

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

Vol. 192, p. 293

HISTORIC USE PRODUCTION PERMIT

THIS CERTIFIES THAT: **Michael Brewster**
 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 4,500.0 acre-feet per calendar year, subject to any proportional adjustment pursuant to Chapter 5, Subchapter B, of the District Rules. The amount of 4,500.0 acre-feet per calendar year is based on the determination by the District that the applicant owns 900.00 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Groundwater may be withdrawn from the Aquifer only from a well(s) located at each of the location(s) and with a maximum rate of withdrawal(s) (flow rate) as listed in Exhibit A, attached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.

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

7 Measurement of Amount of Groundwater Withdrawn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9 Measurement of Amount of Groundwater Withdrawn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.

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

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.

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

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

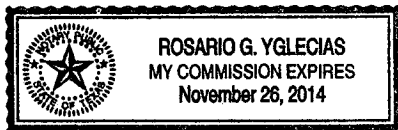
ATTEST:

W.C. [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>
5110613	30.805833, -104.784167	1000
5110338	30.846944, -104.788056	800
5110325	30.846667, -104.780556	800
5110328	30.846944, -104.774722	700
5110323	30.846944, -104.770556	1500
5110324	30.836111, -104.780278	1800
5110607	30.810278, -104.768611	1000
5110612	30.805833, -104.786944	1000

TO

MICHAEL BREWSTER

EXHIBIT B
A013

38503

WARRANTY DEED WITH VENDOR'S LIEN

Date: April 6th, 1995

Grantor: BILLYE LOU ROBBINS, Individually and Co-Executrix of the Estate of W.A. Farmer, whose address is 3724 Rose Circle, Snyder, TX 79549 and VICKI SUE TOWERY, Individually and Co-Executrix of the Estate of W.A. Farmer, whose address is 2324 Bainbridge, Odessa, TX 79762

Grantee: MICHAEL BREWSTER

Grantee's Mailing Address (including county):

P.O. Box 778, Van Horn, Texas 79855

Consideration: [REDACTED] and other good and valuable consideration and a note of even date that is in the principal amount of [REDACTED] and is executed by Grantee, payable to the order of HUGHES BUTTERWORTH and JOHN BUTTERWORTH, Trustees. The note is secured by a Vendor's lien retained in favor of HUGHES BUTTERWORTH and JOHN BUTTERWORTH, Trustees in this Deed and by a Deed of Trust of even date from Grantee to GEORGE W. BUTTERWORTH, P.C., Trustee.

Property (including any improvements):

Property being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

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 warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, 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 warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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

EXECUTED on the date first above written.

Billye Lou Robbins

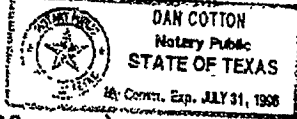
BILLYE LOU ROBBINS, Individually and Co-Executrix of the Estate of W.A. Farmer

Vicki Sue Towery

VICKI SUE TOWERY, Individually and Co-Executrix of the Estate of W.A. Farmer

STATE OF TEXAS)
COUNTY OF EL PASO)

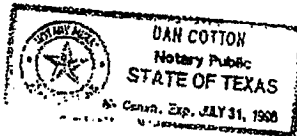
This instrument was acknowledged before me on the 12th day of April, 1995, by BILLYE LOU ROBBINS, Individually and Co-Executrix of the Estate of W.A. Farmer.



Dan Cotton
Notary Public, State of Texas

STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 12th day of April, 1995, by VICKI SUE TOWERY, Individually and Co-Executrix of the Estate of W.A. Farmer.



Dan Cotton
Notary Public, State of Texas

EXHIBIT A

TRACT 1:

That certain 200 acres of land out of Surveys No. 16, M. O. Medlin, No. 15, Arminda Greer, and Survey No. 4, Block 1, G. C. & S. F. Ry. Co., located directly South of and adjoining Tract No. One, of Chispa Peak Farms, in Culberson County, Texas, and described by metes and bounds thus:

BEGINNING at an iron pin in south line Survey 6, Block 1, G. C. & S. F. 261.8 varas N: 89 deg. 51' E from the S.W. corner said survey, and 270.2 varas S. 89 deg. 51' W. from the N.E. corner of this tract Survey 16, M. O. Medlin, for the N.W. and beginning corner of this tract;

THENCE South 1250.6 varas to the S. W. corner this from which an iron pipe bears South 20.9 varas;

THENCE N. 89 deg. 51' E. parallel to the South line said Survey 6, 1118.4 varas to the S.E. corner this tract on bank of creek, from which an iron pipe bears S. 14 deg. 13' W. 21.8 varas;

THENCE with the west bank of creek and its meanders as follows:

N. 14 deg. 13' E. 202.2 varas, junction of main creek;
S. 71 deg. 59' W. 65.3 varas, a stake and flag,
N. 48 deg. 08' W. 40.9 varas,
S. 86 deg. 41' W. 60.4 varas, a stake and flag,
N. 21 deg. 16' W. 106.1 varas,
N. 49 deg. 36' W. 64.4 varas,
North 30.1 varas, a stake and flag,
S. 88 deg. 30' W. 218 varas, a stake and flag,
N. 3 deg. 12' W. 43 varas,
N. 52 deg. 05' E. 103.8 varas,
N. 66 deg. 06' W. 58.7 varas, a stake and flag,
N. 21 deg. 14' E. 130 varas,
N. 17 deg. 19' W. 75.6 varas, a stake and flag,
N. 52 deg. 30' E. 125 varas,
N. 79 deg. 40' E. 166 varas, a stake and flag,
N. 8 deg. 46' E. 128 varas,
N. 39 deg. 59' W. 55.7 varas, a stake and flag at fence,
N. 13 deg. 16' W. 61 varas,

TRACT 1 continued

S. 80 deg. 20' W. 28.6 varas,
N. 25 deg. 17' W. 59.7 varas,
N. 54 deg. 50' E. 25.7 varas,
N. 76 deg. 04' W. 77.2 varas,
N. 20 deg. 56' W. 37.8 varas,
N. 51 deg. 30' E. 48 varas,
N. 15 deg. 02' W. 77.8 varas to an iron pipe set under fence in south line Survey 6, Block 1, G. C. & S. F. Ry. Co., and North line Survey 4, same block, 96.0 varas S. 89 deg. 51' W. from S.E. corner said Survey 6, for the N.E. corner this tract;

THENCE S. 89 deg. 51' W. at 103 varas the S.E. corner of Tract No. One, Chispa Peak Farms; at 461 varas pass a 2" iron pipe under fence the N.W. corner Survey 4, Block 1, G. C. & S. F. Ry. Co. and a corner Survey 15, A. Greer, on 990.8 varas in all to the place of beginning.

The above described 200 acres of land consists of 59.85 acres out of Survey 16, M. O. Medlin, 56.62 acres out of Survey 15, Arminda Greer, and 83.53 acres out of Survey 4, Block 1, G. C. & S. F. Ry. Co., and are the identical lands conveyed to L. W. Stratton by Van Horn Irrigated Farms, Inc., by deed recorded in Volume 55, at page 15, of the Deed Records of Culberson County, Texas.

TRACT 2:

In Culberson County, Texas, to-wit:
That certain 322.93 acres of land out of Survey No. 4,
Block No. 1, GC & SF Ry. Co. Surveys described by metes
and bounds thus:

Beginning at the NE corner of this tract in the North
line of Survey No. 4, Block No. 1, GC & SF Ry. Co. Surveys
and in the West line of a tract of land conveyed by
Ray W. Willoughby, et ux, to D. C. Mead, Trustee by deed
dated June 21, 1949, and recorded in Vol. 54, Pages 132-
135 of the Deed Records of Culberson County, Texas, from
which the NE corner of said Survey No. 4 bears N 89 deg.,
51' E 141.8 vrs.

Thence South 1493.2 vrs, with the West line of said tract
conveyed to D. C. Mead, Trustee, to the SW corner of same,
for the SE corner of this tract.

Thence S 89 deg. 51' W 1048 vrs, to the SW corner of this
tract, on West bank of creek, and in East boundary meander
line of a tract of land conveyed by Van Horn Irrigated
Farms, Inc. to T. F. Griffin.

Thence along West bank of creek with its meanders;- N 5 deg
30' W 245 vrs, the NE corner of T. F. Griffin tract and the
SE corner of a tract of land conveyed by Van Horn Irrigated
Farms, Inc. to L. W. Stratton, - N 14 deg. 13' E 202.2 vrs.-
S 71 deg. 59' W 65.3 vrs, - N 40 deg. 8' W 40.9 vrs, - S 86
deg. 41' W 60.4 vrs. N 21 deg. 16' W 106.1 vrs.-N 49 deg.
36' W 64.4 vrs. North 30.1 vrs, S 88 deg. 30' W 218 vrs, N
3 deg. 12' W 43 vrs. N 32 deg. 05' E 103.8 vrs. N 66 deg.
06' W 58.7 vrs, N 21 deg 14' E 130 vrs, N 17 deg. 19' W
75.6 vrs, N 52 deg. 30' E 125 vrs, N 79 deg 40' E 166 vrs,
N 8 deg 46' E 128 vrs, N 39 deg 59' W 55.7 vrs, N 13 deg.
16' W 61 vrs, S 80 deg. 20' W 28.6 vrs, N 25 deg 17' W 59.7
N 54 deg 50' E 25.7 vrs, N 76 deg. 04' W 77.2 vrs, N 20 deg
56' W 37.8 vrs, N 51 deg. 30' E 48 vrs, and N 15 deg. 02'
W 77.8 vrs to the NW corner of this tract, and the NE corner
of the L. W. Stratton tract, in the North line of said Surv.
No. 4.

Thence N 89 deg. 51' E 1297.2rvrs with the North line
of said Survey No. 4, to the place of beginning.

Filed for record on the 27th day of April A.D. 1995 at 10:00 o'clock
A.M. Recorded on the 4th day of May A.D. 1995 at 9:30 o'clock
A.M. By Linda McDonald Deputy. LINDA McDONALD, COUNTY CLERK
CULBERSON COUNTY, TEXAS.

FELIPE M. GARCIA, SUBST. TRUSTEE

X

TO

X

MICHAEL T. BREWSTER

X

36575

DEED BY SUBSTITUTE TRUSTEE

STATE OF TEXAS)

COUNTY OF CULBERSON)

WHEREAS on September 22, 1977, I. W. Smallwood, Jr., a single man, (herein called "Grantor") executed a certain deed of trust conveying to the State Director of the Farmers Home Administration for the State of Texas, and his successors in office as State Director or Acting State Director, Trustee, certain property hereinafter described for the purpose of securing and enforcing the payment to the United States of America of a certain note and other indebtedness as more fully described and provided for in said deed of trust which is recorded in Volume 34, Page 401, Deed of Trust Records, Culberson County, Texas, reference to which deed of trust and the record thereof is hereby made for all purposes; and

WHEREAS the said Trustee named in said deed of trust was unable to act as Trustee in said capacity; and

WHEREAS the United States of America, Beneficiary in said deed of trust, pursuant to and in accordance with the powers embodied in said deed of trust, did duly appoint the undersigned to serve as Substitute Trustee, and I, the duly named Substitute Trustee, at the request of the United States of America, the holder of said deed of trust, there having been default in the payment of the sum of \$282,111.46 principal due on said note together with interest thereon in the sum of [REDACTED] as of May 8, 1992, after the posting of written notice thereof for

twenty-one days prior to the date of sale at the Courthouse door in Culberson County, Texas, in which said real estate is situated, after serving written notice of the proposed sale by certified mail on each debtor obligated to pay such debt and on any persons shown of record to have an interest inferior to the interest of the United States of America in the property secured by said deed of trust, which notice stated the sale would be held at 10:00 a.m., or within three hours thereafter, on June 2, 1992, at the sidewalk within a 40 foot radius of west door courthouse, facing La Caverna in said county, and after filing said notice of sale for record with the County Clerk of said county, did offer for sale at 10:28 a.m. at public auction on the first Tuesday in June 1992, the same being the 2nd day of said month, at the sidewalk within a 40 foot radius of west door courthouse, facing La Caverna in said County, that certain property, together with improvements thereon, with the rights, privileges and appurtenances thereto belonging, situated in said County, more particularly described as follows:

TRACT ONE:

Being 161.2 acres of land out of Section 227, Jas. A. Espy, S.F. 7194, described by metes and bounds as follows:

BEGINNING 629.9 varas E of the SW corner of Survey No. 227, S.F., at an iron pipe for the SW corner of this tract;
THENCE N 950 varas to an iron pipe for the NW corner of this tract;
THENCE E with the S.B. line of roadway 743.9 varas to an iron pipe in the W.B. line of Highway #90 for the NE corner of this tract;
THENCE S 24° and 21' E with said highway line, 1042.7 varas to an iron pipe for the SE corner of this tract;
THENCE W with the N.B. line of Survey No. 228, S.F. 1173.9 varas to the PLACE OF BEGINNING.

TRACT TWO:

Being 160 acres of land out of Sections 227, 229 and 230, Jas. A. Espy, S.F. 7194, S.F. 7196 and S.F. 7197, respectively, described by metes and bounds as follows:

BEGINNING 320 varas W of the SW corner of Survey #227, S.F. 7194, at an iron pipe for the SW corner of this tract;
THENCE N 950 varas to an iron pipe for the NW corner of this tract;
THENCE E with the S.B. line of roadway 950 varas to an iron pipe for the NE corner of this tract;
THENCE S 950 varas to an iron pipe on the N.B. line of Survey #228, S.F. for the SE corner of this tract;
THENCE W 950 varas to the PLACE OF BEGINNING.

TRACT THREE:

Being 149.3 acres of land out of Sections 229, 230, Jas. A. Espy, S.F. 7196 and S.F. 7197, respectively, described by metes and bounds as follows:

BEGINNING 1308.2 varas W of the SW corner of Survey #227, S.F. 7194, at an iron pipe for the SW corner of this tract;
THENCE N 12° E 971.2 varas to an iron pipe for the NW corner of this tract;
THENCE E 786.4 varas to an iron pipe for the NE corner of this tract;
THENCE S 950 varas to an iron pipe for the SE corner of this tract;
THENCE W 988.1 varas to the PLACE OF BEGINNING.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Right-of-Way Deed from Sally Duncan et al. to the State of Texas, recorded in Volume 59, Page 331, Deed Records, Culberson County, Texas. (TRACTS ONE, TWO and THREE)
2. Reservation of all oil, gas and other minerals by the State of Texas as set forth in Patent No. 109, recorded in Volume 2, Page 425, Patent Records, Culberson County, Texas. (TRACTS ONE and TWO)
3. Reservation of all oil, gas and other minerals by the State of Texas as set forth in Patent No. 111, recorded in Volume 2, Page 426, Patent Records, Culberson County, Texas. (TRACTS TWO and THREE)
4. Reservation of all oil, gas and other minerals by the State of Texas as set forth in Patent No. 112,

recorded in Volume 2, Page 427, Patent Records,
Culberson County, Texas. (TRACTS TWO and THREE)

WHEREUPON, the said tract of land was struck off to Michael
T. Brewster, Post Office Box 778, Van Horn, Texas 79855, for the
sum of \$24,600.00, being the highest bid therefor.

NOW, THEREFORE, for and in consideration of the premises and
of the sum of \$24,600.00, (which amount is to be applied as a
credit on the note and other indebtedness hereinabove referred to
owing to the United States of America), the receipt of which is
hereby acknowledged, I, the said Substitute Trustee, by virtue of
the authority conferred upon me in writing by the said
Beneficiary in said deed of trust as more fully shown by
instrument dated May 5, 1992, recorded in Volume 137, Page 411,
Deed Records, Culberson County, Texas, have BARGAINED, SOLD AND
CONVEYED and by these presents do BARGAIN, SELL AND CONVEY unto
Michael T. Brewster, his heirs and assigns, forever, the
above-described land and improvements thereon, together with all
and singular the rights, privileges and appurtenances to the same
in any manner belonging.

TO HAVE AND TO HOLD said property unto the said Michael T.
Brewster, his heirs and assigns, forever, in fee simple, and I,
the said Substitute Trustee, as aforesaid, by virtue of the
authority vested in me in said deed of trust, do hereby bind and
obligate the said Grantor, his heirs and assigns, to forever
warrant and defend the right and title of said property to
Michael T. Brewster, his heirs and assigns, against every person

whomsoever lawfully claiming or to claim the same or any part thereof.

Dated this 2nd day of June 1992.

F. M. Garcia
Felipe M. Garcia
Substitute Trustee

STATE OF TEXAS)
COUNTY OF CULBERSON)

This instrument was acknowledged before me on
July 13, 1992, by Felipe M. Garcia, as Substitute



Anita N. Castañeda
Notary Public, State of Texas

My Commission Expires:
September 28, 1996



5000
JUL 14 1992
12

Doc# 0000069057
#Pages 14 #NFPages 0
6/18/2013 4:20:28 PM
Filed & Recorded in
Official Public Records of
County and District Clerk
Linda McDonald
Fees 62.00

State of Texas
County of Culberson

I hereby certify this instrument was FILED on
the date and at the time stamped herein by me
and was duly RECORDED in the VOL 192 and
Page 293 of the Book Records of
Culberson County, Texas on:

July 10, 2013

Linda C. Wilson

By Deputy