

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Joshua Schauer, Project Manager  
Water Rights Permitting Team

DATE: November 22, 2023

SUBJECT: Joanna Debney Mobley, Kristen Mobley Bailey, Arthur L. Mudge,  
William Frederick Gordon Mudge  
ADJ 1507  
CN606039873, CN606039881, CN601370547, CN606073609,  
RN102971835  
Application No. 14-1507A to Amend Certificate of Adjudication  
No. 14-1507  
Texas Water Code § 11.122, Limited Mailed Notice Required  
North Llano River, Colorado River Basin  
Kimble County

The application and partial fees were received on July 10, 2023. Additional fees were received on November 13, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on November 22, 2023. Limited mailed notice to interjacent water right holders of record in the Colorado River Basin is required to add diversion points pursuant to Title 30 Texas Administrative Code (TAC) § 295.158(c)(3)(D). No notice, other than to the water right record holders, is required to adding a place of use in the same river basin pursuant to 30 TAC § 295.158(c)(2)(B).

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

*Joshua Schauer*

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Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

**OCC Mailed Notice Required**    **YES**                       **NO**

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 22, 2023

Ms. Michelle Smith  
Sledge Law Group PLLC  
919 Congress Ave., Ste 460  
Austin, TX 78701-2153

VIA E-MAIL

RE: Joanna Debney Mobley, Kristen Mobley Bailey, Arthur L. Mudge,  
William Frederick Gordon Mudge  
ADJ 1507  
CN606039873, CN606039881, CN601370547, CN606073609, RN102971835  
Application No. 14-1507A to Amend Certificate of Adjudication No. 14-1507  
Texas Water Code § 11.122, Limited Mailed Notice Required  
North Llano River, Colorado River Basin  
Kimble County

Dear Ms. Smith:

This acknowledges receipt on November 13, 2023 of additional fees in the amount of \$8.82 (Receipt No. M403954, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on November 22, 2023. Staff will continue processing the application for consideration by the Executive Director.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



13-NOV-23 03:57 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

Fee Code	Account#	Account Name	Ref#1	Ref#2	Paid In By	Check Number	Card Auth.	User Data	CC Type	Tran Code	Rec Code	Slip Key	Document#	Tran Date	Tran Amount
NOTICE FEES-WUP-PTGU	PTGU	NOTICE FEES WUP WATER USE PERMITS	M403952	ADJ141509A	ADJ141509A	3190	111323	VHERNAND	N	CK		BS00106077	D4800708	13-NOV-23	-\$5.88
NOTICE FEES WUP WATER USE PERMITS	PTGU	NOTICE FEES WUP WATER USE PERMITS	M403953	ADJ141510A	ADJ141510A	3191	111323	VHERNAND	N	CK		BS00106077	D4800708	13-NOV-23	-\$5.88
NOTICE FEES WUP WATER USE PERMITS	PTGU	NOTICE FEES WUP WATER USE PERMITS	M403954	ADJ141507A	ADJ141507A	3189	111323	VHERNAND	N	CK		BS00106077	D4800708	13-NOV-23	-\$8.82
NOTICE FEES WUP WATER USE PERMITS	PTGU	NOTICE FEES WUP WATER USE PERMITS	M403955	ADJ141507A	ADJ141507A	3189	111323	VHERNAND	N	CK		BS00106077	D4800708	13-NOV-23	-\$8.82

Total (Fee Code) :

-\$20.58

RECEIVED

NOV 17 2023

Water Availability Division

**From:** [REDACTED]  
**To:** [Joshua Schauer](#)  
**Cc:** [Humberto Galvan](#); [Chris Kozlowski](#)  
**Subject:** RE: Joanna Debney Mobley, Kristen Mobley Bailey, Arthur L. Mudge; 14-1507A RFI  
**Date:** Thursday, November 2, 2023 2:47:30 PM

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Hi Joshua -

Thank you for the RFIs on the 3 Mudge applications that were sent this week. I just wanted to confirm that I've received them and we will provide the additional fees within the next week (certainly before Nov. 29). If there is anything else you need to continue processing these application, please don't hesitate to let me know. Many thanks for your coordination here!

Best,  
Michelle

Michelle Maddox Smith  
SledgeLaw Group, PLLC  
Attorneys at Law · Governmental Relations  
919 Congress Ave. Ste. 460, Austin, Texas 78701  
512.579.3600 main  
512.579.3611 fax

[REDACTED]

CONFIDENTIALITY NOTICE: The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

-----Original Message-----

From: "Joshua Schauer" <Joshua.Schauer@Tceq.Texas.Gov>  
Sent: Monday, October 30, 2023 4:56pm  
To: [REDACTED]  
Cc: "Humberto Galvan" <Humberto.Galvan@tceq.texas.gov>, "Chris Kozlowski" <chris.kozlowski@tceq.texas.gov>  
Subject: Joanna Debney Mobley, Kristen Mobley Bailey, Arthur L. Mudge; 14-1507A RFI

Hi Ms. Smith,

Please see the attached letter regarding the referenced application. A response is requested by 11/29/23.

Thanks,

*Joshua Schauer*

*Project Manager*

*Water Rights Permitting Team, Water Availability Division*

*Texas Commission on Environmental Quality*

512-239-1371 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)

**From:** [Joshua Schauer](#)  
**To:** [REDACTED]  
**Cc:** [Humberto Galvan](#); [Chris Kozlowski](#)  
**Subject:** Joanna Debney Mobley, Kristen Mobley Bailey, Arthur L. Mudge; 14-1507A RFI  
**Date:** Monday, October 30, 2023 3:57:00 PM  
**Attachments:** [Joanna Debney Mobley et al. 14-1507A RFI.pdf](#)

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Hi Ms. Smith,

Please see the attached letter regarding the referenced application. A response is requested by 11/29/23.

Thanks,

*Joshua Schauer*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-1371 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 30, 2023

Ms. Michelle Smith  
Sledge Law Group PLLC  
919 Congress Ave., Ste 460  
Austin, TX 78701-2153

VIA E-MAIL

RE: Joanna Debney Mobley, Kristen Mobley Bailey, Arthur L. Mudge,  
William Frederick Gordon Mudge  
ADJ 1507  
CN606039873, CN606039881, CN601370547, CN606073609, RN102971835  
Application No. 14-1507A to Amend Certificate of Adjudication No. 14-1507  
Texas Water Code § 11.122, Limited Mailed Notice Required  
North Llano River, Colorado River Basin  
Kimble County

Ms. Michelle Smith:

This acknowledges receipt, on July 10, 2023, of the application and partial fees in the amount of \$112.50 (Receipt No. M318675, copy attached).

Before the application can be declared administratively complete remit fees in the amount of \$8.82 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee	\$	100.00
Recording Fee	\$	12.50
Notice Fee (\$2.94 x 3 WR Holders)	\$	8.82
<b>Total Fees</b>	<b>\$</b>	<b>121.32</b>
Fees Received	\$	112.50
<b>Fees Due</b>	<b>\$</b>	<b>8.82</b>

Please provide the requested information and fees by November 29, 2023 or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

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

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



13-JUL-23 04:19 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

04:19 PM 13 JUL 2023

RECEIVED

JUL 21 2023

Water Availability Division

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP <i>Added to SWRD SC</i> <i>7/24</i>	M318674	3168		BS00104007	13-JUL-23	-\$112.50
WUP		ADJ141509	071323	N	D3803017		
WATER USE PERMITS		SLEDGELAW	RHDAVIS	CK			
		GROUP PLLC					
WUP	<i>Added to SWRD SC</i> <i>7/24</i>	M318675	3167		BS00104007	13-JUL-23	-\$112.50
WUP		ADJ141507	071323	N	D3803017		
WATER USE PERMITS		SLEDGELAW	RHDAVIS	CK			
		GROUP PLLC					
WUP	<i>Added to SWRD</i> <i>on 7/24</i>	M318676	3169		BS00104007	13-JUL-23	-\$112.50
WUP		ADJ141510	071323	N	D3803017		
WATER USE PERMITS		SLEDGELAW	RHDAVIS	CK			
		GROUP PLLC					
WUP		M318677	3272		BS00104007	13-JUL-23	-\$100.00
WUP		ADJ054730	071323	N	D3803017		
WATER USE PERMITS		HITTS LAKE	RHDAVIS	CK			
		ASSOCIATION					

Total (Fee Code): -\$437.50

Grand Total: -\$1,825.53





13-JUL-23 04:19 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

04:19 PM 13 JUL 2023

RECEIVED

JUL 21 2023

Water Availability Division

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
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WATER USE PERMITS		SLEDGELAW	RHDAVIS	CK			
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WATER USE PERMITS		HITTS LAKE	RHDAVIS	CK			
		ASSOCIATION					

Total (Fee Code): -\$437.50

Grand Total: -\$1,825.53



M. Smith Direct: 512-579-3600  
Fax: 512-579-3611

*FILED BY EMAIL TO WRPT@TCEQ.TEXAS.GOV*

July 10, 2023

Chris Kozlowski, MC 160  
TCEQ Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: Application to Amend COA No. 14-1507

Dear Chris:

In follow-up to our meeting on March 23, 2023, enclosed please find an original application to amend Certificate of Adjudication No. 14-1507 to add two points of diversion and to authorize the use of water for irrigation purposes within the Mudge Ranch in Kimble County, Texas. Also included is a check for \$112.50 to cover filing fees. A copy of this application is being sent via email for your use.

I look forward to working with you and TCEQ staff on this matter. If you have any questions, please feel free to contact me at 512-589-8793.

Sincerely,

*Michelle Smith*

Michelle Smith

cc: Art Mudge  
Suzy Mudge  
Brian Sledge, SledgeLaw Group

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Application to Amend COA No. 14-1507  
July 10, 2023

### **Attachments**

1. Application to Amend COA 14-1507.
2. Signature Authority for Suzy Mudge to sign on behalf of William Frederick Gordon Mudge, Joanna Debney Mobley and Kristen Mobley Bailey.
3. Technical Information Report.
4. Maps.
  - a. Portion of Mudge Ranch north of the North Llano River (proposed/existing diversion point marked in blue).
  - b. Portion of Mudge Ranch south of the North Llano River (proposed diversion point marked in red).
  - c. Map of Diversion Points.
5. Photos of new Diversion Point Location on the South Bank of the North Llano River.
6. 2022 Partition Deed of Mudge Ranch.
7. 2022 Distribution Deed of the Estate of William Gordon Mudge's portion of the Mudge Ranch.
8. COA 14-1507.
9. Water Conservation Plan.

**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): Arthur Mudge, William Frederick Gordon Mudge, Joanna Debney Mobley & Kristen Mobley Bailey

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

# ADMINISTRATIVE INFORMATION REPORT

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

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

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

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

New Appropriation of State Water

Amendment to a Water Right \*

Bed and Banks

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

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

The owners of 50 acre-feet of diversions from COA No. 14-1507 seek to amend this water right to 1) add a point of diversion on the south bank of the North Llano River, 2) add a point of diversion on the north bank of the North Llano River at a point authorized by COAs 14-1509 and 14-1510, 3) to authorize that the 25 acre-feet of diversions held by Arthur L. Mudge be available to irrigate any portion of his 5,413.55 acres of the Mudge Ranch in Kimble County, Texas, and 4) to authorize that the 25 acre-feet of diversions held by William Frederick Gordon Mudge, Joanna Debney Mobley, and Kristen Mobley Bailey be available to irrigate any portion of their undivided 4,426.79 acres of the Mudge Ranch in Kimble County, Texas.

Applicants do not seek to amend the purpose of use for this water, to increase the amount of water diverted or to increase the combined diversion rate authorized under the existing water right.

Arthur L. Mudge, William Frederick Gordon Mudge, Joanna Debney Mobley, and Kristen Mobley Bailey hold ownership of 50 acre-feet of authorized diversions under COA No. 14-1507 for irrigation purposes. Pursuant to the attached Partition Deed, the Mudge Ranch is comprised of 9,840.34 acres located north and south of the North Llano River in Kimble County, Texas. Of the Mudge Ranch, Arthur L. Mudge holds title to three tracts of land that total 5,413.55 acres and are located north of the North Llano River (Tract One totals 226.13 acres, Tract Two totals 4,594.23 acres, and Tract Three totals 593.19 acres). The Estate of William Gordon Mudge held title to the remainder of the Mudge Ranch (4,426.79 acres) through four tracts of land (Tract One totals 2,211.61 acres located south of the North Llano River, Tract Two totals 96.18 acres located south of the North Llano River, Tract Three totals 94 acres located north of the North Llano River, and Tract Four totals 2,025 acres located north of the North Llano River). The tracts held by the Estate of William Gordon Mudge were distributed to William Frederick Gordon Mudge, Joanna Debney Mobley, and Kirsten Mobley Bailey pursuant to the attached Distribution Deed.

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

**Indicate the number of Applicants/Co-Applicants 4**  
**(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?

Arthur L. Mudge

*(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 : 601370547 ( 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: \_\_\_\_\_

Title: \_\_\_\_\_

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

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: Arthur L. Mudge

Mailing Address: 2970 Mudge Access Road

City: Junction State: Texas ZIP Code: 76849-6037

Indicate an X next to the type of Applicant:

Individual                      \_\_\_ Sole Proprietorship-D.B.A.

\_\_\_ Partnership                      \_\_\_ Corporation

\_\_\_ Trust                                \_\_\_ Estate

\_\_\_ Federal Government            \_\_\_ State Government

\_\_\_ County Government            \_\_\_ City Government

\_\_\_ Other Government            \_\_\_ Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

**Indicate the number of Applicants/Co-Applicants** 4  
**(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?

William Frederick Gordon Mudge

*(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 : 606073609 ( 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: Suzanne Debney Mudge

Title: Agent

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

Mailing Address: c/o Suzy Mudge, 11203 Hunters Break

City: Helotes State: Texas ZIP Code: 78023-4254

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_

**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

**Indicate the number of Applicants/Co-Applicants** 4  
**(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?

Joanna Debney Mobley

*(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 : 606039873 ( 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: Suzanne Debney Mudge

Title: Agent

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

Mailing Address: c/o Suzy Mudge, 11203 Hunters Break

City: Helotes State: Texas ZIP Code: 78023-4254

Indicate an X next to the type of Applicant:

Individual  Sole Proprietorship-D.B.A.

Partnership  Corporation

Trust  Estate

Federal Government  State Government

County Government  City Government

Other Government  Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ SOS Charter (filing) Number: \_\_\_\_\_



**2. APPLICANT INFORMATION (Instructions, Page. 6 )**

**a. Applicant**

**Indicate the number of Applicants/Co-Applicants** 4  
**(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?

Kristen Mobley Bailey

*(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 : 606039881 ( 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: Suzanne Debney Mudge

Title: Agent

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

Mailing Address: c/o Suzy Mudge, 11203 Hunters Break

City: Helotes State: Texas ZIP Code: 78023-4254

Indicate an X next to the type of Applicant:

- Individual
- Partnership
- Trust
- Federal Government
- County Government
- Other Government
- Sole Proprietorship-D.B.A.
- Corporation
- Estate
- State Government
- City Government
- Other \_\_\_\_\_

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: \_\_\_\_\_ 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: Michelle Smith

Title: Attorney

Organization Name: SledgeLaw Group, PLLC

Mailing Address: 919 Congress Ave., Suite 460

City: Austin State: Texas ZIP Code: 78701

Phone Number: 512-589-8793

Fax Number: \_\_\_\_\_

E-mail Address: [REDACTED]

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

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

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

First and Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)**

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

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

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

Account number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

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

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

Enforcement order number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

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

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

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

[https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus\\_PriorThreeYears](https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears)

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

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Arthur L. Mudge  
(Typed or printed name) (Title)

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

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

Signature: Arthur L. Mudge Date: 5/8/23  
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 8th day of May, 2023.

My commission expires on the 13 day of July, 2026.

Megan Marie Montieth

Notary Public



Kimble  
County, Texas

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

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, William Frederick Gordon Mudge

(Typed or printed name)

(Title)

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

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

Signature: William Frederick Gordon Mudge  
Suzanne Mudge Agent  
(Use blue ink)

Date: June 2, 2023

Subscribed and Sworn to before me by the said

on this 2nd day of June, 2023.

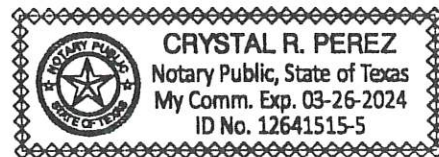
My commission expires on the 26th day of March, 2024.

Crystal R Perez

Notary Public

[SEAL]

County, Texas



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

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Joanna Debney Mobley  
(Typed or printed name) (Title)

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

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

Signature: Joanna Debney Mobley by  
Susanne Mudge as agent Date: June 2, 2023  
(Use blue ink)

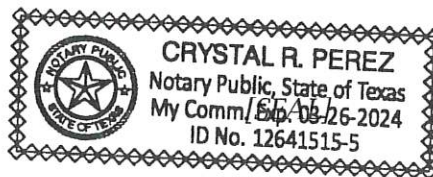
Subscribed and Sworn to before me by the said

on this 2nd day of June, 2023.

My commission expires on the 26th day of March, 2024.

Crystal R Perez

Notary Public



County, Texas

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

**6. SIGNATURE PAGE (Instructions, Page. 11)**

Applicant:

I, Kristen Mobley Bailey  
(Typed or printed name) (Title)

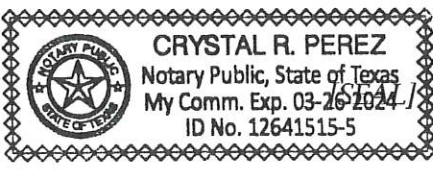
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the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

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

Signature: *Kristen Mobley Bailey* Date: *June 2, 2023*  
*by Suzanne Nudge as Agent*  
(Use blue ink)

Subscribed and Sworn to before me by the said  
on this *2nd* day of *June*, 20*23*.  
My commission expires on the *26th* day of *March*, 20*24*.

*Crystal R Perez*  
Notary Public



County, Texas

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



**STATUTORY DURABLE POWER OF ATTORNEY**

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, SUBTITLE P, TITLE 2, ESTATES CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO. IF YOU WANT YOUR AGENT TO HAVE THE AUTHORITY TO SIGN HOME EQUITY LOAN DOCUMENTS ON YOUR BEHALF, THIS POWER OF ATTORNEY MUST BE SIGNED BY YOU AT THE OFFICE OF THE LENDER, AN ATTORNEY AT LAW, OR A TITLE COMPANY.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until:

- (1) you die or revoke the power of attorney;
- (2) your agent resigns, is removed by court order, or is unable to act for you; or
- (3) a guardian is appointed for your estate.

I, William Mudge, appoint Suzanne Debney Mudge as my agent to act for me in any lawful way with respect to all of the following powers that I have initialed below.

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (O) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS LISTED IN (A) THROUGH (N).

TO GRANT A POWER, YOU MUST INITIAL THE LINE IN FRONT OF THE POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF THE POWER. YOU MAY, BUT DO NOT NEED TO, CROSS OUT EACH POWER WITHHELD.

- \_\_\_\_\_ (A) Real property transactions;
- \_\_\_\_\_ (B) Tangible personal property transactions;
- \_\_\_\_\_ (C) Stock and bond transactions;
- \_\_\_\_\_ (D) Commodity and option transactions;
- \_\_\_\_\_ (E) Banking and other financial institution transactions;
- \_\_\_\_\_ (F) Business operating transactions;
- \_\_\_\_\_ (G) Insurance and annuity transactions;
- \_\_\_\_\_ (H) Estate, trust, and other beneficiary transactions;
- \_\_\_\_\_ (I) Claims and litigation;
- \_\_\_\_\_ (J) Personal and family maintenance;
- \_\_\_\_\_ (K) Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;
- \_\_\_\_\_ (L) Retirement plan transactions;
- \_\_\_\_\_ (M) Tax matters;

- (N) Digital assets and the content of an electronic communication;
- (O) ALL OF THE POWERS LISTED IN (A) THROUGH (N). YOU DO NOT HAVE TO INITIAL THE LINE IN FRONT OF ANY OTHER POWER IF YOU INITIAL LINE (O).

SPECIAL INSTRUCTIONS:

Special instructions applicable to agent compensation (initial in front of one of the following sentences to have it apply; if no selection is made, each agent will be entitled to compensation that is reasonable under the circumstances):

My agent is entitled to reimbursement of reasonable expenses incurred on my behalf and to compensation that is reasonable under the circumstances.

My agent is entitled to reimbursement of reasonable expenses incurred on my behalf but shall receive no compensation for serving as my agent.

Special instructions applicable to co-agents (if you have appointed co-agents to act, initial in front of one of the following sentences to have it apply; if no selection is made, each agent will be entitled to act independently):

Each of my co-agents may act independently for me.

My co-agents may act for me only if the co-agents act jointly.

My co-agents may act for me only if a majority of the co-agents act jointly.

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

I grant my agent the power to apply my property to make gifts outright to or for the benefit of a person, including by the exercise of a presently exercisable general power of appointment held by me, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

Agent is authorized to prepare, execute, file, and defend applications to amend Certificates of Adjudication Nos. 14-1507, 14-1509 and 14-1510 before the Texas Commission on Environmental Quality in order to add diversion points and clarify the property on which the water will be utilized. Agent is further authorized to take any and all actions necessary to secure the amendment of Certificates of Adjudication Nos. 14-1507, 14-1509 and 14-1510.

UNLESS YOU DIRECT OTHERWISE BELOW, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT TERMINATES.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

(A) This power of attorney is not affected by my subsequent disability or incapacity.

(B) This power of attorney becomes effective upon my disability or incapacity.

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Termination of this durable power of attorney is not effective as to a third party until the third party has actual knowledge of the termination. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney. The meaning and effect of this durable power of attorney is determined by Texas law.

If any agent named by me dies, becomes incapacitated, resigns, or refuses to act, or is removed by court order, or if my marriage to an agent named by me is dissolved by a court decree of divorce or annulment or is declared void by a court (unless I provided in this document that the dissolution or declaration does not terminate the agent's authority to act under this power of attorney), I name the following (each to act alone and successively, in the order named) as successor(s) to that agent:

Signed this 9<sup>th</sup> day of June, 2023.

William Mudge  
William Mudge  
(your signature)

This document was acknowledged before me on

June 9th, 2023 by

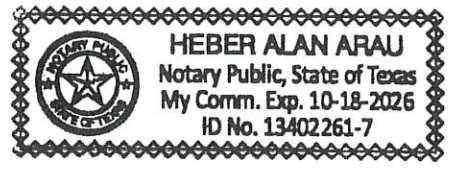
William F Mudge

Heber Alan Arau  
(signature of notarial officer)

(Seal, if any, of notary)

Heber Alan Arau  
(printed name)

My commission expires: 10-18-2026



## STATUTORY DURABLE POWER OF ATTORNEY

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You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until:

- (1) you die or revoke the power of attorney;
- (2) your agent resigns, is removed by court order, or is unable to act for you; or
- (3) a guardian is appointed for your estate.

I, Joanna D. Mobley, appoint Suzanne Debney Mudge as my agent to act for me in any lawful way with respect to all of the following powers that I have initialed below

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (O) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS LISTED IN (A) THROUGH (N).

TO GRANT A POWER, YOU MUST INITIAL THE LINE IN FRONT OF THE POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF THE POWER YOU MAY, BUT DO NOT NEED TO, CROSS OUT EACH POWER WITHHELD.

- (A) Real property transactions;
- (B) Tangible personal property transactions;
- (C) Stock and bond transactions;
- (D) Commodity and option transactions;
- (E) Banking and other financial institution transactions;
- (F) Business operating transactions;
- (G) Insurance and annuity transactions;
- (H) Estate, trust, and other beneficiary transactions;
- (I) Claims and litigation;
- (J) Personal and family maintenance;
- (K) Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;
- (L) Retirement plan transactions;
- (M) Tax matters;

(N) Digital assets and the content of an electronic communication;

     (O) ALL OF THE POWERS LISTED IN (A) THROUGH (N). YOU DO NOT HAVE TO INITIAL THE LINE IN FRONT OF ANY OTHER POWER IF YOU INITIAL LINE (O).

SPECIAL INSTRUCTIONS:

Special instructions applicable to agent compensation (initial in front of one of the following sentences to have it apply; if no selection is made, each agent will be entitled to compensation that is reasonable under the circumstances):

     My agent is entitled to reimbursement of reasonable expenses incurred on my behalf and to compensation that is reasonable under the circumstances.

     My agent is entitled to reimbursement of reasonable expenses incurred on my behalf but shall receive no compensation for serving as my agent.

Special instructions applicable to co-agents (if you have appointed co-agents to act, initial in front of one of the following sentences to have it apply; if no selection is made, each agent will be entitled to act independently):

     Each of my co-agents may act independently for me.

     My co-agents may act for me only if the co-agents act jointly.

     My co-agents may act for me only if a majority of the co-agents act jointly.

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

     I grant my agent the power to apply my property to make gifts outright to or for the benefit of a person, including by the exercise of a presently exercisable general power of appointment held by me, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

Agent is authorized to prepare, execute, file, and defend applications to amend Certificates of Adjudication Nos. 14-1507, 14-1509 and 14-1510 before the Texas Commission on Environmental Quality in order to add diversion points and clarify the property on which the water will be utilized. Agent is further authorized to take any and all actions necessary to secure the amendment of Certificates of Adjudication Nos. 14-1507, 14-1509 and 14-1510.

UNLESS YOU DIRECT OTHERWISE BELOW, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT TERMINATES.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

- (A) This power of attorney is not affected by my subsequent disability or incapacity
- (B) This power of attorney becomes effective upon my disability or incapacity

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Termination of this durable power of attorney is not effective as to a third party until the third party has actual knowledge of the termination. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney. The meaning and effect of this durable power of attorney is determined by Texas law.

If any agent named by me dies, becomes incapacitated, resigns, or refuses to act, or is removed by court order, or if my marriage to an agent named by me is dissolved by a court decree of divorce or annulment or is declared void by a court (unless I provided in this document that the dissolution or declaration does not terminate the agent's authority to act under this power of attorney), I name the following (each to act alone and successively, in the order named) as successor(s) to that agent:

Signed this 21<sup>st</sup> day of May, 2023

Joanna D. Molley  
(your signature)

This document was acknowledged before me on MAY 24, 2023 by

JOANNA DEBNEY MOBLEY

(Seal, if any, of notary)

Viktoriya V. Potapova

(signature of notarial officer)

VIKTORIA V. POTAPOVA

(printed name)

My commission expires: 04-22-2026

*NEW YORK, NEW YORK.*  
**VIKTORIA V. POTAPOVA**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01PO6073488**  
**Qualified in Westchester County**  
**My Commission Expires 04-22-2026**



## STATUTORY DURABLE POWER OF ATTORNEY

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You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until:

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- (2) your agent resigns, is removed by court order, or is unable to act for you; or
- (3) a guardian is appointed for your estate.

*Kristen Bailey*

I, *Kristen Bailey*, appoint Suzanne Debney Mudge as my agent to act for me in any lawful way with respect to all of the following powers that I have initialed below.

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- (F) Business operating transactions;
- (G) Insurance and annuity transactions;
- (H) Estate, trust, and other beneficiary transactions;
- (I) Claims and litigation;
- (J) Personal and family maintenance;
- (K) Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;
- (L) Retirement plan transactions;
- (M) Tax matters;
- (N) Digital assets and the content of an electronic communication;
- (O) ALL OF THE POWERS LISTED IN (A) THROUGH (N). YOU DO NOT HAVE TO INITIAL THE LINE IN FRONT OF ANY OTHER POWER IF YOU INITIAL LINE (O).

### SPECIAL INSTRUCTIONS:

Special instructions applicable to agent compensation (initial in front of one of the following sentences to have it apply; if no selection is made, each agent will be entitled to

compensation that is reasonable under the circumstances):

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My co-agents may act for me only if a majority of the co-agents act jointly.

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Agent is authorized to prepare, execute, file, and defend applications to amend Certificates of Adjudication Nos. 14-1507, 14-1509 and 14-1510 before the Texas Commission on Environmental Quality in order to add diversion points and clarify the property on which the water will be utilized.

Agent is further authorized to take any and all actions necessary to secure the amendment of Certificates of Adjudication Nos. 14-1507, 14-1509 and 14-1510.

STATUTORY DURATION OF DURABLE POWER OF ATTORNEY  
UNLESS YOU CHECK OTHERWISE BELOW, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT TERMINATES.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

(A) This power of attorney is not affected by my subsequent disability or incapacity.

(B) This power of attorney becomes effective upon my disability or incapacity.

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Termination of this durable power of attorney is not effective as to a third party until the third party has actual knowledge of the termination. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney. The

## Agent's Duties

When you accept the authority granted under this power of attorney, you establish a "fiduciary" relationship with the principal. This is a special legal relationship that imposes on you legal duties that continue until you resign or the power of attorney is terminated, suspended or revoked by the principal or by operation of law. A fiduciary duty generally includes the duty to:

- (1) act in good faith;
- (2) do nothing beyond the authority granted in this power of attorney;
- (3) act loyally for the principal's benefit;
- (4) avoid conflicts that would impair your ability to act in the principal's best interest; and
- (5) disclose your identity as an agent when you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

In addition, the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code) requires you to:

- (1) maintain records for each action taken or decision made on behalf of the principal;
- (2) maintain all records until delivered to the principal, released by the principal, or discharged by a court; and
- (3) if requested by the principal, provide an accounting to the principal that, unless directed by the principal or otherwise provided in the Special Instructions, must include:
  - (A) the property belonging to the principal that has come to your knowledge or into your possession;
  - (B) each action taken or decision made by you as agent;
  - (C) a complete account of receipts, disbursements, and other actions of you as agent that includes the source and nature of each receipt, disbursement or action, with receipts of principal and income shown separately;
  - (D) a listing of all property over which you have exercised control that includes an adequate description of each asset and the asset's current value, if known to you;
  - (E) the cash balance on hand and the name and location of the depository at which the cash balance is kept;
  - (F) each known liability;
  - (G) any other information and facts known to you as necessary for a full and definite understanding of the exact condition of the property belonging to the principal; and
  - (H) all documentation regarding the principal's property.

## Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates or suspends this power of attorney or your authority under this power of attorney. An event that terminates this power of attorney or your authority to act under this power of attorney includes:

- (1) the principal's death;
- (2) the principal's revocation of this power of attorney or your authority;
- (3) the occurrence of a termination event stated in this power of attorney;
- (4) if you are married to the principal, the dissolution of your marriage by court decree of divorce or annulment or declaration that your marriage is void, unless otherwise provided in this power of attorney;
- (5) the appointment and qualification of a permanent guardian of the principal's estate unless a court order provides otherwise; or
- (6) if ordered by a court, your removal as agent (attorney in fact) under this power of attorney. An event that suspends this power of attorney is the appointment and qualification of a temporary guardian unless a court order provides otherwise.

## Liability of the Agent

meaning and effect of this durable power of attorney is determined by Texas law.

If any agent named by me dies, becomes incapacitated, resigns, or refuses to act, or is removed by court order, or if my marriage to an agent named by me is dissolved by a court decree of divorce or annulment or is declared void by a court (unless I provided in this document that the dissolution or declaration does not terminate the agent's authority to act under this power of attorney), I name the following (each to act alone and successively, in the order named) as successor(s) to that agent:

Signed this 6<sup>th</sup> day of June, 2023

*[Handwritten Signature]*  
(your signature)

This document was acknowledged before me on 6 June 2023

by *Kristen Bailey*



(Seal, if any, of notary)

(signature of notarial officer) *[Handwritten Signature]*

**KALEB T. ADDISON**  
Paralegal  
**NOTARY BY FEDERAL STATUTE**  
**10 USC 1044a, LAW AFI 51-504**

My commission expires: - 1 March 2024

The authority granted to you under this power of attorney is specified in the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code). If you violate the Durable Power of Attorney Act or act beyond the authority granted, you may be liable for any damages caused by the violation or subject to prosecution for misapplication of property by a fiduciary under Chapter 32 of the Texas Penal Code.

THE AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

## TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

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

*Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or [WRPT@tceq.texas.gov](mailto:WRPT@tceq.texas.gov) to schedule a meeting.*

Date of pre-application meeting: March 23, 2023

### 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** No.
- 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** No. (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** No.*

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? **Y / N** No. (If yes, indicate the Term Certificate or Permit number: \_\_\_\_\_)

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

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

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

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

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

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

Water Right (Certificate or Permit) number you are requesting to amend: COA No. 14-1507

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N No. (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 No.

*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 No.

*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 Yes.  
*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 Yes.  
*If yes, submit:*

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

e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N No.

*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 No. *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

**Additionally, all amendments require:**

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

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

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N No.

*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 No.

*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 No.

*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 No.

*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 No.

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

*Worksheets and information:*

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



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

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

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

The state and regional water plans generally do not address every possible change in individual water rights. This application is consistent with the 2021 Region F Water Plan and the 2022 State Water Plan because there is nothing in the plans that conflict with this application.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N No.

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

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

# WORKSHEET 1.0

## Quantity, Purpose and Place of Use

### 1. New Authorizations (Instructions, Page. 16)

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

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

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

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

a. Location Information Regarding the Lands to be Irrigated

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

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

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

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

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

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

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**
25 acre-feet	Irrigation			5,413.55 acres of the Mudge Ranch in Kimble County, Texas
25 acre-feet	Irrigation			4,426.79 acres of the Mudge Ranch in Kimble County, Texas

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

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

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

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:

- i. Applicant proposes to irrigate a total of 9,840.34\*\* 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 9,840.34\*\* acres in Kimble County, TX. \*\*Please see the attached Distribution Deed and Maps for location of the tracts of the Mudge Ranch.
- ii. Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

\*\*Please see the attached Distribution Deed and Maps for location of the tracts of the Mudge Ranch. Applicants propose irrigation of 1) 5,413.55 acres in any one year with 25 acre-feet of water and 2) 4,426.79 acres in any one year with 25 acre-feet of water.

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

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

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

## WORKSHEET 1.1 INTERBASIN TRANSFERS, TWC § 11.085

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

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 1.2

### NOTICE. “THE MARSHALL CRITERIA”

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

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

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

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

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

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

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

## WORKSHEET 2.0

### Impoundment/Dam Information

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

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

#### 1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: \_\_\_\_\_
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: \_\_\_\_\_.
- c. The impoundment is on-channel \_\_\_\_\_ or off-channel \_\_\_\_\_ (mark one)
  - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? Y / N \_\_\_\_\_
  - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? Y / N \_\_\_\_\_
- d. Is the impoundment structure already constructed? Y / N \_\_\_\_\_
  - i. For already constructed **on-channel** structures:
    1. Date of Construction: \_\_\_\_\_
    2. Was it constructed to be an exempt structure under TWC § 11.142? Y / N \_\_\_\_\_
      - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? Y / N \_\_\_\_\_
      - b. If No, has the structure been issued a notice of violation by TCEQ? Y / N \_\_\_\_\_
    3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? Y / 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 \_\_\_\_\_  
Provide the date and the name of the Staff Person \_\_\_\_\_
    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 \_\_\_\_\_
      - b. Plans (with engineer's seal) for the structure required. Y / N \_\_\_\_\_
      - c. Engineer's signed and sealed hazard classification required. Y / N \_\_\_\_\_
      - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. Y / N \_\_\_\_\_



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

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

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level:\_\_\_\_\_.
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\_\_\_\_\_ If yes, the drainage area is\_\_\_\_\_sq. miles. (If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

## 2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name):\_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. In the\_\_\_\_\_Original Survey No.\_\_\_\_\_, Abstract No.\_\_\_\_\_, \_\_\_\_\_County, Texas.

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

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

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

Latitude\_\_\_\_\_°N, Longitude\_\_\_\_\_°W.

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

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

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

**1. Diversion Information (Instructions, Page. 24)**

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

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

b. Maximum Rate of Diversion for **this new point** 6.68 cfs (cubic feet per second) or \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Yes.  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* 6.68 cfs or \_\_\_\_\_ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N No.

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

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

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

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

Applicant has calculated the drainage area. Y / N No.

If yes, the drainage area is \_\_\_\_\_ sq. miles.  
*(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)*

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): North Llano River
- b. Zip Code: 76849
- c. Location of point: In the L. Walt Original Survey No. 430, Abstract No. 723, Kimble County, Texas.

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

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

- d. Point is at:  
Latitude 30.513928 °N, Longitude 99.871967 °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): Handheld GPS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 3.0 DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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

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

### 1. Diversion Information (Instructions, Page. 24)

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

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

b. Maximum Rate of Diversion for **this new point** 6.68 cfs (cubic feet per second) or          gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Yes.  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches 6.68 cfs or          gpm*

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N No.

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

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

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

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

Applicant has calculated the drainage area. Y / N No.

If yes, the drainage area is          sq. miles.

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

## 2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): North Llano River
- b. Zip Code: 76849
- c. Location of point: In the Englebert Ruhl Original Survey No. 48, Abstract No. 460, Kimble County, Texas.

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

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

- d. Point is at:  
Latitude 30.5176 °N, Longitude 99.887953 °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): Certificate of Adjudication Nos. 14-1509 and 14-1510
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

## WORKSHEET 4.0 DISCHARGE INFORMATION

Not Applicable.

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

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

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

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

## WORKSHEET 4.1 DISCHARGE POINT INFORMATION

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

**Instructions, Page 27.**

**For water discharged at this location provide:**

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

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

# WORKSHEET 5.0

## ENVIRONMENTAL INFORMATION

### 1. Impingement and Entrainment

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

Appropriate measures will be taken at the new diversion point to avoid impingement and entrainment of aquatic organisms.

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

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

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

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: \_\_\_\_\_

Other, specify: \_\_\_\_\_

b. Flow characteristics

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

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

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

USGS flow records

Historical observation by adjacent landowners



Personal observation

Other, specify: \_\_\_\_\_

c. Waterbody aesthetics

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

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

d. Waterbody Recreational Uses

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

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

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

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

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

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

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

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

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

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

## WORKSHEET 6.0

### Water Conservation/Drought Contingency Plans

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

**Instructions, Page 31.**

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

#### 1. Water Conservation Plans

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

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

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

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

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

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

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

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

## 2. Drought Contingency Plans

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

## WORKSHEET 7.0

### ACCOUNTING PLAN INFORMATION WORKSHEET

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

#### 1. Is Accounting Plan Required

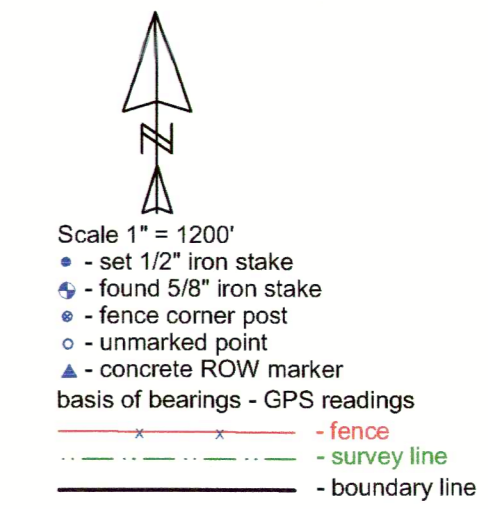
Accounting Plans are generally required:

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

#### 2. Accounting Plan Requirements

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





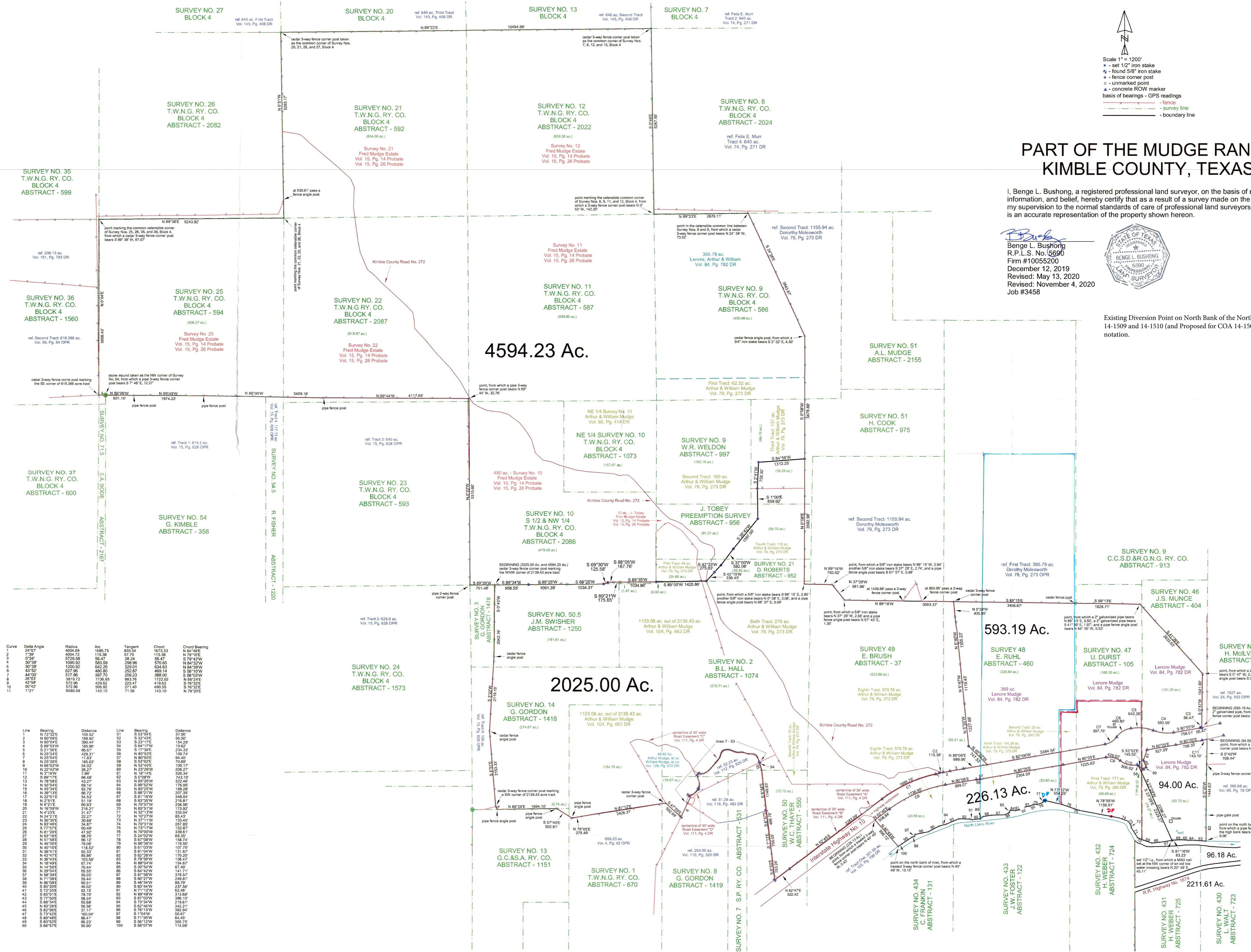
# PART OF THE MUDGE RANCH KIMBLE COUNTY, TEXAS

I, Beng L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

*B. Bushong*  
 Beng L. Bushong  
 R.P.L.S. No. 5690  
 Firm #10055200  
 December 12, 2019  
 Revised: May 13, 2020  
 Revised: November 4, 2020  
 Job #3458



Existing Diversion Point on North Bank of the North Llano River authorized for COAs 14-1509 and 14-1510 (and Proposed for COA 14-1507) shown with blue dot and "DP" notation.



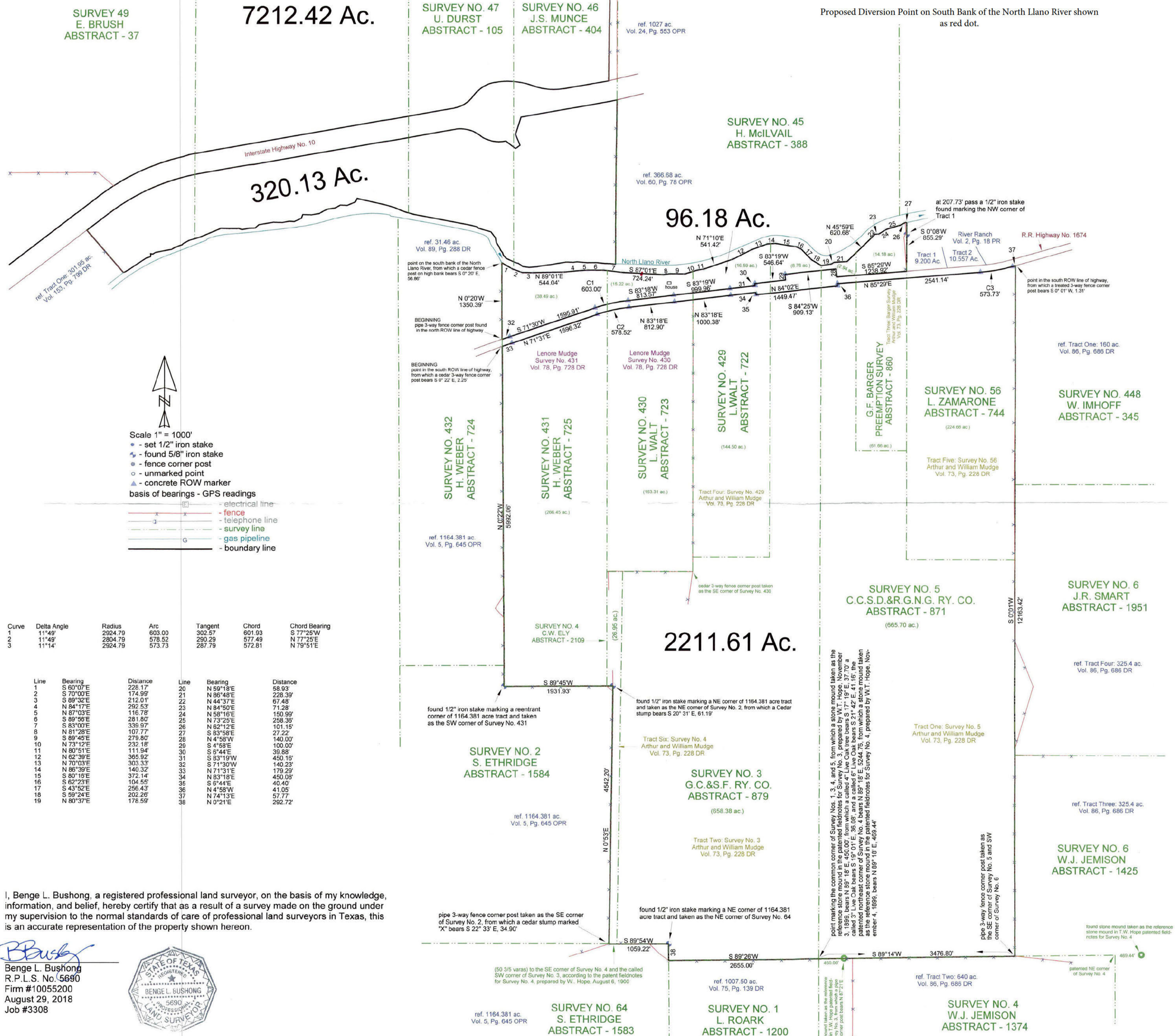
Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
1	1°30'	4000.00	158.75	68.54	157.33	N 84°18'E
2	1°30'	4000.00	158.75	68.54	157.33	N 79°16'E
3	1°30'	4000.00	158.75	68.54	157.33	N 74°14'E
4	1°30'	4000.00	158.75	68.54	157.33	N 69°12'E
5	1°30'	4000.00	158.75	68.54	157.33	N 64°10'E
6	1°30'	4000.00	158.75	68.54	157.33	N 59°08'E
7	1°30'	4000.00	158.75	68.54	157.33	N 54°06'E
8	1°30'	4000.00	158.75	68.54	157.33	N 49°04'E
9	1°30'	4000.00	158.75	68.54	157.33	N 44°02'E
10	1°30'	4000.00	158.75	68.54	157.33	N 39°00'E
11	1°30'	4000.00	158.75	68.54	157.33	N 33°58'E

Line	Bearing	Distance	Line	Bearing	Distance
1	N 72°32'E	105.32	51	S 53°54'E	37.60
2	N 80°05'E	159.42	52	S 52°42'E	36.36
3	N 80°04'E	390.44	53	S 52°17'E	154.20
4	N 80°03'E	1050.92	54	S 54°17'W	164.67
5	S 21°56'E	86.87	55	S 17°58'E	234.33
6	S 23°21'E	429.91	56	N 80°55'E	100.14
7	N 23°04'E	114.53	57	N 80°05'E	94.40
8	N 22°25'E	168.01	58	S 53°02'E	70.69
9	N 88°02'W	54.52	59	N 52°45'E	100.17
10	N 22°42'W	25.27	60	N 23°28'W	309.34
11	N 3°18'W	7.90	61	N 18°14'E	143.10
12	N 8°17'E	66.48	62	S 8°08'W	176.89
13	N 78°08'E	43.37	63	N 85°28'W	322.46
14	N 89°13'E	89.14	64	N 89°53'W	179.20
15	N 45°34'E	82.76	65	N 85°32'W	189.28
16	N 39°13'E	86.17	66	N 80°55'W	237.24
17	N 22°01'E	54.53	67	S 81°18'W	348.04
18	N 8°15'E	51.19	68	N 70°57'W	246.56
19	N 6°21'E	216.21	69	N 10°57'W	179.20
20	N 10°09'W	276.21	70	N 10°57'W	179.20
21	N 4°23'E	31.47	71	N 32°13'W	333.04
22	N 50°30'E	22.17	72	N 10°57'W	179.20
23	N 50°30'E	30.69	73	N 37°11'W	133.45
24	N 89°15'E	34.51	74	N 70°11'W	237.24
25	S 77°37'E	60.49	75	N 73°17'W	152.87
26	N 81°05'E	47.52	76	N 70°11'W	237.24
27	N 51°19'E	68.70	77	S 24°02'W	68.32
28	N 51°19'E	68.72	78	S 67°18'W	138.41
29	N 46°39'E	79.06	79	N 86°35'W	119.50
30	N 40°10'E	118.52	80	S 62°59'W	179.20
31	N 38°41'E	82.33	81	S 81°04'W	131.67
32	N 42°47'E	89.86	82	S 62°59'W	179.20
33	N 36°43'E	103.58	83	S 79°50'W	136.47
34	N 26°05'E	87.24	84	N 86°54'W	154.71
35	N 14°50'E	70.44	85	S 20°54'W	67.40
36	N 26°05'E	87.24	86	N 86°54'W	154.71
37	N 56°39'E	50.03	87	S 87°38'W	378.57
38	N 80°03'E	56.44	88	S 80°14'W	249.81
39	N 86°09'E	60.51	89	S 48°34'W	88.79
40	S 85°20'E	46.02	90	S 83°44'W	237.24
41	S 72°25'E	92.10	91	N 71°12'W	62.46
42	S 80°15'E	78.10	92	S 89°06'W	313.68
43	S 77°50'E	68.24	93	S 67°03'W	386.10
44	S 86°34'E	65.66	94	S 73°34'W	119.81
45	N 83°26'E	56.56	95	S 62°16'W	342.21
46	S 82°56'E	37.17	96	S 78°13'W	382.84
47	S 73°42'E	160.04	97	S 10°4'W	50.67
48	S 89°48'E	66.43	98	S 71°00'W	84.45
49	S 83°52'E	66.23	99	S 66°12'W	355.79
50	S 66°21'E	50.97	100	S 86°12'W	114.08

# PART OF THE MUDGE RANCH KIMBLE COUNTY, TEXAS

Proposed Diversion Point on South Bank of the North Llano River shown as red dot.



Scale 1" = 1000'  
 • - set 1/2" iron stake  
 • - found 5/8" iron stake  
 • - fence corner post  
 • - unmarked point  
 • - concrete ROW marker  
 basis of bearings - GPS readings  
 - electrical line  
 - fence  
 - telephone line  
 - survey line  
 - gas pipeline  
 - boundary line

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
1	11°49'	2924.79	603.00	302.57	601.93	S 77°25'W
2	11°49'	2804.79	578.52	290.29	577.49	N 77°25'E
3	11°14'	2924.79	573.73	287.79	572.81	N 79°51'E

Line	Bearing	Distance	Line	Bearing	Distance
1	S 60°07'E	228.17	20	N 59°18'E	58.93
2	S 70°00'E	174.99	21	N 86°48'E	228.39
3	S 89°32'E	212.01	22	N 44°37'E	67.48
4	N 84°17'E	292.53	23	N 84°50'E	71.28
5	N 87°03'E	116.78	24	N 58°16'E	150.99
6	S 89°59'E	281.80	25	N 73°25'E	258.38
7	S 83°00'E	339.97	26	N 62°12'E	101.15
8	N 81°28'E	107.77	27	S 83°58'E	27.22
9	S 89°45'E	279.80	28	N 4°58'W	140.00
10	N 73°12'E	232.18	29	S 4°58'E	100.00
11	N 80°51'E	111.94	30	S 5°44'E	39.88
12	N 62°39'E	365.92	31	S 83°19'W	450.15
13	N 70°03'E	303.33	32	S 71°30'W	140.23
14	N 86°39'E	140.32	33	N 71°13'E	179.29
15	S 80°15'E	372.14	34	N 83°18'E	450.09
16	S 62°23'E	104.55	36	S 6°44'E	40.40
17	S 43°52'E	256.43	36	N 4°58'W	41.05
18	S 99°24'E	202.26	37	N 74°13'E	57.77
19	N 80°37'E	178.59	38	N 0°21'E	292.72

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

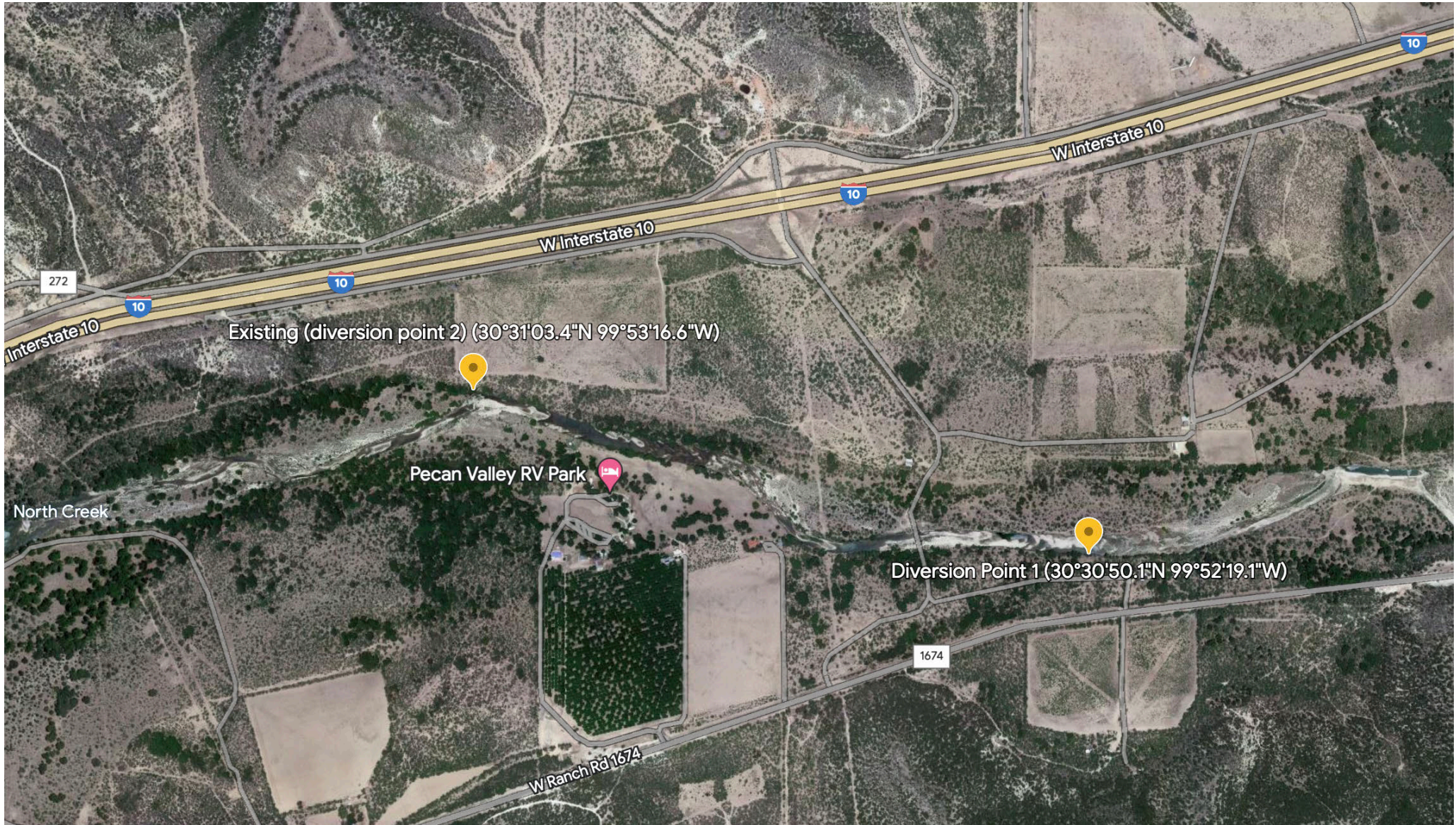
**B. Bushong**  
 Benge L. Bushong  
 R.P.L.S. No. 5690  
 Firm #1005200  
 August 29, 2018  
 Job #3308



PLAT SHOWING:  
 2211.61 acres and 96.18 acres of land out of various Original Surveys in Kimble County, Texas. Subject tracts being comprised of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas.

**BUSHONG**  
 LAND SURVEYING  
 106 N. 8th Street - Junction, Tx. 76849  
 O: 325/446-3418 - C: 830/928-4070  
 www.bushonglandsurveying.com





Existing (diversion point 2) (30°31'03.4"N 99°53'16.6"W)

Pecan Valley RV Park

Diversion Point 1 (30°30'50.1"N 99°52'19.1"W)

W Ranch Rd 1674

W Interstate 10

W Interstate 10

Interstate 10

North Creek

272

1674

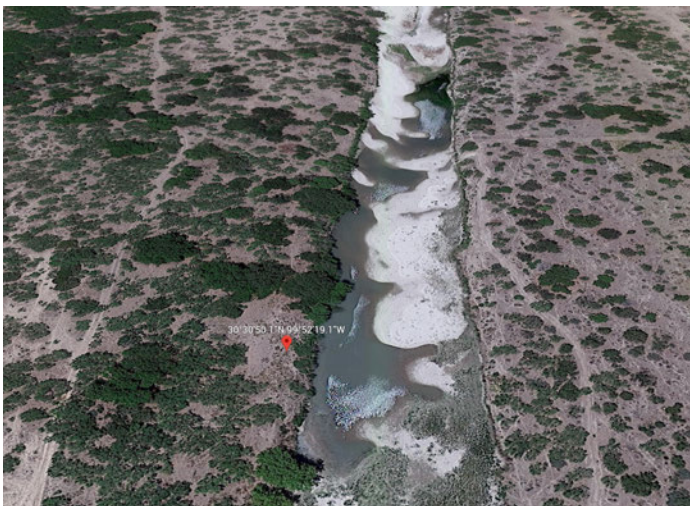
## Photos of New Diversion Point



Overhead view of New Diversion Point.



Looking East from New Diversion Point.



Looking West from New Diversion Point.

**PARTITION DEED**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Date:** May 2, 2022

**First Party:** ARTHUR LYON MUDGE

**First Party's Mailing Address:**

2970 Mudge Access Road  
Junction, Texas 76849  
Kimble County, Texas

**Second Party:** SUZANNE DEBNEY MUDGE, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, Cause No. 2444 in the County Court of Kimble County, Texas

**Second Party's Mailing Address:**

11203 Hunters Break  
Helotes, Texas 78023  
Bexar County, Texas

**Consideration:**

In accordance with the Partition Agreement dated August 12, 2019, executed by and between the above-referenced Parties to partition the undivided interests of the Parties for all property owned in Kimble County, and for the partition effected hereby.

**Waiver of Creation of Any Chapter 23 Access Easement(s) for Partitioned Property:**

The Parties expressly state that all identified tracts partitioned herein have existing means of access through a public road or an existing easement appurtenant to the tract and therefore no access easement for partitioned property is created or established in accordance with Chapter 23.006(b) of the TEXAS PROPERTY CODE, as amended. To the extent applicable, all Parties expressly waive the creation of any new or additional access easement(s) pursuant to this Chapter.

**PARTITION OF PROPERTY TO ARTHUR LYON MUDGE**

Arthur Lyon Mudge shall be entitled to and shall own as his sole and separate property 100% interest in and to the following property (including any improvements):

**TRACT ONE:**

All of certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 226.13 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acres±</u>
46	J.S. Munce	404	19.27
47	U. Durst	105	69.48
48	E. Ruhl	460	93.80
49	E. Brush	37	43.58
		Total	226.13

The said 226.13 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the lands described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas, and a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782

of the Deed Records of Kimble County, Texas. The said 226.13 acre tract being more particularly described by metes and bounds in Exhibit A attached hereto and incorporated herein by reference.

**TRACT TWO:**

All of that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 4594.23 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abst. No.</u>	<u>Acres±</u>
2	B.L. Hall		1074	0.33
9	W.R. Weldon		997	182.18
21	D. Roberts		952	24.66
51	H. Cook		975	66.19
9	T.W.N.G. Ry. Co.	4	586	450.96
NE ¼ 10	T.W.N.G. Ry. Co.	4	1073	157.87
S ½ & NW ¼ 10	T.W.N.G. Ry. Co.	4	2086	479.42
11	T.W.N.G. Ry. Co.	4	587	639.80
12	T.W.N.G. Ry. Co.	4	2022	639.38
21	T.W.N.G. Ry. Co.	4	592	634.09
22	T.W.N.G. Ry. Co.	4	2087	618.87
25	T.W.N.G. Ry. Co.	4	594	609.27
J. Tobey Preemption			956	<u>91.21</u>
			Total	4594.23

The said 4594.23 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, a part of lands described as Tract One of 2139.43 acres in a deed from James K. Francis, et al to Arthur L. Mudge and William G. Mudge dated May 16, 1984 and recorded in Volume 104, Page 663 of the Deed Records of Kimble County, Texas, a part of the

Fred Mudge Estate lands described as 4105.8 acres in Volume 15, Page 14 and Volume 15, Page 26 of the Probate Records of Kimble County, Texas, all of the lands held in common between Lenore Riley Mudge, Arthur Lyon Mudge, and William Gordon Mudge described as 395.79 acres in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, and all of the lands described as 160 acres in a deed from Fred Mudge to Arthur Lyon Mudge and William Gordon Mudge dated July 3, 1970 and recorded in Volume 80, Page 414 of the Deed Records of Kimble County, Texas. The said 4594.23 acre tract being more particularly described by metes and bounds in Exhibit B attached hereto and incorporated herein by reference.

**TRACT THREE:**

All that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 593.19 acres of land out the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst.</u> <u>No.</u>	<u>Acres±</u>
46	J.S. Munce	404	101.25
47	U. Durst	105	165.30
48	E. Ruhl	460	<u>326.64</u>
		Total	593.19

The said 593.19 acre tract being comprised of a part of the lands described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas, and a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas. The said 593.19 acre tract being more particularly described by metes and bounds in Exhibit C attached hereto and incorporated herein by reference.

**Reservation of Mineral Estate Interest by Suzanne Debney Mudge, Independent Administrator of the Estate of William Gordon Mudge, Deceased:**

For the ESTATE OF WILLIAM GORDON MUDGE's heirs, beneficiaries, successors, and assigns forever, a reservation of one-half (1/2) of all oil, gas, and other minerals currently owned, in and under and that may be produced from the Property partitioned to ARTHUR LYON MUDGE. However, the ESTATE OF WILLIAM GORDON MUDGE expressly excludes from any reservation in this instrument, and therefore intends to convey to ARTHUR LYON MUDGE, all executive rights, *i.e.* the right to execute oil, gas and mineral lease(s), relating to the Property partitioned to ARTHUR LYON MUDGE.

**Exceptions to Conveyance and Warranty of Property Partitioned to Arthur Lyon Mudge:**

1. All easements, rights-of-way and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; all interests in the mineral estate owned by third parties; and, all valid, existing oil and gas leases relating to the mineral estate in the Deed or Official Public Records of Kimble County, Texas.

2. Any portion of the subject property lying within the boundaries of a public or private roadway whether dedicated or not; and any and all roadways, easements, rights of ways or encroachments, visible and apparent upon the ground, yet unrecorded, affecting the land.

3. Any visible and apparent easement on, over, across or under the subject property, whether recorded or unrecorded, and including but not limited to unrecorded and/or existing telephone, electric and other utility lines and easements on, under or across the subject property.

ARTHUR LYON MUDGE shall have and possess in severalty the above-described Property, and the ESTATE OF WILLIAM GORDON MUDGE, DECEASED, by and through its Independent Administrator Suzanne Debney Mudge, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty set forth above, grants and conveys to

ARTHUR LYON MUDGE the above-described Property as his sole and separate property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to ARTHUR LYON MUDGE and his heirs, successors, and assigns forever. The ESTATE OF WILLIAM GORDON MUDGE, DECEASED, by and through its Independent Administrator Suzanne Debney Mudge, binds the ESTATE OF WILLIAM GORDON MUDGE and its beneficiaries, heirs and successors to warrant and forever defend all and singular above-described Property to ARTHUR LYON MUDGE and ARTHUR LYON MUDGE's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty set forth above.

ARTHUR LYON MUDGE releases the ESTATE OF WILLIAM GORDON MUDGE from any claim or lien for owelty.

**PARTITION OF PROPERTY TO  
THE ESTATE OF WILLIAM GORDON MUDGE**

The ESTATE OF WILLIAM GORDON MUDGE, DECEASED, shall be entitled to and shall own as its sole and separate property 100% interest in and to the following property (including any improvements):

**TRACT ONE:**

All interest in all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2211.61 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acres±</u>
3	G.C.&S.F. Ry. Co.	879	658.38
4	C.W. Ely	2109	26.95
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	665.70
G.F. Barger Preemption		880	61.66
56	L. Zamarone	744	224.66
429	L. Walt	722	144.50
430	L. Walt	723	163.31
431	H. Weber	725	266.45
		Total	2211.61



The said 2211.61 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 2211.61 acre tract being more particularly described by metes and bounds in Exhibit D attached hereto and incorporated herein by reference.

**TRACT TWO:**

All interest in all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 96.18 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acres±</u>
3	G.C.&S.F. Ry. Co.	879	8.76
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	2.94
G.F. Barger Preemption		880	14.18
429	L. Walt	722	16.59
430	L. Walt	723	15.22
431	H. Weber	725	38.49
		Total	96.18

The said 96.18 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 96.18 acre tract being more particularly described by metes and bounds in Exhibit E attached hereto and incorporated herein by reference.

**TRACT THREE:**

All interest in 94.00 acres of land, approximately 93.70 acres out of Survey No. 46, J.S. Munce, Abstract No. 404, and approximately 0.30 of an acre out of Survey No.

47, U. Durst, Abstract No. 105, lying and being situated in Kimble County, Texas. The said 94.00 acre tract being comprised of a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, and a part of the land described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas. The said 94.00 acre tract being more particularly described by metes and bounds in Exhibit F attached hereto and incorporated herein by reference.

**TRACT FOUR:**

All that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2025.00 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abst. No.</u>	<u>Acres±</u>
1	T.W.N.G. Ry. Co.		670	184.76
2	B.L. Hall		1074	570.71
8	G. Gordon		1419	19.07
S ½ & NW ¼ 10	T.W.N.G. Ry. Co.	4	2086	1.47
13	G.C.&S.F. Ry. Co.		1151	0.74
14	G. Gordon		1418	274.67
21	D. Roberts		952	35.82
48	E. Ruhl		460	62.41
49	E. Brush		37	523.66
50	W.C. Thayer		550	72.10
50.5	J.M. Swisher		1250	181.61
51	H. Cook		975	38.28
J. Tobey Preemption			956	59.70
			Total	2025.00

The said 2025.00 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge

dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, a part of lands described as Tract One of 2139.43 acres in a deed from James K. Francis, et al to Arthur L. Mudge and William G. Mudge dated May 16, 1984 and recorded in Volume 104, Page 663 of the Deed Records of Kimble County, Texas, a part of the Fred Mudge Estate lands described as 4105.8 acres in Volume 15, Page 14 and Volume 15, Page 26 of the Probate Records of Kimble County, Texas, and all of the lands described as 49.60 acres in a deed from Alton H. Justi, et ux, to Arthur L. Mudge, et ux, and William G. Mudge, et ux, dated August 19, 1994 and recorded in Volume 128, Page 572 of the Deed Records of Kimble County, Texas. The said 2025.00 acre tract being more particularly described by metes and bounds in Exhibit G attached hereto and incorporated herein by reference.

**Reservation of Mineral Estate Interest by Arthur Lyon Mudge:**

For ARTHUR LYON MUDGE's heirs, successors, and assigns forever, a reservation of one-half (1/2) of all oil, gas, and other minerals currently owned, in and under and that may be produced from the Property partitioned to the ESTATE OF WILLIAM GORDON MUDGE. However, ARTHUR LYON MUDGE expressly excludes from any reservation in this instrument, and therefore intends to convey to the ESTATE OF WILLIAM GORDON MUDGE, all executive rights, *i.e.* the right to execute oil, gas and mineral lease(s), relating to the Property partitioned to the ESTATE OF ARTHUR LYON MUDGE.

**Exceptions to Conveyance and Warranty of Property Partitioned to the Estate of William Gordon Mudge:**

1. All easements, rights-of-way and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; all interests in the mineral estate owned by third parties; and, all valid, existing oil and gas leases relating to the mineral estate in the Deed or Official Public Records of Kimble County, Texas.

2. Any portion of the subject property lying within the boundaries of a public or private roadway whether dedicated or not; and any and all roadways, easements, rights of ways or encroachments, visible and apparent upon the ground, yet unrecorded, affecting the land.

3. Any visible and apparent easement on, over, across or under the subject property, whether recorded or unrecorded, and including but not limited to unrecorded and/or existing telephone, electric and other utility lines and easements on, under or across the subject property.

The ESTATE OF WILLIAM GORDON MUDGE, DECEASED, by and through its Independent Administrator Suzanne Debney Mudge, shall have and possess in severalty the above-described Property, and ARTHUR LYON MUDGE, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty set forth above, grants and conveys to the ESTATE OF WILLIAM GORDON MUDGE the above-described Property as its sole and separate property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to the ESTATE OF WILLIAM GORDON MUDGE and the ESTATE OF WILLIAM GORDON MUDGE's beneficiaries, heirs, successors, and assigns forever. ARTHUR LYON MUDGE binds ARTHUR LYON MUDGE and his heirs and successors to warrant and forever defend all and singular the above-described Property to the ESTATE OF WILLIAM GORDON MUDGE and the ESTATE OF WILLIAM GORDON MUDGE's beneficiaries, heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty set forth above.

The ESTATE OF WILLIAM GORDON MUDGE releases ARTHUR LYON MUDGE from any claim or lien for owelty.

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

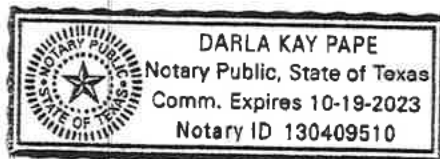
Arthur Lyon Mudge  
ARTHUR LYON MUDGE

STATE OF TEXAS           §  
  §  
COUNTY OF KIMBLE   §

Before me, the undersigned Notary Public, on this day, appeared ARTHUR LYON MUDGE, 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.

SUBSCRIBED AND SWORN TO BEFORE ME on the 2<sup>nd</sup> day of ~~June~~<sup>May</sup>, 2021, to certify which witness my hand and official seal.

Darla Kay Pape  
Notary Public, State of Texas



*Suzanne Debney Mudge*

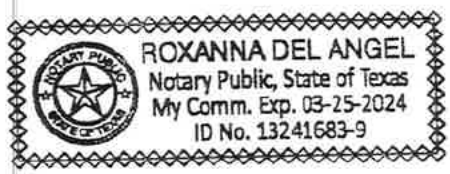
SUZANNE DEBNEY MUDGE,  
Independent Administrator of the ESTATE  
OF WILLIAM GORDON MUDGE,  
DECEASED

STATE OF TEXAS           §  
  §  
COUNTY OF Dallas     §

Before me, the undersigned Notary Public, on this day, appeared SUZANNE DEBNEY MUDGE, Independent Administrator of the ESTATE OF WILLIAM GORDON MUDGE, DECEASED, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 10<sup>th</sup> day of ~~June~~, July, 2021, to certify which witness my hand and official seal.

*Roxanna Del Angel*  
\_\_\_\_\_  
Notary Public, State of Texas



# BUSHONG LAND SURVEYING

Land Surveying Across The Lone Star State  
106 North 8<sup>th</sup> Street • Junction, Texas 76849  
Phone: (830) 928-4070 • Email: benge.bls@gmail.com  
www.bushonglandsurveying.com



## DESCRIPTION OF 226.13 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 226.13 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acres±</u>
46	J.S. Munce	404	19.27
47	U. Durst	105	69.48
48	E. Ruhl	460	93.80
49	E. Brush	37	43.58
		Total	226.13

The said 226.13 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the lands described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas, and a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas. The said 226.13 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point marking the northwest corner of subject tract, from which a treated 3-way fence corner post bears N 40° 49' W, 0.43 feet;

THENCE (basis of bearings - GPS readings) with the south right-of-way line of Interstate Highway No. 10 as follows:

N 52° 46' E, 508.84 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 66° 24' E, 1722.02 feet) having a central angle of 26° 03', a radius of 3819.72 feet, and a distance along arc of 1736.95 feet to a concrete right-of-way marker found at the end of said curve;

N 80° 06' E, 889.07 feet; concrete right-of-way marker

N 85° 53' E, 100.74 feet; concrete right-of-way marker

N 80° 05' E, 94.40 feet; point

N 80° 05' E, 2304.59 feet; concrete right-of-way marker

N 80° 05' E, 1225.63 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears S 76° 32' E, 419.62 feet) having a central angle of 42° 58', a radius of 572.96 feet, and a distance along arc of 429.62 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears S 76° 32' E, 490.55 feet) having a central angle of 50° 42', a radius of 572.96 feet, and a distance along arc of 506.92 feet to a concrete right-of-way marker found at the end of said curve;

S 53° 02' E, 70.69 feet to a set ½" iron stake marking the northeast corner of subject tract and most westerly northwest corner of a certain 94.00 acre tract (this day surveyed);

THENCE S 23° 29' E with the common line between subject tract and said 94.00 acre tract a distance 2298.27 feet to a ½" iron stake set on the north bank of the North Llano River marking the southeast corner of subject tract and southwest corner of said 94.00 acre tract (this day surveyed), from which a MAG nail set in the northwest corner of an old concrete low water crossing bears N 20° 49' E, 45.11 feet;

THENCE upstream with the meanders of the north bank of the North Llano River as follows:

S 81° 16' W, 348.04 feet;  
S 83° 35' W, 216.81 feet;  
N 70° 57' W, 256.56 feet;  
N 65° 51' W, 173.92 feet;  
N 32° 13' W, 333.04 feet;  
N 10° 27' W, 85.43 feet;  
N 37° 11' W, 133.45 feet;  
N 70° 31' W, 267.85 feet;  
N 78° 55' W, 1136.51 feet;  
N 73° 17' W, 152.87 feet;  
N 70° 00' W, 339.61 feet;  
N 77° 12' W, 554.26 feet;  
S 24° 02' W, 68.35 feet;  
S 67° 08' W, 158.74 feet;  
N 86° 36' W, 119.50 feet;  
S 61° 03' W, 107.70 feet;  
S 81° 04' W, 131.67 feet;  
S 62° 28' W, 170.20 feet;  
S 79° 50' W, 136.47 feet;  
N 88° 04' W, 154.67 feet;  
S 20° 54' W, 67.40 feet;  
S 64° 42' W, 141.71 feet;  
S 87° 58' W, 378.57 feet;  
S 80° 27' W, 249.81 feet;  
S 48° 34' W, 88.79 feet;  
S 83° 44' W, 237.56 feet;  
N 71° 12' W, 62.46 feet;  
N 89° 48' W, 313.68 feet;  
S 67° 03' W, 386.10 feet;  
S 73° 34' W, 219.61 feet;  
S 62° 46' W, 342.21 feet;  
S 78° 13' W, 382.94 feet;  
S 1° 04' W, 50.67 feet;  
S 71° 20' W, 84.45 feet;  
S 56° 12' W, 355.75 feet;  
S 56° 07' W, 114.08 feet to a point marking the southwest corner of subject tract, from which a treated 3-way fence corner post bears N 40° 49' W, 13.15 feet;

THENCE N 40° 49' W along or near fence with the east line of a certain 301.95 acre tract (Vol. 153, Pg. 799 DR) a distance of 998.72 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
December 12, 2019  
Revised: May 13, 2020  
Revised: June 10, 2020  
Revised: November 4, 2020  
Job #3458







# BUSHONG LAND SURVEYING

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www.bushonglandsurveying.com

## DESCRIPTION OF 4594.23 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 4594.23 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abst. No.</u>	<u>Acrest</u>
2	B.L. Hall		1074	0.33
9	W.R. Weldon		997	182.18
21	D. Roberts		952	24.66
51	H. Cook		975	66.19
9	T.W.N.G. Ry. Co.	4	586	450.96
NE ¼ 10	T.W.N.G. Ry. Co.	4	1073	157.87
S ½ & NW ¼ 10	T.W.N.G. Ry. Co.	4	2086	479.42
11	T.W.N.G. Ry. Co.	4	587	639.80
12	T.W.N.G. Ry. Co.	4	2022	639.38
21	T.W.N.G. Ry. Co.	4	592	634.09
22	T.W.N.G. Ry. Co.	4	2087	618.87
25	T.W.N.G. Ry. Co.	4	594	609.27
J. Tobey Preemption			956	<u>91.21</u>
				Total 4594.23

The said 4594.23 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, a part of the lands described as Tract One of 2139.43 acres in a deed from James K. Francis, et al to Arthur L. Mudge and William G. Mudge dated May 16, 1984 and recorded in Volume 104, Page 663 of the Deed Records of Kimble County, Texas, a part of the Fred Mudge Estate lands described as 4105.8 acres in Volume 15, Page 14 and Volume 15, Page 26 of the Probate Records of Kimble County, Texas, all of the lands held in common between Lenore Riley Mudge, Artur Lyon Mudge, and William Gordon Mudge described at 395.79 acres in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, and all of the lands described as 160 acres in a deed from Fred Mudge to Arthur Lyon Mudge and William Gordon Mudge dated July 3, 1970 and recorded in Volume 80, Page 414 of the Deed Records of Kimble County, Texas. The said 4594.23 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a cedar 3-way fence corner post marking the most westerly northwest corner of said 2139.43 acre tract and most easterly northeast corner of the Hunnicutt lands described in Volume 15, Page 628 of the Official Public Records of Kimble County, Texas;

THENCE S 89° 26' W along or near fence with the common line between Survey Nos. 3 and 10, a south line of said Fred Mudge Estate lands, and a north line of said Hunnicutt lands a distance of 701.48 feet to a pipe 2-way fence corner post taken as the common corner of Survey Nos. 10, 23, and 24, said Block 4, and northwest corner of Survey No. 3, G. Gordon, Abstract No. 1478;

THENCE N 0° 22' W along or near fence with the east line of said Hunnicutt lands and a west line of said Fred Mudge Estate lands a distance of 5315.60 feet to a point in the common line between said Survey Nos. 11 and 22, from which a pipe 3-way fence corner post bears N 89° 44' W, 32.76 feet;

THENCE with an occupied south line of said Fred Mudge Estate lands, north occupied line of the Hunnicutt lands described in Volume 15, Page 628 of the Official Public Records of Kimble County, Texas, as follows:

N 89° 44' W, 4117.65 feet; pipe fence post

N 89° 00' W, 3409.16 feet; pipe fence post

N 89° 49' W, 1974.22 feet; pipe fence post

N 89° 06' W, 801.10 feet to a found stone mound taken as the northwest corner of Survey No. 54, Geo. Kimble, Abstract No. 358, from which a pipe 3-way fence corner post bears S 7° 46' E, 12.37 feet;

THENCE S 89° 53' W along or near fence with the south line of said Survey No. 25 and a south line of said Fred Mudge Estate lands a distance of 185.96 feet to a cedar 3-way fence corner post marking the southeast corner of a certain 618.366 acre tract (Vol. 56, Pg. 54 OPR) and taken as the southwest corner of said Survey No. 25;

THENCE N 0° 04' E with the common line between said Survey Nos. 25 and 36, east of fence, with a west line of said Fred Mudge Estate Lands a distance of 5008.43 feet to a point marking the common ostensible corner of Survey Nos. 25, 26, 35, and 36, said Block 4, from which a cedar 3-way fence corner post bears S 89° 38' W, 67.67 feet;

THENCE N 89° 38' E with the common line between said Survey Nos. 25 and 26, and a north line of said Fred Mudge Estate lands, south of fence, a distance of 5243.92 feet to to a point marking the ostensible common corner of Survey Nos. 21, 22, 25, and 26, said Block 4;

THENCE N 0° 51' W with the common line between said Survey Nos. 21 and 26, and a west line of said Fred Mudge Estate lands, at 539.61 feet pass a pipe fence angle post and continue along or near fence in all a distance of 5285.17 feet to a cedar 3-way fence corner post taken as the common corner of Survey Nos. 20, 21, 26, and 27, said Block 4;

THENCE N 89° 22' E along or near fence with the north line of Survey Nos. 12 and 21, said Block 4, south line of Survey Nos. 13 and 20, said Block 4, a north line of said Fred Mudge Estate lands, south line of Second and Third Tracts (Vol. 145, Pg. 408 DR) a distance of 10494.98 feet to a cedar 3-way fence corner post taken as the common corner of Survey Nos. 7, 8, 12, and 13, said Block 4;

THENCE S 0° 49' E along or near fence and extension thereof with the common line between Survey Nos. 8 and 12, said Block 4, west line of said 640 acre tract and east line of said Fred Mudge Estate lands a distance of 5287.56 feet to point marking the ostensible common corner of Survey Nos. 8, 9, 11, and 12, said Block 4, southwest corner of said 640 acre tract, and northwest corner of said 395.79 acre tract, from which a treated 3-way fence corner post bears N 0° 53' W, 142.20 feet;

THENCE N 89° 23' E with the common ostensible line between said Survey Nos. 8 and 9, north line of said 395.79 acre tract, and south line of a certain 640 acre Tract 4 (Vol. 74, pg. 271 DR), south of fence, a distance of 2670.11 feet to a point in the ostensible common line between Survey Nos. 8 and 9, Block 4, marking the north terminus of said division line, northwest corner of a certain 1155.94 acre tract (Vol. 79, Pg. 273 DR), and northeast corner of said 395.79 acre tract (Vol. 84, Pg. 782 DR), from which a cedar 3-way fence corner post bears N 24° 38' W, 73.02 feet;

THENCE along fence with the division line described in said Agreement also being the east line of said 395.79 acre tract, as follows:

S 24° 38' E, 3843.67 feet to a cedar fence angle post, from which a found ¾" iron stake bears S 2° 02' E, 4.30 feet;

S 0° 08' W, 3478.88 feet to a set 1/2" iron stake marking the most easterly southeast corner of subject tract and most northerly northeast corner of a certain 2025.00 acre tract (this day surveyed);

THENCE over and across said Mudge lands, unfenced, with the common line between subject tract and said 2025.00 acre tract, as follows:

S 84° 56' W, 1312.25 feet; set 1/2" iron stake

S 2° 41' W, 758.30 feet; 1/2" iron stake set in cross fence

S 1° 00' E, 859.92 feet; set 1/2" iron stake

S 38° 43' W, 1097.00 feet; set 1/2" iron stake

S 37° 00' W, 582.08 feet; set 1/2" iron stake

S 42° 33' W, 275.83 feet; set 1/2" iron stake

S 42° 15' W, 336.45 feet; 1/2" iron stake set on the east side of KCR No. 272

S 89° 00' W, 1425.86 feet to a cedar 2-way fence corner post (MAG nail set in post) marking a reentrant corner of said 2139.43 acre tract;

THENCE over and across said Mudge lands as follows:

S 89° 35' W, 1034.86 feet; 20" cedar tree

S 89° 21' W, 175.65 feet; cedar fence post

S 88° 05' W, 167.76 feet; cedar fence post (set MAG nail in post)

S 69° 30' W, 125.58 feet; cedar fence angle post (set MAG nail in post)

S 89° 25' W, 1034.31 feet; cedar fence post

S 89° 25' W, 1091.39 feet; cedar fence post (set MAG nail in post)]

S 89° 34' W, 958.55 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
December 12, 2019  
Job #3458





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### **DESCRIPTION OF 593.19 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.**

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 593.19 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acres±</u>
46	J.S. Munce	404	101.25
47	U. Durst	105	165.30
48	E. Ruhl	460	326.64
		Total	593.19

The said 593.19 acre tract being comprised of a part of the lands described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas, and a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas. The said 593.19 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 2" galvanized pipe found in the north right-of-way line of Interstate Highway No. 10 marking the south corner of the division line described in said Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge, which divides the lands owned by Mudge and Molesworth, also being the southwest corner of a certain 395.79 acre tract (Vol. 79, Pg. 273 DR), from which a pipe 3-way fence corner post bears N 16° 14' E, 1.41 feet;

THENCE (basis of bearings - GPS readings) with the north right-of-way line of Interstate Highway No. 10 as follows:

Along the arc of a curve to the right (long chord bears S 79° 42' W, 56.47 feet) having a central angle of 0° 34', a radius of 5729.58 feet, and a distance along arc of 56.47 feet to a concrete right-of-way marker found at the end of said curve;

S 80° 05' W, 758.01 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 84° 32' W, 576.65 feet) having a central angle of 30° 39', a radius of 1090.92 feet, and a distance along arc of 583.59 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears N 84° 39' W, 634.63 feet) having a central angle of 30° 39', a radius of 1200.92 feet, and a distance along arc of 642.26 feet to a concrete right-of-way marker found at the beginning of another curve to the left;

Along the arc of said curve to the left (long chord bears S 58° 10' W, 469.14 feet) having a central angle of 43° 52', a radius of 627.96 feet, and a distance along arc of 480.80 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears S 58° 03' W, 388.00 feet) having a central angle of 44° 00', a radius of 517.96 feet, and a distance along arc of 397.70 feet to a concrete right-of-way marker found at the end of said curve;

S 80° 06' W, 3384.54 feet to a point marking the southwest corner of subject tract and southeast corner of a certain 2025.00 acre tract (this day surveyed), from which a concrete right-

of-way marker bears S 80° 06' W, 689.06 feet and a pipe 3-way fence corner post bears N 45° 02' W, 2.39 feet;

THENCE over and across said Lenore Mudge 389 acre tract, with fence, as follows:

N 45° 02' W, 747.53 feet; 1/2" iron stake set at cedar fence angle post;

N 5° 55' W, 1227.68 feet; cedar fence post

N 5° 47' W, 1119.43 feet; pipe gate post

N 5° 40' W, 1355.22 feet; cedar fence post

N 5° 34' W, 430.95 feet to a cedar 3-way fence corner post marking the northwest corner of subject tract and most easterly northeast corner of said 2025.00 acre tract;

THENCE along fence with the division line described in said Agreement as follows:

S 89° 15' E, at 864.27 feet pass the most westerly southwest corner of said 395.79 acre tract and southeast corner of a certain 1155.94 acre tract (Vol. 79, Pg. 273 DR), and continue in all a distance of 3456.67 feet to a cedar fence post;

S 89° 13' E, 1828.71 feet to a point, from which a found 2" galvanized pipe bears N 89° 13' E, 3.50 feet, another 2" galvanized pipe bears S 41° 39' E, 1.97 feet, and a pipe fence angle post bears N 84° 05' W, 0.53 feet;

N 41° 39' W, 2633.63 feet to a point, from which a found 2" galvanized pipe bears S 0° 47' W, 3.05 feet and a pipe fence angle post bears S 36° 17' W, 1.15 feet;  
S 0° 47' W, 1541.90 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong

R.P.L.S. No. 5690

Firm# 10055200

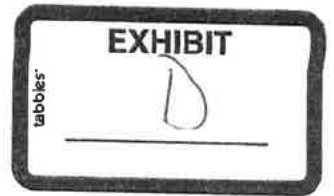
December 12, 2019

Job #3458



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## DESCRIPTION OF 2211.61 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2211.61 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acrest</u>
3	G.C.&S.F. Ry .Co.	879	658.38
4	C.W. Ely	2109	26.95
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	665.70
G.F. Barger Preemption		880	61.66
56	L. Zamarone	744	224.66
429	L. Walt	722	144.50
430	L. Walt	723	163.31
431	H. Weber	725	<u>266.45</u>
		Total	2211.61

The said 2211.61 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 2211.61 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south right-of-way line of Ranch Road Highway No. 1674 marking the northwest corner of subject tract, from which a cedar 3-way fence corner post bears S 0° 22' E, 2.25 feet;

THENCE with the south right-of-way line of said highway as follows:

N 71° 31' E, 179.29 feet; concrete right-of-way marker

N 71° 31' E, 1596.32 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 77° 25' E, 577.49 feet) having a central angle of 11° 49', a radius of 2804.79 feet, and a distance along arc of 578.52 feet to a concrete right-of-way marker found at the end of said curve;

N 83° 18' E, 812.90 feet; concrete right-of-way marker

N 83° 18' E, 1000.38 feet; concrete right-of-way marker

N 83° 18' E, 450.08 feet; point

S 6° 44' E, 40.40 feet; concrete right-of-way marker

N 84° 02' W, 1449.47 feet; concrete right-of-way marker

N 4° 58' W, 41.05 feet; concrete right-of-way marker

N 85° 29' E, 2541.14 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears N 79° 51' E, 572.81 feet) having a central angle of 11° 14', a radius of 2924.79 feet, and a distance along arc of 573.73 feet to a concrete right-of-way marker found at the end of said curve;

N 74° 13' E, 57.77 feet to a point in the east line of said Survey No. 56 marking the northeast corner of subject tract, from which a treated 3-way fence corner post bears S 0° 01' W, 1.31 feet;

THENCE S 0° 01' W generally along fence with the east line of said 1748.5 acre tract, a west line of the Bolt lands described in Volume 86, Page 686 of the Deed Records of Kimble County, Texas, east line of said Survey No. 5, and east line of said Survey No. 56 a distance of 12163.42 feet to a pipe 3-way fence corner post taken as the southeast corner of said Survey No. 5 and southwest corner of Survey No. 6, W.J. Jemison, Abstract No. 1425;

THENCE S 89° 14' W along or near fence with a south line of said 1748.5 acre tract, a north line of said Bolt lands, south line of said Survey No. 5, and north line of Survey No. 4, W.J. Jemison, Abstract No. 1374, a distance of 3476.80 feet to a point marking the common corner of Survey Nos. 1, 3, 4, and 5, from which a found stone mound taken as the reference stone mound in the patented fieldnotes for Survey No. 3, prepared by W.T. Hope, November 3, 1899, bears N 89° 18' E, 450.00 feet, from which a called 4" Live Oak tree bears S 17° 19' E, 37.70 feet, a called 3" Live Oak tree bears S 19° 01' E, 36.08 feet, and a called 6" Live Oak tree bears S 21° 42' E, 41.16 feet, the patented northeast corner of said Survey No. 4 bears N 89° 18' E, 5244.76 feet, from which a found stone mound taken as the reference stone mound in the patented fieldnotes for Survey No. 4, prepared by W.T. Hope, November 4, 1899, bears N 89° 18' E, 469.44 feet;

THENCE S 89° 26' W along or near fence with a south line of said Survey No. 3, north line of Survey No. 1, L. Roark, Abstract No. 1200, a south line of said 1748.5 acre tract, and north line of a certain 1007.50 acre tract (Vol. 75, Pg. 139 DR) a distance of 2655.00 feet to a cedar 2-way fence corner post taken as the northwest corner of said Survey No. 1;

THENCE N 0° 21' E with an east line of a certain 1164.381 acre tract (Vol. 5, Pg. 645 OPR), a west line of said Survey No. 3, and east line of Survey No. 64, S. Ethridge, Abstract No. 1583, unfenced, a distance of 292.72 feet to a found 1/2" iron stake marking a northeast corner of said 1164.381 acre tract and taken as the northeast corner of said Survey No. 64;

THENCE S 89° 54' W with the north line of said Survey No. 64, a north line of said 1164.381 acre tract, a south line of said Survey No. 3, south line of said Survey No. 4, and a south line of said 1748.5 acre tract, at 342.25 feet pass a pipe fence angle post and continue along or near fence in all a distance of 1059.22 feet to a pipe 3-way fence corner post taken as the southeast corner of Survey No. 2, S. Ethridge, Abstract No. 1584, from which a cedar stump marked "X" bears S 22° 33' E, 34.90 feet;

THENCE N 0° 53' E along or near fence with an east line of said 1164.381 acre tract, a west line of said 1748.5 acre tract, west line of said Survey No. 4, and east line of said Survey No. 2 a distance of 4542.20 feet to a found 1/2" iron stake marking a northeast corner of said 1164.381 acre tract and taken as the northeast corner of said Survey No. 2, from which a cedar stump bears S 20° 31' E, 61.19 feet;

THENCE S 89° 45' W along or near fence and extension thereof with a north line of said 1164.381 acre tract, a south line of said 1748.5 acre tract, south line of said 480 acre tract, and a north line of said Survey No. 2 a distance of 1931.93 feet to a found 1/2" iron stake marking a reentrant corner of said 1164.381 acre tract and taken as a reentrant corner of said Survey No. 2 and the southwest corner of said Survey No. 431;

THENCE N 0° 22' W generally along fence with the west line of said 480 acre tract, an east line of said 1164.381 acre tract, west line of said Survey No. 431, and east line of Survey No. 432, H. Weber, Abstract No. 724 a distance of 5992.06 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
August 29, 2018  
Job #3308



# BUSHONG LAND SURVEYING

Land Surveying Across The Lone Star State  
106 North 8<sup>th</sup> Street • Junction, Texas 76849  
Phone: (830) 928-4070 • Email: benge.bl@gmail.com  
www.bushonglandsurveying.com



## **DESCRIPTION OF 96.18 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.**

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 96.18 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acres±</u>
3	G.C.&S.F. Ry .Co.	879	8.76
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	2.94
G.F. Barger Preemption		880	14.18
429	L. Walt	722	16.59
430	L. Walt	723	15.22
431	H. Weber	725	38.49
		Total	96.18

The said 96.18 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 96.18 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a pipe 3-way fence corner post found in the north right-of-way line of Ranch Road Highway No. 1674 marking the southwest corner of subject tract;

THENCE N 0° 20' W (basis of bearings - GPS readings) along or near fence with the west line of said Survey No. 431 and east line of a certain 31.46 acre tract (Vol. 89, Pg. 288 DR) a distance of 1350.39 feet to a point on the south bank of the North Llano River marking the northwest corner of subject tract, from which a cedar fence post on the high bank of said river bears S 0° 20' E, 56.86 feet;

THENCE downstream with the meanders of the south bank of the North Llano River as follows:

- S 60° 07' E, 228.17 feet;
- S 70° 00' E, 174.99 feet;
- S 89° 32' E, 212.01 feet;
- N 89° 01' E, 544.04 feet;
- N 84° 17' E, 292.53 feet;
- N 87° 03' E, 116.78 feet;
- S 89° 56' E, 281.80 feet;
- S 83° 00' E, 339.97 feet;
- S 87° 01' E, 724.24 feet;
- N 81° 28' E, 107.77 feet;
- S 89° 45' E, 279.80 feet;
- N 73° 12' E, 232.18 feet;
- N 80° 51' E, 111.94 feet;
- N 71° 10' E, 541.42 feet;
- N 62° 39' E, 365.92 feet;
- N 70° 03' E, 303.33 feet;
- N 86° 39' E, 140.32 feet;
- S 80° 16' E, 372.14 feet;
- S 62° 23' E, 104.55 feet;
- S 43° 52' E, 256.43 feet;
- S 59° 24' E, 202.26 feet;
- N 80° 37' E, 178.59 feet;
- N 59° 18' E, 58.93 feet;



N 86° 48' E, 228.39 feet;  
N 45° 59' E, 620.68 feet;  
N 44° 37' E, 67.48 feet;  
N 84° 50' E, 71.28 feet;  
N 58° 16' E, 150.99 feet;  
N 73° 25' E, 258.36 feet;  
N 62° 12' E, 101.15 feet;

S 83° 58' E, 27.22 feet to a point in the east line of said G.F. Barger Preemption Survey marking the northeast corner of subject tract;

THENCE S 0° 08' W with the east line of said G.F. Barger Preemption Survey, at 207.73 feet pass a found 1/2" iron stake marking the northwest corner of Tract 1 of 9.200 acres, River Ranch, according to the plat thereof recorded in Volume 2, Page 18 of the Plat Records of Kimble County, Texas, and continue in all a distance of 855.29 feet to a point in the north right-of-way line of Ranch Road Highway No. 1674 marking the southeast corner of subject tract;

THENCE with the north right-of-way line of said highway as follows:

S 85° 29' W, 1238.92 feet; point

N 4° 58' W, 140.00 feet; point

S 84° 25' W, 909.13 feet; concrete right-of-way marker

S 4° 58' E, 100.00 feet; point

S 83° 19' W, 546.64 feet; concrete right-of-way marker

S 6° 44' E, 39.88 feet; concrete right-of-way marker

S 83° 19' W, 450.16 feet; concrete right-of-way marker

S 83° 19' W, 999.96 feet; concrete right-of-way marker

S 83° 18' W, 813.57 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears S 77° 25' W, 601.93 feet) having a central angle of 11° 49', a radius of 2924.79 feet, and a distance along arc of 603.00 feet to a concrete right-of-way marker found at the end of said curve;

S 71° 30' W, 1595.91 feet; concrete right-of-way marker

S 71° 30' W, 140.23 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
August 29, 2018  
Job #3308



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## **DESCRIPTION OF 94.00 ACRES OF LAND OUT OF SURVEY NOS. 46 AND 47, KIMBLE COUNTY, TEXAS.**

Being 94.00 acres of land, approximately 93.70 acres out of Survey No. 46, J.S. Munce, Abstract No. 404, and approximately 0.30 of an acre out of Survey No. 47, U. Durst, Abstract No. 105, lying and being situated in Kimble County, Texas. The said 94.00 acre tract being comprised of a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, and a part of the lands described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas. The said 94.00 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south right-of-way line of Interstate Highway No. 10 marking the northeast corner of subject tract and northwest corner of a certain 366.68 acre tract (Vol. 60, Pg. 78 OPR), from which a pipe 3-way fence corner post bears N 30° 49' W, 1.23 feet;

THENCE (basis of bearings - GPS readings) along or near fence with the west line of said 366.68 acre tract, as follows:

S 0° 40' W, 708.44 feet; pipe 3-way fence corner post

S 0° 35' W, 1444.63 feet; pipe gate post and

S 0° 08' W, 743.10 feet to a point on the north bank of the North Llano River marking the southeast corner of subject tract, from which a pipe fence post on the high bank of said river bears N 0° 08' E, 9.06 feet;

THENCE upstream with the meanders of the north bank of the North Llano River as follows:

N 85° 26' W, 322.46 feet;

S 89° 52' W, 176.95 feet;

N 85° 25' W, 189.28 feet;

S 88° 21' W, 207.35 feet;

S 81° 16' W, 83.23 feet to a set ½" iron stake marking the southwest corner of subject tract and southeast corner of a certain 226.13 acre tract (this day surveyed), from which a ½" iron stake set in the northwest corner of an old concrete low water crossing bears N 20° 49' E, 45.11 feet;

THENCE N 23° 29' W with the common line between subject tract and said 226.13 acre tract a distance of 2298.27 feet to a ½" iron stake set in the south right-of-way line of Interstate Highway No. 10 marking the common north corner of subject tract and said 226.13 acre tract;

THENCE with the south right-of-way line of Interstate Highway No. 10 as follows:

S 53° 02' E, 145.52 feet; concrete right-of-way marker

N 52° 40' E, 100.17 feet; concrete right-of-way marker

N 23° 26' W, 206.27 feet; concrete right-of-way marker

N 18° 14' E, 320.34 feet; concrete right-of-way marker

N 80° 05' E, 827.99 feet; concrete right-of-way marker

N 80° 05' E, 758.35 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears N 79° 20' E, 143.10 feet) having a central angle of 1° 21', a radius of 6089.58 feet, and a distance along arc of 143.10 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

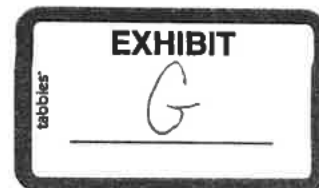


Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
December 12, 2019  
Revised: May 13, 2020  
Revised: June 10, 2020  
Revised: November 4, 2020  
Job #3458



# BUSHONG LAND SURVEYING

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106 North 8<sup>th</sup> Street • Junction, Texas 76849  
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## DESCRIPTION OF 2025.00 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2025.00 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abst. No.</u>	<u>Acrest±</u>
1	T.W.N.G. Ry. Co.		670	184.76
2	B.L. Hall		1074	570.71
8	G. Gordon		1419	19.07
S ½ & NW ¼ 10	T.W.N.G. Ry. Co.	4	2086	1.47
13	G.C.&S.F. Ry. Co.		1151	0.74
14	G. Gordon		1418	274.67
21	D. Roberts		952	35.82
48	E. Ruhl		460	62.41
49	E. Brush		37	523.66
50	W.C. Thayer		550	72.10
50.5	J.M. Swisher		1250	181.61
51	H. Cook		975	38.28
J. Tobey Preemption			956	59.70
				Total 2025.00

The said 2025.00 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, a part of the lands described as Tract One of 2139.43 acres in a deed from James K. Francis, et al to Arthur L. Mudge and William G. Mudge dated May 16, 1984 and recorded in Volume 104, Page 663 of the Deed Records of Kimble County, Texas, a part of the Fred Mudge Estate lands described as 4105.8 acres in Volume 15, Page 14 and Volume 15, Page 26 of the Probate Records of Kimble County, Texas, and all of the lands described as 49.60 acres in a deed from Alton H. Justi, et ux, to Arthur L. Mudge, et ux, and William G. Mudge, et ux, dated August 19, 1994 and recorded in Volume 128, Page 572 of the Deed Records of Kimble County, Texas. The said 2025.00 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a cedar 3-way fence corner post marking the most westerly northwest corner of said 2139.43 acre tract and most easterly northeast corner of the Hunnicutt lands described in Volume 15, Page 628 of the Official Public Records of Kimble County, Texas;

THENCE with fence, west line of said 2139.43 acre tract, and east line of said Hunnicutt lands as follows:

S 0° 43' W, 2042.76 feet; cedar fence angle post

S 3° 22' W, 2119.15 feet; cedar fence angle post

S 4° 51' E, 2153.33 feet to a cedar 3-way fence corner post marking a southwest corner of said 2139.43 acre tract and a northeast corner of a certain 659.23 acre tract (Vol. 4, Pg. 62 OPR);

THENCE along fence with the north line of said 659.23 acre tract as follows:

S 21° 56' E, 86.67 feet; pipe fence angle post

N 89° 28' E, 1694.10 feet; pipe fence angle post

S 57° 40' E, 502.91 feet; pipe fence angle post

N 78° 05' E, 275.49 feet; point in fence

N 81° 12' E, 2426.37 feet; cedar 3-way fence corner post

S 47° 59' E, 582.99 feet to a 5/8" iron stake found in the west line of a certain 254.00 acre tract (Vol. 110, Pg. 520 DR) marking the lower northeast corner of said 659.23 acre tract and southwest corner of said 49.60 acre tract;

THENCE N 25° 24' E with fence and common line between said 49.60 acre tract and said 254.00 acre tract a distance of 429.31 feet to a cedar 3-way fence corner post marking the northwest corner of said 254.00 acre tract, most westerly corner of a certain 51.29 acre tract (Vol. 119, Pg. 482 DR), and southwest corner of a certain 22.23 acre tract (Vol. 112, pg. 625 DR);

THENCE along or near fence with the common line between said 49.60 acre tract and said 22.23 acre tract as follows:

N 25° 04' E, 11.83 feet; cedar 4-way fence corner post in pens

N 25° 26' E, 185.63 feet; cedar post at loading chute

N 66° 02' W, 54.02 feet; cedar 3-way fence corner post

N 22° 42' W, 26.27 feet; cedar 2-way fence corner post at gate

N 3° 19' W, 7.99 feet; found 5/8" iron stake in gate opening marking the most westerly northwest corner of said 22.23 acre tract, a reentrant corner of said 49.60 acre tract, and west terminus of an existing 30' wide Road Easement "D" (Vol. 111, Pg. 4 DR);

THENCE with the centerline of an existing road and said Road Easement "D", and common line between 22.23 acre tract and said 49.60 acre tract as follows:

S 89° 17' E, 66.48 feet;

N 78° 08' E, 43.27 feet;

N 55° 04' E, 69.14 feet;

N 45° 34' E, 82.76 feet;

N 39° 13' E, 86.72 feet; found 5/8" iron stake

N 22° 01' E, 54.53 feet;

N 2° 51' E, 51.19 feet;

N 6° 21' E, 60.83 feet;

N 16° 09' W, 216.21 feet to a 5/8" iron stake found in the fork of a road marking a corner in the east line of said 49.60 acre tract and west line of said 22.23 acre tract;

THENCE with the centerline of an existing road and said Road Easement "D" and north lines of said 22.23 acre tract as follows:

N 4° 23' E, 31.47 feet;

N 24° 21' E, 22.27 feet;

N 50° 30' E, 30.69 feet;

N 83° 46' E, 34.87 feet to a 5/8" iron stake found in the ford of a road marking the east terminus of said Road Easement "D" and being in the centerline of an existing 30' wide Road Easement "C" (Vol. 114, Pg. 4 DR);

THENCE with the centerline of an existing road and said Road Easement "C" and north lines of said 22.23 acre tract as follows:

S 77° 57' E, 60.49 feet;

N 81° 20' E, 47.92 feet;

N 63° 16' E, 98.70 feet;

N 51° 58' E, 66.12 feet;

N 46° 30' E, 79.06 feet;

N 40° 10' E, 118.52 feet;

N 38° 41' E, 92.33 feet;

N 42° 47' E, 85.86 feet;

N 36° 43' E, 103.58 feet;

N 18° 49' E, 67.74 feet;

N 14° 50' E, 70.44 feet;

N 29° 04' E, 65.55 feet;

N 58° 39' E, 50.03 feet;

N 71° 38' E, 55.44 feet;

N 86° 09' E, 60.51 feet;  
S 85° 20' E, 46.02 feet;  
S 72° 25' E, 92.15 feet;  
S 65° 01' E, 78.70 feet;  
S 77° 50' E, 68.24 feet;  
S 88° 34' E, 65.68 feet;  
N 83° 26' E, 56.56 feet;  
S 82° 56' E, 37.17 feet;  
S 73° 42' E, 160.04 feet;  
S 89° 48' E, 88.41 feet;  
S 83° 52' E, 66.23 feet;  
S 66° 57' E, 50.90 feet;  
S 53° 54' E, 37.06 feet;  
S 32° 43' E, 56.50 feet;

S 23° 17' E, 154.29 feet to a 5/8" iron stake found at the base of a treated fence post marking the east corner of said 22.23 acre tract;

THENCE S 64° 17' W with the south line of said 22.23 acre tract a distance of 19.62 feet to a cedar 4-way fence corner post marking the northeast corner of said 51.29 acre tract;

THENCE along or near fence with the east line of said 51.29 acre tract and west line of said Road Easement "C" as follows:

S 17° 39' E, 234.33 feet; cedar fence angle post

S 6° 44' E, 1148.93 feet to a 5/8" iron stake found marking the southeast corner of said 51.29 acre tract and northeast corner of said 254.00 acre tract;

THENCE along or near fence with the east line of said 254.00 acre tract and west line of said Road Easement "C" as follows:

S 6° 47' E, 488.76 feet; live oak tree for fence angle

S 7° 13' E, 756.05 feet; cedar fence post

S 6° 53' E, 753.24 feet to a 5/8" iron stake found in the north right-of-way line of Interstate Highway No. 10 marking the southeast corner of said 254.00 acre tract;

THENCE with the north right-of-way line of Interstate Highway No. 10 as follows:

N 52° 47' E, 522.42 feet; concrete right-of-way marker

N 52° 45' E, 3287.09 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 64° 49' E, 1673.33 feet) having a central angle of 24° 07', a radius of 4004.69 feet, and a distance along arc of 1685.75 feet to a concrete right-of-way marker found at the end of said curve;

N 72° 32' E, 105.52 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 79° 10' E, 115.38 feet) having a central angle of 1° 39', a radius of 4004.72 feet, and a distance along arc of 115.38 feet to a concrete right-of-way marker found at the end of said curve;

N 80° 06' E, 189.92 feet; concrete right-of-way marker

N 80° 04' E, 390.44 feet; concrete right-of-way marker

N 80° 06' E, 689.06 feet to a point marking the southwest corner of a certain 593.19 acre tract (this day surveyed), and southeast corner of subject tract, from which a pipe 3-way fence corner post bears N 45° 02' W, 2.39 feet;

THENCE over and across said Lenore Mudge 389 acre tract, with fence, as follows:

N 45° 02' W, 747.53 feet; 1/2" iron stake set at cedar fence angle post;

N 5° 55' W, 1227.68 feet; cedar fence post

N 5° 47' W, 1119.43 feet; pipe gate post

N 5° 40' W, 1355.22 feet; cedar fence post

N 5° 34' W, 430.95 feet to a cedar 3-way fence corner post marking the northwest corner of said 593.19 acre tract and most easterly northeast corner of subject tract;

THENCE along fence with the division line described in said Agreement also being the west and south lines of said 395.79 acre tract, as follows:

N 89° 16' W, at 893.95 feet pass a 2-way fence angle post and continue unfenced, at 1439.88 feet pass a 2-way fence angle post and continue along fence in all a distance of 3093.37 feet to a point, from which a found 5/8" iron stake bears N 37° 29' W, 2.56 feet and a pipe fence angle post bears N 57° 43' E, 1.35 feet;

N 37° 29' W, 561.86 feet to a point, from which a found 5/8" iron stake bears N 89° 15' W, 2.94 feet, another found 5/8" iron stake bears S 37° 29' E, 2.74 feet, and a pipe fence angle post bears S 51° 57' E, 0.88 feet;

N 89° 15' W, 793.52 feet to a point, from which a found 5/8" iron stake bears S 89° 15' E, 2.85 feet, another found 5/8" iron stake bears N 0° 08' E, 3.08 feet, and a pipe fence angle post bears N 68° 37' E, 0.49 feet;

N 0° 08' E, 3592.98 feet to a set 1/2" iron stake marking the most northerly northeast corner of subject tract and most easterly southeast corner of a certain 4954.23 acre tract (this day surveyed);

THENCE over and across said Mudge lands, unfenced, with the common line between subject tract and said 4594.23 acre tract, as follows:

S 84° 56' W, 1312.25 feet; set 1/2" iron stake

S 2° 41' W, 758.30 feet; 1/2" iron stake set in cross fence

S 1° 00' E, 859.92 feet; set 1/2" iron stake

S 38° 43' W, 1097.00 feet; set 1/2" iron stake

S 37° 00' W, 582.08 feet; set 1/2" iron stake

S 42° 33' W, 275.83 feet; set 1/2" iron stake

S 42° 15' W, 336.45 feet; 1/2" iron stake set on the east side of KCR No. 272

S 89° 00' W, 1425.86 feet to a cedar 2-way fence corner post (MAG nail set in post) marking a reentrant corner of said 2139.43 acre tract;

THENCE over and across said Mudge lands as follows:

S 89° 35' W, 1034.86 feet; 20" cedar tree

S 89° 21' W, 175.65 feet; cedar fence post

S 88° 05' W, 167.76 feet; cedar fence post (set MAG nail in post)

S 69° 30' W, 125.58 feet; cedar fence angle post (set MAG nail in post)

S 89° 25' W, 1034.31 feet; cedar fence post

S 89° 25' W, 1091.39 feet; cedar fence post (set MAG nail in post)]

S 89° 34' W, 958.55 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

*B. Bushong*  
Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
December 12, 2019  
Job #3458



DOC #00000058260  
OPR VOL 125 PAGE 356 - 384 (29 PAGES)

FILED FOR RECORD  
AT 4:12 O'CLOCK P M.  
ON THE 3rd DAY OF May  
A.D., 20 22  
Hon. Haydee Torres  
COUNTY AND DISTRICT CLERK  
KIMBLE COUNTY, TEXAS  
Karen Page/Carolyn Lawhon, Deputy

STATE OF TEXAS  
COUNTY OF KIMBLE  
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 Kimble County, Texas  
COUNTY AND DISTRICT CLERK KIMBLE COUNTY, TEXAS



**DISTRIBUTION DEED**

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

Date: ~~June~~ <sup>August</sup> 16, 2022

**Grantor:** SUZANNE DEBNEY MUDGE, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, Cause No. 2444 in the County Court of Kimble County, Texas

**Grantor's Mailing Address:**

11203 Hunters Break  
Helotes, Texas 78023  
Bexar County, Texas

**Grantee and Grantee's Mailing Address:**

A 50.0% undivided interest in all below-described Property:

WILLIAM FREDERICK GORDON MUDGE  
11203 Hunters Break  
Helotes, Texas 78023  
Bexar County, Texas

A 25.0% undivided interest in all below-described Property:

JOANNA DEBNEY MOBLEY  
11203 Hunters Break  
Helotes, Texas 78023  
Bexar County, Texas

A 25.0% undivided interest in all below-described Property:

KRISTEN MOBLEY BAILEY  
11203 Hunters Break  
Helotes, Texas 78023  
Bexar County, Texas

**Consideration:**

TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, in accordance with the provisions of the Last Will and Testament of William Gordon Mudge, dated February 20, 2013, recorded in Volume \_\_\_, Page \_\_\_ of the Probate Records of Kimble County, Texas as filed of record in Cause No. 2444, *In the Estate of William Gordon Mudge, Deceased*, in the County Court of Kimble County, Texas

**Property (including any improvements):**

**TRACT ONE:**

All interest in all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2211.61 acres of land out of the following Original Surveys:



Survey	Grantee	Abst. No.	Acres±
3	G.C.&S.F. Ry. Co.	879	658.38
4	C.W. Ely	2109	26.95
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	665.70
G.F. Barger Preemption		880	61.66
56	L. Zamarone	744	224.66
429	L. Walt	722	144.50
430	L. Walt	723	163.31
431	H. Weber	725	266.45
		Total	2211.61

The said 2211.61 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 2211.61 acre tract being more particularly described by metes and bounds in Exhibit D attached hereto and incorporated herein by reference.

And further being the same property described in a Partition Deed by and between Arthur Lyon Mudge and Suzanne Debney Mudge, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, dated May 2, 2022, and recorded in Volume 125, Page 356 of the Official Public Records of Kimble County, Texas.

**TRACT TWO:**

All interest in all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 96.18 acres of land out of the following Original Surveys:

Survey	Grantee	Abst. No.	Acres±
3	G.C.&S.F. Ry. Co.	879	8.76
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	2.94
G.F. Barger Preemption		880	14.18
429	L. Walt	722	16.59
430	L. Walt	723	15.22
431	H. Weber	725	38.49
		Total	96.18

The said 96.18 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 96.18 acre tract being more particularly described by metes and bounds in Exhibit E attached hereto and incorporated herein by reference.

And further being the same property described in a Partition Deed by and between Arthur Lyon Mudge and Suzanne Debney Mudge, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, dated May 2, 2022, and recorded in Volume 125, Page 356 of the Official Public Records of Kimble County, Texas.

**TRACT THREE:**

All interest in 94.00 acres of land, approximately 93.70 acres out of Survey No. 46, J.S. Munce, Abstract No. 404, and approximately 0.30 of an acre out of Survey No. 47, U. Durst, Abstract No. 105, lying and being situated in Kimble County, Texas. The said 94.00 acre tract being comprised of a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, and a part of the land described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon

Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas. The said 94.00 acre tract being more particularly described by metes and bounds in Exhibit F attached hereto and incorporated herein by reference.

And further being the same property described in a Partition Deed by and between Arthur Lyon Mudge and Suzanne Debney Mudge, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, dated May 2, 2022, and recorded in Volume 125, Page 356 of the Official Public Records of Kimble County, Texas.

**TRACT FOUR:**

All that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2025.00 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abst. No.</u>	<u>Acres±</u>
1	T.W.N.G. Ry. Co.		670	184.76
2	B.L. Hall		1074	570.71
8	G. Gordon		1419	19.07
S ½ & NW ¼ 10	T.W.N.G. Ry. Co.	4	2086	1.47
13	G.C.&S.F. Ry. Co.		1151	0.74
14	G. Gordon		1418	274.67
21	D. Roberts		952	35.82
48	E. Ruhl		460	62.41
49	E. Brush		37	523.66
50	W.C. Thayer		550	72.10
50.5	J.M. Swisher		1250	181.61
51	H. Cook		975	38.28
J. Tobey Preemption			956	59.70
			Total	2025.00

The said 2025.00 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, a part of lands described as Tract One of 2139.43 acres in a deed from James K. Francis, et al to Arthur L. Mudge and William G. Mudge dated May 16, 1984 and recorded in Volume 104, Page 663 of the Deed Records of Kimble County, Texas, a part of the Fred Mudge Estate lands described as 4105.8 acres in Volume 15, Page 14 and Volume 15, Page 26 of the Probate Records of Kimble County, Texas, and all of the lands described as 49.60 acres in a deed from Alton H. Justi, et ux, to Arthur L. Mudge, et ux, and William G. Mudge, et ux, dated August 19, 1994 and recorded in Volume 128, Page 572 of the Deed Records of Kimble County, Texas. The said 2025.00 acre tract being more particularly described by metes and bounds in Exhibit G attached hereto and incorporated herein by reference.

And further being the same property described in a Partition Deed by and between Arthur Lyon Mudge and Suzanne Debney Mudge, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, dated May 2, 2022, and recorded in Volume 125, Page 356 of the Official Public Records of Kimble County, Texas.

And further being the same property described in a General Warranty Deed from Debra D. Mudge to Suzanne Debney Mudge, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, dated May 2, 2022, and recorded in Volume 125, Page 385 of the Official Public Records of Kimble County, Texas.

**Reservations from Conveyance:** None.

**Exceptions to Conveyance and Warranty:**

1. Reservation of one-half (1/2) of all oil, gas, and other minerals currently owned, in and under and that may be produced, but expressly excluding executive rights, for Arthur Lyon Mudge, his heirs, successors and assigns, as set forth in a Partition Deed by and between Arthur Lyon Mudge and Suzanne Debney Mudge, Independent Administrator of the *Estate of William Gordon Mudge, Deceased*, dated May 2, 2022, and recorded in Volume 125, Page 356 of the Official Public Records of Kimble County, Texas.

2. Subject to the past and future action of the North Llano River by means of accretion, erosion or avulsion.

3. Any active or inactive quarry or pit for caliche, limestone materials or other earthen materials existing on the property subject to regulation by the Texas Railroad Commission under the Texas Natural Resources Code, Section 133, et seq., Quarry Safety Act, Vernon's Texas Civil Code Annotated.

4. Subject property lies within the boundaries of the Kimble County Groundwater Conservation District or the Hickory Underground Water Conservation District No. 1.

5. Rights or claims of adjoining property owners in and to that portion of the property, if any, which lies inside record title boundary but outside fences, and inside fences but outside record title boundary.

6. All easements, rights-of-way and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; all interests in the mineral estate owned by third parties; and, all valid, existing oil and gas leases relating to the mineral estate in the Deed or Official Public Records of Kimble County, Texas.

7. Any portion of the subject property lying within the boundaries of a public or private roadway whether dedicated or not; and any and all roadways, easements, rights of ways or encroachments, visible and apparent upon the ground, yet unrecorded, affecting the land.

8. Any visible and apparent easement on, over, across or under the subject property, whether recorded or unrecorded, and including but not limited to unrecorded and/or existing telephone, electric and other utility lines and easements on, under or across the subject property.

9. Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2022, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

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

Anything herein to the contrary notwithstanding, this Distribution Deed is executed without warranty of title, express or implied. Grantor executes this Distribution Deed solely in her capacity as Independent Administrator of the Estate of William Gordon Mudge, Deceased, and in no other capacity whatsoever, and all liability of the Grantor herein and hereunder shall be limited to the Grantor acting in such capacity and to the assets of the Estate of William Gordon Mudge, Deceased, at the time any such liability may be established.

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

*Suzanne Debney Mudge*

**SUZANNE DEBNEY MUDGE**, Independent Administrator of the Estate of William Gordon Mudge, Deceased, GRANTOR

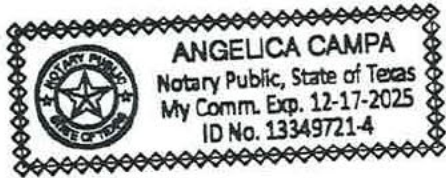
STATE OF TEXAS           §  
  §  
COUNTY OF Bexar       §

Before me, the undersigned Notary Public, on this day, appeared SUZANNE DEBNEY MUDGE, Independent Administrator of the Estate of William Gordon Mudge, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 6<sup>th</sup> day of ~~June~~, 2022, to certify which witness my hand and official seal.

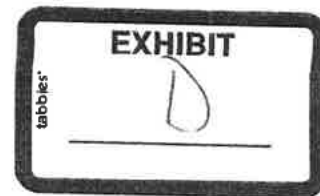
*Angela Campa*  
Notary Public, State of Texas

AFTER RECORDING PLEASE RETURN TO:  
William Frederick Gordon Mudge  
11203 Hunters Break  
Helotes, Texas 78023



# BUSHONG LAND SURVEYING

Land Surveying Across The Lone Star State  
106 North 8<sup>th</sup> Street • Junction, Texas 76849  
Phone: (830) 928-4070 • Email: benge.bls@gmail.com  
www.bushonglandsurveying.com



## DESCRIPTION OF 2211.61 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2211.61 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acrest</u>
3	G.C.&S.F. Ry .Co.	879	658.38
4	C.W. Ely	2109	26.95
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	665.70
G.F. Barger Preemption		880	61.66
56	L. Zamarone	744	224.66
429	L. Walt	722	144.50
430	L. Walt	723	163.31
431	H. Weber	725	266.45
			Total 2211.61

The said 2211.61 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 2211.61 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south right-of-way line of Ranch Road Highway No. 1674 marking the northwest corner of subject tract, from which a cedar 3-way fence corner post bears S 0° 22' E, 2.25 feet;

THENCE with the south right-of-way line of said highway as follows:

N 71° 31' E, 179.29 feet; concrete right-of-way marker

N 71° 31' E, 1596.32 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 77° 25' E, 577.49 feet) having a central angle of 11° 49', a radius of 2804.79 feet, and a distance along arc of 578.52 feet to a concrete right-of-way marker found at the end of said curve;

N 83° 18' E, 812.90 feet; concrete right-of-way marker

N 83° 18' E, 1000.38 feet; concrete right-of-way marker

N 83° 18' E, 450.08 feet; point

S 6° 44' E, 40.40 feet; concrete right-of-way marker

N 84° 02' W, 1449.47 feet; concrete right-of-way marker

N 4° 58' W, 41.05 feet; concrete right-of-way marker

N 85° 29' E, 2541.14 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears N 79° 51' E, 572.81 feet) having a central angle of 11° 14', a radius of 2924.79 feet, and a distance along arc of 573.73 feet to a concrete right-of-way marker found at the end of said curve;

N 74° 13' E, 57.77 feet to a point in the east line of said Survey No. 56 marking the northeast corner of subject tract, from which a treated 3-way fence corner post bears S 0° 01' W, 1.31 feet;

THENCE S 0° 01' W generally along fence with the east line of said 1748.5 acre tract, a west line of the Bolt lands described in Volume 86, Page 686 of the Deed Records of Kimble County, Texas, east line of said Survey No. 5, and east line of said Survey No. 56 a distance of 12163.42 feet to a pipe 3-way fence corner post taken as the southeast corner of said Survey No. 5 and southwest corner of Survey No. 6, W.J. Jemison, Abstract No. 1425;

THENCE S 89° 14' W along or near fence with a south line of said 1748.5 acre tract, a north line of said Bolt lands, south line of said Survey No. 5, and north line of Survey No. 4, W.J. Jemison, Abstract No. 1374, a distance of 3476.80 feet to a point marking the common corner of Survey Nos. 1, 3, 4, and 5, from which a found stone mound taken as the reference stone mound in the patented fieldnotes for Survey No. 3, prepared by W.T. Hope, November 3, 1899, bears N 89° 18' E, 450.00 feet, from which a called 4" Live Oak tree bears S 17° 19' E, 37.70 feet, a called 3" Live Oak tree bears S 19° 01' E, 36.08 feet, and a called 6" Live Oak tree bears S 21° 42' E, 41.16 feet, the patented northeast corner of said Survey No. 4 bears N 89° 18' E, 5244.76 feet, from which a found stone mound taken as the reference stone mound in the patented fieldnotes for Survey No. 4, prepared by W.T. Hope, November 4, 1899, bears N 89° 18' E, 469.44 feet;

THENCE S 89° 26' W along or near fence with a south line of said Survey No. 3, north line of Survey No. 1, L. Roark, Abstract No. 1200, a south line of said 1748.5 acre tract, and north line of a certain 1007.50 acre tract (Vol. 75, Pg. 139 DR) a distance of 2655.00 feet to a cedar 2-way fence corner post taken as the northwest corner of said Survey No. 1;

THENCE N 0° 21' E with an east line of a certain 1164.381 acre tract (Vol. 5, Pg. 645 OPR), a west line of said Survey No. 3, and east line of Survey No. 64, S. Ethridge, Abstract No. 1583, unfenced, a distance of 292.72 feet to a found ½" iron stake marking a northeast corner of said 1164.381 acre tract and taken as the northeast corner of said Survey No. 64;

THENCE S 89° 54' W with the north line of said Survey No. 64, a north line of said 1164.381 acre tract, a south line of said Survey No. 3, south line of said Survey No. 4, and a south line of said 1748.5 acre tract, at 342.25 feet pass a pipe fence angle post and continue along or near fence in all a distance of 1059.22 feet to a pipe 3-way fence corner post taken as the southeast corner of Survey No. 2, S. Ethridge, Abstract No. 1584, from which a cedar stump marked "X" bears S 22° 33' E, 34.90 feet;

THENCE N 0° 53' E along or near fence with an east line of said 1164.381 acre tract, a west line of said 1748.5 acre tract, west line of said Survey No. 4, and east line of said Survey No. 2 a distance of 4542.20 feet to a found ½" iron stake marking a northeast corner of said 1164.381 acre tract and taken as the northeast corner of said Survey No. 2, from which a cedar stump bears S 20° 31' E, 61.19 feet;

THENCE S 89° 45' W along or near fence and extension thereof with a north line of said 1164.381 acre tract, a south line of said 1748.5 acre tract, south line of said 480 acre tract, and a north line of said Survey No. 2 a distance of 1931.93 feet to a found ½" iron stake marking a reentrant corner of said 1164.381 acre tract and taken as a reentrant corner of said Survey No. 2 and the southwest corner of said Survey No. 431;

THENCE N 0° 22' W generally along fence with the west line of said 480 acre tract, an east line of said 1164.381 acre tract, west line of said Survey No. 431, and east line of Survey No. 432, H. Weber, Abstract No. 724 a distance of 5992.06 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
August 29, 2018  
Job #3308



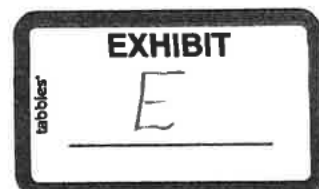
# BUSHONG LAND SURVEYING

Land Surveying Across The Lone Star State

106 North 8<sup>th</sup> Street • Junction, Texas 76849

Phone: (830) 928-4070 • Email: benge.bls@gmail.com

www.bushonglandsurveying.com



## DESCRIPTION OF 96.18 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 96.18 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Abst. No.</u>	<u>Acrest</u>
3	G.C.&S.F. Ry .Co.	879	8.76
5	C.C.S.D.&R.G.N.G. Ry. Co.	871	2.94
G.F. Barger Preemption		880	14.18
429	L. Walt	722	16.59
430	L. Walt	723	15.22
431	H. Weber	725	38.49
		Total	96.18

The said 96.18 acres being comprised of a part of the lands described as 480 acres in a deed from Fred Mudge to Lenore Riley Mudge dated August 2, 1969 and recorded in Volume 78, Page 728 of the Deed Records of Kimble County, Texas, and a part of the lands described as 1748.5 acres in a Deed By Trustee to Arthur Lyon Mudge and William Gordon Mudge dated June 24, 1964 and recorded in Volume 73, Page 228 of the Deed Records of Kimble County, Texas. The said 96.18 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a pipe 3-way fence corner post found in the north right-of-way line of Ranch Road Highway No. 1674 marking the southwest corner of subject tract;

THENCE N 0° 20' W (basis of bearings - GPS readings) along or near fence with the west line of said Survey No. 431 and east line of a certain 31.46 acre tract (Vol. 89, Pg. 288 DR) a distance of 1350.39 feet to a point on the south bank of the North Llano River marking the northwest corner of subject tract, from which a cedar fence post on the high bank of said river bears S 0° 20' E, 56.86 feet;

THENCE downstream with the meanders of the south bank of the North Llano River as follows:

- S 60° 07' E, 228.17 feet;
- S 70° 00' E, 174.99 feet;
- S 89° 32' E, 212.01 feet;
- N 89° 01' E, 544.04 feet;
- N 84° 17' E, 292.53 feet;
- N 87° 03' E, 116.78 feet;
- S 89° 56' E, 281.80 feet;
- S 83° 00' E, 339.97 feet;
- S 87° 01' E, 724.24 feet;
- N 81° 28' E, 107.77 feet;
- S 89° 45' E, 279.80 feet;
- N 73° 12' E, 232.18 feet;
- N 80° 51' E, 111.94 feet;
- N 71° 10' E, 541.42 feet;
- N 62° 39' E, 365.92 feet;
- N 70° 03' E, 303.33 feet;
- N 86° 39' E, 140.32 feet;
- S 80° 16' E, 372.14 feet;
- S 62° 23' E, 104.55 feet;
- S 43° 52' E, 256.43 feet;
- S 59° 24' E, 202.26 feet;
- N 80° 37' E, 178.59 feet;
- N 59° 18' E, 58.93 feet;

N 86° 48' E, 228.39 feet;  
N 45° 59' E, 620.68 feet;  
N 44° 37' E, 67.48 feet;  
N 84° 50' E, 71.28 feet;  
N 58° 16' E, 150.99 feet;  
N 73° 25' E, 258.36 feet;  
N 62° 12' E, 101.15 feet;

S 83° 58' E, 27.22 feet to a point in the east line of said G.F. Barger Preemption Survey marking the northeast corner of subject tract;

THENCE S 0° 08' W with the east line of said G.F. Barger Preemption Survey, at 207.73 feet pass a found ½" iron stake marking the northwest corner of Tract 1 of 9.200 acres, River Ranch, according to the plat thereof recorded in Volume 2, Page 18 of the Plat Records of Kimble County, Texas, and continue in all a distance of 855.29 feet to a point in the north right-of-way line of Ranch Road Highway No. 1674 marking the southeast corner of subject tract;

THENCE with the north right-of-way line of said highway as follows:

S 85° 29' W, 1238.92 feet; point

N 4° 58' W, 140.00 feet; point

S 84° 25' W, 909.13 feet; concrete right-of-way marker

S 4° 58' E, 100.00 feet; point

S 83° 19' W, 546.64 feet; concrete right-of-way marker

S 6° 44' E, 39.88 feet; concrete right-of-way marker

S 83° 19' W, 450.16 feet; concrete right-of-way marker

S 83° 19' W, 999.96 feet; concrete right-of-way marker

S 83° 18' W, 813.57 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

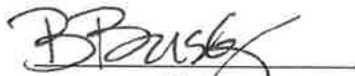
Along the arc of said curve to the left (long chord bears S 77° 25' W, 601.93 feet) having a central angle of 11° 49', a radius of 2924.79 feet, and a distance along arc of 603.00 feet to a concrete right-of-way marker found at the end of said curve;

S 71° 30' W, 1595.91 feet; concrete right-of-way marker

S 71° 30' W, 140.23 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
August 29, 2018  
Job #3308





# BUSHONG LAND SURVEYING

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106 North 8<sup>th</sup> Street • Junction, Texas 76849  
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www.bushonglandsurveying.com



## **DESCRIPTION OF 94.00 ACRES OF LAND OUT OF SURVEY NOS. 46 AND 47, KIMBLE COUNTY, TEXAS.**

Being 94.00 acres of land, approximately 93.70 acres out of Survey No. 46, J.S. Munce, Abstract No. 404, and approximately 0.30 of an acre out of Survey No. 47, U. Durst, Abstract No. 105, lying and being situated in Kimble County, Texas. The said 94.00 acre tract being comprised of a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, and a part of the lands described as 200 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 280 of the Deed Records of Kimble County, Texas. The said 94.00 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south right-of-way line of Interstate Highway No. 10 marking the northeast corner of subject tract and northwest corner of a certain 366.68 acre tract (Vol. 60, Pg. 78 OPR), from which a pipe 3-way fence corner post bears N 30° 49' W, 1.23 feet;

THENCE (basis of bearings - GPS readings) along or near fence with the west line of said 366.68 acre tract, as follows:

S 0° 40' W, 708.44 feet; pipe 3-way fence corner post

S 0° 35' W, 1444.63 feet; pipe gate post and

S 0° 08' W, 743.10 feet to a point on the north bank of the North Llano River marking the southeast corner of subject tract, from which a pipe fence post on the high bank of said river bears N 0° 08' E, 9.06 feet;

THENCE upstream with the meanders of the north bank of the North Llano River as follows:

N 85° 26' W, 322.46 feet;

S 89° 52' W, 176.95 feet;

N 85° 25' W, 189.28 feet;

S 88° 21' W, 207.35 feet;

S 81° 16' W, 83.23 feet to a set ½" iron stake marking the southwest corner of subject tract and southeast corner of a certain 226.13 acre tract (this day surveyed), from which a ½" iron stake set in the northwest corner of an old concrete low water crossing bears N 20° 49' E, 45.11 feet;

THENCE N 23° 29' W with the common line between subject tract and said 226.13 acre tract a distance of 2298.27 feet to a ½" iron stake set in the south right-of-way line of Interstate Highway No. 10 marking the common north corner of subject tract and said 226.13 acre tract;

THENCE with the south right-of-way line of Interstate Highway No. 10 as follows:

S 53° 02' E, 145.52 feet; concrete right-of-way marker

N 52° 40' E, 100.17 feet; concrete right-of-way marker

N 23° 26' W, 206.27 feet; concrete right-of-way marker

N 18° 14' E, 320.34 feet; concrete right-of-way marker

N 80° 05' E, 827.99 feet; concrete right-of-way marker

N 80° 05' E, 758.35 feet to a concrete right-of-way marker found at the beginning of a curve to the left;

Along the arc of said curve to the left (long chord bears N 79° 20' E, 143.10 feet) having a central angle of 1° 21', a radius of 6089.58 feet, and a distance along arc of 143.10 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.



Benge L. Bushong

R.P.L.S. No. 5690

Firm# 10055200

December 12, 2019

Revised: May 13, 2020

Revised: June 10, 2020

Revised: November 4, 2020

Job #3458



# BUSHONG LAND SURVEYING

Land Surveying Across The Lone Star State  
106 North 8<sup>th</sup> Street • Junction, Texas 76849  
Phone: (830) 928-4070 • Email: benge.bls@gmail.com  
www.bushonglandsurveying.com



## DESCRIPTION OF 2025.00 ACRES OF LAND OUT OF VARIOUS ORIGINAL SURVEYS IN KIMBLE COUNTY, TEXAS.

Being all that certain tract or parcel of land, lying and being situated in Kimble County, Texas, comprising a total of 2025.00 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abst. No.</u>	<u>Acrest</u>
1	T.W.N.G. Ry. Co.		670	184.76
2	B.L. Hall		1074	570.71
8	G. Gordon		1419	19.07
S ½ & NW ¼ 10	T.W.N.G. Ry. Co.	4	2086	1.47
13	G.C.&S.F. Ry. Co.		1151	0.74
14	G. Gordon		1418	274.67
21	D. Roberts		952	35.82
48	E. Ruhl		460	62.41
49	E. Brush		37	523.66
50	W.C. Thayer		550	72.10
50.5	J.M. Swisher		1250	181.61
51	H. Cook		975	38.28
J. Tobey Preemption			956	59.70
				<u>Total 2025.00</u>

The said 2025.00 acre tract being comprised of a part of the lands described as 1551.73 acres in a deed from Dorothy Molesworth, Independent Executrix of the Estate of Mrs. Ethel M. Mudge to Arthur Lyon Mudge and William Gordon Mudge dated December 19, 1969 and recorded in Volume 79, Page 273 of the Deed Records of Kimble County, Texas, a part of the Lenore Riley Mudge lands described in an Agreement between Dorothy Mudge Molesworth, Arthur Lyon Mudge, William Gordon Mudge, and Lenore Riley Mudge dated March 13, 1973 and recorded in Volume 84, Page 782 of the Deed Records of Kimble County, Texas, a part of the lands described as Tract One of 2139.43 acres in a deed from James K. Francis, et al to Arthur L. Mudge and William G. Mudge dated May 16, 1984 and recorded in Volume 104, Page 663 of the Deed Records of Kimble County, Texas, a part of the Fred Mudge Estate lands described as 4105.8 acres in Volume 15, Page 14 and Volume 15, Page 26 of the Probate Records of Kimble County, Texas, and all of the lands described as 49.60 acres in a deed from Alton H. Justi, et ux, to Arthur L. Mudge, et ux, and William G. Mudge, et ux, dated August 19, 1994 and recorded in Volume 128, Page 572 of the Deed Records of Kimble County, Texas. The said 2025.00 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a cedar 3-way fence corner post marking the most westerly northwest corner of said 2139.43 acre tract and most easterly northeast corner of the Hunnicutt lands described in Volume 15, Page 628 of the Official Public Records of Kimble County, Texas;

THENCE with fence, west line of said 2139.43 acre tract, and east line of said Hunnicutt lands as follows:

S 0° 43' W, 2042.76 feet; cedar fence angle post

S 3° 22' W, 2119.15 feet; cedar fence angle post

S 4° 51' E, 2153.33 feet to a cedar 3-way fence corner post marking a southwest corner of said 2139.43 acre tract and a northeast corner of a certain 659.23 acre tract (Vol. 4, Pg. 62 OPR);

THENCE along fence with the north line of said 659.23 acre tract as follows:

S 21° 56' E, 86.67 feet; pipe fence angle post

N 89° 28' E, 1694.10 feet; pipe fence angle post

S 57° 40' E, 502.91 feet; pipe fence angle post

N 78° 05' E, 275.49 feet; point in fence  
N 81° 12' E, 2426.37 feet; cedar 3-way fence corner post  
S 47° 59' E, 582.99 feet to a 5/8" iron stake found in the west line of a certain 254.00 acre tract (Vol. 110, Pg. 520 DR) marking the lower northeast corner of said 659.23 acre tract and southwest corner of said 49.60 acre tract;

THENCE N 25° 24' E with fence and common line between said 49.60 acre tract and said 254.00 acre tract a distance of 429.31 feet to a cedar 3-way fence corner post marking the northwest corner of said 254.00 acre tract, most westerly corner of a certain 51.29 acre tract (Vol. 119, Pg. 482 DR), and southwest corner of a certain 22.23 acre tract (Vol. 112, pg. 625 DR);

THENCE along or near fence with the common line between said 49.60 acre tract and said 22.23 acre tract as follows:

N 25° 04' E, 11.83 feet; cedar 4-way fence corner post in pens  
N 25° 26' E, 185.63 feet; cedar post at loading chute  
N 66° 02' W, 54.02 feet; cedar 3-way fence corner post  
N 22° 42' W, 26.27 feet; cedar 2-way fence corner post at gate  
N 3° 19' W, 7.99 feet; found 5/8" iron stake in gate opening marking the most westerly northwest corner of said 22.23 acre tract, a reentrant corner of said 49.60 acre tract, and west terminus of an existing 30' wide Road Easement "D" (Vol. 111, Pg. 4 DR);

THENCE with the centerline of an existing road and said Road Easement "D", and common line between 22.23 acre tract and said 49.60 acre tract as follows:

S 89° 17' E, 66.48 feet;  
N 78° 08' E, 43.27 feet;  
N 55° 04' E, 69.14 feet;  
N 45° 34' E, 82.76 feet;  
N 39° 13' E, 86.72 feet; found 5/8" iron stake  
N 22° 01' E, 54.53 feet;  
N 2° 51' E, 51.19 feet;  
N 6° 21' E, 60.83 feet;  
N 16° 09' W, 216.21 feet to a 5/8" iron stake found in the fork of a road marking a corner in the east line of said 49.60 acre tract and west line of said 22.23 acre tract;

THENCE with the centerline of an existing road and said Road Easement "D" and north lines of said 22.23 acre tract as follows:

N 4° 23' E, 31.47 feet;  
N 24° 21' E, 22.27 feet;  
N 50° 30' E, 30.69 feet;  
N 83° 46' E, 34.87 feet to a 5/8" iron stake found in the ford of a road marking the east terminus of said Road Easement "D" and being in the centerline of an existing 30' wide Road Easement "C" (Vol. 114, Pg. 4 DR);

THENCE with the centerline of an existing road and said Road Easement "C" and north lines of said 22.23 acre tract as follows:

S 77° 57' E, 60.49 feet;  
N 81° 20' E, 47.92 feet;  
N 63° 16' E, 98.70 feet;  
N 51° 58' E, 66.12 feet;  
N 46° 30' E, 79.06 feet;  
N 40° 10' E, 118.52 feet;  
N 38° 41' E, 92.33 feet;  
N 42° 47' E, 85.86 feet;  
N 36° 43' E, 103.58 feet;  
N 18° 49' E, 67.74 feet;  
N 14° 50' E, 70.44 feet;  
N 29° 04' E, 65.55 feet;  
N 58° 39' E, 50.03 feet;  
N 71° 38' E, 55.44 feet;

N 86° 09' E, 60.51 feet;  
S 85° 20' E, 46.02 feet;  
S 72° 25' E, 92.15 feet;  
S 65° 01' E, 78.70 feet;  
S 77° 50' E, 68.24 feet;  
S 88° 34' E, 65.68 feet;  
N 83° 26' E, 56.56 feet;  
S 82° 56' E, 37.17 feet;  
S 73° 42' E, 160.04 feet;  
S 89° 48' E, 88.41 feet;  
S 83° 52' E, 66.23 feet;  
S 66° 57' E, 50.90 feet;  
S 53° 54' E, 37.06 feet;  
S 32° 43' E, 56.50 feet;

S 23° 17' E, 154.29 feet to a 5/8" iron stake found at the base of a treated fence post marking the east corner of said 22.23 acre tract;

THENCE S 64° 17' W with the south line of said 22.23 acre tract a distance of 19.62 feet to a cedar 4-way fence corner post marking the northeast corner of said 51.29 acre tract;

THENCE along or near fence with the east line of said 51.29 acre tract and west line of said Road Easement "C" as follows:

S 17° 39' E, 234.33 feet; cedar fence angle post

S 6° 44' E, 1148.93 feet to a 5/8" iron stake found marking the southeast corner of said 51.29 acre tract and northeast corner of said 254.00 acre tract;

THENCE along or near fence with the east line of said 254.00 acre tract and west line of said Road Easement "C" as follows:

S 6° 47' E, 488.76 feet; live oak tree for fence angle

S 7° 13' E, 756.05 feet; cedar fence post

S 6° 53' E, 753.24 feet to a 5/8" iron stake found in the north right-of-way line of Interstate Highway No. 10 marking the southeast corner of said 254.00 acre tract;

THENCE with the north right-of-way line of Interstate Highway No. 10 as follows:

N 52° 47' E, 522.42 feet; concrete right-of-way marker

N 52° 45' E, 3287.09 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 64° 49' E, 1673.33 feet) having a central angle of 24° 07', a radius of 4004.69 feet, and a distance along arc of 1685.75 feet to a concrete right-of-way marker found at the end of said curve;

N 72° 32' E, 105.52 feet to a concrete right-of-way marker found at the beginning of a curve to the right;

Along the arc of said curve to the right (long chord bears N 79° 10' E, 115.38 feet) having a central angle of 1° 39', a radius of 4004.72 feet, and a distance along arc of 115.38 feet to a concrete right-of-way marker found at the end of said curve;

N 80° 06' E, 189.92 feet; concrete right-of-way marker

N 80° 04' E, 390.44 feet; concrete right-of-way marker

N 80° 06' E, 689.06 feet to a point marking the southwest corner of a certain 593.19 acre tract (this day surveyed), and southeast corner of subject tract, from which a pipe 3-way fence corner post bears N 45° 02' W, 2.39 feet;

THENCE over and across said Lenore Mudge 389 acre tract, with fence, as follows:

N 45° 02' W, 747.53 feet; 1/2" iron stake set at cedar fence angle post;

N 5° 55' W, 1227.68 feet; cedar fence post

N 5° 47' W, 1119.43 feet; pipe gate post

N 5° 40' W, 1355.22 feet; cedar fence post

N 5° 34' W, 430.95 feet to a cedar 3-way fence corner post marking the northwest corner of said 593.19 acre tract and most easterly northeast corner of subject tract;

THENCE along fence with the division line described in said Agreement also being the west and south lines of said 395.79 acre tract, as follows:

N 89° 16' W, at 893.95 feet pass a 2-way fence angle post and continue unfenced, at 1439.88 feet pass a 2-way fence angle post and continue along fence in all a distance of 3093.37 feet to a point, from which a found 5/8" iron stake bears N 37° 29' W, 2.56 feet and a pipe fence angle post bears N 57° 43' E, 1.35 feet;

N 37° 29' W, 561.86 feet to a point, from which a found 5/8" iron stake bears N 89° 15' W, 2.94 feet, another found 5/8" iron stake bears S 37° 29' E, 2.74 feet, and a pipe fence angle post bears S 51° 57' E, 0.88 feet;

N 89° 15' W, 793.52 feet to a point, from which a found 5/8" iron stake bears S 89° 15' E, 2.85 feet, another found 5/8" iron stake bears N 0° 08' E, 3.08 feet, and a pipe fence angle post bears N 68° 37' E, 0.49 feet;

N 0° 08' E, 3592.98 feet to a set 1/2" iron stake marking the most northerly northeast corner of subject tract and most easterly southeast corner of a certain 4954.23 acre tract (this day surveyed);

THENCE over and across said Mudge lands, unfenced, with the common line between subject tract and said 4594.23 acre tract, as follows:

S 84° 56' W, 1312.25 feet; set 1/2" iron stake

S 2° 41' W, 758.30 feet; 1/2" iron stake set in cross fence

S 1° 00' E, 859.92 feet; set 1/2" iron stake

S 38° 43' W, 1097.00 feet; set 1/2" iron stake

S 37° 00' W, 582.08 feet; set 1/2" iron stake

S 42° 33' W, 275.83 feet; set 1/2" iron stake

S 42° 15' W, 336.45 feet; 1/2" iron stake set on the east side of KCR No. 272

S 89° 00' W, 1425.86 feet to a cedar 2-way fence corner post (MAG nail set in post) marking a reentrant corner of said 2139.43 acre tract;

THENCE over and across said Mudge lands as follows:

S 89° 35' W, 1034.86 feet; 20" cedar tree

S 89° 21' W, 175.65 feet; cedar fence post

S 88° 05' W, 167.76 feet; cedar fence post (set MAG nail in post)

S 69° 30' W, 125.58 feet; cedar fence angle post (set MAG nail in post)

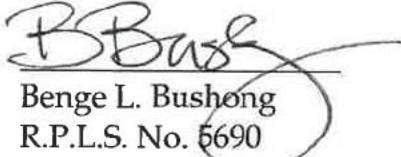
S 89° 25' W, 1034.31 feet; cedar fence post

S 89° 25' W, 1091.39 feet; cedar fence post (set MAG nail in post)]

S 89° 34' W, 958.55 feet to the place of BEGINNING.

THE STATE OF TEXAS  
COUNTY OF KIMBLE

I, Benge L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

  
Benge L. Bushong  
R.P.L.S. No. 5690  
Firm# 10055200  
December 12, 2019  
Job #3458



DOC #00000058790  
OPR VOL 129 PAGE 690 - 704 (15 PAGES)

FILED FOR RECORD  
AT 11:18 O'CLOCK A. M.  
ON THE 17th DAY OF August  
A.D., 20 22  
Hon. Haydee Torres  
COUNTY AND DISTRICT CLERK  
KIMBLE COUNTY, TEXAS  
BY  
Karen Page/Carolyn Lawhon, Deputy

STATE OF TEXAS  
COUNTY OF KIMBLE  
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 Kimble County, Texas  
COUNTY AND DISTRICT  
CLERK KIMBLE COUNTY,  
TEXAS

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-1507

OWNER: Zina B. Francis, James  
Kenneth Francis, Emma  
Kathryn Francis Light,  
John Cecil Francis &  
Sue Ann Francis  
P. O. Box 14844  
Austin, Texas 78761

COUNTY: Kimble

PRIORITY DATE: May 15, 1896

WATERCOURSE: North Llano River,  
tributary of Llano River

BASIN: Colorado River

WHEREAS, by final decree of the 33rd District Court of Llano County, in Cause No. 5,538, In Re: The Adjudication of Water Rights in the Llano River Watershed of the Colorado River Basin, dated September 24, 1979, a right was recognized under Certified Filing 266 and Claim 243 authorizing Zina B. Francis, James Kenneth Francis, Emma Kathryn Francis Light, John Cecil Francis and Sue Ann Francis to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to Zina B. Francis, James Kenneth Francis, Emma Kathryn Francis Light, John Cecil Francis and Sue Ann Francis, subject to the following terms and conditions:

I. USE

Owners are authorized to divert and use not to exceed 135 acre-feet of water per annum from the North Llano River to irrigate a maximum of 135 acres of land out of the E. Brush Survey 49, Abstract 37, the G. Keith Gordon Survey 8, Abstract 1419, the S.P.R.R. Co. Survey 7, Abstract 531, and the W. C. Thayer Survey 50, Abstract 550, Kimble County, Texas, said 135 acres being out of a larger tract described as follows:

- (1) BEGINNING at a stake on the North bank of the North Llano River, from which a cedar post bears North 116 varas, said cedar post being 102 varas West of the East line of the E. Brush Survey 49;
- (2) THENCE North, 116 varas to said cedar post;
- (3) THENCE N 49°30'W, 660 varas to a stake and mound;
- (4) THENCE West, 1216 varas to a stone mound;
- (5) THENCE S 06°45'E, 719 varas to a stake in fence line;
- (6) THENCE S 24°W, 726.5 varas to a corner in the East line of Survey 7 and on the South right-of-way line of I. H. 10;
- (7) THENCE S 53°W, 1040 varas along said South line of I. H. 10 to a point in West line of Survey 8;
- (8) THENCE South, 465 varas with said survey line to a point on the North right-of-way line of U.S. Highway 290;
- (9) THENCE N 71°E, 690 varas along said North right-of-way line to a point in the East line of Survey 8;
- (10) THENCE N 74°E, 1650 varas along North right-of-way line of U.S. Highway 290 to a point on West bank of the North Llano River;
- (11) THENCE down said river with its meanders to the place of beginning, save and except from the above tract of land, 42.6 acres conveyed to the State of Texas for Interstate Highway 10 right-of-way purposes.

2. DIVERSION

A. Location:

(1) At a point on the north bank of the North Llano River which is N 67°E, 1375 feet from the southwest corner of the G. Keith Gordon Survey 8, Abstract 1419, Kimble County, Texas.

(2) At a point on the west bank of the North Llano River which is N 30°E, 4235 feet from the southwest corner of the E. Brush Survey 49, Abstract 37, Kimble County, Texas.

(3) At a point on the west bank of the North Llano River which is N 25°E, 4975 feet from the southwest corner of the E. Brush Survey 49, Abstract 37, Kimble County, Texas.

B. Maximum Combined Rate: 6.68 cfs (3000 gpm).

3. PRIORITY

The time priority of owners' right is May 15, 1896.

The locations of pertinent features related to this certificate are shown on Page 3 of the Llano River Watershed Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 33rd District Court of Llano County, in Cause No. 5,538, In Re: The Adjudication of Water Rights in the Llano River Watershed of the Colorado River Basin, dated September 24, 1979, and supersedes all rights of the owner or owners asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Colorado River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

This water right is appurtenant to the above-described land within which irrigation is authorized, unless and until severed from the land. A transfer of any portion of the above-described land includes, unless otherwise specified, that portion of the water right which is appurtenant to the transferred land at the time of the transaction.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

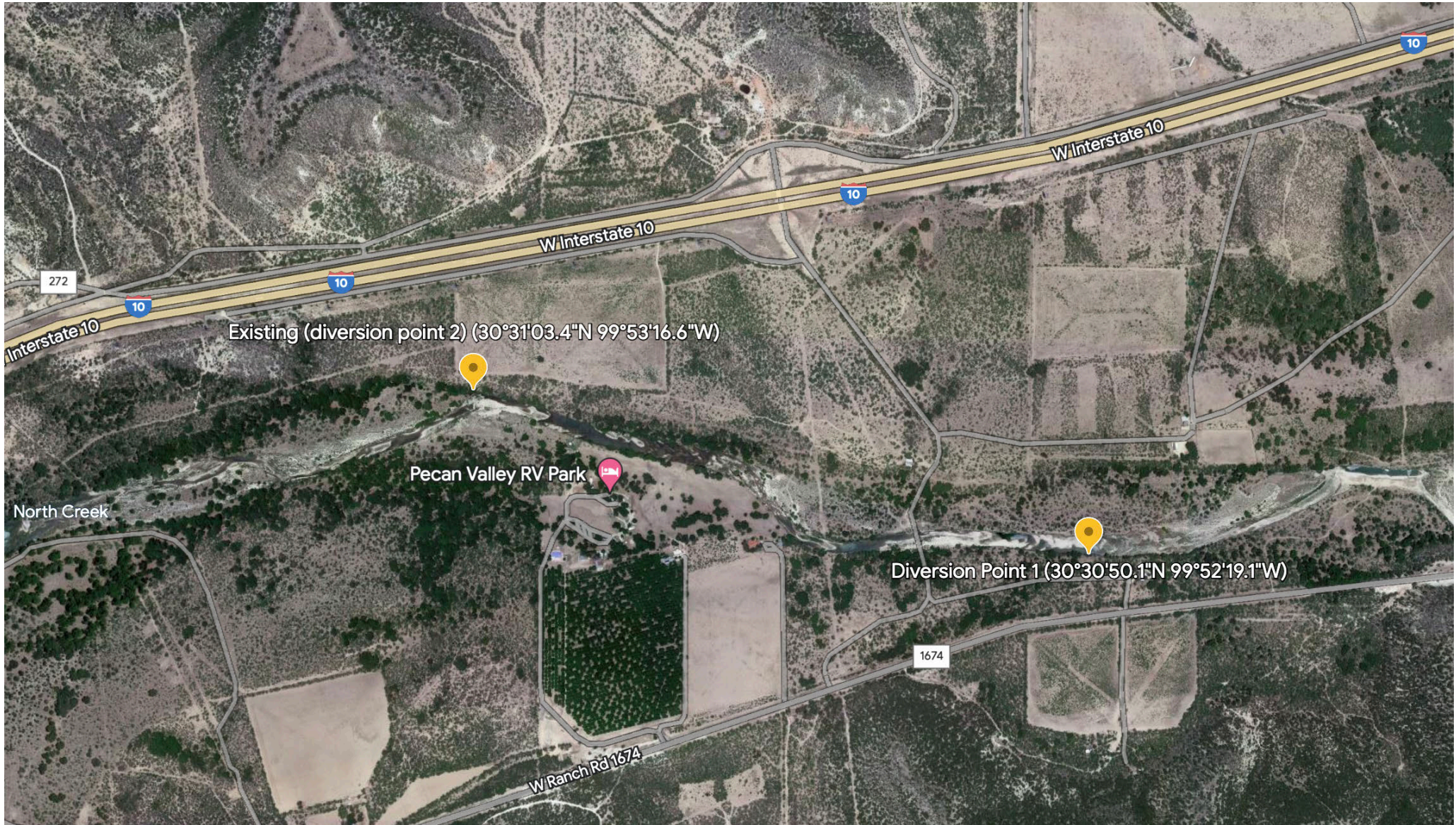
DATE ISSUED:

**AUG 15 1990**

ATTEST:

  
Mary Ann Hefner, Chief Clerk







**Texas Commission on Environmental Quality**  
**Water Availability Division**  
**MC-160, P.O. Box 13087 Austin, Texas 78711-3087**  
**Telephone (512) 239-4600, FAX (512) 239-2214**

**System Inventory and Water Conservation Plan  
for Individually-Operated Irrigation Systems**

This form is provided to assist entities in developing a water conservation plan for individually-operated irrigation systems. If you need assistance in completing this form or in developing your plan, please contact the Conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

*Additional resources such as best management practices (BMPs) are available on the Texas Water Development Board's website <http://www.twdb.texas.gov/conservation/BMPs/index.asp>. The practices are broken out into sectors such as Agriculture, Commercial and Institutional, Industrial, Municipal and Wholesale. BMPs are voluntary measures that water users use to develop the required components of Title 30, Texas Administrative Code, Chapter 288. BMPs can also be implemented in addition to the rule requirements to achieve water conservation goals.*

**Contact Information**

Name: Arthur L. Mudge, William Frederick Gordon Mudge, Joanna Debney Mobley, and Kristen Mobley Bailey

Address: Arthur L. Mudge (2970 Mudge Access Road, Junction, Texas 76849-6037)  
William Frederick Gordon Mudge, Joanna Debney Mobley, and Kristen Mobley Bailey (c/o Suzy Mudge, 11203 Hunters Break, Helotes, Texas 78023-4254)

Telephone Number: Arthur L. Mudge (325)446-3132 Fax: ( )  
William Frederick Gordon Mudge, Joanna Debney Mobley, and Kristen Mobley Bailey (210)391-5066

Form Completed By: Michelle Smith

Title: Attorney, Sledge Law Group

Signature: *Michelle Smith* Date: 7 / 6 / 23

**A water conservation plan for agriculture use (individual irrigation user) must include the following requirements (as detailed in 30 TAC Section 288.4). If the plan does not provide information for each requirement, you must include in the plan an explanation of why the requirement is not applicable.**

**I. BACKGROUND DATA**

*A. Water Use*

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

**50 acre-feet pursuant to COA No. 14-1507.**

2. In the table below, list the amount of water (in acre-feet) that is or will be diverted monthly for irrigation during the year.

**At this time, the amount of water diverted monthly is unknown. Water will be diverted, as needed, not to exceed 50 acre-feet annually.**

January	February	March	April
_____	_____	_____	_____
May	June	July	August
_____	_____	_____	_____
September	October	November	December
_____	_____	_____	_____
<b>Total All Months</b>			_____

3. In the table below, list the type of crop(s), growing season, and acres irrigated per year.

**At this time, the type of crop(s) to be irrigated is unknown. Acres irrigated with the 25 acre-feet of water authorized to Arthur L. Mudge will not exceed his 5,413.55 acres of property in Kimble County, Texas. Acres irrigated with the 25 acre-feet of water held by William Frederick Gordon Mudge, Joanna Debney Mobley and Kristen Mobley Bailey will not exceed their 4,426.79 acres in Kimble County, Texas.**

<i>Type of crop</i>	<i>Growing Season (Months)</i>	<i>Acres irrigated/year</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b>Total acres irrigated</b>		_____

4. Are crops rotated seasonally or annually?  Yes  No

If yes, please describe:

5. Describe soil type (including permeability characteristics, if applicable).

**According to the Texas Almanac, the soil in Kimble County, Texas consists of shallow stony clay soils on the hills, sandy loam soils on the upland plains, and clay loam soils in the valleys and flood plains.**

*B. Irrigation system information*

1. Describe the existing irrigation method or system and associated equipment including pumps, flow rates, plans, and/or sketches of system the layout. Include the rate (in gallons per minute or cubic feet per second) that water is diverted from the source of supply. If this WCP is submitted as part of a water right application, verify that the diversion volumes and rates are consistent with those in the application.

**Owners will utilize standard pumping equipment to divert no more than 50 acre-feet per year at a rate not to exceed 6.68 cfs and pursuant to Certificate of Adjudication No. 14-1507. Owners intend to utilize standard irrigation practices. Such practices may include but are not limited to irrigation by sprinkler, drip irrigation and center-pivot irrigation.**

2. Describe the device(s) and/or method(s) used to measure and account for the amount of water diverted from the supply source, and verify the accuracy is within plus or minus 5%.

**Owners will utilize standard pumping equipment that is able to directly measure water diverted and to account for water diverted within plus or minus 5% accuracy.**

3. Provide specific, quantified 5-year and 10-year targets for water savings including, where appropriate, quantitative goals for irrigation water use efficiency and a pollution abatement and prevention plan below in 3(a) and 3(b). Water savings may be represented in acre-feet or in water use efficiency. If you are not planning to change your irrigation system in the next five or ten years, then you may use your existing efficiencies or savings as your 5-year and /or 10-year goals. Please provide an explanation in the space provided below if you plan to use your existing efficiencies or savings.

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

a. 5-year goal:  
Savings in acre-feet            or system efficiency as a percentage 5 %

b. 10-year goal:  
Savings in acre-feet            or system efficiency as a percentage 10 %

*(Examples of Typical Efficiencies for Various Types of Irrigation Systems - Surface: 50-80%; Sprinkler: 70-85%; LEPA: 80-90%; Micro-irrigation: 85-95%)*

4. If there is an existing irrigation system, have any system evaluations been performed on the efficiency of the system?

Yes       No

If yes, please provide the date of the evaluation, evaluator's name and the results of the evaluation:

*C. Conservation practices*

1. Describe any water conserving irrigation equipment, application system or method in the irrigation system (e.g., surge irrigation, low pressure sprinkler, drip irrigation, nonleaking pipe).

**Owners will use reasonable diligence to avoid waste and achieve water conservation in their irrigation practices. Such practices may include but are not limited to the use of accurate metering equipment, identifying and controlling water loss, the use of low-pressure sprinkler systems, the use of drip irrigation, and the use of nonleaking pipes.**

2. Describe any methods that will be used for water loss control and leak detection and repair.

**Owners will use reasonable diligence to control water loss in their irrigation systems and practices. Such actions may include but are not limited to the physical inspection of the systems for signs of leaks and water loss.**

3. Describe any water-saving scheduling or practices to be used in the application of water (e.g., irrigation only in early morning, late evening or night hours and/or during lower temperatures and winds) and methods to measure the amount of water applied (e.g. soil-moisture monitoring).

**Owners will use reasonable diligence to have water-saving practices in their irrigation systems. Such actions may include but are not limited to the use of irrigation scheduling to prevent the over-application of water and optimize crop growth, and soil moisture monitoring.**

Describe any water-saving land improvements or plans to be incorporated into the irrigation practices for retaining or reducing runoff and increasing infiltration of rain and irrigation water (e.g., land leveling, conservation tillage, furrow diking, weed control, terracing, etc.).

**Owners will use reasonable diligence to have water-saving land improvements or plans in their irrigation practices. Such actions may include but are not limited to crop residue management and conservation tillage.**

4. Describe any methods for recovery and reuse of tail water runoff.

**Owners do not anticipate tail water runoff to be an issue in their irrigation practices.**

5. Describe any other water conservation practices, methods, or techniques for preventing waste and achieving conservation.

**Owners will use reasonable diligence to avoid waste and achieve water conservation in their irrigation practices, as outlined above.**

## **II. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER**

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

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.