

TCEQ Interoffice Memorandum

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

THRU: *Ch* Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Sam Sewell, Project Manager
Water Rights Permitting Team

DATE: May 17, 2019

SUBJECT: Avara Ranch LLC
WRPERM 13538
CN605611326, RN110634607
Application No. 13538 for Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Unnamed Tributary of Brushy Creek, Brazos River Basin
Lee County

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2019 MAY 17 PM 3: 57
CHIEF CLERKS OFFICE

The application was received on January 7, 2019. Additional information and fees were received on April 29, 2019. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 17, 2019. Full basin mailed and published notice to water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.151.

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



Sam Sewell, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES NO

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 17, 2019

Robert Brandes, P.E., Ph.D.
Robert J Brandes Consulting
6000 Maurys TRL
Austin, Tx 78730

RE: Avara Ranch LLC
WRPERM 13538
CN605611326, RN110634607
Application No. 13538 for Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Unnamed Tributary of Brushy Creek, Brazos River Basin
Lee County

Dear Mr. Brandes,

This acknowledges receipt, on April 29, 2019 of additional information and fees in the amount of \$1,778.34 (Receipt No. M920243, enclosed).

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 17, 2019. Staff will continue processing the application for consideration by the Executive Director.

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

If you have any questions concerning the application, please contact me at sam.sewell@tceq.texas.gov or by phone at (512) 239-4008.

Sincerely,

A handwritten signature in blue ink that reads "Sam Sewell".

Sam Sewell, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosure



01-MAY-19 08:40 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

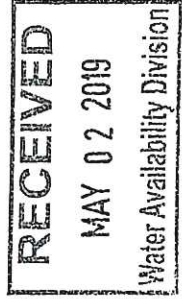
<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Tran Code</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			M920243		127					
	WUP			13538		043019		N		01-MAY-19	
	WUP		WATER USE PERMITS	AVARA,		RHDAVIS		CK			
	WUP		THOMAS								
	WUP			M920244		21398		N			
	WUP			13561		043019		N		01-MAY-19	
	WUP		WATER USE PERMITS	BSWCID 1		RHDAVIS		CK			
	WUP			M920245		1011		N			
	WUP			ADJ232912		043019		N		01-MAY-19	
	WUP		WATER USE PERMITS	RIO GRANDE		RHDAVIS		CK			
	WUP		LAND &								
	WUP		CATTLE LP								

Total (Fee Code):

-\$4,340.72

Grand Total:

-\$4,690.72



April 25, 2019

Texas Commission on Environmental Quality
Water Availability Division, MC-160
Building F, Suite 3101
12100 Park 35 Circle
Austin, Texas 78753

Attention: Sam Sewell, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Re: Avara Ranch LLC
WRPERM 13538
Application No. 13538 for Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Unnamed Tributary of Brushy Creek, Brazos River Basin
Lee County, Texas

Dear Mr. Sewell:


This acknowledges your letter of April 4, 2019 requesting additional information regarding the referenced application. Following are responses to the numbered items in your letter.

- 1) At this time, the Applicant does not intend to provide an alternate source of water to support the reservoir project; therefore, *WORKSHEET 1.0: Quantity, Purpose and Place of Use* has not been completed and is not submitted herewith. The water availability model for the Brazos River Basin has been used to examine the reliability of storage in the reservoir, and based on these results, it is not definite that an alternate source of water will be required to satisfy TCEQ's permitting requirements. The WAM results indicate that the reservoir with a junior priority date will be 100% full 19% of the time, and it will be 97% full 25% of the time. It is assumed that the TCEQ Permitting Team will make a determination as to whether these reliabilities are adequate to satisfy the permitting criteria.
- 2) The WAM data file used to analyze the reliability of storage in the reservoir is being transmitted electronically by Mr. Kirk Kennedy to Dr. Kathy Alexander at the TCEQ. This will be done before the May 6, 2019 response deadline.
- 3) A check payable to TCEQ in the amount of \$1,778.34 from Mr. Thomas Avara, owner of Avara Ranch LLC, is attached to this letter to cover the requested fees.

Mr. Sam Sewell
Application No. 13538
Avara Ranch LLC
Page 2 of 2

If you have any questions or need clarification regarding information provided herein, please let me know and I will be happy to discuss them with you. Thanks for your attention to this matter.

Yours truly,
Robert J. Brandes Consulting



Robert J. Brandes, P.E., Ph.D.
Owner and Principal

Enclosure: Check from Thomas Avara

c: Mr. Thomas Avara
1959 County Road 411
Lexington, Texas 78947-4957

Mr. Kirk Kennedy
1443 County Road 204
Burnet, Texas 78611



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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 4, 2019

Bob Brandes
Robert J Brandes Consulting
6000 Maurys TRL
Austin, Tx 78730

CERTIFIED MAIL

RE: Avara Ranch LLC
WRPERM 13538
CN605611326, RN110634607
Application No. 13538 for Water Use Permit
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Unnamed Tributary of Brushy Creek, Brazos River Basin
Lee County

Dear Mr. Brandes,

This acknowledges receipt, on January 7, 2019 of the referenced application.

This area is considered to have limited water available for appropriation for either a term or perpetual right. TCEQ may be unable to recommend granting the application without an alternate source of water. If an alternate source will be included in the application, please provide documentation for the alternate source and complete the appropriate worksheets related to the alternate source, as described on Page 1 of the Technical Information Report.

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

1. Complete *WORKSHEET 1.0: Quantity, Purpose and Place of Use*. The table in this worksheet must be completely filled out, including the quantity of acre-feet requested and the state water source, and the total amount of water used annually must be indicated on the line below the table.
2. Provide the water availability analysis referenced on Page 4 of the Administrative Report.

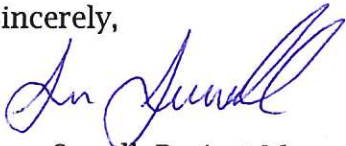
3. Remit fees in the amount of **\$1,778.34** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (100-5,000 ac/ft)	\$	250.00
Recording Fee	\$	25.00
Notice Fees (Brazos Basin)	\$	997.34
Storage Fee (\$1.00 x 506 ac/ft)	\$	506.00
<hr/>		
Total FEES	\$	1,778.34
FEES RECEIVED	\$	0
<hr/>		
TOTAL FEES DUE	\$	1,778.34

Please provide the requested information and fees by May 6, 2019 or the application maybe returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have questions concerning this application, please contact me via email at Sam.Sewell@tceq.texas.gov or by phone at (512) 239-4008.

Sincerely,



Sam Sewell, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

January 7, 2019

Texas Commission on Environmental Quality
Water Availability Division, MC-160
Building F, Suite 3101
12100 Park 35 Circle
Austin, Texas 78753

RECEIVED
2019 JAN - 7 P 5: 02
WATER AVAILABILITY DIV.

Attention: Amy Settemeyer, Manager
Water Rights Permitting and Availability Section

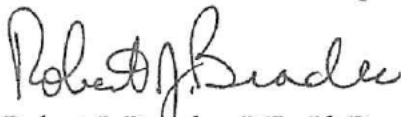
Re: Avara Ranch LLC
Application for Water Use Permit under Section 11.121 of Texas Water Code
Avara Dam and Reservoir (formerly Robert L. Phinney Lake and Dam)

Dear Ms. Settemeyer:

Transmitted herewith on behalf of Avara Ranch LLC is an application package, one original and six copies, requesting authorization to impound State water in an existing reservoir in Lee County in the Brazos River Basin. Please be advised that this reservoir is subject to an alleged violation under Section 11.121 of the Texas Water Code for "failure to obtain permit for the impoundment of state water greater than 200 AF" (Investigation 1525286, Track No. 696547). This application is being submitted in response to investigative findings of the Brazos Watermaster Program summarized in a letter to Avara Ranch dated October 31, 2018.

If you have any questions or need clarification of information presented in this application package, please let me know and we can arrange to meet or discuss. Thanks for your attention to this matter.

Yours truly,
Robert J. Brandes Consulting



Robert J. Brandes, P.E., Ph.D.
Owner and Principal

Copy without Application Package: Nancy Ragland, TCEQ Brazos Watermaster Program
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

Manager, Water Section
TCEQ Enforcement Division, MC 219
P. O. Box 13087
Austin, Texas 78711-3087

RECEIVED
WATER SUPPLY DIVISION
2019 JAN - 7 P 4: 36

**APPLICATION
for
WATER USE PERMIT UNDER SECTION 11.121 OF TEXAS WATER CODE**

Applicant: Avara Ranch, LLC
1959 CR 411
Lexington, Texas 78947

Owner: Thomas W. (Skip) Avara II

Applicant Contact: Bob Brandes
Robert J. Brandes Consulting
6000 Maurys Trail
Austin, Texas 78730
Phone: 512/461-1477
Email: [REDACTED]

RECEIVED
2019 JAN -7 P 5:03
WATER AVAILABILITY DIV.

Project: Avara Dam and Reservoir
Formerly Robert L. Phinney Dam and Lake

Location: 1.5 miles east of Tanglewood, Texas
Lee County, Texas

Stream: Unnamed tributary of Brushy Creek, tributary of East Yegua Creek, tributary of Yegua Creek, tributary of Brazos River, Brazos River Basin

Request: Authorization to impound 506 acre-feet of State water for Recreation and Domestic and Livestock use. No diversion is requested.

Background: Avara Dam and Reservoir were constructed in the early 1960s and were originally authorized under Permit No. 2022 for impoundment of 506 acre-feet for recreation use and for the diversion of 5.0 acre-feet per year for stock raising use and 76.0 acre-feet per year for irrigation. This permit was issued by the Texas Water Commission on July 3, 1962 to C. G. Glasscock, Jr. of Colorado County, Texas.

Over the years since the permit was issued, the property changed owners several times. In 1981, James D. Dobos, Trustee, of Dime Box, Texas, acquired ownership of the property and Permit No. 2022. However, as described in the 1985 Final Determination for the adjudication of water rights in the Brazos River Basin, no one appeared "at either the regularly scheduled evidentiary hearing or the final docket evidentiary hearing and no evidence was presented concerning the diversion and use of state water since the issuance of Permit No. 2022". Consequently, no rights were recognized for this permit under the adjudication process for water rights in the Brazos Basin, and the Texas Water Commission cancelled Permit No. 2022 on January 14, 1988. The dam and reservoir have continued to exist ever since.

In January 2018, representatives of the Brazos Watermaster Program of the Texas Commission on Environmental Quality (TCEQ) conducted an investigation of Avara Dam and Reservoir. As a result of this investigation, a notice of alleged violation was issued to Avara Ranch for “failure to obtain permit for the impoundment of state water greater than 200 AF”. In response to this notice, this application for a water use permit under Section 11.121 of the Texas Water Code is being submitted to the TCEQ. Payment of fees is not being included with this Application; however, all required fees will be promptly paid once the amount due is determined and provided by TCEQ to Avara Ranch.

It should be noted that at its normal operating level with storage at 506 acre-feet, the Avara Reservoir impounds water that inundates portions of property not owned by Avara Ranch LLC. This condition was recognized at the time the reservoir was originally permitted in 1962, and the original owner of Permit No. 2022, C. G. Glasscock, Jr., obtained consent agreements from adjacent property owners which granted and conveyed easements and rights to store and impound surface water on these adjacent properties to Mr. Glasscock, his heirs and assigns, forever. These original consent agreements are included herewith in Appendix D.

LIST OF APPENDICES

APPENDIX A - TCEQ ADMINISTRATIVE INFORMATION REPORT

APPENDIX B - TCEQ TECHNICAL INFORMATION REPORT

APPENDIX C - AVARA RANCH DEEDS

APPENDIX D - INUNDATION CONSENT DOCUMENTS

APPENDIX E - APPLICATION MAPS

APPENDIX A
TCEQ ADMINISTRATIVE INFORMATION REPORT
Form 10214b

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): Avara Ranch LLC

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

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

For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____

ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

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

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

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

The subject dam and reservoir, Avara Dam and Reservoir but previously referred to as Robert L. Phinney Dam and Reservoir, was initially authorized under Permit No. 2022 on July 18, 1962, and after several changes of ownership, was owned by James D. Dobos in 1981. Apparently, Mr. Dobos did not fully respond to requests during the Brazos Basin adjudication of water rights, and the permit was cancelled on January 14, 1988. Now the new owner, Avara Ranch LLC, seeks to re-permit the reservoir for recreational use under Section 11.121 of the Texas Water Code. The subject reservoir has a normal pool storage capacity of 506 acre-feet, and is located on a tributary of Brushy Creek in the Brazos River Basin near the city of Lexington in Lee County, Texas.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

Avara Ranch LLC

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at

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

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

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

First/Last Name: **Thomas W (Skip) Avara II**

Title: **Owner**

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

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

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

Name: **Thomas W (Skip) Avara II**

Mailing Address: **1959 CR 411**

City: **Lexington**

State: **Texas**

ZIP Code: **78947**

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: 8022755492 SOS Charter (filing) Number: _____

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

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

First and Last Name: **Bob Brandes**

Title: **Consultant**

Organization Name: **Robert J. Brandes Consulting**

Mailing Address: **6000 Maurys Trail**

City: **Austin**

State: **Texas**

ZIP Code: **78730**

Phone No.: **512/461-1477**

Extension:

Fax No.: **N/A**

E-mail Address: 

4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION
(Instructions, Page. 9) NOT APPLICABLE

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

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

Yes / No YES

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Thomas Wayne (Skip) Avara II

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

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

Signature: THWORA Date: 12/18/18

(Use blue ink)

Subscribed and Sworn to before me by the said THOMAS W. AVARA II

on this 18th day of DECEMBER, 20 18

My commission expires on the 28th day of DECEMBER, 20 19

Betty Lou Manning
Notary

Notary Public [SEAL]



HARRIS
County, Texas

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

APPENDIX B
TCEQ TECHNICAL INFORMATION REPORT
Form 10214c with Worksheets

TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please call Water Availability Division at (512) 239-4691 to schedule a meeting. Applicant attended a pre-application meeting with TCEQ Staff for this Application? Y / N **Y**
(If yes, date :November 16, 2017).

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

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

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

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

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

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

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

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

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

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

NOT APPLICABLE

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. See instructions page. 6.*

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

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

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

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? **Y / N**
If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report PAGE. 1) regarding New or Additional Appropriations of State Water.
- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? **Y / N**
If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report PAGE. 1) regarding New or Additional Appropriations of State Water.
- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? **Y / N**
If yes, submit:
 - **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
 - **Worksheet 1.2 - Notice: "Marshall Criteria"**
- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? **Y / N**
If yes, submit: Worksheet 3.0 - Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? **Y / N**
If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)
- f. Other - Applicant requests to change any provision of an authorization not mentioned above? **Y / N** *If yes, call the Water Availability Division at (512) 239-4691 to discuss.*

Additionally, all amendments require:

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

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

NOT APPLICABLE

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

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

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

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

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

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

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

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

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

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

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

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

Worksheets and information:

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)
- **Worksheet 4.0 - Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 - Environmental Information Worksheet**
- **Worksheet 6.0 - Water Conservation Information Worksheet**
- **Worksheet 7.0 - Accounting Plan Information Worksheet**
- **Worksheet 8.0 - Calculation of Fees; and Fees calculated - see instructions Page. 34**
- **Maps - See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

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

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

This Application is for authorization to impound water in an existing reservoir located on an unnamed tributary of Brushy Creek in Lee County, Texas. The capacity of the reservoir is 506 acre-feet. The dam and reservoir were constructed in the early 1960s and were originally authorized by the Texas Water Commission under Permit No. 2022 that was issued on July 18, 1962. The permit was cancelled on January 14, 1988 pursuant to the adjudication of water rights in the Brazos River Basin, apparently because of inaction by the owner at that time, but the dam and reservoir have continued to exist. The current owner, who acquired full ownership in 2018, is requesting to maintain the dam and reservoir and to use it for recreational purposes and domestic and livestock watering. No diversions from the reservoir are proposed for any other purposes. This Application is consistent with the 2017 State Water Plan and the 2016 Region D Water Plan because there is nothing in these Plans that conflicts with this Application.

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

*If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports. **Files will be emailed to Water Availability Section.***

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

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

NOTE: This Application does not request a diversion from the existing reservoir other than for domestic and livestock use.

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

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

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

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide: **NOT APPLICABLE**

1. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____, in the _____ Original Survey No. _____, Abstract No. _____, and in the _____ Original Survey No. _____, Abstract No. _____.

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

NOT APPLICABLE

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described. Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

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

NOT APPLICABLE – No Diversion Requested

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

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

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated: **NOT APPLICABLE**
 - i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____, in the _____ Original Survey No. _____, Abstract No. _____, and in the _____ Original Survey No. _____, Abstract No. _____.

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

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

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin. **NOT APPLICABLE**
- d. See Worksheet 1.2, Marshall Criteria, and submit if required. **NOT APPLICABLE**
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required. **NOT APPLICABLE**

WORKSHEET 2.0

Impoundment/Dam Information

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

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

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: N/A
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 506.0.
- c. The impoundment is on-channel X or off-channel _____ (mark one)
 1. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4691? Y / N N
 2. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N Y
- d. Is the impoundment structure already constructed? Y / N Y
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: Early 1960s
 2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N N
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N N
 - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N Y
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / N N
 - a. If yes, provide the Site No. and watershed project name;
 - b. Authorization to close "ports" in the service spillway requested? Y / N
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? Y / N Y
Provide the date and the name of the Staff Person 12/14/18 Nancy Ragland
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. Y / N N
 - b. Plans (with engineer's seal) for the structure required. Y / N Y
 - c. Engineer's signed and sealed hazard classification required. Y / N Y
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N Y

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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 108.0.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. **Y/N Y**
If yes, the drainage area is 2.69 sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4691).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): Unnamed tributary of Brushy Creek, tributary of East Yegua Creek, tributary of Yegua Creek, tributary of Brazos River, Brazos River Basin
- b. Zip Code: 78947
- c. In the Thomas Childers Original Survey No. N/A, Abstract No. 376,
Lee County, Texas.

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

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

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:
Latitude 30.482180 °N, Longitude 96.958650 °W.
**Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places*
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Google Earth Pro
- f. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. **Y / N Y See maps in Appendix E**

WORKSHEET 8.0 CALCULATION OF FEES

Fees will be paid when final amount is determined and provided by TCEQ.

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

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . In Acre-Feet	\$0.00
	a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50C x Number of acres that will be irrigated with State Water. **	\$0.00
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x Maximum annual diversion of State Water in acre-feet. **	\$0.00
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	\$506.00
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50C x acre-feet of State Water to be stored at normal max operating level.	\$0.00
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	-
TOTAL		\$ 531.00

2. AMENDMENT OR SEVER AND COMBINE **NOT APPLICABLE**

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

3. BED AND BANKS **NOT APPLICABLE**

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

APPENDIX C
AVARA RANCH DEEDS



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for Avara Ranch LLC (file number 802275492), a Domestic Limited Liability Company (LLC), was filed in this office on August 18, 2015.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on July 05, 2018.



A handwritten signature in black ink, appearing to read "R. Pablos".

Rolando B. Pablos
Secretary of State

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 DRIVE'S LICENSE NUMBER.

NOTICE TO PURCHASERS OF REAL PROPERTY

STATE OF TEXAS §
§
COUNTY OF LEE §

Property (including any improvements):

Being 1.203.76 acres, more or less, out of the Bethel Smith Survey, A-288; Thomas Childers Survey, A-376; James Ware Survey, A-336; and Ira Clemmons Survey, A-57, Lee County, Texas, more particularly described by metes and bounds on Exhibit A consisting of 7 pages attached hereto and made a part hereof for all purposes.

WHEREAS the above described property was acquired by A Handsome Dog, LLC a Texas limited liability company by Contribution Deed executed by the trustee of the Dannine Gale Duncan 1990 Grantor Trust and recorded at volume 1175, page 571 of the real property records of Lee County Texas on or about the 8th day of October, 2015; and

WHEREAS, A Handsome Dog, LLC has amended its certificate of formation, changing its name to Avara Ranch, LLC by Certificate of Amendment duly recorded with the Corporations Section of the Secretary of State of Texas on the 29th day of May, 2018,

Accordingly, notice is given that the real property described above is owned by Avara Ranch, LLC, a limited liability company existing under the laws of the State of Texas.

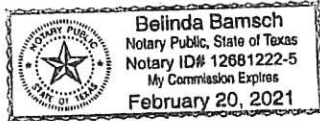
SIGNED ON 12/20, 2018.

Avara Ranch, LLC

THOMAS WAYNE AVARA, II

ACKNOWLEDGMENT

This instrument acknowledged before me by THOMAS WAYNE AVARA, II on this 20th day of December, 2018.




Notary Public, State of Texas

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018


Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

EXHIBIT "A"

(Legal Description)

Field notes for a 1,203.76 acre tract or parcel of land about 5 miles Northeast of the City of Lexington Texas being a resurvey of those certain tracts being of record in a Partition Deed between James D. Dobos, II and Brian Lee Dobos, to James D. Dobos described in Exhibit "B" embracing a total of 1,196.956 acres more or less being of record in Volume 833 Pages 831-837 of the Lee County Real Property Records as follows:

First parent tract:

Being 216 1/2 acres more or less situated in the Bethel Smith Survey Abstract No. 288 Lee County Texas and being the same tract described as "Tract G" in that certain Deed from C. Gus Glasscock Jr. and wife Bonnie Glasscock to Raleigh R. Ross as recorded in Volume 161 Page 394 of the Lee County Deed Records, herein after called first parent tract

Second parent tract:

Being 170 acres more or less situated in the Thomas Childers Survey Abstract No. 376 Lee County Texas and being the same tract described as "Tract H" in said Volume 161 Page 394 of the Lee County Deed Records, herein after called second parent tract

Third parent tract:

Being 691.5 acres more or less situated in the Bethel Smith Survey Abstract No. 288, the Thomas Childers Survey Abstract No. 376, the Ira Clemmons Survey Abstract No. 57, and the James Ware Survey Abstract No. 336 all in Lee County Texas and being the same tract described as "Tract I" in said Volume 161 Page 394 of the Lee County Deed Records, herein after called third parent tract

Fourth parent tract:

Being 100 acres more or less situated in the James Ware Survey Abstract No. 336 Lee County Texas and being the same tract described as "Tract J" in said Volume 161 Page 394 of the Lee County Deed Records, herein after called fourth parent tract

Fifth parent tract:

Being 18.956 acres more or less situated in the Bethel Smith Survey Abstract No. 288 Lee County Texas and being the same tract as described in Exhibit "B-1" in said Volume 833 Page 831-837 of the Lee County Real Property Records herein after called fifth parent tract

Said 1,203.76 acre tract included approximately 533.41 acres situated in the Bethel Smith Survey Abstract No. 288 Lee County Texas, 256.21 acres situated in the Thomas Childers Survey Abstract No. 376 Lee County Texas, 219 acres situated in the Ira Clemmons Survey Abstract No. 57 Lee County Texas, and 215.14 acres situated in the James Ware Survey Abstract No. 336 Lee County Texas. Said 1,203.76-acre tract is herein described by metes and bounds as follows to-wit:

Page 1 of 7

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

Beginning at a 5/8" iron rod set (all 5/8" iron rods set are with plastic caps) in the North line of prescriptive County Road No. 411 for the Southernmost Southwest corner of said third parent tract and this tract herein described, from which the calculated common Southeast corner of said Thomas Childers Survey and Southernmost corner of said Bethel Smith Survey, from existing records, bears North 25°-43'-30" East 3,040.65 feet ±

Thence: With a common East line of Randall L. and Cynthia L. Lewis Tract No. Three (3), Tract No. One (1), and Tract No. Two (2) being of record in Volume 800 Page 655 of the Real Property Records of Lee County Texas as follows:

North 19°-08'-35" West at 797.87 feet a found 5/8" iron rod for an interior corner of this tract herein described

North 40°-32'-36" West at 548.57 feet a 5/8" iron rod set for an interior corner of this tract herein described

North 59°-26'-29" West at 22.08 feet a 5/8" iron rod set for an interior corner of this tract herein described

North 86°-29'-11" West at 434.07 feet to a point on the Southwest side of a 48 inch diameter Cottonwood tree, from which the center of said tree bears North 21°-45'-01" East 2.06 feet, said tree marked "X" this day, for a common corner of said Lewis Tract No. One (1) and Tract No. Two (2) and a corner of this tract herein described

North 36°-53'-16" West at 709.97 feet a found 1/2" iron rod at the Northeast corner of said Lewis Tract No. Two (2) in the South line of William C. Rhodes called 38.8 acre tract being of record in Volume 337 Page 12 of the Lee County Deed Records for a corner of this tract herein described

Thence: With a common line of said 38.8-acre tract as follows:

North 71°-31'-09" East at 706.94 feet a 5/8" iron rod set for an interior corner of this tract herein described in the Northwest line of said Ira Clemmons Survey and Southeast line of said Thomas Childers Survey

North 18°-11'-04" West at 583.23 feet a 5/8" iron rod set for a corner of this tract herein described

North 20°-49'-59" East at 995.61 feet a 26 inch diameter Post Oak tree, with remnant of old fence line, marked "X" this day for an angle point in this tract herein described

North 22°-12'-06" East at 28.02 feet a 5/8" iron rod set for a common Southwest corner of said second parent tract and an interior corner of this tract herein described

North 18°-49'-02" West at 236.11 feet a 5/8" iron rod set for an interior corner of this tract herein described

Page 2 of 7

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

South 71°-10'-58" West at 16.8 feet crosses a 31 inch diameter Post Oak tree used for fence corner marked "X" this day and at a total distance of 1,451.66 feet a 5/8" iron rod set for a common Northwest corner of said 38.8 acre tract and a corner of this tract herein described in an East line of William C. Rhodes called 187.6 acre tract as recorded in Volume 466 Page 867 of the Real Property Records of Lee County Texas

Thence: With common lines of said 187.6-acre tract as follows:

North 18°-49'-02" West at 1,816.88 feet a found 3" iron pipe fence corner post for an interior corner of said 187.6 acre tract and corner of this tract herein described

North 69°-52'-42" East at 938.67 feet a found 3" iron pipe at remnant of old fence line at a corner of said 187.6 acre tract and interior corner of this tract herein described, from which a 3" iron pipe at new fence corner bears South 52° East 11 feet ±

North 18°-30'-01" West at 716.66 feet a 5/8" iron rod set at the Northernmost Northeast corner of said 187.6 acre tract and interior corner of this tract herein described (and being near a 3" iron pipe post) from which a 3" iron pipe fence corner post at new fence bears North 20° East 10 feet ±

South 69°-20'-40" West at 320.5 feet the South end of a 24 inch drainage pipe 1 foot right and at a total distance of 1,034.22 feet a found 5/8" iron rod at the Southeast corner of Thomas E. Hooper called 24.261 acre tract being of record in Volume 247 Page 398 of the Lee County Texas Deed Records and Southwest corner of said fifth parent tract and a corner of this tract herein described, from which a 3" iron pipe fence corner bears North 7°-32' East 1.84 feet and a 3" iron pipe fence perpendicular bears North 5°-49'-07" West 8.1 feet

Thence: With a common East line of said 24.261 acre tract North 16°-44'-53" West at 52.4 feet crosses a 24 inch diameter drainage pipe (West end of pipe 1.3 feet left) at 242.5 feet crosses a 24 inch diameter drainage pipe (West end of pipe 1.5 feet left) (Reference Easement to Impound Water Volume 142 Page 252 of the Lee County Texas Deed Records) and at a total distance of 719.44 feet a found 1/2" iron rod at the Northwest corner of said fifth parent tract and a corner of this tract herein described

Thence: With a common South line of Brian Lee Dobos called 82.324 acre tract being of record in Volume 833 Page 831 of the Lee County Texas Real Property Records North 72°-45'-46" East at 1,185.56 feet a found 1/2" iron rod at the Northeast corner of said fifth parent tract and a corner of this tract herein described

Thence: With the East line of said fifth parent tract as follows:

South 19°-03'-23" East at 196.66 feet a 5/8" iron rod set

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

South 22°-20'-59" East at 118.92 feet a 60d spike set in top of a railroad tie fence post

South 21°-51'-35" East at 333.31 feet a found 1/2" iron rod at the Southeast corner of said fifth parent tract

Thence: South 21°-56'-25" East at 24.09 feet a 5/8" iron rod set in Water at the Southwest corner of Fred L. Rhodes Tract No. 1 called 107.912 acres being of record in Volume 579 Page 544 of the Real Property Records of Lee County Texas (Reference Easement to Impound Water Volume 142 Page 103 of the Deed Records of Lee County Texas) for an interior corner of this tract herein described

Thence: With the South line of said Fred L. Rhodes 107.912 acre tract North 71°-14'-03" East at 1,254.93 feet a found 1/2" iron rod at the Southeast corner of said Fred L. Rhodes 107.912 acre tract and Southwest corner of Minna Belle Rhodes Tract No. 2 called 107.912 acre tract being of record in Volume 579 Page 544 of the Real Property Records of Lee County Texas for an angle point in a North line of this tract herein described

Thence: With said Minna Belle Rhodes called 107.912-acre tract as follows:

North 71°-03'-18" East at 646.08 feet a found 1/2" iron rod for the Northeast corner of said Childers Survey and interior corner of said Smith Survey and this tract herein described

North 15°-09'-23" West at 15.19 feet a 5/8" iron rod set for an interior corner of said Minna Belle Rhodes called 107.912 acre tract and a corner of this tract herein described

North 70°-13'-51" East at 621.39 feet a found 1/2" iron rod at the Southeast corner of said Minna Belle Rhodes called 107.912 acre tract and interior corner of this tract herein described, from which a new fence corner post bears South 33° East 12 feet ±

North 18°-31'-31" West at 1,052.56 feet a found 1/2" iron rod in fence for an angle point in a West line of this tract herein described

North 19°-22'-22" West at 1,109.07 feet a found 1/2" iron rod in fence for an angle point in a West line of this tract herein described

North 18°-56'-24" West at 1,483.26 feet a 5/8" iron rod set in the South line of prescriptive County Road No. East 415 at the Northeast corner of said Minna Belle Rhodes called 107.912-acre tract and Northwest corner of said first parent tract and Northernmost Northwest corner of this tract herein described

Thence: With the Southeast and Southwest line of said prescriptive County Road No. East 415 and common line of this tract herein described as follows:

North 71°-52'-37" East at 709.37 feet a 5/8" iron rod set

Page 4 of 7

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

North 70°-52'-59" East at 383.00 feet a 5/8" iron rod set

North 71°-28'-29" East at 165.7 feet crosses a 12 inch diameter Post Oak tree marked "X" this day and at a total distance of 194.58 feet an 18 inch diameter Post Oak tree Marked "X" this day

North 76°-04'-07" East at 115.67 feet a 5/8" iron rod set

North 65°-43'-18" East at 57.14 feet a 14 inch diameter Post Oak tree Marked "X" this day

North 70°-10'-43" East at 618.32 feet a 5/8" iron rod set

North 71°-48'-37" East at 323.17 feet a 5/8" iron rod set at the beginning of a turn to the right

North 77°-13'-43" East at 33.19 feet a 4 inch diameter Post Oak tree marked "X" this day

North 83°-07'-44" East at 38.57 feet a 19 inch diameter Post Oak tree marked "X" this day

South 77°-10'-16" East at 21.14 feet a 7 inch diameter Post Oak tree marked "X" this day

South 49°-44'-09" East at 26.60 feet a 17 inch diameter Post Oak tree marked "X" this day

South 45°-38'-30" East at 27.14 feet a 10 inch diameter Post Oak tree Marked "X" this day

South 20°-49'-57" East at 80.62 feet a 5/8" iron rod set at the end of said turn in County Road No. 415

South 19°-30'-51" East at 513.13 feet a 5/8" iron rod set

South 19°-10'-55" East at 911.07 feet a 5/8" iron rod set

South 19°-01'-06" East at 76 feet a crosses the end of said County Road No. 415 and beginning West line of Private Road No. 4152 and at a total distance of 1,050.86 feet a 5/8" iron rod set at the South end of the open portion of said Private Road No. 4152 and occupied Northwest corner of John A. Watson Jr. called 54.257 acre tract being of record in Volume 495 Page 552 of the Real Property Records of Lee County Texas for an angle point in an East line of this tract herein described

Thence: South 20°-08'-52" East at 1,456.94 feet a 2" diameter iron pipe fence corner perpendicular in concrete for the Southwest corner of said 54.257 acre tract and
Page 5 of 7

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

Northwest corner of Guy A. Hall and wife Mary Ann Hall called 53 acre tract as recorded in Volume 481 Page 64 of the Real Property Records of Lee County Texas for an angle point in an East line of this tract herein described

Thence: South 19°-45'-10" East at 1,472.95 feet a 3" iron pipe fence corner post for the Southwest corner of said 53 acre tract and interior corner of said third parent tract and this tract herein described and Northwest corner of said Ware Survey

Thence: With a common South line of said 53 acre tract and Guy A. Hall Sr. and wife Mary Ann Hall called 100 acre tract being of record in Volume 626 Page 769 of the Real Property Records of Lee County Texas North 70°-39'-45" East at 2,853.7 feet a meandering convenience fence around gully to the Southeast and at a total distance of 3,100.23 feet a 5/8" iron rod set for a common Northwest corner of Guy A. Hall and wife Mary Ann Hall called 154.0 acre tract being of record in Volume 373 Page 551 of the Deed Records of Lee County Texas and a Northeast corner of said third parent tract and this tract herein described, from which a found 1/2" iron pipe at the Southeast corner of said 100 acre tract bears North 70°-39'-45" East 83.48 feet

Thence: With a common West line of said 154.00 acre tract South 19°-04'-30" East at 2.5 feet crosses a meandering Southwest convenience fence, continuing same bearing being on the East side of said convenience fence, generally along or near a meandering gully at 1,538.22 feet crosses a found 5/8" iron rod at the beginning of a fence on line, and at a total distance of 3,574.31 feet a found 1/2" iron rod in the North line of Harold H. Rhodes Et ux called 75 acre tract being of record in Volume 212 Page 285 of the Deed Records of Lee County Texas and Southwest corner of said 154.0 acre tract and Southeast corner of said fourth parent tract and a corner of this tract herein described

Thence: With a common North line of said 75 acre tract South 71°-00'-00" West at 1,821.03 feet a found 1/2" iron rod in the East line of Hubert Norville Et ux called 15.616 acre tract being of record in Volume 258 page 95 of the Deed Records of Lee County Texas and common Northwest corner of said 75 acre tract and Southernmost corner of said fourth parent tract and a corner of this tract herein described

Thence: With an East line of said 15.616 acre tract and Louis D. Oldham Et ux called 15.231 acre tract being of record in Volume 258 Page 86 of the Deed Records of Lee County Texas North 19°-19'-09" West at 1,308.78 feet a found 1/2" iron rod at the Northeast corner of said 15.231 acre tract and a common interior corner of said fourth parent tract and this tract herein described

Thence: With the common North line of said 15.231 acre tract and William Jackson Rhodes II Et al called 93.5 acre tract being of record in Volume 658 Page 76 of the Real Property Records of Lee County Texas and North line of William N. Phillips called 24 acre tract being of record in Volume 642 Page 149 of the Real Property Records of Lee County Texas South 71°-58'-45" West at 805.8 feet crosses a found 3/4" iron pipe and at a total distance of 2,030.38 feet a 5/8" iron

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

rod set for the occupied Northwest corner of said 24 acre tract and common interior corner of said third parent tract and this tract herein described

- Thence: South $19^{\circ}-45'-44''$ East with a common West line of said 24 acre tract 1,761.69 feet a $5/8''$ iron rod set at the occupied Northeast corner of Donald Brown called 50 acre tract being of record in Volume 200 Page 406 of the Decd Records of Lee County Texas for a common corner of said third parent tract and this tract herein described
- Thence: With a common North line of said 50 acre tract South $71^{\circ}-27'-16''$ West at 2,376.20 feet a $5/8''$ iron rod set for the common Northwest corner of said 50 acre tract and interior corner of said third parent tract and this tract herein described
- Thence: South $19^{\circ}-31'-07''$ East at 454.50 feet a found $1/2''$ iron rod at the Northeast corner of Elizabeth Whitworth called 5.967 acre tract being of record in Volume 744 Page 338 of the Real Property Records of Lee County Texas
- Thence: With a common North line of said 5.967 acre tract South $71^{\circ}-44'-51''$ West 1,130.85 feet a found $1/2''$ iron rod at the Northwest corner of said 5.967 acre tract and Northeast corner of Ronnie L. McKee and wife Nancy S. McKee called 45.062 acre tract being of record in Volume 502 Page 663 of the Real Property Records of Lee County Texas for an angle point in a South line of this tract herein described
- Thence: South $72^{\circ}-01'-49''$ West at 151.39 feet a $5/8''$ iron rod set in the North line of said prescriptive County Road No. 411 for an angle point in this line herein described
- Thence: With the North line of said prescriptive County Road No. 411 as follows:
- South $71^{\circ}-16'-08''$ West at 479.51 feet a $5/8''$ iron rod set
- South $70^{\circ}-35'-06''$ West at 444.43 feet a $5/8''$ iron rod set
- South $56^{\circ}-46'-38''$ West 30.61 feet to the point of beginning, as surveyed under the direct supervision of Stephen O. Pirkle Jr., Registered Professional Land Surveyor in the State of Texas, No. 4227, as shown on Texas Surveying Company Plat No. 2001-95 dated the 30th day of November 2001.

Page 7 of 7

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS



Office of the Secretary of State

CERTIFICATE OF FILING
OF

Avara Ranch LLC
802275492

[formerly: A Handsome Dog LLC]

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Amendment for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 05/29/2018

Effective: 05/29/2018



A handwritten signature in black ink, appearing to read "R. Pablos".

Rolando B. Pablos
Secretary of State

02/29/2018 at 10:25 AM
2018-05207
FILED FOR RECORD
SHARON BLASIG
COUNTY CLERK
LEE COUNTY, TX

Phone: (512) 463-5555
Prepared by: Virginia Tobias

Come visit us on the internet at <http://www.sos.state.tx.us/>
Fax: (512) 463-5709
TID: 10303

Dial: 7-1-1 for Relay Services
Document: 815715620002

The document to which this certificate is
affixed is a full, true and correct copy of the
original on file and of record in my office.

DEC 20 2018



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY TEXAS

APPENDIX D
INUNDATION CONSENT DOCUMENTS

	<u>Pages</u>
1) Ina Alexander, agent and attorney in fact for Albert Lynn (Grantor) of Matagorda County, grants and conveys easement and rights to store and impound surface water to C. Gus Glasscock, Jr. (Grantee) of Colorado County and his heirs and assigns, forever, executed May 22, 1962.	1-2
2) Frank and Hancel Hooper (Grantors) of Lee County grant and convey easement and rights to store and impound surface water to C. Gus Glasscock, Jr. (Grantee) of Colorado County and his heirs and assigns, forever, executed May 22, 1962.	3-5
3) Shiloh V. Rhodes (Grantor) of Lee County grants and conveys easement and rights to store and impound surface water to C. Gus Glasscock, Jr. (Grantee) of Colorado County and his heirs and assigns, forever, executed January 5, 1962.	6-7

THE STATE OF TEXAS,
COUNTY OF LEE.

KNOW ALL MEN BY THESE PRESENTS:

That I, Mrs. Ina Alexander, a widow, acting herein individually and as agent and attorney in fact for Albert Lynn, hereinafter called Grantor, of Matagorda County, Texas, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations to me paid by C. Gus Glascock, Jr., the receipt and sufficiency of which is hereby acknowledged and confessed, and the further consideration of the benefit to be derived by Grantor's land hereinafter described and of being allowed the use, as hereinafter specified, of the water stored on such land under this easement, do hereby GRANT AND CONVEY unto the said C. Gus Glascock, Jr., hereinafter called Grantee, of Colorado County, Texas, the right and easement to store and impound surface water, under the terms hereof, on the following described land to an extent up to elevation 386.6 feet above mean sea level, to-wit:

That certain 211.5 acre tract of land out of the Bethel Smith Survey in Lee County, Texas, which tract is located in the central portion of the South one-half of said Bethel Smith Survey approximately one mile East of Tanglewood, Texas, and which tract was formerly owned by Mrs. J. C. Robertson and is now known as the Alexander 211.5 acre tract.

Grantee shall have the right, privilege and authority of storing and impounding surface water on the surface of said premises up to and not exceeding the above limits of surface elevation, but shall not have any right or easement to construct or maintain any structure thereon. It is stipulated that such water, if any, shall be impounded by a dam or reservoir structure constructed and now existing on land other than the above premises.

Grantors reserve the right to use all of the above premises at any time and for any purpose that does not interfere with the storage of surface water to the extent of the authorized surface elevation and the easement hereby conveyed, and Grantors reserve the full right

to use and consume, for livestock or recreational purposes only,
any and all of said water stored on said premises.

TO HAVE AND TO HOLD the above easement and rights, together
with all appurtenances that may be necessary for the full enjoyment
of such easement and rights, unto Grantee, his heirs and assigns,
forever.

WITNESS MY HAND, this 22nd day of May, 1962.

Mrs. Ina Alexander
Mrs. Ina Alexander,
Individually and as Agent
and Attorney in Fact for
Albert Lynn.

THE STATE OF TEXAS,

COUNTY OF Harris.

Before me, the undersigned authority, a Notary Public in and
for said State and County, on this day personally appeared Mrs. Ina
Alexander, a widow, known to me to be the person whose name is sub-
scribed to the foregoing instrument, and acknowledged to me that
she 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 22nd day of
1962.

Notary Public
Harris County, Texas

THE STATE OF TEXAS,

COUNTY OF LEE.

KNOW ALL MEN BY THESE PRESENTS:

That we, Frank Hooper and wife, Hancel Hooper, hereinafter called Grantors, of Lee County, Texas, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations to us paid by C. Gus Glasscock, Jr., the receipt and sufficiency of which is hereby acknowledged and confessed, and the further consideration of the benefit to be derived by Grantors' land hereinafter described and of being allowed the use, as hereinafter specified, of the water stored on such land under this easement, do hereby GRANT AND CONVEY unto the said C. Gus Glasscock, Jr., hereinafter called Grantee, of Colorado County, Texas, the right and easement to store and impound surface water, under the terms hereof, on the following described land to an extent up to elevation 386.6 feet above mean sea level, to-wit:

That certain 119 acre tract of land out of the Southwest corner of the Bethel Smith Survey in Lee County, Texas, located approximately one-half mile East of Tanglewood, Texas, known as the Frank Hooper 119 acre tract, which tract was formerly owned by the Citizens State Bank of Giddings, Texas, and was subsequently owned by Bruce Curlee, and was conveyed to Grantors herein by the said Bruce Curlee by conveyance recorded in the Deed Records of said County, to which instrument and the record thereof reference is here made for all purposes.

Grantee shall have the right, privilege and authority of storing and impounding surface water on the surface of said premises up to and not exceeding the above limits of surface elevation, but shall not have any right or easement to construct or maintain any structure thereon. It is stipulated that such water, if any, shall be impounded by a dam or reservoir structure constructed and now existing on other land than the above premises.

Grantors reserve the right to use all of the above premises at any time and for any purpose that does not interfere with the storage

of surface water to the extent of the authorized surface elevation and the easement hereby conveyed, and Grantors reserve the full right to use and consume, for livestock or recreational purposes only, any and all of said water stored on said premises.

As part of the consideration for the granting of this easement, it is further stipulated and agreed that Grantee and their son Jimmie Hooper and his wife shall have, and they are hereby given, the free right and privilege of fishing on and in the reservoir of which the above mentioned impounded surface water is a part on land owned or controlled by Grantee other than the above described premises. Such right and privilege of fishing is and shall be personal to said Grantors and the said Jimmie Hooper and his said wife only, and shall not be assigned or transferred by them, or either of them, to any third party or parties, and shall be exercised in common with Grantee and Grantee's heirs and assigns.

TO HAVE AND TO HOLD the above easement and rights, together with all appurtenances that may be necessary for the full enjoyment of such easement and rights, unto Grantee, his heirs and assigns, forever.

WITNESS OUR HANDS, this 22nd day of May, 1967.

Frank Hooper
Frank Hooper

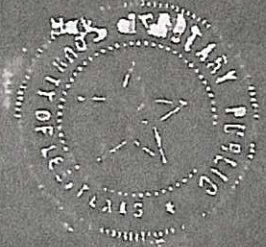
Mancel Hooper
Mancel Hooper

THE STATE OF TEXAS.

COUNTY OF LEE.

Before me, the undersigned authority, a Notary Public in and for said State and County, on this day personally appeared Frank Hooper and Hancel Hooper, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed; and the said Hancel Hooper, wife of the said Frank Hooper, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Hancel Hooper, acknowledged such instrument to be her act and deed, and she 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 22 day of



Robert L. Phillips
Notary Public in and for
Lee County, Texas.

Filed for record the 28 day of May A. D. 1962 at 1:30 o'clock P.M., and duly recorded the 29 day of May A. D. 1962 at 3:30 o'clock P. M.

W. E. Marburger
County Clerk, Lee County, Texas.
By Evelyn Knox, Deputy.

THE STATE OF TEXAS,
COUNTY OF LEE.

I, W. E. Marburger, County Clerk, Lee County, Texas, do hereby certify that the above and foregoing is a true and correct photo copy of an Easement from Frank Hooper, et ux to C. Gus Glascock, Jr., as the same appears of record in Volume 142, page 252 of the Deed Records of Lee County, Texas.

TO CERTIFY ALL OF WHICH, Witness my hand and seal of office in said County, Lee County, Texas, on this the 12th., day of June, A. D. 1962.

W. E. Marburger
County Clerk, Lee County, Texas.

By: _____, Deputy.

EASEMENT

THE STATE OF TEXAS, *
*
COUNTY OF LEE, *

KNOW ALL MEN BY THESE PRESENTS:

... of Lee County, Texas, for and in consideration of THE SUM \$20,000 (\$20,000) DOLLARS and other valuable consideration to Grantor paid by C. G. Glascock, Jr.; the receipt and sufficiency of which is hereby acknowledged and confessed, and the further consideration, of the benefit to be derived by Grantor's land hereinafter described and of being allowed the use of the water stored on such land under this easement, do hereby GRANT and CONVEY unto said C. G. Glascock Jr., hereinafter called Grantee, of Colorado County, Texas, the right and easement to store and impound surface water, under the terms hereof, on the following described land to an extent up to and not exceeding five (5) surface acres, to-wit:

All of that certain tract or parcel of land lying and being situated in Lee County, Texas, out of the Thomas Childers Survey and described by metes and bounds as follows, to-wit:
BEGINNING at the NW corner of said Childers Survey for the NW corner of this tract of land;
THENCE N. 71 E. with the north line of said Survey at 382 varas passed the NE corner of Christian Friedle 100 acre tract at 710 varas come to the NE corner of the Christian Friedle 15 acre tract;
THENCE S. 19 E. 258 varas to the SE corner of said tract;
THENCE 71 W. 328 varas to the SW corner of said tract a stake in the east line of the aforesaid Friedle 100 acre tract,
THENCE S. 19 E. with said line 1221 varas to the SE corner of said 100 acres, a stake in the south line of the Thomas Childers Survey;
THENCE S. 71 W. with said line 382 varas to the SW corner of said survey;
THENCE N. 19 W. with the west line of same 1479 varas to the place of beginning, containing 115 acres of land, more or less.

Grantee shall have the right, privilege and authority of storing and impounding surface water on the surface of said premises up to and not exceeding the above limits of surface acreage but shall not have any right or easement to construct or maintain any structure thereon. If the water on said premises shall be impounded by a dam or reservoir structure constructed and now existing on other land than the above premises.

Grantor reserves the right to use all of the above premises at any time and for any purpose that does not interfere with the storage of surface water to the extent of the authorized surface acreage and the easement herein conveyed, and Grantor reserves the full right to use and consume any and all of said water stored on said premises for livestock or recreation purposes.

TO HAVE AND TO HOLD the above easement and rights, together with all appurtenances that may be necessary for the full enjoyment of such easement and rights, unto Grantee, his heirs and assigns, forever.

WITNESS my hand this 5th day of ~~January~~ January, 1968.

Shiloh V. Rhodes

Shiloh V. Rhodes

THE STATE OF TEXAS, *
*
COUNTY OF LEE: *

CERTIFICATE OF RECORD

THE STATE OF TEXAS,
County of Lee, } I, W. E. [unclear], County Clerk in and for said County, do hereby certify that the foregoing instrument of writing dated this [unclear] day of [unclear], with the authority of [unclear], was filed for Record in the Public Records of this County on the [unclear] day of [unclear] 1968, and the same is a true and correct copy of the original as the same appears in the [unclear] books of this County.

APPENDIX E
APPLICATION MAPS

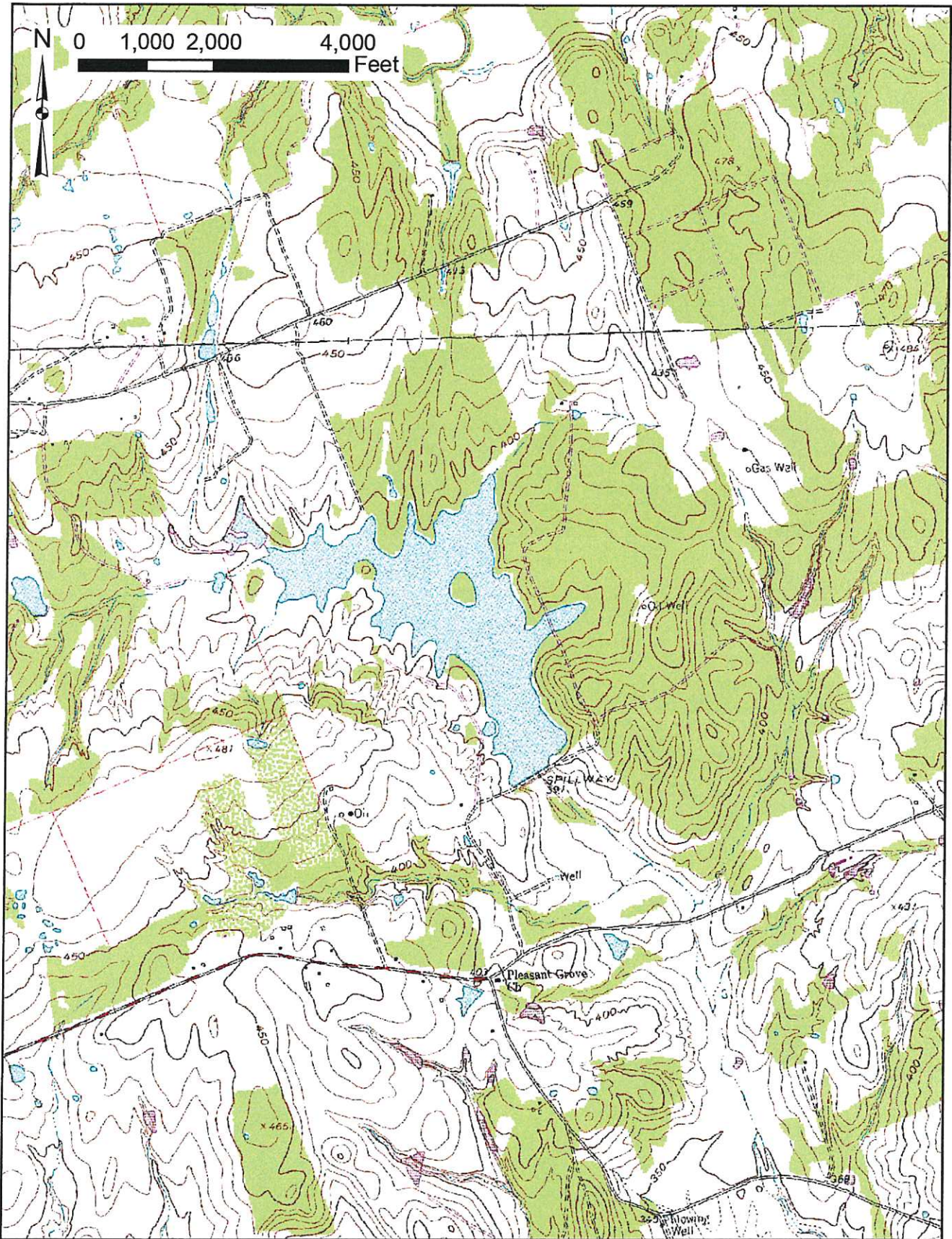


FIGURE 1 AVARA RESERVOIR ON USGS TANGLEWOOD TEXAS QUADRANGLE 7.5 MINUTE SERIES TOPO MAP

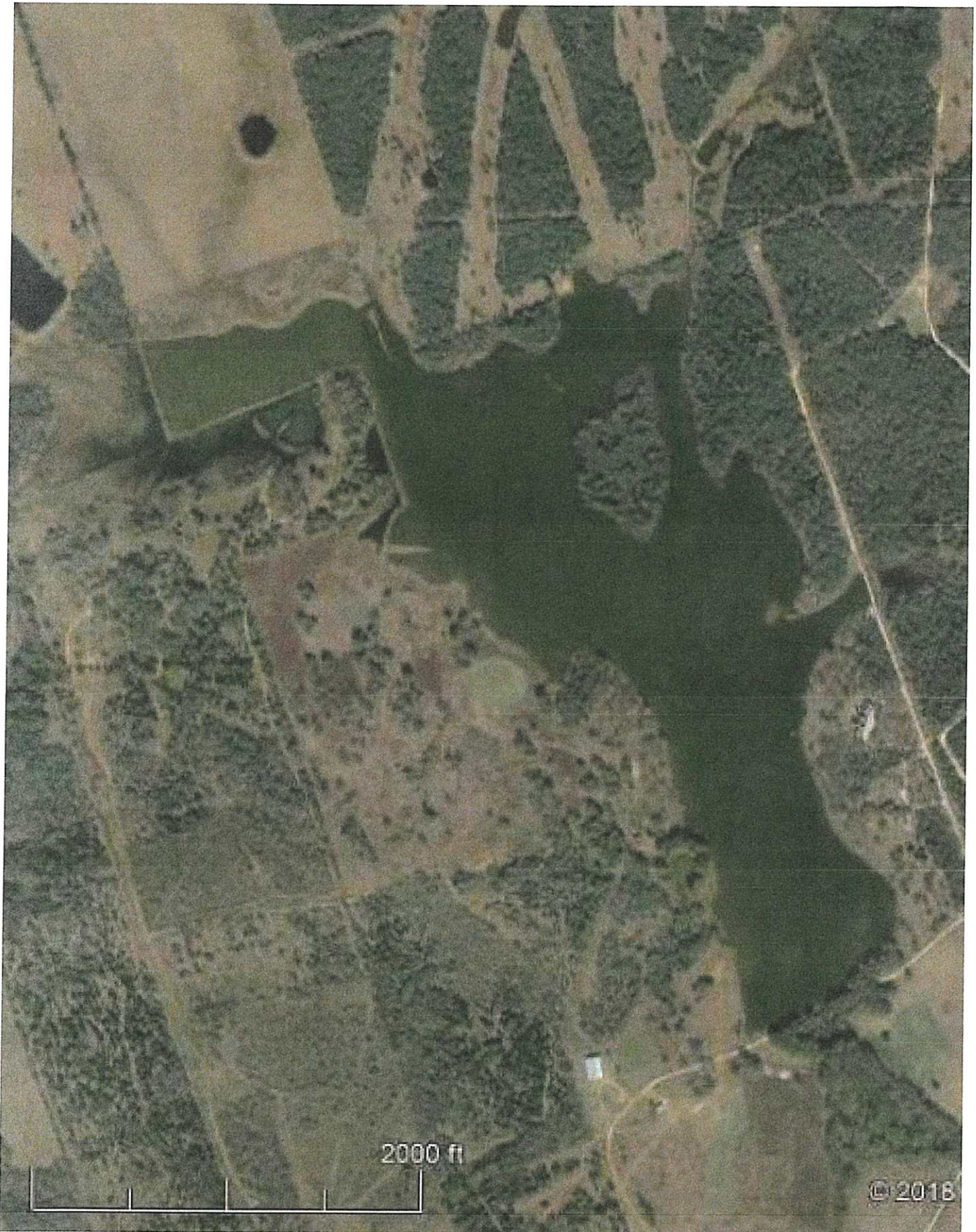


FIGURE 2 AVARA RESERVOIR ON 2018 AERIAL PHOTOGRAPH