

EXHIBIT 5
AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER
& PROPERTY DEED

AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER

(Entity Form)

BEFORE ME, the undersigned authority, on this day personally appeared Kyle Eppler, who being duly sworn on his oath, says and deposes as follows:

"My name is Kyle Eppler. I am the General Manager of Wickson Creek SUD (name of entity) (hereinafter referred to as the "Applicant"). I have been authorized by Wickson Creek SUD (name of entity) to give this affidavit. I am of sound mind, over eighteen (18) years of age, and have never been convicted of a felony or of a crime involving moral turpitude. My address is P.O. Box 4756, Bryan Texas, 77805. I have personal knowledge of the facts stated herein, and they are true and correct.

1. I am submitting to the Brazos Valley Groundwater Conservation District ("District") an application for a drilling and/or operating permit on behalf of the Applicant for a water well located at 7852 FM 974, Bryan Texas, 77808.
2. Applicant has the legal authority to produce the groundwater associated with the land surface and the permit application for the well listed in #1 above, as required by District Rule 7.1(c).
3. Exhibit A, attached hereto, is the map that identifies the water rights to be legally controlled by the Applicant under District Rule 7.1(c) for the well listed in #1 above.
4. I have provided to the District documents that prove Applicant's right to own, control, or produce the groundwater rights associated with the permit application for the well listed in #1 above, as required by District Rule 7.1(c).
5. I have provided to the District documents, if any, that fully evidence all transfer(s) of Applicant's right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface and the permit application, as required by Rule 7.1(c). And I understand that I am required to provide such transfer documents as they occur in the future.
6. I understand that a permit may be amended or revoked if the groundwater rights or right to produce, related to a permit under Rule 7.1(c), are legally transferred to another person/entity.

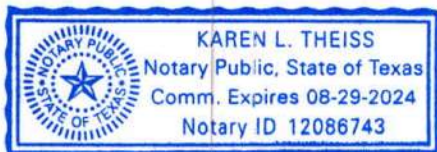
FURTHER AFFIANT SAYETH NOT."

Signed *Kyle Eppler*
Authorized representative of Applicant
Kyle Eppler, General Manager

SWORN AND SUBSCRIBED to before me on this the 13 day of April, 2023.

(Notary Seal)

Karen L. Theiss
Notary Public in and for the State of Texas
My Commission Expires: 8/29/24



**** Electronically Filed Document ****

**Brazos County, TX
Karen McQueen
County Clerk**

Document Number: 2015-1248477
Recorded As : ERX-RECORDINGS

Recorded On: November 11, 2015
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Parties:

Direct-
Indirect-

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***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

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.

GENERAL WARRANTY DEED

Date: November 10, 2015

Grantor: TABOR ROAD, LLC, a Texas limited liability company
9847 FM 1179
Bryan, Brazos County, Texas 77808-9771

Grantee: Wickson Creek Special Utility District, a Texas special utility district
P. O. Box 4756
Bryan, TX 77805-4756

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, for which no lien, express or implied, is retained herein.

Property (including any improvements):

191.27 acre tract or parcel of land, more or less, lying and being situated in the F. QUOTA LEAGUE, ABSTRACT NO. 199, in Brazos County, Texas, and being the remainder of a called 194.4 acre tract of land as described in Deed recorded in Volume 8814, page 45, Official Records of Brazos County, Texas; said 191.27 acre tract being described by metes and bounds on EXHIBIT "A" attached hereto and made a part hereof; together with all rights, privileges, and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements, and cooperative or association memberships.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

1. Easement from Mrs. W. M. Hudspeth to City of Bryan, filed November 3, 1938, recorded in Volume 98, page 119, Deed Records of Brazos County, Texas.
2. Right-of-Way Easement from George H. Leighman to The State of Texas dated May 11, 1962, recorded in Volume 220, page 183, Deed Records of Brazos County, Texas.
3. Right-of-Way Easement from George H. Leighman to Wixon Water Supply Corporation dated August 6, 1971, recorded in Volume 309, page 787, Deed Records of Brazos County, Texas.

4. Easement from George H. Leighman to Wixon Water Supply Corporation, dated August 6, 1971, recorded in Volume 332, page 356, Deed Records of Brazos County, Texas.
5. Reservation under the terms of conveyance of "Surface Only" in deed from The Estate of Audye Fay Leighman, deceased to Robert William Bruce et al dated December 28, 2007, recorded in Volume 8388, page 274, Official Records of Brazos County, Texas.
6. Mineral Deed from The Estate of Audye Fay Leighman, deceased to Mavis M. Outlaw et al, dated December 28, 2007, recorded in Volume 2388, page 281, Official Records of Brazos County, Texas.
7. Mineral reservation in Deed from Robert William Bruce et al, to W.T. McDonald, Jr., et al, dated May 28, 2008, recorded in Volume 8629, page 66, Official Records of Brazos County, Texas.
8. Mineral Deed from The Estate of William Neff Chambers, deceased to Billie Sue Chambers, dated October 7, 2014, recorded in Volume 12307, page 118, Official Records of Brazos County, Texas.
9. Estate created by Oil and Gas Lease(s) from Mavis M. Outlaw et al, to The 7711 Corporation, recorded in Volume 6633, page 184, Volume 6818, pages 283, 286 and 289 and Volume 6931, page 177, Official Records of Brazos County, Texas.


The exceptions listed above are solely for the purpose of qualifying the estate conveyed herein and Grantor's warranty of title, and no reference or recital herein shall create, enlarge, extend, ratify, confirm, or be the basis for any right, title, estate, claim, or demand in favor of any party other than the Grantor and Grantee, their respective successors and assigns.

Grantor, for the Consideration and subject to the Reservations from Conveyance and 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 successors to **WARRANT AND FOREVER DEFEND** all and singular the Property to Grantee and Grantee's 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.

If this conveyance or Grantee's use of the Property hereafter results in the assessment of additional ad valorem taxes, penalties or interest (Assessments) for periods prior to closing, Grantee expressly assumes payment thereof.

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

TABOR ROAD, LLC

BY: 
W. T. McDonald, Jr.
Managing Member

PREPARED IN THE OFFICE OF:

FULTZ & FULTZ PLLC
P. O. Box 868
1400 E. Washington Ave.
Navasota, TX 77868
Tel: (936) 825-7833
Fax: (936) 825-2354

AFTER RECORDING RETURN TO:

Navasota Abstract & Title Company

**METES AND BOUNDS DESCRIPTION
OF A
191.27 ACRE TRACT
F. QUOTA LEAGUE, A-199
BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE F. QUOTA LEAGUE, ABSTRACT NO. 199, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE REMAINDER OF A CALLED 194.4 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO TABOR ROAD, L.L.C. RECORDED IN VOLUME 8814, PAGE 45 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD SET MARKING THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE WEST CORNER OF A CALLED 205 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ARNOLD STEVENER AND JEWEL STEVENER RECORDED IN VOLUME 216, PAGE 209 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF FM 974 (100' R.O.W.) BEARS: N 45° 01' 56" W FOR A DISTANCE OF 29.26 FEET;

THENCE: S 45° 01' 56" E ALONG THE SOUTHWEST LINE OF SAID 205 ACRE TRACT FOR A DISTANCE OF 2318.06 FEET (DEED CALL: S 45° 26' 00" E - 2318.06 FEET, 8814/43) TO A 20 INCH HACKBERRY TREE FENCE CORNER FOUND MARKING THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT AND THE NORTH CORNER OF A CALLED 99.3 ACRE TRACT OF LAND AS DESCRIBED AS FIRST TRACT BY A DEED TO MERVIN DANSBY PETERS RECORDED IN VOLUME 216, PAGE 315 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 43° 15' 35" W FOR A DISTANCE OF 3537.41 FEET (DEED CALL: S 44° 54' 00" W - 3541.67 FEET, 8814/45) TO A 1/2 INCH IRON ROD SET MARKING THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE WEST CORNER OF A CALLED 99.3 ACRE TRACT OF LAND AS DESCRIBED AS SECOND TRACT BY SAID DEED, 216/315. FOR REFERENCE, A 12 INCH FENCE POST FOUND ON THE NORTHEAST LINE OF FM 2776 (100' R.O.W.) BEARS: S 45° 15' 35" W FOR A DISTANCE OF 25.94 FEET;

THENCE: N 44° 46' 32" W ALONG THE SOUTHWEST LINE OF SAID 194.4 ACRE TRACT (DEED CALL BEARING: N 45° 00' 00" W, 8814/43) FOR A DISTANCE OF 194.29 FEET TO A 1/2 INCH IRON ROD SET MARKING THE SOUTH CORNER OF A CALLED 0.33 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE STATE OF TEXAS RECORDED IN VOLUME 226, PAGE 272 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 44° 31' 02" W ALONG THE NORTHEAST LINE OF SAID 0.33 ACRE TRACT, AT 186.81 FEET PASS A CONCRETE RIGHT-OF-WAY MARKER FOUND ON THE NORTHEAST LINE OF FM 2776, CONTINUE ON ALONG THE NORTHEAST LINE OF FM 2776 FOR A TOTAL DISTANCE OF 2274.00 FEET (DEED CALL: N 44° 32' 00" W - 2274.00 FEET, 226/272) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

THENCE: N 02° 35' 10" E CONTINUING ALONG THE NORTHEAST LINE OF SAID 0.33 ACRE TRACT AND THE NORTHEAST LINE OF FM 2776 FOR A DISTANCE OF 67.57 FEET (DEED CALL: N 02° 35' 10" W - 66.70 FEET, 226/272) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND ON THE SOUTHEAST LINE OF FM 974. SAID MARKER FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 5730.72 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01° 16' 35" FOR AN ARC DISTANCE OF 127.67 FEET (CHORD BEARS: N 30° 08' 02" E - 127.67 FEET) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND MARKING THE END POINT OF SAID CURVE;

THENCE: N 50° 39' 00" E CONTINUING ALONG THE SOUTHEAST LINE OF FM 974 FOR A DISTANCE OF 1097.73 FEET (CALLED BEARING: N 50° 39' 00" E, PER R.O.W. PLANS) (THIS LINE USED FOR BEARING ORIENTATION HONORING THE CALLED BEARING AS SHOWN ON THE R.O.W. PLANS FOR FM 974) TO A 1/2 INCH IRON ROD SET ON THE CALLED NORTHWEST LINE OF SAID 194.4 ACRE TRACT (SAID ORIGINAL LINE CALLED TO FOLLOW THE FENCE LINE OF THE OLD COUNTY ROAD);

THENCE: S 81° 32' 36" E LEAVING THE R.O.W. LINE OF FM 974 AND ALONG THE CALLED NORTHWEST LINE OF SAID 194.4 ACRE TRACT FOR A DISTANCE OF 95.77 FEET (DEED CALLED BEARING: S 81° 37' 00" E, 8814/45) TO A 1/2 INCH IRON ROD SET;

THENCE: N 45° 24' 04" E CONTINUING ALONG THE CALLED NORTHWEST LINE OF SAID 194.4 ACRE TRACT FOR A DISTANCE OF 775.56 FEET (DEED CALLED BEARING: N 45° 00' 00" E, 8814/45) TO A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF FM 974;

THENCE: N 50° 39' 00" E CONTINUING ALONG THE SOUTHEAST LINE OF FM 974 FOR A DISTANCE OF 366.38 FEET (CALLED BEARING: N 50° 39' 00" E, PER R.O.W. PLANS) TO A CONCRETE RIGHT-OF-WAY MARKER FOUND MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 2865.10 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 24' 00" FOR AN ARC DISTANCE OF 620.07 FEET (CHORD BEARS: N 44° 35' 14" E - 618.86 FEET) TO A 1/2 INCH IRON ROD SET MARKING THE END POINT OF SAID CURVE;

THENCE: N 38° 15' 00" E (CALLED AND MEASURED BEARING PER R.O.W. PLANS) FOR A DISTANCE OF 198.63 FEET TO A 1/2 INCH IRON ROD SET ON THE CALLED NORTHWEST LINE OF SAID 194.4 ACRE TRACT;

THENCE: N 45° 24' 04" E LEAVING THE R.O.W. LINE OF FM 974 AND ALONG THE CALLED NORTHWEST LINE OF SAID 194.4 ACRE TRACT FOR A DISTANCE OF 233.44 FEET (DEED CALLED BEARING: N 45° 00' 00" E, 8814/45) TO THE POINT OF BEGINNING CONTAINING 191.27 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND FEBRUARY, 2013. SEE PLAT PREPARED FEBRUARY, 2013, FOR MORE DESCRIPTIVE INFORMATION. FIELD CHECKED AND UPDATED: AUGUST 25TH, 2015.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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REVISED 11-02-2015

