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

TRANSFERRED
HISTORIC USE PRODUCTION PERMIT

Whereas, pursuant to CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT RULE, Donald Kubecka applied in writing to the Culberson County Groundwater Conservation District ("District") on February 1, 2021, to amend HUPP013B to TRANSFER THE PERMIT, in name only, to Donald and Shirley Ann Kubecka;

Whereas, the application to amend HUPP013B does not request any increase in the amount of groundwater authorized to be withdrawn in a year nor any other change other than identified herein; which is deemed to be administrative (or 'name change') only;

Now, therefore, the undersigned General Manger of the District hereby confirms and certifies that:

Donald and Shirley Ann Kubecka
1870 U.S. Highway 180
Seminole, TX 79380

(collectively, "Permittee"), has applied for an amendment of Historic Use Production Permit No. 013C to withdraw and place to beneficial use groundwater from within the District, and that the Board of Directors of the District under District Rule 5.210 , having approved the requested amendment, hereby revokes HUPP013B and approves HUPP013C 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 2,250 acre-feet per calendar year, subject to any proportional adjustment pursuant to Chapter 5, Subchapter B, of the District Rules. The amount of 2,250 acre-feet per calendar year is based on the determination by the District that the applicant owns 450.0 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.

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

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Groundwater may be withdrawn from the Aquifer only from a well(s) located at each of the location(s) and with a maximum rate of withdrawal(s) (flow rate) as listed in Exhibit A, attached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

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 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.

10 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.

11 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.

12 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.

13 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.

14 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

15 Groundwater Management Plan

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

16 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.

17 Transfers

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

18 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.

19 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.

20 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.

21 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.

22 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

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:

Name	Location (latitude/longitude)	Maximum Flow Rate (gpm)
5110613	30.805833, -104.784167	1000
5110607	30.810278, -104.768611	1000
5110612	30.805833, -104.786944	1000

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

23 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.

24 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.

25 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 _____, by the Board of Directors of the Culberson County Groundwater Conservation District.

_____
President, Board of Directors

ATTEST:

_____
Secretary, Board of Directors

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF CULBERSON)

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

_____
Notary Public in and for the State of Texas

Special Warranty 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: November 24, 2020

Grantor: Capital Farm Credit, PCA

Grantor's Mailing Address:

3000 Briarcrest Drive, Suite 601, Bryan, Brazos County, Texas 77802

Grantee: Donald Kubecka and wife, Shirley Ann Kubecka

Grantee's Mailing Address:

1870 U.S. Highway 180, Seminole, Gaines County, Texas 79380

Consideration:

Ten and No/100 Dollars ($10.00) and other good and valuable consideration. The receipt and sufficiency of which are hereby acknowledged.

Property (including improvements, if any):

See Exhibit A, attached and incorporated by this reference.

Exceptions to Conveyance and Warranty:

The restrictions, terms, conditions, stipulations, provisions, covenants, obligations, mineral deeds, reservations, grants, exceptions, coal, lignite, oil, gas, and mineral leases, agricultural and groundwater leases and agreements, licenses, rights of way, easements, dedications, affidavits, assessments, discrepancies, conflicts or shortages in area or boundary lines, encroachments or protrusions, overlapping of improvements, any matter related to rights, including access rights, rules, laws, regulations or ordinances of or by any government authorities, extra territorial jurisdiction, subdivision, water district or improvement district, claims regarding tribal lands; and other matters of record, and all of those visible or apparent upon the ground; taxes for the current year, which Grantee assumes and agrees to pay; and the assessment of additional taxes, penalties or interest which result from the execution and delivery of this deed or Grantee's use of the Property after the delivery of this deed, which assessments Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property, except as to the Exceptions to Conveyance and Warranty, to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

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

EXECUTED this the 24 day of November, 2020 to become effective as of the date first written above.

GRANTOR:

Capital Farm Credit, PCA

BY: _____
Curry Dawson, Director - Special Assets

AGREED TO AND ACCEPTED BY GRANTEE:

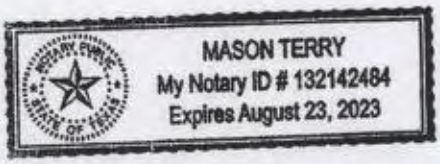
_____
Donald Kubecka

_____
Shirley Ann Kubecka

STATE OF TEXAS §

COUNTY OF Brazos §

This instrument was acknowledged before me on the 24 day of November, 2020 by Curry Dawson, Director - Special Assets of Capital Farm Credit, PCA, on behalf of said entity.

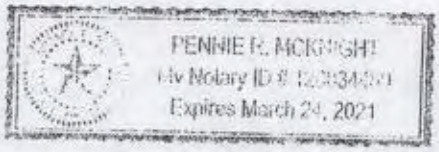


Mason Terry
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF Pecos §

This instrument was acknowledged before me on the 30 day of November, 2020 by Donald Kubecka and Shirley Ann Kubecka.



Pennie R. McKnight
Notary Public, State of Texas

EXHIBIT A

TRACT 1:

That certain 200 acres of land out of Surveys No. 16, H. C. 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, H. C. 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. 40 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. 85' 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. 84' 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. C. 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. Giffin tract and the SE corner of a tract of land conveyed by Van Horn Irrigated Farms, Inc. to L. W. Stratton,- N 14 deg. 15' 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 52 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 0 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 1297.8rvrs with the North line of said Survey No. 4, to the place of beginning.

00000009792

FILED FOR RECORD
AT 11:24 O'CLOCK A. M.

ON THE 3rd DAY OF December

A.D., 20 20.

Linda McDonald
COUNTY AND DISTRICT CLERK
CULBERSON COUNTY, TEXAS

BY Holly Davis DEPUTY

STATE OF TEXAS
COUNTY OF CULBERSON
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 10 and Page 820-825 of the OPR Records of Culberson County, Texas.

COUNTY AND DISTRICT CLERK CULBERSON COUNTY, TEXAS