, the effect on other well owners in the CGDA, and the degree of necessity for the request.

VOL. 1260 PAGE 180

I hereby certify that the document to which this Certificate is affixed is a full, true and correct copy of the original on file and of record in the official Minutes of the Fayette County Groundwater Conservation District.

Martin Manuel Jr
MARTIN MANUEL, JR.
Official Secretary
Fayette County Groundwater Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME by MARTIN MANUEL, JR., Official Secretary of the Fayette County Groundwater Conservation District, on this the 7th day of April, 2004, to certify which witness my hand and seal of office.



Bridgette Gaertlin
NOTARY PUBLIC
In and For the State of Texas

FILED
1:30 p.m.
APR - 8 2004

\$85.00
Filed by & Hand To:
Harold Streicher
(Call 968-8402 when ready)

Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
CO. CLERK, FAYETTE CO., TEXAS

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the time specified herein by me and was duly RECORDED in the Volume and Page of the PUBLIC RECORDS of Fayette County, Texas as stamped herein by me, on

APR 08 2004



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

07- 0480

OFFICIAL RECORDS
FAYETTE COUNTY, TEXAS

**FAYETTE COUNTY
GROUNDWATER
CONSERVATION DISTRICT**

DISTRICT RULES

Original Adoption Date: December 19, 2003

Effective: January 1, 2004

Revised Date: November 6, 2006

The Rules of the Fayette County Groundwater Conservation District (the District) were originally adopted by the Board of Directors (the Board) on December 19, 2003 at a duly posted public meeting held in compliance with the Texas Open Meetings Act and following publication in the newspaper of a notice of a public hearing, which public hearing was held to receive public comment concerning the Rules, all in accordance with the Texas Water Code Sec. 36.101, as amended. The District was created in accordance with Section 59 of Article XVI of the Texas Constitution and in accordance with Chapter 36 of the Texas Water Code and by an Act of the Legislature of the State of Texas, meeting in Regular Session in 2001 as the 77th Legislature, said Act being Chapter 302 of the General and Special Laws of the State of Texas, 77th Legislature (2001), Regular Session, said Act being effective September 1, 2001, said Act (Chapter 302) also being known as Texas House Bill 1081, as amended by House Bill 535, 78th Legislature (2003), Regular Session. The original Rules were effective January 1, 2004. The following Rules as amended and revised (the "Rules") are hereby ratified and adopted as the Rules of this District by its Board.

The Rules, regulations, and modes of procedure herein contained are and have been adopted to simplify procedures, avoid delays, and facilitate the administration of the water laws of the State and the Rules of this District. These Rules are to be construed to attain those objectives.

These rules are designed to provide extensive information about the application of groundwater law within the boundaries of the District; however, the reader is advised to consult Chapter 36, Texas Water Code, as amended, in conjunction with these Rules. Should a conflict arise between these Rules and Chapter 36, or where these Rules are silent, Chapter 36, as amended, takes precedent.

These Rules may be used as guides in the exercise of discretion by the Board, where discretion is vested. However, these Rules shall not be construed as a limitation or restriction upon the exercise of discretion conferred by law, nor shall they be construed to deprive the District or the Board of any powers, duties, or jurisdiction provided by law.

The Rules, as amended and revised, of the Fayette County Groundwater Conservation District were adopted by the Board as the Rules of this District on November 6, 2006, effective November 6, 2006.

RULE REVISION RECORD

Date Adopted	Effective Date	Action
12/19/03	01/01/04	Original Adoption
05/20/05	05/20/05	Amended and Revised
11/06/06	11/06/06	Amended and Revised

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SECTION 1. DEFINITIONS AND CONCEPTS

RULE 1.1 DEFINITIONS OF TERMS

In the administration of its duties, the Fayette County Groundwater Conservation District follows the definitions of terms set forth in the District Act, Chapter 36 of the Texas Water Code, as amended, and the definitions of terms as follows:

"Abandoned well" shall mean a well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

- a) a non-deteriorated well which contains the casing, pump, and pump column in good working condition; or
- b) a non-deteriorated well which has been capped in accordance with these Rules.

"Acre-foot" shall mean the amount of water necessary to cover one acre of land one foot deep, or about 325,851 gallons of water.

"Agriculture" shall mean any of the following activities, as per Chapter 36, Texas Water Code:

- a) cultivating the soil to produce crops for human food, animal feed, or planting seeds or for the production of fibers;
- b) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;
- c) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
- d) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;
- e) wildlife management; and
- f) raising or keeping equine animals.

"Agricultural crop" shall mean food or fiber commodities grown for resale or commercial purposes that provide food, clothing, or animal feed.

"Agricultural use" means any use or activity involving agriculture, including irrigation.

"Animal feeding operation (AFO)", as defined by the Texas Commission on Environmental Quality, shall mean a lot or facility, other than an aquatic animal production facility, where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and in which the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season over any portion of the lot or facility. Animal feeding operations are not considered agricultural use by the District. Wells for animal feeding operations must obtain a permit from the District.

"Board" shall mean the Board of Directors of the District.

"Capped well" shall mean a well that is closed or capped with a covering capable of preventing surface pollutants from entering the well and able to sustain the weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.

"Closed Loop Well" shall mean a well constructed for circulating water through a continuous length of tubing, generally for earth coupled-heat exchange purposes. A well system drilled and equipped for the purpose of utilizing the subsurface as a source of energy and for heat exchange in heating and cooling systems. These are sealed systems, no water is to be produced or injected. See also Earth Coupled Heat Exchange-Closed Loop System. (An exempt well).

"Commercial Use" shall mean a well used to supply water to properties or establishments which are in business to provide goods, services and/or repairs and which use water in those processes or incidental to the maintenance of the property or establishment including landscape irrigation; and/or a well used to supply water to a business establishment primarily for employee and customer sanitary purposes (i.e. flushing of toilets, sanitary purposes, or limited landscape watering). (A non-exempt well.)

"Completed water well" shall mean a water well which has sealed off access of undesirable water or constituents to the well bore by utilizing proper casing and annular space positive displacement or pressure tremie tube grouting or cementing (sealing) methods.

"Deteriorated well" shall mean a well or borehole that, because of its condition, will cause, or is likely to cause, pollution of any water in this state, including groundwater.

"De-watering well" shall mean a well used to remove water from a construction site, or to relieve hydrostatic uplift on permanent structures.

"District" shall mean the Fayette County Groundwater Conservation District.

"District Act" shall mean the Act of the Legislature of the State of Texas, meeting in Regular Session in 2001 as the 77th Legislature, said Act being Chapter 302 of the General and Special Laws of the State of Texas, 77th Legislature (2001), Regular Session, said Act being effective September 1, 2001, said Act (Chapter 302) also being known as Texas House Bill 1081, as amended by House Bill 535, 78th Legislature (2003, Regular Session, and the non-conflicting provisions of Chapter 36, Water Code, as amended.

"District office" shall mean the office of the District as established by resolution of the Board.

"Domestic use" shall mean the use of groundwater, from a well drilled, completed, or equipped such that it is incapable of producing more than 25,000 gallons of groundwater per day, as provided by §36.117(b)(1), used only at and for a single-family household to support domestic activity. Such use may include water for drinking, bathing, sanitation, washing, or culinary purposes; for filling a pond and/or swimming pool which is entirely lined with permanent (non-degradable) man-made materials which stop and prevent leakage of water; for irrigation of single-family household lawns, or of a family garden and/or orchard; and for watering of domestic animals. Household lawns, family gardens, and/or orchards to be irrigated by a "domestic use" well shall not exceed two contiguous acres in the aggregate. Domestic use does not include water used to support activities for which payment or other consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a public water system, use for any commercial use or purpose or at any commercial establishment, use at any commercial establishment with a single-family household; water use activities for which consideration is given or for which the product is to be sold; filling or refilling ponds, depressions, lakes, tanks, reservoirs or other confinements that have a capacity greater than 50,000 gallons; and non-closed loop well system geothermal heating/cooling systems.

"Earth Coupled Heat Exchange" or "Closed Loop System" shall mean a well system drilled and equipped for the purpose of utilizing the subsurface as a source of energy and for heat exchange in heating and cooling systems. These are sealed systems; no water is to be produced or injected. (An exempt well).

"Emergency conditions" shall mean any condition or activity which is causing a shortage of available groundwater, including severe and sustained drought; below normal recharge to the groundwater and/or aquifers in the District due to lack of rainfall; or any condition or activity which causes a well or wells to go dry.

"Existing and Historic Use Period" shall mean the period of time from January 1, 1994 through the original effective date of these Rules, being January 1, 2004.

"Existing Use" shall mean production and beneficial use of groundwater from the aquifer during the Existing and Historic Use Period.

"Existing well" shall mean a well which was drilled or completed prior to the District's Rules original effective date of January 1, 2004.

"Groundwater" shall mean water located beneath the earth's surface within the District.

"Hand-dug well" shall mean a well installed by hand digging or by hand auger drilling.

"Hearing body" shall mean the Board, any committee of the Board, or a Hearing Examiner at any hearing held under the authority of the District Act.

"Hearing Examiner" shall mean a person appointed by the Board of Directors to conduct a hearing or other proceeding.

"Historic Use" shall mean production and beneficial use of groundwater from the aquifer during the Existing and Historic Use period.

"Historic Use Permit" shall mean a permit required by the District for the operation of any non-exempt, existing water well or well system that produced groundwater during the Existing and Historic Use Period.

"Injection well" includes:

- An air conditioning return flow well used to return water used for heating or cooling in a heat pump to the aquifer that supplied the water;
- A cooling water return flow well used to inject water previously used for cooling;
- A drainage well used to drain surface fluid into a subsurface formation;
- A recharge well used to replenish the water in an aquifer;
- A saltwater intrusion barrier well used to inject water into a freshwater aquifer to prevent the intrusion of salt water into the freshwater;
- A sand backfill well used to inject a mixture of water and sand, mill tailings, or other solids into subsurface mines;
- A subsidence control well used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water; or

"Irrigation" shall mean the mechanical delivery of water for crop production.

"Landowner" shall mean the person who bears ownership of the land surface.

"Leachate well" shall mean a well used to remove contamination from soil or groundwater.

"Livestock" shall mean domesticated horses, cattle, goats, sheep, swine, poultry, ostriches, emus, rheas, deer and antelope, and other similar animals involved in farming or ranching operations on land recorded and taxed in the County as an agricultural land use. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock-type

animals kept as pets or in a pet-like environment are not considered livestock.

"Managed available groundwater" shall mean the amount of water that may be permitted by the District for beneficial use in accordance with the desired future condition of the aquifer(s).

"Maximum Existing and Historic Use" shall mean the amount of groundwater from the aquifer as determined by the District that, unless proportionally adjusted, an applicant for a Existing and Historic Use Permit is authorized to withdraw equal to the greater of the following, as may be applicable:

1. for an applicant who has beneficial use during the Existing and Historic Use Period for a full calendar year, the applicant's actual maximum beneficial use of groundwater from the aquifer excluding waste during any one full calendar year of the Existing and Historic Use Period; or

2. for an applicant who has beneficial use during the Existing and Historic Use Period, but, due to the applicant's activities not having been commenced and in operation for the full final calendar year of the Existing and Historic Use Period, the applicant does not have beneficial use for a full calendar year, the applicant's extrapolated maximum beneficial use calculated as follows: the amount of groundwater that would normally have been placed to beneficial use without waste by the applicant for the last full calendar year during the Existing and Historic Use Period for the applied for purpose had the applicant's activities been commenced and in operation for the full final calendar year during the Existing and Historic Use Period.

"Monitoring well" shall mean a well installed to measure some property of the groundwater or aquifer it penetrates, and does not produce more than 5,000 gallons of groundwater per year, unless the well is being monitored with the permission of the well owner.

"Municipal use" shall mean the use of water for a public water system for residential, commercial, or public and institutional uses, including the application of potable water for irrigation of golf courses, parks and recreational uses; it does not include water for industrial uses even when industrial users are receiving potable water.

"New well" shall mean a well which was drilled or completed or proposed to be drilled after the District's Rules originally took effect on January 1, 2004.

"New well application" shall mean an application for a permit for a water well that has not yet been drilled.

"Open meeting law" shall mean Chapter 551, as amended, Texas Government Code.

"Open or uncovered well" shall mean an artificial excavation dug or drilled for the purpose of exploring for or producing water from the groundwater reservoir and which is not capped or covered as required by this chapter [§36.118, Texas Water Code].

"Operating Permit" shall mean a permit issued by the District for the production of groundwater, usually by a water well, or by excavation, or by penetration into an aquifer, allowing groundwater to be withdrawn for a designated period.

"Permit" shall mean written authorization issued by the District for the production of groundwater, usually by a water well, or by excavation, or by penetration into an aquifer, allowing a specified amount of groundwater to be withdrawn for a non-exempt specific use and a designated period. See "Operating Permit".

"Pitless adapter" shall mean an assembly of parts which will permit water to pass through the wall of the

well casing or extension thereof; provides access to the well and to the parts of the water system within the well; and provides for the transportation of the water and the protection of the well and water therein, from surface or near surface contamination. Parts or appurtenances to a pitless well adapter include, but are not limited to, the vent, the device(s) on or in the wall of the casing, and the cap or cover on top of the casing or casing extension.

"Plugging" shall mean an absolute sealing of the well bore.

"Pollution" shall mean the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any or reasonable purpose.

"Public Information Act" shall mean Chapter 552, as amended, Texas Government Code.

"Person" includes corporation, individual, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

"Presiding officer" shall mean the President, Vice-President, Secretary, or other Board member presiding at any hearing or other proceeding or a Hearing Examiner conducting any hearing or other proceeding.

"Registered well" shall mean a well for which the owner, driller, or operator has provided location, usage, and drilling log and other information to the District on a form provided by the District for that purpose.

"Replacement Well" shall mean a well that is drilled to replace an existing well where (a) the existing well that is being replaced is permanently closed, and (b) the replacement well is drilled within 50 feet from the closed well.

"Rules" shall mean the Rules of the District adopted December 19, 2003, along with the amendments compiled in this document and as may be supplemented or amended from time to time, as provided by the laws of the State of Texas.

"Section" shall mean the number section of a survey or block as shown in "Texas Country Farm Plats," 1996 Edition, (Smith Publishing Co.).

"Sustainability" is defined as balancing groundwater withdrawals with natural recharge and replenishment to maintain long-term stability in the amount and quality of groundwater in the aquifers underlying the District, and in regional or local groundwater supplies.

"Texas Rules of Civil Procedure" and "Texas Rules of Civil Evidence" mean the civil procedure and evidence rules as amended and in effect at the time of the action or proceeding. Except as modified by the Rules of the District, the rights, duties, and responsibilities of the presiding officer acting under the Texas Rules of Civil Procedure or the Texas Rules of Evidence are the same as a court acting under those rules.

"Vanity pond" shall mean a pond used purely for aesthetic/landscape purposes.

"Verification Period" means the period of time from January 1, 2007, to January 1, 2009, during which an Existing and Historic Use permittee shall be required to meter and report to the District their groundwater production and during which such users may amend their Historic Use Permit applications.

"Waste" shall mean Texas Water Code Chapter 36.001 (8) Definitions and Section 5 of these Rules.

"Water meter" shall mean a water flow measuring device that can accurately record the amount of groundwater produced during a measured time.

"Well" shall mean any facility, device, or method, including excavation or other penetration into an aquifer, used to withdraw groundwater from the groundwater supply within the District, including a water well, test well, injection well, dewatering well, monitoring well, piezometer well, observation well, or recovery well.

"Well operator" shall mean the person who operates a well or operates a water distribution system supplied by a well.

"Well owner" shall mean the person who owns the land upon which a well is located or is to be located, or any person or other entity, public or private, that has the right to produce groundwater from the land either by ownership, contract, lease, easement or any other estate in the land or groundwater.

"Well system" shall mean a well and distribution system or group of wells connected or tied to the same distribution system.

"Withdraw" shall mean extracting groundwater by pumping or by another method.

"Windmill" shall mean a wind-driven or hand-driven device that uses a piston pump to remove groundwater.

RULE 1.2 PURPOSE OF RULES

These Rules are adopted to achieve the provisions of the District Act, of Chapter 36, Water Code, as amended, and Section 59 of Article XVI, Texas Constitution, and to accomplish their purposes. The Rules contained herein are the foundation for achieving the goals of the District Act and Management Plan.

In order for the District to achieve its purposes, goals and mission, and to strive to assure long term availability of adequate, good quality groundwater, compliance with District Rules by water well drillers and pump installers as well as by District constituents is mandatory.

RULE 1.3 USE AND EFFECT OF RULES

The District uses these Rules as guides in the exercise of the powers conferred by law and in the accomplishment of the purposes of the District Act. They may not be construed as a limitation or restriction on the exercise of any discretion nor be construed to deprive the District or Board of the exercise of any powers, duties or jurisdiction conferred by law.

In fulfilling the stated purpose of these Rules, the board will endeavor to maintain the amount and quality of groundwater in the aquifers in the district on a sustainable basis.

RULE 1.4 AMENDING OF RULES

The Board may, following notice and hearing, amend these Rules or adopt new rules from time to time.

RULE 1.5 HEADINGS AND CAPTIONS

The section and other headings and captions contained in these Rules are for reference purposes only. They do not affect the meaning or interpretation of these Rules in any way.

RULE 1.6 CONSTRUCTION

A reference to a title, chapter or section without further identification is a reference to a title, chapter or section of the Water Code, as amended. Construction of words and phrases are governed by the Code Construction Act, Subchapter B, Chapter 311, Government Code.

RULE 1.7 METHODS OF SERVICE UNDER THE RULES

1. Documents shall be filed at the District either by hand delivery, mail, or telephonic facsimile document transfer to the District Office. The document shall be considered filed as of the date received by the District at the District Office for a hand delivery; as of the date reflected by the official United States Postal Service postmark if mailed; and, for telephonic facsimile document transfers, as of the date on which the telephonic facsimile document transfer is complete, except that any transfer complete and received at the District Office after official District business hours will be deemed complete and received on the following business day. If a person files a document by facsimile, he or she must file a copy by mail within three (3) calendar days.

2. Except as otherwise expressly provided in these Rules, any notice or documents required by these Rules to be served or delivered may be delivered to the recipient, or the recipient's authorized representative, in person, by agent, by courier receipted delivery, by certified mail sent to the recipient's or authorized representative's last known address, or by telephonic facsimile document transfer to the recipient's current facsimile number. Service by mail is complete upon deposit in a post office or other official depository of the United States Postal Service. Service by telephonic facsimile document transfer is complete upon transfer, except that any transfer occurring after official District business hours will be deemed complete and received on the following business day. If service or delivery is by mail, and the recipient has the right, or is required, to do some act within a prescribed time after service, three (3) calendar days will be added to the prescribed period.

RULE 1.8 SEVERABILITY

If any one or more of the provisions contained in these Rules are for any reason held to be invalid, illegal, or unenforceable in any respect, or the application thereof to any person or circumstances is held to be invalid, the invalidity, illegality, or unenforceability shall not affect any other Rules or provisions of these Rules, and these Rules must be construed as if such invalid, illegal or unenforceable rules or provision had never been contained in these Rules, and to this end the provisions of these Rules are severable.

RULE 1.9 EFFECTIVE DATE

Except as otherwise specified, all Rules contained herein are effective January 1, 2004 and apply to all water wells drilled, repaired, or altered within the District.

SECTION 2. BOARD**RULE 2.1 PURPOSE OF BOARD**

The District Board determines and carries out District policy and regulates the withdrawal of groundwater within the boundaries of the District for the purposes of conserving, preserving, protecting and recharging the groundwater within the District, and for the purpose of preventing waste of the groundwater within the District, and to exercise its rights, powers, and duties in a way that will effectively and expeditiously accomplish the purposes of the District Act and of Chapter 36, Water Code, as amended, and of Section 59, Article XVI, Texas Constitution. The Board's responsibilities include, but are not limited to, the adoption and enforcement of reasonable rules and other orders.

RULE 2.2 BOARD STRUCTURE, OFFICERS

The Board consists of the members elected and qualified as required by the District Act. The Board will elect one of its members to serve as President, to preside over Board meetings and proceedings; one to serve as Vice President to preside in the absence of the President; and one to serve as Secretary to keep a true and complete account of all meetings and proceedings of the Board. The Board may make other appointments as allowed by Chapter 36, Water Code, as amended. The Board may elect officers annually, but must elect officers at the first meeting in January, after the newly elected or re-elected board members are sworn in, following elections of Directors held in each even numbered year. Members and officers serve until their successors are elected or appointed and sworn in accordance with the District Act and these Rules.

RULE 2.3 MEETINGS

The Board will hold a regular meeting at least once each month as the Board may establish from time to time by resolution. At the request of the President, or by written request of at least three members, the Board may hold special meetings. All Board meetings will be held according to the Texas Open Meetings Law.

RULE 2.4 COMMITTEES

The President may establish committees for formulation of policy recommendations to the Board, and appoint the chair and membership of the committees. Committee members serve at the pleasure of the President.

RULE 2.5 EX PARTE COMMUNICATIONS

Board members may not communicate, directly or indirectly, about any issue of fact or law in any contested case before the board, with any agency, person, party or their representatives, except on notice and opportunity for all parties to participate.

SECTION 3. DISTRICT STAFF

RULE 3.1 GENERAL MANAGER

The Board may employ a person to manage and conduct the duties, business, and functions of the District, subject to orders, directions and control of the Board. The title of this person is general manager. The Board will determine the salary and review the position of general manager each year at the beginning of the third quarter of every fiscal year.

RULE 3.2 STAFFING OF THE DISTRICT

The General Manager, with approval of the Board, may employ all persons necessary for the proper handling of business and operation of the District. The General Manager shall recommend salaries for employees (other than his/her self), but said salaries must be approved by the Board. The General Manager will review the position of each staff member as necessary.

SECTION 4. DISTRICT

RULE 4.1 POWERS OF THE DISTRICT

The District has the powers and authority conferred upon it by the District Act, by Section 59, Article XVI, Texas Constitution, by Chapter 36, Water Code, as amended, by other State law, rules and regulations, and by the District Rules, including the authority to regulate the spacing of water wells and to regulate the production of groundwater from the water wells.

RULE 4.2 MINUTES AND RECORDS OF THE DISTRICT

All documents, reports, records, and minutes of the District are available for public inspection and copying following the Texas Open Records Act. Upon written application of any person, the District will furnish copies of its public records. A copying charge may be levied pursuant to policies established by the District, in accordance with the Open Records Act. A list of the charges for copies will be furnished by the District.

RULE 4.3 CERTIFIED COPIES

Requests for certified copies must be in writing. Certified copies will be made under the direction of the General Manager. A certification charge and copying charge may be assessed, pursuant to policies established by the Board of Directors.

RULE 4.4 DISTRICT MANAGEMENT PLAN

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The District Management Plan specifies the acts, procedures, performance and avoidance necessary to prevent waste, the reduction of artesian pressure, or the draw-down of the water table. The District shall use the Rules of the District to implement the Management Plan. The Board will review the plan at least every fifth year. If the Board considers amendments to the plan or a new plan necessary or desirable, after notice and public hearing, amendments to the plan or a new plan will be adopted. A plan, or amended plan, once adopted, remains in effect until the adoption of a new plan.

RULE 4.5 OFFICIAL COMMUNICATIONS

All official business or legal communications with the District and/or with the Board of Directors should be addressed to the attention of the President of the Board of Directors, with a copy addressed to the District's General Manager. Legal documents must be in writing and must be delivered by hand, by United States postal service or by other delivery services. All other official communications must be in writing, but may be transmitted by hand delivery, postal delivery, or by facsimile.

SECTION 5. WASTE AND BENEFICIAL USE

RULE 5.1 DEFINITION OF WASTE

"Waste", as defined in Chapter 36, Texas Water Code, as amended, means any one or more of the following:

1. Withdrawal of groundwater from a groundwater bearing sand or strata or from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the groundwater or reservoir of water unsuitable for agricultural, gardening, domestic or stock raising purposes;
2. The flowing or producing of wells from groundwater or a groundwater reservoir if the water produced is not used for a beneficial purpose;
3. Escape of groundwater from a groundwater bearing sand or strata or from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;
4. Pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
5. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the Texas Commission on Environmental Quality under Chapter 26;

6. Groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the owner of the land receiving the discharge; or
7. For water produced from an artesian well, waste has the meaning assigned by Section 11.205 Texas Water Code.

"Waste" also means the supply of groundwater to a surface reservoir of any nature (stock tank, depression, lake, pond, vanity pond, or other confinement) which has a capacity greater than 50,000 gallons. This does not apply to temporary storage of water for irrigation purposes.

RULE 5.2 WASTE PREVENTION

1. Groundwater shall not be produced within, or used within or outside the District, in such a manner or under such conditions as to constitute waste as defined in Rule 5.1 hereof. **Water shall not be produced from an abandoned or deteriorated well.**
2. No person shall pollute or harmfully alter the character of the underground water reservoir of the District by means of salt water or of other deleterious matter admitted from some other stratum or strata from the surface of the ground.
3. No person shall commit waste of groundwater as that term is defined in Chapter 36, Water code, and in Section 5 of these Rules.
4. Any person producing or using underground water shall use every possible precaution, in accordance with the best available or most approved methods, to stop and prevent waste of such water.
5. A well identified as an abandoned or deteriorated well, or a borehole, must be plugged, capped or re-completed in accordance with the requirements of the District and of any statewide law, agency or political subdivision having jurisdiction including, but not limited to, the Texas Water Well Drillers Act, and the Texas Commission on Environmental Quality.
 - a. The District may require a well to be capped to prevent waste, prevent pollution, or prevent further deterioration of a well casing. The well must remain capped until such time as the conditions that led to the capping requirement are eliminated. If well pump equipment is removed from a well and the well will be re-equipped at a later date, the well must be capped, provided however that the casing is not in a deteriorated condition that would permit co-mingling of water strata, in which case the well must be plugged. The cap must be capable of sustaining a weight of at least four hundred (400) pounds and must be constructed with a water tight seal to prevent entrance of surface pollutants into the well itself, either through the well bore or well casing.
 - b. A deteriorated or abandoned well must be plugged in accordance with the Texas Department of License and Regulation, Water Well Drillers and Pump Installers Rules (16 TAC Chapter 76). It is the responsibility of the landowner to see that such a well is plugged to prevent pollution of the underground water and to prevent injury to persons and animals. Registration of the well is required prior to, or in conjunction with, well plugging.
 - i. When an open or uncovered, deteriorated, or abandoned well is found by District

personnel or brought to the District's attention by a constituent, a letter will be sent to the owner of the property upon which the open or uncovered, deteriorated, or abandoned well exists, notifying the property owner of his responsibility to cap or plug the well. The property owner will also be provided with an information brochure on the proper closing of abandoned wells.

- ii. The property owner will be notified in the letter that the District may contribute up to 50% of the cost of the capping or plugging of the open or uncovered, deteriorated, or abandoned well, not to exceed \$300 contribution by the District per well, on a first come - first served basis, as long as money remains in the budget for that purpose. If the well owner plugs or caps his own well, he may be reimbursed up to 50% of his out of pocket expenses, not to exceed \$300 contribution by the District per well, on a first come - first served basis, as long as money remains in the budget for that purpose, and provided he can supply sufficient written evidence of payment of those expenses. **Lack of District funds does not preclude the landowner's responsibility, both under the State of Texas' Water Well Drillers and Pump Installers Rules and the District's Rules, to cap or plug the open or uncovered, deteriorated, or abandoned well.**
- iii. The property owner will be given one hundred eighty (180) calendar days in which to comply. The District Manager shall set up a calendaring system which will alert the District when a follow-up is due. The property owner will also be notified that he must file a Well Plugging Form with the Texas Department of Licensing and Regulation within thirty (30) calendar days after the well is plugged. A copy of the completed form must also be sent to the District by the property owner.
- iv. Once the property owner has notified the District that the well has been closed (capped or plugged), the District may inspect that well to insure compliance. District personnel may inspect well closures on a random basis.
- v. Should the property owner fail to respond within the one hundred eighty (180) calendar days, refuse to cap or plug the well, or fail to submit the Well Plugging Form within one hundred eighty (180) calendar days, the District Manager shall send a letter notifying the well owner or operator that he is in violation of District Rules and is therefore subject to a fine for each day the violation continues. An invoice assessing the cumulative amount of the fine will be sent to the well owner or operator. If the fine is not paid and the well is not closed within thirty (30) calendar days of receipt of the invoice, the District may instruct its attorney to bring legal proceedings to cause the open or uncovered, deteriorated, or abandoned well to be brought into compliance with the District Rules, and to seek a judgment for the amount of the unpaid fine, which would place a lien on the land on which the well is located. The lien, if filed, will only be removed upon proper well closure and payment of the assessed fine.

RULE 5.3 USE FOR A BENEFICIAL PURPOSE

Use of groundwater in accordance with the Rules of the District is for a beneficial purpose if it is used for:

1. Agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, or recreational purposes;

2. Exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or
3. Any other purpose that is useful and beneficial to the user and does not meet the definition of waste as described in Rule 5.1.

SECTION 6. SPACING REQUIREMENTS

RULE 6.1 REQUIRED SPACING

When a water well is pumped, water levels in the vicinity are drawn down in the shape of an inverted cone, with its apex at the pumped well. Where intensive development has taken place in groundwater reservoirs, each well superimposes its own individual cone of depression on the cone of neighboring wells. This results in the development of a regional cone of depression. When the cone of one well overlaps the cone of another, interference occurs and an additional lowering of water levels occurs as the wells compete for water by expanding their cones of depression. The amount or extent of interference between cones of depression depends on the rate of pumping from each well, the spacing between wells, and the hydraulic characteristics of the groundwater or aquifer in which the wells are completed.

Therefore, it is important to set minimum spacing requirements between water wells, in order to prevent a well on one tract from interfering with the production of a well on another property. The District has defined the following spacing requirements, to assist the District in managing the available groundwater and maintaining the desired future condition of each of its aquifers.

1. No new well may be drilled within 50 feet (50') from the property line of any adjoining landowner. On any new division of property, new property lines shall also be a minimum of fifty feet (50') from any existing wells, unless otherwise approved by the District.
2. In addition to the spacing of wells from adjoining property boundaries, well spacing (distance of one well from other wells) is an important tool suggested by Chapter 36 to help in the management and protection of the groundwater and aquifers from large and/or concentrated water usage. Spacing requirements for permitted wells will be based on the distance of the well from the adjoining property lines as well as from other wells. Pending collection of additional hydrogeologic and other scientific data, spacing of new wells from an existing well shall be one foot per one gallon per minute of production from the new well up to maximum of one thousand (1000) gallons per minute. A new well producing over one thousand (1000) gallons per minute will be spaced one thousand (1000) feet plus one-half (1/2) foot per one gallon per minute of production in excess of one thousand gallons per minute from an existing well.

RULE 6.2 EXCEPTIONS TO SPACING REQUIREMENTS

1. A landowner with property smaller than the minimum five acre tract size may make application to the District for a waiver, or exception, by following the procedures defined in Rule 6.3 for the proposed well. The Board has the discretion to grant an exception to the spacing requirements concerning the new proposed well location.
2. Providing an applicant can show, by clear and convincing evidence, good cause why a new well

should be allowed to be drilled closer than the required spacing of 50 feet from an adjoining property line, the issue of spacing requirements will be considered during the permitting process. If the Board, after considering the evidence presented, determines to grant a permit or an exception to drill a well that does not meet the spacing requirements, the Board may limit the production of the well to ensure no injury is done to the groundwater or aquifer.

3. If the Board grants an exception to the spacing requirements for a proposed new well, that well must be completed in accordance and in compliance with the standards of the Texas Water Well Drillers and Water Well Pump Installers Rules (see 16 TAC 76.1000 Technical Requirements – Locations and Standards of Completion of Wells).

4. The Board may, if good cause is shown by clear and convincing evidence by an applicant, enter special orders or add special permit conditions increasing or decreasing spacing requirements.

RULE 6.3 MINIMUM TRACT SIZE

A well will not be allowed to be drilled on properties of less than five (5) contiguous acres. The District will cooperate with Fayette County officials to ensure that proposed new wells will be drilled in compliance with current minimum tract sizes or other tract or lot requirements or restrictions imposed by Fayette County.

Owners of properties smaller than five contiguous acres which were the result of a subdivision prior to the date of the District Rules taking effect, January 1st, 2004, and whose proposed well meets the definition of "exempt" (see Rule 9.7), may apply for an exception to the District Rule using a slightly simplified procedure than that which is described in Rule 15.4: a waiver signed by each landowner whose property borders or adjoins that of the applicant is not required. The District will make every effort to work with the property owner(s) of properties that were subdivided prior to January 1, 2004 to either grant the exception or develop an alternative solution which would not require an exception. The General Manager has the authority to grant an exception under this rule for properties which were the result of a subdivision prior to the date of the District Rules taking effect, January 1st, 2004. All such exception activities shall be reported to the Board by the General Manager at regular Board meetings.

A well that meets the definition of "exempt" (see Rule 9.7) must be drilled within ninety (90) calendar days after the exception is granted, or the exception will become null and void. The property owner may request an extension, which the Board may grant if the circumstances warrant such consideration. Alternatively, the property owner may re-apply for an exception at a later date.

SECTION 7. PRODUCTION LIMITATIONS

RULE 7.1 MAXIMUM ALLOWABLE PRODUCTION

1. In order to accomplish the purposes of Texas Water Code Chapter 36, and achieve the stated purposes and goals of the District, including managing the sustainability of the aquifers and preventing significant, sustained water-level declines within the aquifers, the Board reserves the right to establish any production limits necessary on new or existing permits.

2. Maximum allowable production of groundwater will be determined based upon the number of contiguous acres in the property on which the well or well system is located, and upon the distance of that well from the adjoining property line as well as from other wells.
3. The total annual production for a permitted well will be determined by the distance from the property line and other wells on the property in accordance with known factors of groundwater and aquifer productivity, available hydrological data and calculated recharge rates deemed appropriate for the groundwater resource. Any and all production rates may be altered or adjusted by the Board should a drought condition occur in the area or region.
4. An exception to the production limitations will be considered after ten (10) calendar days' written notice is given by the applicant to all adjacent landowners and all other landowners within one-half mile of the well site. Following proof of written notice, the Board shall call a public hearing to take evidence and testimony on the proposed exception, after which they may grant or deny the request for the exception. If all the land owners required to receive notification by this Rule waive their right to object to the exception, the exception may be granted, provided the application meets all other requirements and provisions of these Rules.
5. Excluding wells operated pursuant to a valid Existing and Historic Use Permit, in no event may a well or well system be operated such that the total annual production exceeds two acre-feet of water per contiguous acre owned or operated, or for which a person can show ownership or possession of groundwater rights, per year. Specific production limitations will be set as a condition of the granted well operating permit.
6. A non-exempt well or well system for which an Existing and Historic Use Permit has been issued shall be operated such that the total annual production will not exceed the amount authorized under the Existing and Historic Use Permit and any additional permits issued in compliance with these Rules. Between the effective date of these rules and the date that a final Existing and Historic Use Permit has been issued to a well owner for an existing non-exempt well or well system, the well owner or operator shall not withdraw during any calendar year an amount of groundwater greater than the maximum amount produced in any one calendar year during the historic period as shown in the application for the historic use permit.

SECTION 8. WATER WELL REGISTRATION

RULE 8.1 REGISTRATION OF WELLS

1. Except for those types of wells listed in Subsection 8.1(3), all wells within the District, whether exempt or non-exempt from permitting, are required to be registered with the District on forms approved by the General Manager.
2. Registration of an existing, exempt well will provide the owner or operator of the well with evidence that the well existed before the effective date of these Rules for purposes of determining historical user status. Registration of an existing, exempt well will also include the well in the spacing protections provided by Section 6.
3. The following types of wells are not required to be registered with the District: leachate wells, extraction wells, injection wells, dewatering wells, and wells used to supply water for hydrocarbon

production activities.

4. It is a violation of these Rules for a well owner, well operator, or water well driller to drill any well without the well registration form being filed with the District, either in person, by mail, or by facsimile, as provided herein.

5. It shall be unlawful for any person to act as, or to offer to perform services as a well driller or pump installer without first obtaining a license pursuant to the Texas Water Code, Chapters 32 and 33. Only a licensed well driller or licensed pump installer may install, service or alter a well within the boundaries of the Fayette County Groundwater Conservation District, unless a person drills or constructs a water well on his property for his own use. All persons drilling a well or having a well drilled, deepened, or altered shall adhere to the provisions of Chapters 32 and 33 of the Texas Water Code, and 16 Texas Administrative Code, Chapter 76, prescribing the location of wells and proper drilling, completion, capping, and plugging.

RULE 8.2 REGISTRATION OF EXISTING WELLS

All existing wells (groundwater wells drilled and completed prior to January 1, 2004), except for those types of wells listed in Subsection 8.1 (3), must be registered by the well owner or well operator. Registration forms will be provided by the District and furnished to the applicant upon request. The District may offer a grace period in which existing wells can be registered without requiring a well log deposit or any other fee.

The owner or operator of an existing well must be fully compliant with all registration requirements and other applicable provisions of these Rules by August 1, 2007. Failure to register an existing well by August 1, 2007 will make the well ineligible for Historic Use status under Section 9.12.

RULE 8.3 REGISTRATION OF NEW WELLS

All new wells, except for those types of wells listed in Subsection 8.1 (3), must be registered by the well owner, well operator, or water well driller. If a new well meets spacing (Rule 6) and production (Rule 7) requirements and meets the exclusions or exemptions provided in Rule 9.7, the registrant may begin drilling immediately. A registration form must be filed within fourteen (14) calendar days after the well is drilled. For any other (non-exempt) wells, an application for a well permit must be filed by the well owner, well operator, or water well driller prior to drilling the well.

The driller of any water well within the District shall keep accurate drillers' logs, and copies of drillers' logs shall be filed by the driller with the District within thirty (30) calendar days after such drilling is complete.

SECTION 9. PERMITS

RULE 9.1 APPLICABILITY

1. No person may drill, equip, complete, operate, alter the size of a well or well system, or produce groundwater from a well or well system without first obtaining a permit from the District as provided by statutory law and these Rules, unless the well meets the definition of "exempt" (see Rule 9.7).
2. Water Well Permits, called "Operating Permits" herein, are issued to authorize the withdrawal of a specified amount of groundwater from a non-exempt water well for a specific use and a designated period.
3. Transport Permits are issued to authorize the withdrawal of a specified amount of groundwater from a water well for a specific use and a designated period for transportation out of the District. Additional requirements and conditions for Transport Permits are defined in Section 10.
4. Existing and Historic Use Permits are issued for registered non-exempt wells that were in existence and producing groundwater for use within the District prior to January 1, 2004, the original effective date of the District Rules.

RULE 9.2 GENERAL PERMITTING POLICIES AND PROCEDURES

1. **Permit Requirement:** The well owner, well operator, or any other person acting on behalf of the well owner, must file a completed application for a water well permit before a non-exempt well may be drilled. This application for a well permit shall not be granted until the opportunity for a due process public hearing has been satisfied and the Board has approved the permit. A non-exempt well may not be placed into production until a permit for that well is granted by the District.
2. Within fourteen (14) calendar days after a well is drilled, the well owner or well operator must also notify the District office as to the status of the well. The well or well system must remain permitted until an operating permit is no longer required for the well/well system.
3. If the well for which a permit was granted has not been completed within six (6) calendar months, or one hundred eighty (180) calendar days, after the permit was granted, the permit shall be cancelled, unless the permit holder can provide a reasonable explanation for the delay and an estimated completion date. If a permit is cancelled for this reason, the well owner, well operator, or any other person acting on behalf of the well owner, must file a new completed application for a water well permit.
4. **Permit Applications:** Each original application for a water well permit or permit renewal requires a separate application. Application forms will be provided by the District and furnished to the applicant upon request.

The application for a permit shall be in writing and sworn to, and shall include the following:

- a. the name and mailing address of the applicant and the owner of the land on which the well will be located;
- b. if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
- c. a location map of all existing wells within a quarter (1/4) mile radius of the proposed well or the existing well to be modified;
- d. the total amount of groundwater requested to be withdrawn under the permit, a statement of the nature and purpose of the proposed use and the amount of water to be used for each

purpose;

- e. a declaration that the applicant will comply with the District's Rules and all groundwater use permits and plans promulgated pursuant to the District's Rules;
- f. a water conservation plan or a declaration that the applicant will comply with the District's management plan;

I. Contents of Conservation Plan. Conservation plans shall consider, as a minimum, the following:

- (A) Promotion and encouragement of voluntary conservation measures;
- (B) Promotion and encouragement, installation, and use of water saving devices;
- (C) Promotion and encouragement of water efficient landscape practices;
- (D) Implementation of a conservation-oriented rate structure;
- (E) Financial measures which encourage conservation;
- (F) Distribution of conservation information and other educational efforts;
- (G) Provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the Conservation Plan; and
- (H) Other conservation criteria set by the Board.

II. Compliance. The District shall approve Conservation Plans, if they satisfy the objectives of this Rule. The permittee may revise or amend the Conservation Plans, as necessary, with approval by the District.

III. Irrigation. Irrigation water users may be required to obtain an irrigation water management plan in cooperation with the local soil and water conservation district.

- g. the location of each well and the estimated rate at which water will be withdrawn. The location may be shown on a topographic map, ownership map, or a map prepared by a registered professional engineer or a registered surveyor which shows the proposed well and any other structure or location regarding the proposed well and associated activities. The map shall depict the approximate boundaries of the tract of land owned or to be used by the applicant.
- h. the proposed casing size, well depth, pump size, and pump capacity;
- i. a Drought Contingency Plan (DCP). Each permittee is required to prepare, adopt, and implement a DCP consistent with these Rules.

I. Contents of DCP. DCPs shall consider, as a minimum, the following:

- (A) establishment of a permittee historical baseline pumpage volume and target pumpage volume in accordance with reduction goal percentages of the three Critical Groundwater Depletion Area categories (see Section 16 of these Rules);

- (B) voluntary compliance restrictions to achieve a 10% reduction goal;
- (C) demand reduction measures which may include prohibition of water waste, alternative and/or supplemental water supply sources, adjustment to water rates, and use of water saving devices;
- (D) additional demand reduction measures developed by the permittee which achieve reduction goal percentages associated with each Critical Groundwater Depletion Area category;
- (E) financial measures which encourage compliance with the Conservation Plan and Drought Contingency Plan while maintaining financial stability of the permittee during Critical Groundwater Depletion Area categories;
- (F) provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the DCP; and
- (G) provisions for reporting pumpage.

II. **Compliance.** The District shall approve DCPs, if they satisfy the objectives of this Rule. The permittee may revise or amend the DCP, as necessary to reflect changes in permitted pumpage, subject to administrative approval by the General Manager. Any other revisions or amendments must be approved by the Board.

- j. **Hydrogeological Report Required:** An applicant for a new well that involves the production of more than 200 acre-feet of groundwater annually shall submit to the District a current hydrogeological report addressing the area of influence, expected drawdown and recovery time, and other pertinent information required by the District. The hydrogeological report shall be prepared by a qualified person who is properly licensed by the State of Texas to prepare such report. The report shall include hydrogeologic information addressing and specifically related to the proposed water pumpage levels at the proposed pumpage site. Applicants may not rely solely on reports previously filed with or prepared by the District. The report must be submitted prior to the permit being granted, and failure to submit a hydrogeological report when required by the District is a violation of these Rules and shall be grounds for rejection of the permit application. The Board shall make the final determination of whether a hydrogeological report meets the requirements of this subsection. Hydrogeological reports required for permit applications shall:
- (A) State and describe the results of a pumping test of the well for which an operating permit is being requested.
 - (B) Address the area of influence of the well for which a permit is being requested.
 - (C) Include an assessment of the geology at the site of the well for which a permit is being requested and a description of the aquifer that will supply water to the well.
 - (D) Be completed in a manner that complies with the guidelines adopted by the District for this purpose.
- k. any other information deemed necessary by the Board.

5. **Notice of Permit Hearing:** Once the District has received a completed original application for a

water well permit or an operating permit renewal, the District will issue written notice indicating a date and time for a hearing on the application in accordance with these Rules. The District may schedule as many applications at one hearing as deemed necessary.

6. **Decision and Issuance of Permit:** In deciding whether or not to issue a permit, and in setting the terms of the permit, the Board must consider whether the application conforms to the requirements prescribed by Chapter 36 of the Texas Water Code, as amended, and the District Rules. Before granting or denying an Operating Permit, the District shall also consider whether:

- a. the proposed use of water unreasonably affects existing groundwater and surface water resources, existing permit holders, and/or existing exempt wells;
- b. the proposed use of water is dedicated to any beneficial use;
- c. the proposed use of water is consistent with the District's certified management plan;
- d. the applicant has agreed to avoid waste and achieve water conservation; and
- e. the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.

7. **Term of Operating Permits:** Unless specified otherwise by the Board, except for permits used for agricultural purposes, all operating permits are effective for a five (5) year period from the date a permit is granted, unless changed or revoked, or a different period of time is required by the Texas Water Code. Operating permits for wells used solely for agricultural purposes are effective until changed or revoked. Unless specified otherwise by the Board or these Rules, operating permits are effective until revoked. The permit term will be shown on the permit. Operating permits may be renewed by the Board following application and hearing.

8. **Permit Provisions:** The permit will contain the standard provisions listed in Rule 9.3. The permit may also contain provisions relating to the means and methods of transportation of water produced within the district.

9. **Aggregation of Withdrawal:** In issuing an operating permit, the authorized withdrawal for a given well may be aggregated with the authorized withdrawal from other permitted wells designated by the District. District Rules 5 and 6, as well as other applicable Rules, will be considered in determining whether or not to allow aggregation of withdrawal. For the purpose of categorizing wells by the amount of groundwater production, where wells are permitted with an aggregate withdrawal, the total authorized withdrawal will be assigned to the wells in aggregate, rather than allocating to each well its pro rata share of production. This will allow a well owner, with a number of water wells which supply a single well system, to apply for an operating permit for the well system, and consequently, will not be required to apply for a separate operating permit for each individual well. This provision will allow a well owner to apply for an operating permit for each individual well, in the event a number of wells from more than a single numbered Section, may be used to supplying a very large single well system.

10. Regardless of the type of beneficial use for the groundwater to be produced, an Operating Permit shall be granted by the District based upon surface acreage for which the applicant can show possession or ownership of groundwater rights within the boundaries of the District that is not already recognized in another Operating Permit. See also Rule 6.3.

11. **Effect of Acceptance of Permit:** Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions.

RULE 9.3 OPERATING PERMIT PROVISIONS

All permits are granted subject to these Rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit, each permit issued must contain the following standard permit provisions:

This permit is granted in accordance with the provisions of the Rules of the District, and acceptance of this permit constitutes an acknowledgment and agreement that the permittee will comply with the Rules and any emergency conditions assessed by the District.

1. This permit confers only the right to operate the permit under the provisions of these Rules, and its terms may be modified or amended pursuant to the provisions of these Rules. Any person who becomes the owner of a currently permitted well is responsible for that permit and is responsible to comply with the terms of that permit. The permit's terms may be modified or amended pursuant to the provision of these Rules.
2. Withdrawal or production of groundwater from all permitted (non-exempt) wells or well systems must be measured by the owner or operator and reported to the District. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner: the water withdrawn under the permit must be put to beneficial use at all times.
3. Withdrawals from all non-exempt wells must be measured by the owner or operator using a device or method that is within plus or minus 10% of accuracy. Measured or estimated water use shall be reported to the District annually in January. The Board may require monitoring devices on permitted wells which would be available for District inspection during business hours.
4. The well site must be accessible to District representatives for inspection, as stated in Rule 15.1, and the permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
5. The application pursuant to which the operating permit has been issued is incorporated in this permit, and this permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
6. Violation of the operating permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is a violation of these Rules and is punishable by civil penalties as provided by these Rules.

RULE 9.4 MITIGATION PLAN

In order to ensure no unreasonable effects on existing groundwater and surface water resources, the District shall require any well permit applications producing greater than 200 acre/feet of water per calendar year from the same producer or connected or to be connected to a common gathering/transportation piping system or to the same user, to include in the application a plan to mitigate the effects of the drawdown of artesian pressure or the level of the water table upon the registered or permitted well owners potentially affected by that well or wells. The plan shall include but

not be limited to:

1. The actions and procedures to be taken by the holder of the well permit in the event that pumping causes the water level in any other registered or permitted well to drop to an unacceptable level.
2. The actions and procedures to be taken by the holder of the well permit in the event that the pumping from the permitted well causes the water to become objectionable or renders the water unusable to any other registered or permitted well owner.
3. The actions and procedures to be taken by the holder of the well permit in the event that pumping causes the well casing or equipment to be damaged so that the recorded quality or quantity of water cannot be produced by any other registered or permitted well owner.
4. The actions and procedures to be taken by the holder of the well permit in the event that pumping causes springs or any other artesian wells used for beneficial purposes to stop flowing.
5. The plan shall also include measures to be taken in cases where the reduction of artesian pressure causes an emergency to arise which may threaten human or animal health, safety or welfare.
6. The plan shall also contain a specifically enumerated time schedule for the execution of the mitigation plan.
7. In the issuance of an operating permit, the Board may require of the operating permit holder the establishment of an escrow fund to protect existing users as required by Texas Water Code Chapter 36.113 and Chapter 36.1131. This escrow fund is to be deposited with the District. The administration and disbursement of this escrow fund is at the sole discretion of the Board.

RULE 9.5 COMPLETENESS OF APPLICATION

1. Applications for well registration, operating permits, and transport permits shall be made in the name of the well owner or property owner on a form or forms provided by the District. The sworn, original application must be submitted and signed by the owner or an authorized agent of the owner, who may be required to provide the District with a notarized authorization from the owner. This agent may be the well driller, lessee or renter of the property or well, power of attorney, or other appropriate agent. District staff will determine if an application is administratively complete.
2. The District will not take action on an application which is not administratively complete or which has not proceeded in a manner consistent with District Rules. An application may be rejected as not administratively complete if the District finds that substantive information required by the application or District staff is missing, false, or incorrect. Applicants submitting incomplete applications will be notified by the District in writing.
3. If an application is deemed incomplete, and the applicant has been notified in writing of the missing, false, or incorrect information, the applicant must submit to the District the information requested by the District within thirty (30) calendar days, or the application shall be deemed to have expired.
4. The District shall promptly consider and act on each administratively complete application for a permit or permit amendment. If, within 60 days after the date an administratively complete application is submitted, the application has not been acted on or set for a hearing on a specific date, the applicant

may petition the district court of the county where the land is located for a writ of mandamus to compel the district to act on the application or set a date for a hearing on the application, as appropriate.

RULE 9.6 OPERATING PERMIT LIMITATIONS

On approval of an application, the District shall issue an operating permit to the applicant. The permitted right to produce shall be limited to the extent of and for stated purpose(s) in the permit. The permit is in effect and valid for the life of the well as permitted, unless the well is reworked, as discussed in Section 12, or unless the District determines that the permit owner is not in compliance with the permit conditions or District Rules. In event of such noncompliance, the District will notify the permit owner of the conditions that may cause revocation of the permit and allow the owner an opportunity to correct any noncompliance. If the owner does not effect compliance with the permit conditions or the District Rules, by Board action the permit may be cancelled.

1. **Maximum Authorized Withdrawal:** It is a violation of these Rules to pump any amount of water over the amount authorized by the permit.
2. **Operating Permit Required:** It is violation of these Rules to pump a well without an operating permit application being approved with the District by the Board of Directors.
3. Permits may be transferred to another person through change of ownership of the well provided all permit conditions remain in compliance with District Rules. Within ninety (90) calendar days after the date of change in ownership of a well system, a permit holder must notify the District in writing of the name of the new owner.
4. Permits issued under these Rules are subject to change or revocation for waste, deviation from the purposes and terms of the permit, damage or adverse affect caused to groundwater or to aquifers, water level declines that will result in the District's inability to maintain the desired future condition of the aquifers, severe drought conditions, identification of a Critical Groundwater Depletion Area, or availability of other sources of water not available at the time of permit issuance.
5. A new permit must be obtained when any qualifying information on the permit changes, including, but not limited to, a change in ownership of the land the well or well system is located on, a change in the boundaries of the property, a change in the type of use of the water produced, or the repair or reworking of the well as discussed in Section 12.

RULE 9.7 EXCLUSIONS AND EXEMPTIONS

The following wells are exempted from the permit requirements in Section 9 of obtaining an operating permit:

1. a well used solely for domestic use or for providing water for livestock or poultry on a tract of land larger than 5 acres that is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;
2. wells used to supply water for hydrocarbon production activities associated with any oil or gas well permitted by the Railroad Commission of Texas. A well authorized under a permit issued by the

Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from such a well to the extent the withdrawals are required for mining purposes regardless of any subsequent use of the water. These water wells are not required to comply with the spacing requirements of the District as long as the withdrawals are required and used for mining activities. The District shall require a well to be permitted and comply with District Rules if the withdrawals from the well are no longer necessary for mining activities, or are greater than the amount necessary for mining activities specified in the permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code. An entity holding such a Chapter 134 permit for a water well shall report monthly to the District (1) the total amount of water withdrawn during the month; (2) the quantity of water necessary for mining activities; and (3) the quantity of water withdrawn for other purposes.

3. A well to supply water for a subdivision of land for which a plat approval is required by Chapter 232, Local Government Code is not exempted under these Rules, in accordance with Section 36.117.

4. The following types of wells do not require a permit from the District: leachate wells, extraction wells, injection wells, dewatering wells, monitoring wells that produce less than 5,000 gallons per year, and wells used to supply water for hydrocarbon production activities.

5. Groundwater withdrawn from a well exempt from permitting or regulation under these Rules and subsequently transported outside of the District boundaries is subject to any applicable production and export fees under Section 36.122 and 36.205.

6. As stated in Rule 8.1, wells exempt from the requirements of obtaining a permit must still register with the District. A well used solely for agricultural and/or domestic use that is capable of producing more than 25,000 gallons of groundwater per day may obtain an exempt status if the well owner signs an agreement stating that such well will not produce more than 25,000 gallons per day on any day.

7. The District may require an Exempted Well to obtain an Operating Permit and comply with these Rules if:

- a. a well exempted under Rule 9.7(4) above is no longer used to supply water for a drilling rig that is actively engaged in drilling or exploration operations permitted by the Railroad Commission of Texas; or
- b. withdrawals from an exempted well are:
 1. no longer necessary for mining purposes permitted by the Railroad Commission of Texas under Chapter 134, of the Texas Natural Resources Code; or
 2. greater than the amount necessary for mining purposes permitted by the Railroad Commission of Texas under Chapter 134, Natural Resources Code; or
- c. the size or capacity of a well previously exempted under these Rules is substantially altered and such alteration would render the well non-exempt.

8. As specifically set forth in these Rules, an Operating Permit or an amendment thereto is required to produce water from a non-exempt well, to substantially alter the size or capacity of a non-exempt well, or to alter an exempt well if the alteration would render the well non-exempt.

RULE 9.8 PERMIT AMENDMENTS

1. It is a violation of these Rules for a permittee to violate any term, provision, or restriction contained in a permit issued by the District. A permittee must apply for and receive an amendment to their permit prior to changing any term, provision, or restriction in the permit.

2. Amendment Types:

a. Minor amendments include a request to:

- I. change the name or address of the well owner without any change in use;
- II. decrease the maximum authorized withdrawal;
- III. increase the maximum authorized withdrawal by ten percent or less of the total annual permitted pumpage;
- IV. convert two or more wells individually permitted by the same permittee into an aggregate system under one permit to the same permittee.

b. All other amendments, including all amendments to permits involving the export of groundwater, are major amendments.

3. Minor amendments may be granted by the General Manager without notice, hearing, or further action by the Board. If two or more minor amendments are requested during any permit term for an increase in maximum authorized withdrawal, and the combined increase in volume requested in the amendments exceeds the limits described in Subsection 2(a) for minor amendments, then the amendment which results in an increase in maximum authorized withdrawal in excess of the limits specified in Subsection 2(a) above for minor amendments will be considered a major amendment.

4. Major amendments shall be subject to all the requirements and procedures applicable to issuance of a new permit for a new well.

5. An application for permit amendment shall be made on forms supplied by the District and shall include payment of a processing fee established by the Board, if any. No application processing fee will be required from permittees requesting a decrease in maximum authorized withdrawal.

6. An amendment to change the ownership of a well or well system must be submitted within ninety (90) calendar days of the transfer of ownership.

RULE 9.9 PERMIT REVOCATION

1. A permit is not a vested right of the holder and may not be transferred by the holder. The Board may transfer an Existing and Historic Use Permit to a replacement well or to a person who purchases or otherwise receives ownership of a well owned by an historical user, provided that the new owner or operator maintains the same type of use of the well and fulfills any applicable requirements of the District.

2. After notice and an opportunity for hearing is given, a permit may be revoked, suspended, terminated, canceled, modified, or amended in whole or in part for cause, including, but not limited to (i) violation of any terms or conditions of the permit, (ii) obtaining the permit by misrepresentation or failure to disclose relevant facts, or (iii) failure to comply with any applicable Rules, regulations, fee schedule,

special provisions, requirements, or orders of the District. The permittee shall furnish to the District upon request, and within ninety (90) calendar days, any information to determine whether cause exists for revoking, suspending, terminating, canceling, modifying, or amending a permit.

RULE 9.10 PERMIT RENEWAL

1. Well owners or operators shall make application to renew permits required under these Rules within ninety (90) calendar days prior to the expiration of the permit term on a renewal application form provided by the District. The well owner or operator shall indicate on the renewal application form whether any changes to the well, well operations, purpose of use, or special conditions have occurred.
2. Renewals shall be accomplished by the General Manager without notice or hearing if the terms and conditions of operation listed in the permit have not changed.
3. If the well owner or operator seeks to change any of the permit terms or conditions in the renewal application, the application will be scheduled for a hearing and consideration by the Board under Section 14.
4. The application to renew a permit shall be accompanied by payment of the application processing fee established by the Board, if any.

RULE 9.11 REPORTING REQUIREMENTS

1. All well logs, pump test data, water level data, water quality data, or any other data pertinent to a well shall be submitted to the District office within sixty (60) calendar days after completion of the well or well project. In accordance with Section 36.111, records shall be kept and reports be made to the District regarding the drilling, equipping, and completing of water wells and of the production capability and use of groundwater by the well owner.
2. On or before January 31st of each year, a permittee authorized to produce groundwater shall file an annual report with the District describing the amount of water produced and used for the permitted purposes during the preceding calendar year. The report shall be filed on a form obtained from the District.
3. On or before the 10th of each month, a permittee authorized to transport groundwater outside of the District boundaries shall file a monthly report with the District describing the total amount of groundwater produced and the amount transported outside of the District boundaries during the preceding month. The report shall be filed on a form obtained from the District.
4. During hydrological studies, pump tests, or in areas designated by the Board as Critical Groundwater Depletion Areas, the Board may require production-monitoring devices to be installed on non-exempt, permitted wells at the permittee's expense. These monitoring devices shall be made available for District inspection during normal business hours or during the pump tests or studies as necessary. An hour meter may be considered a production-monitoring device if the well output in gallons per minute can be measured accurately.

5. District employees, Board members, consultants, or other agents of the District may conduct random or periodic inspections of permitted wells for any District purpose. The District shall coordinate and schedule such inspections with the well owner, as authorized by Rule 15.1.

RULE 9.12 EXISTING AND HISTORIC USE PERMITS

1. **Purpose.** The District seeks to not exceed the sustainable yield of groundwater resources in the District, protect spring flow, and protect existing water wells, and historic users to the maximum extent practicable. In order to more accurately determine the amount of groundwater being used, the District will grant Existing and Historic Use Permits to non-exempt wells that were in existence and producing groundwater prior to January 1, 2004, the original effective date of these Rules. Permits issued by the District for Existing and Historic Use shall bear a reasonable relationship to the District's certified management plan and shall reasonably protect Existing and Historic Use.
2. It is the intent of the District to determine existing and historic use of groundwater within the District as set forth under this rule.
3. **Designation of Historic Use Status.** All owners of existing registered, non-exempt Well Systems that were completed and operational prior to the original effective date of these Rules, and that produced and used groundwater in any year during the Existing and Historic Use Period (January 1, 1994 to January 1, 2004) shall apply to the District for an Existing and Historic Use Permit no later than August 1, 2007.
4. An Existing and Historic Use Permit is required from the District by December 31, 2007, for all existing non-exempt Well Systems that were drilled and completed prior to the original effective date of these Rules, and that wish to claim beneficial use of water during the Existing and Historic Use Period.
5. Failure of an owner of such a Well System to file an application for an Existing and Historic Use Permit by August 1, 2007, shall preclude the owner from making any future claim or application to the District for Existing and Historic Use under these Rules or otherwise and shall preclude the owner's ability to operate the Well System under these Rules, unless such owner obtains an Operating Permit under current Rules.
6. Registered exempt wells are given Existing and Historic Use status automatically, and every effort will be made by the District to protect those wells as if an Existing and Historic Use Permit were granted.
7. **Application For Historic Use Status.** All applications for an Existing and Historic Use Permit shall include the following information to the extent the information exists and is available to the applicant through the exercise of reasonably diligent efforts:
 - A. the year in which each well in the Well System was drilled;
 - B. the purpose for which each well in the Well System was drilled and types of subsequent use of the water produced or withdrawn from such Well System;
 - C. annual water production history of the Well System for at least one year during the Existing and Historic Use Period;
 - D. the Maximum Historic Use of the well or well system;

- E. legal description of the tract of land on which the well or well system is located;
- F. all information requested by the District in a form which shall be prescribed and provided by the District;
- G. for irrigation wells, crop type and acreage of crop irrigated by the well or well system for at least one year during the Existing and Historic Use Period;
- H. for irrigation wells, deed and legal description of irrigable land previously irrigated by the well or well system, including the year irrigated and the deed and legal description for land on which the well or well system is located, during the Existing and Historic Use Period;
- I. for non-irrigation wells, the deed and legal description for the tract of land on which the well or well system is located;
- J. documentation regarding enrollment of each tract of land in the United States Department of Agriculture, Farm Service Agency, Conservation Reserve Program, or other such program or service, for which an Existing and Historic Use Permit is sought pursuant to these Rules; and
- K. any other information determined necessary by the Board.

8. **Verification.** The District reserves the right to verify the extent of maximum beneficial use of groundwater prior to the effective date of these rules, claimed by each applicant for an historic use permit. The General Manager shall either recommend the granting of a proposed Existing and Historic Use permit or a denial, in whole or in part, based on the application and information obtained by the District in relation to the use of groundwater by the applicant. The District shall obtain the information on which to base a recommendation either from the applicant or other credible sources. Such credible sources may include, but not be limited to, federal, state or other local agencies or governmental entities.

9. **Notice to Public.** The District shall publish notice of the recommended proposed permits or denials and make such recommendations available for public review and inspection. Any applicant or any affected party shall have ninety (90) calendar days from the date of the above notice to file a request for hearing.

10. The Board shall consider the proposed Existing and Historic Use permit application and any other evidence presented by an applicant or an affected party prior to making its decision.

Protestants. A person desiring to protest an application for Existing and Historic Use Permit shall file with the District a notice of protest no later than 15 days after newspaper notice, and shall serve the notice of protest on the applicant at the time of filing. The notice of protest shall set forth the protestant's justiciable interest and how that justiciable interest would be adversely affected by the permit proposed by the application. The Board may take testimony and shall deliberate and take official action at the hearing to determine whether the protestant has sufficiently demonstrated their justiciable interest and how that justiciable interest would be adversely affected by the permit proposed by the application. If the Board finds that a protestant does not adequately establish that its justiciable interest is affected by the proposed permit, then the protestant shall not be allowed to participate in the hearing.

11. **Application Fee.** The validity of an Historic Use permit is contingent upon payment by the applicant of the appropriate application fee, if any, established by the Board under Section 11 of these Rules.

12. **Metering.** An applicant for an Historic Use permit must install a metering or measuring device on each existing well for which an application has been submitted.

13. **Reporting.** Within 15 days of January 31 of each year, each Historic Use permit holder must submit a water use report to the District, on a form provided by the District, stating the following: (a) the name of the permittee; (b) the permit number; (c) the well numbers of each well for which the permittee holds a permit; (d) the total amount of groundwater produced by each well and well system during each month of the immediately preceding calendar year; (e) the purposes for which the water was used; and (f) any other information requested by the District.

14. **Production of Groundwater.** Existing and Historic Use Permits are a recognition by the District of Existing and Historic Use under this Section and shall entitle the permittees to produce or withdraw groundwater in accordance with the production regulations set forth in these Rules. The quantity that may be withdrawn shall not exceed the Maximum Historic and Existing Use demonstrated by the applicant, and determined by the Board.

15. **Reductions.** If the District determines that the total amount of production from an aquifer is greater than the annual sustainable amount available for withdrawal, production amounts may be decreased proportionally among all permit holders producing from that aquifer, with any necessary reductions being applied first to Operating Permits and, subsequently, if production is still greater than availability after reducing Operating Permits in their entirety, to Historic and Existing Use Permits.

16. **Beneficial Use.** The Board shall not issue Existing and Historic Use Permits for wells or lands for which the Board determines the well owner or operator did not beneficially use groundwater during the Existing and Historic Use Period as set forth under this Section.

17. **Transfer of Historic Use Permit.** Existing and Historic Use Permits are granted conditionally, and are granted to a specific owner and type of water use. An Existing and Historic Use Permit is not a vested right of the permittee. The District may transfer an Existing and Historic Use Permit upon receiving an administratively complete District approved Permit Application Form stating a request for a permit amendment specific to a request in Change of Ownership. Said application shall comply with all District rules and regulations relating to permit amendments relative to change in ownership status.

18. **Aggregation.** A permittee having a well or wells, each well having an Existing and Historic Use Permit may be aggregated or combined with additional wells while still retaining an Existing and Historic Use Permit for the aggregated system if all of the following provisions are satisfied:

- A. the total aggregate withdrawal of groundwater assigned to the aggregated system shall be equal to or less than the combined total of all individual pumpage permits comprising the entire aggregated system; and
- B. all individual pumpage permits have an Historic Use designation; and
- C. all individual pumpage permits are in compliance with any and all applicable District rules and regulations.

20. **Replacement Wells.** A permittee may apply to re-equip, re-drill, or replace a currently permitted well while preserving its Existing and Historic Use designation by filing an application to amend such permit and providing such information as may be required by the General Manager under the following conditions:

- A. the replacement well must be drilled on the same tract of land as the original well as defined by the legal description filed with the County Clerk; and
- B. the re-equipped, re-drilled, or replacement well complies with all applicable District rules and

regulations, including issuance of permits and authorizations and payment of all fees and charges; and

- C. if a replacement well is drilled, the permittee shall cease production from the well being replaced and immediately comply with any and all well closure and abandonment requirements pursuant to District Rules.

21. **Permit Conditions.** The maximum annual quantity of groundwater that may be withdrawn under an Historic and Existing Use Permit issued by the District shall be no greater than the amount specified in the permit or the amended permit. Permits may be issued subject to conditions and restrictions placed on the rate and amount of withdrawal pursuant to the District's rules and permit terms necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence. The permittee, by accepting the permit, agrees to abide by any and all groundwater withdrawal regulations established by the District that are currently in place, as well as any and all regulations established by the District in the future. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions.

22. In the interest of promoting conservation of groundwater, the District shall allow an applicant for an Existing and Historic Use Permit to apply for a permit authorization in an amount less than the applicant's Maximum Existing and Historic Use.

23. The District may impose more restrictive permit conditions on new permit applications, and on increased use by Existing and Historic Users if the limitations:

- A. apply to all subsequent new permit applications and increased use by Existing and Historic Users, regardless of type or location of use;
- B. bear a reasonable relationship to the existing District Management Plan; and
- C. are reasonably necessary to protect existing use.

24. **Term of Permits:** Unless specified otherwise by the Board, all Existing and Historic Use Permits are effective for a five (5) year period from the date a permit is granted, unless amended or revoked, or a different period of time is required by the Texas Water Code. The permit term will be shown on the permit.

25. **Permit Renewal.** The General Manager may rule on any renewal application without notice, hearing, or further action by the Board, or with such notice and hearing as the General Manager deems practical and necessary under the circumstances. The General Manager may deny a renewal application on any reasonable ground, including, but not limited to, a determination that the applicant is currently in violation of these Rules or Chapter 36, Texas Water Code, or that the applicant has a previously unresolved violation on record with the District. Any applicant may appeal the General Manager's ruling by filing, within ten business days of the General Manager's ruling, a written request for a hearing before the Board. The Board will hear the applicant's appeal at the next available regular Board meeting. The General Manager shall inform the Board of any renewal applications granted. On the motion of any Board member, and a majority concurrence in the motion, the Board may overrule the action of the General Manager. The General Manager may authorize an applicant for a permit renewal to continue operating under the conditions of the prior permit, subject to any changes necessary under proportional adjustment regulations, these Rules, or the District's Management Plan, for any period in which the renewal application is the subject of a contested case hearing. All permit renewal activities will be reported to the Board by the General Manager at regular Board meetings.

RULE 9.13 TEST HOLES

1. A person wishing to explore for groundwater must, prior to commencement of drilling, file with the District a Notice of Intent to Drill a Test Well. The Notice of Intent to Drill a Test Well shall include the following information:
 - A. The name, mailing address and telephone number of the Applicant and the Owner of the real property on which the Test Hole(s) will be drilled.
 - B. The name, mailing address and telephone number of the driller or contractor and the date drilling operations will begin.
 - C. The Section, block, survey, league or other recorded legal description of the real property.
 - D. An agreement by the Applicant that the location of the Test Hole(s) and driller's logs will be furnished to the District by the Applicant, or by the Applicant's authorized representative, upon completion of the Test Hole operation. The location of the Test Hole(s) shall be identified by a metes and bounds description or by a Global Positioning System (GPS) longitude and latitude reading (TWC § 36.112).
 - E. A declaration that the Test Hole(s) will be plugged and logs and plugging reports will be furnished to the District upon completion of the Test Hole operation. Or, if the test well will be converted to a water well, the test well will be capped with a covering capable of sustaining a weight of at least 400 pounds until the test well is converted to a water well.
 - F. A declaration of whether the drilling and operation of the test well is restricted to a geophysical exploration or will include pumping tests and the short-term production of groundwater for testing purposes only.
 - G. Any other information deemed necessary by the General Manager of the District, subject to the approval of the Board.
2. No person may commence drilling a test well prior to District approval. The General Manager is delegated approval authority for test wells restricted to geophysical exploration absent pumping tests. Authorization to drill a test well which will include pumping tests and the production of groundwater is subject to Board approval as an uncontested matter.
3. Each Notice of Intent to Drill a Test Well shall be accompanied by an application fee, by certified check, personal check, or postal money order, payable to the District, and shall be delivered to the District office. The test well application fee may be applied to the fee required for a well permit application made prior to the final expiration date of the test well application.
4. Authorization for drilling and production evaluation of a test well will expire one (1) year from the date of approval by either the General Manager or the Board.

SECTION 10. TRANSFER OF GROUNDWATER OUT OF THE DISTRICT

RULE 10.1 PERMIT REQUIRED

Groundwater produced from within the District may not be transported outside the District's boundaries unless the Board has issued the well owner or operator a Transport Permit. The requirements of this Rule are applicable without regard to the manner the water is transferred out of the district and specifically includes discharges into watercourses to convey water, as well as pipelines, conduits and aqueducts.

1. The District may impose a reasonable fee for processing an application under this Section. An application filed to comply with this Section shall be considered and processed under the same procedures as other applications for other permits, and shall be combined with applications filed to obtain a permit for in-District water use from the same applicant, if any.
2. The application for a Transport Permit shall identify which Operating Permit(s) issued by the District the applicant wishes the District to include in the Transport Permit and for which the maximum quantity of water available for transfer outside of the boundaries of the District shall be determined.
3. The District shall not issue a Transport Permit, unless the Transport Permit applicant has obtained an underlying Operating Permit(s), or amendment thereto, that authorizes the Transport Permit applicant to produce or withdraw the quantity of groundwater to be transferred outside of the boundaries of the District.
4. The District shall not deny a permit under this Section based on the fact that the applicant seeks to transfer groundwater outside of the boundaries of the District but shall restrict a Transport Permit by limiting the annual production of groundwater for transport outside of the boundaries of the District to a quantity of water based on the ability to maintain the desired future condition of the aquifer from which the groundwater will be withdrawn.
5. Unless specified within this section, all other requirements and conditions listed in Section 9 apply to Transport Permits as well.

RULE 10.2 APPLICABILITY

For purposes of this section, the following activities are not considered to be an export of groundwater:

1. The export of groundwater from the District for incidental use (a beneficial use of water which is of a minor nature). Transport of water outside the District by a permittee, with a type of Permit other than a Transport Permit, which totals 5% or less, but in no case more than five (5) acre feet, of the permittee's annual permitted pumpage is considered incidental use.
2. The export of groundwater for an agricultural operation or domestic use, which would otherwise qualify as an exempt well under the definitions in these Rules, that overlaps or is adjacent to the District boundary; or
3. The export of groundwater that occurs as a result of the distribution of water within a single, aggregate system of a retail or non-retail public water system that overlaps the District boundary, as long

as the exported groundwater is supplied to and used by the customers of that public water system.

RULE 10.3 APPLICATION

An application for a transportation permit must be filed in the District office, be in writing and sworn to, and must include the following information:

1. The name and mailing address of the applicant, and the name and address of the owner of the land, if different from the applicant, on which the well is to be located;
2. If the applicant is other than the owner of the property, documentation establishing the necessary and applicable authority to construct and operate a well on the owner's property for the proposed use;
3. A statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose and the period of time each purpose is expected to continue;
4. A water conservation plan applicable to the area or jurisdiction where the transported water will be delivered and put to beneficial use, and a declaration showing that the applicant will comply with the District's management plan;
 - a. Contents of Conservation Plan. Conservation plans shall include, as a minimum, the following:
 - i. Promotion and encouragement of voluntary conservation measures;
 - ii. Promotion and encouragement, installation, and use of water saving devices;
 - iii. Promotion and encouragement of water efficient landscape practices;
 - iv. Implementation of a conservation-oriented rate structure;
 - v. Financial measures which encourage conservation;
 - vi. Distribution of conservation information and other educational efforts;
 - vii. Provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the Conservation Plan; and
 - viii. Other conservation criteria set by the Board.
 - b. Compliance. The District shall approve Conservation Plans, if they satisfy the objectives of this Rule. The permittee may revise or amend the Conservation Plans, as necessary, with approval by the District.
5. The location of the well(s) and rates of withdrawal. The location may be shown on a topographic map, ownership map, or a map prepared by a registered professional engineer or a registered surveyor which shows the proposed well and any other structure or location regarding the proposed well and associated activities. The map shall depict the approximate boundaries of the tract of land owned or to be used by the applicant.

6. Proof of notification of all landowners adjacent to the property where the well or wells are located and all well owners within one-half mile of any of the proposed production wells;
7. the proposed casing size, well depth, pump size, and pump capacity;
8. A drought contingency plan (DCP) which is acceptable to the District.
 - a. Contents of DCP. DCPs shall consider, as a minimum, the following:
 - i. establishment of a permittee's historical baseline pumpage volume and target pumpage volume in accordance with reduction goal percentages of the three Critical Groundwater Depletion Area categories (see Section 16 of these Rules);
 - ii. voluntary compliance restrictions to achieve a 10% reduction goal;
 - iii. demand reduction measures which may include prohibition of water waste, alternative and/or supplemental water supply sources, adjustment to water rates, and use of water saving devices;
 - iv. additional demand reduction measures developed by the permittee which achieve reduction goal percentages associated with each Critical Groundwater Depletion Area category;
 - v. financial measures which encourage compliance with the Conservation Plan and Drought Contingency Plan while maintaining financial stability of the permittee during Critical Groundwater Depletion Area categories;
 - vi. provision for ordinances, regulations or contractual requirements necessary for the permittee to enforce the DCP; and
 - vii. provisions for reporting pumpage.
 - b. Compliance. The District shall approve DCPs, if they satisfy the objectives of this Rule. The permittee may revise or amend the DCP, as necessary to reflect changes in permitted pumpage, subject to administrative approval by the General Manager. Any other revisions or amendments must be approved by the Board.
9. Additional Requirements. An application for a permit that involves the export of groundwater from the District shall include the following additional information:
 - a. the location of the proposed receiving area for the water to be exported;
 - b. a detailed statement of the nature and purpose of the various proposed uses in the proposed receiving area and the amount of groundwater to be used for each purpose;
 - c. information describing the projected effect of the proposed exportation of water on aquifer conditions, depletion, subsidence, and existing permit holders or other groundwater users within the District;
 - d. a copy of a proposed plan, if any, to mitigate any adverse impacts of the proposed export on groundwater users within the District;
 - e. a description of how the proposed export is addressed in any approved regional water

plan(s), if applicable; and

- f. a technical description of the facilities to be used for transportation of the groundwater and a time schedule for construction thereof.

10. **Performance Test Required:** Upon completion of the well, an applicant for a new well that involves the export of groundwater out of the District shall submit to the District a current hydrogeological report addressing the area of influence, drawdown, recovery time, and other pertinent information required by the District. The well must be equipped to test for production capacity and the hydrogeological report must address the impacts of that use. The hydrogeological report shall be prepared by a qualified person who is properly licensed by the State of Texas to prepare such report. The report shall include hydrogeologic information addressing and specifically related to the proposed water pumpage levels at the proposed pumpage site. Applicants may not rely solely on reports previously filed with or prepared by the District. The report must be submitted prior to putting the well into operation, and failure to submit a hydrogeological report as required by the District is a violation of these Rules and shall be grounds for cancellation of the permit. The Board shall make the final determination of whether a hydrogeological report meets the requirements of this subsection, and must be accepted and approved by the District prior to production of groundwater. Hydrogeological reports required for permit applications shall:

- a. State and describe the results of a pumping test of the well for which a permit is being requested.
 - b. Address the area of influence of the well for which a permit is being requested.
 - c. Include an assessment of the geology at the site of the well for which a permit is being requested and a description of the aquifer that will supply water to the well.
 - d. Be completed in a manner that complies with the guidelines adopted by the District for this purpose.
11. any other information deemed necessary by the Board.

RULE 10.4 HEARING AND PERMIT ISSUANCE

1. Applications for transportation permits are subject to the hearing procedures provided by these Rules in Section 14.
2. In determining whether to issue a permit to transfer groundwater out of the District, the Board shall consider the information provided in Rule 10.3 above, the provisions and requirements of the Texas Water Code, as amended, and of these Rules, and the following information:
 - a. availability of groundwater in the District and in the proposed receiving area;
 - b. availability of feasible and practicable alternative supplies to the applicant and in the proposed receiving area;
 - c. the amount and purposes of use for which water is needed in the proposed receiving area;
 - d. the projected effect of the proposed transfer on groundwater and aquifer conditions,

- depletion, subsidence, or effects on existing permit holders or other groundwater users within the District;
- e. the indirect costs and economic and social impacts associated with the proposed transfer of water from the District;
 - f. the approved regional and state water plan, if one has been approved for the receiving area, and the certified District management plan, if one has been approved for the receiving area;
 - g. other facts and considerations considered necessary by the District's Board for protection of the public health and welfare and conservation and management of groundwater resources in the District.
 - h. the applicant's water conservation plan and whether the applicant has agreed to prevent waste and achieve water conservation and, if any subsequent user of the water is a municipality or entity providing retail water services, the water conservation plan, and agreement to prevent waste and achieve water conservation, of that municipality or entity shall also be provided;
 - i. the location of the well and rates of withdrawal; and
 - j. the period of time for which the permit is sought.

RULE 10.5 TERM OF TRANSPORT PERMITS.

1. In accordance with Sec. 36.122, Texas Water Code, as amended, the period specified by the Transport Permit shall be:
 - a. three (3) years if construction of a conveyance system has not been initiated prior to the issuance of the permit; or
 - b. thirty (30) years if construction of a conveyance system has been initiated prior to the issuance of a permit;
2. The three (3) year period specified under Rule 10.5 (1) (a) shall automatically be extended to thirty (30) years if construction of a conveyance system is begun before the expiration of such three (3) year period.
3. For the purposes of this Section, construction of a conveyance system has been initiated when the permittee has completed construction of at least 10% of the portion of the conveyance facilities located within the District that will be used to convey the maximum annual quantity of groundwater permitted for transport outside of the boundaries of the District.

RULE 10.6 TRANSPORTATION PERMIT AMENDMENTS.

1. Amendment to a Transportation Permit. It is a violation of these Rules to transfer any amount of water in excess of the amount or withdrawal rate specified in the transportation permit issued by the

District, or by any means or route not authorized by a transportation permit issued by the District. A written, sworn application for an amendment to a transportation permit must be filed and the amendment granted before any deviation in the transportation permit occurs. The applicant must demonstrate that the originally authorized terms and conditions in the transportation permit have proven inadequate and why there is a need to change the authorization.

2. Submission of application. The applicant for an amendment to modify the transportation permit shall provide sufficient documentation that the original authorizations have proven inadequate and the reasons for the need to make the change(s).

3. Action on amendment. The general manager shall prepare a notice to be given of the application for amendment, which notice shall be given as in the original application, and a hearing conducted in the manner prescribed for permit issuance.

SECTION 11. FEES AND DEPOSITS FOR WELL PERMITS AND REGISTRATION

RULE 11.1 FEES

Section 36.205, Water Code, authorizes the District to assess fees for administrative acts of the District. These fees may not unreasonably exceed the cost to the District of providing the administrative function for which the fee is charged. Fees shall be assessed in accordance with the District Fee Schedule set by the Board. A copy of the Fee Schedule may be obtained from the District Office.

The Board, by resolution or order, shall adopt a fee schedule to apply to all applications, registrations, inspections, and permits that are issued, renewed, or amended as well as fees for other acts the District performs or fees to cover charges incurred by the District. These fees are non-refundable. The fee schedule shall be adopted as soon as practical after Rules are adopted by the Board, and the fees shall be effective upon adoption of the schedule. Production fees shall be based on the amount of groundwater withdrawn. Production fees for groundwater for which the producer (permittee) can not provide documentation satisfactory to the District that the groundwater was used for the purpose designated in the permit shall be assessed at the higher production fee (i.e., the fee for "any other purpose"), if any.

In addition to well registration, permit application fees, and other fees, the District shall impose a reasonable fee or surcharge, established by Board resolution or order, for transportation of groundwater out of the District and/or production of groundwater for non-exempt use. Such transportation fees and production fees shall be set in accordance with the provisions of Chapter 36 of the Texas Water Code, as amended, and shall be based on actual groundwater withdrawn.

The District may amend the fee schedule from time to time.

RULE 11.2 DEPOSITS

Each well registration or application for a well permit must be accompanied by a well log deposit, and any

administrative fee, as set out in the Deposit and Fee Schedule adopted by the Board of Directors. The fees and deposits will be accepted and deposited by the District staff. The deposit will be returned to the applicant by the District if: (1) the application is denied; (2) if the application is granted, upon the receipt of correctly completed driller's log of the well; or (3) if the permit location is abandoned without having been drilled or if the drilling results in a dry hole, upon return and surrender of the permit marked "abandoned" by the applicant.

In the event that neither the driller's log of the well nor the permit marked "abandoned" is returned to the District office within six (6) months after application date of the permit, the deposit becomes the property of the District.

In the event the well is abandoned, the hole must be plugged by the applicant of the permit in accordance with the Texas Water Well Drillers' Rules (see 16 TAC 76.1004 Technical Requirements - Standards for Capping and Plugging of Wells). Proof of proper closure must be provided by the applicant to the District, or a satisfactory inspection must be performed by District personnel.

SECTION 12. REWORKING, REPAIRING AND REPLACING A WELL

RULE 12.1 PROCEDURES

1. An existing well may be reworked, re-drilled, repaired, or re-equipped in a manner that will not change the existing well status.
2. Any improvement, alterations, or professional maintenance or repair of a well or well system requires that the well be re-registered within fourteen (14) calendar days of completion, and may require that the well be re-permitted. If the well or well system was in existence at the time the Rules were adopted by the District, such well must be registered with the District. If the improvement, alterations, maintenance or repair render the well non-exempt, such well must be permitted by the District, and application for a permit must be made by the well owner.
3. A permit must be applied for and the board will consider approving the permit, if a person wishes to increase the rate of production of an existing well to the point of increasing the size of the column pipe and/or g.p.m. rate by reworking, re-equipping, or re-drilling such well.
4. A permit must be applied for and granted by the board if a person wishes to replace an existing permitted well with a replacement well. Immediately upon completion of a replacement permitted well, the old permitted well shall be:
 - a. filled and abandoned in accordance with current Water Well Driller's Rules Chapter 76; or
 - b. properly equipped in such a manner that it cannot produce more than 25,000 gallons of water a day.
5. In the event the application meets spacing (Rule 6) and production (Rule 7) requirements, the Board may grant such application without further notice.
6. An emergency replacement or reworking of a well may be performed, with notice to the District afterward, so long as there is no change to the rate or amount of withdrawal. New driller's and completion logs must be filed with the district within the same period of time as the logs are required to

be filed with the water well drillers' board, and the well must be re-registered within fourteen (14) calendar days, and may require that the well be re-permitted.

SECTION 13. WELL LOCATION AND COMPLETION

RULE 13.1 RESPONSIBILITY

After an application for a well permit has been granted, the well, if drilled, must be drilled within ten (10) yards (30 feet) of the location specified in the permit, and not elsewhere. If the well should be commenced or drilled at a different location, the drilling or operation of such well may be enjoined by the Board pursuant to Chapter 36, Texas Water Code. As described in the Texas Water Well Drillers' Rules, all well drillers, pump installers and persons having a well drilled, deepened, or otherwise altered shall adhere to the provisions of the District Rule's, including those prescribing the location of wells and proper completion.

RULE 13.2 LOCATION OF DOMESTIC, INDUSTRIAL, INJECTION, AND IRRIGATION WELLS

All new wells must comply with the spacing and location requirements set forth under the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Part 4, Chapter 76, Texas Administrative Code, unless a written variance is granted by the Texas Department of Licensing and Regulation and a copy of the variance is forwarded to the District by the applicant or registrant.

1. A well must be located a minimum horizontal distance of 50 feet from any water-tight sewage facility and liquid-waste collection facility.
2. A well must be located a minimum horizontal distance of not less than 100 feet from any contamination, such as existing or proposed livestock or poultry yards, privies, and septic system absorption fields, and must be located in accordance with any applicable federal, state, county, and/or Texas Water Well Drillers and Pump Installers rules and regulations.
3. A well must be located at a site not generally subject to flooding; provided, however, that if a well must be placed in a flood prone area, it must be completed with a watertight sanitary well seal and steel casing extending a minimum of 24 inches above the 100 Year Flood Plain elevation, as established by the most recent mapping of the National Flood Insurance Program.
4. No well may be located within five-hundred (500) feet of a sewage treatment plant, solid waste disposal site, or land irrigated by sewage plant effluent, or within three-hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.

RULE 13.3 STANDARDS OF COMPLETION FOR DOMESTIC, INDUSTRIAL, INJECTION, AND IRRIGATION WELLS

1. All wells must be completed in accordance with the well completion standards set forth under the Texas Water Well Drillers and Pump Installers Administrative Rules, Title 16, Part 4, Chapter 76, Texas Administrative Code. Water well drillers and pump installers are subject to and must comply with all the District Rules of the Fayette County Groundwater Conservation District.
2. Water well drillers shall indicate the method of completion performed on the Well Report (TDLR Form #001 WWD, Section 10, Surface Completion).

RULE 13.4 RE-COMPLETIONS

1. The landowner shall have the continuing responsibility of insuring that a well does not allow commingling of undesirable water and fresh water or the unwanted loss of water through the wellbore to other porous strata.
2. If a well is allowing the commingling of undesirable water and fresh water or the unwanted loss of water, and the casing in the well cannot be removed and the well re-completed within the applicable rules, the casing in the well shall be perforated and cemented in a manner that will prevent the commingling or loss of water. If such a well has no casing, then the well shall be cased and cemented, or plugged in a manner that will prevent such commingling or loss of water.
3. The Board of Directors may direct the landowner to take steps to prevent the commingling of undesirable water and fresh water, or the unwanted loss of water or pollution through the well bore.

SECTION 14. HEARINGS

RULE 14.1 TYPES OF HEARINGS

The District conducts two general types of hearings: hearings involving permit matters, in which the rights, duties, or privileges of a party are determined after an opportunity for an adjudicative hearing, and rulemaking or other hearings involving matters of general applicability that implement, interpret, or prescribe the law or District policy, or that describe the procedure or practice requirements of the District. Any matter designated for hearing before the Board involving a permit matter may be referred by the Board for hearing before a Hearing Examiner.

1. **Permit Hearings:**
 - a. **Permit Applications, Amendments and Revocations:** The District will hold hearings on water well operating permits, permit renewals or amendments (except those amendments defined as "minor" in Rule 9.8) and permit revocations or suspensions. Hearings involving permit matters may be scheduled before a Hearing Examiner.
 - b. **Hearings on Motions for Rehearing:** Motions for Rehearing will be heard by the Board pursuant to Rule 14.8(b).
2. **Rule-making and Other Hearings:**
 - a. **District Rules or District Management Plan:** At its discretion, the Board may hold a

hearing to consider adoption of amended or new District Rules, or an amended or new District Management Plan.

- b. **Other Matters:** A public hearing may be held on any matter within the jurisdiction of the Board, if the Board deems a hearing to be in the public interest, or necessary to effectively carry out the duties and responsibilities of the District.

RULE 14.2 NOTICE AND SCHEDULING OF HEARINGS

The District, by its General Manager, as instructed by the Board, is responsible for giving notice of all hearings in the following manner:

1. Notice will be given to each person who requests copies of hearing notices pursuant to the procedures set forth in subsection (2), and any other person the Board of Directors deems appropriate. The date of mailing of notice or of delivery may not be less than ten (10) calendar days before the date set for the hearing.
 - a. If the hearing is to be held during the District's regular business hours, notice of the hearing must be posted in accordance with the Texas Open Meetings Act by posting on the Courthouse Bulletin Board. If the hearing is to be held as part of the Board's regular business meeting, the hearing must be listed as a separate item on the meeting agenda.
 - b. If the hearing is not to be held during the District's regular business hours, notice of hearing will be published at least once in a newspaper of general circulation in the District. The date of publication may not be less than ten (10) calendar days before the date set for the hearing.
 - c. A copy of the notice will be posted at the county courthouse in the place where notices are usually posted, in accordance with the Texas Open Meetings Act.
 - d. In addition to the notices required above, when a hearing involves an operating permit matter, notice of the date, time, and location of the hearing will be given to the applicant by depositing the notice in the United States Postal Service mail in an envelope or wrapper addressed to the applicant and stamped, or by delivery to the applicant, at least ten (10) calendar days before the day of the hearing.
 - e. In addition to the notice required above, when a hearing involves designation of a Critical Groundwater Depletion Area, a copy of the notice must be provided to each landowner, well owner, well operator and known groundwater right holder in the proposed management area, or notice of hearing must be published at least once in a newspaper of general circulation in the District, describing the proposed management area in such a way that each landowner, well owner, well operator and known groundwater right holder in the proposed management area can recognize their inclusion.
2. Any person having an interest in the subject matter of a specific hearing or specific hearings may receive written notice of such hearing or hearings by submitting to the District a request in writing. The request must identify with as much specificity as possible the hearing or hearings concerning a specific or individual matter for which written notice is requested. The request remains valid for a period of one year from the date of the request, after which time a new request must be submitted. Failure to provide written notice under this section does not invalidate or have any effect on any action taken by the Board.
3. Hearings may be scheduled during the District's regular business hours, Monday through Friday of

each week, except on District holidays. All permit hearings will be held at the District Office or an alternative site designated by the District's Board of Directors. However, the Board may from time to time change or schedule additional dates, times, and places for permit hearings by resolution adopted at a regular Board meeting. The General Manager is instructed by the Board to schedule hearings involving permit matters at such dates, times, and places set forth above for permit hearings. Other hearings will be scheduled at the dates, times and locations set at a regular Board meeting.

4. In the event that a hearing is scheduled, either outside of the District's regular business hours or in a place that is not the District's office, the District may require that the person requesting the hearing pay 45% of the costs of holding the hearing, and the District will pay the remaining 55%.

RULE 14.3 GENERAL PROCEDURES

1. **Nature of Hearing:** Hearings will be conducted in such manner as the Board deems most suitable to the particular case, and technical rules of legal and court procedure need not be applied. It is the purpose of the Board to obtain all the relevant and reliable information and testimony pertaining to the issue before it as conveniently, inexpensively, and speedily as possible without prejudicing the rights of either applicants or protestants.

2. **Authority of Presiding Officer:** The presiding officer may conduct the hearing or other proceeding in the manner the presiding officer deems most appropriate for the particular proceeding. The presiding officer has the authority to:

- a. set hearing dates, other than the initial hearing date for permit matters set by the District, by its General Manager as instructed by the Board, in accordance with Rule 14.2(c);
- b. convene the hearing at the time and place specified in the notice for public hearing;
- c. establish the jurisdiction of the District concerning the subject matter under consideration;
- d. rule on motions and on the admissibility of evidence and amendments to pleadings;
- e. designate and align parties and establish the order for presentation of evidence;
- f. administer oaths to all persons presenting testimony;
- g. examine witnesses;
- h. issue subpoenas when required to compel the attendance of witnesses or the production of papers and documents;
- i. require the taking of depositions and compel other forms of discovery under these Rules;
- j. ensure that information and testimony are introduced as conveniently and expeditiously as possible, without prejudicing the rights of any party to the proceeding;
- k. conduct public hearings in an orderly manner in accordance with these Rules;
- l. recess any hearing from time to time and place to place;
- m. reopen the record of a hearing for additional evidence when necessary to make the record more complete; and
- n. exercise any other appropriate powers necessary or convenient to effectively carry out the responsibilities of presiding officer.

3. **Hearing Registration Forms:** Each individual attending a hearing or other proceeding of the District must submit a form providing the following information: full name; street address; telephone number; whether the person plans to testify; and any other information relevant to the hearing or other proceeding.

4. **Appearance; Representative Capacity:** Any interested person may appear in person or may be represented by counsel, or accompanied by an engineer, or other representative provided the representative is fully authorized to speak and act for the principal. Such person or representative may present evidence, exhibits, or testimony, or make an oral presentation in accordance with the procedures

applicable to the particular proceeding. Any partner may appear on behalf of the partnership. A duly authorized officer or agent of a public or private corporation, political subdivision, governmental agency, municipality, association, firm, or other entity may appear for the entity. A fiduciary may appear for a ward, trust, or estate. A person appearing in a representative capacity may be required to prove proper authority.

5. Alignment of Parties; Number of Representatives Heard: Participants in a proceeding may be aligned according to the nature of the proceeding and their relationship to it. The presiding officer may require the participants of an aligned class to select one or more persons to represent or speak for them in the proceeding or on any particular matter or ruling and may limit the number of representatives heard, but must allow at least one representative of an aligned class to be heard in the proceeding or on any particular matter or ruling.

6. Appearance by Applicant or Movant: The applicant, movant or party requesting the hearing or other proceeding or a representative must be present at the hearing or other proceeding. Failure to so appear may be grounds for withholding consideration of a matter and dismissal without prejudice or may require the rescheduling or continuance of the hearing or other proceeding if the presiding officer deems it necessary in order to fully develop the record.

7. Reporting: Hearings and other proceedings will be recorded on audio cassette tape or, at the discretion of the presiding officer, may be recorded by a certified shorthand reporter. The District does not prepare transcripts of hearings or other proceedings recorded on audio cassette tape on District equipment for the public, but the District will arrange access to the recording. Subject to availability of space, any party to a specific hearing may, at their own expense, arrange for a reporter to report the hearing or other proceeding or for recording of the hearing or other proceeding. The cost of reporting or transcribing a permit hearing may be assessed in accordance with Rule 14.5(b). If a proceeding other than a permit hearing is recorded by a certified shorthand reporter, and a copy of a written transcript of testimony is ordered by any person, the testimony will be transcribed by the certified shorthand reporter and the original written transcript filed with the papers of the proceeding at the expense of the person requesting the transcript of testimony. Copies of the transcript of testimony of any hearing or other proceeding thus reported may be purchased thereafter from the reporter by the person requesting the copy.

8. Continuance: The presiding officer may continue hearings or other proceedings from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice. If a hearing or other proceeding is continued and a time and place (other than the District Office) for the hearing or other proceeding to reconvene are not publicly announced at the hearing or other proceeding by the presiding officer before it is recessed, a notice of any further setting of the hearing or other proceeding will be delivered at a reasonable time to all parties, persons who have requested notice of the hearing pursuant to Rule 14.2(b), and any other person the presiding officer deems appropriate, but it is not necessary or required to post at the county courthouse or publish a newspaper notice of the new setting.

9. Filing of Documents; Time Limit: Applications, motions, exceptions, communications, requests, briefs or other papers and documents required to be filed under these Rules or by law must be received in hand at the District's Office within the time limit, if any, set by these Rules or by the presiding officer for filing. Mailing by deposit with the United States Postal Service within the time period is insufficient if the submissions are not actually received by the District within the time limit.

10. Computing Time: In computing any period of time prescribed, allowed, or specified by these Rules, by a presiding officer, by Board orders, or by applicable law, the day of the act, event, or default after which the designated period of time begins to run is not included, but the last day of the period so computed is included, unless the last day is a Saturday, Sunday or legal holiday as determined by the

Board, in which case the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday as determined by the Board.

11. **Affidavit:** Whenever the making of an affidavit by a party to a hearing or other proceeding is necessary, it may be made by the party or the party's representative or counsel. This Rule does not dispense with the necessity of an affidavit being made by a party when expressly required by statute.

12. **Broadening the Issues:** No person will be allowed to appear in any hearing or other proceeding that in the opinion of the presiding officer is for the sole purpose of unduly broadening the issues to be considered in the hearing or other proceeding.

13. **Conduct and Decorum:** Every person, party, representative, witness, and other participant in a proceeding must conform to ethical standards of conduct and must exhibit courtesy and respect for all other participants. No person may engage in any activity during a proceeding that interferes with the orderly conduct of District business. If in the judgment of the presiding officer, a person is acting in violation of this provision, the presiding officer will first warn the person to refrain from engaging in such conduct. Upon further violation by the same person, the presiding officer may exclude that person from the proceeding for such time and under such conditions as the presiding officer deems necessary.

RULE 14.4 UNCONTESTED PERMIT HEARINGS PROCEDURES

1. **Written Notice of Intent to Contest:** Any person who intends to contest a permit application must provide written notice of that intent to the District at the District office located at 254 North Jefferson, Room 600, P. O. Box 625, La Grange, TX 78945 at least five (5) calendar days prior to the date of the hearing. If the Board of Directors intends to contest a permit application, the Board of Directors must provide the applicant written notice of that intent at least five (5) calendar days prior to the date of the hearing. If no notice of intent to contest is received five (5) calendar days prior to the hearing, the general manager as instructed by the Board of Directors, will cancel the hearing, or, at a minimum, that specific hearing agenda item, and the board will consider the permit at the next regular board meeting.

2. **Informal Hearings:** Permit hearings may be conducted informally when, in the judgment of the Hearing Examiner, the conduct of a proceeding under informal procedures will not prejudice the rights of any party and will save time or cost to the parties, or lead to a negotiated or agreed settlement of facts or issues in controversy.

3. **Agreement of Parties:** If, during an informal proceeding, all parties reach a negotiated or agreed settlement which, in the judgment of the Hearing Examiner, settles the facts or issues in controversy, the proceeding will be considered an uncontested case and the Hearing Examiner will summarize the evidence, make findings of fact and conclusions of law based on the existing record and any other evidence submitted by the parties at the hearing.

4. **Decision to Proceed as Uncontested or Contested Case:** If the parties do not reach a negotiated or agreed settlement of the facts and issues in controversy or if any party contests a staff recommendation, and the Hearing Examiner determines these issues will require extensive discovery proceedings, the Hearing Examiner will declare the case to be contested and convene a prehearing conference as set forth in Rule 14.5. The Hearing Examiner may also recommend issuance of a temporary permit for a period not to exceed 4 months, with any special provisions the Hearing Examiner deems necessary, for the purpose of completing the contested case process. Any case not declared a contested case under this provision is an uncontested case and the Hearing Examiner will summarize the evidence, make findings of fact and conclusions of law, and make appropriate recommendations to the Board.

RULE 14.5 CONTESTED PERMIT HEARINGS PROCEDURES

1. **Prehearing Conference:** A prehearing conference may be held to consider any matter which may expedite the hearing or otherwise facilitate the hearing process.

- a. **Matters Considered:** Matters which may be considered at a prehearing conference include, but are not limited to, (1) the designation of parties; (2) the formulation and simplification of issues; (3) the necessity or desirability of amending applications or other pleadings; (4) the possibility of making admissions or stipulations; (5) the scheduling of discovery; (6) the identification of and specification of the number of witnesses; (7) the filing and exchange of prepared testimony and exhibits; and (8) the procedure at the hearing.
- b. **Notice:** A prehearing conference may be held at a date, time, and place stated in a separate notice given in accordance with Rule 14.2, or at the date, time, and place for hearing stated in the notice of public hearing, and may be continued from time to time and place to place, at the discretion of the Hearing Examiner.
- c. **Conference Action:** Action taken at a prehearing conference may be reduced to writing and made a part of the record or may be stated on the record at the close of the conference.

2. **Assessing Reporting and Transcription Costs:** Upon the timely request of any party, or at the discretion of the Hearing Examiner, the Hearing Examiner may assess reporting and transcription costs to one or more of the parties. The Hearing Examiner must consider the following factors in assessing reporting and transcription costs:

- a. the party who requested the transcript;
- b. the financial ability of the party to pay the costs;
- c. the extent to which the party participated in the hearing;
- d. the relative benefits to the various parties of having a transcript;
- e. the budgetary constraints of a governmental entity participating in the proceeding;
- f. any other factor that is relevant to a just and reasonable assessment of costs.

In any proceeding where the assessment of reporting or transcription costs is an issue, the Hearing Examiner must provide the parties an opportunity to present evidence and argument on the issue. A recommendation regarding the assessment of costs must be included in the Hearing Examiner's report to the Board.

3. **Designation of Parties:** Parties to a hearing will be designated on the first day of hearing or at such other time as the Hearing Examiner determines. The Board of Directors and any person specifically named in a matter are automatically designated parties. Persons other than the automatic parties must, in order to be admitted as a party, appear at the proceeding in person or by representative and seek to be designated. After parties are designated, no other person may be admitted as a party unless, in the judgment of the Hearing Examiner, there exists good cause and the hearing will not be unreasonably delayed.

4. **Rights of Designated Parties:** Subject to the direction and orders of the Hearing Examiner, parties have the right to conduct discovery, present a direct case, cross-examine witnesses, make oral and written arguments, obtain copies of all documents filed in the proceeding, receive copies of all notices issued by the District concerning the proceeding, and otherwise fully participate in the proceeding.

5. **Persons Not Designated Parties:** At the discretion of the Hearing Examiner, persons not designated as parties to a proceeding may submit comments or statements, orally or in writing. Comments or statements submitted by non-parties may be included in the record, but may not be considered by the Hearing Examiner as evidence.

6. **Furnishing Copies of Pleadings:** After parties have been designated, a copy of every document including a pleading, request, motion, or reply filed in the proceeding must be provided by the person who signs the document, or the author or the person who files the document with the District, to every other party or the party's representative. A certification of this fact must accompany the original instrument when filed with the District. Failure to provide copies may be grounds for withholding consideration of the pleading or the matters set forth therein.
7. **Interpreters for Deaf Parties and Witnesses:** If a party or subpoenaed witness in a contested case is deaf, the District must provide an interpreter whose qualifications are approved by the State Commission for the Deaf and Hearing Impaired to interpret the proceedings for that person. "Deaf person" means a person who has a hearing impairment, whether or not the person also has a speech impairment, that inhibits the person's comprehension of the proceedings or communication with others.
8. **Agreements to be in Writing:** No agreement between parties or their representatives affecting any pending matter will be considered by the Hearing Examiner unless it is in writing, signed, and filed as part of the record, or unless it is announced at the hearing and entered as record.
9. **Discovery:** Discovery will be conducted upon such terms and conditions, and at such times and places, as directed by the Hearing Examiner. Unless specifically modified by these Rules or by order of the Hearing Examiner, discovery will be governed by, and subject to the limitations set forth in, the Texas Rules of Civil Procedure. In addition to the forms of discovery authorized under the Texas Rules of Civil Procedure, the parties may exchange informal requests for information, either by agreement or by order of the Hearing Examiner.
10. **Discovery Sanctions:** If the Hearing Examiner finds a party is abusing the discovery process in seeking, responding to, or resisting discovery, the Hearing Examiner may:
- suspend processing of the application for a permit if the applicant is the offending party;
 - disallow any further discovery of any kind or a particular kind by the offending party;
 - rule that particular facts be regarded as established against the offending party for the purposes of the proceeding, in accordance with the claim of the party obtaining the discovery ruling;
 - limit the offending party's participation in the proceeding;
 - disallow the offending party's presentation of evidence on issues that were the subject of the discovery request; and
 - recommend to the Board that the hearing be dismissed with or without prejudice.
11. **Ex Parte Communications:** The Hearing Examiner may not communicate, directly or indirectly, in connection with any issue of fact or law pending for decision before the Hearing Examiner, with any agency, person, party, or their representatives, except on notice and opportunity for all parties to participate. This provision does not prevent communications with District staff not directly involved in the hearing to utilize the special skills and knowledge of the District in evaluating the evidence.
12. **Compelling Testimony; Swearing Witnesses and Subpoena Power:** The Hearing Examiner may compel the testimony of any person which is necessary, helpful, or appropriate to the hearing. The Hearing Examiner will administer the oath in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth. The Hearing Examiner may issue subpoenas to compel the testimony of any person and the production of books, papers, documents, or tangible things, in the manner provided in the Texas Rules of Civil Procedure.
13. **Evidence:** Except as modified by these Rules, the Texas Rules of Civil Evidence govern the admissibility and introduction of evidence; however, evidence not admissible under the Texas Rules of

Civil Evidence may be admitted if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. In addition, evidence may be stipulated by agreement of all parties.

14. **Written Testimony:** When a proceeding will be expedited and the interest and rights of the parties will not be prejudiced, testimony may be received in written form. The written testimony of a witness, either in narrative or question and answer form, may be admitted into evidence upon the witness being sworn and identifying the testimony as a true and accurate record of what the testimony would be if given orally. The witness will be subject to clarifying questions and to cross-examination, and the prepared testimony will be subject to objection.

15. **Requirements for Exhibits:** Exhibits of a documentary character must be sized to not unduly encumber the files and records of the District. All exhibits must be numbered and, except for maps and drawings, and except for good cause shown, may not exceed 8-1/2 by 11 inches in size.

16. **Abstracts of Documents:** When documents are numerous, the Hearing Examiner may receive in evidence only those which are representative and may require the abstracting of relevant data from the documents and the presentation of the abstracts in the form of an exhibit. Parties have the right to examine the documents from which the abstracts are made.

17. **Introduction and Copies of Exhibits:** Each exhibit offered must be tendered for identification and placed in the record. Copies must be furnished to the Hearing Examiner and to each of the parties, unless the Hearing Examiner rules otherwise.

18. **Excluding Exhibits:** In the event an exhibit has been identified, objected to, and excluded, it may be withdrawn by the offering party. If withdrawn, the exhibit will be returned and the offering party waives all objections to the exclusion of the exhibit. If not withdrawn, the exhibit will be included in the record for the purpose of preserving the objection to excluding the exhibit.

19. **Official Notice:** The Hearing Examiner may take official notice of all facts judicially cognizable. In addition, official notice may be taken of generally recognized facts within the area of the District's specialized knowledge.

20. **Documents in District Files:** Extrinsic evidence of authenticity is not required as a condition precedent to admissibility of documents maintained in the files and records of the District.

21. **Oral Argument:** At the discretion of the Hearing Examiner, oral arguments may be heard at the conclusion of the presentation of evidence. Reasonable time limits may be prescribed. The Hearing Examiner may require or accept written briefs in lieu of, or in addition to, oral arguments. When the matter is presented to the Board for final decision, further oral arguments may be heard by the Board.

RULE 14.6 CONCLUSION OF THE HEARING; REPORT

1. **Closing the Record; Final Report:** At the conclusion of the presentation of evidence and any oral argument, the Hearing Examiner may either close the record or keep it open and allow the submission of additional evidence, exhibits, briefs, or proposed findings and conclusions from one or more of the parties. No additional evidence, exhibits, briefs, or proposed findings and conclusions may be filed unless permitted or requested by the Hearing Examiner. After the record is closed, the Hearing Examiner will prepare a report to the Board. The report must include a summary of the evidence, together with the Hearing Examiner's findings and conclusions and recommendations for action. Upon completion and issuance of the Hearing Examiner's report, a copy must be submitted to the Board and delivered to each party to the proceeding. In a contested case, delivery to the parties must be by

certified mail. In the case of an uncontested hearing, the official minutes of the hearing shall suffice as the Final Report.

2. **Exceptions to the Hearing Examiner's Report; Reopening the Record:** Prior to Board action any party in a contested case may file written exceptions to the Hearing Examiner's report, and any party in an uncontested case may request an opportunity to make an oral presentation of exceptions to the Board. Upon review of the report and written exceptions, the Hearing Examiner may reopen the record for the purpose of developing additional evidence, or may deny the written exceptions and submit the report and written exceptions to the Board. The Board may, at any time and in any case, remand the matter to the Hearing Examiner for further proceedings.
3. **Time for Board Action on Certain Permit Matters:** In the case of hearings involving new permit applications, original applications for existing wells, or applications for permit renewals or amendments, the Hearing Examiner's report should be submitted, and the Board should act, within sixty (60) calendar days after the close of the hearing record.

RULE 14.7 RULEMAKING HEARINGS PROCEDURES

1. **General Procedures:** The presiding officer will conduct the rulemaking or other hearing in the manner the presiding officer deems most appropriate to obtain all relevant information pertaining to the subject of the hearing as conveniently, inexpensively, and expeditiously as possible. The presiding officer may follow the guidelines of "Robert's Rules of Order", Henry M. Robert III, 10th revised edition, or as amended.
2. **Submission of Documents:** Any interested person may submit written statements, protests or comments, briefs, affidavits, exhibits, technical reports, or other documents relating to the subject of the rulemaking or other hearing. Such documents must be submitted no later than the time of the public hearing, as stated in the notice of public hearing. Such notice is to be published at least once in a newspaper of general circulation in the District, and is to be published at least ten (10) calendar days before the date of the hearing.
3. **Oral Presentations:** Any person desiring to speak or testify on the subject of the rulemaking or other hearing must so indicate on the registration form provided at the hearing. The presiding officer establishes the order of testimony and may limit the number of times a person may speak, the length of time for oral presentations, and the time period for raising questions. In addition, the presiding officer may limit or exclude cumulative, irrelevant, or unduly repetitious presentations.
4. **Conclusion of the Hearing; Closing the Record; Hearing Examiner's Report:** At the conclusion of the testimony, and after the receipt of all documents, the presiding officer may either close the record, or keep it open to allow the submission of additional information. If the presiding officer is a Hearing Examiner, the Hearing Examiner must, after the record is closed, prepare a report to the Board. The report must include a summary of the subject of the hearing and the public comments received, together with the Hearing Examiner's recommendations for action. Upon completion and issuance of the Hearing Examiner's report, a copy must be submitted to the Board. Any interested person who so requests in writing will be notified when the report is completed, and furnished a copy of the report.
5. **Exceptions to the Hearing Examiner's Report; Reopening the Record:** Any interested person may make exceptions to the Hearing Examiner's report, and the Board may reopen the record, in the manner prescribed in Rule 14.6(2).

RULE 14.8 FINAL DECISION; APPEAL

1. **Board Action:** After the record is closed and the matter is submitted to the Board, the Board may then take the matter under advisement, continue it from day to day, reopen or rest the matter, refuse the action sought or grant the same in whole or part, or take any other appropriate action. The Board action takes effect at the conclusion of the meeting and is not affected by a motion for rehearing.
2. **Decision; When Final:** A decision by the board on a permit or permit amendment application is final if (1) a request for rehearing is not filed on time, on the expiration of the period for filing a request for rehearing; or (2) if a request for rehearing is filed on time, on the date the board denies the request for rehearing or the board renders a written decision after rehearing. Except as provided by Subsection (3), an applicant or a party to a contested hearing may file a suit against the district under Section 36.251 to appeal a decision on a permit or permit amendment application not later than the 60th day after the date on which the decision becomes final.
3. **Requests for Rehearing:** Any decision of the Board on a permit or permit amendment application matter may be appealed by an applicant in a contested or uncontested hearing on an application or a party to a contested hearing by requesting written findings and conclusions or a rehearing before the Board within twenty (20) calendar days of the Board's decision.
 - a. Such a rehearing request must be filed at the District Office in writing and must state clear and concise grounds for the request. If the original hearing was a contested hearing, the person requesting a rehearing must provide copies of the request to all parties to the hearing. Such a rehearing request is mandatory with respect to any decision or action of the Board before any appeal may be brought.
 - b. On receipt of a timely written request, the board shall make written findings and conclusions regarding a decision of the board on a permit or permit amendment application. The board shall provide certified copies of the findings and conclusions to the person who requested them, and to each person who provided comments or each designated party, not later than the 35th day after the date the board receives the request. A person who receives a certified copy of the findings and conclusions from the board may request a rehearing before the board not later than the 20th day after the date the board issues the findings and conclusions.
 - c. The Board's decision is final if no request for rehearing is made within the specified time, or upon the Board's denial of the request for rehearing, or upon rendering a decision after rehearing. If the rehearing request is granted by the Board, the date of the rehearing will be within forty-five (45) calendar days thereafter, unless otherwise agreed to by the parties to the proceeding. The failure of the Board to grant or deny the request for rehearing within ninety (90) calendar days of submission will be deemed to be a denial of the request.
4. In appropriate situations, the District may utilize alternate methods of dispute resolution, which are described in Sections 36.416 through 36.418, Texas Water Code.

RULE 14.9 CONSOLIDATED HEARING ON APPLICATIONS

1. Except as provided by Subsection (2), the District shall process applications from a single applicant under consolidated notice and hearing procedures on written request by the applicant if the District requires a separate permit or permit amendment application for:

- a. drilling, equipping, operating, or completing a well or substantially altering the size of a well or well pump under Section 36.113;
 - b. the spacing of water wells or the production of groundwater under Section 36.116; or
 - c. transferring groundwater out of a district under Section 36.122.
2. The District is not required to use consolidated notice and hearing procedures to process separate permit or permit amendment applications from a single applicant if the board cannot adequately evaluate one application until it has acted on another application.

SECTION 15. INVESTIGATIONS AND ENFORCEMENT

RULE 15.1 NOTICE AND ACCESS TO PROPERTY

Board Members and District agents and employees are entitled to access to all property within the District at any reasonable time to carry out technical and other investigations necessary to the implementation of the District Rules or for the purpose of inspecting and investigating conditions relating to the quality of water in the State or the compliance with any rule, regulation, permit or other order of the District. Prior to entering upon property for the purpose of conducting an investigation, the person seeking access must first make a reasonable attempt to give notice in writing or in person or by telephone to the owner, lessee, or operator, agent, or employee of the well owner or lessee before entering a property. Information contained in any application or other information on file with the District may be used to contact a person concerning entry upon the property. Notice is not required if prior permission is granted to enter without notice. Inhibiting or prohibiting access to any Board Member or District agents or employees who are attempting to conduct an investigation under the District Rules constitutes a violation and subjects the person who is inhibiting or prohibiting access, as well as any other person who authorizes or allows such action, to the penalties set forth in the Texas Water Code Chapter 36.102.

RULE 15.2 CONDUCT OF INVESTIGATION

Investigations or inspections that require entrance upon property must be conducted at reasonable times, and must be consistent with the establishment's rules and regulations concerning safety, internal security, and fire protection. The persons conducting such investigations must identify themselves and present credentials upon request of the owner, lessee, operator, or person in charge of the well.

RULE 15.3 RULE ENFORCEMENT

If it appears that a person has violated, is violating, or is threatening to violate any provision of the District Rules or of any regulation, permit, or other order of the District, the Board of Directors may institute and conduct a suit in the name of the District for enforcement of rules through the provisions of Chapter 36.102 Texas Water Code.

RULE 15.4 EXCEPTION TO DISTRICT RULES

1. In order to accomplish the purpose set forth in these Rules, the Board may grant exceptions to Rules of the District. This Rule, and all other Rules of the District, shall not be construed so as to limit the discretionary power of the Board, and the powers stated are cumulative of all other powers possessed by the Board.
2. Procedure:
 - a. Any person, firm, corporation, association of persons, or other entity desiring an exception to any Rule shall file a written application with the District office stating:
 - i. The nature of the exception requested;
 - ii. The justification for granting the exception;
 - iii. Any information that the applicant deems appropriate in support of the application for an exception; and
 - iv. A waiver signed by each landowner whose property borders that of the applicant.
 - b. Six copies of any application for an exception shall be submitted to the District at its general office.
 - c. All applications for exceptions shall be heard and considered by the Board meeting in regular or special session, within ninety (90) calendar days after submittal. At least ten (10) calendar days notice of the hearing shall be given to the applicant, to known interested parties, including governmental agencies having potential concurrent jurisdiction, and notice shall also be given to the public by appropriate notice as set forth in Rule 14.2, at least ten calendar (10) days before the date of the hearing.
 - d. The Board shall enter an order granting or denying an application for exception, with such conditions as it shall deem proper within sixty calendar days (60) after the close of such hearing.
 - e. Any hearing held hereunder shall be open to the public.
 - f. At the hearing the applicant and other interested parties, state or federal agencies or officials, will be given the opportunity to present evidence.
 - g. The decision of the Board shall be based upon the evidence submitted at the hearing, on facts of which the Board may take judicial notice, and on statements and arguments.
3. If all such interested parties execute a waiver in writing stating that they do not object to the granting of such exception, the Board may thereupon proceed to decide upon the granting or refusing of such application without notice or hearing except to the applicant. The applicant may also waive notice or hearing, or both.
4. After a public hearing at which all interested parties may appear and be heard, and after the Board has decided that an exception should be granted, such exception may be granted ten (10) calendar days after written notice has been given to the applicant and all interested parties.
5. The orders of the Board in any non-contested application or proceeding shall become the final Order of the Board. The Orders of the Board in contested applications, appeals or other proceedings shall contain a statement that same was contested. In all events, the Order will become final after fifteen

(15) calendar days from the entry thereof and be binding on the parties thereto unless a motion for rehearing is filed.

RULE 15.5 PENALTY FOR VIOLATING RULES, PERMIT CONDITION, OR BOARD ORDERS

Section 36.102, Texas Water Code, as amended, authorizes the District to assess reasonable civil penalties for breach of any Rule of the District. The civil penalty for breach or violation of a Rule of the District, of a permit term or condition or breach or violation of an order of the board is up to \$10,000 per violation per day for each day the violation continues, as provided by and allowed by Section 36.102, Water Code. The schedule for fees, fines and penalties will be set and adopted by the Board of Directors.

RULE 15.6 SEALING OF WELLS

1. The District may, upon orders from the judge of the courts, seal wells that are prohibited by the District Rules from withdrawing groundwater within the District to ensure that a well is not operated in violation of the District Rules. A well may be sealed when: (1) no application has been made for a permit to drill a new water well which is not exempted; or (2) no application has been made for an operating permit to withdraw groundwater from an existing well that is not exempted from the requirement that a permit be obtained in order to lawfully withdraw groundwater; or (3) the Board has denied, canceled or revoked an operating permit.

2. The well may be sealed by physical means, and tagged to indicate that the well has been sealed by the District, and other appropriate action may be taken as necessary to preclude operation of the well or to identify unauthorized operation of the well.

3. The action or actions of tampering with, altering, damaging, or removing the seal of a sealed well, or in any other way violating the integrity of the seal, or pumping of groundwater from a well that has been sealed constitutes a violation of these Rules and subjects the person performing such action(s), as well as any well owner or primary operator who does not prevent such action(s) or who authorizes or allows such action(s), to such penalties as provided by the District Rules.

RULE 15.7 ADVERSE IMPACT MITIGATION

1. In the event that a permitted well owner's withdrawal of groundwater unreasonably affects existing groundwater and surface water resources or existing registered or permitted wells, the District may, on its own motion or on the motion of an existing registered or permitted water well owner, reconsider the conditions of said permit.

2. The Board may also consider any complaints received in writing concerning negative impacts of any wells upon an existing registered or permitted water well within the District. The Board shall consider all registered or permitted wells in the area when assessing the complaint.

3. Any complaints filed by registered or permitted water well owners complaining about unreasonable effects by another water well owner shall indicate the amount of expense incurred, when

the negative impact occurred, and shall be accompanied by either actual invoices or by written estimates from a licensed water well driller, pump installer, or certified engineer.

4. The Board of Directors of the District, at a regular or specially called board meeting, shall consider existing water well owners' effect on existing groundwater and surface water resources or existing registered or permitted water well owners.

5. The Board may request the water well owner who is negatively impacting an existing registered or permitted water well owner to enter into discussions or formal mediation to address the negative impact, including financial compensation to the affected existing well owner(s). In the absence of an agreed upon recommendation between a water well owner that unreasonably affects an existing registered or permitted water well owner, and the affected well owner (for example, a mitigation contract or plan), the Board may on its own motion revise or revoke the permit or otherwise impose pumping restrictions or conditions, and/or civil penalties upon the well owner adversely affecting existing registered or permitted water wells, as necessary, to address adverse impacts.

SECTION 16. CRITICAL GROUNDWATER DEPLETION AREA

RULE 16.1 IDENTIFICATION OF A CRITICAL GROUNDWATER DEPLETION AREA

The District periodically reviews the water level data obtained from its various water level monitoring programs across the District. If evidence of drawdown of the water table or reduction of artesian pressure in groundwater or in an area of an aquifer indicates a groundwater or an aquifer mining situation, that is, a non-sustainable yield, and/or in consideration of such local climate indicators such as the Palmer Hydrological Drought Severity Index published by the National Oceanic and Atmospheric Administration (NOAA), the Board may declare the area a Critical Groundwater Depletion Area (CGDA). Prior to establishing a CGDA the District will invite comment and exchange groundwater and aquifer amount and condition data from well owners within the proposed CGDA. Following the foregoing collaboration study, a public hearing will be held prior to declaration of a CGDA. A CGDA will be classified into one of three categories:

1. A Category One classification will be assigned to an area experiencing critical depletion of groundwater due to climatic events where the ability of the aquifer to provide sustainable yields at normal usage rates is seriously impaired. The duration and severity of the climatic conditions will determine the extent and period of the conservation actions taken by the District. Upon return of normal climatic conditions and adequate recharge to bring the aquifer back to sustainable normal usage, the District will cancel the CGDA.
2. A Category Two classification will be assigned to an area experiencing critical depletion due to pumpage that has caused or will shortly cause the groundwater or aquifer to fall below sustainable yield on a long-term or permanent basis, not primarily caused by but possibly exacerbated by short-term climatic conditions. Conservation actions taken by the District will remain in effect until such time the aquifer shows long-term reversal of the non-sustaining condition. Such reversal can conceivably be brought about through permanent pumpage reduction, use of alternative water sources, or changes in well owners use of water.
3. A Category Three classification will be assigned to an area experiencing a potential critical depletion due to pumpage that may have caused or will shortly cause the groundwater or aquifer to fall below

sustainable yield on a long-term or permanent basis. While this area is being further evaluated, water users in this area will be encouraged to voluntarily curtail their water use in order to prevent the situation from escalating to a Category Two or Three.

RULE 16.2 PROCEDURES FOLLOWING ESTABLISHMENT OF A CGDA

Once a CGDA is declared and delineated, the area shall be given a unique name or number for identification purposes and all well owners in the area will be notified by public media. Notification of all Board decisions related to a CGDA will be made to all well and landowners within the CGDA by published notice in a local newspaper of general circulation. When the Board declares and delineates a CGDA, the Board may:

1. Deny all applications for drilling within the CGDA during the time the area is declared to be a Critical Groundwater Depletion Area,
2. Set production limits on Permitted Wells located within the CGDA to an assigned volume of water as determined from the historical production data obtained from District records. The allowed volume shall be an amount that will halt the decline of the groundwater or aquifer sustainable yield, which may allow continued but reduced pumpage. The approved conservation/drought management plans will be considered in determining the production limits. The Board will review the production allocation on a quarterly basis and make appropriate adjustments as permitted or dictated by groundwater or aquifer conditions.
3. Require all Permitted Wells within the CGDA to be equipped with a District approved flow meter or other measuring device. The expense of the device shall be borne by the well owner, or
4. Increase spacing within the CGDA of any new wells authorized by the District, or
5. Invoke any or all of the above, and
6. Establish production limits on domestic use by all wells within the CGDA other than wells subject to regulation in Rule 16.2 (2) above or which are otherwise exempted from production limitations by Chapter 36.117(c) Texas Water Code.

Owners or operators of Permitted Wells within the CGDA shall provide the District with reports of the amount of water produced from each well under permit in the CGDA on forms provided by the District and on a schedule determined by the Board. If the Board has not required metering devices on wells, production volume reports shall be provided by accurate estimates such as recording duration of pumping and the well output capacity (gpm).

Owners or operators of Permitted Wells within the CGDA may request a temporary change in water allocation through petition to the Board. Decision on such requests will be made consistent with prudent groundwater and aquifer management, the effect on other well owners in the CGDA, and the degree of necessity for the request.

I hereby certify that the document to which this Certificate is affixed is a full, true and correct copy of the original on file and of record in the official Minutes of the Fayette County Groundwater Conservation District.

L.J. Calley

L.J. Calley
Official Secretary
Fayette County Groundwater Conservation District

SWORN TO AND SUBSCRIBED BEFORE ME by L.J. CALLEY, Official Secretary of the Fayette County Groundwater Conservation District, on this the 30th day of January, 2007, to certify which witness my hand and seal of office.



Lori L. Hefner

NOTARY PUBLIC
In and For the State of Texas

\$252.00 Pd.
Filed by & Hand To:
Harold Stracher

FILED

3:25 p.m.
JAN 30 2007

Carolyn Kubos Roberts

CAROLYN KUBOS ROBERTS
CO. CLERK, FAYETTE CO., TEXAS

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the State stamped herein by me, and was duly RECORDED in the Volume and Page of the Record RECORDS of Fayette County, Texas as stamped hereon by me on.

JAN 30 2007



Carolyn Kubos Roberts

CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

PETITION FOR ORGANIZATION OF LEE, FAYETTE, COLORADO
 COUNTIES, CUMMINS CREEK WATER CONTROL AND
 IMPROVEMENT DISTRICT NUMBER ONE

60

THE STATE OF TEXAS
 COUNTIES OF LEE,
 FAYETTE AND COLORADO

TO THE HONORABLE STATE BOARD OF WATER ENGINEERS, AUSTIN, TEXAS:

Pursuant to the provisions of Article 7820-1, et seq., Revised Civil Statutes of Texas 1925, with all amendments thereto, we the undersigned, land owners within the boundaries hereinafter set forth, hereby RESPECTFULLY PETITION your Honorable Board for the organization of a Water Control and Improvement District within the terms and provisions of Section 59 of Article XVI of the Constitution of the State of Texas, and with regard to the organization of such District would respectfully show as follows:

1. That the name of said proposed District shall be Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District Number One,

2. That the proposed District contains an area of approximately TWO HUNDRED FOUR THOUSAND NINE HUNDRED (204,900) acres more or less and lies partially within each of the Counties of Lee, Fayette and Colorado, Texas.

3. That the boundaries of said proposed District shall be as follows:

BEGINNING at a point in Colorado County, Texas, on the North bank of the Colorado River; THENCE north 67 West 3020 varas across the James Cummins Headright League, Abstract No. 12, to the East line of the James Tulinson League; THENCE North with

said East line 1940 varas to the Northeast corner of said league; THENCE North $37\frac{1}{2}$ West across the James Cummins League, Abstract No. 13, 4200 varas to the Southeast corner of the William Frieis Survey; THENCE North with the East line of said survey, 1900 varas to the Northeast corner of same; THENCE West with the North line of said William Frieis Survey, 1400 varas to the Southwest corner of the S. I. Redgate Survey, it being the Southeast corner of the Abel Beason Survey; THENCE North 850 varas to the Northwest corner of said Redgate Survey, a stake in the South line of the John Rawlings Survey; THENCE West 30 varas to the Southwest corner of said John Rawlings Survey; THENCE North 1364 varas to the Northwest corner of said Rawlings Survey, it being the Northeast corner of the Abel Beason Survey, a stake in the South line of the H. H. Cates Survey; THENCE West with said Cates South line 2100 varas to the Southwest corner of same, it being the Southeast corner of the A. C. Hunt Survey; THENCE North 2025 varas to the Northeast corner of said Hunt Survey, a stake in the South line of the Joseph Ehlinger League; THENCE West with said League line at 920 varas pass the Northwest corner of said Hunt Survey, at 1365 varas pass the Northwest corner of the Wm. Stains Survey, at 3705 varas pass the Northwest corner of Wm. Stagner Survey, same being the Northeast corner of Bernard Snider $\frac{1}{3}$ League, at 3878 varas a stake for corner; THENCE North 3850 varas to a stake in the North line of said Ehlinger League, it being the East corner of the J. M. Burton $\frac{3}{4}$ League, same being the South corner of the Alex Thompson League; THENCE North 47 West at 115 varas cross the line between Colorado and Fayette Counties, at 5557 varas come to the West corner of the Alex Thompson League, same being the North corner of the W. C. Burahan League; THENCE North 43 East 925 varas to the East corner of the Lucy Herr League, it being the South corner of

George Cumberland Survey; THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James P. Hudson Survey; THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2065 varas to the East corner of said Hudson Survey, it being the South corner of the J. L. Haddenburg Survey; THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Haddenburg Survey, a stake in the Southeast line of the Alex Esling 1/4 League; THENCE, South 43 West 1295 varas to the South corner of said Esling 1/4 League; THENCE North 47 West at 2142 varas pass the South corner of the Robert Peables League, at 7142 varas come to the West corner of Robert Peables League, it being the North corner of the J. M. Hensley League, a stake in the Southeast line of Nathaniel Townsend League; THENCE South 43 West at 193 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South, line of the S. P. Brown League; THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League; THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J. R. Phillips League in the Southwest line of the Wm. J. Russell League, at 6931 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League; THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R. G. Daugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League; THENCE North 43 East with the Northwest line of said Vanderworth League 2314 varas to the East corner of the aforesaid R. G. Daugh 1/4 League, it being the South corner of the Charles Mason Survey; THENCE North 47 West with the Southwest line of said Mason Survey

2700 varas to the North corner of the aforesaid Daugh 1/4 League, a stake in the Southeast line of the H. R. Craig 1/3 League; THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League; THENCE North 47 West at 3337 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7659 varas pass the West corner of the J. W. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W. K. Phulling Survey, a stake in the Southeast line of the J. B. Whitehurst Survey; THENCE South 45 West with the division line between the said Whitehurst Survey and the S. Powell Survey 170 varas to a stake for corner; THENCE North 45 West across the said Whitehurst Survey, at 3000 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5271 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey; THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-way line of the N. & W. T. C. R. R. (T. & N. O. R.R.); THENCE in an Easterly direction following said Railway Right-of-way line crossing the Lee and Fayette County Line a short distance West of Ledbetter, then intersecting the Fayette and Washington County Line about 1-1/2 miles East of Ledbetter; THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County; THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County; THENCE following the Colorado and Austin County Line to the North corner of the Bernard Shaver Survey; THENCE South 470 varas to the Southeast corner of the H. Kroy Survey; THENCE West 602 varas to the Northeast corner of the Edward Ruhmann Survey, a stake in the South line

of the aforesaid H. Krey Survey; THENCE South 1342 varas to the southeast corner of said Ruhmann Survey, a stake in the North line of the R. H. Tobin Survey; THENCE East with said line 956 varas to the Northeast corner of said R. H. Tobin Survey; THENCE South with the East line of said Tobin Survey 1540 varas to the Southeast corner of same; THENCE West 335 varas to the Northeast corner of the Charles Fritsche Survey; THENCE South 1310 varas to the Southeast corner of said Fritsche Survey; a stake in the North line of the William Friels Survey; THENCE East 55-1/2 varas to the Northeast corner of the William Friels Survey; THENCE South 1410 varas to the Southwest corner of the John Waigel Survey, the same being the Northwest corner of the John Hall Survey; THENCE East 1051 varas to the most Northern Northeast corner of the John Hall Survey, a stake for corner; THENCE South 45 East 15 varas to the Northwest corner of the Spira Dooley Survey; THENCE East 737 varas to a stake in the Northwest line of the John Dunlavy League; THENCE South 45 West 150 varas to the west corner of said Dunlavy League; THENCE South 45 East 3535 varas to a stake in the west line of the James Wilkerson Survey; THENCE South at 1810 varas pass the Southwest corner of said Wilkerson Survey, at 4320 varas pass the Southwest corner of the A. P. Birt Survey, at 6743 varas come to the Southwest corner of the Daniel Miller Survey, a stake in the Northwest line of the John W. Buntin Survey; THENCE South 45 West 1612 varas to the South corner of the J. B. Dinnicutt Survey; THENCE North 45 West 1210 varas to the most Northern Northeast corner of the James Cornett Survey; THENCE West 1310 varas to the Northwest corner of said Cornett Survey, it being the Southwest corner of the John L. Debern Survey, a stake in the East line of the Leander Deason Survey; THENCE South with said East line 3390 varas to the South Corner of said Deason

Survey; THENCE North 45 West 110 yards to a stake in the South-west line of said Leander Beason Survey; THENCE South 54 West across the John Madden League 2472 yards to a stake for corner; THENCE North 85 West 1555 yards to a stake on the bank of the Colorado River; THENCE up said River with the meanderings thereof to the place of beginning.

4. That the number of landowners within the boundaries set forth above is more than Fifty (50), and accordingly this petition is sufficient if signed by Fifty (50) or more such landowners.

5. That the District proposed is to be organized under the authority of Section 59 of Article XVI of the Constitution of the State of Texas.

6. That the purpose of the organization of the District shall be for and include all works, plants, facilities and appliances in any and all manners incident to, helpful or necessary in the controlling, storing, preserving and distribution of its waters and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage, the conservation and development of its waters, and the preservation and conservation of all such natural resources of the State; and to control, abate and amend any shortage, or harmful excess of water and to protect, preserve, and when necessary, restore the purity and sanitary condition of waters within the State of Texas.

7. That without limitation upon the general powers of the District above set forth which may be employed in the

future, the District's first project will be to provide all works, facilities, plants and appliances incident to, helpful or necessary in the controlling, storing, preserving and distributing the waters of Cummins Creek and its tributaries in such manner as will result in the preservation and conservation of the natural resources of the area and the control or abatement of harmful excesses of water. In this connection the general nature of the work to be done is the construction of a series of dams and reservoirs within the limits of said District with the aid and assistance of the United States Department of Agriculture Soil Conservation Service.

8. That a necessity exists for the organization of said District and for the accomplishment of its first project, in order to preserve, conserve and put to beneficial use the natural resources of the area and in order to control and abate harmful excesses of water.

9. That the purposes of the proposed District are practicable and feasible due to the nature of the soil and contour of the land within the area of the proposed district. The District and its project will serve and be a benefit to all of the land lying within said District, and will be a public benefit and utility. The topography of the land presents no feature which would make the consummation of the project impracticable from an engineering standpoint.

10. Petitioners state that the services of the engineers of the United States Department of Agriculture Soil Conservation Service have been secured in connection with the planning of the proposed District's first project, and said engineers have estimated the cost thereof to be approximately TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000).

of which the United States Soil Conservation Service will contribute the sum of approximately ONE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$1,950,000), and the proposed District the sum of approximately TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000).

11. That upon the estimates, plans, specifications and advice of the engineers of the United States Soil Conservation Service, Petitioners represent that a complete system of soil conservation dams and reservoirs may be provided within the district as its first project and said Petitioners will, at the hearing herein requested, demonstrate to the Board the purpose, utility, feasibility, need and necessity for the district and its proposed work in reasonable detail and definiteness.

WHEREFORE, your Petitioners have caused this petition to be filed in quadruplicate, one with the County Clerk of Lee County, one with the County Clerk of Fayette County, one with the County Clerk of Calhoun County, and one with the Board to which this petition is directed, and your Petitioners respectfully pray that said Board of Water Engineers make and enter an order for a hearing on such petition before said Board, fixing a date therefor and authorizing the giving of sufficient notice, all in the manner provided by law. Petitioners further pray that upon hearing of this petition it be in all things granted and that said Board of Water Engineers appoint temporary Directors for said District as provided by law; and your Petitioners further pray for all such further relief or orders to which they may be entitled although not specifically prayed for herein.

RESPECTFULLY SUBMITTED, this the 5th day of

January, 1956.

NAME	COUNTY OF RESIDENCE
E. C. Schatte	Fayette ✓
Mrs. Leona Kiel	Fayette ✓
Henry Schlessach	Fayette ✓
Ernst Emmerich	Fayette ✓
Arno Braun	Fayette ✓
Ben Wiederaender	Fayette ✓
Lawrence Dix	Fayette ✓
Wesley Albus	Fayette ✓
Otto Markinghoff	Fayette ✓
Lee Wagner	Fayette ✓
Bodo Kraus	Fayette ✓
Henry Wolff	Fayette ✓
Jos. Wagner	Fayette ✓
Ray Klaus	Fayette ✓
Norbert Neischen	Fayette ✓
Roy Klump	Fayette ✓
Halle Schmidt	Fayette ✓
Fritz W. Meinen	Fayette ✓
E. I. Rodenzy	Fayette ✓
Milton J. McEllen	Fayette ✓
Lawrence Lehman	Fayette ✓
Leo Wagner	Fayette ✓

NAME

COUNTY OF RESIDENCE

NAME

COUNTY OF RESIDENCE

Ewald Schmidt	Colorado
Albert A. Schulz	Colorado
Clarence C. Heinsohn	Colorado
Mrs. Bernice Heinsohn	Colorado
Leroy Weiskuhn	Colorado
Paul W. Schmidt	Colorado
Kermit Kieckler	Colorado
Ila Kieckler	Colorado
Walter Approp	Colorado
Emil Bransky	Colorado
Ben J. Moller	Colorado
Adolph Stulhanek	Colorado ✓
Fred A. Kuch	Lee
E. H. Jaeger	Lee
Herbert S. Koehler	Lee
W. Woodward	Lee

NAME

COUNTY OF RESIDENCE

I, the undersigned, Tax Assessor and Collector of Lee County, Texas, DO HEREBY CERTIFY that the persons whose names appear as signers of the foregoing petition, and whose residences are indicated as in Lee County, Texas, are each and all owners of land within Lee County, Texas, and within the boundaries prescribed for the proposed Lee, Fayette, Colorado Counties Cummins Creek Water Control and Improvement District Number One.

WITNESS MY HAND officially this the 11 day of January, 1956.



Mrs. W. E. Schneider
Tax Assessor and Collector, Lee County,
Texas.
By: Shiley Christiansen, Deputy

I, the undersigned, Tax Assessor and Collector of Fayette County, Texas, DO HEREBY CERTIFY that the persons whose names appear as signers of the foregoing petition and whose residences are indicated as in Fayette County, Texas, are each and all owners of land within Fayette County, Texas, and within the boundaries prescribed for the proposed Lee, Fayette, Colorado Counties Cummins Creek Water Control and Improvement District Number One.

WITNESS MY HAND officially, this the 10 day of January, 1956.



Albert F. Eck
Tax Assessor and Collector, Fayette
County, Texas.

I, the undersigned, Tax Assessor and Collector of Colorado County, Texas, DO HEREBY CERTIFY that the persons whose names appear as signers of the foregoing petition and whose residences are indicated as in Colorado County, Texas, are each and all owners of land within Colorado County and within the boundaries prescribed for the proposed Lee, Fayette, Colorado Counties Cummins Creek Water Control and Improvement District Number One.

WITNESS MY HAND officially, this the 22 day of December, 1956.



Henry H. Hovis
Tax Assessor and Collector, Colorado
County, Texas.

FILED FOR RECORD

At 10 O'clock A. M.
The 14th Day of January 1956.

JOHN A. KUBENA
Clerk County Court, Fayette County, Texas
By: Leona C. Bissel, Deputy

(6) Cert. \$3.00 due
Rec. \$7.00 due
Filed by M. F. Kleke, Box 54,
Giddings, Texas. Co. Judge
Lee County.

Keep on file in this office

RECORDED The 20 day of January A.D. 1956, at 9:59 O'Clock A. M.
By: Leona C. Bissel, Deputy
JOHN A. KUBENA, County Clerk.

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ORDER CONFIRMING ORGANIZATION OF DISTRICT, REDEFINING BOUNDARIES AND DESIGNATING NAME

THE STATE OF TEXAS
COUNTIES OF LEE,
FAYETTE AND COLORADO

ON THIS, the 27 day of September, 1956, the Board of Directors of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1 convened in session, with the following members thereof present, to-wit:

FRED PLACKE,	PRESIDENT
HERMIT BLUMS,	VICE-PRESIDENT
JAKE R. FRITSCH,	SECRETARY
DR. PHILIP KNUTZEN,	DIRECTOR

and the following proceedings, among others were had, to-wit:

BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF LEE, FAYETTE, COLORADO COUNTIES, CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE:

SECTION 1: An election having been held in Lee, Fayette, Colorado Counties Water Control and Improvement District Number One on the 22nd day of September 1956, for confirmation of the organization of the District, such election resulted in a vote of 97 votes for confirmation, and 7 votes against district in Voting District No. 1; 34 votes for confirmation and 9 votes against district in Voting District No. 2; 434 votes for confirmation and 230 votes against district in Voting District No. 3; and 13 votes for confirmation and 7 votes against district in Voting District No. 4; and resulted in a vote of 64 votes for confirmation and 208 votes against district in Voting District No. 5 (consisting of the area of Colorado County situated within the original district); said Lee, Fayette, Colorado Counties Water Control and Improvement District Number One is therefore declared to be legally organized with boundaries containing the aforesaid Voting Districts 1, 2, 3 and 4, as hereinafter set forth and described. The District originally created by order of the Board of Water Engineers of the State of Texas passed and

adopted August 8, 1956, is now declared to be legally confirmed and organized to include all areas of said original District save and except the area thereof originally situated within Colorado County.

SECTION 2: Conforming with the aforementioned exclusion of the area of Colorado County, the boundaries of the District herein declared confirmed and organized are as follows:

BEGINNING at the point at which the south boundary line of Fayette County intersects the west boundary of the Alex Thompson League;

THENCE North 47 West at 3442 varas come to the West corner of the Alex Thompson League, same being the north corner of the W. O. Burnham League;

THENCE North 43 East 925 varas to the East corner of the Lucy Kerr League, it being the South corner of the George Cumberland Survey;

THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James F. Hudson Survey;

THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2965 varas to the East corner of said Hudson Survey, it being the South corner of the J. L. Heddensburg Survey;

THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Heddensburg Survey, a stake in the Southeast line of the Alex Ewing 1/4 League;

THENCE, South 43 West 1295 varas to the South corner of said Ewing 1/4 League;

THENCE, North 47 West at 2142 varas pass the South corner of the Robert Peebles League, at 7142 varas come to the West corner of Robert Peebles League, it being the North corner of the J. M. Hensley League, a stake in the Southeast line of Nathaniel Townsend League;

THENCE South 43 West at 198 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South line of the S. F. Brown League;

THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League;

THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J. R. Phillips League in the Southwest line of the Wm. J. Russell League, at 6931 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League;

THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R. G. Baugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League;

THENCE North 43 East with the Northwest line of said Vanderworth League 2314 varas to the East corner of the aforesaid R. G. Baugh 1/4 League, it being the South corner of the Charles Mason Survey;

THENCE North 47 West with the Southwest line of said Mason Survey 2700 varas to the North corner of the aforesaid Baugh 1/4 League, a stake in the Southeast line of the H. R. Craig 1/3 League;

THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League;

THENCE North 47 West at 3897 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7099 varas pass the West corner of the J. W. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W. R. Paulling Survey, a stake in the Southeast line of the J. H. Whitehurst Survey;

THENCE South 45 West with the division line between the said Whitehurst Survey and the S. Powell Survey 170 varas to a stake for corner;

THENCE North 45 East across the said Whitehurst Survey at 3080 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5271 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey;

THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-Way line of the H. & T. C. R. R. (T. & N. O. R. R.);

THENCE in an Easterly direction following said Railway Right-of-Way line crossing the Lee and Fayette County line a short distance West of Ledbetter, then intersecting the Fayette and Washington County Line about 1-1/2 miles East of Ledbetter;

THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County;

THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County, being the southeast corner of Fayette County;

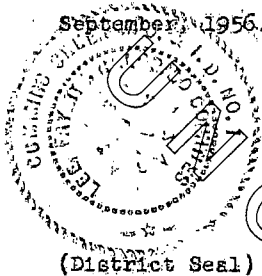
THENCE Southwest along the south boundary of Fayette County to the place of beginning.

SECTION 3: Also conforming with the aforementioned exclusion of the area of Colorado County, the District shall hereafter be designated and known as "LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1".

The foregoing order having been read, it was moved by Kermit Blume and seconded by Jake Fritsch that the same do pass. Thereupon, the question being called for, the following members of the Board voted "AYE": Messrs. Kermit Blume, Jake Fritsch, Phillip Knutzen and Fred Placke; and none voted "NO".

PASSED, APPROVED AND ADOPTED, this the 27 day of

September, 1956.



Fred Placke President
Kermit Blume Vice-President
Phillip Knutzen Director
Jake Fritsch Secretary

THE STATE OF TEXAS
COUNTY OF LEE

BEFORE ME, a Notary Public in and for Lee County, Texas, on this day personally appeared Mr. Fred Placke, President of the Board of Directors of Lee, Fayette Counties Cummins Creek Water Control and Improvement District Number One, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th.



Elvie Jean Mutchink
Notary Public, Lee County, Texas

FILED FOR RECORD

At 11 O'clock A.M.
The 9th Day of October, 1956.
JOHN A. KUBENA
Clerk County Court, Fayette County, Texas
Lena C. Giese Deputy

Rec. \$3.00 (4) clks. Cert. \$2.00 due due
M. F. Kieke
Box 54
Giddings, Texas

RECORDED The 12 day of October A.D. 1956, at 8:50 O'Clock A.M.
JOHN A. KUBENA, County Clerk.
By Lena C. Giese, Deputy.

ORDER UPON HEARING AND GRANTING PETITION
TO CREATE LEE, FAYETTE, COLORADO COUNTIES,
CUMMINS CREEK WATER CONTROL AND IMPROVE-
MENT DISTRICT NUMBER ONE.

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THE STATE OF TEXAS
COUNTY OF TRAVIS

STATE BOARD OF WATER ENGINEERS

ON THIS, the 8th day of August, 1956, the
State Board of Water Engineers of Texas met at its office and
special
~~REGULAR~~ meeting place in the City of Austin, Travis County, Texas,
with the following members present, to-wit:

- R. M. DIXON, CHAIRMAN,
- H. A. BECKWITH, MEMBER,
- ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~

and at such time there came on for further consideration the
petition for the organization and establishment of "Lee, Fayette,
Colorado Counties, Cummins Creek Water Control and Improvement
District Number One".

SAID PETITION came on regularly to be heard on the
28th day of May, 1956, pursuant to order and notice of this Board,
duly given, and at such time the Board heard all the evidence,
both oral and documentary, of all persons who appeared and offered
such evidence, either contending for or protesting against the
creation of said District.

THE BOARD having now fully considered such evidence,
hereby finds and concludes as follows:

(1) That on the 9th day of April, 1956, the aforementioned petition duly signed by more than fifty (50) owners of land situated within the territory hereinafter described, praying for the creation and establishment of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District Number One, was presented to this Board; that said petition has been duly filed in the office of the County Clerk of each of the Counties of Lee, Fayette and Colorado Counties, Texas, and recorded in books kept for that purpose in such offices; that said petition fully meets the requirements of law relating thereto, being those pertaining to such district as set forth in Chapter 3A, Title 128 R.C.S., 1925, as amended; and that upon due consideration thereof said petition was by proper order of this Board set down for hearing before this board on May 28, 1956, at 10:00 o'clock A.M. at the Board's office and regular meeting place in Austin, Texas.

(2) That notice containing a statement of the nature and purpose of such hearing, and the date, time and place thereof was duly given by the Sheriffs of each of the counties of Lee, Fayette and Colorado, by posting an original counterpart thereof at the courthouse door in each of their respective counties, more than fifteen (15) days prior to the date of such hearing, and by causing such notice to be published once a week for two consecutive weeks in newspapers of general circulation in each of the three counties, and in the area of the proposed district, the date of first publication in each instance being more than twenty (20) days prior to the date of such hearing, and that satisfactory evidence of the giving of such notice as aforesaid has been presented to this Board. The notices so given by posting and publication were those prescribed and prepared for that purpose by this Board.

(3) That all legal prerequisites to the hearing above referred to, having been fully complied with, this Board has jurisdiction to hear and determine said petition and to enter its order creating the said Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District Number One, under the provisions of Chapter 3A, Title 128, R.C.S. 1925, as amended.

(4) That after fully hearing and granting each interested person a full and complete opportunity to present evidence, this Board affirmatively finds that the organization and creation of said district as prayed for in the aforesaid petition is feasible and practicable, and would be of benefit to the land included therein and would be a public benefit and utility, and that a necessity exists for the creation and organization of said district, and that the improvements contemplated to be acquired, constructed and operated by said district would be beneficial to the land and property included therein and to the inhabitants thereof.

IT IS THEREFORE ORDERED BY THE STATE BOARD OF WATER ENGINEERS OF TEXAS:

SECTION 1: That the petition for organization and establishment of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District Number One be, and same is hereby granted, and said district be and the same is hereby organized, created and established as prayed for in said petition.

SECTION 2: That said district is created and organized under the terms and provisions of Section 59 of Article XVI of

the Texas Constitution and Chapter 3A, Title 128, R.C.S. 1925, as amended, for the purpose of controlling, storing, preserving, and distributing its waters and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid and semi-arid and other lands needing irrigation, the reclamation and drainage, the conservation and development of its waters, and the preservation and conservation of all such natural resources of the State; and to control, abate, and amend any shortage or harmful excess of water and to protect, preserve and when necessary restore the purity and sanitary condition of waters within the State of Texas. Without limitation upon the general powers of the District above set forth, which may be employed in the future, the District's first project is recognized to be to provide all works, facilities, plants and appliances incident to, helpful or necessary in the controlling, storing, preserving and distributing of the waters of Cummins Creek and its tributaries in such manner as will result in the preservation and conservation of the natural resources of the area and the control or abatement of harmful excesses of water

SECTION 3i That said district shall be composed of an area situated partially within each of the counties of Lee, Fayette and Colorado, Texas, and within the boundaries of said District, defined as follows:

BEGINNING at a point in Colorado County, Texas, on the North bank of the Colorado River;

THENCE North 67 West 3020 varas across the James Cummins Headright League, Abstract No. 12, to the east line of the James Tumlinson League;

THENCE North with said East line 1940 varas to the Northeast corner of said league;

THENCE North 37-1/2 West across the James Cummins League, Abstract No. 13, 4200 varas to the Southeast corner of the William Friels Survey;

THENCE North with the East line of said survey, 1920 varas to the Northeast corner of same;

THENCE West with the North line of said William Friels Survey 1400 varas to the Southwest corner of the S.I. Redgate Survey, it being the Southeast corner of the Abel Beason Survey;

THENCE North 850 varas to the Northwest corner of said Redgate Survey, a stake in the South line of the John Rawlings Survey;

THENCE West 30 varas to the Southwest corner of said John Rawlings Survey;

THENCE North 1264 varas to the Northwest corner of said Rawlings Survey, it being the Northeast corner of the Abel Beason Survey, a stake in the South line of the H.H. Gates Survey;

THENCE West with said Gates South line 2100 varas to the Southwest corner of same, it being the Southeast corner of the A.C. Hunt Survey;

THENCE North 2025 varas to the Northeast corner of said Hunt Survey, a stake in the South line of the Joseph Ehlinger League;

THENCE West with said League Line at 920 varas pass the Northwest corner of said Hunt Survey, at 1805 varas pass the Northwest corner of the Wm. Stains Survey, at 3705 varas pass the Northwest corner of Wm. Stagner Survey, same being the Northeast corner of Benard Snider 1/3 League, at 3875 varas a stake for corner;

THENCE North 3550 varas to a stake in the North line of said Ehlinger League, it being the East corner of the J.M. Burten 3/4 League, same being the South corner of the Alex Thompson League;

THENCE North 47 West at 115 varas cross the line between Colorado and Fayette Counties, at 5557 varas come to the West corner of the Alex Thompson League, same being the North corner of the W.C. Burnham League;

THENCE North 43 East 925 varas to the East corner of the Lucy Kerr League, it being the South corner of the George Cumberland Survey;

THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James P. Hudson Survey;

THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2065 varas to the East corner of said Hudson Survey, it being the South corner of the J.L. Heddenburg Survey;

THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Heddenburg Survey, a stake in the Southeast line of the Alex Ewing 1/4 League;

THENCE South 43 West 1295 varas to the South corner of said Ewing 1/4 League;

THENCE North 47 West at 2142 varas pass the South corner of the Robert Peebles League, at 7142 varas come to the West corner of Robert Peebles League, it being the North corner of the J.M. Hensley League, a stake in the Southeast line of Nathaniel Townsend League;

THENCE South 43 West at 198 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South line of the S.P. Brown League;

THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League;

THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J.R. Phillips League in the Southwest line of the Wm. J. Russell League, at 6921 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League;

THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R.G. Baugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League;

THENCE North 43 East with the Northwest line of said Vanderworth League 2314 varas to the East corner of the aforesaid R. G. Baugh 1/4 League, it being the South corner of the Charles Mason Survey;

THENCE North 47 West with the Southwest line of said Mason Survey 2700 varas to the North corner of the aforesaid Baugh 1/4 League, a stake in the Southeast line of the H.R. Craig 1/3 League;

THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League;

THENCE North 47 West at 3837 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7659 varas pass the West corner of the J.W. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W.K. Paulling Survey, a stake in the Southeast line of the J.H. Whittemurst Survey;

THENCE South 45 West with the division line between the said Whitehurst Survey and the S. Powell Survey 170 varas to a stake for corner;

THENCE North 45 West across the said Whitehurst Survey, at 3080 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5271 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey;

THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-way line of the H. & T. C. R.R. (T. & N. O. R.R.);

THENCE in an Easterly direction following said Railway Right-of-Way line crossing the Lee and Fayette County Line a short distance West of Ledbetter, then intersecting the Fayette and Washington County line about 1-1/2 miles East of Ledbetter;

THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County;

THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County;

THENCE following the Colorado and Austin County line to the North corner of the Bernard Sherrer Survey;

THENCE South 470 varas to the Southeast corner of the H. Krey Survey;

THENCE West 601 varas to the Northeast corner of the Edward Ruhmann Survey, a stake in the South line of the aforesaid H. Krey Survey;

THENCE South 1342 varas to the Southeast corner of said Ruhmann Survey, a stake in the North line of the R.H. Tobin Survey;

THENCE East with said line 956 varas to the Northeast corner of said R.H. Tobin Survey;

THENCE South with the East line of said Tobin Survey 1540 varas to the Southeast corner of same;

THENCE West 335 varas to the Northeast corner of the Charles Fritsche Survey;

THENCE South 1810 varas to the Southeast corner of said Fritsche Survey, a stake in the North line of the William Frieis Survey;

THENCE East 55-1/2 varas to the Northeast corner of the William Frieis Survey;

THENCE South 1419 varas to the Southwest corner of the John Weigel Survey, the same being the Northwest corner of the John Hall Survey;

THENCE East 1051 varas to the most Northern Northeast corner of the John Hall Survey, a stake for corner;

THENCE South 45 East 16 varas to the Northwest corner of the Spires Dooley Survey;

THENCE East 737 varas to a stake in the Northwest line of the John Dunlavy League;

THENCE South 45 West 150 varas to the West corner of said Dunlavy League;

THENCE South 45 East 3505 varas to a stake in the West line of the James Wilkerson Survey;

THENCE South at 1010 varas pass the Southwest corner of said Wilkerson Survey, at 4320 varas pass the Southwest corner of the S. P. Birt Survey, at 6743 varas come to the Southwest corner of the Daniel Miller Survey, a stake in the Northwest line of the John W. Bunton Survey;

THENCE South 45 West 1612 varas to the South corner of the J. B. Huppelutt Survey;

THENCE North 45 West 1210 varas to the most Northern Northeast corner of the James Cornett Survey;

THENCE West 1310 varas to the Northwest corner of said Cornett Survey, it being the Southwest corner of the John E. Osborn Survey, a stake in the East line of the Leander Beason Survey;

THENCE South with said East line 3390 varas to the South corner of said Beason Survey;

THENCE North 45 West 110 varas to a stake in the Southwest line of said Leander Beason Survey;

THENCE South 54 West across the John Haddon League 2470 varas to a stake for corner;

THENCE North 25 West 1555 varas to a stake on the bank of the Colorado River;

THENCE up said River with the meanderings thereof to the place of beginning.

SECTION 4: It appearing to the Board that the following named five persons are each more than twenty-one years of age, are resident citizens of the state of Texas and owners of land subject to taxation within said district, and are otherwise qualified as provided by law, they are hereby appointed directors of said district to serve until their successors are elected or appointed in accordance with law, said persons being as follows, to-wit:

DR. PHILLIP KNUTZEN	KERMIT BLUME
FRED PLACKE	L. W. NOACK

KERMIT KICKLER

Such directors shall, within fifteen (15) days hereof, take and execute their official oaths of office and make and file their official bonds in the office of the County Clerk of the county of their residence, upon presentation and approval of said bonds by the County Judge of such county. Such bonds shall be recorded in the records kept for that purpose in the office of the respective County Clerks.

SECTION 5: A certified copy of this order shall be filed with the County Clerk of each of the counties of Lee, Fayette and Colorado, Texas.

It was moved by Mr. Dixon and seconded by Mr. Beckwith that the foregoing order be adopted. Thereupon, the question being called for, said order was unanimously adopted, all members voting "AYE"; and none voting "NO".

PASSED AND APPROVED AND ORDERED at Austin, Texas, this the 8th day of August, 1956.

THE STATE BOARD OF WATER ENGINEERS OF
THE STATE OF TEXAS

ATTEST:

By /s/ R. M. Dixon
Chairman

/s/ Ben F. Looney, Jr.
Secretary

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, Ben F. Looney, Jr., Secretary of the Board of Water Engineers for the State of Texas, DO HEREBY CERTIFY the above and foregoing to be a true and correct copy of an order of said Board, dated August 8th, 1956, granting petition to create Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. One, as same appears of record in the minutes of said Board on file in my office.

WITNESS MY HAND AND THE OFFICIAL SEAL OF SAID BOARD,
this the 8th day of August, 1956.

Ben F. Looney, Jr.
Ben F. Looney, Jr., Secretary,
BOARD OF WATER ENGINEERS



FILED
FOR RECORD
AUG 24 1956 at 10 o'clock A.M.
John A. Kubena
JOHN A. KUBENA
Clerk County Court, Fayette County, Texas

\$5.00 due

RECORDED The 26 day of October A.D. 1956, at 1:50 o'clock P.M.
JOHN A. KUBENA, County Clerk. By *Lena C. Gress*, Deputy.

LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1
AMENDED AND RESTATED INFORMATION FORM

THE STATE OF TEXAS §
 §
COUNTIES OF LEE §
AND FAYETTE §

The undersigned, a majority of the members of the Board of Directors of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1 (the "District"), make and execute this Amended and Restated Information Form in compliance with Section 49.455 of the Texas Water Code. We certify as follows:

1. The name of the District is Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.
2. The District is located in Lee County and Fayette County, and is more particularly described by the metes and bounds description provided as Exhibit "A".
3. The most recent rate of District-wide taxes on property located in the District for operation and maintenance purposes is \$0.0211 on each \$100 of assessed valuation.
4. The total amount of bonds which have been approved by the voters and which may be issued by the District (excluding refunding bonds and any bonds or portion of bonds payable solely from revenues received or expected to be received pursuant to a contract with a governmental entity) is \$0.
5. The aggregate initial principal amount of all bonds of the District payable in whole or in part from taxes (excluding refunding bonds and any bonds or portions of bonds payable solely from revenues received or expected to be received pursuant to a contract with a governmental entity) that has been previously issued is \$0.
6. The District does not currently impose a standby fee.
7. An election to confirm the creation of the District was held on September 22, 1956.
8. The functions performed or to be performed by the District are to provide water, wastewater, drainage, landscaping and restrictive covenant enforcement services and recreational facilities.
9. The particular form of Notice to Purchasers required by Sec. 49.452 of the Texas Water Code to be furnished by a seller to a purchaser of real property in the District, completed by the District with all information required to be furnished by the District, is attached hereto as Exhibit "B".

This Amended and Restated Information Form supersedes any previous information forms.

AFFIRMED AND EXECUTED this 14 day of OCTOBER, 2017.

Kevin Ullrich

Kevin Ullrich, President
Board of Directors

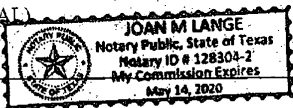
ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF Fayette §

This instrument was acknowledged before me on October 14, 2017 by Kevin Ullrich as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL)



Joan M. Lange
Notary Public, State of Texas

AFFIRMED AND EXECUTED this 16 day of October, 2017.

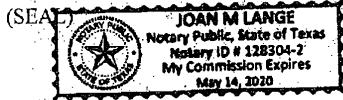
Norris Fuchs

Norris Fuchs, Vice President
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §

This instrument was acknowledged before me on October 16, 2017 by Norris Fuchs as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Joan M. Lange
Notary Public, State of Texas

AFFIRMED AND EXECUTED this 20 day of oct, 2017.

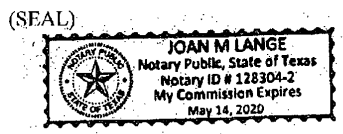
Max Baranowski

Max Baranowski, Secretary
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §

This instrument was acknowledged before me on October 20, 2017 by Max Baranowski as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Joan M. Lange
Notary Public, State of Texas

John E. Stanley
John Stanley, Treasurer
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on October 17, 2017 by John Stanley as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



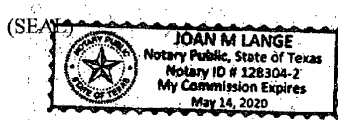
Joan M. Lange
Notary Public, State of Texas

Monty Mayer
Monty Mayer, Director
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on October 16, 2017 by Monty Mayer as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Joan M. Lange
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Jason Hill
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

Exhibit A page 1

VOL 291 PAGE 149

adopted August 8, 1956, is now declared to be legally confirmed and organized to include all areas of said original District save and except the area thereof originally situated within Colorado County.

SECTION 2: Conforming with the aforementioned exclusion of the area of Colorado County, the boundaries of the District herein declared confirmed and organized are as follows:

BEGINNING at the point at which the south boundary line of Fayette County intersects the west boundary of the Alex Thompson League;

THENCE North 47 West at 5442 varas come to the West corner of the Alex Thompson League, same being the north corner of the W. O. Burnham League;

THENCE North 43 East 925 varas to the East corner of the Lucy Kerr League, it being the South corner of the George Cumberland Survey;

THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James F. Hudson Survey;

THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2065 varas to the East corner of said Hudson Survey, it being the South corner of the J. L. Heddenburg Survey;

THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Heddenburg Survey, a stake in the Southeast line of the Alex Ewing 1/4 League;

THENCE, South 43 West 1295 varas to the South corner of said Ewing 1/4 League;

THENCE, North 47 West at 2148 varas pass the South corner of the Robert Peebles League, at 7142 varas come to the West corner of Robert Peebles League, it being the North corner of the J. R. Hensley League, a stake in the Southeast line of Nathaniel Townsend League;

THENCE South 43 West at 198 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South line of the S. F. Brown League;

THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League;

THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J. R. Phillips League in the Southwest line of the Wm. J. Russell League, at 6931 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League;

VOL 291 PAGE 150

THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R. G. Baugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League;

THENCE North 43 East with the Northwest line of said Vanderworth League 2314 varas to the East corner of the aforesaid R. G. Baugh 1/4 League, it being the South corner of the Charles Mason Survey;

THENCE North 47 West with the Southwest line of said Mason Survey 2700 varas to the North corner of the aforesaid Baugh 1/4 League, a stake in the Southeast line of the H. R. Craig 1/3 League;

THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League;;

THENCE North 47 West at 3837 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7659 varas pass the West corner of the J. W. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W. K. Paulling Survey, a stake in the Southeast line of the J. H. Whitehurst Survey;

THENCE South 45 West with the division line between the said Whitehurst Survey and the S. Powell Survey 170 varas to a stake for corner;

THENCE North 45 West across the said Whitehurst Survey at 3080 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5271 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey;

THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-Way line of the H. & T. C. R. R. (T. & N. O. R. R.);

THENCE in an Easterly direction following said Railway Right-of-Way line crossing the Lee and Fayette County line a short distance West of Ledbetter, then intersecting the Fayette and Washington County line about 1-1/2 miles East of Ledbetter;

THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County;

THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County, being the southeast corner of Fayette County;

THENCE Southwest along the south boundary of Fayette County to the place of beginning.

EXHIBIT "B"
**LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1**

NOTICE TO PURCHASERS

The real property, described below, which you are about to purchase, is located in LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (the "District"). The District has taxing authority separate from any other taxing authority and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the rate of taxes levied by the District on real property located in the District is \$0.0211 on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$0, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the District and payable in whole or in part from property taxes is \$0.

The District has the authority to adopt and impose a standby fee on property in the District that has water, sanitary sewer, or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The District may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$0. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the District stating the amount, if any, of unpaid standby fees on a tract of property in the District.

The District is not located in whole or in part in the extraterritorial jurisdiction of a city.

The purpose of this District is to provide for the control, storage, preservation, and distribution of water within the District through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the District. The legal description of the property you are acquiring is as follows:

(Date)

Signature of Seller

PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHES TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR, EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE

LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1
AMENDED AND RESTATED INFORMATION FORM

THE STATE OF TEXAS §
 §
COUNTIES OF LEE §
AND FAYETTE §

The undersigned, a majority of the members of the Board of Directors of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1 (the "District"), make and execute this Amended and Restated Information Form in compliance with Section 49.455 of the Texas Water Code. We certify as follows:

1. The name of the District is Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.
2. The District is located in Lee County and Fayette County, and is more particularly described by the metes and bounds description provided as **Exhibit "A"**.
3. The most recent rate of District-wide taxes on property located in the District for operation and maintenance purposes is \$0.0205 on each \$100 of assessed valuation.
4. The total amount of bonds which have been approved by the voters and which may be issued by the District (excluding refunding bonds and any bonds or portion of bonds payable solely from revenues received or expected to be received pursuant to a contract with a governmental entity) is \$0.
5. The aggregate initial principal amount of all bonds of the District payable in whole or in part from taxes (excluding refunding bonds and any bonds or portions of bonds payable solely from revenues received or expected to be received pursuant to a contract with a governmental entity) that has been previously issued is \$0.
6. The District does not currently impose a standby fee.
7. An election to confirm the creation of the District was held on September 22, 1956.
8. The functions performed or to be performed by the District are to provide water, wastewater, drainage, landscaping and restrictive covenant enforcement services and recreational facilities.
9. The particular form of Notice to Purchasers required by Sec. 49.452 of the Texas Water Code to be furnished by a seller to a purchaser of real property in the District, completed by the District with all information required to be furnished by the District, is attached hereto as **Exhibit "B"**.

This Amended and Restated Information Form supersedes any previous information forms.

AFFIRMED AND EXECUTED this 14th day of September, 2018.

Kevin Ullrich

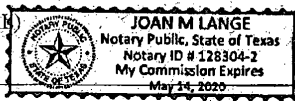
Kevin Ullrich, President
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on September 14, 2018 by Kevin Ullrich as a Director of Lcc, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL)



Joan M Lange
Notary Public, State of Texas

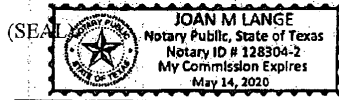
AFFIRMED AND EXECUTED this 14th day of September, 2018.

John E. Stanley
John Stanley, Treasurer
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on September 14, 2018 by John Stanley as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Joan M. Lange
Notary Public, State of Texas

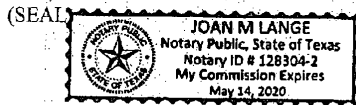
AFFIRMED AND EXECUTED this 14th day of September, 2018.

Monty Mayer
Monty Mayer, Director
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on September 14, 2018 by Monty Mayer as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Joan M. Lange
Notary Public, State of Texas

AFTER RECORDING RETURN TO: Jason Hill, JT HILL & CO., 700 Lavaca Street, Suite 1400, Austin, Texas 78701

Exhibit A page 1

VOL 291 PAGE 129

adopted August 8, 1956, is now declared to be legally confirmed and organized to include all areas of said original District save and except the area thereof originally situated within Colorado County.

SECTION 2: Conforming with the aforementioned exclusion of the area of Colorado County, the boundaries of the District herein declared confirmed and organized are as follows:

BEGINNING at the point at which the south boundary line of Fayette County intersects the west boundary of the Alex Thompson League;

THENCE North 47 West at 5442 varas come to the West corner of the Alex Thompson League, same being the north corner of the W. O. Burnham League;

THENCE North 43 East 925 varas to the East corner of the Lucy Kerr League, it being the South corner of the George Cumberland Survey;

THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James F. Hudson Survey;

THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2065 varas to the East corner of said Hudson Survey, it being the South corner of the J. L. Haddenburg Survey;

THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Haddenburg Survey, a stake in the Southeast line of the Alex Ewing 1/4 League;

THENCE, South 43 West 1295 varas to the South corner of said Ewing 1/4 League;

THENCE, North 47 West at 2142 varas pass the South corner of the Robert Peoples League, at 7142 varas come to the West corner of Robert Peoples League, it being the North corner of the J. W. Hunsley League, a stake in the Southeast line of Nathaniel Townsend League;

THENCE South 43 West at 198 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South line of the S. P. Brown League;

THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League;

THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J. A. Phillips League in the Southwest line of the Wm. J. Russell League, at 6931 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League;

Exhibit A page 2

VOL. 291 PAGE 180

THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R. G. Baugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League;

THENCE North 43 East with the Northwest line of said Vanderworth League 2314 varas to the East corner of the aforesaid R. G. Baugh 1/4 League, it being the South corner of the Charles Mason Survey;

THENCE North 47 West with the Southwest line of said Mason Survey 2700 varas to the North corner of the aforesaid Baugh 1/4 League, a stake in the Southeast line of the H. R. Craig 1/3 League;

THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League;

THENCE North 47 West at 3837 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7659 varas pass the West corner of the J. W. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W. K. Paulling Survey, a stake in the Southeast line of the J. H. Whitburn Survey;

THENCE South 45 West with the division line between the said Whitburn Survey and the S. Powell Survey 170 varas to a stake for corner;

THENCE North 45 West across the said Whitburn Survey at 3030 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5271 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey;

THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-Way line of the H. & T. C. R. R. (T. & M. O. R. R.);

THENCE in an Easterly direction following said Railway Right-of-Way line crossing the Lee and Fayette County line a short distance West of Ledbetter, then intersecting the Fayette and Washington County Line about 1-1/2 miles East of Ledbetter;

THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County;

THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County, being the southeast corner of Fayette County;

THENCE Southwest along the south boundary of Fayette County to the place of beginning.

EXHIBIT "B"
**LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1**

NOTICE TO PURCHASERS

The real property, described below, which you are about to purchase, is located in LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (the "District"). The District has taxing authority separate from any other taxing authority and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the rate of taxes levied by the District on real property located in the District is \$0.0205 on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$0, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the District and payable in whole or in part from property taxes is \$0.

The District has the authority to adopt and impose a standby fee on property in the District that has water, sanitary sewer, or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The District may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$0. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the District stating the amount, if any, of unpaid standby fees on a tract of property in the District.

The District is not located in whole or in part in the extraterritorial jurisdiction of a city.

The purpose of this District is to provide for the control, storage, preservation, and distribution of water within the District through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the District. The legal description of the property you are acquiring is as follows:

(Date)

Signature of Seller

PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHES TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR, EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE

DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES
TO THE INFORMATION SHOWN ON THIS FORM.

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to
execution of a binding contract for the purchase of the real property described in such notice or at
closing of purchase of the real property.

Date

Signature of Purchaser

STATE OF TEXAS §
 §
COUNTY OF _____§

This instrument was acknowledged before me on the _____ day of _____, 20____
by _____.

Notary Public, State of Texas

(SEAL)

9/18/2018 12:12:51 PM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped hereon above time.

JULIE KARSTEDT, COUNTY CLERK

Stamp: 8 Page(s) *KS*



This Amended and Restated Information Form supersedes any previous information forms.

AFFIRMED AND EXECUTED this 17 day of NOVEMBER, 2020.

Kevin Ulrich

Kevin Ulrich, President
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS

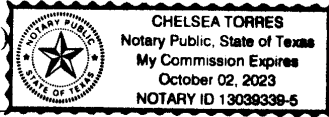
COUNTY OF

Fayette

§
§
§

This instrument was acknowledged before me on November 17, 2020 by Kevin Ulrich as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL)



Chelsea Torres

Notary Public, State of Texas

AFFIRMED AND EXECUTED this 17th day of November, 2020.

Monty Mayer

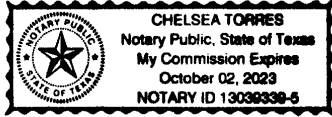
Monty Mayer, Vice President
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on November 17, 2020 by Monty Mayer as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL)



Chelsea Torres
Notary Public, State of Texas

AFFIRMED AND EXECUTED this 17th day of November, 2020.

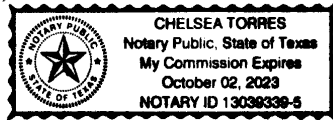
Max Baranowksi Jr.
Max Baranowksi Jr., Secretary
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on November 17, 2020 by Max Baranowksi Jr. as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL)



Chelsea Torres
Notary Public, State of Texas

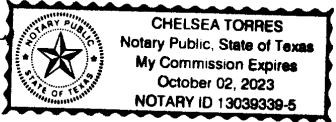
AFFIRMED AND EXECUTED this 17th day of November, 2020.

John Stanley
John Stanley, Treasurer
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on November 17, 2020 by JOHN STANLEY as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL) 

Chelsea Torres
Notary Public, State of Texas

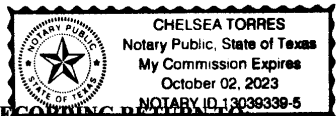
AFFIRMED AND EXECUTED this 20th day of January, 2020²¹

Gary Weishuhn
Gary Weishuhn, Director
Board of Directors

ACKNOWLEDGEMENT

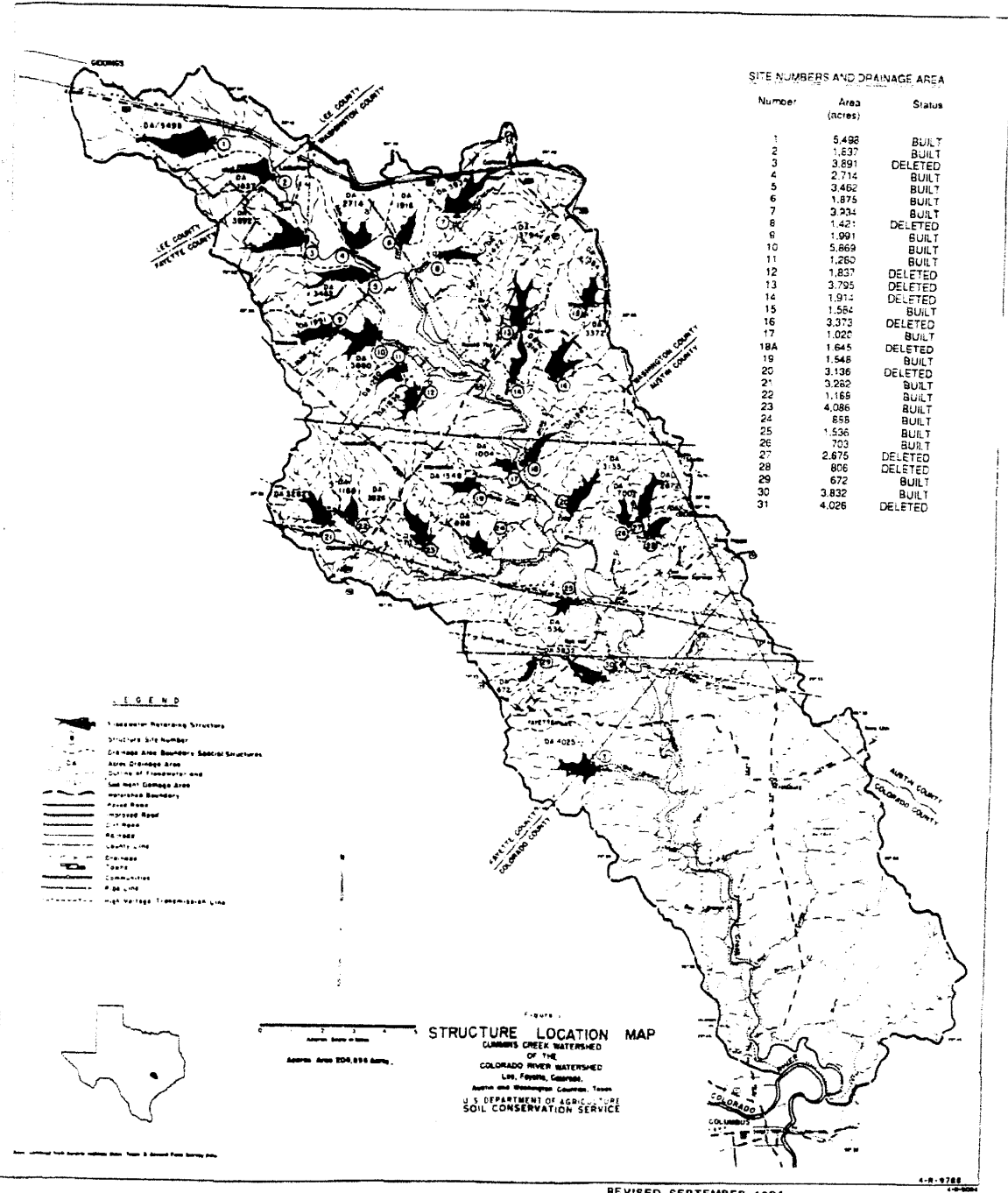
STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on January 20, 2020²¹ by GARY WEISHUHN as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL) 

Chelsea Torres
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
JT Hill & Co.
700 Lavaca Street, Suite 1400
Austin, Texas 78701



SITE NUMBERS AND DRAINAGE AREA

Number	Area (acres)	Status
1	5,498	BUILT
2	1,837	BUILT
3	3,891	DELETED
4	2,714	BUILT
5	3,462	BUILT
6	1,875	BUILT
7	3,234	DELETED
8	1,421	DELETED
9	1,991	BUILT
10	5,869	BUILT
11	1,260	BUILT
12	1,837	DELETED
13	3,795	DELETED
14	1,911	DELETED
15	1,584	BUILT
16	3,373	DELETED
17	1,020	BUILT
18A	1,645	DELETED
19	1,548	BUILT
20	3,136	DELETED
21	3,282	BUILT
22	1,169	BUILT
23	4,386	BUILT
24	858	BUILT
25	1,536	BUILT
26	703	BUILT
27	2,675	DELETED
28	806	DELETED
29	672	BUILT
30	3,832	BUILT
31	4,026	DELETED

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52 ORDER CONFIRMING ORGANIZATION OF DISTRICT, REDDEFINING
BOUNDARIES AND REDESIGNATING NAMETHE STATE OF TEXAS
COUNTIES OF LEE,
FAYETTE AND COLORADO

ON THIS, the 27 day of September, 1956, the Board of Directors of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1 convened in session, with the following members thereof present, to-wit:

FRED FLACKE,	PRESIDENT
KERMIT BLUME,	VICE-PRESIDENT
JAKE R. WRETSCH,	SECRETARY
DR. PHILIP KWITZEN,	DIRECTOR

and the following proceedings, among others were had, to-wit:

BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF LEE, FAYETTE, COLORADO COUNTIES, CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE:

SECTION 1: An election having been held in Lee, Fayette, Colorado Counties Water Control and Improvement District Number One on the 22nd day of September 1956, for confirmation of the organization of the District, such election resulted in a vote of 97 votes for confirmation, and 7 votes against district in Voting District No. 1; 34 votes for confirmation and 9 votes against district in Voting District No. 2; 434 votes for confirmation and 230 votes against district in Voting District No. 3; and 13 votes for confirmation and 7 votes against district in Voting District No. 4; and resulted in a vote of 64 votes for confirmation and 208 votes against district in Voting District No. 5 (consisting of the area of Colorado County situated within the original district); said Lee, Fayette, Colorado Counties Water Control and Improvement District Number One is therefore declared to be legally organized with boundaries containing the aforesaid Voting Districts 1, 2, 3 and 4, as hereinafter set forth and described. The District originally created by order of the Board of Water Engineers of the State of Texas passed and

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adopted August 8, 1956, is now declared to be legally confirmed and organized to include all areas of said original District save and except the area thereof originally situated within Colorado County.

SECTION 2: Conforming with the aforementioned exclusion of the area of Colorado County, the boundaries of the District herein declared confirmed and organized are as follows:

BEGINNING at the point at which the south boundary line of Fayette County intersects the west boundary of the Alex Thompson League;

THENCE North 47 West at 5442 varas come to the West corner of the Alex Thompson League, same being the north corner of the W. O. Burnham League;

THENCE North 43 East 925 varas to the East corner of the Lucy Kerr League, it being the South corner of the George Cumberland Survey;

THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James F. Hudson Survey;

THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2065 varas to the East corner of said Hudson Survey, it being the South corner of the J. L. Heddenburg Survey;

THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Heddenburg Survey, a stake in the Southeast line of the Alex Ewing 1/4 League;

THENCE, South 43 West 1295 varas to the South corner of said Ewing 1/4 League;

THENCE, North 47 West at 2142 varas pass the South corner of the Robert Peebles League, at 7142 varas come to the West corner of Robert Peebles League, it being the North corner of the J. N. Hensley League, a stake in the Southeast line of Nathaniel Townsend League;

THENCE South 43 West at 196 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South line of the S. F. Brown League;

THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League;

THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J. R. Phillips League in the Southwest line of the Wm. J. Russell League, at 6931 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League;

VOL 291 PAGE 130

THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R. G. Baugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League;

THENCE North 43 East with the Northwest line of said Vanderworth League 2314 varas to the East corner of the aforesaid R. G. Baugh 1/4 League, it being the South corner of the Charles Mason Survey;

THENCE North 47 West with the Southwest line of said Mason Survey 2700 varas to the North corner of the aforesaid Baugh 1/4 League, a stake in the Southeast line of the H. R. Craig 1/3 League;

THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League;;

THENCE North 47 West at 3837 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7659 varas pass the West corner of the J. W. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W. K. Paulling Survey, a stake in the Southeast line of the J. M. Whitehurst Survey;

THENCE South 45 West with the division line between the said Whitehurst Survey and the S. Powell Survey 170 varas to a stake for corner;

THENCE North 45 West across the said Whitehurst Survey at 3080 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5871 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey;

THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-Way line of the H. & T. C. R. R. (T. & M. O. R. R.);

THENCE in an Easterly direction following said Railway Right-of-Way line crossing the Lee and Fayette County line a short distance West of Ledbetter, then intersecting the Fayette and Washington County Line about 1-1/2 miles East of Ledbetter;

THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County;

THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County, being the southeast corner of Fayette County;

THENCE Southwest along the south boundary of Fayette County to the place of beginning.

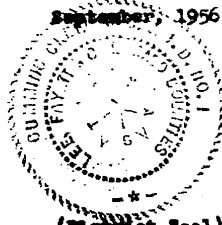
VOL 291 PAGE 151

SECTION 3: Also conforming with the aforementioned exclusion of the area of Colorado County, the District shall hereafter be designated and known as "LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1".

The foregoing order having been read, it was moved by Kermit Blume and seconded by Jake Fritsch that the same do pass. Thereupon, the question being called for, the following members of the Board voted "AYE": Messrs. Kermit Blume, Jake Fritsch, Phillip Knutzen and Fred Placke; and none voted "NO".

PASSED, APPROVED AND ADOPTED, this the 27 day of

September, 1956.



(District Seal)

Fred Placke
President
Kermit Blume
Vice-President
Phillip Knutzen
Director
Jake Fritsch
Secretary

THE STATE OF TEXAS
COUNTY OF LEE

BEFORE ME, a Notary Public in and for Lee County, Texas, on this day personally appeared Mr. Fred Placke, President of the Board of Directors of Lee, Fayette Counties Cummins Creek Water Control and Improvement District Number One, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th day of September, 1956.



Elvira Jean Nutchink
Notary Public, Lee County, Texas

THE STATE OF TEXAS, }
COUNTY OF FAYETTE,

I, John A. Kubena, Clerk of the County Court of said County, do hereby certify that the foregoing and attached instrument of writing (with its authentications) bearing the date 27 day of September, 1956, was filed for record in my office at 11 o'clock A. M., on the 9 day of October, A.D. 1956, and recorded in vol. 91 upon pages 48-51 of Records of Deeds for said County at 8:50 o'clock A. M., on the 12 day of October, A.D. 1956.
To certify all of which I hereto sign my name and affix my seal of office in the City of La Grange this the 12 day of October, A.D. 1956,

John A. Kubena

Clerk County Court, Fayette County, Texas

By Ernie Pratkan Deputy

FILED FOR RECORD

A. 11 o'clock A. M.
The 9th Day of October, 1956.
JOHN A. KUBENA

Clerk County Court, Fayette County, Texas
By Lena C. Diesel Deputy

Rec. \$3.00 (4) clks. Cert. \$2.00 due
due

M. F. Kieke
Box 54
Giddings, Texas

EXHIBIT "B"
**LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1**

NOTICE TO PURCHASERS

The real property, described below, which you are about to purchase, is located in LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (the "District"). The District has taxing authority separate from any other taxing authority and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the rate of taxes levied by the District on real property located in the District is \$0.0205 on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$0, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the District and payable in whole or in part from property taxes is \$0.

The District has the authority to adopt and impose a standby fee on property in the District that has water, sanitary sewer, or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The District may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$0. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the District stating the amount, if any, of unpaid standby fees on a tract of property in the District.

The District is not located in whole or in part in the extraterritorial jurisdiction of a city.

The purpose of this District is to provide for the control, storage, preservation, and distribution of water within the District through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the District. The legal description of the property you are acquiring is as follows:

(Date)

Signature of Seller

PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHES TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR, EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE

DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES
TO THE INFORMATION SHOWN ON THIS FORM.

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to
execution of a binding contract for the purchase of the real property described in such notice or at
closing of purchase of the real property.

Date

Signature of Purchaser

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 20____
by _____.

Notary Public, State of Texas

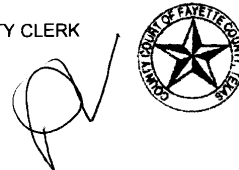
(SEAL)

1/22/2021 2:13:31 PM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped hereon above time.

BRENDA FIETSAM, COUNTY CLERK

Stamp: 12 Page(s)



Error! Unknown document property name.

**LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1
AMENDED AND RESTATED INFORMATION FORM**

THE STATE OF TEXAS

COUNTIES OF LEE
AND FAYETTE

§
§
§
§

The undersigned, a majority of the members of the Board of Directors of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1 (the "District"), make and execute this Amended and Restated Information Form in compliance with Section 49.455 of the Texas Water Code. We certify as follows:

1. The name of the District is Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.
2. The District is located in Lee County and Fayette County, and is more particularly described by the metes and bounds description provided as **Exhibit "A"**.
3. The most recent rate of District-wide taxes on property located in the District for operation and maintenance purposes is \$0.0205 on each \$100 of assessed valuation.
4. The total amount of bonds which have been approved by the voters and which may be issued by the District (excluding refunding bonds and any bonds or portion of bonds payable solely from revenues received or expected to be received pursuant to a contract with a governmental entity) is \$0.
5. The aggregate initial principal amount of all bonds of the District payable in whole or in part from taxes (excluding refunding bonds and any bonds or portions of bonds payable solely from revenues received or expected to be received pursuant to a contract with a governmental entity) that has been previously issued is \$0.
6. The District does not currently impose a standby fee.
7. An election to confirm the creation of the District was held on September 22, 1956.
8. The functions performed or to be performed by the District are to provide water, wastewater, drainage, landscaping and restrictive covenant enforcement services and recreational facilities.
9. The particular form of Notice to Purchasers required by Sec. 49.452 of the Texas Water Code to be furnished by a seller to a purchaser of real property in the District, completed by the District with all information required to be furnished by the District, is attached hereto as **Exhibit "B"**.

This Amended and Restated Information Form supersedes any previous information forms.

AFFIRMED AND EXECUTED this 17 day of NOVEMBER, 2021.

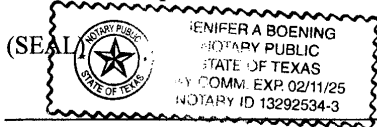
Kevin Ullrich

Kevin Ullrich, President
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on November 17, 2021 by Kevin Ullrich as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Jennifer A Boening
Notary Public, State of Texas

AFFIRMED AND EXECUTED this 17th day of November, 2021.

Monty Mayer

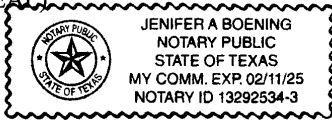
Monty Mayer, Vice President
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §

This instrument was acknowledged before me on November 17, 2021 by Monty Mayer as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL)



Jenifer Boening
Notary Public, State of Texas

AFFIRMED AND EXECUTED this 17th day of November, 2021.

Max Baranowski

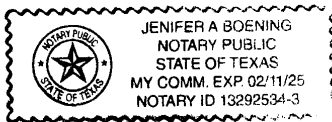
Max Baranowski, Secretary
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §

This instrument was acknowledged before me on November 17, 2021 by Max Baranowski as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.

(SEAL)



Jenifer Boening
Notary Public, State of Texas

Error! Unknown document property name.

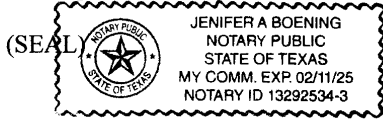
AFFIRMED AND EXECUTED this 17 day of November, 2021.

John Stanley
John Stanley, Treasurer
Board of Directors

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on November 17, 2021 by John Stanley as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Jenifer Boening
Notary Public, State of Texas

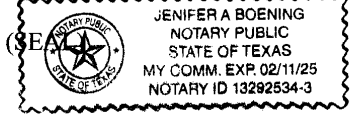
AFFIRMED AND EXECUTED this 17 day of November, 2021.

Gary Welshuhn
Gary Welshuhn, Director
Board of Directors

ACKNOWLEDGEMENT

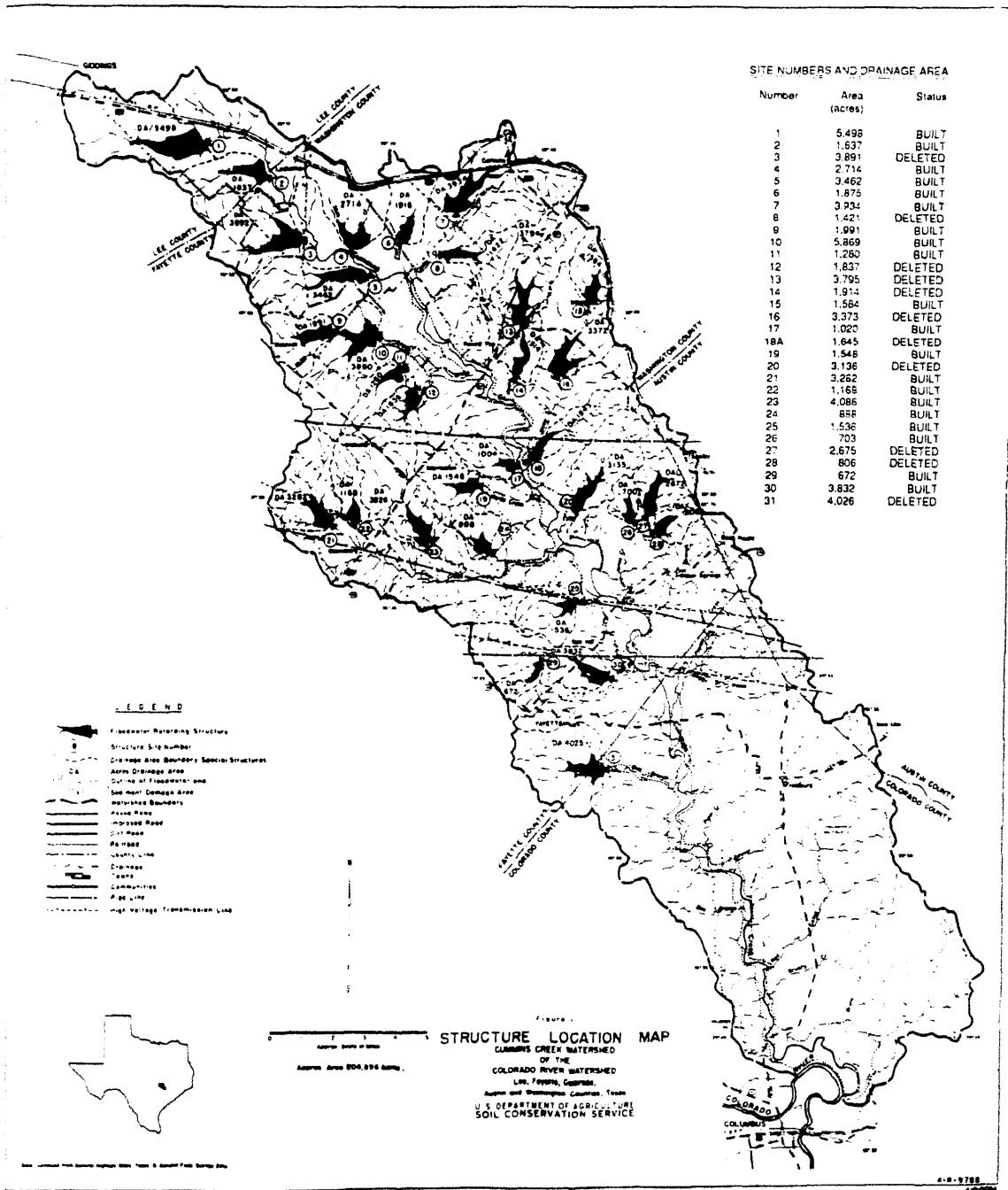
STATE OF TEXAS §
COUNTY OF Fayette §
§

This instrument was acknowledged before me on November 17, 2021 by Gary Welshuhn as a Director of Lee, Fayette Counties Cummins Creek Water Control and Improvement District No. 1.



Jenifer Boening
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
JT Hill & Co.
700 Lavaca Street, Suite 1400
Austin, Texas 78701



REVISED SEPTEMBER 1994

VOL. 291 PAGE 148

51

ORDER CONFIRMING ORGANIZATION OF DISTRICT, REDEFINING
BOUNDARIES AND DESIGNATING NAME

THE STATE OF TEXAS
COUNTIES OF LEE,
FAYETTE AND COLORADO

ON THIS, the 27 day of September, 1956, the Board of Directors of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1 convened in session, with the following members thereof present, to-wit:

FRED FLACKE,	PRESIDENT
KENNETH BLUME,	VICE-PRESIDENT
JAKE R. FRITSCH,	SECRETARY
DR. PHILIP KNUTZEN,	DIRECTOR

and the following proceedings, among others, were had, to-wit:

BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF LEE, FAYETTE, COLORADO COUNTIES, CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE:

SECTION 1: An election having been held in Lee, Fayette, Colorado Counties Water Control and Improvement District Number One on the 22nd day of September 1956, for confirmation of the organization of the District, such election resulted in a vote of 97 votes for confirmation, and 7 votes against district in Voting District No. 1; 34 votes for confirmation and 9 votes against district in Voting District No. 2; 434 votes for confirmation and 230 votes against district in Voting District No. 3; and 13 votes for confirmation and 7 votes against district in Voting District No. 4; and resulted in a vote of 64 votes for confirmation and 208 votes against district in Voting District No. 5 (consisting of the area of Colorado County situated within the original district); said Lee, Fayette, Colorado Counties Water Control and Improvement District Number One is therefore declared to be legally organized with boundaries containing the aforesaid Voting Districts 1, 2, 3 and 4, as hereinafter set forth and described. The District originally created by order of the Board of Water Engineers of the State of Texas passed and

VOL 291 PAGE 149

adopted August 8, 1956, is now declared to be legally confirmed and organized to include all areas of said original District save and except the area thereof originally situated within Colorado County.

SECTION 2: Conforming with the aforementioned exclusion of the area of Colorado County, the boundaries of the District herein declared confirmed and organized are as follows:

BEGINNING at the point at which the south boundary line of Fayette County intersects the west boundary of the Alex Thompson League;

THENCE North 47 West at 5442 varas come to the West corner of the Alex Thompson League, same being the north corner of the W. O. Burnham League;

THENCE North 43 East 925 varas to the East corner of the Lucy Kerr League, it being the South corner of the George Cumberland Survey;

THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James F. Hudson Survey;

THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2065 varas to the East corner of said Hudson Survey, it being the South corner of the J. L. Heddenburg Survey;

THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Heddenburg Survey, a stake in the Southeast line of the Alex Ewing 1/4 League;

THENCE, South 43 West 1295 varas to the South corner of said Ewing 1/4 League;

THENCE, North 47 West at 2142 varas pass the South corner of the Robert Peebles League, at 7142 varas come to the West corner of Robert Peebles League, it being the North corner of the J. M. Mansley League, a stake in the Southeast line of Nathaniel Townsend League;

THENCE South 43 West at 196 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South line of the S. F. Brown League;

THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League;

THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J. R. Phillips League in the Southwest line of the Wm. J. Russell League, at 6931 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League;

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THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R. G. Baugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League;

THENCE North 43 East with the Northwest line of said Vanderworth League 231 1/2 varas to the East corner of the aforesaid R. G. Baugh 1/4 League, it being the South corner of the Charles Mason Survey;

THENCE North 47 West with the Southwest line of said Mason Survey 2700 varas to the North corner of the aforesaid Baugh 1/4 League, a stake in the Southeast line of the H. R. Craig 1/3 League;

THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League;;

THENCE North 47 West at 3837 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7659 varas pass the West corner of the J. W. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W. K. Paulling Survey, a stake in the Southeast line of the J. N. Whitehurst Survey;

THENCE South 45 West with the division line between the said Whitehurst Survey and the S. Powell Survey 170 varas to a stake for corner;

THENCE North 45 West across the said Whitehurst Survey at 3080 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5871 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey;

THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-Way line of the H. & T. C. R. R. (T. & N. O. R. R.);

THENCE in an Easterly direction following said Railway Right-of-Way line crossing the Lee and Fayette County line a short distance West of Ledbetter, then intersecting the Fayette and Washington County Line about 1-1/2 miles East of Ledbetter;

THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County;

THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County, being the southeast corner of Fayette County;

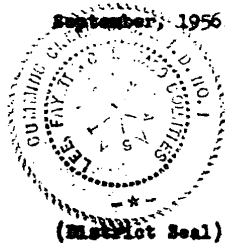
THENCE Southwest along the south boundary of Fayette County to the place of beginning.

VOL 291 PAGE 151

SECTION 3: Also conforming with the aforementioned exclusion of the area of Colorado County, the District shall hereafter be designated and known as "LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1".

The foregoing order having been read, it was moved by Kermit Blume and seconded by Jake Fritsch that the same do pass. Thereupon, the question being called for, the following members of the Board voted "AYE": Messrs. Kermit Blume, Jake Fritsch, Phillip Knutsen and Fred Placke; and none voted "NO".

PASSED, APPROVED AND ADOPTED, this the 27 day of September, 1956.



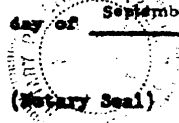
(District Seal)

Fred Placke
President
Kermit Blume
Vice-President
Phillip Knutsen
Director
Jake Fritsch
Secretary

THE STATE OF TEXAS
COUNTY OF LEE

BEFORE ME, a Notary Public in and for Lee County, Texas, on this day personally appeared Mr. Fred Placke, President of the Board of Directors of Lee, Fayette Counties Cummins Creek Water Control and Improvement District Number One, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th day of September, 1956.



Elvie Jean Mutschink
Notary Public, Lee County, Texas

THE STATE OF TEXAS,
COUNTY OF FAYETTE,

I, John A. Kubena, Clerk of the County Court of said County, do hereby certify that the foregoing and attached instrument of writing (with its authentications) bearing the date 27 day of September, 1956, was filed for record in my office at 11 o'clock A.M., on the 9 day of October, A.D. 1956, and recorded in vol. 991 upon pages 48-151 of Records of Deeds for said County at 8:50 o'clock A.M., on the 17 day of October, A.D. 1956.
To certify all of which I hereto sign my name and affix my seal of office in the City of La Grange this the 17 day of October, A.D. 1956,

John A. Kubena

Clerk County Court, Fayette County, Texas

By Erene Pratkan Deputy

FILED FOR RECORD

M. 11 O'clock A. M.
The 9th Day of October, 1956.
JOHN A. KUBENA
Clerk County Court, Fayette County, Texas
By Leona C. Gieser Deputy

Rec. \$3.00 (4) clks. Cert. \$2.00 due
due

M. F. Kieke
Box 54
Giddings, Texas

EXHIBIT "B"
**LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1**

NOTICE TO PURCHASERS

The real property, described below, which you are about to purchase, is located in LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (the "District"). The District has taxing authority separate from any other taxing authority and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the rate of taxes levied by the District on real property located in the District is \$0.0205 on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$0, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the District and payable in whole or in part from property taxes is \$0.

The District has the authority to adopt and impose a standby fee on property in the District that has water, sanitary sewer, or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The District may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$0. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the District stating the amount, if any, of unpaid standby fees on a tract of property in the District.

The District is not located in whole or in part in the extraterritorial jurisdiction of a city.

The purpose of this District is to provide for the control, storage, preservation, and distribution of water within the District through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the District. The legal description of the property you are acquiring is as follows:

(Date)

Signature of Seller

PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHES TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR, EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE

DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES TO THE INFORMATION SHOWN ON THIS FORM.

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to execution of a binding contract for the purchase of the real property described in such notice or at closing of purchase of the real property.

Date

Signature of Purchaser

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 20____
by _____.

Notary Public, State of Texas

(SEAL)

12/15/2021 4:11:42 PM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped hereon above time.

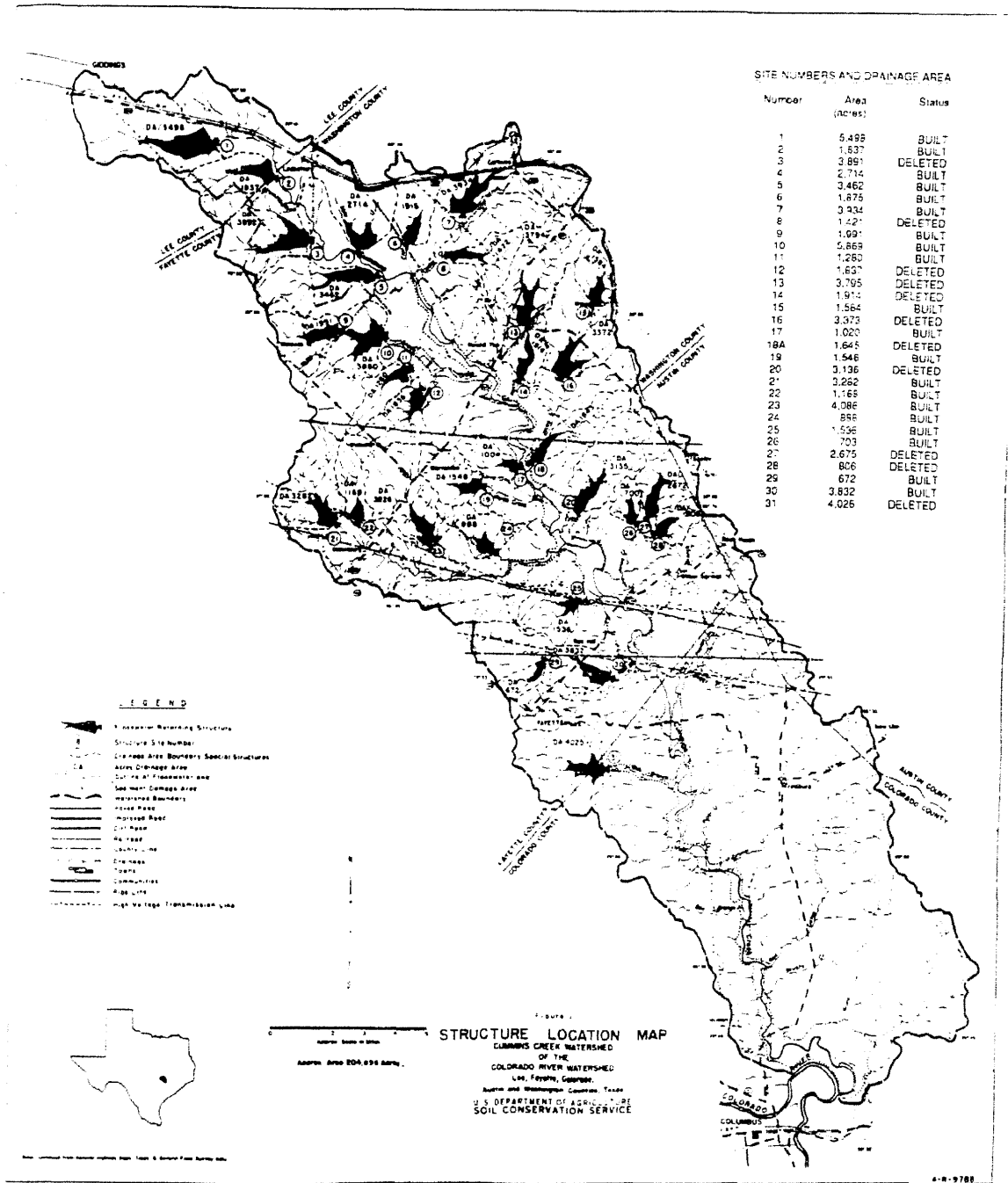
BRENDA FIETSAM, COUNTY CLERK

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Joh

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REVISED SEPTEMBER 1994

52 VOL. 291 PAGE 148
ORDER CONFIRMING ORGANIZATION OF DISTRICT, REDEFINING
BOUNDARIES AND DESIGNATING NAME

THE STATE OF TEXAS
COUNTIES OF LEE,
FAYETTE AND COLORADO

ON THIS, the 27 day of September, 1956, the Board of Directors of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1 convened in session, with the following members thereof present, to-wit:

FRED PLACKE,	PRESIDENT
KERMIT BLUME,	VICE-PRESIDENT
JAKE R. FRITSCH,	SECRETARY
DR. PHILIP KNUTZEN,	DIRECTOR

and the following proceedings, among others, were had, to-wit:

BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF LEE, FAYETTE, COLORADO COUNTIES, CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE:

SECTION 1: An election having been held in Lee, Fayette, Colorado Counties Water Control and Improvement District Number One on the 22nd day of September 1956, for confirmation of the organization of the District, such election resulted in a vote of 97 votes for confirmation, and 7 votes against district in Voting District No. 1; 34 votes for confirmation and 9 votes against district in Voting District No. 2; 434 votes for confirmation and 230 votes against district in Voting District No. 3; and 13 votes for confirmation and 7 votes against district in Voting District No. 4; and resulted in a vote of 64 votes for confirmation and 208 votes against district in Voting District No. 5 (consisting of the area of Colorado County situated within the original district); said Lee, Fayette, Colorado Counties Water Control and Improvement District Number One is therefore declared to be legally organized with boundaries containing the aforesaid Voting Districts 1, 2, 3 and 4, as hereinafter set forth and described. The District originally created by order of the Board of Water Engineers of the State of Texas passed and

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adopted August 8, 1956, is now declared to be legally confirmed and organized to include all areas of said original District save and except the area thereof originally situated within Colorado County.

SECTION 2: Conforming with the aforementioned exclusion of the area of Colorado County, the boundaries of the District herein declared confirmed and organized are as follows:

BEGINNING at the point at which the south boundary line of Fayette County intersects the west boundary of the Alex Thompson League;

THENCE North 47 West at 5442 varas come to the West corner of the Alex Thompson League, same being the north corner of the W. O. Burnham League;

THENCE North 43 East 925 varas to the East corner of the Lucy Kerr League, it being the South corner of the George Cumberland Survey;

THENCE North 47 West 1750 varas to a stake in the East line of said Lucy Kerr League, it being the South corner of the James F. Hudson Survey;

THENCE North 43 East with the division line between said Hudson and Cumberland Surveys 2065 varas to the East corner of said Hudson Survey, it being the South corner of the J. L. Haddenburg Survey;

THENCE North 47 West 1750 varas to the North corner of said Hudson Survey, the same being the West corner of the aforesaid Haddenburg Survey, a stake in the Southeast line of the Alex Ewing 1/4 League;

THENCE, South 43 West 1295 varas to the South corner of said Ewing 1/4 League;

THENCE, North 47 West at 2142 varas pass the South corner of the Robert Peebles League, at 7142 varas come to the West corner of Robert Peebles League, it being the North corner of the J. M. Mansley League, a stake in the Southeast line of Nathaniel Townsend League;

THENCE South 43 West at 196 varas pass the South corner of said Townsend League, at 1973 varas a stake in the South line of the S. P. Brown League;

THENCE North 47 West across the said Brown League 7141 varas to a stake in the North line of said Brown League;

THENCE North 43 East at 1775 varas pass the North corner of said Brown League, it being the East corner of the J. R. Phillips League in the Southwest line of the Wm. J. Russell League, at 6931 varas, crossing said Russell League come to a stake in the Northeast line of said Russell League;

VOL 291 PAGE 150

THENCE North 47 West at 2700 varas pass the North corner of the said Russell League, at 6100 varas come to the West corner of the John Vanderworth League, it being the South corner of the R. G. Baugh 1/4 League, a stake in the Northeast line of the J. G. Wilkinson League;

THENCE North 43 East with the Northwest line of said Vanderworth League 2114 varas to the East corner of the aforesaid R. G. Baugh 1/4 League, it being the South corner of the Charles Mason Survey;

THENCE North 47 West with the Southwest line of said Mason Survey 2700 varas to the North corner of the aforesaid Baugh 1/4 League, a stake in the Southeast line of the H. R. Craig 1/3 League;

THENCE North 43 East 430 varas to the East corner of said Craig 1/3 League;;

THENCE North 47 West at 3837 varas pass the North corner of said Craig 1/3 League, at 4772 varas cross the line between Fayette and Lee Counties, at 4972 varas pass the North corner of the Early Robbins Survey, at 7659 varas pass the West corner of the J. M. Andrews 1/3 League, at 10,222 varas come to the most Western corner of the W. K. Paulling Survey, a stake in the Southeast line of the J. M. Whitehurst Survey;

THENCE South 45 West with the division line between the said Whitehurst Survey and the S. Powell Survey 170 varas to a stake for corner;

THENCE North 45 West across the said Whitehurst Survey at 3080 varas pass the South corner of the John W. Peacock Survey, it being the East corner of the Jesse Barker Survey, at 5271 varas come to the West corner of said Peacock Survey, it being the South corner of the John W. Lightfoot Survey;

THENCE North 45 East with the division line between said Peacock and Lightfoot Surveys 740 varas to a stake in the North Right-of-Way line of the H. & T. C. R. R. (T. & N. O. R. R.);

THENCE in an Easterly direction following said Railway Right-of-Way line crossing the Lee and Fayette County line a short distance West of Ledbetter, then intersecting the Fayette and Washington County line about 1-1/2 miles East of Ledbetter;

THENCE following the line between Washington and Fayette Counties to the South corner of Washington County, it being the West corner of Austin County;

THENCE continuing with the line between Fayette and Austin Counties to the North corner of Colorado County, being the southeast corner of Fayette County;

THENCE Southwest along the south boundary of Fayette County to the place of beginning.

VOL 291 PAGE 151

SECTION 3: Also conforming with the aforementioned exclusion of the area of Colorado County, the District shall hereafter be designated and known as "LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1".

The foregoing order having been read, it was moved by Kermit Blume and seconded by Jake Fritsch that the same do pass. Thereupon, the question being called for, the following members of the Board voted "AYE": Messrs. Kermit Blume, Jake Fritsch, Phillip Knutzen and Fred Placke; and none voted "NO".

PASSED, APPROVED AND ADOPTED, this the 27 day of

September, 1956.



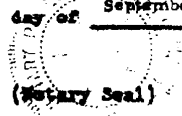
(District Seal)

Fred Placke
President
Kermit Blume
Vice-President
Phillip Knutzen
Director
Jake Fritsch
Secretary

THE STATE OF TEXAS
COUNTY OF LEE

BEFORE ME, a Notary Public in and for Lee County, Texas, on this day personally appeared Mr. Fred Placke, President of the Board of Directors of Lee, Fayette Counties Cummins Creek Water Control and Improvement District Number One, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th day of September, 1956.



(Notary Seal)

Elvira Jean Mutschink
Notary Public, Lee County, Texas

THE STATE OF TEXAS, }
COUNTY OF FAYETTE, } I, John A. Kubena, Clerk of the County Court of said
County, do hereby certify that the foregoing and attached instrument of writing (with its
authentications) bearing the date 27 day of September A.D. 1956 was
filed for record in my office at 11 o'clock A.M., on the 9 day of October
A.D. 1956, and recorded in vol. 291 upon pages 48-51 of Records of Deeds
for said County at 8:50 o'clock A.M., on the 12 day of October A.D. 1956
To certify all of which I hereto sign my name and affix my seal of office in the City of
La Grange this the 12 day of October A.D. 1956.

John A. Kubena

Clerk County Court, Fayette County, Texas

By Frene Pratkan Deputy

FILED FOR RECORD

At 11 o'clock A.M.
The 9th Day of October, 1956.
JOHN A. KUBENA

Clerk County Court, Fayette County, Texas
By Lena C. Gieser Deputy

Rec. \$3.00 (4) clks. Cert. \$2.00 due
due

M. F. Kieke
Box 54
Giddings, Texas

EXHIBIT "B"
**LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1**

NOTICE TO PURCHASERS

The real property, described below, which you are about to purchase, is located in LEE, FAYETTE COUNTIES CUMMINS CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 (the "District"). The District has taxing authority separate from any other taxing authority and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the rate of taxes levied by the District on real property located in the District is \$0.01882 on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$0, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the District and payable in whole or in part from property taxes is \$0.

The District has the authority to adopt and impose a standby fee on property in the District that has water, sanitary sewer, or drainage facilities and services available but not connected and which does not have a house, building, or other improvement located thereon and does not substantially utilize the utility capacity available to the property. The District may exercise the authority without holding an election on the matter. As of this date, the most recent amount of the standby fee is \$0. An unpaid standby fee is a personal obligation of the person that owned the property at the time of imposition and is secured by a lien on the property. Any person may request a certificate from the District stating the amount, if any, of unpaid standby fees on a tract of property in the District.

The District is not located in whole or in part in the extraterritorial jurisdiction of a city.

The purpose of this District is to provide for the control, storage, preservation, and distribution of water within the District through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the District. The legal description of the property you are acquiring is as follows:

(Date)

Signature of Seller

PURCHASER IS ADVISED THAT THE INFORMATION SHOWN ON THIS FORM IS SUBJECT TO CHANGE BY THE DISTRICT AT ANY TIME. THE DISTRICT ROUTINELY ESTABLISHES TAX RATES DURING THE MONTHS OF SEPTEMBER THROUGH DECEMBER OF EACH YEAR, EFFECTIVE FOR THE YEAR IN WHICH THE TAX RATES ARE APPROVED BY THE DISTRICT. PURCHASER IS ADVISED TO CONTACT THE

DISTRICT TO DETERMINE THE STATUS OF ANY CURRENT OR PROPOSED CHANGES
TO THE INFORMATION SHOWN ON THIS FORM.

The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or prior to
execution of a binding contract for the purchase of the real property described in such notice or at
closing of purchase of the real property.

Date

Signature of Purchaser

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 202__ by
_____.

(SEAL)

Notary Public, State of Texas

9/20/2023 4:30:14 PM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped hereon above time.

BRENDA FIETSAM, COUNTY CLERK

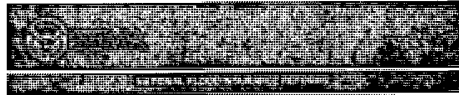
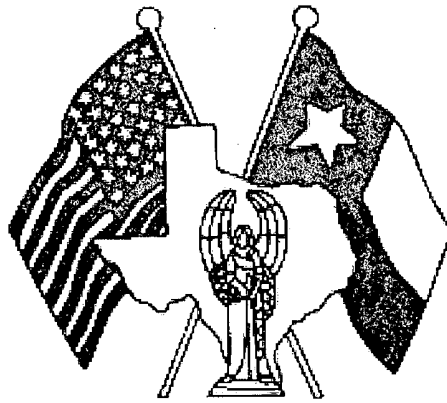
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FLOOD DAMAGE PREVENTION REGULATIONS

REGARDING DEVELOPMENT IN THE
UNINCORPORATED AREAS OF
FAYETTE COUNTY, TEXAS

EFFECTIVE JULY 3, 2017



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FLOOD DAMAGE PREVENTION REGULATIONS

Section 1 - Applicability

§1.01. Legal Authority

These Flood Damage Prevention Regulations are adopted by the Commissioners' Court of Fayette County, Texas, acting in its capacity as the governing body of Fayette County, Texas. The authority of Fayette County to adopt these Regulations and the provisions therein is derived from the Flood Control and Insurance Act, Sections 16.311 through 16.324, Texas Water Code Annotated. The Legislature of the State of Texas has authorized local governmental units to adopt regulations to minimize flood losses.

§1.02. Area Covered by Regulations

These regulations shall govern activities associated with development in the unincorporated areas of Fayette County, Texas.

§1.03. Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions and flooding, by provisions designed to:

- (A) Protect human life and health;
- (B) Minimize the cost of flood insurance, and maintain the availability of flood insurance, to persons and property owners who are in compliance with these regulations;
- (C) Minimize expenditure of public money for costly flood control projects;
- (D) Minimize the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the general public, and which are often dangerous to the rescue participants and emergency responders;
- (E) Minimize prolonged business interruptions, and minimize damage, losses, inconveniences, and interruptions to business enterprises and persons who are in compliance with these regulations;
- (F) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- (G) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (H) Ensure that potential buyers are notified that property is in a floodplain or a flood prone area.

§1.04. Approval Required Prior to Development

Approval by Fayette County is required prior to conducting development activities in the unincorporated areas of Fayette County, and in Special Flood Hazard Areas, unless the development activity is excluded under State law. Prior to any development within the

unincorporated areas of Fayette County, an application for development must be submitted to the Office of Floodplain Administration for approval. Only applications on forms provided by the Floodplain Administrator and completed, signed and submitted by the property owner will be accepted and reviewed by the Fayette County Floodplain Administrator.

§1.05. Methods of Reducing Flood Losses

In order to accomplish its purposes, these regulations authorize the use of the following methods:

- (A) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause increases in flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (D) Control filling, grading, dredging, and other development which may increase flood damage; and,
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 2 - Definitions Specific to These Regulations

§2.01. Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application.

- (A) Alluvial Fan Flooding - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- (B) Apex - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- (C) Appeal Board – means the three-member board appointed by the Fayette County Commissioners' Court. Each member will be appointed for a three-year term and shall be a resident and real property owner in Fayette County.
- (D) Appurtenant Structure – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

- (E) Area of Future Conditions Flood Hazard - means the land area that would be inundated by the 1-percent-annual chance (*formerly referred to as the 100-year floodplain*) flood based on future conditions hydrology.
- (F) Area of Shallow Flooding - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (G) Area of Special Flood Hazard - means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V.

Any area outside the FEMA studied areas lying along streams as shown on the United States Department of the Interior Geological Survey (hereafter referred to as "USGS") quadrants of which Fayette County is contained and/or areas with poorly draining or hydric soils which are contiguous to blue line streams as shown on the Fayette County Flood Prone Soils Map or Soil Survey shall also be considered special flood hazard areas. In determining the extent of land "contiguous" to streams, (blue line streams on some USGS maps) Fayette County has elected to establish a buffer defined by a minimum of 150 feet away from either side of the blue line for a total of 300 feet.

In areas upstream of the Limit of Detail Study, as delineated on the community FIRM, where base flood elevation data is not available, a floodplain study must be performed, at the expense of the property owner, by a Professional Engineer (PE) establishing the base flood elevation (BFE) and the floodplain and floodway boundaries, as well as future conditions flood hazard areas, prior to issuing a development permit.

- (H) Base Flood - means the flood having a 1 percent chance of being equaled or exceeded in any given year.
- (I) Base Flood Elevation (BFE) - means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year. Also called the Base Flood.
- (J) Basement - means any area of the building having its floor subgrade (below ground level) on all sides.
- (K) Breakaway Wall - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under

specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

- (L) Community - means Fayette County, Texas and the unincorporated area within the boundaries of Fayette County, Texas.
- (M) Critical Feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- (N) Development - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
- (O) Elevated Building - means, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (P) Existing Construction - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
- (Q) Existing Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood damage prevention regulations or the floodplain management regulations adopted by Fayette County, Texas.
- (R) Expansion to an Existing Manufactured Home Park or Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (S) Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) the overflow of inland or tidal waters.
 - (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- (T) Flood Elevation Study - means an examination, evaluation and determination of flood hazards, and if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

- (U) Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- (V) Flood Insurance Study (FIS) - see Flood Elevation Study.
- (W) Floodplain or Flood-Prone Area - means any land area susceptible to being inundated by water from any source (see definition of flooding).
- (X) Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations and flood damage prevention regulations.
- (Y) Floodplain Management Regulations or Flood Damage Prevention Regulations ("these regulations") - means these regulations, along with other subdivision and development regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (Z) Flood Protection System - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (AA) Flood Proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures and their contents.
- (BB) Flood Fringe - means the lands outside the floodway that are at, or below, the Base Flood Elevation that store, but do not effectively convey, floodwaters. Lands that compose the flood fringe will be inundated during a 1% chance flood event but, due to physical characteristics of the floodplain, do not effectively convey floodwaters. Flood Fringe encompasses the portion of this floodplain that could be completely obstructed without increasing the water surface elevation of a 100 year flood event more than 1 foot at any point.
- (CC) Floodway - see Regulatory Floodway.
- (DD) Functionally Dependent Use - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

- (EE) Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (FF) Historic Structure - means any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.
- (GG) Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (HH) Levee System - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (II) Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Chapter 60.3 of the National Flood Insurance Program regulations.
- (JJ) Manufactured Home - means a structure transportable in one or more sections, which is built on a permanent chassis or foundation and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

- (KK) Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (LL) Mean Sea Level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (MM) New Construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the flood damage prevention regulations or the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
- (NN) New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations or flood damage prevention regulations adopted by a community.
- (OO) Recreational Vehicle - means a vehicle which is:
- (1) Built on a single chassis;
 - (2) 400 square feet or less when measured at the largest horizontal projections;
 - (3) Designed to be self-propelled or permanently towable by a truck; and
 - (4) Designed primarily not-for-use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (PP) Regulatory Floodway - means the channel of a river, creek or stream, and the overbank areas, that must remain open to carry the deeper, faster moving water during a flood. Communities shall prohibit encroachments, fill, new development, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses by a licensed professional engineer that the proposed encroachment would not result in any increase in flood levels within the community of the base flood (100-year) discharge.
- (QQ) Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (RR) Special Flood Hazard Area - see Area of Special Flood Hazard.
- (SS) Start of Construction - (for other than new construction, or substantial improvements, under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes

substantial improvement, and means the date the building permit was issued, provided the actual start of new construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days of the permit date, after which period the building permit shall be null and void. Upon written request, made by the property owner using forms provided by the Floodplain Administrator, and made prior to the permit becoming null and void, an extension may be obtained so that the start of construction may be as long as within 1 year of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (TT) Structure - means, for floodplain management purposes, a walled and roofed building, a manufactured home, a mobile home, a gas, propane, or liquid storage tank, a well-house, a barn, and other storage and out buildings that are principally above ground.
- (UU) Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (VV) Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (WW) Variance - means a grant of relief by a community from the terms of a floodplain management regulation or flood damage prevention regulation. (For full requirements see Chapter 60.6 of the National Flood Insurance Program regulations.)

(XX) Violation - means the failure of a structure or other development to be fully compliant with the community's flood damage prevention regulations or the floodplain management regulations. A structure or other development without the elevation certificate, permits, other certifications, or other evidence of compliance required in Chapter 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

(YY) Water Surface Elevation - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 3 - General Provisions

§3.01. Lands to Which These Regulations Apply

These regulations shall apply to all unincorporated areas within the boundaries of Fayette County, Texas, to all areas of special flood hazard within the boundaries of Fayette County, Texas, and shall apply to all areas within the jurisdiction of Fayette County, Texas. The Commissioners' Court, in order to implement the countywide application system in §3.04 of these regulations, designates the Floodplain Administrator to review all applications. If the Floodplain Administrator determines the proposed development is outside an area of special flood hazard, the Floodplain Administrator may issue a Class A Flood Hazard Area Permit (Exemption Certificate) for that development, provided all other requirements and considerations of these regulations are met. All development within the jurisdiction of Fayette County, Texas requires an application and a Flood Hazard Area Permit, in accordance with these regulations, before the development may begin or proceed.

§3.02. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Fayette County Texas" dated October 11, 2006 with the most effective Flood Insurance Rate Maps and/or Flood Boundary - Floodway Maps (FIRM and/or FBFM) dated October 11, 2006, and any subsequent amendments or revisions thereto.

§3.03. Establishment of Development Permit System

A Flood Hazard Area Permit System is hereby established to ensure compliance with the provisions of these regulations. This system shall require an Application for a Development Authorization by the Applicant or the Permittee seeking the Development Authorization, for all development within the jurisdiction of Fayette County, Texas.

§3.04. Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of these regulations and other applicable regulations. All development within the unincorporated areas of Fayette County without first securing a permit is prohibited.

A county-wide application system is a necessary and reasonable action to ensure that all permits for development in flood hazard areas have been obtained. The Commissioner's Court through the Floodplain Administrator will develop and promulgate any/all forms as may be necessary for the implementation of these regulations.

Additional floodplain data may be generated which will improve the accuracy of floodplain boundary identification. Since the County will constantly be aware of map changes and additional data, the responsibility for determining whether a property or development is within a flood hazard area must rest with the Fayette County Floodplain Administrator. Flood Hazard Boundary Maps published by the Federal Insurance Administration delineate only the major flood prone areas within the County. With a County-wide review procedure, the Floodplain Administrator will be able to make recommendations for construction standards which will minimize or eliminate the possibility of damage from localized drainage problems.

§3.05. Abrogation and Greater Restrictions

These regulations is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§3.06. Interpretation

In the interpretation and application of these regulations, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed to accomplish their purpose, and in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State and Federal Laws.

§3.07. Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On occasions greater floods can and will occur, and flood heights may be increased by man-made or natural causes. These regulations do not imply, and these regulations are not to be interpreted to mean or provide that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability for Fayette County, Texas or any of its officials or employees, or for the community, for any flood damages that result from reliance on these regulations or for any administrative decision lawfully made hereunder. The granting of a permit does not imply that the development can be insured by Federal Flood Insurance.

§3.08. Establishment of Fees

The Commissioners' Court, upon the recommendation of the Floodplain Administrator, shall establish application fees commensurate with the service rendered by the County. Development fees are payable at the time of application.

Section 4 - Administration

§4.01. Designation of the Floodplain Administrator

The Commissioners' Court shall appoint the Floodplain Administrator to administer and implement the provisions of these regulations and other appropriate Chapters of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management. If no other individual has been appointed by the Commissioners' Court, the County Inspector of the County Development Regulations Enforcement Office, or his/her designee, shall serve as the Floodplain Administrator.

§4.02. Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (A) Maintain and hold open for public information all records pertaining to the provisions of these regulations.
- (B) Review permit applications to determine whether the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (C) Review, approve, or deny all applications for development permits required by adoption of these regulations.
- (D) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (E) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (F) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is The Texas Commission on Environmental Quality, prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Emergency Management Agency.
- (G) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (H) When base flood elevation data has not been provided in accordance with §3.02, the Floodplain Administrator shall obtain, at property owner's expense, a Hydrologic and Hydraulic Study (H & H study) performed by a licensed Professional Engineer, to review and reasonably utilize additional base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provision of §5 of these regulations.
- (I) When a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A 1-30 and AE on the community's FIRM, unless it is proven with a Hydrologic and Hydraulic Study (H &

H study), done at the property owner's expense and performed by a licensed Professional Engineer demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- (J) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

§4.03. Classification of Flood Hazard Area Permits

Development Authorizations issued as Flood Hazard Area Permits (FHAP) shall be classified as follows:

- (A) Development located on real property for which there is no Flood Hazard area (Zone X) delineated shall qualify for a Class A (Exemption Certificate) FHAP. The FHAP shall state that the proposed development is located on real property that does not lie within an identified Flood Hazard Area and that the construction standards contained in these regulations are not applicable to the proposed development. Class A FHAPs (Exemption Certificates) shall be issued by the Floodplain Administrator.
- (B) Habitable structures located on real property in flood hazard areas (Zone A, Approximate Zone A or Zone AE) shall require a Class B FHAP. Class C FHAPs that comply with the terms of these regulations may be issued by the Floodplain Administrator. Variances requested in conjunction with a Class C FHAP shall require the recommendation of the Appeal Board for consideration and action by the Commissioners' Court.
- (C) The following development activities shall qualify for the issuance of a Class C FHAP:
- (1) Any developments which are located on real property in flood hazard areas which are designated as Areas of Shallow Flooding, as defined above; and/or
 - (2) Non-habitable structures located in flood hazard areas.

The Floodplain Administrator shall issue Class B FHAPs that comply with the terms of these regulations, including specifically authorized variances.

§4.04. Permit Procedures

Application for a Flood Hazard Area Permit shall be presented to the Floodplain Administrator on forms provided by the Floodplain Administrator and completed, signed and submitted by the property owner, and not by his/her representative, and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes and of proposed landscape alterations, and the location of the foregoing in relation to areas of special flood hazard. New Construction and substantial improvement of any structure,

including manufactured homes, shall have the lowest floor, including basement, elevated three (3) feet above the base flood elevation. Where base flood elevation data is not available, a floodplain study must be performed by a licensed Professional Engineer (PE) establishing the base flood elevation (BFE) and the floodplain and floodway boundaries prior to issuing a development permit. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
 - (3) A certificate from a Texas licensed Professional Engineer that the nonresidential flood proofed structure shall meet the flood proofing criteria of Section 5 of these regulations;
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - (5) Maintain a record of all such information in accordance with Section 4 of these regulations.
- (A) Approval or denial of a Flood Hazard Area Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:
- (1) The danger to life and property or to the public health and safety due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands, whether the other lands are in or outside the Floodplain, to the injury of others, or the danger that materials may float away or be swept away and create a risk or danger to life and/or property, to the public health and/or safety, or create a risk or danger that flooding and resultant damage and danger to life and/or property will be increased;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - a. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - b. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
 - c. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - d. The necessity to the facility of a waterfront location, where applicable; and

- e. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (B) It shall be unlawful to use, occupy or permit the use or occupancy of any building, development, or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Floodplain Hazard Area Permit has been issued by the Floodplain Administrator stating that the use of the development conforms to the requirements of these regulations.
- (C) If required on the Flood Hazard Area Permit, the Applicant or Permittee shall be required to submit certification by a licensed Professional Engineer that the development was accomplished in compliance with the provisions of these regulations.

The permit is required to be posted by the property owner on the job site in a place clearly visible from the nearest road or street. The property owner and all agents of the property owner are required to allow the Floodplain Administrator or the Administrator's agents to inspect the work pursuant to a permit, including as many scheduled and unscheduled inspections necessary to enforce these regulations.

§4.05. Expiration of Flood Hazard Area Permits

Approval of a Flood Hazard Area Permit shall expire and be of no further force and effect in the event that:

- (A) None of the activities authorized in the permit are commenced within one (1) year from the date of issuance; or
- (B) All of the activities authorized in the permit are not completed within two (2) years from the date of issuance.

§4.06. Variance Procedures

- (A) The Appeal Board, as established by the Commissioner's Court, shall hear requests for variances from the requirements of these regulations.
- (B) The Appeal Board shall make recommendations to Commissioners' Court on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations.
- (C) Any person(s) aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (D) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (E) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these regulations.

- (F) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed at, or between, two (2) and three (3) feet above base flood level, providing the relevant factors in §4.03(B) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (G) Upon consideration of the factors noted above and the intent of these regulations, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations.
- (H) Variances shall not be issued within any designated or non-designated floodways.
- (I) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (J) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or orders.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation at, or between, two (2) and three (3) feet above the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (K) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in §4.04(B) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Section 5 - Provisions for Flood Hazard Reduction

§5.01. General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (A) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (B) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (C) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (D) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding and shall be set at a minimum of three (3) feet above base flood elevation;
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, and shall be set at a minimum of three (3) feet above base flood elevation;
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- (G) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§5.02. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 3, (ii) Section 4, or (iii) Section 5, the following provisions are required:

- (A) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to at least three (3) feet above the base flood elevation. A Texas licensed Professional Engineer shall submit a certification to the Floodplain Administrator that the standard of this Section as stated in §4.03 is satisfied.
- (B) Non-Residential Construction - new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least three (3) feet above the base flood level. Attendant utility and sanitary facilities shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Texas licensed Professional Engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Section. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

(C) Enclosures -New construction and substantial improvements: fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be (i) designed, by a Texas licensed and Professional Engineer, to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and (ii) be less than 100 square feet of area. Designs for meeting this requirement must be certified by a licensed Professional Engineer to meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one (1) foot above grade;
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(D) Manufactured Homes

(1) Require that all manufactured homes to be placed within Zone A, Approximate Zone A or Zone AE on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least three (3) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, on all sites:

- (a) Outside of a manufactured home park or subdivision;
- (b) In a new manufactured home park or subdivision;
- (c) In expansion to an existing manufactured home park or subdivision; or
- (d) In existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as result of a flood.

(3) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of §5.02(D)(2) be elevated so that either: the lowest floor of the manufactured home is at least three (3) feet above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation

elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (E) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of §4.03, and the elevation and anchoring requirements for "manufactured homes" in §5.02(D)(2). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

§5.03. Standards for Subdivision Proposals

- (A) In all areas of special flood hazard where base flood elevation data is not available, the applicant (property owner) shall provide a hydrologic and hydraulic engineering analysis (H & H) that generates base flood elevations and floodway boundaries for all subdivision proposals, and other proposed developments greater than 5 acres or 5 lots in size. These studies may be submitted to FEMA as a request for map revision if appropriate, if not otherwise provided pursuant to these regulations.
- (B) All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood as well as future conditions flood elevations.
- (C) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and base flood elevations as well as future conditions flood elevations.
- (D) In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, if applicable.
- (E) Approval shall not be given for streets within a subdivision, which would be subject to flooding in the base flood. All street surfaces must be located at or above the base flood elevation.
- (F) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with these regulations, and shall be approved by the County Floodplain Administrator prior to issuance of the Development Authorization by the County. Plat specifications and details for submission are also governed by other applicable regulations of Fayette County, Texas.
- (G) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the requirements these regulations.

- (H) All subdivision plats shall have the Floodplain and Floodway clearly delineated on the plat.
- (I) All subdivision Applications including the placement of manufactured home parks and subdivisions shall include provisions for adequate drainage as required under other applicable regulations of the State and of Fayette County, Texas, to reduce exposure to flood hazards.
- (J) All subdivision Applications including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- (K) All subdivision Applications which include land which is encroached by areas of special flood hazard, must include the placement of a permanent benchmark indicating the elevation relative to mean sea level. The benchmark must be located within the platted property, and must be indicated on the subdivision plat.

§5.04. Standards for Arcas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard as defined above are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to at least three (3) feet above the base flood elevation;
- (B) All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to at least three (3) feet above the base flood elevation.
- (C) A licensed Professional Engineer shall, at the property owner's expense, submit a certification to the Floodplain Administrator that the standards of these regulations are satisfied.
- (D) Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

§5.05. Floodways

Located within areas of special flood hazard are areas designated as floodways. The floodway is the channel of a river, creek or stream, and the overbank areas, that must remain open to carry the deeper, faster moving water during a flood. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (A) Encroachments (any floodplain development that could obstruct flood flows, including fill, a bridge, a building, new construction, substantial improvements) are prohibited. All other development within the adopted regulatory floodway is also prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within Fayette County during the occurrence of the base flood discharge. A licensed Professional Engineer, at the property owner's expense, will have to demonstrate, in writing under his/her seal, that the proposed encroachment shall not result in any rise in the 100-year flood elevation.
- (B) If §5.05(A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of the remainder of these regulations.
- (C) Under the provisions of 44 CFR Chapter 1, Chapter 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Chapter 65.12.

§5.06. Severability

If any section, clause, sentence, or phrase of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of these regulations.

§5.07. Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these regulations and other applicable regulations. Violation of the provisions of these regulations by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements is subject to the following penalties:

- (A) CIVIL PENALTY: A person who violates these regulations, or fails to comply with any of its requirements, is subject to a civil penalty of not more than \$100 for each act of violation and for each day of violation, and in addition shall pay all costs and expenses incurred in this case by the community.
- (B) CRIMINAL PENALTY:
 - (1) A person commits an offense if the person violates these regulations or fails to comply with any of its requirements, and shall upon conviction thereof be fined not more than \$500.00 for each violation;
 - (2) An offense under these regulations is a Class C misdemeanor;
 - (3) Each violation of these regulations and each day of continuing violation is a separate offense.

§5.08. Enforcement By Political Subdivision:

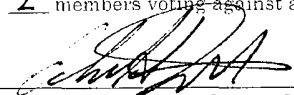
(A) If it appears that a person has violated, is violating, or is threatening to violate these regulations or a rule adopted by order issued under these regulations, a political subdivision may institute a civil suit in the appropriate court for:

- (1) Injunctive relief to restrain the person from continuing the violation or threat of violation, including an order directing the person to remove improvements not authorized or allowed by these regulations, to remove illegal improvements, and to restore preexisting conditions;
- (2) The assessment and recovery of the civil penalty; or
- (3) Both the injunctive relief and the civil penalty.

(B) On application for injunctive relief and a finding that a person has violated, is violating, or is threatening to violate these regulations or rule adopted, or order issued under these regulations, the court shall grant the injunctive relief that the facts warrant.

Nothing herein contained shall prevent Fayette County from taking such other lawful action as is necessary to prevent or remedy any violation of these regulations.

CONSIDERED, ADOPTED, MADE, ORDERED TO BE EFFECTIVE ON JULY 3, 2017, SIGNED, AND DONE IN OPEN MEETING AND OPEN COURT by vote of the Fayette County Commissioners' Court on this the 3rd day of July, 2017, upon motion of Commissioner Berckenhoff, seconded by Commissioner Judge Janecka, with 5 members of the Commissioners' Court being present, 3 members of Commissioners' Court voting in favor thereof, 2 members voting against and 0 members abstaining.


Edward F. Janecka, County Judge

Against
Jason McBroom, Commissioner, Prct. 1

Harvey Berckenhoff
Harvey Berckenhoff, Commissioner, Prct. 3

Against
Gary Weishuhn, Commissioner, Prct. 2

Tom Muras
Tom Muras, Commissioner, Prct. 4

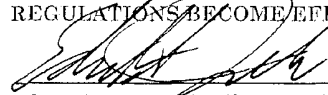
ATTEST:

Julia Karstedt
Julia Karstedt, County Clerk and
Clerk of the Commissioners' Court



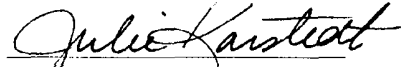
CERTIFICATION OF ADOPTION OF THE FLOOD DAMAGE PREVENTION
REGULATIONS OF FAYETTE COUNTY TEXAS,
EFFECTIVE JULY 3, 2017

APPROVED and ORDERED by the Fayette County Commissioners' Court.
PASSED, ADOPTED and ORDERED: July 3, 2017.
REGULATIONS BECOME EFFECTIVE: July 3, 2017.


Edward F. Janecka, Fayette County Judge

ATTEST:

7/5/2017 12:45 PM


Julie Karstedt, County Clerk and
Clerk of the Commissioners' Court

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped hereon above time.

JULIE KARSTEDT, COUNTY CLERK

Stamps: 25 Page(s) *KS*

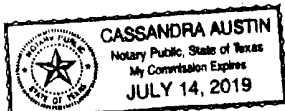


ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF FAYETTE

Before me, the undersigned Notary Public in and for said County and State, on this day personally appeared EDWARD F. JANECKA, County Judge of Fayette County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and that he executed the same on behalf of Fayette County, Texas in his capacity as County Judge of Fayette County, Texas.

Given under my hand and seal of office this 3rd day of July, 2017.

(Seal) 


Notary Public, State of Texas

MINERAL DEED

THE STATE OF TEXAS 95- 1023

COUNTY OF FAYETTE.

W I KNOW ALL PERSONS BY THESE PRESENTS, that I, Thomas Gene Mikeska, joined by my wife, Kathryn Mikeska, of Harris County, Texas, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid by Evelyn M. Mikeska, of Harris County, Texas, hereinafter called Grantee, the receipt of which is hereby acknowledged have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY, unto said Grantee all my right, title and interest in and to the oil, gas and other minerals, in, on and under those certain tracts or parcels of land, situated in Fayette County, Texas, and described as follows:

FIRST TRACT:

Being 35.67 acres of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land in the J. G. Robinson League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 35.67 acres of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin in the Northeast right-of-way line of Highway 237 at the point of intersection with the Southwest margin of a County Road for the North corner of this tract and being the North corner of said 110.426 acre tract;

THENCE along the Southwest margin of said County Road and the Northeast boundary line of said 110.426 acre tract as follows: South 45° 38' East 813.16 feet and South 30° 41' East 132.0 feet to an iron pin for the East corner of this tract, also being the North corner of a 22.48 acre tract set aside in this survey;

THENCE South 47° 38' West 664.38 feet for an angle corner;

THENCE South 39° 20' West 988.93 feet to an iron pin at an existing fence corner, also being the West corner of a 22.48 acre tract set aside in this survey;

THENCE continuing South 39° 20' West 305.72 feet to an iron pin in the Northeast boundary line of the Emma Lee Turney 4.12 acre tract, Volume 416, Page 531, for the most Easterly South corner of this tract;

THENCE North 39° 05' West 235.17 feet along the Northeast boundary line of said 4.12 acre tract to an iron pin found for the North corner of said 4.12 acre tract;

THENCE North 47° 00' West 582.70 feet to an iron pin in the Southeast right of way line of Highway 237 for the West corner of this tract and being the North corner of a 7.30 acre tract set aside in this survey;

THENCE along the Southeast right of way line of Highway 237 as follows: North 43° 01' East 1392.08 feet; North 30° 34' East 157.37 feet and North 27° 24' East 444.32 feet to the place of beginning containing an area of 35.67 acres of land, more or less.

SECOND TRACT:

Being 7.30 acres of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land in the J. G. Robinson League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 7.30 acres of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin found at the North corner of the Emma Lee Turney 4.12 acre tract, Volume 416, Page 531, also being an inside corner of said 110.426 acre tract;

THENCE South 43° 47' West 500.84 feet along the West boundary line of said Emma Lee Turney 4.12 acre tract to an iron pin in the Northeast right of way line of F. M. Highway 954 for the West corner of said 4.12 acre tract and being the South corner of this tract;

THENCE along the Northeast right of way line of F. M. Highway 954 with a 4° 08' 41" curve to the right in a Northwesterly direction an arc distance of 446.35 feet, the long chord bears North 55° 40' West 444.64 feet to a point for an angle corner of this tract;

THENCE along the Northeast right of way line of F. M. Highway 954 as follows: North 46° 25' West 95.8 feet and North 2° 14' West 57.23 feet to the point of intersection with the Southeast right of way line of Highway 237 for the West corner of this tract;

THENCE North 43° 01' East 526.54 feet along the Southeast right of way line of Highway 237 to an iron pin for the North corner of this tract and being the West corner of a 35.67 acre tract set aside in this survey;

THENCE South 47° 00' East 582.70 feet to the place of beginning, containing an area of 7.30 acres of land, more or less.

THIRD TRACT:

Being 17.93 acres of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land in the J. G. Robinson League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 17.93 acres of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a concrete monument found in the Northeast right of way line of F. M. Highway 954 at the point of intersection with the Northwest margin of a County Road for the South corner of said 110.426 acre tract, also being the South corner of this tract;

THENCE along the Northeast right-of-way line of F. M. Highway 954 as follows: North 43° 16' West 585.0 feet; North 45° 12' West 100.00 feet; North 49° 04' West 100.0 feet and North 52° 01' West 81.23 feet for an angle corner of this tract, also being the Southeast corner of the Emma Lee Turney 0.914 acre tract, Volume 417, Page 262;

THENCE North 39° 41' West 472.0 feet along the Northeast boundary line of said Emma Lee Turney 0.914 acre tract and in an old road to a large post for the North corner of said 0.914 acre tract;

THENCE South 43° 28' West 23.5 feet along the Northwest boundary line of said 0.914 acre tract to an iron pin found for the East corner of the Emma Lee Turney 4.12 acre tract, Volume 416, Page 531;

THENCE North 39° 05' West 296.43 feet along the Northeast boundary line of said 4.12 acre tract and the South margin of said old road to an iron pin for the West corner of this tract and being the Southeast corner of a 42.97 acre tract set aside in this survey;

THENCE North 39° 20' East 305.72 feet to an iron pin for the North corner of this tract, also being the West corner of a 22.48 acre tract set aside in this survey;

THENCE South 56° 00' East 625.10 feet to an iron pin for an angle corner of this tract, being the South corner of said 22.48 acre tract set aside in this survey and being the West corner of a 27.50 acre tract set aside in this survey;

THENCE South 53° 08' East 780.62 feet to an iron pin for an angle corner of this tract;

THENCE South 44° 04' East 251.25 feet to an iron pin in the Northwest margin of a County Road for the East corner of this tract and being the South corner of a 27.50 acre tract set aside in this survey;

THENCE South 42° 51' West 581.42 feet along the Northwest margin of said County Road and the Southeast

boundary line of said 110.426 acre tract to the place of beginning, containing an area of 17.93 acres of land, more or less.

LESS, HOWEVER, 0.23 of an acre of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land, in the J. G. Robison League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 0.23 of an acre of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin found for an inside corner of said original 110.426 acre tract, also being the North corner of the David R. Nester 4.12 acre tract, First Tract, Volume 817, Page 40;

THENCE South 51° 43' East 25.83 feet to a fence corner for an angle corner;

THENCE South 60° 54' East 30.27 feet to a fence corner in the approximate center of an old road for an angle corner;

THENCE South 39° 46' East along an existing fence in the approximate center of said old road to a large fence corner post for the East corner of this tract, also being the North corner of said David R. Nester 0.914 of an acre tract, Second Tract;

THENCE South 43° 28' West 22.80 feet to an iron pin found for the South corner of this tract, also being the East corner of said David R. Nester 4.12 acre tract;

THENCE North 39° 05' West 531.60 feet along the Northeast boundary line of said David R. Nester 4.12 acre tract to the place of beginning, containing an area of 0.23 of an acre, more or less.

Being the same land described in that deed from Evelyn E. Mikeska to David R. Nester, dated August 3, 1992, and recorded in Volume 855, Page 246, Deed Records of Fayette County, Texas.

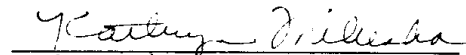
TO HAVE AND TO HOLD the said undivided interest in all of the oil, gas and other minerals, in, on and under said land, together with all and singular, the rights and appurtenances thereto in any wise belonging unto said Grantee, her heirs and assigns, forever; together with the right to enter upon the surface of the land to explore, develop, drill and mine for any oil, gas and other minerals as herein defined, have ingress and egress, lay pipe lines and other structures thereon; and Grantor

herein for himself, his heirs, successors or assigns, hereby agree to WARRANT and FOREVER DEFEND all and singular the said premises unto the said Grantee, her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

This conveyance is made subject to any valid and subsisting oil, gas or other mineral lease or leases on said land, including also any mineral lease, if any, heretofore made or being contemporaneously made from Grantor to Grantee; but, for the same consideration hereinabove mentioned, Grantor has sold, transferred, assigned and conveyed and by these presents does sell, transfer, assign and convey unto Grantee, her heirs and assigns, the same undivided interest (as the undivided interest hereinabove conveyed in the oil, gas and other minerals in said land) in all the rights, rentals, royalties and other benefits accruing or to accrue under said lease or leases from the above described land; TO HAVE AND TO HOLD unto Grantee, her heirs and assigns.

Witness our hands this the 2nd day of February, 1995.


Thomas Gene Mikeska


Kathryn Mikeska

GRANTEE'S ADDRESS
Evelyn M. Mikeska
10126 MOORBERRY Ln
HOU, TX 77080

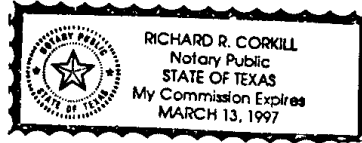
THE STATE OF TEXAS

COUNTY OF FAYETTE

This instrument was acknowledged before me on the 2nd day of February, 1995, by Thomas Gene Mikeska and wife, Kathryn Mikeska.

Richard R. Corkill
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
NOTARY'S TYPED OR PRINTED NAME:
Richard R. Corkill
NOTARY'S COMMISSION EXPIRES:
March 13, 1997

FILED
4:30 P.M.
FEB 03 1995



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS SC
COUNTY CLERK, FAYETTE COUNTY, TEXAS

\$19.00 Pd.
Return To: Evelyn E. Mikeska
10126 Moorberry
Houston, Texas 77080

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and
at the time stamped hereon by me, and was duly RECORDED in
the Volume and Page of the Named RECORDS of Fayette
County, Texas as stamped hereon by me, on

FEB 10 1995



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

GENERAL WARRANTY DEED

THE STATE OF TEXAS 95- 1024

COUNTY OF FAYETTE.

QV KNOW ALL PERSONS BY THESE PRESENTS, that we, Evelyn E. Mikeska, a widow, and Thomas Gene Mikeska, joined by my wife, Kathryn Mikeska, all of Harris County, Texas, for and in consideration of:

(a) The sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration cash to us in hand paid by Edmond D. Lively and wife, Marian B. Lively, the receipt of which is hereby acknowledged and confessed; and

(b) The further sum of ONE HUNDRED FORTY-ONE THOUSAND NINE HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$141,955.00) cash to us in hand paid by Fayette Savings Association, for and at the request of the said Edmond D. Lively and wife, Marian B. Lively, and as a loan to the said Edmond D. Lively and wife, Marian B. Lively, and to evidence which loan the said Edmond D. Lively and wife, Marian B. Lively have signed, executed and delivered to Fayette Savings Association, simultaneously with the delivery of this Deed, one negotiable Promissory Note, of even date, in the principal sum of ONE HUNDRED FORTY-ONE THOUSAND NINE HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$141,955.00), bearing interest at the rate therein stated, payable to the order of Fayette Savings Association, at its banking house in the City of La Grange. Said note is due and payable in consecutive monthly installments of ONE THOUSAND ONE HUNDRED SEVENTY-SIX AND 35/100 DOLLARS (\$1,176.35) each, including principal and interest, commencing on the 2nd day of March, 1995, and a like installment is due and payable on the 2nd day each month thereafter until said note and all interest are paid in full; said note further reciting that it is secured by the Vendor's Lien hereinafter retained upon the property hereby conveyed and hereinafter described and that it evidences a loan of a portion of the purchase money for said land, and that it is also secured by the lien of a Deed of Trust upon said land, also of even date, from Grantees to David J. Zapalac, Trustee, and containing the customary acceleration of maturity, waiver and attorney's fees provisions,

have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY, except as below stated, unto the said Edmond D. Lively and wife, Marian B. Lively, of Fayette County, Texas, the following described real estate:

FIRST TRACT:

Being 35.67 acres of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land in the J. G. Robinson League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 35.67 acres of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin in the Northeast right-of-way line of Highway 237 at the point of intersection with the Southwest margin of a County Road for the North corner of this tract and being the North corner of said 110.426 acre tract;

THENCE along the Southwest margin of said County Road and the Northeast boundary line of said 110.426 acre tract as follows: South 45° 38' East 813.16 feet and South 30° 41' East 132.0 feet to an iron pin for the East corner of this tract, also being the North corner of a 22.48 acre tract set aside in this survey;

THENCE South 47° 38' West 664.38 feet for an angle corner;

THENCE South 39° 20' West 988.93 feet to an iron pin at an existing fence corner, also being the West corner of a 22.48 acre tract set aside in this survey;

THENCE continuing South 39° 20' West 305.72 feet to an iron pin in the Northeast boundary line of the Emma Lee Turney 4.12 acre tract, Volume 416, Page 531, for the most Easterly South corner of this tract;

THENCE North 39° 05' West 235.17 feet along the Northeast boundary line of said 4.12 acre tract to an iron pin found for the North corner of said 4.12 acre tract;

THENCE North 47° 00' West 582.70 feet to an iron pin in the Southeast right of way line of Highway 237 for the West corner of this tract and being the North corner of a 7.30 acre tract set aside in this survey;

THENCE along the Southeast right of way line of Highway 237 as follows: North 43° 01' East 1392.08 feet; North 30° 34' East 157.37 feet and North 27° 24' East 444.32 feet to the place of beginning containing an area of 35.67 acres of land, more or less.

SECOND TRACT:

Being 7.30 acres of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land in the J. G. Robinson League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 7.30 acres of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin found at the North corner of the Emma Lee Turney 4.12 acre tract, Volume 416, Page 531, also being an inside corner of said 110.426 acre tract;

THENCE South 43° 47' West 500.84 feet along the West boundary line of said Emma Lee Turney 4.12 acre tract to an iron pin in the Northeast right of way line of F. M. Highway 954 for the West corner of said 4.12 acre tract and being the South corner of this tract;

THENCE along the Northeast right of way line of F. M. Highway 954 with a 4° 08' 41" curve to the right in a

Northwesterly direction an arc distance of 446.35 feet, the long chord bears North 55° 40' West 444.64 feet to a point for an angle corner of this tract;

THENCE along the Northeast right of way line of F. M. Highway 954 as follows: North 46° 25' West 95.8 feet and North 2° 14' West 57.23 feet to the point of intersection with the Southeast right of way line of Highway 237 for the West corner of this tract;

THENCE North 43° 01' East 526.54 feet along the Southeast right of way line of Highway 237 to an iron pin for the North corner of this tract and being the West corner of a 35.67 acre tract set aside in this survey;

THENCE South 47° 00' East 582.70 feet to the place of beginning, containing an area of 7.30 acres of land, more or less.

THIRD TRACT:

Being 17.93 acres of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land in the J. G. Robinson League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 17.93 acres of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a concrete monument found in the Northeast right of way line of F. M. Highway 954 at the point of intersection with the Northwest margin of a County Road for the South corner of said 110.426 acre tract, also being the South corner of this tract;

THENCE along the Northeast right-of-way line of F. M. Highway 954 as follows: North 43° 16' West 585.0 feet; North 45° 12' West 100.00 feet; North 49° 04' West 100.0 feet and North 52° 01' West 81.23 feet for an angle corner of this tract, also being the Southeast corner of the Emma Lee Turney 0.914 acre tract, Volume 417, Page 262;

THENCE North 39° 41' West 472.0 feet along the Northeast boundary line of said Emma Lee Turney 0.914 acre tract and in an old road to a large post for the North corner of said 0.914 acre tract;

THENCE South 43° 28' West 23.5 feet along the Northwest boundary line of said 0.914 acre tract to an iron pin found for the East corner of the Emma Lee Turney 4.12 acre tract, Volume 416, Page 531;

THENCE North 39° 05' West 296.43 feet along the Northeast boundary line of said 4.12 acre tract and the South margin of said old road to an iron pin for the West corner of this tract and being the Southeast corner of a 42.97 acre tract set aside in this survey;

THENCE North 39° 20' East 305.72 feet to an iron pin for the North corner of this tract, also being the West corner of a 22.48 acre tract set aside in this survey;

THENCE South 56° 00' East 625.10 feet to an iron pin for an angle corner of this tract, being the South corner of said 22.48 acre tract set aside in this survey and being the West corner of a 27.50 acre tract set aside in this survey;

THENCE South 53° 08' East 780.62 feet to an iron pin for an angle corner of this tract;

THENCE South 44° 04' East 251.25 feet to an iron pin in the Northwest margin of a County Road for the East corner of this tract and being the South corner of a 27.50 acre tract set aside in this survey;

THENCE South 42° 51' West 581.42 feet along the Northwest margin of said County Road and the Southeast boundary line of said 110.426 acre tract to the place of beginning, containing an area of 17.93 acres of land, more or less.

LESS, HOWEVER, 0.23 of an acre of land, more or less, same being part of that certain original tract said to contain 110.426 acres of land, in the J. G. Robison League, A-33, Fayette County, Texas, said original 110.426 acre tract being the same land as described in a deed from Fred Moore Cochran and wife, Gertrude, to O. A. Mikeska and wife, Evelyn, by deed dated August 16, 1967, Volume 389, Pages 592-594, Deed Records of Fayette County, Texas, said 0.23 of an acre of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pin found for an inside corner of said original 110.426 acre tract, also being the North corner of the David R. Nester 4.12 acre tract, First Tract, Volume 817, Page 40;

THENCE South 51° 43' East 25.83 feet to a fence corner for an angle corner;

THENCE South 60° 54' East 30.27 feet to a fence corner in the approximate center of an old road for an angle corner;

THENCE South 39° 46' East along an existing fence in the approximate center of said old road to a large fence corner post for the East corner of this tract, also being the North corner of said David R. Nester 0.914 of an acre tract, Second Tract;

THENCE South 43° 28' West 22.80 feet to an iron pin found for the South corner of this tract, also being the East corner of said David R. Nester 4.12 acre tract;

THENCE North 39° 05' West 531.60 feet along the Northeast boundary line of said David R. Nester 4.12 acre tract to the place of beginning, containing an area of 0.23 of an acre, more or less.

Being the same land described in that deed from Evelyn E. Mikeska to David R. Nester, dated August 3, 1992, and recorded in Volume 855, Page 246, Deed Records of Fayette County, Texas.

SUBJECT TO Oil, Gas and Mineral Lease from Evelyn E. Mikeska to John M. Wainwright, dated August 2, 1984,

and recorded in Volume 222, Page 237, Oil and Gas Lease Records of Fayette County, Texas, for a term of one year.

SUBJECT TO that Designation of Unit by Zeal Energy of the Marian Unit #1 on September 1, 1985, as recorded in Volume 241, Page 743, Oil and Gas Lease Records of Fayette County, Texas, and as amended at Volume 242, Page 881, Oil and Gas Lease Records of Fayette County, Texas.

SUBJECT TO pipeline right of way granted to Phillips Natural Gas Company from Evelyn E. Mikeska as set out in instrument dated April 14, 1993, recorded in Volume 868, Page 273, Deed Records of Fayette County, Texas.

SUBJECT TO pipeline right of way designated in that condemnation suit filed in the Fayette County District Court, Case Number 233A, styled Phillips Natural Gas Company vs. Evelyn E. Mikeska, which designates a 1.03 acre right of way.

SUBJECT TO that easement granted to Fayette Electric Cooperative, Inc., by Walter L. Veith and wife, Nathalie Veith in instrument dated March 26, 1947, and recorded in Volume 221, Page 65, of the Deed Records of Fayette County, Texas.

There is reserved unto Evelyn E. Mikeska and Thomas Gene Mikeska, their heirs and assigns, all of the oil, gas and other minerals that may be produced from the above described property together with the right of ingress and egress at all times for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas and other minerals, and removing the same therefrom.

PROVIDED, HOWEVER, that as and when, and only as and when, all or part of said 60.67 acre tract of land is no longer a part of a unit producing oil and gas, or either of them, under the terms of said lease recorded in Volume 222, Page 237, Oil and Gas Lease Records, Fayette County, Texas, then an undivided one-half (1/2) of the oil, gas and other minerals in and under and that may be produced from that part of said 60.67 acre tract of land no longer a part of a unit producing oil and gas, or either of them under the terms of said lease, shall, ipso facto, pass to and vest in Grantees herein, their heirs and assigns.

Upon the expiration of said lease recorded in Volume 222, Page 237, Oil and Gas Lease Records, Fayette County, Texas, as to said 60.67 acre tract of land or a part thereof, then and only then, an undivided one-half (1/2) of the oil, gas and other minerals in and under and that may be produced from that part of the said 60.67 acre tract of land no longer subject to the terms of said oil and gas lease shall, ipso facto, pass to and vest in Grantees herein, their heirs and assigns.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in any wise belonging unto the said Edmond D. Lively and wife,

Marian B. Lively, their heirs and assigns, forever. And we, Evelyn E. Mikeska and Thomas Gene Mikeska, do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said Edmond D. Lively and wife, Marian B. Lively, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

But it is expressly agreed and understood that the Vendor's Lien is retained and reserved against the above described property to secure the payment of the above described promissory note in favor of Fayette Savings Association, until the same is fully paid according to its terms, when and whereupon this Deed shall become absolute, and we, Evelyn E. Mikeska and Thomas Gene Mikeska, do hereby sell, convey, transfer and assign the said Vendor's Lien and the superior legal title to Fayette Savings Association, without recourse on us.

Witness our hands this the 2nd day of February, 1995.

Evelyn E. Mikeska
Evelyn E. Mikeska

Thomas Gene Mikeska
Thomas Gene Mikeska

Kathryn Mikeska
Kathryn Mikeska

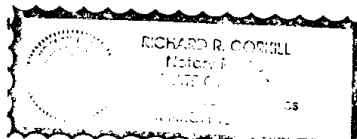
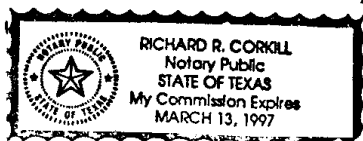
GRANTEES' ADDRESS
Edmond D. and Marian B. Lively
3637 S. State Hwy 237
Round Top, TEXAS 78954

THE STATE OF TEXAS

COUNTY OF FAYETTE

This instrument was acknowledged before me on the 2nd day of February, 1995, by Evelyn E. Mikeska.

Richard R. Corkill
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
Notary's Typed or Printed Name:
Richard R. Corkill
Notary's Commission Expires:
March 13, 1997



THE STATE OF TEXAS

COUNTY OF FAYETTE

This instrument was acknowledged before me on the 2nd day of February, 1995, by Thomas Gene Mikeska and wife, Kathryn Mikeska.

Richard R. Corkill

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

NOTARY'S TYPED OR PRINTED NAME:

Richard R. Corkill

NOTARY'S COMMISSION EXPIRES:

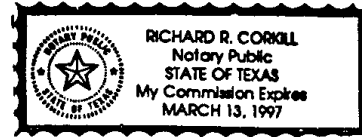
March 13, 1997

FILED

4:30 P.M.
FEB 03 1995

Carolyn Kubos Roberts

CAROLYN KUBOS ROBERTS SC
COUNTY CLERK, FAYETTE COUNTY, TEXAS



\$21.00 Pd.

Return To: Mr. & Mrs. Edmond D. Lively
3637 S. State Hwy. 237
Round Top, Texas 78954

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me, and was duly RECORDED in the Volume and Page of the Named RECORDS of Fayette County, Texas as stamped hereon by me, on

FEB 10 1995



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

RIGHT OF WAY GRANT

FILE Mikeska, Evelyn
PROJECT Fayette #3109/W93D2

441
 FOR AND IN CONSIDERATION of the sum of Ten and no/100-----
 ----- Dollars (\$10.00), the receipt of which is
 hereby acknowledged,

Evelyn Mikeska
 hereby grants unto Phillips Natural Gas Company, its successors and
 assigns, the right from time to time to lay, maintain, inspect,
 erect, operate, protect, replace with same or different size pipe,
 and remove two pipe lines, and appurtenances, over, through, upon,
 under and across the following land in Fayette County, State of Texas
 to wit:

A tract of land containing 111.9 acres, more or less, out of the
 D. E. Colton, A-33, as described in Volume 389, Page 592, less and
 except 27.5 acres, more or less, described in Volume 544, Page 667,
 and less and except, 22.48 acres, more or less, described in Volume
 576, Page 553, of the Deed Records of Fayette County, Texas.

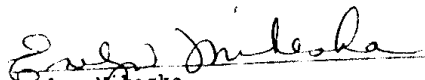
RESTRICTIONS:

- 1) This easement is for two lines only to be laid in the same
 easement. Said easement shall be sixty (60') feet wide during
 construction and shall revert to a thirty (30') foot wide
 permanent right of way easement.
- 2) All fences that have to be cut due to construction are to be
 "H" braced and repaired to as good or better condition than
 existed prior to pipeline construction.
- 3) Pipelines are to be buried to a minimum depth of 36", and the
 pipeline construction shall use the "Double Ditch" technique to
 separate the top soil from the sub-soil, placing the sub-soil
 into the bottom of the ditch and the top soil on the top to the
 ditch.
- 4) Land surface to be restored to its natural contour or as close
 to as practicable, and all trees, trash, and debris shall be
 burned and buried, and right of way to be left clean and neat.
- 5) It is expressly understood and agreed that the consideration
 paid to Grantor concurrently with Grantor's execution hereof is
 full payment for the rights for two pipelines.
- 6) In the event that products are not transported by the
 pipeline/pipelines granted hereby for a period of twenty-four
 (24) consecutive months, then this right of way easement shall
 be considered abandoned.
- 7) Grantee agrees to pay \$400.00 per acre of coastal bermuda.

The rights granted herein may be assigned in whole or in part.
 Grantor agrees that the consideration paid Grantor concurrently with
 Grantor's execution hereof includes payment for normal construction
 damages for the first pipeline. Grantee agrees to pay for damages
 to crops or fences caused by construction of the second pipeline
 and/or operation and maintenance of the pipe or pipelines constructed
 by the rights herein granted.
 The rights herein granted, or any of them, may be exercised by any or
 all of the grantees herein, their successors and/or assigns either
 jointly or separately.

The Grantor represents that the above described land is NOT
 rented.

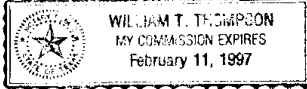
Executed this 14th day of April, 1993


 Evelyn Mikeska

STATE OF TEXAS
COUNTY OF _____ } SS

Before me, the undersigned, a Notary Public, within and for said County and State, on this 14th day of April, 1993, personally appeared Evelyn Mikeska to me known to be the identical person described in and who executed the within and foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed, for the uses, purposes, and consideration therein set forth.

My commission expires February 11, 1997 William T. Thompson Notary Public



STATE OF _____
COUNTY OF _____ } SS

Before me, the undersigned, a Notary Public, within and for said County and State, on this _____ day of _____, 19____, personally appeared _____ to me known to be the identical person described in and who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, for the uses, purposes, and consideration therein set forth.

My commission expires _____ Notary Public

STATE OF _____
COUNTY OF _____ } SS

Before me, the undersigned, a Notary Public, within and for said County and State, on this _____ day of _____, 19____, personally appeared _____ to me known to be the identical person described in and who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed, for the uses, purposes, and consideration therein set forth.

My commission expires _____ Notary Public

RIGHT OF WAY GRANT
Evelyn Mikeska

to
PHILLIPS NATURAL GAS COMPANY
BARTLESVILLE, OKLAHOMA

FILED FOR RECORD
At 2:00 o'clock A.M.
The 15th Day of April 1993.

IRENE PRATKA
Irene Pratkan
Clerk County Court, Fayette County Texas

\$7.00 due
Phillips Natural Gas Co.
P.O. Box 90
Warda, Texas 78960

RECORDED THIS THE 7th DAY OF May A.D., 1993, AT 2:50 O'CLOCK P. M.
IRENE PRATKA, COUNTY CLERK BY Anne Beran DEPUTY
ANNE BERAN

208

THE STATE OF TEXAS
COUNTY OF FAYETTE

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned WALTER L. VEITH, 2nd wife,
NATHALIE VEITH

for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto the FAYETTE ELECTRIC CO-OPERATIVE, INC., a corporation, whose postoffice address is LA GRANGE, TEXAS, and its successors or assigns, the right to enter upon the lands of the undersigned, situated in the County of FAYETTE, State of Texas, and more particularly described as follows:

A tract of land located approximately 12 miles N.E from the town of LAGRANGE; and bounded on the north by land owned by: _____; on the south by land owned by: _____; on the east by land owned by: _____; and on the west by land owned by: _____;

Being 115 3/100 acres, a part of the D. E. COLTON (Ab. 33) League, acquired SEPT, 26, 1946, by Deed from E. F. HUESKE Et al (Month) (Day) (Year), recorded in Vol. 204, pages 235-240 Deed

Records, FAYETTE County, Texas, here referred to for all relevant purposes and made a part hereof, and to place, construct, repair, operate, maintain, relocate and replace thereon and in or upon all streets, roads, or highways abutting said lands an electric transmission or distribution line or system, and to cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric line or system and to cut down from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling;

Together with the right of ingress and egress over my (our) adjacent lands to or from said right-of-way for the purpose of constructing, operating, repairing, maintaining, relocating, replacing and removing said lines and appurtenances.

The undersigned covenants that he is the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

no exception

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that words used in the masculine gender shall be construed to read in the feminine.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this

26 day of March, 1947.

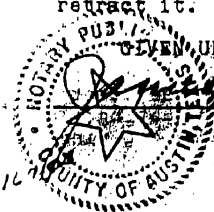
WITNESS:

Anton Novak Walter L. Veith L.S.
Nathalie Veith L.S.

869

THE STATE OF TEXAS I BEFORE ME, Edwin A. Raeke
COUNTY OF Austin a Notary Public in and for Austin
County, Texas, on this day personally appeared Nathalie Veith
wife of Walter L. Veith

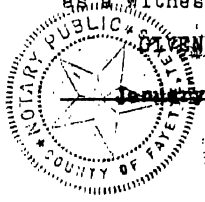
known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Nathalie Veith, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10th day of January A.D. 1948
Edwin A. Raeke Edwin A. Raeke
Notary Public Austin County, Texas.

THE STATE OF TEXAS BEFORE ME, Vernell Bremer
COUNTY OF Fayette a Notary Public in and for Fayette
County, Texas, on this day personally appeared Anton Novak

known to me to be the person whose name is subscribed to the foregoing instrument of writing, and, after being duly sworn by me stated on oath that he saw Walter L. Veith the grantor, subscribe the same and that he had signed the same as a witness at the request of the grantor.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9th day of January A.D. 1948
Vernell Bremer
Notary Public Fayette County, Texas.

RIGHT-OF-WAY EASEMENT

Walter L. Veith et ux

to

Fayette Electric Co-operative, Inc.

FILED FOR RECORD

At 4 o'clock P. M.
The 15th Day of January, 1948.
JOHN A. KUBENA,
County Clerk, Fayette County, Texas
Leona C. Giese Deputy

RECORDED the 10th day of January A.D. 1948 at 2:30 o'clock P. M.
JOHN A. KUBENA, County Clerk By Leona C. Giese Deputy.

RIGHT OF WAY EASEMENT

OFFICIAL RECORDS
FAYETTE COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF FAYETTE KNOW ALL MEN BY THESE PRESENTS

That the undersigned, hereinafter called "Grantor", for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, do hereby grant to FAYETTE ELECTRIC COOPERATIVE, INC., a cooperative corporation with offices at 357 N. Washington Street, P.O. Drawer 490, La Grange, Fayette County, Texas 78945, hereinafter called "Cooperative", and to its successors and assigns, the right to enter upon the hereinbelow described land owned by Grantor situated in FAYETTE County, Texas, containing 60.9 acres, more or less, situated in the J. G. ROBINSON LEAGUE A-33, and more fully described in the following instruments: (1) That deed dated FEB 2, 1995 from EVELYN E. MIKESKA to MARIAN B. LIVELY, recorded in Volume 916, pages 263 of the Deed Records of FAYETTE County, Texas,

and to place, construct, reconstruct, rephase, operate, maintain, repair, relocate and replace thereon and/or in or upon or under all streets, roads or highways abutting said lands, an overhead and/or underground electric line or lines or system, together with the right of ingress and egress over Grantor's adjoining land to or from said electric line or system for the purpose of constructing, reconstructing, rephasing, operating, repairing, maintaining, relocating, replacing and removing said line or lines and appurtenances pertaining thereto, together with the right to cut and trim trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said electric line or lines or system.

Grantor agrees that all poles, wires and other facilities installed on the hereinabove described land at Cooperative's expense shall remain the property of the Cooperative, removable at the discretion of the Cooperative.

Grantor covenants that he is the owner of the above-described land (or the owner of an interest therein), and that said land is free of any liens except the following:

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

EXECUTED this 24th day of Sept., 2002

STATE OF TEXAS COUNTY OF FAYETTE I certify that this instrument was FILED in the office and at the time stamped herein by me, and was duly RECORDED in the Volume and Page of the Official RECORDS of Fayette County, Texas as stamped herein by me, on

FILED

4:00 p.m.
NOV -7 2002

Marian B. Lively
Marian B. Lively

NOV 07 2002



Carolyn Knebel
CAROLYN KNEBEL
CO. CLERK, FAYETTE COUNTY, TEXAS

Carolyn Knebel
CAROLYN KNEBEL
CO. CLERK, FAYETTE CO. TEXAS

\$9.00 Pd.

THE STATE OF TEXAS
COUNTY OF FAYETTE

This instrument was acknowledged before me on SEPTEMBER 24, 2002 by MARIAN B. LIVELY



Larry Alfons Knebel
Notary Public, State of Texas
Larry Alfons Knebel
Notary's Name Printed
My Commission Expires: Oct 7 2002

OIL, GAS & MINERAL LEASE

PROD 88 (REV 8/93)

PAID UP
2000, betweenTHIS LEASE AGREEMENT is made effective the 9th day of JuneMarian Bess Lively, Individually and Independent Executrix of the Estate of Edmond D. Lively, Dcsd.OFFICIAL RECORDS
FAYETTE COUNTY, TEXASas Lessor (whether one or more), whose address is 3637 S. State Highway 237, Round Top, TX 78954and Orbis Energy, LLC

as Lessee,

whose address is 515 Congress Ave Suite 1880, Austin, TX 78701

All printed

portions of this lease were prepared by Lessee, but all other provisions (including the completion of blank spaces) were prepared jointly by Lessor and Lessee.

1. **Description.** Lessor, in consideration of Ten Dollars And No Cents Dollars (\$ 10.00), in hand paid, of the royalties herein provided and the covenants herein contained, hereby grants, leases and lets exclusively to Lessee, for the purpose of exploring for, developing, producing and marketing oil and gas, along with all hydrocarbon and nonhydrocarbon substances produced in association therewith including helium, carbon dioxide and other commercial gases as well as hydrocarbon gases (referred to herein as "covered minerals"), the following described land (the "leased premises") in FAYETTE County, Texas, to-wit:

61.92 acres of land, more or less, located in the D. E. Colton Lg., A-33, Fayette County, Texas, being described as 111.90 acres, more or less, in that certain Deed dated August 16, 1967 from Fred Moore Cochran, et ux, to O. A. Mikeska, et ux, recorded in Volume 389, Page 592, Deed Records, Fayette County, Texas; SAVE AND EXCEPT 27.50 acres, more or less, described in that certain Deed dated November 9, 1979 from Evelyn Mikeska, to Jens Finderup, recorded in Volume 544, Page 667, Deed Records, Fayette County, Texas, and 22.48 acres, more or less, described in that certain Deed dated April 28, 1981 from Evelyn Mikeska, to Jens Finderup, recorded in Volume 576, Page 553, Deed Records, Fayette County, Texas

This lease also covers accretions and any small strips or parcels of land now or hereafter owned or claimed by Lessor which are contiguous or adjacent to the leased premises whether or not such parcels are known to exist by Lessor or Lessee, and for the aforementioned consideration, Lessor agrees to execute at Lessee's request any additional or supplemental instruments for a more complete or accurate description of the land so covered. For the purpose of determining the amount of any rentals and shut-in royalties hereunder, said land shall be deemed to be comprised of 61.9200 acres, whether it actually comprises more or less.

2. **Term of Lease.** This lease shall be in force for a primary term of one years from the effective date hereof, and for as long thereafter as a covered mineral is produced in paying quantities from the leased premises or this lease is otherwise maintained in effect pursuant to the provisions hereof.

3. **Royalty.** Royalties on covered minerals produced and saved hereunder shall be paid by Lessee to Lessor as follows: (a) For oil and other liquid hydrocarbons separated at Lessee's field separator facilities, the royalty shall be 3/16 of such production, to be delivered at Lessee's option to Lessor at the wellhead or to Lessor's credit at the oil purchaser's transportation facilities, provided that Lessee shall have the continuing right to purchase such production at the wellhead posted price then prevailing in the same field (or if there is no such price then prevailing in the same field, then in the nearest field in which there is such a prevailing price) for production of similar grade and gravity less a proportionate part of ad valorem taxes and production, severance, or other excise taxes, (b) for gas (including casinghead gas) and all other covered minerals, the royalty shall be 3/16 of the net proceeds realized by Lessee from the sale thereof, less a proportionate part of ad valorem taxes and production, severance, or other excise taxes, provided that Lessee shall have the continuing right to purchase such production at the prevailing wellhead market price paid for production of similar quality in the same field (or if there is no such price then prevailing in the same field, then in the nearest field in which there is such a prevailing price) less a proportionate part of ad valorem taxes and production, severance, or other excise taxes and (c) if during or after the primary term one or more wells on the leased premises or lands pooled therewith are capable of producing oil or gas or other substances covered hereby in paying quantities, but such well or wells are either shut-in or production therefrom is not being sold by Lessee for a period of 90 consecutive days, then Lessee may pay shut-in royalty of one dollar per acre of land then covered by this lease, such payment to be made to Lessor on or before the end of said 90-day period and thereafter on or before each anniversary of the end of said 90-day period while the well or wells are shut-in and it shall be considered that such well is producing in paying quantities for all purposes hereof during any period for which such shut-in royalty is tendered; provided that if this lease is otherwise being maintained by the payment of rentals or by operations, or if a well or wells on the leased premises is producing in paying quantities, no shut-in royalty shall be due until the end of the 90-day period next following the end of the rental period or the cessation of such operations or production, as the case may be. Lessee shall have free use of oil, gas, water, and other substances produced from said land, except water from Lessor's wells or ponds, for all operations hereunder, and Lessor's royalty shall be computed after deducting any so used.

4. **Operations.** If after expiration of the primary term, Lessee drills a dry hole on the leased premises or if all production of covered minerals should permanently cease from any cause either voluntary or involuntary (and if this lease is not otherwise being maintained), this lease shall remain in effect if Lessee commences drilling, reworking or other operations on the leased premises within 90 days thereafter. If at or after expiration of the primary term, this lease is not otherwise being maintained but Lessee is then engaged in drilling, reworking or other operations calculated to obtain or restore production from the leased premises, this lease shall remain in effect so long as such operations are conducted with no cessation of more than 90 consecutive days and, if such operations result in the production of a covered mineral, as long thereafter as there is production from the leased premises. After production has been established on the leased premises, Lessee shall drill such additional wells as a reasonably prudent operator would drill under the same or similar circumstances to (a) develop the leased premises as to formations then capable of producing in paying quantities on the leased premises or (b) protect the leased premises from uncompensated drainage by a well producing a covered mineral in paying quantities located within 330 feet of and draining the leased premises. There shall be no covenant to drill exploratory wells or any additional wells except as expressly provided herein.

5. **Pooling.** Lessee shall have the continuing and recurring right, but not the obligation, to pool all or any part of the leased premises or interest therein with any other lands, leases or interests, as to any or all depths or zones, and as to any or all covered minerals, either before or after the commencement of production, whenever Lessee deems it necessary or proper to do so in order to prudently explore, develop or operate the leased premises, whether or not similar pooling authority exists with respect to such other lands, leases or interests. A unit formed by such pooling for an oil well which is not a horizontal completion shall not exceed 80 acres plus a maximum acreage tolerance of 10%, and for an oil well which is a horizontal completion or a gas well shall not exceed 640 acres plus if a maximum acreage tolerance of 10%, provided that larger units may be formed for an oil well or a gas well, whether or not horizontally completed, in order to conform to any well spacing or density pattern permitted by any governmental authority having jurisdiction over such matters. The terms "oil well" and "gas well" shall have the meanings prescribed by applicable law or by regulations of the governmental authority which has jurisdiction over such matters. The term "horizontal completion" shall mean an oil well or a gas well in which the horizontal component of the gross completion interval exceeds 100 feet in length. Lessee may pool or combine land covered by this lease or any portions thereof, as above provided as to oil in any one or more strata and as to gas in any one or more strata. Units formed by pooling as to any stratum or strata need not conform in size or area with units formed as to any other stratum or strata, and oil units need not conform as to area with gas units. To exercise its pooling rights hereunder, Lessee shall file of record a written declaration describing the unit, and the effective date of pooling shall be the date of filing unless provided otherwise in such declaration. Lessee wholly at its option may exercise its authority to pool either before or after commencing operations for or completing an oil or gas well on lands lying within a unit and any unit may include, but is not required to include, lands or leases upon which a well producing or capable of producing oil or gas in paying quantities has theretofore been completed, or upon which operations have theretofore been commenced. Production, drilling or reworking operations anywhere on a unit which includes all or any part of the leased premises, regardless of whether such production was secured or such drilling or reworking operations were commenced before or after the execution of this lease or the instrument designating the pooled unit, shall be treated for all purposes (except the payment of royalties on production from the pooled unit) as if they were production, drilling or reworking operations on the leased premises and references herein to production from or operations on the leased premises shall be deemed to include production from or operations on any portion of such pooled unit; provided that if after creation of a pooled unit a well is drilled on land within the unit area (other than the leased premises) which well is not classified as the type of well for which the unit was created (oil, gas or other minerals as the case may be), such well shall be considered a dry hole for purposes of applying the additional drilling and reworking provisions hereof. If a gas well on a gas unit, which includes all or a portion of the leased premises, is reclassified as an oil well, with respect to all lands which are included within the unit (other than the lands on which the well is located), the date of such reclassification shall be considered as the date of cessation of production for purposes of applying the provisions of this lease covering additional drilling and reworking. The production on which Lessor's royalty is calculated shall be that proportion of the total unit production which the net acreage covered by this lease and included in the unit bears to the total gross acreage in the unit, but only to the extent that such proportion of unit production is sold by Lessee. Pooling in one or more instances

shall not exhaust Lessee's pooling rights hereunder, and Lessee shall, without the joinder of Lessor, have the recurring right but not the obligation to revise any unit formed hereunder by expansion or contraction or both, either before or after commencement of production, in order to conform to the well spacing or density pattern permitted by the governmental authority having jurisdiction, or to conform to any productive acreage determination made by such governmental authority, or court order, or when to do so would, in the judgment of Lessee, promote the conservation of covered minerals in and under and that may be produced from the leased premises. In making such a revision, Lessee shall file of record a written declaration describing the revised unit and the effective date of revision shall be the date of filing unless provided otherwise in such declaration. To the extent any portion of the leased premises is included in or excluded from the unit by virtue of such revision, the proportion of unit production on which royalties are payable hereunder shall thereafter be adjusted accordingly, and such adjustment shall be made effective as of the effective date of the revision. Lessee may at any time dissolve any unit formed hereunder by filing a written declaration describing the unit, and the effective date of dissolution shall be the date of filing unless provided otherwise in such declaration. If this lease now or hereafter covers separate tracts, no pooling or unitization of royalty interests as between any such separate tracts is intended or shall be implied or result merely from the inclusion of such separate tracts within this lease but Lessee shall nevertheless have the right to pool or unitize as provided in this paragraph with consequent allocation of production as herein provided. As used herein the words "separate tract" mean any tract with royalty ownership differing, now or hereafter, either as to parties or amounts, from that as to any other part of the leased premises. Pooling hereunder shall not constitute a cross-conveyance of interests.

6. **Ancillary Rights.** In exploring for, developing, producing and marketing oil, gas and other substances covered hereby on the leased premises, in primary or enhanced recovery, Lessor hereby grants and conveys to Lessee the right of ingress and egress along with the right to conduct such operations on the leased premises as may be reasonably necessary for such purposes, including but not limited to geophysical operations, the drilling of wells, and the construction and use of roads, canals, pipelines, tanks, water wells, disposal wells, injection wells, pits, electric and telephone lines, power stations, and other facilities deemed necessary by Lessee to discover, produce, store, treat and transport production. In exploring, developing, producing or marketing from the leased premises, the ancillary rights granted herein shall apply (a) to the entire leased premises described in Paragraph 1 above, notwithstanding any partial release or other partial termination of this lease; and (b) to any other lands in which Lessor now or hereafter has authority to grant such rights in the vicinity of the leased premises. No surface location for a well shall be located less than 200 feet from any house or barn now on the leased premises or other lands used by Lessee hereunder without Lessor's consent, and Lessee shall pay for actual damage caused by its operations to buildings and other improvements now on the leased premises, or such other lands, and to commercial timber and growing crops thereon. Lessee shall have the right at any time to remove its fixtures, equipment and materials, including well casing, from the leased premises or such other lands during the term of this lease or within 180 days following the expiration thereof.

7. **Ownership Changes.** The interest of either Lessor or Lessee hereunder may be assigned, devised or otherwise transferred in whole or in part, by area or by depth or zone, and the rights and obligations of the parties hereunder shall extend to their respective heirs, devisees, executors, administrators, successors and assigns. No change in Lessor's ownership shall have the effect of reducing the rights or enlarging the obligations of Lessee hereunder, and no change in ownership shall be binding on Lessee until 60 days after Lessee has been furnished the original or certified or duly authenticated copies of the documents establishing such change of ownership to the satisfaction of Lessee. In the event of the death of any person entitled to shut-in royalties hereunder, Lessee may pay or tender such shut-in royalties to the credit of decedent or decedent's estate. If at any time two or more persons are entitled shut-in royalties hereunder, Lessee may pay or tender such shut-in royalties to such persons, either jointly or separately, in proportion to the interest which each owns. If Lessee transfers its interest hereunder in whole or in part, Lessee shall be relieved of all obligations thereafter arising with respect to the transferred interest, and failure of the transferee to satisfy such obligations with respect to the transferred interest shall not affect the rights of Lessee with respect to any interest not so transferred. If Lessee transfers a full or undivided interest in all or any portion of the area covered by this lease, the obligation to pay or tender shut-in royalties hereunder shall be divided between Lessee and the transferee in proportion to the net acreage interest in this lease then held by each.

8. **Warranty of Title.** Lessor hereby warrants and agrees to defend title to the interest conveyed to Lessee hereunder. Lessee, at its option, may pay or discharge any tax, mortgage or lien existing against the leased premises and, in the event that it does so, Lessee shall be subrogated to the rights of the party to whom payment is made and, in addition to its other rights, may reimburse itself out of any royalties or shut-in royalties otherwise payable to Lessor hereunder. If Lessor owns less than the full mineral estate in all or any part of the leased premises, payment of royalties and shut-in royalties hereunder shall be reduced proportionately to the amount that Lessor's interest in the leased premises bears to the entire mineral estate in the leased premises.

9. **Release of Lease.** Lessee may, at any time and from time to time, deliver to Lessor or file of record a written release of this Lease as to a full or undivided interest in all or any portion of the leased premises or any depths or zones thereunder, and shall thereafter be relieved of all obligations thereafter arising with respect to the interest so released. If Lessee releases all or an undivided interest in less than all of the area covered hereby, Lessee's obligation to pay or tender shut-in royalties shall be proportionately reduced in accordance with the net acreage interest retained hereunder.

10. **Regulation and Delay.** Lessee's obligations under the lease, whether express or implied, shall be subject to all applicable laws, rules, regulations and orders of any governmental authority having jurisdiction including restrictions on the drilling and production of wells. Notwithstanding the provisions of paragraph 2 above, when drilling, reworking, production or other operations are prevented or delayed by such laws, rules, regulations or orders, or by inability to obtain necessary permits, equipment, services, material, water, electricity, fuel, access or easements, or by fire, flood, adverse weather conditions, war, sabotage, rebellion, insurrection, riot, strike or labor disputes, or by inability to obtain a satisfactory market for production or failure of purchasers or carriers to take or transport such production, or by any other cause not reasonably within Lessee's control (commonly referred to as "force majeure"), this lease shall not terminate because of such prevention or delay and, at Lessee's option, the period of such prevention or delay shall be added to the term hereof. Lessee shall not be liable for breach of any express or implied covenants of this lease when drilling, production or other operations are so prevented, delayed or interrupted.

11. **Breach or Default.** An alleged breach or default by Lessee of any obligation hereunder or the failure of lessee to satisfy any condition or limitation contained herein shall not work a forfeiture or termination of this lease nor cause a termination or reversion of the estate created hereby nor be grounds for cancellation hereof in whole or in part, and no litigation shall be initiated by Lessor with respect to any alleged breach or default by Lessee hereunder, for a period of at least ninety (90) days after Lessor has given Lessee written notice fully describing the breach or default, and then only if Lessee fails to remedy or commence to remedy the breach or default within such period. In the event the matter is litigated and there is a final judicial determination that a breach or default has occurred, this lease shall not be forfeited or canceled in whole or in part unless Lessee is given a reasonable time after said judicial determination to remedy the breach or default and Lessee fails to do so. Nothing in this instrument or in the relationship created hereby shall be construed to establish a fiduciary relationship, a relationship of trust or confidence or a principle - agent relationship between Lessor and Lessee for any purpose.

IN WITNESS WHEREOF, this lease is executed effective the date first written above, and upon execution shall be binding upon the signatory whether or not the lease has been executed by all parties named herein as Lessor.

SS # AND / OR TAX ID #

451-66-4822

LESSOR:

Marian Bess Lively

Marian Bess Lively, Individually and Independent Executrix of the Estate of Edmond D. Lively, Dcsd.

STATE OF TEXAS)

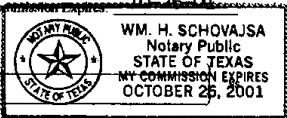
COUNTY OF FAYETTE) ss.

This instrument was acknowledged before me this 16th day of June, 2000, by Marian Bess Lively, individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased.

My Commission Expires 10-26-01

Wm. H. Schovajsa

, Notary Public



STATE OF
COUNTY OF

This instrument was acknowledged before me this _____ day of _____, _____, by _____

My Commission Expires: _____, Notary Public

Attached hereto and made a part hereof that certain Oil and Gas Lease dated June 9, 2000 by and between Marian Bess Lively, Individually and Independent Executrix of the Estate of Edmond D. Lively, Dcd., as Lessor, and Orbis Energy, LLC as Lessee.

Exhibit A

MISCELLANEOUS

12. It is agreed and understood by and between Lessor and Lessee that, should the herein leased premises be pooled or unitized with other lands so as to form a pooled unit or units, then all of the leased premises will be included in any such unit or units.

13. Prior to conducting any surface operations on the leased premises, Lessee shall first consult with Lessor and outline the operations that Lessee proposes to conduct. Locations for roads, pipelines, equipment and facilities placed on the leased premises should be in consultation with Lessor and be placed on the land in such a manner as to cause a minimum amount of interference with the normal use of the land and any lease roads built by Lessee shall be surfaced with gravel and have culverts where necessary so as not to interfere with natural drainage of the land. All roads, culverts and facilities built on the subject land by Lessee shall be properly maintained during the lease term including such roads, culverts and facilities on the subject property as existed at the beginning of the lease term.

14. At the expiration of the primary term of this lease, this lease shall terminate as to all depths below the base of the deepest producing formation from any well located on subject lands or from lands pooled therewith. Lessee shall within sixty (60) days after the expiration of this lease or parts hereof, file of record in the office of the County Clerk of Fayette County, Texas, an instrument releasing this lease insofar as said lease has terminated.

15. Notwithstanding anything contained in paragraph 4 to the contrary, in the event Lessee elects to form a pooled unit for an oil or gas well which is to be completed as a horizontal completion, and in the event the rules of the Railroad Commission of Texas prescribe or permit the creation of units larger than those specified in paragraph 4 for the drilling or operation of a well at a regular location or for obtaining maximum allowable from any well on such unit, such units shall nevertheless contain no more than 640 acres plus a tolerance of ten percent (10%) without the express written consent of Lessor.

OIL & GAS ONLY/EXCLUDED MINERALS

16. Notwithstanding anything herein to the contrary, this Lease covers only oil and gas, including other liquid and gaseous hydrocarbons, as well as such other minerals or substances as may be produced incidental to and as a part of or mixed with oil, gas and other liquid or gaseous hydrocarbons, but this lease does not cover gravel, uranium, fissionable materials, coal, lignite or any hard minerals or substances of any type which shall be produced from the leased premises separate and apart from, or independently of, oil, gas or other liquid and gaseous hydrocarbons.

RELEASE

17. It is understood and agreed that upon termination of this Lease and upon the written request of the Lessor, Lessee, its successors or assigns, shall deliver to Lessor a recordable release as to such portion or portions of this Lease which have terminated under the terms of this Lease.

SHUT-IN

18. Lessee's rights to maintain this Lease in force after the expiration of the primary term hereof, by payment of shut-in royalty as provided for herein, shall be limited to recurring periods after the primary term not to exceed two (2) years in the aggregate.

VENUE/LEGAL FEES

19. Venue for the enforcement of the terms and provisions of this Lease will lie in Fayette County, Texas. Should Lessee, its successors or assigns, for any reason fail or refuse to promptly perform and/or carry out any of the terms, conditions and agreements as herein set out, and Lessor deems it necessary to institute legal proceedings of any kind whatsoever thereon, Lessee shall be responsible for, and hereby agrees to promptly pay to Lessor all costs associated with such legal proceedings, including reasonable attorney's fees and all court costs, provided Lessee is found to be in default hereunder. Alternatively, if Lessee is vindicated, Lessor shall be responsible for, and hereby agrees to promptly pay to Lessee all costs associated with such legal proceedings, including reasonable attorney's fees and all court costs.

\$13.00 Due
Chg. UPRC
Filed by & Hand to:
Bruce Spindler

Chg. acct.
FILED
12:10 P.M.
JUN 16 2000

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me, and was duly RECORDED in the Volume and Page of the Mailed RECORDS of Fayette County, Texas as stamped herein by me, on

MBL
LESSOR INITIALS

Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
CO. CLERK, FAYETTE CO., TEXAS

JUN 16 2000



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

VOL 339 PAGE 276

Vollie L. English

DEC -4 1959

RIGHT-OF-WAY EASEMENT
(FARM TO MARKET ROADS ONLY)

General Land Office

172
STATE OF TEXAS

COUNTY OF Fayette

28130

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned Grantor(s), Vollie L. English and wife, Mrs. V. L. English, of the County of Victoria, State of Texas, for and in consideration of the sum of this land is being donated DOLLARS, the receipt of which is hereby acknowledged and confessed, hereby sells and conveys, subject to approval by the Veterans' Land Board, to the State of Texas acting by and through the State Highway Commission, hereinafter called Grantee, an easement for highway purposes for laying out, opening, constructing, operating, maintaining and reconstructing highway facilities thereon together with necessary incidentals and appurtenances thereto, in, along, upon and across the following described property in the County of Fayette, State of Texas, and described by metes and bounds, courses and distances as follows, to-wit:

Sta. 0+40 to Sta. 5+98 Lt.
Sta. 17+86.70 to Sta. 25+59 Lt.

1.474 acres of land, more or less, same being out of and a part of that certain 98.9 acre tract of land out of the D. E. Colton League in Fayette County, Texas, which 98.9 acre tract was conveyed to Vollie L. English by the Veterans Land Board of Texas by deed dated March 14, 1955, and on record in Vol. 279, Page 536, Deed Records of Fayette County, Texas, which 1.474 acres of land, more or less, is more particularly described by metes and bounds as follows:

Sta. 0+40 to Sta. 5+98

BEGINNING at a point on the eastern R.O.W. line of St. Hwy. 237, where the Haw Creek Road intersects the same, in the southwest corner of Vollie English's 98.9 acre tract;
THENCE N 39° 39' E. 71.69 feet following said St. Hwy. 237 R.O.W. line; *

THENCE S 5° 21' E. 56.57 feet;

THENCE S 50° 21' E. 95.80 feet to a point 50 feet northeast of and at right angles to Sta. 1+75.8 of proposed FM 954, said point also being the point of curvature of the following curve;

THENCE in a southeasterly direction following said curve to the left an arc distance of 424.73 feet, the long chord of said curve bears S 59° 03' E. 418.29 feet to a point on the Haw Creek Road;

THENCE S 43° 31' W. 103.17 feet following said Haw Creek Road to a point 50 feet southwest of and at right angles to Sta. 5+85.30 of proposed FM 954;

THENCE in a northwesterly direction following a curve to the right an arc distance of 192.36 feet, the long chord of said curve bears N 63° 01' W. 191.36 feet to a point on the Haw Creek Road;

THENCE N 42° 28' W. 366.74 feet following said Haw Creek Road to the place of beginning of this tract, containing 0.844 acres of land to be used for constructing FM 954.

* Said point being N 39° 39' E. 1930.3 feet from the Vollie L. English 98.9 acre North corner;
(over)

Sta. 17+86.70 to Sta. 25+59

RECEIVED

DEC -4 1959

General Land Office

BEGINNING at a point on the present Haw Creek road;

THENCE in a southeasterly direction following a curve to the right an arc distance of 203.57 feet, the long chord of said curve bears S 50° 59' E. 203.46 feet to a point 50 feet northeast of and at right angles to Sta. 19+83.5 of proposed FM 954, said point being the point of tangency of the preceding curve;

THENCE S 47° 03' E. 579.27 feet to the eastern property line of Vollie L. English's 98.9 acre tract; *

THENCE S 38° 43' W. 60.14 feet following said property line to Haw Creek Road;

THENCE N 43° 30' W. 773.05 feet following said road to the place of beginning of this tract, containing 0.630 acres of land to be used for constructing FM 954.

* Said point being S 38° 43' W. 717.86 feet from the English 98.9 acre most southeastern corner;

It is understood and agreed that the Veterans' Land Board has legal title to the above described land which is under Contract of Sale and Purchase with

Vollie L. English, who will, himself or his approved assignee, receive a deed to said land from the Veterans' Land Board when all the terms of said Contract of Sale and Purchase have been complied with. Grantor(s) executes this instrument with the approval of the Veterans' Land Board, which approval is signified by the signature hereon of its Chairman or Acting Chairman.

For the same consideration described above and upon the same conditions, the Grantor(s) has this day sold and conveyed, and by these presents does sell and convey unto the Grantee any and all improvements presently existing upon the above described property; SAVE AND EXCEPT, HOWEVER, it is expressly understood and agreed that Grantor(s) and Veterans' Land Board are retaining title to the following described improvements located on the above described property, to-wit: None

It is hereby agreed that the Grantor(s) will remove the above described improvements excepted and reserved from the described premises by _____, subject, however, to such extensions of time as may be granted by grantee in writing.

The Grantor(s) and Veterans' Land Board reserve all of the oil, gas and other minerals in, under and that may be produced from said land, but waive all rights of ingress and egress for the purpose of exploring, developing, mining or drilling for the same, except by directional drilling; however, it is specifically understood that the Grantee and its assigns shall be vested with the title and rights to take and use, without additional compensation, any stone, earth, gravel, caliche or other materials for the construction or maintenance of highway facilities.

TO HAVE AND TO HOLD the same perpetually to the State of Texas, its successors, and assigns.

IN WITNESS WHEREOF, Grantor(s) has caused this instrument to be executed on this 30th day of October, 1959.

APPROVED: [Signature]
ACTING CHAIRMAN, VETERANS' LAND BOARD
OF THE STATE OF TEXAS

[Signature]
GRANTOR

[Signature]
SPOUSE

Approved As To: Contents Hum
Legal TR
Execution gp

STATE OF TEXAS

COUNTY OF Victoria

Before me, D. O. HOLDER, the undersigned authority, on this day personally appeared Vollie L. English and Mrs. V. L. English, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and the said Mrs. V. L. English, wife of the said Vollie L. English, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mrs. V. L. English, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office, this 30th day of October, 1959.

D. O. HOLDER
Notary Public in and for Victoria County, Texas

-3-

WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS,

County of Victoria

Before me, D. O. HOLDER, a notary public in and for said County and State, on this day personally appeared Mrs. V. L. English, wife of Vollie L. English, known to me (or proved to me on the oath of Mrs. V. L. English, a credible witness) to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said Mrs. V. L. English, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 30th day of October, 1959.

D. O. HOLDER
Notary Public in and for Victoria County, Texas.

Parcel No. 2
County Fayette
Highway No. FM 954
Control 2514 Sec. 1 Job
Account or Federal No. S. 2439 (1)
Between St. Hwy. 237 near Warrenton,
Southeast and
St. Hwy. 159 at Willow Springs

RIGHT-OF-WAY EASEMENT

BY Vollie L. English, et ux
TO THE STATE OF TEXAS
Filed for Record
This 20th day of June
A.D. 1962, at 5 o'clock P. M.

Recorded
This ___ day of _____
A.D. 19___, in _____
County, Texas, Records of Deeds,
Book _____ Page _____
Clerk. JOHN A. KUBENA
Deputy. Gene Pratkan
Chg. Prec. #2 \$3.00 due

RECORDED The 27 day of June, A.D., 1962, at 8:05 o'clock A. M.
By Gene Pratkan, Deputy.
JOHN A. KUBENA, County Clerk.

THE STATE OF TEXAS, I
COUNTY OF FAYETTE. I KNOW ALL MEN BY THESE PRESENTS: That I, P. D. Krause of the County of Fayette, State of Texas for and in consideration of the sum of Three Hundred and no/100 (\$300.00) DOLLARS to us paid, Fayette County as follows, Ten Dollars cash paid to me by Geo. Hausler, County Auditor of Fayette County, Texas, September 8, 1924, and \$290.00 paid to me by the County Treasurer of Fayette County, Texas, on a warrant issued by the County Clerk on the order of the Commissioners Court of Fayette County, Texas, the receipt of all of which is hereby acknowledged, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto John P. Ehlinger, County Judge of Fayette County, Texas and his successors in office for Fayette County of the County of Fayette, State of Texas all that certain tract or parcel of land situate in Fayette County, Texas, part of the D. E. Colton or J. G. Robison League, near Warrenton, Texas, and more fully described by metes and bounds as follows, to-wit: Beginning at a point 161 1/2 feet South 80 degrees and 18 minutes West of the western corner of a 10 acre tract of land sold by said P. D. Krause to Fayette County by deed recorded in Vol. 115 on pages 346 and 347 of the Deed Records of Fayette County, Texas, which said 10 acres tract is cut from the eastern corner of a 128.39 acres tract described in deed from Otto Neumann & wife to said P. D. Krause, recorded in Vol. 94 on pages 467 & 468 of said deed records, of which latter tract the three acres hereby conveyed is also a part. Thence South 58 1/2 West 467 feet to a stake marked S. Thence North 31 1/2 West 280 feet to a stake marked W. Thence North 58 1/2 East 467 feet to a stake marked N. Thence South 31 1/2 East 280 feet to the place of beginning, containing 3 acres of land.] It is also agreed between the parties hereto that the right of ingress and egress over the land owned by me shall and is hereby granted to Fayette County in order that it may obtain gravel from this pit and also from the pit located on the 10 acres hereinbefore mentioned, and that the said P. D. Krause and his assigns shall make and keep up gates in the south east boundary of the 10 acre tract and on the western boundary of the said 128.39 acres tract for this purpose, one gate at each point selected by the County Engineer. TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said John P. Ehlinger, County Judge of Fayette County, Texas and his successors in office, for the use and benefit of Fayette County, Texas, _ heirs and assigns forever; and I do hereby bind myself and my heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said John P. Ehlinger, County Judge of Fayette County, Texas and his successors in office _ heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof. WITNESS my hand at La Grange,

Texas, this 11th day of October A. D. 1924.

U.S.I.R. Documentary Stamp \$.50
Cancelled P.D.K. 10/11-24.

P. D. Krause

THE STATE OF TEXAS, I

COUNTY OF FAYETTE.] BEFORE ME, H. L. F. Doerr a Notary Public in and for Fayette County, Texas, on this day personally appeared P. D. Krause known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 11 day of October A. D. 1924.

(L.S.) H. L. F. Doerr Notary Public in and for Fayette County, Texas.

FILED FOR RECORD This 13th day of Oct. A. D. 1924 at 8 o'clock A. M.

Albert F. Mach County Clerk. By R. L. Zbranek, Deputy.

I hereby certify that the above and foregoing is a true and correct copy of the Original Deed from P. D. Krause TO John P. Ehlinger, County Judge of Fayette County, Texas, and his successors in office, together with all the certificates endorsed thereto. RECORDED This the 16th. day of October, A. D. 1924, at 11:55 o'clock A. M.

Albert J. Mach County Clerk, Fayette Co., Texas. By *Lillian Walter* Deputy

UNOFFICIAL

THE STATE OF TEXAS |

COUNTY OF FAYETTE | Know All Men by these Presents: That I, P. D. Krause of the County of Fayette and State of Texas for and in consideration of the sum of Six Hundred Dollars paid by Fayette County as follows: \$10.00 cash paid to me by George Ilse, County Commissioner of Prec. #2 of Fayette County on August 16th, 1921 and \$590.00 this day paid to me by the County Treasurer of Fayette County, Texas on a warrant issued by the County Clerk by order of the Commissioners Court of Fayette County, Texas, have Granted, sold and Conveyed, and by these presents

do Grant, Sell and Convey unto John P. Ehlinger, County Judge of Fayette County, Texas and his successors in office for Fayette County of the County of Fayette and State of Texas, all that certain piece or parcel of land lying and being situated in the County of Fayette, State of Texas, being a part of the Robison League about 12 miles N. E. of LaGrange and more fully described as follows: beginning at the East corner of a 128.39 acre tract of P. D. Krause and also the corner of Tiedt, Huenefeld, and Drave tracts in the road which runs between the lands of A. Drave and P. D. Krause tracts, Thence with said road S. 43° W. 320 varas to a stake for corner, from which a Black Jack mkd "X" bears N 26° E 10 vrs dist. Thence N 31-1/2° E. 180 vrs to a pile of gravel for corner from which a forked Black Jack mkd X bears N 6-1/2° E 11 vrs, a Post Oak mkd X bears W 1° W 13 varas dist. Thence N 43° E 320 varas to the dividing line of Krause and Tiedt which is also the upper line of the 30 foot right of way granted by Tiedt to Fayette County, from which a P. O. mkd X bears S 65-1/2° W 3-1/5 varas and a Black Jack bears S 39° W 4 varas. Thence with said dividing line to the place of beginning, containing 10 acres of land, and is a part of the land conveyed by Otto Neumann to P. D. Krause by deed dated September 16th, 1911 and recorded in Vol. 94 pages 467 & 468 Deed Records of Fayette County, the County is to build a fence around this land and have gates so that the vendor can graze his cattle on this land when no gravel is being hauled therefrom as long as he may own the adjoining land. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said John P. Ehlinger, County Judge, and his successors in office for the use and benefit of Fayette County, Texas, heirs and assigns forever. And I do hereby bind myself and my heirs, executors and administrators, to Warrant and forever defend, all and singular the said premises unto the said John P. Ehlinger County Judge of Fayette County and his successors in office for the use of Fayette County Texas heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. WITNESS my hand at LaGrange Texas, this 12th day of December A. D. 1921.

U.S.I.R. Documentary Stamp, \$1.00 P. D. Krause

Canceled. PDK 12/12/21

THE STATE OF TEXAS |

COUNTY OF FAYETTE | Before me, Albert F. Mach, Clerk County Court in and for Fayette County, Texas, on this day personally appeared P. D. Krause known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this 12th day of December A. D. 1921.

(U.S.) Albert F. Mach, Clerk Co., Court, Fayette Co., Texas. By Edmund A. Giese, Deputy.

FILED FOR RECORD the 12 day of Dec. A. D. 1921 at 1 o'clock P. M.

Albert F. Mach, Co. Clerk, Fayette County, Texas. By Edmund A. Giese, Deputy. I hereby certify that the above and foregoing is a true and correct copy of the original

Warranty Deed from P. D. Krause to John P. Ehlinger, County Judge Fayette County, Texas, together with all the certificates endorsed thereto. Recorded this the 24th day of December A. D. 1921 at 9 1/2 o'clock A. M.

Albert F. Mach, County Clerk Fayette County Texas. By Edmund A. Giese, Deputy.

RATIFICATION OF OIL AND GAS LEASE AND OF UNIT
(Capital Risk Management Corporation - Marian Unit No. 1)

THE STATE OF TEXAS §
 § KNOWN ALL MEN BY THESE PRESENTS THAT:
COUNTY OF FAYETTE §

243 FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Evelyn E. Mikeska does hereby ratify, adopt and confirm for all purposes that certain oil and gas lease dated August 2, 1984, recorded in Volume 222, Page 237, Oil and Gas Lease Records, Fayette County, Texas (the "Lease") and that certain amended designation of unit (now known as the Capital Risk Management Corporation - Marian Unit No. 1) dated October 10, 1985, recorded in Volume 242, Page 881, Oil and Gas Lease Records, Fayette County, Texas (the "Unit") references to the Lease and to the Unit being here made for all purposes; and for the same consideration, the undersigned does hereby lease, let and demise the lands described in the Lease, insofar and only insofar as such lands were included and contained in the Unit, as ratified herein, to Capital Risk Management Corporation, an Oklahoma corporation, whose address is 1000 West Wilshire, Suite 310, Oklahoma City, Oklahoma 73116, effective as of the date of first production from the Marian No. 1 Well located upon the Unit.



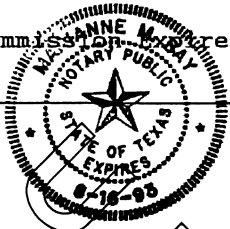
Evelyn E. Mikeska

IN WITNESS WHEREOF, I have executed this instrument this the 8 day of May, 1991.

THE STATE OF TEXAS §
COUNTY OF Harris §

This instrument was acknowledged before me on the 8 day of May, 1991 by Evelyn E. Mikeska.

My Commission Expires:



Marianne M. Bay
Notary Public, in and for
the State of Texas

MARIANNE M BAY
(Printed Name of Notary)

FILED FOR RECORD

At 10:15 O'clock A.M.
The 13th Day of May 1991.

IRENE PRATKA

Irene Pratkanis

Clerk County Court, Fayette County Texas
\$5.00 pd.

C. Sellers Aycock, III, Attorney at Law
5949 Sherry Lane, Suite 1135
Dallas, Texas 75225

RECORDED THIS THE 28th DAY OF May A.D. 1991 AT 4:15 O'CLOCK P. M.
IRENE PRATKA, COUNTY CLERK BY Anne Beran DEPUTY
ANNE BERAN

OFFICIAL

OATH AND REPORT OF JURY OF VIEW.

We and each of us Henry Cordes, Fritz Knoche, Rud. Weigelt, Louis Blume and Louis Heller, do solemnly swear that, we will lay out the road now directed to be laid out by the order to us directed from the Commissioners' Court, according to law, without favor or affection, malice or hatred, to the best of our skill and knowledge; and we will justly and truly value the damages (if any) sustained by owners by reason of the road being laid out through _____ land, and that we will consider the advantage as well as the disadvantage of the said road. So help us God.

Henry Cordes.

F. Knoche.

Rud. Weigelt.

Louis Blume

Louis Heller.

Sworn to and subscribed before me this 30th day of January 1929.

Albert F. Mach, County Clerk, Fayette County, Texas.

TO THE HON. COMMISSIONERS' COURT, FAYETTE COUNTY, TEXAS:

We, the undersigned persons appointed by order of your Court to us directed, to view, lay out, survey and describe State Highway No. 72 from Oldenburg to Washington Co. Line, herein mentioned, respectfully report: That having been present together with the County Engineer at the view of the ground proposed for such additional Right of way, and having all been first duly sworn, (or affirmed), in pursuance of the said order, we have viewed, surveyed and laid out and do return for public use, the following additional Right of way,

Beginning at the intersection of State Highway No. 72, with the Common Boundary line between Road District No. 2, and Road District No. 3; thence in the North Easterly direction, following State Highway No. 72, through Warrenton to Cummins Creek and then from the Northeast City Limits of Round Top to the Washington-Fayette County line, and as shown on maps marked Exhibit "A" and as described in field notes marked Exhibit "B" and made a part of this report.

No. 1 & 2. Otto Lange:

0.02 acres of land from tract No. 1 and 1.05 acres from tract No. 2. Allowed \$ 62.20 for land including damages and \$ 30.00 for moving fence.
a total of ----- \$ 92.20

No. 3. H. G. Manske:

Allowed \$100.00 per acre for 0.05 acres of land --\$5.00 including damages and \$ 7.50 for moving fences, total fence not to be moved until winter of 1929-30 so crop in garden may be gathered. Total ----- \$ 12.50

No. 4. Henry Ahlhorn Jr:

Allowed \$ 100.00 per acre for 0.02 acres of land including damages. Total ----- \$ 2.00

No. 5. Jessie A.J. Lenert:

Allowed \$ 40.00 per acre for 0.04 acres of land, County to move gas pump when right of way needed. Total ----- \$ 1.60

No. 6 & 7. R. W. Voelkel:

Donates land. County to Move fence.

No. 8. Otto Harburger:	Allowed \$ 16.00 for 0.39 acres of land. County to move fence. Total including damages. -----	\$ 16.00
No. 9. Herm Schroeder, Estate:	Allowed \$ 65.00 per acre for 0.25 acres of land --\$ 16.25, and 1¢ per foot for moving 1085 feet of fence \$ 10.85, total including damages. -----	\$ 27.10
No. 10. G.A. Ahlrich:	Allowed \$ 70.00 per acre for land and damages on 0.09 acres -- \$ 6.30 and 1¢ per foot for moving 383 feet of fence \$3.83. Total -----	\$ 10.13
No. 11. Oldenburg School:	Allowed \$ 70.00 per acre for 0.09 acres of land, Total -----	\$ 6.30
No. 12. Aug. Weid Sr.	Allowed \$ 130.00 for 1.32 acres of land and damages and 1¢ per foot for moving 6124 feet of right of way fence \$61.24. Also 1 1/4 ¢ per foot for moving second fence to make cattle lane, from about Sta. 429 to Sta. 440. Total -----	\$ 191.24
No. 13. Elgin Lenert:	Donated land, County to move fence.	
No. 14. Otto Wolf:	Donated land, County to move fence.	
No. 15. Otto Spies:	Allowed \$ 2.50 for land, damages and moving fence on 0.02 acres. Total-----	\$ 2.50
No. 16. Wm. Voelkel, Estate:	Allowed \$ 120.00 for land and damages on 1.61 acres. County to move fence. -----	\$120.00
No. 17. John F. Kaper, Estate.	Allowed \$ 30.00 for land and damages on 0.04 ___ of land and 1 1/2 ¢ per foot for moving 1603 feet of fence \$18.03, total -----	\$ 48.03
No. 18. G. A. Ahlrich.	Allowed \$ 70.00 for land and damages on 1.51 acres of land and 1 ¢ per foot for moving 2562 feet of fence, total -----	\$131.32
No. 19. Wm. Gau:	Allowed \$ 90.00 per acre for 0.16 acres of land, and 1¢ per foot for moving 248 feet of fence. Total including damages. -----	\$ 16.88
No. 20-21-22. Hy. Bremer, Jr.	Allowed \$ 100.00 per acre for 2.91 acres of land and 1¢ per foot for 4582 feet of fence. Total including all damages -----	\$336.82
No. 23 / 24. JD. Meinen:	Allowed \$ 109.00 per acre for 0.45 acres of land and Total including damages, 1¢ per foot for fence -----	\$ 45.00
No. 25. Herbert F. Meinen:	Allowed \$ 80.00 per acre for 0.30 acres of land and 1¢ per foot for moving 650 feet of fence. Total including all damages. -----	\$ 30.50
No. 26. Ernest Albert:	Conveyance for 0.24 ac. to be signed up 21.60 Allowed \$ 90.00 per acre for 0.18 acres of land and. Total including all damages. To pay 1¢ per ft. (787 feet) -----	\$ 24.07

No. 27 / 28. Gerhard Bunjes:

Allowed \$ 100.00 per acre for 0.15 acres and 0.33 acres of land
and 1¢ per foot for moving 320 feet and 958 feet of fence.

Total including all damages.----- \$ 60.78

No. 29. Warrenton Public School, Dist. No. 6:

Allowed \$ 100.00 per acre for 0.04 acres of land. No fence to
be moved. Total ----- \$ 4.00

No. 30 Wm. Lange:

Allowed \$ 85.00 per acre for 0.44 acres of land \$37.40, and \$ 25.
00 for moving fence, a total of ----- \$ 62.40

No. 31. Albert Meinardus:

Allowed \$ 100.00 per acre for 0.24 acres of land. County to
move fence, a total of ----- \$ 24.00

No. 32. Gus Rhode:

Allowed \$ 1.00 for 0.01 acres of land and for moving of fence:
County to move cattle guard if necessary. Total ----- \$ 1.00

No. 33. Robert A. Rachul:

Allowed \$ 100.00 per acre for 0.16 acres of land and 1¢ per foot
for moving 697 feet of fence. Total including damages ----- \$ 22.97

No. 34. Warrenton Church:

Allowed \$ 100.00 per acre for 0.04 acres of land and County
to build storm sewer between the two approaches to save shade
trees and prevent ditch from caving. Total ----- \$ 4.00

No. 35. Alfred Harburger:

Allowed \$ 100.00 per acre for 0.10 acres of land. To moving
barn and fence ***----- \$ 85.00

No. 36. Max F. Zapp:

Allowed \$ 100.00 per acre for 0.78 acres of land --\$78.00 and
1 1/2¢ per foot for moving 2004 feet of fence. County to fur-
nish 1-18" x 16' culvert pipe for approach to barn. County to
move all buildings, gas pump, etc. now within the right of
way whenever the right of way is needed. Total ----- \$ 103.05

No. 37. / 38. Fritz Tiedt:

Allowed \$ 100.00 per acre for 0.15 acres of land, and 1¢
per foot for moving 470 feet of fence, total including damages. - \$ 19.70

No. 39. Hy J. Koopman, Estate.

Allowed \$ 100.00 per acre for 0.06 acres of land. County to move
fences and to furnish a 15" x 80 feet culvert pipe in front of
residence. Total ----- \$ 6.00

No. 40 / 41. Fritz Bileras:

Donate land provided the County places a storm sewer all the way
across the front of tract of land on the northwest side of the
Highway, whenever they remove concrete wall and fence.

No. 42. Mrs. Lucy Cordes:

Allow \$ 100.00 per acre for 0.38 acres of land. 1¢ per foot for
moving 1026 feet of fence. County to provide storm sewer or
curb from Sta. 577 / 4.5 to Sta. 579 / 12.5 on the left in case side

ditch is deepened or changed, also if wagon scales in front of store building will have to be moved. The county shall bear the expense of moving, and rebuilding the scales. -----	\$ 48.26
No. 43. Mrs. Lucy Cordes:	
Allow \$ 100.00 per acre for 0.01 acres of land. That including all damages. -----	\$ 1.00
No. 44. D. Keinen:	
Allow \$ 200.00 per acre for 0.07 acres of land and 2¢ per foot for moving 238 feet of fence, total including damages. -----	7.00 11.76 \$ 18.76
No. 45. Geo. Ilse:	
Allow \$ 200.00 per acre for 0.07 acres of land and County to move fences. County to move all buildings back whenever the County wants the use of the right of way, and provide a concrete curb or storm sewer is placed in front of the residence building. Total -----	7.00 \$ 7.00
No. 46. Henry Cordes:	
Land Donated.	
No. 46-B. G.A. Ahlrich:	
Allowed \$ 100.00 per acre for all land in front of ware house on right between Sta. 576 /50 to 577 /14.5. A strip 10 feet wide and 64.5 feet long, containing 0.02 acres. Total -----	\$ 2.00
No. 48. H. Ahlhorn:	
Allowed \$ 75.00 per acre for 0.17 acres of land and 1¢ per foot for moving 748 feet of fence. Total including damages. -----	\$ 20.23
No. 49. Henry Theelmann & E. F. Hueske:	
Allowed \$ 65.00 per acre for 0.50 acres of land and 1 1/4¢ per foot for moving 2141 feet of fence. Total including all damages. -----	\$ 59.26
No. 50. Friedr. Spies:	
Allowed \$ 70.00 per acre for 0.30 acres of land and 1¢ per foot for moving 1309 feet of fence. Total including all damages. ---	\$ 34.09
No. 51. F.K. Christen:	
Allowed \$ 60.00 per acre for 1.07 acres of land and 1¢ per foot for moving 2086 feet of fence. Total including all damages. -----	\$ 85.06
No. 52. Catholic Church near Warrenton: c/c Rev. Josl Klobouk.	
Allowed \$ 70.00 per acre for 0.04 acres of land and county to move fence. Total -----	\$ 2.80
No. 53-54. C.H. Marburger:	
Allowed \$ 70.00 per acre for 1.24 acres and 0.84 acres of land and \$ 50.00 for moving fences. Total including damages. -----	\$ 195.60
No. 55. Henderson Martin:	
Allowed \$ 70.00 per acre for 0.85 acres of land. County to move fences. Total -----	\$ 59.50
No. 56-57. Ernest Marburger:	
Allowed \$ 70.00 per acre for 0.96 acres and 0.69 acres of land and 1 1/2¢ per foot for moving 2361 feet and 1992 feet of fence. County to drill new well in place of the well on the right of way. Total including all damages. 000-----	\$ 159.03

No. 58-59. Alvin Pochman:	
Allowed \$ 60.00 per acre for 0.61 acres and 0.35 acres of land and 1¢ per foot for moving 1286 feet and 1264 feet of fence. Total including all damages.-----	\$ 83.10
No. 60. Ad. J. Marburger:	
Allowed \$ 60.00 per acre for 0.16 acres of land and 1¢ per foot for moving 350 feet of fence. Total including damages. -----	\$ 13.10
No. 61. Wm. Ginnel Sr. Estate:	
Allow \$ 65.00 per acre for 0.40 acres of land and County to move fences. Total including damages-----	\$ 26.00
No. 62. Louis Meyer:	
Allowed \$ 65.00 per acre for 0.34 acres of land, and county to move fences. Total including damages. -----	\$ 22.10
No. 63. Conrad Braus:	
Allowed \$ 65.00 per acre for 0.34 acres of land and 1¢ per foot for moving 1496 feet of fence. Total including damages-----	\$ 37.06
No. 65-66-67. J. F. Euhn:	
Allowed \$ 100.00 per acre for 0.76 acres and 0.37 acres, and 0.30 acres of land; and 1¢ per foot for moving 1657 feet and 1073 feet of fence. Total including damages-----	\$ 170.30
No. 68. Henry Eichler.	
Allowed \$ 50.00 per acre for 0.33 acres of land and 1¢ per foot for moving 1445 feet of fence.. Total including damages.-----	\$ 30.95
1.30 Right of way -94.05.(Right of way Conveyance for 1.30 ac to be signed up)	
No. 69. Ed. Wiederanders:	
Allowed \$ 35.00 for land, moving fences and damages,-----	\$ 35.00
No. 85-86 F. T. Graf, Estate:	
Allowed \$ 70.00 per acre for 0.50 acres and 0.50 acres of land and 1¢ per foot for 2001 feet and 1886 feet of barbed wire fence and 2¢ per foot for 141 feet of garden fence. Total including all damages,-----	\$ 111.69
No. 87-88. H. A. Dipple:	
Allowed \$ 70.00 per acre for 0.34 acres and 0.28 acres of land and 1¢ per foot for moving 796 feet and 761 feet of fence. Total including damages.-----	\$ 58.97
No. 89. Carl Peters:	
Allowed \$ 75.00 per acre for 1.34 acres of land and 1¢ per foot for moving 3546 feet of fence. Total including damages,-----	\$ 135.96
No. 90. John Graeter:	
Allowed \$ 70.00 per acre for 0.50 acres of land and 1¢ per foot for moving 2761 feet of fence. Total including damages. -----	\$ 62.61
No. 91-92. Gus J. Noack:	
Allowed \$ 8.00 for land and moving fences. Total.-----	\$ 8.00
No. 93. Alfred Noack:	
Allowed \$ 70.00 per acre for 0.59 acres of land and 1¢ per foot for moving 2240 feet of fence. Total -----	\$ 63.70

No. 94-95. W.E. Krause:
 Allowed \$ 70.00 per acre for 0.50 acres and 0.58 acres of land
 and 1¢ per foot for moving 1350 feet and 1837 feet of fence.
 Total including all damages.----- \$ 107.47

No. 95-B Lee H. Krause:
 Allowed \$ 75.00 per acre for 0.87 acres of land, and 1¢ per
 foot for moving 2692 feet of fence. Total,----- \$ 92.17

No. 96. Wm. Ickert:
 Allowed 135.00 per acre for 30 and 20 ft. R. of W.) per acre for
 0.41 acres of land and 1782 ft fence. Total ----- \$ 55.35
 (Right of way conveyance for 0.55 ac. @ 135.00 = \$74.25 to be
 signed up) ----- \$ 17.82

No. 97 & 98. Albert Hinze:
 Allowed \$ 75.00 per acre for 0.54 acres and 0.51 acres, and 1¢
 per foot for moving 2403 feet and 2241 feet of fences. Total ----- \$ 125.19

No. 99. John Krause:
 Allowed \$ 90.00 per acre for 0.27 acres and 0.15 acres of land
 and 1¢ per foot for moving 187 feet of fence. Total including
 all damages.----- \$ 43.67

No. 100. Chas. Wendorf:
 Allowed \$ 90.00 per acre for 0.29 acres of land, and 1¢ per foot
 for moving 449 feet of fence. Total including all damages.----- \$ 30.59

No. 101 Mrs. Aug. Schulze:
 Allowed \$ 90.00 per acre for 0.39 acres of land, and 1¢ per foot
 for moving 671 feet of fences. Total including damages. ----- \$ 41.81

No. 102. James Sampson: Estate.
 Allowed \$ 90.00 per acre for 0.49 acres of land, and 1¢ per foot
 for moving 1101 feet of fences. Total including damages. ----- \$ 55.11

No. 103. Fritz Meineke:
 Allowed \$ 85.00 per acre for 0.41 acres of land, and 1¢ per foot
 for removing 1800 feet of fences. Total including all damages. -- \$ 52.85

No. 104. H. L. Fuchs:
 Allowed \$ 90.00 per acre for 0.47 acres of land and 1 1/4¢ per
 foot for moving 1428 feet of fence. Total including damages. It
 is recommended that Mr. Fuchs be allowed to place his fence at
 the water edge around the lower end of his pond on the High-
 right of way line. Total ----- \$ 60.15

No. 105. Wright Cuney Knotts:
 Allowed \$ 90.00 per acre for 0.12 acres of land, and 1¢ per
 foot for moving 542 feet of fences. Total including damages. \$ 16.22

No. 106. And. Knotts:
 Allowed \$ 90.00 per acre for 0.08 acres of land, and 1¢ per
 foot for moving 351 feet of fences. Total including damages. --- \$ 10.71

No. 107. Oscar Knotts, (C) Estate:
 Allowed \$90.00 per acre for 0.05 acres of land and 1¢ per
 foot for moving 215 feet of fence. Total including damages **--- \$ 6.65

No. 108. Otto Althaus. Donate land. No damages -----

No. 109 & 110. Hy Kiel.

Allowed \$ 90.00 per acre for 0.18 acres and 0.47 acres of land
and 1¢ per foot for moving 711 feet and 848 feet of fence and
2¢ per foot for moving 900 feet of hog proof fence. Total
including all damages. ----- \$ 92.09

No. 111. Emil Kroll.

Allowed \$ 90.00 per acre for 0.22 acres of land and County to
move fence. Total including all damages. ----- \$ 19.80

No. 112 & 113. Fritz Marx.

Allowed \$ 90.00 per acre for 0.46 acres and 0.43 acres of land
and 1¢ per foot for moving 1343 feet and 1238 feet of fence.
Total including all damages. ----- \$ 105.91

No. 114. Wm. Bruening.

Allowed \$90.00 per acre for 0.07 acres of land. County to move
fence. Total including all damages. ----- \$ 6.30

No. 115 & 116. Roland V Knebel.

Allowed \$ 90.00 per acre for 0.44 acres and 0.29 acres of land
and 1¢ per foot for moving 1062 feet and 1240 feet of fence.
Total including damages. ----- \$ 96.72

No. 117. Albert Eichler.

Allowed \$ 90.00 per acre for 0.24 acres of land and County to
move fence. Total including all damages ----- \$ 21.60
(Eichler to move fence).

No. 118. Herman Eichler.

Allowed \$ 100.00 per acre for 0.62 acres of land and 1¢ per
foot for moving 1705 feet of fence and 2¢ per foot for mov-
ing 1000 feet of hog proof fence. Total including all damages. \$ 99.05

No. 119. Otto Fuchs.

Allowed \$100.00 per acre for 0.30 acres and 0.36 acres of
land. County Total including damages. ----- \$ 66.00
Moving fence 1¢ per foot (2878 feet) \$ 27.78
Ditching. ----- \$ 25.00

Henry Cordes.

Rud. Weigelt.

Fritz Enoche.

Louis Heller.

Louis Blume.

JURY OF VIEW.

FILED 9-day of Feb. A. D. 1929.

A. F. Mach, County Clerk, Fayette County, Texas. By. R.L. Zbranek, Deputy.

DESCRIPTION OF ADDITIONAL RIGHT OF WAY STATE

HIGHWAY NO. 72, OLDENBURG TO WASHINGTON CO. LINE (Except thru
Round Top).

To Accompany

JURY OF VIEW REPORT OF

FEB. 6-7, 1929.

EXHIBIT

" B "

- 1 -

OTTO LANGE.

Tract No. 1.

(From Sta. 384 ~~23~~ (Precinct line) to Sta. 385 ~~61.5~~ on left.)

Beginning at the south corner of a 1.12 acre tract owned by R. W. Voelkel in Oldenburg, on the Nathaniel Townsend League. The said corner being 36.5 feet left and opposite Station 385 ~~61~~ of State Highway No. 72. Thence along the northwest right of way line of State Highway No. 72, S 33-25° W, 60.5 feet. Thence S 35-55° W, 74 feet to the boundary line between Road District Nos. 2 & 3. Thence N 46-30° W, 7 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 36-12° E, 73 feet. N 35-24° E, 60 feet to the south west line of the R. W. Voelkel tract. Thence S 54-30° E, 3.5 feet to the place of beginning. Containing 0.02 acres more or less in the Nathaniel Townsend League.

- 2 -

OTTO LANGE.

Tract No. 2.

(From Station 388 ~~47~~ to Station 408 ~~03~~ on the left).

Beginning at the east corner of a 0.48 acre tract of land owned by R. W. Voelkel in Oldenburg, on the Nathaniel Townsend League. Thence N 55-30° W, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of State Highway No. 72. N 33-00° E, 11 feet. N 32-28° E, 33 feet. Thence N 16-10° E, 69.5 feet to a point 60 feet from the center line of said Highway. Thence N 31-20° E, 400 feet to a point 70 feet from the center line of said Highway. Thence 70 feet from and parallel to the center line of said Highway N 32-20° E, 179.0 feet. Thence N 41-45° E, 261.5 feet to a point 45 feet from the center line of said Highway. Thence N 39-55° E, 971 feet to the southwest line of the Oldenburg School tract. Thence S 48-15° E, 15 feet. Thence along the northwest right of way line of State Highway No. 72 to the place of beginning. Containing 1.04 acres more or less.

- 3 -

H. G. MANSKE.

(From Station 384 ~~60~~ to Station 386 ~~58~~ on right.)

Beginning at the north corner of a 3.05 acre tract of land owned by H. G. Manske in the Nathaniel Townsend League. Thence S 50-00° E, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence S 34-36° W, 54 feet, S 35-24° W, 100.5 feet S 36-12° W, 44.5. Thence N 47-15° W, 10 feet to the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway to the place of beginning. Containing 0.05 acres more or less.

- 4 -

HENRY AHLHORN JR.

(From Station 386 ~~58~~ to Station 387 ~~65~~ on right).

A strip of land 10 feet wide and 107 feet long across the northwest edge of the Henry Ahlhorn Jr. 2.39 acre tract in the Village of Oldenburg on the Nathaniel Townsend League and adjoining the southeast right of way line of State Highway No. 72. Containing 0.02 acres more or less.

- 5 -

JESSIE A. J. LENERT.

(From Station 399 /13 to Station 400 /80 on the right).

A strip of land 10 feet wide and 167 feet long across the northwest edge of a 3.95 acre tract owned by Jessie A.J. Lenert near Oldenburg, on the Nathaniel Townsend League and adjoining the southeast right of way line of State Highway No. 72. Containing 0.04 acres more or less.

- 6 -

R. W. VOELKEL.
Tract No. 1

(From Station 387 /65 to Station 388 /17 on the right.)

Beginning at the intersection of the northeast line of a 2.39 acre tract owned by Hy. Ahlhorn Jr. in Oldenburg on the Nathaniel Townsend League and the southeast right of line of State Highway No. 72. Thence N 33°-48' E, 52 feet Thence S 50°-00' E, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 33°-48' W, 52 feet. Thence N 50°-00' W, 10 feet to the place of beginning. Containing 0.01 acres of land.

- 7 -

R. W. VOELKEL
Tract No. 2.

(From Station 385 /61.5 to Station 388 /87 on the left.)

A strip of land 10 feet wide and 325.5 feet long across the southeast edge of a 1.12 acre tract and 0.40 acre tract owned by R. W. Voelkel in Oldenburg on the Nathaniel Townsend League and adjoining the northwest right of way line of State Highway No. 72. Containing 0.07 acres of land more or less.

- 8 -

OTTO MARBURGER.

(From Station 388 /17 to Station 399 /13 on the right).

Beginning at the intersection of the northeast line of a 22 acre tract owned by Otto Marburger in Oldenburg on the Nathaniel Townsend League and the southeast right of way line of State Highway No. 72. Thence S 54-10' E, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence S 39°-55' W, 135 feet. Thence S 32°-20' E, 574 feet to a point 50 feet from and opposite Station 392 /00 on the center line. Thence S 35°-12' W 200.2 feet to a point 40 feet from and opposite Station 390 /00 Thence 40 feet from and parallel to the State Highway No. 72. S 32°-20' W, 67 feet, S 32°-28' W, 33.2 feet; S 33°-00' W, 83.5 feet to the southwest line of a 16 1/2 acre tract owned by Otto Marburger. Thence N 50°-00' W, 10 feet. Thence along the southeast right of way line of State Highway No. 72. to the place of beginning. Containing 0.39 acres more or less.

- 9 -

HEM SCHRAEDER, ESTATE.

(From Station 400 /80 to Station 411 /68.5 on the right.)

Beginning at the intersection of the northeast boundary line of a 28 1/5 acre tract of land owned by Hem Schraeder on the Nathaniel Townsend League and a line 40 feet from and parallel to the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 39-55' W, 1085 feet to the southwest boundary line of said 28 1/5 acre tract. Thence S 52-10' E, 10 feet. Thence N 39-55' E, 1085 feet to the northeastline of said 28 1/5 acre tract. Thence S 48-10' E, 10 feet to the place of beginning. Containing 0.25 acres more or less.

- 10 -

GUS. AHLRICH.

(From Station 412 /02-Station 415 /85 on the right).

Beginning at the intersection of the Southwest property line of the Gus Ahlrich 16 acre tract of land in the Nathaniel Townsend League in Fayette County, Texas, and the Southeast right of way line of State Highway No. 72. Thence N 39-55' E along the Southeast right of way line of said Highway 383 feet to the Northeast line of the Gus Ahlrich tract. Thence S 48-15' E, 10.0 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of State Highway No. 72 S 39-55' W, 383 feet to the Southwest line of the Gus Ahlrich tract. Thence N 48-15' W, 10.0 feet to the place of beginning. Containing 0.09 acres more or less.

- 11 -

OLDENBURG SCHOOL.

(From Station 408 /03 to Station 411 /68 on the left).

Beginning at the intersection of the Southwest property line of the Oldenburg School 3 acre tract of land in the Nathaniel Townsend League, and the Northwest right of way line of State Highway No. 72. Thence N 48-15' W, 11.0 feet to a point 45 feet from the center line of said Highway. Thence 45 feet from and parallel to the center line of said Highway N 39-55' E, 365 feet to the Northwest line of the School tract. Thence S 48-15' E, 11 feet to the Northwest right of way line of State Highway No. 72, Thence 39-55' E, 365 feet to the place of beginning. Containing 0.09 acres more or less.

Aug. Weid Sr.

- 12 -

(From Station 411 /98 to Station 473 /61 on the left.)

Beginning at the intersection of the southwest property line of the Aug. Weid Sr. 228 1/2 acre tract of land in the Nathaniel Townsend League, and the northwest right of way line of State Highway No. 72. Thence N 48-15' W, 20 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 39-55' E, 800.4 feet. Thence N 39-42' E, 200 feet. Thence N 41-08' E, 400.1 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 39-42' E, 217.9 feet. Thence N 39-18' E, 81.5 feet; Thence N 38-24' E, 99.3 feet; N 37-24' E, 99.3 feet; N 36-24' E, 99.3 feet; N 35-24' E, 99.3 feet; N 34-24' E, 99.3 feet; N 33-36' E, 57.5 feet. Thence N 33-18' E, 342.1 feet. Thence N 31-52' E, 400.1 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 33-18' E, 200 feet. Thence N 34-44' E, 400.1 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 33-18' E, 1000 feet. Thence N 33-26' E, 1527.8 feet to the northeast line of the Weid tract. Thence S 48-15' E, 10.1 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 1.82 acres more or less. Magnetic variation 8-45' East.

- 13 -

ELGIN LEBERT.

(From Station 473/22 to Station 473/61 on the left).

A strip of land 10 feet wide and 39 feet long adjoining State Highway No. 72 and

across the southeast edge of a 39 foot lane owned by Elgin Lenert on the Nathaniel Townsend League and along the northeast boundary of the August Weid tract. Containing 0.01 acres more or less.

-14-

OTTO WOLF.

(From Station 473 /61 to Station 474 /03 on the left).

A strip of land 10 feet wide and 42 feet long adjoining State Highway No. 72 and across the southeast edge of a 42 foot lane owned by Otto Wolf on the Nathaniel Townsend League and along the southwest boundary of the John F. Kaper tract. Containing 0.01 acres more or less.

-15-

OTTO SPIES.

(From Station 492 /06 to Station 492 /48 on the left).

A strip of land 20 feet wide and 42 feet long adjoining State Highway No. 72 and across the southeast edge of a 42 foot lane owned by Otto Spies on the Nathaniel Townsend League between the Hy Bremer tract and the John F. Kaper tract. Containing 0.02 acres more or less.

-16-

WM VOELKEL ESTATE.

(From Station 415 /85 to Station 466 /70 on the right).

Beginning at the intersection of the Southeast property line of the Wm Voelkel Estate 265 1/2 acre tract of land in the Nathaniel Townsend League, and the Southeast right of way line of State Highway No. 72. Thence along the Southeast fence line of said Highway to the Northeast line of the Voelkel Estate. Thence S 48-15' E, 30.3 feet to a point 60 feet from the center line of State Highway No. 72. Thence 60 feet from and parallel to the center line of said Highway S 33°-26' W, 261.2 feet. Thence S 36°-18' W, 400.4 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said highway S 33-26' W, 200 feet. Thence S 33°-18' W, 1000 feet. Thence S 30-26' W, 400.4 feet to a point 60 feet from the center line of Highway No. 72. Thence S 33°-18' W, 200 feet. Thence S 37°-35' W, 200.6 feet to a point 45 feet from the center line of State Highway No. 72. Thence S 34°-44' W, 200.1 feet to a point 40 feet from the center line of said Highway. Thence S 33°-18' W, 342.1 feet; Thence S 33°-36' W, 58.3 feet, S 34°-24' W, 100.7 feet. Thence S 35-24' W, 100.7 feet, S 36°-24' W, 100.7 feet, S 37°-24' W, 100.7 feet, S 38°-24' W, 100.7 feet, S 39°-18' W, 82.7 feet. Thence S 39-42' W, 817.9 feet. Thence S 38°-55' W, 416.3 feet to the Southwest line of the Voelkel Estate tract. Thence N 48-15' W, 10 feet to the place of beginning. Containing 1.61 acres more or less.

-17-

JOHN F. KAPER.

(From Station 474 /03 to Station 492 /04 on the left.)

Beginning at the intersection of the Southwest property line of the John F Kaper 84 acre tract of land in the Nathaniel Townsend League and the Northwest right of way line of State Highway No. 72. Thence N 48-15' W, 10.1 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of the John F Kaper Tract. Thence S 48-15' E, 10.1 feet to the Northwest right of way line of State Highway No. 72. Thence S 33-26' E, along the Northwest right of way line of said Highway 1803 feet to the place of beginning. Containing 0.41 acres more or less.

-18-

G. A. AHLRICH.

(From Station 466/70 to Station 492/32 on the right).

Beginning at the intersection of the Southwest property line of the G.A. Ahlrich 57.44 acre tract in the Nathaniel Townsend League, and the Southeast right of way line of State Highway No. 72. Thence N 33-26 E along the Southeast right of way line of said Highway 2562 feet to the Northeast line of the G. A. Ahlrich tract. Thence S 48-15' E, 20.2 feet to a point 50 feet from the center line of State Highway No. 72. Thence 50 feet from and parallel to the center line of said Highway S 33-26 W, 1024.7 feet. Thence S 30-34W, 200.2 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway S 33-26 W, 1338.8 feet to the Southwest line of the Ahlrich tract. Thence N 48-15' W, 30.3 feet to the place of beginning. Containing 1.51 acres more or less.

-19-

WM. GAU.

(From Station 492 /32 to Station 494 /59 on the right).

Beginning at the intersection of the southwest property line of the Wm. Gau tract of land in the Nathaniel Townsend League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a north easterly direction to the northeast line of the Gau tract. Thence S 57-15' E, 30 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway S 33-24' W, 50.2 feet. Thence S 33-26' W, 184.5 feet. to a point 60.0 feet from the center line of said Highway. Thence N 48-15' W, 30 feet to the place of beginning. Containing 0.16 acres more or less. Magnetic variation 8-45' East.

-20-

HY. BREMER JR.
Tract No. 1.

(From Station 492 /48 to Station 522 /30 on the left.)

Beginning at the intersection of the southwest property line of the Hy. Bremer Jr 100 acre tract of land in the Nathaniel Townsend League, and the northwest right of way line of State Highway No. 72. Thence N 48-15' W, 20.2 feet to a point 50 feet from the center line of said Highway N 33-26' E, 154.2 feet. Thence N 33-24' E, 767.7 feet. Thence N 33-10' E, 22.4 feet; N 31-56' E, 98.3 feet; N 29-56' E, 98.3 feet; N 27-56' E, 98.3 feet; N 25-56' E, 98.3 feet; N 23-56' E, 98.3 feet; N 21-56' E, 98.3 feet; N 19-56' E, 98.3 feet; N 18-25' E, 51.3 feet. Thence N 17-54' E, 47.8 feet. Thence N 1-12' E, 104.4 feet to a point 80 feet from the center line of said Highway, N 17-54' E, 1163.3 feet to the northeast line of the Bremer tract. Thence S 49-30' E, 54.2 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 2.20 acres more or less. Magnetic variation 8-45' East.

-21-

HY. BREMER JR.
Tract No. 2.

(From Station 494/59 to Station 501/56.7 on the right).

Beginning at the intersection of the southwest property line of a 100 acre tract of land belonging to Hy Bremer Jr. in the Nathaniel Townsend League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line N 33-24' E, 698 feet to a point in the center of a creek.

osite Station 501/56.7. Thence along the meanders of the creek to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway. S 33-24' W, 646.7 feet to the southwest line. Thence N 57-15' W, 30 feet to the place of beginning. Containing 0.46 acres more or less. Magnetic variation 8-4-5' East.

-22-

HY. BREMER JR.
Tract No. 3.

(From Station 520/36 to Station 521/25 on the right.)

Beginning at the intersection of a south property line of the Hy. Bremer Jr. 100 acre tract of land in the Nathaniel Townsend League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway, N 17-54' E, to a north line of the Bremer tract. Said north line being also a south line of a tract of land belonging to J.D. Meinen. Thence N 75-45' E, 11.8 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 17.54' W, 1086.5 feet to a south line of the Bremer tract. Thence S 73-15' W, 12.2 feet to the place of beginning. Containing 0.25 acres more or less. Magnetic variation 8-45' East.

-23-

J. D. MEINEN.
Tract No. 1.

(From Station 507/65 to Station 510/36 on the right)

Beginning at the intersection of the north property line of the J. D. Meinen 56 acre tract of land in the Nathaniel Townsend League, and the southeast right of way line of State Highway No. 72, said point being also a south line of the Hy Bremer Jr. tract of land. Thence N 73-15' E, 12.2 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 17-54' E, 111.4 feet. Thence S 18-25' W, 52.9 feet; S 19-58' W, 101.4 feet; S 21-56' W, 101.4 feet; S 23-56' W, 101.4 feet; Thence S 23-30' W, 127 feet to a point in the southwest line of the J. D. Meinen tract. Thence N 49-30' W, 16 feet. Thence along the southeast right of way line of said Highway in a northeasterly direction to the place of beginning. Containing 0.14 acres more or less. Magnetic variation 8-45' East.

-24-

J. D. MEINEN
Tract No. 2.

(From Station 521/25 to Station 535/14 on the right).

Beginning at the intersection of the northeast property line of the J.D.Meinen 26 2/5 acre tract of land in the D. E. Colton League, and the southeast right of way line of State Highway No. 72. Thence S 48-15' E, 10 feet to a point 40 feet from center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 41-34' W, 199.1 feet. Thence S 41-23' W, 14.7 feet; S 39-57' W, 98.3 feet; S 37-27' W, 98.3 feet; S 34-57' W, 98.3 feet; S 32-27' W, 98.3 feet; S 29-57' W, 98.3 feet; S 27-27' W, 98.3 feet; S 24-57' W, 98.3 feet; S 22-27' W, 98.3 feet; S 19-57' W, 98.3 feet; S 18-18' W, 31.1 feet. Thence S 17-54' W, 218.2 feet to a south line of the Meinen tract. Thence S 75-45' W, 11.8 feet to the southeast right of way line of said Highway. Thence along the southeast right of way line of said Highway in a northeasterly direction to the place of beginning. Containing 0.31 acres more or less.

-25-

HERBERT E. MEINEN.

(From Station 539 /37 to Station 546 /37 on the left).

Beginning at the intersection of the northeast property line of the Herbert E. Meinen 50 1/5 acre tract of land in the John Shaw League and the northwest right of way line of State Highway No. 72. Thence along the northwest right of way line of said Highway S 41-34' W, 650 feet to the southwest line of the Meinen tract. Thence N 47-45' W, 20 feet to a point 50 feet from and parallel to the center line of said Highway N 41-34' E, 650 feet to the northeast line of the Meinen tract. Thence S 47-45' E, 20 feet to the place of beginning. Containing 0.30 acres more or less. Magnetic variation 8-45' East.

-26-

ERNEST ALBERT.

(From Station 532 /06 to Station 539 /37 on the left.)

Beginning at the intersection of the southwest property line of the Ernst Albert 22 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 53-15' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 39-57' E, 99.4 feet. N 41-23' E, 15.4 feet. N 41-34' E, 672.6 feet. northeast line of the Albert tract. Thence S 47-45' E, 10 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.18 acres more or less. Magnetic variation 8-45' East.

-27-

GERHARD BUNJES.
Tract No. 1.

(From Station 501 /56.7 to Station 504 /35 on the right).

Beginning at the intersection point of the northeast property line of the Gerhard Bunjes 4 2/3 acre tract of land in the Nathaniel Townsend League, and the southeast fence line of State Highway No. 72, said point being 46 feet from the center line of said Highway. Thence S 25°-04' W, 75 feet to a point 50 feet from the center line of said Highway. Thence S 27°-04' W, 101.3 feet to a point 55 feet from the center line of said Highway. Thence S 29°-04' W, 102 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway S 33°-10' W, 23.3 feet. Thence S 33°-24' W, 72.2 feet to a point in the center line of a creek, said point being 60 feet from the center line and to the right and opposite station 501 /05 of said Highway. Thence north along the meanders of the creek to the southeast fence line of said Highway. Thence along the southeast fence line in a northeasterly direction to the place of beginning. Containing 0.15 acres more or less. Magnetic variation 8-45' East.

-28-

GERHARD BUNJES.

(From Station 546 / to Station 555 /95 on the left).

Beginning at the intersection of the southeast property line of the Gerhard Bunjes 50 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 47-45' W, 20 feet to a point 50 feet from the center line of State Highway No. 72. Thence 50 feet from and parallel to the center line of

said Highway N 41-34' E, 363.6 feet. Thence N 44-26' E, 200.2 feet to a point 40 feet from center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway 395.6 feet to the northeast line of the Bunjes tract. Thence S 48-15' E, 10 feet to the northwest right of way line. Thence along the northwest right of way line. Thence along the northwest right of way line of said Highway in a southwesterly direction 958 feet to the place of beginning. Containing 0.33 acres more or less.

-29-

WARRENTON SCHOOL

(From Station 599 ~~475~~ to Station 601 ~~491~~ on the right).

Beginning at the intersection of the Southwest property line of a 3 acre tract of land belonging to the Warrenton School in the D. E. Colton League, and the Southeast right of way line of State Highway No. 72. Thence N 41-55' E, 176 feet to the Northeast line of the School tract. Thence S 40-15' E, 10.1 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 41-55' W, 177.4 feet to the Southwest line of the School tract. Thence N 38-30' W, 10.1 feet to the place of beginning. Containing 0.04 acres more or less.

-30-

WM. LANGE

(From Station 535 ~~465~~ to Station 554 ~~499~~ on the right).

Beginning at the intersection of the southwest property line of the Wm. Lange 150 acre tract of land in the D. E. Colton League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a southeasterly direction to the northeast line of the Lange tract. Thence S 48-30' E, 10 feet to a point 40 feet from the center line of said Highway S 41-31' W, 499 feet. Thence S 41-34' W, 1435 feet. to a point 40.0 feet from the center line of said Highway. Thence N 48-15' W, 10.0 feet to the place of beginning. Containing 0.44 acres more or less. Magnetic variation 8-45' East.

-31-

ALBERT MEINARDUS

(From Station 554 ~~499~~ to Station 565 ~~444~~ on the right).

Beginning at the intersection of the southwest property line of the Albert Meinardus 14 acre tract of land in the D. E. Colton League, and the southeast right of way of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Meinardus tract. Thence S 49-45' E, 10 feet to a point 40 feet from and parallel to the center line of said Highway S 41-39' W, 145 feet. Thence S 41-25' W, 700 feet. Thence S 41-31' W, 201 feet to the southwest line of the Meinardus tract. Thence N 48-30' W, 10 feet to the place of beginning. Containing 0.24 acres more or less. Magnetic variation 8-45' East.

-32-

GUS RHODE

(From Station 555 ~~495~~ to Station 556 ~~4~~ on the left).

A strip of land 10 feet wide and 31 feet long adjoining State Highway No. 72, and across the southeast edge of a 31 foot lane owned by Gus Rhode on the John Shaw League and between the Gerhard Bunjes and Robt. A. Rauchel tracts of land. Containing 0.01 acres more or less.

-33-

ROBERT A. RAUCHI.

(From Station 556 /26 to Station 563 /23 on the left).

Beginning at the intersection of the southwest property line of the Robert A. Rauchi 52.8 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 48-15' W, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 41-31' E, 74 feet. Thence N 41-25' E, 625 feet to the northeast line of the Rauchi tract. Thence S 48-45' E, 10 feet. Thence along the northwest right of way line of State Highway No. 72 in a southwesterly direction 697 feet to the place of beginning. Containing 0.16 acres more or less.

-34-

WARRENTON CHURCH.

(From Station 563 /23.5 to Station 565 /17 on the left).

Beginning at the intersection of the southwest property line of the Warrenton Church tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 46-45' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 41-25' E, 75.2 feet. Thence N 41-39' E, 117.5 feet. Thence S 11-00' W, 19.6 feet to the northwest right of way line. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.04 acres more or less. Magnetic variation 8-45' East.

-35-

ALFRED MARBURGER

(From Station 565 /44 to Station 569 /96.5 on the right).

Beginning at the intersection of the southwest property line of the Alfred Marburger 6 acre tract of land in the D. E. Colton League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Marburger tract. Thence S 48-15' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 41-39' W, 453.5 feet to the southwest line of the Marburger tract. Thence N 49-45' W, 10 feet to the place of beginning. Containing 0.10 acres more or less. Magnetic variation 8-45' East.

-36-

MAX F. ZAPP.

(From Station 577 /69 to Station 599 /75 on the right).

Beginning at the intersection of the southwest property line of the Max F. Zapp 28 acre tract of land in the D. E. Colton League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Zapp tract. Thence S 38-30' E 10.1 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 41-55' W, 768.2 feet. Thence S 36-12' W, 201 feet to a point 60 feet from the center line of said Highway. Thence S 41-55' W, 400 feet. Thence S 47-41' W, 201 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 41-58' W, 600 feet. Thence S 40-22' W, 31 feet to the southwest line of the Zapp tract. Thence N 49-45' W, 10 feet to the place of beginning. Containing 0.78 acres more or less. Magnetic variation 8-45' East.

-37- *here*FRITZ TEIDT.

(From Station 566 /03 to Station 571 /25.5 on the left).

Beginning at the intersection of the west line of the Teidt tract of land in the John Shaw League said line being the east fence line of the old road through Warrenton and the northwest fence line of State Highway No. 72. Thence N 11-00' E, 19.6 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 41-39' E, 506.0 feet to the northeast line of the Teidt tract. Thence along the northwest fence line of said Highway in a southwesterly direction, 522.9 feet to the place of beginning. Containing 0.12 acres more or less. Magnetic variation 8-45' East.

-38-

FRITZ TIEDT.

(From Station 571 /25.5 to Station 572 /56.5 on the left.)

Beginning at the intersection of the northeast line of the Karburger and Bauerkamper tract of land in the John Shaw League and the northwest right of way line of State Highway No. 72. Thence along the northwest right of way line of said Highway S 40-22' W, 131 feet to the southwest line of the Karburger and Bauerkamper tract. Thence N 48-21' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 40-22' E, 131 feet. Thence S 48-21' E, 10 feet to the place of beginning. Containing 0.03 acres more or less. Magnetic variation 8-45' East.

-39-

HY. J. KOOPMAN, ESTATE.

(From Station 569 /96.5 to Station 572 /57.3 on the right).

Beginning at the intersection of the southwest property line of the Hy. J. Koopman one acre tract of land in the D. E. Colton League. and the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Koopman tract. Thence S 48-21' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway, S 40-22' W, 57.5 feet. Thence S 41-39' W, 203.5 feet. Thence E 48-15' W, 10 feet to the place of beginning. Containing 0.06 acres more or less. Magnetic variation 8-45' East.

-40-

FRITZ EILERS. Tract No. 1.

(From Station 572 /57.3 to Station 572 /97.5 on the right).

A strip of land 10 feet wide and 40 feet long across the northwest edge of a tract of land belonging to Fritz Eilers on the D. E. Colton League, in the town of Warrenton, and adjoining the southeast right of way line of State Highway No. 72. Containing 0.01 acres more or less.

-41-

FRITZ EILERS.

Tract No. 2.

(From Station 572 /56.5 to Station 573 /34 on the left.)

Beginning at the intersection of the southwest property line of the Fritz Eilers tract of land in Warrenton on the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 48-21' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said

Highway, N 40-22' E, 77.5 feet. Thence S 48-21' E, 10 feet to the southwest right of way line. Thence along right of way line S 40-22' W, 77.5 feet to the place of beginning. Containing 0.02 acres more or less. Magnetic variation 8-45' East.

-42-

MRS. LUCY CORDES. Tract No. 1.

(From Station 577 /83.5 to Station 588 /40 on the left.)

Beginning at the intersection of the north property line of the F. G. Cordes 3 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No 72. Thence along the northwest right of way line of said Highway in a southwesterly direction to a point 30 feet from the center line and to the left and opposite Station 577 /83.5. Thence N 48-21' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 40-22' E, 16.5 feet. Thence N 41-58' E, 600 feet. Thence N 36-15' E, 201 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway N 41-55' E, 195 feet. Thence S 85-00 E, 37.5 feet to the place of beginning. Containing 0.38 acres more or less. Magnetic variation 8-45' East.

-43-

MRS. LUCY CORDES.
Tract No. 2.

(From Station 572 /97.5 to Station 573 /50.5 on the right).

A strip of land 10 feet wide and 53 feet long across the northwest edge of a 1/2 acre tract of land belonging to F. G. Cordes on the D. E. Colton League, in the town of Warrenton and adjoining the southeast right of way line of State Highway No. 72. Containing 0.01 acres more or less.

-44-

D. KEINEN.

(From Station 573 /88.5 to Station 576 /84 on the left.)

Beginning at the intersection of the southwest property line of the D. Keinen tract of land in the town of Warrenton and on the John Shaw League, and the northwest right of way line of State Highway no. 72. Thence N 48-21' W, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 40-22' E, 295.5 feet. Thence S 48-21' E, 10 feet to the northwest right of way line. Thence along the northwest right of way line of said Highway S 40-22' W, 295.5 feet to the place of beginning. Containing 0.07 acres more or less. Magnetic variation 8-45' East.

-45-

GEO. ILSE.

(From Station 573 /50.5 to Station 576 /50 on the right).

Beginning at the intersection of the southwest property line of the Geo. Ilse 4 1/2 acre tract of land in the D. E. Colton League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line N 40-22' E, 300 feet to a point in the southeast right of way line and to right and opposite Station 576 /50. Thence S 48-21' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 40-22' W, 300 feet. Thence N 48-21' W, 10 feet to the place of beginning. Containing 0.07 acres more or less. Magnetic variation 8-45' East.

-46-

HENRY COODES.

(From Station 577 /24.4 to Station 577 /69 on the right).

A strip of land 10 feet wide and 44.5 feet long across the northwest edge of a 1 2/3 acre tract of land belonging to Wm Zitterich in the town of Warrenton, and on the D. E. Colton League, adjoining the southeast right of way line of State Highway No. 72. Containing 0.01 acres more or less.

-48-

H. AHLHORN SR.

(From Station 598 /92.5 to Station 606 /40.5 on the left).

Beginning at the intersection of the southwest property line of the H. Ahlhorn Sr. 38 5/8 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 48-30' W, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 41-55' E, 307.2 feet. Thence N 41-25' E, 440.7 feet to the northeast line of the Ahlhorn tract. Thence S 48-15' E, 10 feet to the northwest right of way line. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.17 acres more or less. Magnetic variation 8-45' East.

-49-

HENRY THIELMAN & E. F. HUESLE

(From Station 601 /91 to Station 623 /28 on the right).

Beginning at the intersection of the southwest property line of the Paul Krause 115 acre tract of land in the D. E. Colton League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway 1851.4 feet. Thence along the southeast right of way line of said Highway and an intersecting County Road 289.7 feet to a point, said point being 50 feet to the right and opposite Station 623 /28 of said Highway. Thence 50 feet from and parallel to the center line of said Highway S 27-09' W, 28.5 feet; S 30-54' W, 101.7 feet; Thence S 38-46' W, 101.8 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 39-56' W, 62.8 feet; S 41-28' W, 738.3 feet; S 41-25' W, 1100 feet; S 41-55' W, 14.5 feet to the southwest line of the Krause tract. Thence N 40-15' W, 10.1 feet to the place of beginning. Containing 0.50 acres more or less.

-50-

FRIEDR. SPIES.

(From Station 606 /40 to Station 619 /50 on the left).

Beginning at the intersection of the Southwest property line of the Friedr. Spies 77 3/4 acre tract of land in the John Shaw League, and the Northwest right of way line of State Highway No. 72. Thence N 48-15' W, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway, N 41-25' E, 660.2 feet. Thence N 41-28' E, 648.8 feet to the Northeast line of the Spies tract. Thence S 50-15' E, 10 feet to the Northwest right of way line in a southwesterly direction 1310 feet to the place of beginning. Containing 0.30 acres more or less.

-51-

F. K. KRISTEN.

(From Station 648-20 to Station 669-00 on the right)

Beginning at the intersection of the southwest property line of the F. K. Christen 46.5 acre tract of land in the John Shaw League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction 2080.6 feet to the northeast line of the Christen tract. Thence S 48-15 E, 20.7 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway S 28-44 W, 987.7 feet. Thence S 26-54 E, 503 feet. Thence S 24-02 W, 200.2 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway S 26-54 W, 394.8 feet to the southwest line of the Christen tract. Thence N 49-15 W, 30.9 feet to the place of beginning. Containing 1.07 acres more or less. Mag. Var. 8-45 E.

-52-

CATHOLIC CHURCH NEAR WARRENTON
c/o Rev. Jos. Klobouk.

(From Station 619-50 to Station 621-38 on the left.)

Beginning at the intersection of the southwest property line of the Catholic Church near Warrenton in the John Shaw League and the Northwest right of way line of State Highway No. 72. Thence N 50-15 W, 18 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 41-28 E, 89.5 feet. N 39-56 E, 59.5 feet. N 35-54 E, 36.7 feet to the northeast line of the Church tract. Thence S 49-15 E, 10 feet to the northwest right of way line of State Highway No. 72. Thence along the northwest right of way line of said Highway in a south westerly direction 188.5 feet to the place of beginning. Containing 0.04 acres more or less. Mag. Var. 8-45 E.

-53-

C. H. MARBURGER.
Tract No. 1.

(From Station 621 /38 to Station 648 /20 on the left).

Beginning at the intersection of the southwest property line of the C. H. Marburger 129 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 49-15' W, 30 feet to a point 60 feet from the center line of State Highway No. 72. Thence 60 feet from and parallel to the center line of said Highway N 35-54' E, 59.8 feet. N 30-54' E, 96.5 Feet. N 27-09' E, 47.9 feet; N 25-54' E, 1050.4 feet; thence N 31-37' E, 201 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 25-54' E, 600 feet. Thence N 26-54' E, 629.9 feet to the northeast line of the Marburger tract. Thence S 49-15' E, 10.3 feet to the northwest right of way line of State Highway No. 72. Then along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing. Containing 1.24 acres more or less.

-54-

C. H. MARBURGER.
Tract No. 2.

(From Station 621 /38 to Station 648 /20 on the left).

Beginning at the intersection of the northeast property line of the C.H. Marburger 129 acre tract of land in the John Shaw League, and the southeast right of way line of State Highway No. 72. Thence S 49-15' E, 30.9 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway S 26-54' E, 5.2 feet. Thence S 32-37' W, 201 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 26-54' W, 400 feet. Thence S 25-54' W, 600 feet. Thence S 23-02' W, 200.2 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway S 25-54' W, 943 feet to a point 50 feet from the center line and to the right and opposite Station 624 /57 of said Highway. Thence S 42-24' W, 62 feet to a point in the southeast right of way line of said Highway 30 feet from the center line and to the right and opposite Station 623 /89. Thence along the southeast right of way line in a northeasterly direction 2423.6 feet to the place of beginning, Containing 0.84 acres more or less. Magnetic variation 8-45' East.

-55-

HENDERSON MARTIN.

(From Station 648-20 to Station 669-02 on the left.)

Beginning at the intersection of the southwest property line of the Henderson Martin 60 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 49-15' W, 10.3 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 26-54' E, 370.4 feet. Thence N 24-02' E, 200.2 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 26-54' E, 503 feet. Thence N 28-44' E, 1010.3 feet to the northeast line of the Henderson Martin tract. Thence S 48-15' E, 20.7 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway 2083.7 feet to the place of beginning. Containing 0.85 acres more or less. Mag. Var. 8-45' E.

-56-

(From Station 669 /02 to Station 693 /81 on the left.)

ERNST MARBURGER.
Tract No. 1.

Beginning at the intersection of the southwest property line of the Ernst Marburger 115 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 48-15' W, 20.5 feet to a point 50 feet from the center line of State Highway No. 72. Thence 50 feet from and parallel to the center line of said Highway N 28-44' E, 486.4 feet. Thence N 31-36' E, 200.2 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 28-44' E, 600 feet. Thence N 20-05' E, 150.2 feet to a point 60 feet from the center line of State Highway No. 72. Thence N 22-15' E, 49.6 feet to a point 65 feet from the center line of said Highway. Thence N 22-50' E, 96.7 feet to a point 70 feet from the center line of said Highway. Thence 70 feet from and parallel to the center line of said Highway N 22-42' E, 96.3 feet. Thence N 25-34' E, 96.5 feet to a point

60 feet from the center line of said Highway. Thence N 28-01 E, 99 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 14-10 E, 68.1 feet. Thence N 13-07 E, 130.4 feet. Thence N 7-24 E, 201 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway N 13-07 E, 200 feet. Thence N 15-59 E, 16.5 feet to the northwest line of the Marburger tract. Thence S 46-15 E, 33.7 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.96 acres more or less.

-57-

ERNST MARBURGER.
Tract No. 2.

(From Station 669 /00 to Station 693 /03 on the right).

Beginning at the intersection of the southwest property line of the Ernst Marburger 115 acre tract of land in the John Shaw League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast property line of the Ernst Marburger tract. Thence S 46 -15 E, 11.6 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 13-07 W, 306.3 feet to a point 65 feet from the center line of said Highway. Thence S 32-33 W, 303.5 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 28-44 W, 600 feet. Thence S 25-52 W, 200.2 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway S 28-44 W, 511.6 feet to the southwest line of the Marburger tract. Thence N 48-15 W, 20.5 feet to the place of beginning. Containing 0.69 acres more or less. Magnetic variation 8 degrees 45 minutes East.

-58-

ALVIN POCHMANN
Tract No. 1.

(From Station 693 /81 to Station 706 /32 on the left).

Beginning at the intersection of the southwest property line of the Alvin Pochmann 51 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 46-15 W, 33.7 feet to a point 59 feet from the center line of State Highway No. 72. Thence N 15-59 E, 183.7 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 13-07 E, 67.5 feet. Thence N 13-31 E, 33.2 feet; N 15-10 E, 102.2 feet; N 17-40 E, 102.2 feet; N 20-10 E, 102.2 feet; N 22-40 E, 102.2 feet; N 25-10 E, 102.2 feet; N 27-40 E, 102.2 feet; N 30-10 E, 102.2 feet; N 32-40 E, 102.2 feet; N 35 -10 E, 102.2 feet; N 37-40 E, 82 feet. Thence S 7-45 E, 28.1 feet to the northwest right of way line of State Highway No. 72. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.61 acres more or less.

-59-

ALVIN POCHMANN
Tract No. 2.

(From Station 693 /81 to Station 706 /62 on the right).

Beginning at the intersection of the southwest property line of the Alvin Pochmann 51 acre tract of land in the John Shaw League and the southwest right of way line of

State Highway No. 72. Thence along the southeast right of way line of State Highway No. 72. in a northeasterly direction to the northeast property line of the Pochmann tract. Thence S 14-15' E, 25.4 feet to a point 50 feet from the center line of State Highway No. 72. Thence S 37-40' W, 22.3 feet; S 35-10' W, 97.8 feet; S 32.40 W, 97.8 feet; S 36.00' W, 97.8 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway. Thence S 27-40' W, 98.3 feet; S 25-10' W, 98.3 feet; S 22-40' W, 98.3 feet; S 20-10' W, 98.3 feet; S 17-40' W, 98.3 feet; S 15-10' W, 98.3 feet; S 13-31' W, 31.9 feet; Thence S 13-07' W, 310.2 feet to the southwest line of the Pochmann tract. Thence N 46-15' W, 11.6 feet to the place of beginning. Containing 0.35 acres more or less.

-60-

AD. J. MARBURGER.

(From Station 707-34 to Station 710-57 on the left.)

Beginning at the intersection of the south property line of the Ad. J. Marburger 81 3/4 acre tract of land in the John Shaw League and the northwest right of way line of State Highway No. 72. Thence N 77-45' W, 22.5 feet to a point 50 feet from the center line of State Highway No. 72. Thence 50 feet from and parallel to the center line of said Highway N 39-24' E, 29.9 feet. Thence N 39-53' E, 319.6 feet to the northeast line of the Marburger tract. Thence S 49-15' E, 20 feet to the northwest right of way line of State Highway No. 72. Thence along the northwest right of way line of said Highway in a southwesterly direction 338.8 feet to the place of beginning. Containing 0.16 acres more or less. Mag. Var. 8-45' E.

-61-

Wm. Ginzel Sr.

(From Station 710 1/2 to Station 722 1/2 on the left.)

Beginning at the intersection of the southwest property line of the Wm Ginzel Sr. 75 acre tract of land in the John Shaw League, said line being also the northeast line of the Ad. J. Marburger 81 3/4 acre tract of land, and the northwest right of way line of State Highway No. 72. Thence N 49-15' W, 20 feet to a point 50 feet from the center line of State Highway No. 72. Thence N 39-53' E, 542.2 feet; Thence N 42-45' E, 200.2 feet to a point 40 feet from the center line of said Highway. Thence N 39-53' E, 400 feet. Thence N 39-38' E, 30.3 feet to the northeast line of the Ginzel tract Thence S 44-15' E, 10.1 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.42 acres less 0.02 acres contained in a county road to Walhalla through the Ginzel tract, leaving 0.40 acres more or less. Magnetic variation 8-45' E.

-62-

LOUIS MEYER.

(From Station 722 1/2 to Station 736 1/2 on the right.)

Beginning at the intersection of the southwest property line of the Louis Meyer 76 acre tract of land in the John Shaw League, and the northwest right of way line of State Highway No. 72. Thence N 44-15' W, 10.1 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 39-38' E, 1464.2 feet to the northeast line of the Meyer tract. Thence S 48-45' E, 10 feet to the northwest right of way line of said Highway. Thence along the the northwest right of way line of said Highway S 39-38' W, 1463.4 feet to the place

of beginning. Containing 0.34 Acres more or less. Magnetic variation 8 degrees 45 minutes East.

-63-

CONRAD BRAU.

(From Station 722 #79 to Station 737 #74 on the right).

Beginning at the intersection of the southwest property line of the Conrad Brau 85 1/2 acre tract of land in the John Shaw League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway N 39-38 E, 1495.6 feet to the northeast line of the Brau tract. Thence S 47-45E, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 39-38 W, 1495.7 feet to the southwest line of the Conrad Brau tract. Thence N 48-15 W, 10 feet to the place of beginning. Containing 0.34 acres more or less. Magnetic variation 8 degrees 45 minutes East.

-65-

J. F. KUHN.
Tract No. 1.

(From Station 706 #62 to Station 722 #79 on the right).

Beginning at the intersection of the southwest property line of the J. F. Kuhn 98 3/4 acre tract of land in the John Shaw League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a Northeasterly direction to the northeast line of the Kuhn tract. Thence S 48-15 E, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 39-38 W, 80.5 feet. Thence S 39-53 W, 400 feet. Thence S 34-10 W, 201 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway S 39-53 W, 400 feet. Thence S 42-45 W, 200.2 feet to a point 50 feet from the center line of said Highway S 39-53 W, 261.8 feet. Thence S 39-24 W, 37.4 feet; thence S 37-40 W, 76.4 feet to the southwest line of the Kuhn tract. Thence N 14-15 W, 25.4 feet to the place of beginning. Containing 0.76 acres more or less.

-66-

J. F. KUHN.
Tract No. 2.

(From Station 747 #64 to Station 758 #34.1 on the left.)

Beginning at the intersection of the southwest property line of the J. F. Kuhn 27 1/2 acre tract of land in the John Shaw League, and the northwest fence line of State Highway No. 72. Thence N 73-15' W, 17 feet to a point 75 feet from the center line of said Highway. Thence 75 feet from and parallel to the center line of said Highway N 39-38' E, 367.7 feet. Thence N 39-35' E, 200 feet. Thence N 34-41' E, 90.2 feet. Thence N 27-11' E, 90.2 feet. Thence N 20-11' E, 78.3 feet. Thence N 16-56' E, 247.3 feet to a point in the center of Cummins Creek, said point being 75 feet from the center line and to the left and opposite Station 758 #34.1 of said Highway. Thence with the meanders of Cummins Creek in an easterly direction to a point on line with the present northwest fence line of said Highway. Thence along the northwest fence line of said Highway in a southwesterly direction to the place of beginning. Containing 0.37 acres more or less. Magnetic variation 8-45' East.

-67-

J. F. KUHN.
Tract No. 3.

(From Station 755 486.8 to Station 758 434.1 on the right).

Beginning at the intersection point of the northeast property line of the J. F. Kuhn 27 1/2 acre tract of land in the John Shaw League, and the southeast right of way line of State Highway No. 72. Said point being in Cummins Creek, 65 feet from the center line and to the right and opposite Station 758 434.1 of said Highway. Thence with meanders of Cummins Creek in an easterly direction 102 feet. Thence S 39-38' W, 268 feet to a point in the southeast right of way line 65 feet from the center line and to the right and opposite Station 755 486.8 of said Highway. Thence along the southeast right of way line N 16-56' E, 247.3 feet to the place of beginning. Containing 0.30 acres more or less. Magnetic variation 8/45' East.

-68-

HENRY BICHLER.

(From Station 737 474 to Station 752 417 on the right.)

Beginning at the intersection of the southwest property line of the Henry Bichler 42 acre tract of land in the John Shaw League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway to a point in the center of a slough to the right and opposite Station 752 410. Thence along the meanders of the slough in a easterly direction 10 feet to a point 40.0 feet from the center line and to the right and opposite Station 752 417 of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 39-38' W, 1445 feet. to the southwest line. Thence N 47-45' W, 10 feet to the place of beginning. Containing 0.33 acres more or less. Magnetic variation 0 degrees 45 minutes East.

-69-

ED. WIEDERANDERS.
Tract No. 1.

(From Station 736 487 to Station 747 464 on the left.)

Beginning at the intersection of the southwest property line of the Ed. Wiederanders 53 1/2 acre tract of land in the John Shaw League, and the northwest fence line of State Highway No. 72. Thence N 48-45' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 39-38' E, 267.9 feet. Thence N 50-22' W, 15 feet to a point 55 feet from the center line of said Highway. Thence 55 feet from and parallel to the center line of said Highway N 39-38' E, 44 feet. Thence N 36-18' E, 601 feet to a point 90 feet from the center line of said Highway. Thence 90 feet from and parallel to the center line of said Highway 126 feet to the north line of the Wiederanders tract. Thence S 73-15' E, 18.5 feet to the northwest fence line of said Highway. Thence along the northwest fence line of said Highway in a southwesterly direction to the place of beginning. Containing 0.31 acres more or less. Magnetic variation 8-45' East.

-70-

ED. WIEDERANDERS.
Tract No. 2.

(From Station 763 400 to Station 767 400 on the left.)

Beginning at the intersection of the southwest property line of the Ed. Wiederanders 40 acre tract of land in the James Winn League, and the northwest right of way line of State Highway No. 72. Thence S 41-25' W, 91 feet to a point 69 feet from the center line of said Highway, and to the left and opposite Station 763 400.

Thence N 27-42' E, 101.8 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway, N 16-56' E, 136.4 feet. Thence N 17-34' E, 64.7 feet. Thence N 16-54' E, 101.7 feet to a point in the northwest right of way line of said Highway, said point being 54 feet from the center line and to the left and opposite Station 767.0. Thence along the northwest right of way line in a southwesterly direction to the place of beginning. Containing 0.12 acres more or less. Magnetic variation 8-45' East.

-85-

F. W. GRAF.

(From Station 804 /26 to Station 824 /40 on the left).

Beginning at the intersection of the southwest property line of the F. W. Graf 104 acre tract of land in the James Winn League, and the northwest right of way line of State Highway No. 72. Thence N 48-15' W, 11.3 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 14-29' E, 1753.4 feet. Thence N 11-37' E, 200.2 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 14-29' W, 47.0 feet to the northeast line of the F. W. Graf tract. Thence S 67-30' E, 20.0 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway S 14-29' W, 2002.7 feet to the place of beginning. Containing 0.50 acres more or less. Mag. Var. 8.45' East.

-86-

F. W. GRAF.
Tract No. 2.

(From Station 804 /26 to Station 824 /40 on the right.)

Beginning at the intersection of the southwest property line of the F. A. Graf 2 1/2 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Graf tract. Thence S 67-30' E, 72 feet to a point 52 feet from the center line of said Highway. Thence S 17-21' W, 232.5 feet to a point 40 feet from the center line of said Highway. Thence S 14-29' W, 1794.6 feet to the southwest line of the Graf tract. Thence N 48-15' W, 11.3 feet to the place of beginning. Containing 0.50 acres more or less. Magnetic variation 8-45' East.

-87-

H. A. DIPPLE.
Tract No. 2.

(From Station 824 /40 to Station 832 /32 on the right).

Beginning at the intersection of the southwest property line of the H. A. Dipple 95 acre tract of land in the James Winn League and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Dipple tract. Thence S 69-30' E, 111.5 feet to a point 41 feet from the center line of said Highway. Thence S 17-16' W, 27.7 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 14/24' W, 200 feet. Thence S 11-32' W, 200.2 feet to a point 50 feet from the center line of said Highway. Thence S 11-27' W, 200.2 feet to a point 60 feet from the center line of said Highway. Thence S 17-21' W, 167.7 feet to the southwest line of the Dipple tract. Thence N 67-30' W, 22 feet to the place of beginning. Containing 0.34 acres more or less. Magnetic variation 8-45' East.

-88-

H. A. DIPPLE
Tract No. 1.

(From Station 823 /40 to Station 831 /86 on the left.)

Beginning at the intersection of the southwest property line of the H. A. Dipple 95 acre tract of land in the James Winn League in Fayette County, Texas, and the northwest right of way line of State Highway No. 72. Thence N 72-45' W, 20 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 14-29' E, 357.6 feet. Thence N 17-16' E, 200.2 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway N 14-24' E, 203.1 to the northeast line of the Dipple tract. Thence S 52-25' W, 10.9 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.28 acres more or less. Magnetic variation 8-45' East.

-39-

CARL PETERS.

(From Station 832 /24 to Station 366 /80 on the left.)

Beginning at the intersection of the southwest property line of the Carl Peters 142 7/10 acre tract of land in the James Winn League, and the northwest right of way line of State Highway No. 72. Thence N 52-25' W, 13 feet to a point 42 feet from the center line of State Highway No. 72. Thence N 11-42' E, 358.2 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway N 14-24' E, 200 feet. Thence N 17-16' E, 200.2 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 14-24' E, 1200 feet. Thence N 17-16' E, 200.2 feet to a point 40 feet from the center line of said Highway. Thence N 14-24' E, 30.6 feet. Thence N 14-45' E, 69.8 feet; N 15-36' E, 100.7 feet; N 16-36' E, 100.7 feet; N 17-36' E, 100.7 feet; N 18-36' E, 100.7 feet; N 19-36' E, 100.7 feet; N 20-36' E, 100.7 feet; N 21-36' E, 100.7 feet; N 22-36' E, 100.7 feet; N 23-36' E, 100.7 feet; N 24-36' E, 100.7 feet; N 25-36' E, 100.7 feet; N 26-36' E, 78.6 feet to the north east line of the Peters tract. Thence S 60-45E feet to the northwest right of way line of State Highway No. 72. Thence along the northwest right of way line in a southwesterly direction to the place of beginning. Containing 1.34 acres more or less. Mag. Var. 8-45' East.

-90-

JOHN GRAETER.

(From Station 832 /32 to Station 853 /59 on the right).

Beginning at the intersection of the southwest property line of the John Graeter 115 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway N 14-24' E, 2160.6 feet to the north line of the John Graeter tract. Thence N 67-10' E, 12.6 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 14-24' W, 2161.4 feet, to the southeast line of the John Graeter tract. Thence N 69-30' W, 11.5 feet to the place of beginning. Containing 0.50 acres more or less. Mag. Var. 8-45' East.

-91-

GUS. J. NOACK.
Tract No. 1.

(From Station 853 /59 to Station 855 /52 on the right.)

Beginning at the intersection of the south property line of the Gus J. Noack 153 8/10 acre tract of land in the James Winn League, and the southeast fence line to State Highway No. 72. Thence along the southeast fence line of said Highway in a northeasterly direction 167 feet to a point in the southeast fence line of said Highway, 43 feet from the center line and to the right and opposite Station 855/52. Thence S 19-02' W, 52 feet to a point 40 feet from the center line of State Highway No. 72. Thence S 14-45' W, 68.9 feet. Thence S 14-24' W, 40.6 feet to the south line. Thence S 67-10' feet to the place of beginning. Containing 0.01 acres more or less. Magnetic variation 8-45' East.

-92-

Gus J. Noack.
Tract No. 2.

(From Station 864 /00 to Station 865 /02 on the right.)

Beginning at the intersection of the northeast property line of the Gus. J. Noack 153 8/10 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence S 74-45' E, 5 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of said Highway S 25-36' W, 2 feet. Thence S 24-36' W, 99.3 feet, to a point in the southeast fence line 40 feet from the center line and to the right and opposite Station 864 /00 of said Highway. Thence along the southeast fence line of said Highway in a northeasterly direction to the place of beginning. Containing 0.006 acres more or less. Magnetic variation 8-45' East.

-93-

ALFRED NOACK.

(From Station 864 /95 to Station 887 /34 on the right.)

Beginning at the intersection of the southwest property line of the Alfred Noack 78 7/10 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Noack tract. Thence S 74-45' E, 10.2 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 27-08' W, 142.4 feet. Thence S 24-16' W, 600.6 feet to a point 70 feet from the center line of said Highway. Thence S 30-00' W, 600.6 feet to a point 40 feet from the center line of said Highway. Thence S 27-08' W, 691.1 feet. Thence S 26-37' W, 103 feet. Thence S 25-36' W, 97 feet to the southwest line of the Noack tract. Thence N 74-45' W, 5 feet to the place of beginning. Containing 0.59 acres more or less. Magnetic variation 8-45' East.

-94-

W. E. KRAUSE.

(From Station 866 /80 to Station 880 /30 on the left.)

Beginning at the intersection of the southwest property line of the W. E. Krause tract of land in the James Winn League, said tract being a part of the 247 1/2 acre tract of land formerly belonging to Lee Krause, and the northwest right of way line of State Highway No. 72. Thence N 60-45' W, 10 feet to a point 40 feet from the center line of said Highway. Thence S 26-37' E, 23 feet. Thence N 27-08' E, 896.1 feet.

Thence N 22-51 E, 200.6 feet to a point 55 feet from the center line of said Highway. Thence 55 feet from and parallel to the center line of said Highway N 27-08 E, 230 feet to the northeast line of the W. E. Krause tract, said line being also the southwest line of the Lee H. Krause tract. Thence along the northeast line of the Krause tract 25 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line in a southeasterly direction to the place of beginning. Containing 0.50 acres more or less. Magnetic variation 8 degrees 45 minutes East.

W. E. Krause -95 B-

(From Station 880 /30 to Station 906 /33 on the left.)

Beginning at the intersection of the east property line of the Lee H. Krause tract of land in the James Winn League, said tract being a part of the 247 1/2 acre tract of land formerly belonging to Lee Krause, and the northwest right of way line of State Highway No. 72. Thence along the northwest right of way line in a southeasterly direction to the southwest line of the Lee H. Krause tract, said line being also the northeast line of the W. E. Krause tract. Thence along the southwest line 25 feet to a point 55 feet from the center line of said Highway. Thence 55 feet from and parallel to the center line of said Highway N 27-08 E, 170 feet. Thence N 31-25 E, 200.6 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 27-08 E, 500 feet. Thence N 26-58 E, 1100 feet. Thence N 24-06 E, 200.2 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway N 26-58 E, 75 feet. Thence N 26-32 E 24 feet. Thence N 24-21 E, 96.9 feet, N 20-51 E, 96.9 feet; N 17-21 E, 96.9 feet; N 13-51 E, 96.9 feet; N 10-21 E, 34 feet to the east line of the Krause tract. Thence S 12-15 E, 45.5 feet to the place of beginning. Containing 0.87 acres more or less. Magnetic variation 8 degrees 45 minutes East.

-95-

W. E. KRAUSE.

(From Station 887 /34 to Station 905 /93 on the right.)

Beginning at the intersection of the southwest property line of the W. E. Krause 40 1/3 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a southeasterly direction to the northeast line of the Krause tract. Thence S 48-15' E, 21.9 feet to a point 50 feet from the center line of State Highway No. 72. Thence 50 feet from and parallel to the centerline of said Highway S 17-21' W, 72.4 feet; S 20-51' W, 103.1 feet; S 24-21' W, 103.1 feet; S 26-32' W, 25.8 ft. thence S 26-58' W, 275 feet, Thence S 29-50' W, 200.2 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 26-58' W, 900 feet. Thence S 27-08' W, 157-.6 feet to the southwest line of the Krause tract. Thence E 74-45' W 10.2 feet to the place of beginning. Containing 0.58 acres more or less. Mag. Var. 8-45' East.

-96-

Wm. ICKERT.

(From Station 950 /61 to Station 968 /43 on the left.)

Beginning at the intersection of the southwest property line of the Wm. Ickert 50 acre tract of land in the Mary Phelps League, and the northwest right of way line of State Highway No. 72. Thence N 46-15 W, 10 feet to a point 40 feet from the center line of State Highway No. 72. Thence 40 feet from and parallel to the center line of

said Highway N 43-54' E, 1782.3 feet, to the northeast line of the Ickert tract. Thence S 46-25' E, 10 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.41 acres more or less. Mag. Var. 8-45' East.

-97-

ALBERT HEINZE
Tract No. 1.

(From Station 905 /93 to Station 929 /49 on the right.)

A strip of land 10 feet wide and 2356 feet long across the west edge of a tract of land belonging to Albert Heinze in the James Winn League, and adjoining the east right of way line of State Highway No. 72. Containing 0.54 acres more or less.

-98-

Tract No. 2.

(From Station 906 /32 to Station 929 /49 on the left.)

A strip of land 10 feet wide and 2236.8 feet long across the east edge of a tract of land belonging to Albert Heinze in the James Winn League, and adjoining the west right of way line of State Highway line of State Highway No. 72. Containing 0.51 acres more or less.

-99-

JOHN KRAUSE.

(From Station 929 /49 to Station 935 /27 on the right.)

Beginning at the intersection of the southwest property line of the John Krause 41 acre tract of land in the James Winn league, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the John Krause tract. Thence S 48-15' E, 26 feet to a point 55 feet from the center line of said Highway. Thence S 47-38' W, 83.5 to a point 50 feet from the center line of said Highway. Thence S 42-45' W, 44.5 feet; S 39-05' W, 95.6 feet; S 34-05' W, 95.6 feet; S 29-05' W, 95.6 feet; S 24-05' W, 95.6 feet; S 19-05' W, 68.9 feet to the southwest line of the Krause of the Krause tract. Thence N 48-00' W, 20.7 feet to the place of beginning. Containing 0.27 acres more or less. Mag. Var. 8-45' East.

Also all that part of the 41 acre tract owned by John Krause lying on the northwest side of the State Highway No. 72. Containing 0.15 acres more or less.

-100-

CHAS. WENDORF.

(From Station 935 /27 to Station 939 /75 on the right.)

Beginning at the intersection of the southwest property line of the Chas. Wendorf 41 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence along southeast right of way line of State Highway No. 72 N 43-54' E, 448.6 feet to the northeast line of the Wendorf tract. Thence S 49-15' E, 21.2 feet to a point 51.2 feet from the center line of State Highway No. 72. Thence S 41-02' W, 177.5 feet to a point 60 feet from the center line of said Highway. Thence S 43-54' W, 200 feet. Thence S 47-38' W, 71 feet to a point in the southwest line of the Wendorf tract, said point being 55 feet from the center line of said Highway. Thence N 48-15' W, 26 feet to the place of beginning. Containing 0.29 acres more or less. Mag. Var. 8-45' East.

-101-

MRS. AUG. SCHULZE.

(From Station 939 #75 to Station 946 #45 on the right.)

Beginning at the intersection of the southwest property line of the Mrs. Aug. Schulze 41 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence N 43-54' E along the southeast right of way line of said Highway 669.8 feet to the northeast line of the Schulze tract. Thence S 49-00' E, 28 feet to a point 58 feet from the center line of State Highway No. 72. Thence S 41-02' W, 48 feet to a point 60 feet from the center line of said Highway. Thence 60 feet from and parallel to the center line of said Highway S 43/54' W, 200 feet. Thence S 46-46' W, 200.2 feet to a point 50 feet from the center line of said Highway. Thence 50 feet from and parallel to the center line of said Highway S 43-54' W, 200 feet. Thence S 41-02' W, 22.7 feet to a point in the southwest line of the Schulze tract, said point being 51.2 feet from the center line of said Highway. Thence N 49-15' W, 21.2 feet to the place of beginning. Containing 0.39 acres more or less. Magnetic variation 8-45' East.

-102-

JAMES SAMPSON ESTATE.

(From Station 946 #80 to Station 957 #80 on the right.)

Beginning at the intersection of the southwest property line of the James Sampson 15 4/5 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence N 43-54' E, along the southeast right of way line of said Highway, 1099.8 feet to the northeast line of the Sampson tract. Thence S 48-35' E, 10.5 feet to a point 40.5 feet from the center line of said Highway. Thence S 41-02' W, 132.2 feet to a point 50 feet from the center line of said Highway. Thence S 43-54' W, 800 feet. Thence S 41-02' E, 117.2 feet to a point in the southwest line of the Sampson tract; said point being 56 feet from the center line of said Highway. Thence N 49-00' E, 26.5 feet to the place of beginning. Containing 0.49 acres more or less. Mag. Var. 8-45' East.

-103-

FRITZ MEINCKE

(From Station 932 #56 to Station 950 #61 on the left.)

A strip of land 10 feet wide and 1800 feet long across the southeast edge of a 50 acre tract of land belonging to Fritz Meincke in the Mary Phelps League, and adjoining the northwest right of way line of State Highway No. 72. Containing 0.41 acres more or less.

-104-

H. L. Fuchs.

(From Station 975 #34 to Station 989 #63 on the left.)

Beginning at the intersection of the southwest property line of the H. L. Fuchs 105 acre tract of land in the Mary Phelps League, and the northwest right of way line of State Highway No. 72. Thence N 46-15" W, 10 feet to a point 40 feet from center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 43-48" E, 1109 feet. Thence N 46-12" W, 25 feet to a point 65 feet from and perpendicular to the center line of said Highway. Thence 65 feet from and parallel to the center line of said Highway N 43-48" E, 270 feet to the northeast line of the

Tracts tract. Thence S 46-15" E, 35 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway to the place of beginning. Containing 0.47 acres more or less. Magnetic variation 8-45" East.

-105-

WRIGHT CUNEY KNOTTS.

(From Station 957 /80 to Station 963 /22 on the right).-

Beginning at the intersection of the southwest property line of the Wright Cuneey Knotts 24 1/2 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction 542 feet to the northeast line of the Wright Cuneey Knotts' tract. Thence S 48-35' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 43-48' E, 524 feet to the southwest line. Thence S 41-02' W, 18 feet to a point 40.5 from the center line of said Highway. Thence N 43-35' W, 10.5 to the place of beginning. Containing 0.12 acres more or less. Magnetic variation 8-45' East.

-106-

AND. KNOTTS.

(From Station 963 /22 to Station 966 /79 on the right.)

Beginning at the intersection of the southwest property line of the And. Knotts 24 1/2 acre tract of land in the James Winn League; said line being also the northeast line of a tract of land belonging to Wright Cuneey Knotts, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway N 43-48' E, 357.0 feet to the northeast line of the And. Knotts tract. Thence S 48-15' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 43-48' W, 357.0 feet to the southwest line of the Knotts tract. Thence N 48-15' W, 10 feet to the place of beginning. Containing 0.08 acres more or less. Magnetic variation 8-45' East.

-107-

OSCAR C. KNOTTS ESTATE.

(From Station 966 /79 to Station 968 /94 on the right).

Beginning at the intersection of the southwest property line of the Oscar C Knotts Estate, tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway N 43-48' E, 215 feet to the northeast line of the Oscar C. Knotts Estate tract. Thence S 48-15' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway, S 43-48' W, 215 feet to the southwest property line of the Oscar C. Knotts tract. Thence N 48-15' W, 10 feet to the place of beginning. Containing 0.05 acres more or less. Magnetic variation 8-45' East.

-108-

OTTO ALTHAUS.

(From Station 968 /94 to Station 969 /07 on the right).

A strip of land 10 feet wide and 13 feet long adjoining State Highway No. 72, and across the northwest edge of a 13 foot lane owned by Otto Althaus on the James Winn League and between the Julia Knotts and Hy. Kiel tracts of land. Containing 0.003 acres more or less.

-109-

-109-

HY. KIEL.
Tract No. 1.

(From Station 968 /43 to Station 975 /54 on the left.)

Beginning at the intersection of the southwest property line of the Hy. Kiel 50 acre tract of land in the Mary Phelps League, and the northwest right of way line of State Highway No. 72. Thence N 46-25' W, 18 feet to a point 48 feet from the center line of State Highway No. 72. Thence N 46-40' E, 157.1 feet to a point 40 feet from the center line of said Highway. Thence N 43-48' E, 554 feet to the northeast line of the Kiel tract. Thence S 46-15' E, 10 feet to the northwest right of way line of said Highway. Thence along the northeast right of way line S 43-48' W, 711.2 feet to the place of beginning. Containing 0.18 acres more or less. Magnetic variation 8-45' East.

-110-

HY. KIEL.
Tract No. 2.

(From Station 969 /07 to Station 986 /86 on the right.)

Beginning at the intersection of the southwest property line of the Hy. Kiel 26 2/10 acre tract of land in the James Winn League, and the southeast right of way line of State Highway No. 72. Thence 43-48' E, along the southeast right of way line 1760.3 feet to the northeast line of the Hy. Kiel 8 1/2 acre tract of land in the Chas Fleasner 1/3 league. Thence S 15-45' E, 26 feet to a point 54 feet from the center line of said Highway. Thence S 38-05' W, 55 feet to a point 60 feet from the center line of said Highway. Thence S 49-31 W, 201 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 43-48' W, 1491.6 feet to the southwest line of the Kiel tract. Thence N 48-15' W, 10 feet to the place of beginning. Containing 0.47 acres more or less. Magnetic variation 8-45' East.

-111-

EMIL KROLL.

(From Station 986 /86 to Station 995 /70 on the right.)

Beginning at the intersection of the southwest property line of the Emil Kroll 67 acre tract of land in the Chas. Fleasner 1/3 league, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line N 43-48' E, 431.6 feet. Thence N 42-12' E, 470.8 feet to the northeast line of the Kroll tract. Thence S 49-15' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 43-12' W, 471 feet. Thence S 43-48' W, 300 feet. Thence S 38-03' W, 146 feet to a point in the southwest line of the Kroll tract, said point being 54 feet from the center line of said Highway. Thence N 15-45' W, 28 feet to the place of beginning. Containing 0.22 acres more or less. Magnetic variation 8-45' East.

-112-

FRITZ MARX.
Tract No. 1.

(From Station 990 /03 to Station 1003 /44 on the left.)

Beginning at the intersection of the southwest property line of the Fritz Marx 12 35/100 acre tract of land in the Mary Phelps League, and the northwest right of way line of State Highway No. 72. Thence N 46-15' W, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of

said Highway N 43-48' E, 97 feet. Thence N 42-12' E 700 feet. Thence N 39-20' E, 400.4 feet to a point 60 feet from the center line of said Highway. Thence N 43-04' E, 146 feet to the northeast line of the Marx tract. Thence S 46-15' E, 28 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway in a southwesterly direction to the place of beginning. Containing 0.46 acres more or less.

-113-

FRITZ MARX
Tract No. 2.

(From Station 995 470 to Station 1008 408 on the right.)

Beginning at the intersection of the southwest property line of the Fritz Marx 156 4/10 acre tract of land in the Chas. Fleasner 1/3 League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line N 42-12' E, to the northeast line of the Marx tract. Thence S 49-00' E, 14 feet to a point 44.5 feet from the center line of State Highway No. 72. Thence S 40-46' W, 9 feet to a point 45 feet from the center line of said Highway. Thence 45 feet from and parallel to the center line of said Highway S 42-12' W, 200 feet. Thence S 40-46' W, 200.1 feet to a point 50 feet from the center line of said Highway S 42-12' W, 400 feet. Thence S 45-04' W, 200.2 feet to a point 40 feet from the center line of said Highway. Thence 40' from & parallel to the center line S 42-12' W, 229 feet to the southwest line of the Marx tract. Thence N 49-15' W, 10 feet to the place of beginning. Containing 0.43 acres more or less. Magnetic variation 8-45' East.

-114-

WM. BRUENING.

(From Station 1006 400 to Station 1012 434 on the left.)

Beginning at the intersection of the northeast property line of the Wm Bruening 127 acre tract of land in the James Beardsler League, and the northwest right of way line of State Highway No. 72. Thence along the northwest fence line of State Highway No. 72. in a southwesterly direction 600.1 feet to a point 50 feet from the center line of said Highway and to the left and opposite Station 1006 400. Said point being also approximately 254 feet from the south corner of the Wm Bruening tract. Thence N 43-38' E, 200.1 feet to a point 45 feet from the center line of said Highway. Thence N 42-12' E, 400 feet. Thence E 43-38' E, 34 feet to the northeast line of the Bruening tract. Thence S 46-15' E, 12 feet to the place of beginning. Containing 0.07 acres more or less. Magnetic variation 8-45' East.

-115-

ROLAND V. KNEBEL.
Tract No. 1.

(From Station 1008 408 to Station 1026 472 on the right.)

Beginning at the intersection of the southwest property line of the Roland V. Knebel 25 acre tract of land in the Chas. Fleasner 1/3 league, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a northeasterly direction to the northeast line of the Knebel tract. Thence S 49-45' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 42-35' W, 736.4 feet. Thence S 42-12' W, 934 feet. Thence S 40-46' W, 191 feet to the southwest line of the Knebel tract. Thence N 49-00' W, 14 feet to the place of beginning. Containing 0.44 acres more or less. Magnetic variation 8-45' East.

-116-

ROLAND V. KNEBEL.
Tract No. 2.

(From Station 1012 /34 to Station 1024 /74 on the left).

Beginning at the intersection of the southwest property line of the Roland V. Knebel 50 acre tract of land in the James Beardsler league, and the northwest right of way line of State Highway No. 72. Thence N 46-15' W, 14 feet to a point 43.5 from the center line of said Highway. Thence N 43-38' E, 166 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway N 42-12 E, 534 feet. Thence N 42-35 E, 466 feet. Thence N 44-01' E, 74 feet to the north east line of the Knebel tract. Thence S 47-15' E, 11.5 feet to the northwest right of way line of said Highway. Thence along the northwest right of way line of said Highway. Thence along the northwest right of way of said Highway in a southwesterly direction to the place of beginning. Containing 0.29 acres more or less. Magnetic variation 8-45' East.

-118-

HERMAN EICHLER JR.

(From Station 1037 /27 to Station 1064 /31 on the right.)

Beginning at the intersection of the southwest property line of the Herman Eichler Jr. 100 acre tract of land in the Chas. Fleasner 1/3 League, and the southeast right of way line of State Highway No. 72. Thence along the southeast right of way line of said Highway in a southeasterly direction to the northeast line of the Eichler tract. Thence S 50-15' E, 10 feet to a point 40 feet from the center line of said Highway. Thence 40 feet from and parallel to the center line of said Highway S 42-58' W, 2333.2 feet. Thence S 42-35' W, 372.1 feet to the southwest line of the Eichler tract. Thence N 48-45' W, 10 feet to the place of beginning. Containing .62 acres more or less. Magnetic variation 8-45' East.

-117-

ALBERT EICHLER.

(From Station 1026 /72 to Station 1037 /27 on the right.)

A strip of land 10 feet wide and 1055 feet long across the northwest edge of a 141 acre tract of land belonging to Albert Eichler in the Chas. Fleasner 1/3 League. and adjoining the southeast right of way line of State Highway No. 72. Containing 0.24 acres more or less.

-119-

OTTO FUCHS.
Tract No. 1.

(From Station 1024 /74 to Station 1038 /00 on the left.)

A strip of land 10 feet wide and 1326 feet long across the southeast edge of a 242 1/2 acre tract of land belonging to Otto Fuchs in the James Beardsler League, and adjoining the northwest right of way line of State Highway No. 72. Containing 0.30 acres more or less.

Tract No. 2.

(From Station 1049 /00 to Station 1064 /52 on the left.)

A strip of land 10 feet wide and 1552 feet long across the southeast edge of a 242 1/2 acre tract of land belonging to Otto Fuchs in the James Beardsler League, and adjoining the northwest right of way line of State Highway No. 72. Containing 0.36 acres more or less.

I hereby certify that the above and foregoing is a true and correct copy of the Description of Additional Right of Way, State Highway No.72, Oldenburg to Washington Co. Line, (except thru the town of Round Top) accompanying the Jury of View Report filed February 9, 1929, together with the Jury of View Report and all certificates endorsed thereto. Recorded this the 29th. day of June, A. D. 1929, at 4 o'clock P.M.

Robert F. Mack, County Clerk, Fayette County, Texas.

UNOFFICIAL

OIL, GAS AND MINERAL LEASE VOL 222 PAGE 237

735 THIS AGREEMENT made this 2nd day of August 1984 between

Evelyn E. Mikeska, a widow

lessor (whether one or more), whose address is: John M. Wainwright 25315 Cottage Hill Lane Spring, Texas 77373, lessee, WITNESSETH:

and ~~in full and other valuable considerations~~ (10 And. etc) Dollars, receipt of which is hereby acknowledged, and of the covenants and agreements of lessee hereinafter contained, does hereby grant, lease and let unto lessee the land covered hereby for the purposes and with the exclusive right of exploring, drilling, mining and operating for, producing and owning oil, gas, sulphur and all other minerals (whether or not similar to those mentioned), together with the right to make surveys on said land, lay pipe lines, establish and utilize facilities for surface or subsurface disposal of salt water, construct roads and bridges, dig canals, build tanks, power stations, telephone lines, employee houses and other structures on said land, necessary or useful in lessee's operations in exploring, drilling for, producing, treating, storing and transporting minerals produced from the land covered hereby or any other land adjacent thereto. The land covered hereby, herein called "said land", is located in the County of Fayette State of Texas, and is described as follows:

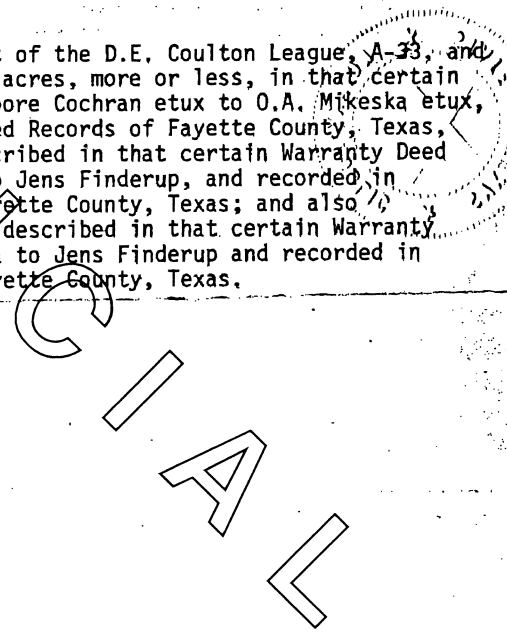
132.075 acres of land, more or less, lying and being situated in the John Shaw, League, A-92, and D.E. Coulton League, A-33, all of Fayette County, Texas, and being described in three (3) tracts below:

TRACT 1: 1.035 acres of land, more or less, out of the D.E. Coulton League A-33, being the same tract of land described in that certain Warranty Deed dated April 10, 1975 from the Town of Round Top to Evelyn Mikeska and recorded in Volume 479, Page 487, of the Deed Records of Fayette County, Texas.

E.M. TRACT 2: 69.12 acres of land, more or less, out of the John Shaw League, A-92, and the D. E. Coulton League, A-33, and being the same tract of land described in that certain Warranty Deed dated September 30, 1972 from Otto A. Mikeska to Evelyn E. Mikeska and recorded in Volume 453, Page 253, of the Deed Records of Fayette County Texas.

TRACT 3: 61.92 acres of land, more or less, out of the D.E. Coulton League, A-33, and being the same tract of land described as 111.9 acres, more or less, in that certain Warranty Deed dated August 16, 1967 from Fred Moore Cochran et ux to O.A. Mikeska et ux, and recorded in Volume 389, Page 592, of the Deed Records of Fayette County, Texas, SAVE & EXCEPT: 27.5 acres, more or less, as described in that certain Warranty Deed dated November 9, 1979 from Evelyn E. Mikeska to Jens Finderup, and recorded in Volume 544, Page 667, of the Deed Records of Fayette County, Texas; and also SAVE & EXCEPT: 22.48 acres, more or less, being described in that certain Warranty Deed dated April 28, 1981 from Evelyn E. Mikeska to Jens Finderup and recorded in Volume 576, Page 553, of the Deed Records of Fayette County, Texas.

61.92



IN WITNESS WHEREOF, this instrument is executed on the date first above written.

Evelyn E. Mikeska
Evelyn E. Mikeska, a widow

464-24-4798
Social Security Number

STATE OF Texas
COUNTY OF Harris

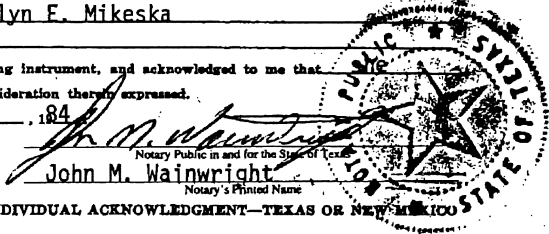
INDIVIDUAL ACKNOWLEDGMENT—TEXAS OR NEW MEXICO

Before me, the undersigned authority, on this day personally appeared Evelyn E. Mikeska

known to me to be the person whose name is (are) subscribed to the foregoing instrument, and acknowledged to me that she executed the same as her free act and deed for the purposes and consideration therein expressed.

Given under my hand and seal of office this 4th day of August, 1984

My Commission Expires 8/05/85



John M. Wainwright
Notary's Printed Name

STATE OF _____
COUNTY OF _____

INDIVIDUAL ACKNOWLEDGMENT—TEXAS OR NEW MEXICO

Before me, the undersigned authority, on this day personally appeared _____

known to me to be the person whose name is (are) subscribed to the foregoing instrument, and acknowledged to me that she executed the same as _____ free act and deed for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 19____.

My Commission Expires _____

Notary Public in and for the State of Texas

Notary's Printed Name: _____

HUSBAND AND WIFE ACKNOWLEDGMENT—TEXAS OR NEW MEXICO

STATE OF _____
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____

and _____ husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same as their free act and deed for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 19____.

My Commission Expires _____

Notary Public in and for the State of Texas

Notary's Printed Name: _____

By Irene Pratkan
Irene Pratkan, County Clerk
Pampell Interests, Inc.
10933 Long Shadow Lane
Houston, Texas 77024
Deputy
Pound Printing & Stationery Co., Houston, Texas

Term _____
This instrument was filed for record on the 27th day of August, 1984 at 3:15 o'clock P. M., and duly recorded in Book _____ Page _____ of the _____ records of this office.

No. Acres _____
Dated _____ 19____
County _____

FROM
EVELYN E. MIKESKA
JOHN M. WAINWRIGHT

Oil Gas and Mineral Lease

Producers 88 (7-83)
With 60 Acres Pooling Provision

RECORDED THIS THE 10th DAY OF September, A.D., 1984, AT 10:05 O'CLOCK A. M.
BY Irene Pratkan DEPUTY

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

WARRANTY DEED

Date: MARCH 21, 2017

Grantor: BARBARA ANN SEARGEANT and husband, THOMAS DEE SEARGEANT
JOHNNIE RAY RICHARDS and wife, LISA LAURETTE RICHARDS

Grantor's Mailing Address (including county):

BARBARA ANN SEARGEANT and THOMAS DEE SEARGEANT
19 Country Oaks Drive, Buda, Hays County, Texas 78610

JOHNNIE RAY RICHARDS and LISA LAURETTE RICHARDS
2210 Willowby Drive, Houston, Harris County, Texas 77008

Grantee: ELWYN J. COLE

Grantee's Mailing Address (including County):

1014 North Main, Pearland, Brazoria County, Texas 77581

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration.

Property (including any improvements):

All that certain 10.114 acres of land out of the Dan E. Colton League (also known as the J. G. Robinson League), Abstract No. 33 in Fayette County, Texas, and being the remainder of that certain (First Tract-35.67 acre) Tract of land conveyed to Edmund D. Lively and Marian B. Lively in a Deed as recorded in Volume 916 Page 263 of the Deed Records of Fayette County, Texas, being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

Reservations From and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following exception(s) from conveyance and warranty, but only to the extent the same are valid and subsisting and relate to the property:

1. Such presently valid and subsisting easements, if any, to which the above property is subject, as may be actually located upon the ground, which are not of record.
2. Any portion of the property herein described, if any, which falls within the boundaries of any road or roadway.
3. Fayette County Groundwater Conservation District stating the District Rules filed April 8, 2004, recorded in Volume 1260, Page 142, Official Records of Fayette County, Texas, and revised in Volume 1384, Page 493, Official Records of Fayette County, Texas, together with all rights incident thereto.
4. Any rights that may have been created by a certain Petition for the organization of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1, as shown by an instrument dated January 5, 1956, recorded in Volume 286, Page 370, Deed Records of Fayette County, Texas, and Order of Confirmation recorded in Volume 291, Page 148, Deed Records of Fayette County, Texas, and also Appointment recorded in Volume 291, Page 625, Deed Records of Fayette County, Texas, together with all rights incident thereto.
5. Mineral Deed dated February 2, 1995, executed by Thomas Gene Mikeska, et ux to Evelyn M. Mikeska, recorded in Volume 916, Page 257, Deed Records of Fayette County, Texas, together with all rights incident thereto.
6. Mineral and/or Royalty Reservation appearing in Deed dated February 2, 1995, executed by Evelyn E. Mikeska and Thomas Gene Mikeska to Edmond D. Lively and wife, Marian B. Lively, recorded in Volume 916, Page 263, Deed Records of Fayette County, Texas, together with all rights incident thereto.
7. Pipeline Right of Way dated April 14, 1993, executed by Evelyn E. Mikeska to Phillips Natural Gas Company, recorded in Volume 868, Page 273, Deed Records of Fayette County, Texas, together with all rights incident thereto.
8. Pipeline Right of Way designated in Condemnation Suit filed in Fayette County District Court, Case No. 233A, styled Phillips Natural Gas Company vs. Evelyn E. Mikeska, which designates a 1.03 acre right of way.

9. Easement dated March 26, 1947, executed by Walter L. Veith and wife, Nathalie Veith to Fayette Electric Cooperative, Inc., recorded in Volume 221, Page 65, Deed Records of Fayette County, Texas, together with all rights incident thereto. TITLE to said interest not checked subsequent to date of such document.
10. Right of Way Easement dated September 24, 2002, executed by Marian B. Lively to Fayette Electric Cooperative, Inc., recorded in Volume 1193, Page 469, Official Records of Fayette County, Texas, together with all rights incident thereto.
11. Oil, Gas and Mineral Lease dated June 9, 2000, executed by Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased to Orbis Energy, LLC, recorded in Volume 1101, Page 377, Official Records of Fayette County, Texas, together with all rights incident thereto.
12. Right of Way Easement dated October 30, 1959, executed by Vollie L. English and Mrs. V. L. English to State of Texas, recorded in Volume 339, Page 276, Deed Records of Fayette County, Texas, together with all rights incident thereto.
13. Right of Way Deed dated October 11, 1924, executed by P. D. Krause to John P. Ehlinger, County Judge, recorded in Volume 122, Page 327, Deed Records of Fayette County, Texas, together with all rights incident thereto.
14. Right of Way as set out in Deed dated December 12, 1921, executed by P. D. Krause to John P Ehlinger, County Judge, recorded in Volume 115, Page 346, Deed Records of Fayette County, Texas, together with all rights incident thereto.
15. Ratification of Lease dated May 13, 1991, executed by Evelyn E. Mikeska to Capital Risk Management Corporation, recorded in Volume 311, Page 327, Oil and Gas Lease Records of Fayette County, Texas, together with all rights incident thereto.
16. Jury of View dated January 30, 1929, executed by Henry Thielmann and E. F. Hueske to State of Texas, recorded in Volume 144, Page 21, Deed Records of Fayette County, Texas, together with all rights incident thereto.
17. Oil, Gas and Mineral Lease dated August 2, 1984, executed by Evelyn E. Mikeska to John M. Wainwright, recorded in Volume 222, Page 237, Oil and Gas Records of Fayette County, Texas, together with all rights incident thereto.
18. Any claim, right or assertion, including rights of ingress and egress, in and to the overhead electric lines, septic and underground cable signs as shown on survey plat dated March 7, 2016, prepared by Timothy D. Hearitige, R.P.L.S. No. 5036.
19. Any rights, claims or other matters which may exist or arise by virtue of deed line overlap as shown on survey plat dated March 7, 2016, prepared by Timothy D. Hearitige, R.P.L.S. No. 5036.

This conveyance is made by Grantor and accepted by Grantee subject to the following reservation(s) from conveyance and warranty:

SAVE AND EXCEPT Grantor reserves and retains for Grantor and Grantor's heirs, successors and assigns, all oil, gas and other minerals that are in and under the Property and that may be produced from it, together with all rights incident thereto: provided, however, this reservation of Grantor shall not include any rights of ingress or egress, nor any right of use of the surface whatsoever, for the purposes of mining, drilling, exploring, operating, or developing the Property for oil, gas, or other minerals or removing the same therefrom; and Grantor, by execution hereof, permanently waives and surrenders any right of Grantor to use of the surface of the Property unto Grantee, Grantee's heirs and assigns. Nothing herein shall restrict or prohibit the pooling or unitization of the Property with other land or the exploration or production of the oil, gas and other minerals by means of activity on land other than the Property but which enter or bottom under the Property. The relinquishment of surface rights by Grantor shall not affect the rights held by a holder of a currently valid and existing lease or the rights and interests held in minerals (including, without limitation, surface access) held by any predecessors in title to Grantor.

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

Current ad valorem taxes on the property having been prorated, the payment thereof is assumed by Grantee.

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

ACCEPTED BY GRANTEE:

EXECUTED BY GRANTOR:

Elwyn J. Cole
ELWYN J. COLE

Barbara Ann Seargeant
BARBARA ANN SEARGEANT

Thomas Dee Seargeant
THOMAS DEE SEARGEANT

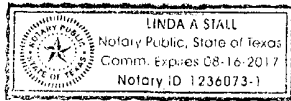
Johnnie Ray Richards
JOHNNIE RAY RICHARDS

Lisa Laurette Richards
LISA LAUQUETTE RICHARDS

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF FAYETTE §

This instrument was acknowledged before me on the 21 day of March, 2017, by
ELWYN J. COLE.

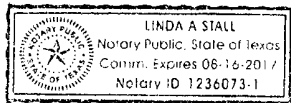


Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF FAYETTE §

This instrument was acknowledged before me on the 21 day of March, 2017, by BARBARA ANN SEARGEANT and THOMAS DEE SEARGEANT.

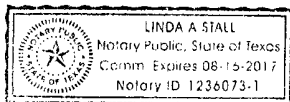


Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF FAYETTE §

This instrument was acknowledged before me on the 21 day of March, 2017, by JOHNNIE RAY RICHARDS and LISA LAURETTE RICHARDS.



Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

T.M. D. HEARITIGE
27 West Point Loop
West Point, Texas 78963

EXHIBIT "A"

Registered Professional Land Surveyor No. 5036
Licensed State Land Surveyor
Phone (979)242-3485

March 15, 2016

FIELD NOTE DESCRIPTION OF 10.114 ACRES ACRES OF LAND OUT OF THE DAN E. COLTON LEAGUE (also known as the J.G. ROBINSON LEAGUE), ABSTRACT NO. 33 IN FAYETTE COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT CERTAIN (FIRST TRACT-35.67 ACRE) TRACT OF LAND CONVEYED TO EDMUND D. LIVELY AND MARIAN B. LIVELY IN A DEED AS RECORDED IN VOLUME 916 PAGE 263 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4" iron rod found at the base of a fence corner post in the southwesterly right-of-way line of Huenefeld Lane, being at the most northerly corner of that certain (49.959 acre) tract of land conveyed to Jacquelyn Ditsler in a deed as recorded in Volume 1331 Page 613 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (First Tract-35.67 acre) tract of land conveyed to Edmund D. Lively and Marian B. Lively in a deed as recorded in Volume 916 Page 263 of the Deed Records of Fayette County, Texas, and being at the most northerly corner of that certain (43.063 acre) tract of land conveyed to Erik P. Littlejohn in a deed as recorded in Volume 1540 Page 290 of the Official Records of Fayette County, Texas, and being 2.6 feet northeast of the southwest line of that certain (49.902 acre) tract of land conveyed to James E. Saxton and Elizabeth Saxton in a deed as recorded in Volume 1353 Page 856 of the Official Records of Fayette County, Texas, and being for the most easterly corner of the tract herein described,

THENCE, leaving the southwesterly right-of-way line of Huenefeld Lane, and with the common line between the Lively tract and the Littlejohn tract, S 47 deg. 37' 37" W 664.46 feet to a 1/2" iron rod found, S 39 deg. 22' 12" W 988.86 feet to a 1/2" iron rod found, and N 48 deg. 40' 49" W 222.19 feet to a 1/2" iron rod found at the most westerly north corner of the Littlejohn tract and being for an angle in the westerly line of this tract,

THENCE, N 26 deg. 18' 25" W 15.51 feet to a 1/2" iron rod found at the most southerly corner of that certain (5.00 acre) tract of land conveyed to David R. Kay in a deed as recorded in Volume 1263 Page 715 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (5.00 acre) tract of land conveyed to Elwyn J. Cole in a deed as recorded in Volume 1293 Page 322 of the Official Records of Fayette County, Texas, and being for the most westerly corner of this tract,

THENCE, with the southeasterly line of the Kay tract, being in the interior of the Lively tract, N 40 deg. 20' 12" E 487.49 feet to a 1/2" iron rod found at the most easterly corner of the Kay tract, and being the most southerly corner of that certain (14.03 acre) tract of land conveyed to Jackrln Leeburajin and Lawrence K. Lee in a deed as recorded in Volume 1345 Page 602 of the Official Records of Fayette County, Texas, and being for an angle in the northwesterly line of this tract,

THENCE, with the southeasterly line of the Leeburajin tract, and continuing in the interior of the Lively tract, N 40 deg. 18' 37" E 555.85 feet to a 1/2" iron rod found, N 37 deg. 27' 54" W 101.04 feet to a 1/2" iron rod found, and N 49 deg. 22' 09" E 631.65 feet to a 1/2" iron rod found, in the southwesterly right-of-way line of Huenefeld Lane, being for the most northerly corner of this tract,

THENCE, with the southwesterly right-of-way line of Huenefeld Lane, and the northeasterly line of the Lively tract S 47 deg. 11' 51" E 179.22 feet to a 1/2" iron rod set, and S 30 deg. 41' 00" E 132.00 feet, to the PLACE OF BEGINNING, in all containing 10.114 acres of land...

SURVEYED: March 7, 2016

BY:

[Handwritten signature of Timothy D. Hearitige]

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036



3/22/2017 1:20 PM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the OFFICIAL RECORDS of Fayette County, Texas as stamped hereon above time.

JULIE KARSTEDT, COUNTY CLERK

Stamps: 7 Page(s)

KS


NOTICE TO PURCHASER

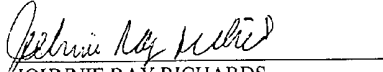
TO PURCHASER SHOWN BELOW:

The real property described below, which you are about to purchase is located in the Lee-Fayette Counties Cummins Creek Water Control and Improvement District, Fayette County, Texas. The district has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the district is \$.0211 on each \$100.00 dollars of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or may, at this date, be issued is -0-. The purpose of this district is to provide water, sewer, drainage, or flood control facilities and services within the district through the issuance of bonds payable in whole or in part from property taxes. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned or to be owned by the district. The legal description of the property which you are acquiring is as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

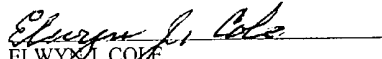

BARBARA ANN SEARGEANT
Seller


THOMAS DEE SEARGEANT
Seller


JOHNNIE RAY RICHARDS
Seller

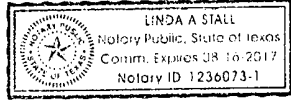

LISA LAURETTE RICHARDS
Seller

The undersigned purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the real property described in such notice.


ELWYN J. COLE
Purchaser

THE STATE OF TEXAS *
*
COUNTY OF FAYETTE *

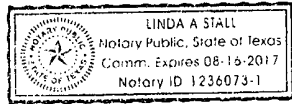
This instrument was acknowledged before me on the 21 day of March, 2017, by BARBARA ANN SEARGEANT and THOMAS DEE SEARGEANT.



Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS *
*
COUNTY OF FAYETTE *

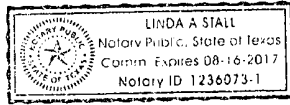
This instrument was acknowledged before me on the 21 day of March, 2017, by JOHNNIE RAY RICHARDS and LISA LAURETTE RICHARDS.



Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS *
*
COUNTY OF FAYETTE *

This instrument was acknowledged before me on the 21 day of March, 2017, by ELWYN J. COLE.



Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

TM. D. HEARITIGE
27 West Point Loop
West Point, Texas 78963

EXHIBIT "A"

Registered Professional Land Surveyor No. 5036
Licenced State Land Surveyor
Phone (979)242-3485

March 15, 2016

FIELD NOTE DESCRIPTION OF 10.114 ACRES ACRES OF LAND OUT OF THE DAN E. COLTON LEAGUE (also known as the J.G. ROBINSON LEAGUE), ABSTRACT NO. 33 IN FAYETTE COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT CERTAIN (FIRST TRACT-35.67 ACRE) TRACT OF LAND CONVEYED TO EDMUND D. LIVELY AND MARIAN B. LIVELY IN A DEED AS RECORDED IN VOLUME 916 PAGE 263 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the base of a fence corner post in the southwesterly right-of-way line of Huenefeld Lane, being at the most northerly corner of that certain (49.959 acre) tract of land conveyed to Jacquelyn Ditsler in a deed as recorded in Volume 1331 Page 613 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (First Tract-35.67 acre) tract of land conveyed to Edmund D. Lively and Marian B. Lively in a deed as recorded in Volume 916 Page 263 of the Deed Records of Fayette County, Texas, and being at the most northerly corner of that certain (43.063 acre) tract of land conveyed to Erik P. Littlejohn in a deed as recorded in Volume 1540 Page 290 of the Official Records of Fayette County, Texas, and being 2.6 feet northeast of the southwest line of that certain (49.902 acre) tract of land conveyed to James E. Saxton and Elizabeth Saxton in a deed as recorded in Volume 1353 Page 856 of the Official Records of Fayette County, Texas, and being for the most easterly corner of the tract herein described,

THENCE, leaving the southwesterly right-of-way line of Huenefeld Lane, and with the common line between the Lively tract and the Littlejohn tract, S 47 deg. 37' 37" W 664.46 feet to a 1/2" iron rod found, S 39 deg. 22' 12" W 988.86 feet to a 1/2" iron rod found, and N 48 deg. 40' 49" W 222.19 feet to a 1/2" iron rod found at the most westerly north corner of the Littlejohn tract and being for an angle in the westerly line of this tract,

THENCE, N 26 deg. 18' 25" W 15.51 feet to a 1/2" iron rod found at the most southerly corner of that certain (5.00 acre) tract of land conveyed to David R. Kay in a deed as recorded in Volume 1263 Page 715 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (5.00 acre) tract of land conveyed to Elwyn J. Cole in a deed as recorded in Volume 1293 Page 322 of the Official Records of Fayette County, Texas, and being for the most westerly corner of this tract,

THENCE, with the southeasterly line of the Kay tract, being in the interior of the Lively tract, N 40 deg. 20' 12" E 487.49 feet to a 1/2" iron rod found at the most easterly corner of the Kay tract, and being the most southerly corner of that certain (14.03 acre) tract of land conveyed to Jackrin Leeburajin and Lawrence K. Lee in a deed as recorded in Volume 1345 Page 602 of the Official Records of Fayette County, Texas, and being for an angle in the northwesterly line of this tract,

THENCE, with the southeasterly line of the Leeburajin tract, and continuing in the interior of the Lively tract, N 40 deg. 18' 37" E 555.85 feet to a 1/2" iron rod found, N 37 deg. 27' 54" W 101.04 feet to a 1/2" iron rod found, and N 49 deg. 22' 09" E 631.65 feet to a 1/2" iron rod found, in the southwesterly right-of-way line of Huenefeld Lane, being for the most northerly corner of this tract,

THENCE, with the southwesterly right-of-way line of Huenefeld Lane, and the northeasterly line of the Lively tract S 47 deg. 11' 51" E 179.22 feet to a 1/2" iron rod set, and S 30 deg. 41' 00" E 132.00 feet, to the PLACE OF BEGINNING, in all containing 10.114 acres of land.

SURVEYED: March 7, 2016

BY:

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036



3/22/2017 1:17 PM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped herein by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped herein above to me.

JULIE KARSTEDT, COUNTY CLERK

Stamps: 3 Page(s) KS

NOTICE TO PURCHASER


TO PURCHASER SHOWN BELOW:

The real property described below, which you are about to purchase is located in the FAYETTE COUNTY GROUND WATER CONSERVATION DISTRICT, Fayette County, Texas. The district has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the district is \$.0140 on each \$100.00 dollars of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or may, at this date, be issued is \$-0-. The purpose of this district is to provide water control and improvement services within the district through the issuance of bonds payable from property taxes and user charges. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned by the district. The legal description of the property which you are acquiring is as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.



BARBARA ANN SEARGEANT
Seller


THOMAS DEE SEARGEANT
Seller


JOHNNIE RAY RICHARDS
Seller

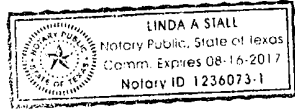

LISA LAURETTE RICHARDS
Seller

The undersigned purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the real property described in such notice.


ELWYN J. COLE
Purchaser

THE STATE OF TEXAS *
*
COUNTY OF FAYETTE *

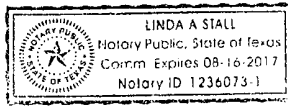
This instrument was acknowledged before me on the 21 day of March, 2017, by BARBARA ANN SEARGEANT and THOMAS DEE SEARGEANT.



Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS *
*
COUNTY OF FAYETTE *

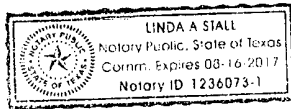
This instrument was acknowledged before me on the 21 day of March, 2017, by JOHNNIE RAY RICHARDS and LISA LAURETTE RICHARDS.



Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS *
*
COUNTY OF FAYETTE *

This instrument was acknowledged before me on the 21 day of March, 2017, by ELWYN J. COLE.



Linda A. Stall
NOTARY PUBLIC, STATE OF TEXAS

IM. D. HEARITIGE
27 West Point Loop
West Point, Texas 78963

EXHIBIT "A"

Registered Professional Land Surveyor No. 5036
Licenced State Land Surveyor
Phone (979)242-3485

March 15, 2016

FIELD NOTE DESCRIPTION OF 10.114 ACRES ACRES OF LAND OUT OF THE DAN E. COLTON LEAGUE (also known as the J.G. ROBINSON LEAGUE), ABSTRACT NO. 33 IN FAYETTE COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT CERTAIN (FIRST TRACT-35.67 ACRE) TRACT OF LAND CONVEYED TO EDMUND D. LIVELY AND MARIAN B. LIVELY IN A DEED AS RECORDED IN VOLUME 916 PAGE 263 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4" iron rod found at the base of a fence corner post in the southwesterly right-of-way line of Huenefeld Lane, being at the most northerly corner of that certain (49.959 acre) tract of land conveyed to Jacquelyn Ditsler in a deed as recorded in Volume 1331 Page 613 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (First Tract-35.67 acre) tract of land conveyed to Edmund D. Lively and Marian B. Lively in a deed as recorded in Volume 916 Page 263 of the Deed Records of Fayette County, Texas, and being at the most northerly corner of that certain (43.063 acre) tract of land conveyed to Erik P. Littlejohn in a deed as recorded in Volume 1540 Page 290 of the Official Records of Fayette County, Texas, and being 2.6 feet northeast of the southwest line of that certain (49.902 acre) tract of land conveyed to James E. Saxton and Elizabeth Saxton in a deed as recorded in Volume 1353 Page 856 of the Official Records of Fayette County, Texas, and being for the most easterly corner of the tract herein described,

THENCE, leaving the southwesterly right-of-way line of Huenefeld Lane, and with the common line between the Lively tract and the Littlejohn tract, S 47 deg. 37' 37" W 664.46 feet to a 1/2" iron rod found, S 39 deg. 22' 12" W 988.86 feet to a 1/4" iron rod found, and N 48 deg. 40' 49" W 222.19 feet to a 1/4" iron rod found at the most westerly north corner of the Littlejohn tract and being for an angle in the westerly line of this tract,

THENCE, N 26 deg. 18' 25" W 15.51 feet to a 1/4" iron rod found at the most southerly corner of that certain (5.00 acre) tract of land conveyed to David R. Kay in a deed as recorded in Volume 1263 Page 715 of the Official Records of Fayette County, Texas, and also being at the most easterly corner of that certain (5.00 acre) tract of land conveyed to Elwyn J. Cole in a deed as recorded in Volume 1293 Page 322 of the Official Records of Fayette County, Texas, and being for the most westerly corner of this tract,

THENCE, with the southeasterly line of the Kay tract, being in the interior of the Lively tract, N 40 deg. 20' 12" E 487.49 feet to a 1/2" iron rod found at the most easterly corner of the Kay tract, and being the most southerly corner of that certain (14.03 acre) tract of land conveyed to Jackrin Leeburajin and Lawrence K. Lee in a deed as recorded in Volume 1345 Page 602 of the Official Records of Fayette County, Texas, and being for an angle in the northwesterly line of this tract,

THENCE, with the southeasterly line of the Leeburajin tract, and continuing in the interior of the Lively tract, N 40 deg. 18' 37" E 555.85 feet to a 1/4" iron rod found, N 37 deg. 27' 54" W 101.04 feet to a 1/4" iron rod found, and N 49 deg. 22' 09" E 631.65 feet to a 1/4" iron rod found, in the southwesterly right-of-way line of Huenefeld Lane, being for the most northerly corner of this tract,

THENCE, with the southwesterly right-of-way line of Huenefeld Lane, and the northeasterly line of the Lively tract S 47 deg. 11' 51" E 179.22 feet to a 1/4" iron rod set, and S 30 deg. 41' 00" E 132.00 feet, to the PLACE OF BEGINNING, in all containing 10.114 acres of land.

SURVEYED: March 7, 2016

BY:

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036



3/22/2017 1:18 PM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me and was duly RECORDED in the Volume and Page of the OFFICIAL RECORDS of Fayette County, Texas as stamped herein above time.

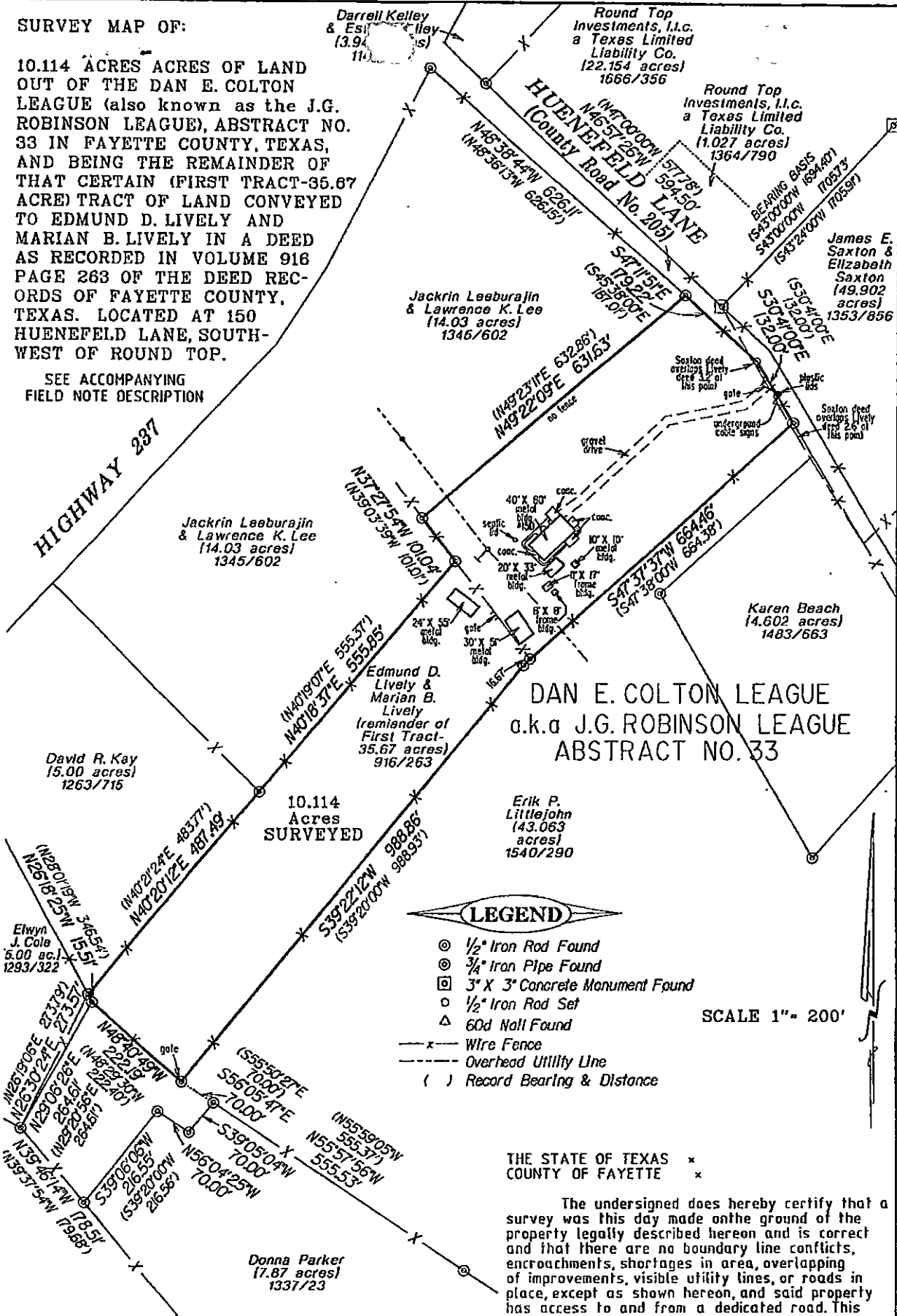
JULIE KARSTEDT, COUNTY CLERK

Stamps: 3 Page(s) 15

SURVEY MAP OF:

10.114 ACRES ACRES OF LAND OUT OF THE DAN E. COLTON LEAGUE (also known as the J.G. ROBINSON LEAGUE), ABSTRACT NO. 33 IN FAYETTE COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT CERTAIN (FIRST TRACT-35.67 ACRE) TRACT OF LAND CONVEYED TO EDMUND D. LIVELY AND MARIAN B. LIVELY IN A DEED AS RECORDED IN VOLUME 916 PAGE 263 OF THE DEED RECORDS OF FAYETTE COUNTY, TEXAS. LOCATED AT 150 HUENEFELD LANE, SOUTH-WEST OF ROUND TOP.

SEE ACCOMPANYING FIELD NOTE DESCRIPTION



**DAN E. COLTON LEAGUE
a.k.a J.G. ROBINSON LEAGUE
ABSTRACT NO. 33**

**10.114
Acres
SURVEYED**


LEGEND

- ⊙ 1/2" Iron Rod Found
- ⊙ 3/4" Iron Pipe Found
- ⊠ 3" X 3" Concrete Monument Found
- 1/2" Iron Rod Set
- △ 60d Nail Found
- x- Wire Fence
- - - Overhead Utility Line
- () Record Bearing & Distance

SCALE 1" = 200'

THE STATE OF TEXAS *
COUNTY OF FAYETTE *

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is correct and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property has access to and from a dedicated road. This property is located in Zone X (other areas-determined to be outside the 1% annual chance of flood) according to the Federal Emergency Management Agency Flood Insurance Rate Map 480815 0150 C, Dated October 17, 2006.
THIS the 7th day of MARCH, A.D., 2016.

BY 
Timothy D. Hearlidge
Reg. Professional Surveyor No. 5036

HEARITIGE SURVEYING CO.
727 West Point Loop, West Point, Texas 78963
(979)242-8485

C 189108

Elwyn J. Cole
3/2/17

*E.C.
JR
BRS*

NOTE: This survey was prepared without the benefit of a title commitment, and all of the easements, restrictions, and other matters of record which affect this tract may not be shown hereon.

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

GENERAL WARRANTY DEEDOFFICIAL RECORDS
FAYETTE COUNTY, TEXAS

THE STATE OF TEXAS

COUNTY OF FAYETTE

KNOW ALL PERSONS BY THESE PRESENTS, that I, Marian B. Lively, aka Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased, of Fayette County, Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration cash to me in hand paid by Elwyn J. Cole, the receipt and sufficiency of which is hereby acknowledged and confessed, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto the said Elwyn J. Cole, of Brazoria County, Texas, the following described real estate:

Being a 7.30 acre tract of land, being part of the D. E. Colton Survey, Abstract 33 of Fayette County, Texas, and being all of that called "Second Tract" as conveyed to Edmond D. Lively and wife, Marian B. Lively as recorded in Volume 916, Page 263, of the Deed Records of Fayette County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set in the Northeast line of Farm to Market Road 954 for the Southwest corner hereof;

THENCE with the East line of Farm to Market Road 954 North 02 deg. 14 min. 00 sec. West 57.23 feet to a 1/2" iron rod set in the intersection of the Southeast line of State Highway 237 and the East line of Farm to Market Road 954 for an exterior corner hereof;

THENCE with the Southeast line of State Highway 237 North 42 deg. 55 min. 10 sec. East 524.20 feet to a 1/2" iron rod set and for the West corner of a Edmond Lively parent "First Tract" (Volume 916, Page 263) and for the North corner hereof;

THENCE with the Southwest line of the Lively "First Tract" South 47 deg. 13 min. 38 sec. East 583.58 feet to a 1/2" iron rod set for an angle point of the Lively "First Tract", the North corner of a David Nester tract (Volume 826, Page 609) and for the East corner hereof;

THENCE with the Northwest line of the Nester tract South 43 deg. 47 min. 00 sec. West 500.84 feet to a 1/2" iron rod set in the Northeast line of Farm to Market Road 954 for the West corner of the Nester tract and for the South corner hereof;

THENCE with the Northeast line of Farm to Market Road 954 with a curve to the right having a radius of 1382.38 feet, a length of 446.58 feet and a chord which bears North 55 deg. 40 min. 00 sec. West 444.64 feet to a 1/2" iron rod set for an angle point hereof;

THENCE with the Northeast line of Farm to Market Road 954 North 46 deg. 25 min. 00 sec. West 95.80 feet to the PLACE OF BEGINNING, containing 7.30 acres of land.

SUBJECT TO any rights that may have been created by a certain Petition for the organization of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1, as shown by an Instrument dated January 5, 1956, recorded in Volume 286, Page 370, Deed Records of Fayette County, Texas, and Order of Confirmation recorded in Volume 291, Page 148, Deed Records of

FA 04-427

Fayette County, Texas, and also Appointment recorded in Volume 291, Page 625, Deed Records of Fayette County, Texas.

SUBJECT TO that Oil, Gas and Mineral Lease dated August 2, 1984, executed by Evelyn E. Mikeska to John M. Wainwright, recorded in Volume 222, Page 237, Oil and Gas Lease Records of Fayette County, Texas.

SUBJECT TO that Mineral Deed dated February 2, 1995, executed by Thomas Gene Mikeska, et ux to Evelyn M. Mikeska, recorded in Volume 916, Page 257, Deed Records of Fayette County, Texas.

SUBJECT TO that Mineral and/or Royalty Reservation appearing in Deed dated February 2, 1995, executed by Evelyn E. Mikeska and Thomas Gene Mikeska to Edmond D. Lively and wife, Marian B. Lively, recorded in Volume 916, Page 263, Deed Records of Fayette County, Texas.

SUBJECT TO that Pipeline Right of Way dated April 14, 1993, executed by Evelyn E. Mikeska to Phillips Natural Gas Company, recorded in Volume 868, Page 273, Deed Records of Fayette County, Texas.

SUBJECT TO that Pipeline Right of Way designated in Condemnation Suit filed in Fayette County District Court, Case No. 233A, styled Phillips Natural Gas Company vs. Evelyn E. Mikeska, which designates a 1.03 acre right of way.

SUBJECT TO that easement dated March 26, 1947, executed by Walter L. Veith and wife, Nathalie Veith to Fayette Electric Cooperative, Inc., recorded in Volume 221, Page 65, Deed Records of Fayette County, Texas.

SUBJECT TO that Right of Way Easement dated September 24, 2002, executed by Marian B. Lively to Fayette Electric Cooperative, Inc., recorded in Volume 1193, Page 469, Official Records of Fayette County, Texas.

SUBJECT TO that Oil, Gas and Mineral Lease dated June 9, 2000, executed by Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased to Orbis Energy, LLC, recorded in Volume 1101, Page 377, Official Records of Fayette County, Texas. Subordination Agreement dated July 10, 2000, recorded in Volume 1103, Page 491, Official Records of Fayette County, Texas.

SUBJECT TO that Right of Way Easement dated October 30, 1959, executed by Vollie L. English and Mrs. V. L. English to State of Texas, recorded in Volume 339, Page 276, Deed Records of Fayette County, Texas.

SUBJECT TO that Right of Way Deed dated October 11, 1924, executed by P. D. Krause to John P. Ehlinger, County Judge, recorded in Volume 122, Page 327, Deed Records of Fayette County, Texas.

SUBJECT TO that Right of Way as set out in Deed dated December 12, 1921, executed by P. D. Krause to John P. Ehlinger, County Judge, recorded in Volume 115, Page 346, Deed Records of Fayette County, Texas.

SUBJECT TO that Oil and Gas Lease dated May 6, 1985, executed by Evelyn Mikeska to Energy Search, Inc., recorded in Volume 242, Page 213, Oil and Gas Lease Records of Fayette County, Texas.

SUBJECT TO that Ratification of Lease dated May 13, 1991, executed by Evelyn E. Mikeska to Capital Risk Management Corporation, recorded in Volume 311, Page 327, Oil and Gas Lease Records of Fayette County, Texas.

SUBJECT TO that Jury of View dated January 30, 1929, executed by Henry Thielmann and E. F. Hueske to State of Texas, recorded in Volume 144, Page 21, Deed Records of Fayette County, Texas.

SUBJECT TO that Mineral and/or Royalty Reservation appearing in Deed dated February 2, 1995, executed by Evelyn E. Mikeska, et al to Edmond D. Lively and wife, Marian B. Lively, recorded in Volume 916, Page 263, Deed Records of Fayette County, Texas.

There is hereby excepted and reserved unto Grantor, Marian B. Lively, her heirs and assigns, forever, all of the oil, gas and other minerals, in and under and that may be produced from the above described property; however, Grantor shall not have the right of ingress and egress to or from the surface of the land for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas and other minerals and removing the same therefrom.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in any wise belonging unto the said Elwyn J. Cole, his heirs and assigns, forever. And I, Marian B. Lively, do hereby bind myself, my heirs, successors, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said Elwyn J. Cole, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Witness my hand this the 31st day of November, 2004.

Marian B. Lively
Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased

THE STATE OF TEXAS
COUNTY OF FAYETTE

This Instrument was acknowledged before me on the 31st day of November, 2004, by Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased.



Jennifer Caron
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
Notary's Typed or Printed Name: Jennifer Caron
Notary's Commission Expires: 6-4-07

Grantees' Address:
1014 North Main
Pearland, Texas 77581

\$13,000.00
FILED
4:45 P.M.
NOV 03 2004

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on this date and at the time indicated herein by me, and was duly RECORDED in the Volume and Page of the Manual RECORDED - All Papers Copy, Terms as stamped herein by me, on

NOV 03 2004

Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
CLERK FAYETTE COUNTY, TEXAS

Filed by & Hand to:
Botts Title Co.



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

#49.00 PD.
FILED
4:45 P.M.
NOV 03 2004

NO. 1288 PAGE 829

Filed by Hand to:
Botts Title Co.

04- 7328

Carolyn Kuros Roberts
CAROLYN KUROB ROBERTS
CLERK, FAYETTE CO., TEXAS

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

NOTICE TO PURCHASERS
OFFICIAL RECORDS
FAYETTE COUNTY, TEXAS

TO PURCHASER SHOWN BELOW:

The real property described below, which you are about to purchase, is located in the FAYETTE COUNTY GROUND WATER CONSERVATION DISTRICT, Fayette County, Texas. The district has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the district is \$0.05 on each \$100.00 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or may, at this date, be issued is \$0. The purpose of this district is to provide water control and improvement services within the district through the issuance of bonds payable from property taxes and user charges. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned by the district. The legal description of the property which you are acquiring is as follows:

7.30 acres, D. E. Colton League, A-33, Fayette County, Texas.

Marian B. Lively
Marian B. Lively, Individually and as Independent
Executrix of the Estate of Edmond D. Lively,
Deceased

The undersigned purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the real property described in such notice.

Date: November 3, 2004

Elwyn J. Cole
Elwyn J. Cole

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

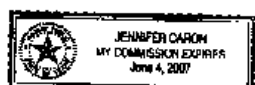
This instrument was acknowledged before me on this the 3 day of November, 2004, by Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name:
Jennifer Caron
Notary's Commission Expires: 6-4-07

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

This instrument was acknowledged before me on this the 3rd day of November, 2004, by Elwyn J. Cole.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name:
Jennifer Caron
Notary's Commission Expires: 6-4-07

FA 04-427

STATE OFFICIAL
COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the time and place herein set out, and that same conforms to the Statute and Page of this Instrument. All Pages Correct. There is no charge by me.

NOV 03 2004

Carolyn Kuros Roberts
CAROLYN KUROB ROBERTS
CLERK, FAYETTE CO., TEXAS

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

NOTICE TO PURCHASERS OF REAL PROPERTY

TO PURCHASER SHOWN BELOW:

The real property, described below, which you are about to purchase, is located in the Lee and Fayette Counties Cummins Creek Water Control and Improvement District, Fayette County, Texas. The District has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the most recent rate of taxes levied by the District on real property located in the District is \$0.0132 on each \$100.00 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been, or may, at this date, be issued is \$-0-. The purpose of this District is to provide water and sewer services within the District through the issuance of bonds payable in whole or in part from property taxes and user charges. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned by the District. The legal description of the property which you are acquiring is as follows:

7.30 acres of land, part of the D. E. Colton League, A-33, Fayette County, Texas

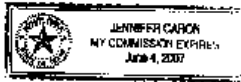
Marian B. Lively
Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased

The undersigned purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the real property described in such notice.

Date: November 3rd, 2004 *Elwyn J. Cole*
Elwyn J. Cole

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

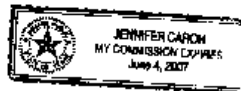
This instrument was acknowledged before me on this the 3rd day of November, 2004, by Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name:
Jennifer Caron
Notary's Commission Expires: 6-4-07

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

This instrument was acknowledged before me on this the 3rd day of November, 2004, by Elwyn J. Cole.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name:
Jennifer Caron
Notary's Commission Expires: 6-4-07

Filed by & Hand to:
Borra Title Co.

57-04-427

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED in the Public
Records of the State of Texas on this day, 2004, at the County Clerk's Office in
the County and City of Fayette County, Texas, as required by law.

NOV 03 2004



Carolyn Kluske Roberts
CAROLYN KLUISKE ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

4:00 PM

FILED
4:45 PM
NOV 03 2004

Carolyn Kluske Roberts
CAROLYN KLUISKE ROBERTS
CO. CLERK, FAYETTE CO., TEXAS



COLORADO VALLEY

Telephone Cooperative

09- 5571

4915 South US Hwy. 77 • PO Box 130
La Grange, Texas 78945
979.242.5911 • 800.242.5911
Fax 979.247.5160

www.coloradovalley.com

VOL. 1497 PAGE 783

① Hk 7 Red 191A

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

OFFICIAL RECORDS
FAYETTE COUNTY, TEXAS

Telecommunications Easement

Date: 9-18-09

Grantor: ELWYN J. COLE

Grantor's Address: 1014 N. MAIN
PEARLAND, TX 77581 BRAZORIA
(Include County)

Grantee: COLORADO VALLEY TELEPHONE COOPERATIVE, INC.

Grantee's Address: P.O. BOX 130
4915 SOUTH U.S. HIGHWAY 77
LA GRANGE, FAYETTE COUNTY, TEXAS 78945

Property:

Physical Address: 3601 S. HWY 237
ROUND TOP, TX 78954 (WARRENTON)

Acreage (more or less): 7 1/2

League or survey: Colton DE League Abt A033

County: Fayette

Metes and bounds description found in deed recorded in Volume 1288,

Pages 831, Official Records, Deed Records, or Real Property Records of
Fayette County, Texas.

Telecommunications Easement (Continued)

Consideration:

The installation, maintenance, and reconnection of telecommunications facilities by Grantee for benefit of Grantor.

Exception to conveyance and grant:

All existing easements, rights of way, and other matters affecting and limiting the rights granted by this easement to the extent same remain in force and effect and are contained in the deed above referenced or as visible and apparent.

Grantor conveys and grants to Grantee the right to enter upon the referenced real property and there install buried cable to connect Grantee's telecommunications system to a specific terminal point for benefit of Grantor, his heirs, and assigns. The line and path of the actual buried cable installation will fix and designate the easement path. Thereafter, Grantee shall have the reasonable right to enter Grantor's premises and reasonably use the easement to maintain, repair, replace, and remove (at Grantee's discretion) the buried facilities and the terminal point equipment and facilities.

Nothing in this easement grant shall limit the right of Grantor to use and enjoy the surface and mineral estates of the described premises other than the duty not to damage the telecommunications facilities and equipment of Grantee thereon.

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

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me, and was duly RECORDED in the Volume and Page of the Normal RECORDS of Fayette County, Texas as stamped hereon by me on.

Erlynn J. Cole

ERLYNN J. COLE, Grantor
(Printed Name of Grantor)

OCT 08 2009



Carolyn Kubos Roberts

CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

(Printed Name of Grantor)

STATE OF TEXAS

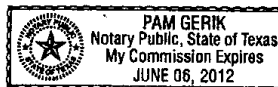
COUNTY OF Fayette

This instrument was acknowledged before me on September 18, 2009 by the above named and signed Grantor(s).

Pam Gerik

Notary Public, State of Texas

\$20.00 Pd.
After recording, return to: *✓ Filed by:*
Colorado Valley Telephone Cooperative, Inc.
P.O. Box 130
La Grange, Texas 78945



FILED
4:50 p.m.
OCT 8 - 2009

Carolyn Kubos Roberts

CAROLYN KUBOS ROBERTS SC
CO. CLERK, FAYETTE CO., TEXAS



4915 South US Hwy. 77 - PO Box 130
La Grange, Texas 78945
979.242.5911 - 800.242.5911
Fax 979.247.5150
www.cvtc.com

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

MUST BE PRINTED ON LEGAL SIZE (8 1/2 x 14") PAPER

Telecommunications Easement

Date: 2-14-17

Grantor: Elwyn J. Cole

Grantor's Address: 1014 N. Main Pearland TX 77581
Brazoria County (Include County)

Grantee: COLORADO VALLEY TELEPHONE COOPERATIVE, INC.

Grantee's Address: P.O. BOX 130
4915 SOUTH U.S. HIGHWAY 77
LA GRANGE, FAYETTE COUNTY, TEXAS 78945

Property:

Physical Address: 3637 S St Hwy 237
Round Top TX 78945
(service at 3625 S St Hwy 237)

Acreage (more or less) 7.3 acres

League or survey: ABS. A033 Colton D E LG

County: Fayette

Metes and bounds description found in deed recorded in Volume 1288

Pages 831, Official Records, Deed Records, or Real Property

Records of Fayette County, Texas.

Telecommunications Easement (Continued)

INST. # 17-02058 Vol : 1808
Pg 231

Consideration:

The installation, maintenance, and reconnection of telecommunications facilities by Grantee for benefit of Grantor.

Exception to conveyance and grant:

All existing easements, rights of way, and other matters affecting and limiting the rights granted by this easement to the extent same remain in force and effect and are contained in the deed above referenced or as visible and apparent.

Grantor conveys and grants to Grantee the right to enter upon the referenced real property and there install buried cable to connect Grantee's telecommunications system to a specific terminal point for benefit of Grantor, his heirs, and assigns. The line and path of the actual buried cable installation will fix and designate the easement path. Thereafter, Grantee shall have the reasonable right to enter Grantor's premises and reasonably use the easement to maintain, repair, replace, and remove (at Grantee's discretion) the buried facilities and the terminal point equipment and facilities.

Nothing in this easement grant shall limit the right of Grantor to use and enjoy the surface and mineral estates of the described premises other than the duty not to damage the telecommunications facilities and equipment of Grantee thereon.

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

X Elwyn J. Cole

Elwyn J. Cole, Grantor
(Printed Name of Grantor)

(Printed Name of Grantor)

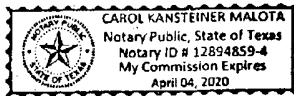
STATE OF TEXAS

COUNTY OF Fayette

This instrument was acknowledged before me on February 16, 20 17
by the above named and signed Grantor(s).

Carol Kansteiner Malota

Notary Public, State of Texas



3/22/2017 10:44 AM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped hereon above time.

JULIE KARSTEDT, COUNTY CLERK

After recording, return to:

Colorado Valley Telephone Cooperative, Inc.
P.O. Box 130
La Grange, Texas 78945

Stamps: 2 Page(s) *✓ 5*

VOL. 1293 PAGE 322 04- 8015

OFFICIAL RECORDS
FAYETTE COUNTY TEXAS

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

GENERAL WARRANTY DEED

THE STATE OF TEXAS

COUNTY OF FAYETTE

KNOW ALL PERSONS BY THESE PRESENTS, that I, Marian B. Lively, aka Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased, of Fayette County, Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration cash to me in hand paid by Elwyn J. Cole, the receipt and sufficiency of which is hereby acknowledged and confessed, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto the said Elwyn J. Cole, of Blanco County, Texas, the following described real estate:

Being a 5.00 acre tract of land, being part of the D. E. Colton Survey, Abstract 33 of Fayette County, Texas, and being part of that "First Tract" as conveyed to Edmond D. Lively and wife, Marian B. Lively as recorded in Volume 916, Page 263, of the Deed Records of Fayette County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set in the Southeast line of State Highway 237 for the West corner of a David Kay tract (Volume 1263, Page 715) and for the North corner hereof;

THENCE with the Southwest line of the Kay tract South 28 deg. 01 min. 20 sec. East 593.00 feet to a 1/2" iron rod found for the South corner of the Kay tract and for the East corner hereof;

THENCE across the parent tract South 26 deg. 19 min 06 sec. West 273.79 feet to a 1/2" iron rod set in the Northeast line of a David Nester tract (Volume 826, Page 609) for the West corner of the residual of the parent "First Tract", an exterior corner of the Nester tract and for the South corner hereof;

THENCE with the Northeast line of the Nester tract North 60 deg. 54 min. 00 sec. West 30.27 feet to a 1/2" iron rod set for an angle point hereof;

THENCE with the Northeast line of the Nester tract North 51 deg. 43 min. 00 sec. West 25.83 feet to a 1/2" iron rod set for the East corner of a 7.30 acre Edmond Lively tract (Volume 916, Page 263), the North corner of the Nester tract and for an angle point hereof;

THENCE with the Northeast line of the Lively 7.30 acre tract North 47 deg. 13 min. 38 sec. West 583.58 feet to a 1/2" iron rod set in the Southeast line of State Highway 237 for the North corner of the 7.30 acre tract and for the West corner hereof;

THENCE with the Southeast line of State Highway 237, North 42 deg. 55 min. 10 sec. East 466.82 feet to the PLACE OF BEGINNING, containing 5.00 acres of land.

SUBJECT TO any rights that may be have been created by a certain Petition for the organization of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and Improvement District No. 1, as shown by an instrument dated January 5, 1956, recorded in Volume 286, Page 370, Deed Records of Fayette County, Texas, and Order of Confirmation recorded in Volume 291, Page 148, Deed Records of Fayette County, Texas, and also Appointment recorded in Volume 291, Page 625, Deed Records of Fayette County, Texas.

FA 04 476

SUBJECT TO that Oil, Gas and Mineral Lease dated August 2, 1984, executed by Evelyn E. Mikeska to John M. Wainwright, recorded in Volume 222, Page 237, Oil and Gas Lease Records of Fayette County, Texas.

SUBJECT TO that Mineral Deed dated February 2, 1995, executed by Thomas Gene Mikeska, et ux to Evelyn M. Mikeska, recorded in Volume 916, Page 257, Deed Records of Fayette County, Texas.

SUBJECT TO that Mineral and/or Royalty Reservation appearing in Deed dated February 2, 1995, executed by Evelyn E. Mikeska and Thomas Gene Mikeska to Edmond D. Lively and wife, Marian B. Lively, recorded in Volume 916, Page 263, Deed Records of Fayette County, Texas.

SUBJECT TO that Pipeline Right of Way dated April 14, 1993, executed by Evelyn E. Mikeska to Phillips Natural Gas Company, recorded in Volume 868, Page 273, Deed Records of Fayette County, Texas.

SUBJECT TO that Pipeline Right of Way designated in Condemnation Suit filed in Fayette County District Court, Case No. 233A, styled Phillips Natural Gas Company vs. Evelyn E. Mikeska, which designates a 1.03 acre right of way.

SUBJECT TO that easement dated March 26, 1947, executed by Walter L. Veith and wife, Nathalie Veith to Fayette Electric Cooperative, Inc., recorded in Volume 221, Page 65, Deed Records of Fayette County, Texas.

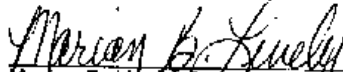
SUBJECT TO that Right of Way Easement dated September 24, 2002, executed by Marian B. Lively to Fayette Electric Cooperative, Inc., recorded in Volume 1193, Page 469, Official Records of Fayette County, Texas.

SUBJECT TO that Oil, Gas and Mineral Lease dated June 9, 2000, executed by Marian Bess Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased to Orbis Energy, LLC, recorded in Volume 1101, Page 377, Official Records of Fayette County, Texas. Subordination Agreement dated July 10, 2000, recorded in Volume 1103, Page 491, Official Records of Fayette County, Texas.

There is hereby excepted and reserved unto Grantor, Marian B. Lively, her heirs and assigns, forever, all of the oil, gas and other minerals, in and under and that may be produced from the above described property; however, Grantor shall not have the right of ingress and egress to or from the surface of the land for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas and other minerals and removing the same therefrom.

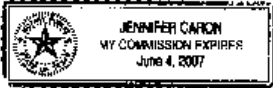
TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in any wise belonging unto the said Elwyn J. Cole, his heirs and assigns, forever. And I, Marian B. Lively, do hereby bind myself, my heirs, successors, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said Elwyn J. Cole, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Witness my hand this the 16th day of December, 2004.


Marian B. Lively, Individually and as
Independent Executrix of the Estate of
Edmond D. Lively, Deceased

THE STATE OF TEXAS
COUNTY OF FAYETTE

This instrument was acknowledged before me on the 16th day of December, 2004, by Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased.



Jennifer Caron
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
Notary's Typed or Printed Name:
Jennifer Caron
Notary's Commission Expires:
6-4-07

Grantees' Address:
1014 North Main
Pearland, Texas 77581

\$13.00 Pd.

Filed by & Return to:
Botts Title Co.

STATE OF TEXAS COUNTY OF FAYETTE
(Notary Public) has this instrument was FILED on the 16th day and
at the time stamped herein by me and was duly RECORDED in
the Volume and Page of the Notary RECORDS of Fayette
County, Texas as stamped herein by me, on

DEC 16 2004



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
COUNTY CLERK, FAYETTE COUNTY, TEXAS

FILED

12:45 P.M.

DEC 16 2004

Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
CO. CLERK, FAYETTE CO., TEXAS

04- 8014

OFFICIAL RECORDS
FAYETTE COUNTY, TEXAS

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

NOTICE TO PURCHASERS OF REAL PROPERTY

TO PURCHASER SHOWN BELOW:

The real property, described below, which you are about to purchase, is located in the Lee and Fayette Counties Cummins Creek Water Control and Improvement District, Fayette County, Texas. The District has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the most recent rate of taxes levied by the District on real property located in the District is \$0.0132 on each \$100.00 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or may, at this date, be issued is \$-0-. The purpose of this District is to provide water and sewer services within the District through the issuance of bonds payable in whole or in part from property taxes and user charges. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned by the District. The legal description of the property which you are acquiring is as follows:

5.00 acres of land, part of the D. E. Colton League, A-33, Fayette County, Texas

Marian B. Lively
Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased

The undersigned purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the real property described in such notice.

Date: December 16, 2004 *Elwyn J. Cole*
Elwyn J. Cole

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

This instrument was acknowledged before me on this the 16th day of December, 2004, by Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name:
Jennifer Caron
Notary's Commission Expires: 6-4-07

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

This instrument was acknowledged before me on this the 16th day of December, 2004, by Elwyn J. Cole.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name:
Jennifer Caron
Notary's Commission Expires: 6-4-07

\$9.00 Pd.

Filed by & Return to:
Botts Title Co.

FA04476

FILED

12:45 P.M.
DEC 16 2004

Carolyn Kubos Roberts CR
CAROLYN KUBOS ROBERTS
300 CLAY FAYETTE CO. TEXAS

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that the instrument was FILED on the date and at the time indicated herein by me, and was duly acknowledged to the Notary and Page of the Public Records of Fayette County, Texas as required by law, on

DEC 16 2004



Carolyn Kubos Roberts
CAROLYN KUBOS ROBERTS
300 CLAY FAYETTE CO. TEXAS

04- 8013

OFFICIAL RECORDS
FAYETTE COUNTY, TEXAS

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

NOTICE TO PURCHASERS

TO PURCHASER SHOWN BELOW:

The real property described below, which you are about to purchase, is located in the FAYETTE COUNTY GROUND WATER CONSERVATION DISTRICT, Fayette County, Texas. The district has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds. As of this date, the most recent rate of taxes levied by the district on real property located in the district is \$.005 on each \$100.00 of assessed valuation. The total amount of bonds which has been approved by the voters and which have been or may, at this date, be issued is \$ 0. The purpose of this district is to provide water control and improvement services within the district through the issuance of bonds payable from property taxes and user charges. The cost of these utility facilities is not included in the purchase price of your property, and these utility facilities are owned by the district. The legal description of the property which you are acquiring is as follows:

5.00 acres, D. E. Colton League, A-33, Fayette County, Texas.

Marian B. Lively
Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased

The undersigned purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the real property described in such notice.

Date: December 16, 2004

Elwyn J. Cole
Elwyn J. Cole

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

This instrument was acknowledged before me on this the 16th day of December, 2004, by Marian B. Lively, Individually and as Independent Executrix of the Estate of Edmond D. Lively, Deceased.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name: Jennifer Caron
Notary's Commission Expires: 6-4-07

THE STATE OF TEXAS,
COUNTY OF FAYETTE.

This instrument was acknowledged before me on this the 16th day of December, 2004, by Elwyn J. Cole.



Jennifer Caron
Notary Public in and for The State of Texas
Notary's Typed or Printed Name: Jennifer Caron
Notary's Commission Expires: 6-4-07

\$9.00 Pd.

Filed by & return to:
Botts Title Co.

FA 04-476

FILED
12:43 P.M.
DEC 16 2004

Carolyn Kubon-Tone
CAROLYN KUBON-TONE
CO CLERK, FAYETTE CO., TEXAS

STATE OF TEXAS
COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on this date and at the time specified herein by me, and was duly recorded in the Volume and Page of the Instrument Records of Fayette County, Texas as indicated herein by me, on

DEC 16 2004



Carolyn Kubon-Tone
CAROLYN KUBON-TONE
COUNTY CLERK, FAYETTE COUNTY, TEXAS

AFFIDAVIT TO THE PUBLIC
THE COUNTY OF
FAYETTE STATE OF
TEXAS

Before me, the undersigned authority, on this day personally appeared EDWIN COLE Who, after being by me duly sworn, upon oath states that he/she is the owner of record of that certain parcel(s) of land lying and being situated in Fayette County, Texas, and being more particularly described as the following:

Legal Description: 5.0 Ac DE Colton Lg A-33

Address:

The owner further states that an on-site wastewater disposal system has been / is being installed in accordance with the permitting provisions of the Fayette County Public Health Department. Portions of the system(s) are located on a separate parcel from the parcel on which the house(s) is/are located. These parcels may not be sold separately so long as the house(s) is/are served by this sewage facility.

Further, the owner states that he/she will, upon any sale or transfer of the above-described property; notify the buyer of the location of the sewage facility on the separate lot. Information about the system is available from the Fayette County Public Health Department.

WITNESS MY/OUR HAND (S) ON THIS _____ day
of _____

Edwin J. Cole

Signature of
owner (s)

14th day FEBRUARY

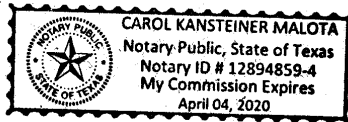
SWORN TO AND SUBSCRIBED BEFORE ME on this
of 2020

Notary's
Signature:

Carol Kansteiner Malota

Notary Public, State of Texas

Notary's Name Printed CAROL KANSTEINER MALOTA



My Commission Expires: 04-04-2020



This page has been added by the Fayette County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the end of the record.

3/4/2020 9:58:23 AM

STATE OF TEXAS COUNTY OF FAYETTE
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me and was duly
RECORDED in the Volume and Page of the OFFICIAL RECORDS
of Fayette County, Texas as stamped hereon above time.

BRENDA FIETSAM, COUNTY CLERK

Stamp: 2 Page(s)

A handwritten signature in black ink, appearing to be "BFIETSAM", written over the printed name of the county clerk.

