

CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT
COUNTY OF CULBERSON, STATE OF TEXAS

Vol. 192, p. 455

HISTORIC USE PRODUCTION PERMIT

THIS CERTIFIES THAT: **Brewster Agricultural**
 P.O. Box 1485
 Van Horn, TX 79855

(“Permittee”), has applied for an Historic Use Production Permit to withdraw and place to beneficial use groundwater from within the District, and that the Board of Directors of the Culberson County Groundwater Conservation District (“District”) has APPROVED the application as follows:

1 Permit Category

This permit is a **Historic Use Production Permit** (“HUPP”).

2 Permit Term

The term of this permit is perpetual from the date of issuance.

3 Groundwater Source

The source of groundwater is the Lobo Flat Aquifer (the “Aquifer”).

4 Annual Groundwater Withdrawal Amounts

Permittee may withdraw groundwater from the Aquifer for beneficial, nonwasteful use in a manner not to exceed the amount (volume) of 1,724.5 acre-feet per calendar year, subject to any proportional adjustment pursuant to Chapter 5, Subchapter B, of the District Rules. The amount of 1,724.5 acre-feet per calendar year is based on the determination by the District that the applicant owns 344.90 acres of Existing and Historic Irrigated Land, as defined in the District Rules.

5 Purpose of Use

Permittee may use Aquifer groundwater only for **agricultural uses**, as defined in the District Rules.

6 Well Name(s), Location(s), and Maximum Rate of Withdrawal

Groundwater may be withdrawn from the Aquifer only from a well(s) located at each of the location(s) and with a maximum rate of withdrawal(s) (flow rate) as listed in Exhibit A, attached and incorporated herein.

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7 Measurement of Amount of Groundwater Withdrawn

Permittee may withdraw groundwater only from a well that has an operating flow meter that meets the requirements of Chapter 8 of the District Rules.

8 Ownership of Land and Place of Use of Groundwater

Exhibit B, attached and incorporated herein, is a copy of the deeds for land owned by the Permittee and provided by the Permittee in Permittee's HUPP application to the District. The District relied on the information contained in Exhibit B in granting this permit. Permittee may beneficially use Aquifer groundwater only for irrigation of agricultural crops located within the property identified in Exhibit B of this permit.

9 Measurement of Amount of Groundwater Withdrawn

Permittee may only withdraw groundwater from a well that has an operating flow meter that meets the requirements of Chapter 8 of the District Rules.

10 Well Construction, Operation, Maintenance, Closure

The well(s) identified in this permit shall be installed, equipped, operated, maintained, plugged, capped, or closed, as may be appropriate, in accordance with the District Rules and all other applicable federal, state, and local laws. Included in these requirements is the requirement that Permittee shall submit a copy of a state plugging report to the District within 60 days after capping or plugging any well.

11 Water Conservation

Withdrawals of groundwater are required to be efficiently withdrawn and used in compliance with the District Rules and the District's water conservation plan (as may be amended), and Permittee's water conservation plan as approved by the District, as may be applicable.

12 Conveyance to Place of Use

Water authorized by this permit to be produced must be conveyed to the place of use in a manner to prevent evaporation, channel loss by percolation, or waste. Water conveyed greater than a distance of one-half mile from the wellhead where produced must be conveyed through a pipeline.

13 Meters

Permittee shall install, operate, and maintain meter(s) on the well(s) identified in this permit in compliance with the District Rules and the manufacturer's instructions.

14 Reports

Permittee shall timely file all applicable reports with the District on forms prescribed by the District as required by the District Rules, and other applicable law.

15 Fees

Permittee shall timely pay and remain current on the payment of all applicable fees to the District.

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16 Groundwater Management Plan

Permittee shall withdraw and use groundwater only in accordance with the District's approved groundwater management plan, as may be amended.

17 Water Quality

Permittee shall use diligence to protect the water quality of groundwater in the District and shall comply with the District Rules on water quality and shall take no action that pollutes or contributes to the pollution of groundwater in the District.

18 Transfers

Permittee may transfer or amend this permit only in compliance with the District Rules.

19 Change of Address

The Permittee shall provide to the District written notice of any change in the mailing address of the Permittee within 30 days after such address is changed.

20 Inspections by District

Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon lands upon which a well may be located within the boundaries of the District, including the well(s) identified in Paragraph 6 of this permit, for the purpose of inspecting or testing such wells, meters, pumps, and the power units of a well or wells, collecting water samples, and making any other reasonable and necessary inspections and tests that may be required or necessary for the formulation or the enforcement of the permits, rules, or orders of the District. Permittee has a duty to ensure that the well site is accessible to District representatives for inspection and to cooperate fully in any reasonable inspection of the well(s) and well site by District officers, employees, agents, or representatives.

21 Additional Conditions

This permit is issued subject to the requirements of: (1) Chapter 8816, Texas Special District Local Laws Code; (2) Chapter 36, Texas Water Code; and (3) the District Rules.

22 Enforcement

The District retains the right to take any and all enforcement actions within its legal authority to enforce compliance with the terms and conditions of this permit.

23 Continuing Jurisdiction of District

This permit is issued subject to the continuing jurisdiction of and supervision by the District, and may be amended from time-to-time consistent with applicable law, including circumstances in which the District learns that any of the information set forth in this permit is incorrect on the date issued.

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24 Permit Recordation

Within 30 days of the date of issuance of this approved permit from the District, the District shall record this permit with the Culberson County Clerk.

25 References to Law

Any reference in this permit to a statute, rule, or other law of any kind that exists on the date of issuance of the permit includes all subsequent amendments thereto.

26 Other Matters Denied

All other matters requested in Permittee's application that are not specifically granted by this permit are denied.

THIS PERMIT IS ISSUED, EXECUTED THIS June 17, 2013, by the Board of Directors of the Culberson County Groundwater Conservation District.

V R Cottrell
President, Board of Directors

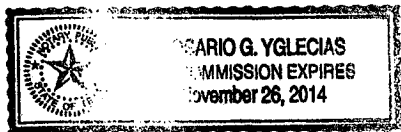
ATTEST:

[Signature]
Secretary, Board of Directors

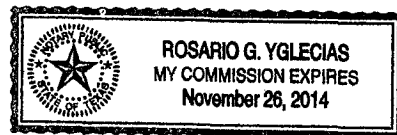
ACKNOWLEDGMENT

STATE OF TEXAS)
COUNTY OF CULBERSON)

ON BEHALF OF THE DISTRICT, THIS PERMIT WAS ACKNOWLEDGED before me on June 17, 2013 by Vance Cottrell, President, Board of Directors, Culberson County Groundwater Conservation District, a groundwater conservation district created pursuant to Article XVI, Section 59, Texas Constitution.



Rosario G. Yglecias
Notary Public in and for the State of Texas



**CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT
COUNTY OF CULBERSON, STATE OF TEXAS**

EXHIBIT A

Groundwater may only be withdrawn from the aquifer from a well(s) located at each of the location(s) and with a maximum rate of withdrawal(s) (flow rate) as follows:

<u>Name</u>	<u>Location (latitude/longitude)</u>	<u>Maximum Flow Rate (gpm)</u>
5110322	30.836111, -104.771389	2000

544

EXHIBIT B
A034

D. H. BREWSTER, ET AL
TO
BREWSTER AGRICULTURE, INC.

51003

WARRANTY DEED

Date: 8 MAY, 1996

Grantor: D.H. BREWSTER and TED BREWSTER d/b/a BREWSTER BROTHERS

Grantor's Mailing Address (including county): P. O. Box 26, Van Horn, Culberson County, Texas 79855

Grantee: BREWSTER AGRICULTURE, INC.

Grantee's Mailing Address (including county): P. O. Box 26, Van Horn, Culberson County, Texas 79855

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration

Property (including any improvements):

PARCEL 1: The East 200 acres (E/200 ac) out of the N/2 of Section 10, Block 63, PUBLIC SCHOOL LAND SURVEY CULBERSON COUNTY, TEXAS.

PARCEL 2: 730.5 acres of land, more or less, out of S.F. SURVEYS NOS. 228 AND 229, Culberson County, Texas, described as follows:

BEGINNING at the SE corner of this tract in the T & P 80 mile reserve line, in the South line of S.F. SURVEY No. 228, from which McCombs Monument No. 7 bears W. 1755.8 vrs.;

THENCE N. 24°21' W. 1516.8 vrs. to a point in North line of said Survey No. 228;

THENCE W. 2590.2 vrs. to a stake for the NW corner of this tract;

THENCE S. 751 vrs. to point;

THENCE S. 28°33' W. 720 vrs. to point in the South line of Survey 229 for the SW corner of this Tract;

THENCE E. 3553 vrs. to place of beginning;

SAVE AND EXCEPT the E/200 acres of S.F. SURVEY No. 229 described in Parcel One above.

Reservations from and Exceptions to Conveyance and Warranty: subject to restrictions, easements, reservations of record and taxes for the current year and thereafter.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warranty and forever defend all and singular the property to Grantee and Grantee's heirs, administrators, and successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

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

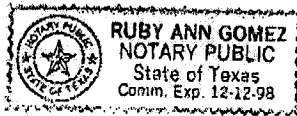
EXECUTED on the date first above written.

D. H. Brewster
D.H. BREWSTER d/b/a BREWSTER BROTHERS

Ted Brewster
TED BREWSTER d/b/a BREWSTER BROTHERS

STATE OF TEXAS)
COUNTY OF CULBERSON)

This instrument was acknowledged before me on the 5th day of May, 1998, by D.H. BREWSTER and TED BREWSTER d/b/a BREWSTER BROTHERS.



Ruby Ann Gomez
Notary Public, State of Texas

FILED for record on the 20th day of August A.D. 1998 at 2:00 o'clock

P M. RECORDED on the 3rd day of September A.D. 1998 at 2:10 o'clock

P M. BY Linda McDonald Deputy

LINDA McDONALD, COUNTY CLERK
CULBERSON COUNTY, TEXAS.

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 RECORDS IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

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

That, **AUTUMN SEED, INC.**, an Oregon corporation, hereinafter called "Grantor", for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee named herein, and for which no lien express or implied is reserved or created, have **GRANTED, SOLD and CONVEYED**, and by these presents do **GRANT, SELL and CONVEY** unto **BROOKSHIER PECAN FARM JOINT VENTURE**, herein called "Grantee", whose address is: P. O. Box 217, Van Horn, Texas 79855, all of the following described real property together with all affixed improvements located thereon, and including all of Grantor's rights, titles, equities, ownership and interests in and to any underground water resources or underground water reserves situated on, in, or under the following described real property situated in Culberson County, Texas, (herein called "the Property") to wit:

A 509.81 grid (509.99 ground surface) acre tract of land out of Section 2, Block 2, Texas Mexican RR Company Survey; Sections 37 and 38, Block 5, H&TC RR Company Survey; Section 16, Block 1, GC&SF RR Company Survey; Section 13, Block GB, M.A. Wiley Survey; Section 12, Block GB, J.E. Dooley Survey; Section 14, Block GB, Sussanah Rice Survey and Section 15, Block GB, Armina Greer Survey, in Culberson County, Texas, said 509.81 grid acre tract, more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch rod with cap marked "Trujillo RPLS 5358", recovered on the southwest right-of-way line of US Highway 90, being the northeast corner of a 150.00 acre tract, described by tracts A, B, C, D, E and F, in Volume 157, Page 831, of the Culberson County Texas, open public records and the southeast corner of a 127.74 acre tract subdivision, recorded in Volume 8 of the Culberson County, Texas plat records, and on the common line of Section 2, Block 2, Texas Mexican Rail Road Company Survey and Section 228, J.A. Epsy Survey SF 7194, and on the south line of the T&P 80 Mile Reserve, whence a 2 inch iron pipe with a 2 inch collar, in rock mound, identified as Paul McCombs monument, bears N 87° 36' 44" W 6464.93 feet and a 1-1/2 inch iron pipe recovered at the northwest corner of Section 37, Block 5, H&TC Rail Road Company Survey bears S 87° 36' 44" E 1044.23 feet and N 1° 41' 33" E 2352.70 feet, for the northeast corner of this tract;

Thence S 21° 56' 00" E along said southwest highway right-of-way line, at 4400.42 feet, pass the southeast corner of said 150.00 acre tract, and the northeast corner of a 776.30 acre tract, described in Volume 148, Page 48, of said open public records, in all 5991.64 feet to a 1/2 inch rod with cap marked "Trujillo RPLS 5358", set for the southeast corner of this tract;

Thence N 87° 36' 44" W along the south line of this tract, at 1357.17 feet pass the west line of said Block 5, at 2856.66 feet pass the common line of Section 16, Block 1, GC&SF Rail Road Company Survey and Section 14, Block GB, Sussanah Rice Survey, from whence the northeast corner of said Section 14 bears N 1° 41' 33" E 764.10 feet, at 3312.08 feet, pass the common line of said Section 14 and Section 15, Block GB, Armina Greer Survey, in all 5368.04 feet to a 1/2 inch rod with cap marked "Trujillo RPLS 5358", for the southwest corner of this tract;

Thence N 2° 20' 55" E along a fence line and the common line of a 320.00 acre tract of land described as Tract No. 1 of Tract B, by deed recorded in Volume 169, Page 305, of said open public records and a 243.40 acre tract of land described as Tract 2, by deed recorded in Volume 148, Page 48, of said open public records, at 764.10 feet,

WARRANTY DEED #11-067
Autumn Seed Inc./Brookshier Pecan Farm J.V.

271

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Filed & Recorded in
Official Public Records of
County and District Clerk
Linda McDonald
Fees 38.00

State of Texas
County of Culberson

I hereby certify this instrument was FILED on
the date and at the time stamped hereon by me
and was duly RECORDED in the VOL 192 and
Page 455 of the Book Records of
Culberson County, Texas on:

July 10, 2013.

M. C. Ward

By Deputy