

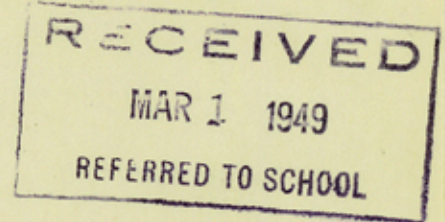


**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS

**PRICE DANIEL
ATTORNEY GENERAL**

December 18, 1948



Hon. Bascom Giles, Commissioner
General Land Office
Austin, Texas

Attorney General's File 6963
Re: Civil Action 360, U. S.
District Court, Galveston,
Oyster Creek Condemnation.

Dear Sir:

We have received notice of hearing to award compensation for the condemnation of certain tracts in fee for a reservoir site, together with the condemnation of an easement to use the bed and banks of Oyster Creek for certain purposes, all as set forth in copy of judgment on Declaration of Taking attached hereto.

The United States Attorney advises that the State was made a party to their suit because of possible delinquent taxes and possible vacancies. This is in keeping with the policy of the United States Attorney and does not necessarily indicate that he has reason to believe that vacancies are involved in the area, but since he has referred to the matter of vacancies, we would appreciate it if you would check the land described in the attached judgment for any vacancies which the records or information contained in your office may show and advise.

Please return the attached judgment with your reply.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

A handwritten signature in dark ink, appearing to read "H. D. Pruett, Jr.".
H. D. Pruett, Jr.
Assistant

HDP:bt
Enc.

Counter 15068

P⁰

6963
A-226

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

UNITED STATES OF AMERICA,	:	
Petitioner,	:	
v.	:	CIVIL ACTION NO. 360
CERTAIN TRACTS OF LANDS	:	
IN BRAZORIA COUNTY, TEXAS,	:	
and DOW CHEMICAL COMPANY,	:	
ET AL.,	:	
Defendants.	:	

RECEIVED

 JUN 19 1946

 ATTORNEY GENERAL
 OF TEXAS

JUDGMENT ON DECLARATION OF TAKING OF TEXAS

This cause coming on to be heard upon the motion of petitioner, United States of America, to enter a judgment on the Declaration of Taking filed in this cause on **JUN -6**, 1946, and upon consideration thereof and of the Petition in Condemnation, and the first amendment to Petition in Condemnation, filed herein, said Declaration of Taking, the statutes in such cases made and provided, and it appearing to the satisfaction of the Court:

I.

That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said Petition and the amendments thereto.

II.

That the Petition in Condemnation and the amendments thereto were filed at the request of the Secretary of the Reconstruction Finance Corporation, the authority empowered to acquire lands described in said pleadings, and also under the authority of the Attorney General of the United States, and that heretofore on May 10, 1945, and May 25, 1945, respectively, this Court entered and filed orders granting to the United States of America immediate possession of the hereinafter described property.

III.

That said Petition and the amendments thereto, and said Declaration of Taking, state the authority under which and the public uses for which said lands were taken. That the Secretary and the Assistant Treasurer of the Reconstruction Finance Corporation are duly authorized and empowered by law to acquire lands and interests in lands such as are described in the Petition, and the amendments thereto, and in the Declaration of Taking. That the Attorney

General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

IV.

That a proper description of the lands in which an interest or estate is sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking.

V.

That said Declaration of Taking contains a statement of the interests or estates in said lands taken for said public use.

VI.

That a plat, or plats, showing the lands in which the interests or estates are taken is incorporated in said Declaration of Taking.

VII.

That a statement is contained in said Declaration of Taking of a sum of money estimated by said acquiring authority to be just compensation for said interests or estates in said lands, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.

VIII.

That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the acquiring authority, will be within any limits prescribed by Congress as to the price to be paid therefor.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that upon the filing of said Declaration of Taking and the depositing in the registry of the court of the sum of the estimated compensation, there vested in the United States of America:

(1) The absolute fee simple title (minerals and mineral leases excepted, provided, however, that the surface of said land shall not be used for the purpose of prospecting for or extracting gas, oil or other minerals in a manner which will interfere with the use, occupation and operation of a water storage reservoir or of any improvements constructed or erected or to be constructed or erected in or

upon said land) in and to the lands described in the following Paragraph or Section (A).

(2) The absolute fee simple title (minerals and mineral leases excepted, provided, however, that the surface of said land shall not be used for the purpose of prospecting for or extracting gas, oil or other minerals in a manner which will interfere with the use, occupation and operation of improvements constructed or erected or to be constructed or erected in or upon said land) in and to the lands described in the following Paragraph or Section (B).

(3) A perpetual easement and right to use, maintain and repair the bed, banks and channel of that section or part of Oyster Creek in Fort Bend County and Brazoria County, Texas, passing through and traversing the land described in the following Paragraphs or Sections (C) and (D) for the purpose of conveying, transporting, flowing and delivering water, without hindrance, interruption, obstruction or interference of any kind or nature; together with the right to keep the said bed, banks and channel of said section or part of Oyster Creek free from silt and mud deposits, debris and/or any and all other obstructions of any kind whatsoever; together with the right to place and dispose of spoil upon the bank and banks of said section or part of Oyster Creek; together with the right of ingress and egress to and from said section or part of Oyster Creek and all incidental rights for the purposes aforesaid.

That the lands in and to which the above enumerated estates or interests have vested in the United States of America are more fully described as follows:

EXHIBIT "A"

The lands which are the subject matter of this condemnation are situated in Brazoria County, State of Texas, and are more particularly described (and the estate taken therein) as follows:

(A)

The fee simple title, minerals and mineral leases excepted, to the following described land in Brazoria County, Texas; provided, however, that the surface of said land shall not be used for the purpose of prospecting for or extracting gas, oil or other minerals in a manner which will interfere with the use, occupation and operation of a water storage reservoir or of any improvements constructed or erected or to be constructed or erected in or upon said land:

WM. PARKER LEAGUE
ABSTRACT NO. 104
AND
WM. HARRIS LEAGUE
ABSTRACT NO. 71
BRAZORIA COUNTY, TEXAS

Perimeter Description of Water
Reservoir Site West of Chenango, Texas
(See Map #1 - Exhibit "C")

All those certain tracts or parcels of land in the Wm. Parker League, Abstract No. 104, between the Brazos River and Oyster Creek and in the Southwest part of the Wm. Harris League, Abstract No. 71, all in Brazoria County, Texas, and being more particularly described as follows:

Beginning at the Southwest Corner of the Wm. Parker League, being also the Northwest corner of the Shubael Marsh League on the East high bank of the Brazos River;

Thence S. $89^{\circ}39'20''$ E. along the South line of the said Wm. Parker League, at 20 feet pass an oak post 8 inch in diameter from which a 12 inch dead pecan marked \bar{x} bears N. $18^{\circ}56'$ E. 25.2 feet, at 100 feet pass a concrete monument, at 1195.6 feet pass the center line of a clearing for the Texas Pipe Line Company Right-of-way, at 1644.6 feet pass the center line of a slough, at 6370.08 feet pass a concrete monument, and in all at 6470.08 feet to a stake for corner in the west waters edge of Oyster Creek;

Thence along the West waters edge of Oyster Creek with the following meanders: N. $82^{\circ}46'$ E. 51.18 feet; N. $75^{\circ}59'$ E. 501.24 feet; N. $85^{\circ}07'$ E. 192.84 feet; N. $89^{\circ}45'$ E. 196.71 feet; S. $83^{\circ}42'$ E. 196.14 feet; S. $70^{\circ}50'$ E. 206.66 feet; S. $30^{\circ}43'$ E. 200.91 feet; N. $86^{\circ}57'$ E. 98.90 feet; S. $86^{\circ}11'$ E. 310.26 feet; S. $79^{\circ}25'$ E. 294.03 feet; N. $86^{\circ}07'$ E. 100.18 feet; N. $74^{\circ}51'$ E. 117.94 feet; N. $30^{\circ}06'$ E. 130.65 feet; N. $11^{\circ}23'$ E. 105.31 feet; N. $41^{\circ}55'$ W. 333.24 feet; N. $22^{\circ}03'$ W. 102.60 feet; N. $43^{\circ}39'$ W. 114.11 feet; N. $64^{\circ}13'$ W. 886.48 feet; N. $79^{\circ}23'$ W. 204.80 feet; S. $89^{\circ}39'$ W. 104.40 feet; N. $82^{\circ}33'$ W. 205.71 feet; N. $72^{\circ}09'$ W. 182.96 feet; N. $61^{\circ}55'$ W. 184.57 feet; N. $46^{\circ}57'$ W. 181.72 feet; N. $42^{\circ}40'$ W. 209.15 feet; N. $37^{\circ}46'$ W. 100.60 feet; N. $27^{\circ}43'$ W. 175.53 feet; N. $18^{\circ}47'$ W. 100.04 feet; N. $15^{\circ}01'$ W. 206.03 feet; N. $6^{\circ}32'$ W. 130.44 feet; N. $5^{\circ}37'$ W. 355.63 feet; N. $1^{\circ}57'$ W. 100.13 feet; N. $0^{\circ}09'$ W. 197.53 feet; N. $3^{\circ}12'$ W. 198.32 feet; N. $8^{\circ}59'$ W. 101.43 feet; N. $2^{\circ}23'$ E. 100.04 feet; N. $12^{\circ}17'$ W. 257.02 feet; N. $10^{\circ}30'$ W. 148.24 feet; N. $15^{\circ}54'$ W. 393.66 feet; N. $21^{\circ}13'$ W. 386.70 feet; N. $34^{\circ}31'$ W. 123.24 feet; N. $30^{\circ}10'$ W. 412.97 feet; N. $54^{\circ}38'$ W. 292.55 feet; N. $23^{\circ}36'$ W. 121.42 feet; N. $4^{\circ}31'$ E. 183.07 feet; N. $43^{\circ}15'$ W. 56.37 feet; N. $54^{\circ}50'$ W. 208.26 feet; S. $80^{\circ}58'$ W. 404.04 feet;

S. 82°51' W. 200.02 feet; S. 86°06' W. 200.41 feet; N. 82°45' W. 88.18 feet; N. 75°58' W. 195.09 feet; N. 64°56' W. 99.79 feet; N. 50°33' W. 78.12 feet; N. 31°29' W. 190.82 feet; N. 18°08' W. 192.56 feet; N. 5°45' W. 100.03 feet; N. 5°20' E. 185.77 feet; N. 12°49' E. 178.97 feet to a stake in the North line of the Wm. Parker League and the South line of the Wm. Harris League;

Thence N. 34°33' 10" E. 215.71 feet to a stake for corner in the West line of the Ed Antwine 150-Acre tract and in the East line of the Dow Chemical Company 344.85-Acre tract;

Thence with Ed Antwine's West line N. 0°17' 30" E. at 100 feet pass a concrete monument, at 1040.42 feet pass a concrete monument in the Southeast corner of the Homer Walker, et al, 244.85-Acre tract, at 2155.51 feet a concrete monument for corner;

Thence S. 89°38' 40" East at 2546.6 feet pass a concrete monument, in all 3111.8 feet to a concrete monument for corner;

Thence N. 0°21' 20" E. 100 feet to a concrete monument for corner, said Monument being the Northeast corner of the M. & J. Griffin tract;

Thence N. 89°38' 40" W. at 565.2 feet pass a 3-inch iron pipe in the Northeast corner of the Ed Antwine 150-Acre tract, at 3111.9 feet pass a concrete monument in the Northwest corner of the said Antwine tract and also being the Northeast corner of the Homer Walker, et al. tract, at 11,888.9 feet a concrete monument in the Northwest corner of the Homer Walker, et al. tract, being also in the South line of the Prison Commission of Texas 1926-Acre tract, at 12,991.16 feet pass a concrete Monument and in all at 13,291.16 feet a stake for corner in the East bank of the Brazos River, said stake being the Northwest corner of the Dow Chemical 344.85-Acre tract and Southwest corner of the Prison Commission of Texas 1926-Acre tract;

Thence along the East bank of the Brazos River with the following meanders: S. 29°13' 30" W. 771.28 feet; S. 31°55' E. 156.38 feet; S. 26°19' 20" W. 479.92 feet; S. 4°24' W. 528.32 feet; S. 3°43' E. 662.84 feet to a stake in the Southwest corner of the Wm. Harris League and being also the Northwest corner of the Wm. Parker League;

Thence continuing the meanders of the Brazos River: S. 8°14' E. 303.25 feet; S. 9°05' W. 588.17 feet; S. 13°54' W. 1162.81 feet; S. 10°22' W. 368.24 feet; S. 18°48' E. 305.76 feet; S. 47°14' E. 200.80 feet; N. 78°22' E. 286.56 feet; N. 57°43' E. 673.16 feet; N. 87°57' E. 447.55 feet; S. 80°27' E. 163.36 feet; S. 50°46' E. 427.61 feet; S. 32°32' E. 598.98 feet; S. 43°40' E. 725.52 feet; S. 62°18' E. 500.54 feet; S. 65°49' E. 842.33 feet; S. 73°05' E. 397.74 feet; S. 77°43' E. 855.54 feet; S. 64°11' E. 562.58 feet; S. 63°31' E. 359.43 feet; S. 39°21' E. 623.78 feet; S. 29°31' E. 562.43 feet; S. 23°59' E. 413.55 feet to the place of beginning and containing 2,111.72 Acres of land more or less. The above 2,111.72 Acres comprised of the following tracts: L. D. Viemann, et al., 1,514.87 Acres; Dow Chemical Company, 344.85 Acres; Homer Walker, et al., 244.85 Acres; Ed Antwine, 5.85 Acres and M. & J. Griffin, 1.30 Acres, which individual tracts are described as follows:

WM. PARKER LEAGUE
ABSTRACT NO. 104
BRAZORIA COUNTY, TEXAS

L. D. Viemann, et al.
(See Map #1 - Exhibit "C")

All that certain tract or parcel of land in the Wm. Parker League, Abstract No. 104, Brazoria County, Texas, lying between the Brazos River and Oyster Creek, and being more particularly described as follows:

Beginning at the Southwest corner of the Wm. Parker League, being also the Northwest corner of the Shubael Marsh League on the East high bank of the Brazos River;

Thence S. $89^{\circ}39'20''$ E. along the South line of said Wm. Parker League at 20 feet pass an oak post 8 inches in diameter from which a 12-inch dead pecan marked \bar{x} bears N. $18^{\circ}56'$ E. 25.2 feet, at 100 feet pass a concrete monument, at 1195.6 feet pass the center line of a clearing for the Texas Pipe Line Company Right-of-way, at 1644.6 feet pass the center line of a slough, at 6370.08 feet pass a concrete monument, and in all at 6470.08 feet to a stake for corner in the West waters edge of Oyster Creek;

Thence along the West waters edge of Oyster Creek with the following meanders: N. $82^{\circ}46'$ E. 51.18 feet; N. $75^{\circ}59'$ E. 501.24 feet; N. $85^{\circ}07'$ E. 192.84 feet; N. $89^{\circ}45'$ E. 196.71 feet; S. $83^{\circ}42'$ E. 196.14 feet; S. $70^{\circ}50'$ E. 206.66 feet; S. $80^{\circ}43'$ E. 200.91 feet; N. $86^{\circ}57'$ E. 98.90 feet; S. $86^{\circ}11'$ E. 310.26 feet; S. $79^{\circ}25'$ E. 294.03 feet; N. $86^{\circ}07'$ E. 100.18 feet; N. $74^{\circ}51'$ E. 117.94 feet; N. $30^{\circ}06'$ E. 130.65 feet; N. $11^{\circ}23'$ E. 105.31 feet; N. $41^{\circ}55'$ W. 333.24 feet; N. $22^{\circ}03'$ W. 102.60 feet; N. $43^{\circ}39'$ W. 114.11 feet; N. $64^{\circ}13'$ W. 886.48 feet; N. $79^{\circ}23'$ W. 204.80 feet; S. $89^{\circ}39'$ W. 104.40 feet; N. $82^{\circ}33'$ W. 205.71 feet; N. $72^{\circ}09'$ W. 182.96 feet; N. $61^{\circ}55'$ W. 184.57 feet; N. $46^{\circ}57'$ W. 181.72 feet; N. $42^{\circ}40'$ W. 209.15 feet; N. $37^{\circ}46'$ W. 100.60 feet; N. $27^{\circ}43'$ W. 175.53 feet; N. $18^{\circ}47'$ W. 100.04 feet; N. $15^{\circ}01'$ W. 206.03 feet; N. $6^{\circ}32'$ W. 130.44 feet; N. $5^{\circ}37'$ W. 355.63 feet; N. $1^{\circ}57'$ W. 100.13 feet; N. $0^{\circ}09'$ W. 197.53 feet; N. $3^{\circ}12'$ W. 198.32 feet; N. $8^{\circ}59'$ W. 101.43 feet; N. $2^{\circ}23'$ E. 100.04 feet; N. $12^{\circ}17'$ W. 257.02 feet; N. $10^{\circ}30'$ W. 148.24 feet; N. $15^{\circ}54'$ W. 398.66 feet; N. $21^{\circ}13'$ W. 386.70 feet; N. $34^{\circ}31'$ W. 123.24 feet; N. $30^{\circ}10'$ W. 412.97 feet; N. $54^{\circ}38'$ W. 292.55 feet; N. $23^{\circ}36'$ W. 121.42 feet; N. $4^{\circ}31'$ E. 183.07 feet; N. $43^{\circ}15'$ W. 56.37 feet; N. $54^{\circ}50'$ W. 208.26 feet; S. $80^{\circ}58'$ W. 404.04 feet; S. $82^{\circ}51'$ W. 200.02 feet; S. $86^{\circ}06'$ W. 200.41 feet; N. $82^{\circ}45'$ W. 88.18 feet; N. $75^{\circ}58'$ W. 195.09 feet; N. $64^{\circ}56'$ W. 99.79 feet; N. $50^{\circ}33'$ W. 78.12 feet; N. $31^{\circ}29'$ W. 190.82 feet; N. $18^{\circ}08'$ W. 192.56 feet; N. $5^{\circ}45'$ W. 100.03 feet; N. $5^{\circ}20'$ E. 185.77 feet; N. $12^{\circ}49'$ E. 178.97 feet to a stake for corner in North line of the Wm. Parker League, being also in the South line of the Wm. Harris League:

Thence N. $89^{\circ}36'30''$ W. along the said North line of the Wm. Parker League at 100 feet pass a concrete monument at 10,449.65 feet pass another concrete monument, in all 10,549.65 feet to a stake in the East high bank of the Brazos River, said stake being the Northwest corner of the Wm. Parker League and the Southwest corner of the Wm. Harris League;

Thence along the East high bank of the Brazos River with the following meanders; S. $8^{\circ}14'$ E. 303.25 feet; S. $9^{\circ}05'$ W. 588.17 feet; S. $13^{\circ}54'$ W. 1162.81 feet; S. $10^{\circ}22'$ W. 368.24 feet; S. $18^{\circ}48'$ E. 305.76 feet; S. $47^{\circ}14'$ E. 200.80 feet; N. $78^{\circ}22'$ E. 286.56 feet; N. $57^{\circ}43'$ E. 673.16 feet; N. $87^{\circ}57'$ E. 447.55 feet; S. $80^{\circ}27'$ E. 163.36 feet; S. $50^{\circ}46'$ E. 427.61 feet; S. $32^{\circ}32'$ E. 598.98 feet; S. $43^{\circ}40'$ E. 725.52 feet; S. $62^{\circ}18'$ E. 500.54 feet; S. $65^{\circ}49'$ E. 842.33 feet; S. $73^{\circ}05'$ E. 397.74 feet; S. $77^{\circ}43'$ E. 855.54 feet; S. $64^{\circ}11'$ E. 562.58 feet; S. $63^{\circ}31'$ E. 359.43 feet; S. $39^{\circ}21'$ E. 623.78 feet; S. $29^{\circ}31'$ E. 562.43 feet; S. $23^{\circ}59'$ E. 413.55 feet to the place of beginning and containing 1514.87 acres of land more or less.

WM. HARRIS LEAGUE
ABSTRACT NO. 71
BRAZORIA COUNTY, TEXAS

Dow Chemical Company
(See Map #1 - Exhibit "C")

All that certain tract or parcel of land lying in the Southwest part of the Wm. Harris League, Abstract No. 71, Brazoria County, Texas, being more particularly described as follows:

Beginning at the Southwest corner of the Wm. Harris League on East high bank of the Brazos River, being also the Northwest corner of the Wm. Parker League;

Thence S. $89^{\circ}36'30''$ E. along the South line of said Wm. Harris League, at 100 feet pass a concrete monument, at 10,449.65 feet pass another concrete monument in all 10,549.65 feet to a stake for corner in the West waters edge of Oyster Creek;

Thence with the West waters edge of Oyster Creek N. $34^{\circ}33'10''$ E. 215.71 feet to a stake for corner, said stake being in the West line of the Ed Antwine 150-acre tract;

Thence with Ed Antwine's West line N. $0^{\circ}17'30''$ E. at 100 feet pass a concrete monument, and in all 1040.42 feet to another concrete monument for corner;

Thence N. $89^{\circ}38'40''$ W. 8778.36 feet to a stake set for corner;

Thence N. $0^{\circ}21'20''$ E. 1215.09 feet to a concrete monument for corner, said monument being in the South line of the Prison Commission of Texas 1926-acre tract, also being the Northwest corner of the Homer Walker, et al, tract;

Thence N. $89^{\circ}38'40''$ W. at 1102.26 feet pass a concrete monument and in all 1402.26 feet to a stake for corner in the East high bank of the Brazos River;

Thence along the East high bank of the Brazos River with the following meanders: S. $29^{\circ}13'30''$ W. 771.28 feet; S. $31^{\circ}55'$ E. 156.38 feet; S. $26^{\circ}19'20''$ W. 479.92 feet; S. $4^{\circ}24'$ W. 528.32 feet; S. $3^{\circ}43'$ E. 662.84 feet to the place of beginning and containing 344.85 acres of land more or less.

WM. HARRIS LEAGUE
ABSTRACT NO. 71
BRAZORIA COUNTY, TEXAS

Homer Walker, et al.
(See Map #1 - Exhibit "C")

All that certain tract of land in the Wm. Harris League, Abstract No. 71, Brazoria County, Texas, and lying South of the Prison Commission of Texas 1926-acre tract, being more particularly described as follows:

Beginning at a concrete monument set in the Northwest corner of this tract, said monument being in the South line of the Prison Commission of Texas 1926-acre tract;

Thence S. $0^{\circ}21'20''$ W. 1215.09 feet to a stake for corner;

Thence S. $89^{\circ}38'40''$ E. 8778.36 feet to a concrete monument for corner in the West line of the Ed Antwine 150-acre tract;

Thence N. $0^{\circ}17'30''$ E. 1215.09 feet to a concrete monument for corner, said monument being the Northwest corner of the Ed Antwine 150-acre tract from which a 3-inch iron pipe in the Northeast corner of said 150-acre tract bears S. $89^{\circ}38'40''$ E. 2546.7 feet;

Thence N. $89^{\circ}38'40''$ W. 8777.0 feet to the place of beginning and containing 244.85 acres of land more or less.

WM. HARRIS LEAGUE
ABSTRACT NO. 71
BRAZORIA COUNTY, TEXAS

Ed Antwine
(See Map #1-Exhibit "C")

All that certain parcel of land out of the North part of the Ed Antwine 150-acre tract, lying in the Wm. Harris League, Abstract No. 71, Brazoria County, Texas, being more particularly described as follows:

Beginning at a concrete monument set in the South line of the Mrs. E. M. Corbett 159-Acre tract, also being the Northeast corner of the Homer Walker, et al. tract;

Thence S. $0^{\circ}17'30''$ W. 100 feet to concrete monument for corner;

Thence S. $89^{\circ}38'40''$ E. 2546.6 feet to concrete monument for corner;

Thence N. $0^{\circ}21'20''$ E. 100 feet to 3-inch iron pipe for corner, also being the Northeast corner of the Ed Antwine original 150-Acre tract;

Thence N. $89^{\circ}38'40''$ W. 2546.7 feet to the place of beginning and containing 5.85 Acres of land more or less.

WM. HARRIS LEAGUE
ABSTRACT NO. 71
BRAZORIA COUNTY, TEXAS

M. & J. Griffin
(See Map #1 - Exhibit "C")

All that parcel of land out of the North part of the M. & J. Griffin tract, lying in the Wm. Harris League, Abstract No. 71, Brazoria County, Texas, being more particularly described as follows:

Beginning at a 3-inch iron pipe in the Northeast corner of the Ed Antwine 150-Acre tract and being the Northwest corner of the M. & J. Griffin tract;

Thence S. $0^{\circ}21'20''$ W. 100 feet to a concrete monument for corner;

Thence S. $89^{\circ}38'40''$ E. 565.2 feet to a concrete monument set for corner;

Thence N. $0^{\circ}21'20''$ E. 100 feet to concrete monument set for corner, also being the Northeast corner of the Griffin original tract;

Thence N. $89^{\circ}38'40''$ W. 565.2 feet to the place of beginning and containing 1.30 Acres of land more or less.

(B)

The fee simple title, minerals and mineral leases excepted, to the following described land in Brazoria County, Texas; provided, however, that the surface of said land shall not be used for the purpose of prospecting for or extracting gas, oil or other minerals in a manner which will interfere with the use, occupation and operation of improvements constructed or erected or to be constructed or erected in or upon said land:

Sheet 9 Board 1
4.95 ACRE TRACT AT OYSTER CREEK DAM SITE
(See Exhibit "D" and Map No. 2, Pg. 6 - Exhibit "E-6")

A tract of land being a portion of Retrieve State Prison Farm 2405.27-Acre Tract out of Jared E. Groce Survey, Abstract No. 66, Brazoria County, Texas, and being more particularly described as follows:

Beginning at a point which bears South $66^{\circ}52'$ West 4350.61 feet from a concrete monument on top bank of Oyster Creek, said concrete monument being in the East line of said 2405.27-Acre Tract;

Thence South $43^{\circ}38'$ East 541.8 feet to the water edge of Oyster Creek;

Thence along the water edge of Oyster Creek with the following meanders, South $88^{\circ}03'$ West 121.9 feet to a stake; Thence South $89^{\circ}11'$ West 93.7 feet to a stake; Thence North $82^{\circ}02'$ West 199.3 feet to a stake; Thence North $66^{\circ}06'$ West 131.4 feet to a stake; Thence North $34^{\circ}14'$ West 259.0 feet to a stake; Thence North $21^{\circ}07'$ West 128.6 feet to a stake; Thence North $3^{\circ}30'$ West 90.8 feet to a stake; Thence North $24^{\circ}03'$ East 99.9 feet to a stake; Thence North $38^{\circ}29'$ East 91.8 feet to a stake;

Thence South $43^{\circ}38'$ East 375.0 feet with the Northeast line of this tract to the point of beginning and containing 4.95 Acres of land more or less.

DESCRIPTION OF TRACTS FOR FRESH WATER CANAL
(See Map No. 3 - Exhibit "F")

Tracts Nos. 374, 368, 340, 339, 338, 276, 209, 208, 201, and 202 of Brazos Coast Investment Company Subdivision No. 15 in the S. F. Austin Five Leagues Grant, Abstract No. 19, Brazoria County, Texas.

Tracts Nos. 47, 46, 45, 44, 43, and 42, fronting on the East bank of the Brazos River and being described in the Decree of Partition in Cause No. 20,500 in the District Court of Brazoria County, Texas, styled E. D. Dorchester et al. v. E. F. Simms et al.

A tract of land out of the Erna Seaburn 18-acre tract in the S. F. Austin Five Leagues Grant, Abstract No. 19, Brazoria County, Texas, and being more particularly described as follows:

Beginning at a point in the East line of said Seaburn Tract, same being also the East line of said S. F. Austin Five League Grant and the West line of the Alexander Calvit Survey, Abstract No. 49, of Brazoria County; said beginning point bears South $1^{\circ}14'53''$ East along said League line a distance of 811.79 feet from the Northeast corner of said Seaburn Tract, said corner being also the most Northerly Southeast corner of the Brazos Coast Investment Company Subdivision No. 15 out of said S. F. Austin Five League Grant;

Thence North $73^{\circ}11'40''$ West 969.28 feet;

Thence North $84^{\circ}55'00''$ West 1,111.90 feet to intersection with the West line of said Seaburn Tract, same being also the East line of Tract No. 130, of said Subdivision No. 15; said point of intersection bears North $1^{\circ}14'53''$ West, at 58.5 feet pass the Northeast corner of Tract No. 130 and the Southeast corner of Tract No. 129, and continue a total distance of 388.5 feet to the Northwest corner of said Seaburn Tract and an interior corner of said Subdivision No. 15;

Thence from said point of intersection South $1^{\circ}14'53''$ East along the West line of said Seaburn Tract 201.2 feet;

Thence South $84^{\circ}55'00''$ East 1069.2 feet;

Thence South $73^{\circ}11'40''$ East 1013.88 feet to intersection with the East line of said Seaburn Tract;

Thence North $1^{\circ}14'53''$ West along the East line of said Seaburn Tract 210.4 feet to the place of beginning and containing 9.56 acres of land more or less.

Tracts Nos. 36 and 37, fronting on the Brazos River and being described in the Decree of Partition in Cause No. 20,500 in the District Court of Brazoria County, Texas, styled E. D. Dorchester et al. v. E. F. Simms et al.

A tract of land out of the L. R. Bryan 100-acre tract in the A. B. Clark Labor, Abstract No. 54, Brazoria County, Texas, and being more particularly described as follows:

Beginning at the Northwest corner of said Bryan Tract, said corner being also an interior corner of Brazos Coast Investment Company Subdivision No. 14;

Thence North $88^{\circ}45'07''$ East along the North line of said Bryan Tract, at 137.3 feet pass the Southwest corner of Tract No. 488 of said Subdivision No. 14, and continue a total distance of 808.3 feet to a point for corner, said point bearing North $88^{\circ}45'07''$ East 69.33 feet to the Northeast corner of said Bryan Tract;

Thence South $81^{\circ}15'30''$ East 70.4 feet to intersection with the East line of said Bryan Tract;

Thence South $1^{\circ}14'53''$ East along the East line of the Bryan Tract and the West line of Tract No. 489 of said Subdivision No. 14, at 181.5 feet pass the Southwest corner of Tract No. 489, and continue a total distance of 203.1 feet to a point for corner;

Thence North $81^{\circ}15'30''$ West 891.2 feet to intersection with the West line of said Bryan Tract, said point bears South $89^{\circ}00'$ West 30 feet, thence South $1^{\circ}14'53''$ East 62.08 feet to a concrete monument marking the Southeast corner of Tract No. 482, thence South $89^{\circ}10'10''$ West 514.13 feet along the South line of Tract No. 482 to a concrete monument marking the Southwest corner of Tract No. 482 and being in the East line of the Dorchester and Simms 300-foot river front reservation along the former East bank of the Brazos River;

Thence North $1^{\circ}14'53''$ West along the West line of said Bryan Tract 60.7 feet to the place of beginning and containing 2.77 acres of land more or less.

Tract No. 490 of Brazos Coast Investment Company Subdivision No. 14 in the J. E. A. Phelps Labor No. 3, Abstract No. 115, Brazoria County, Texas.

(C)

A perpetual easement and right to use, maintain and repair the bed, banks and channel of that section or part of Oyster Creek in Brazoria County, Texas, passing through and traversing the land hereinafter described, for the purpose of conveying, transporting, flowing and delivering water, without hindrance, interruption, obstruction or interference of any kind or nature; together with the right to keep the said bed, banks and channel of said section or part of Oyster Creek free from silt and mud deposits, debris and/or any and all other obstructions of any kind whatsoever; together with the right to place and dispose of spoil upon the bank and banks of said section or part of Oyster Creek, said land being more particularly described as follows:

OYSTER CREEK CHANNEL FROM THE WILLIAM PARKER SURVEY
ABSTRACT NO. 104 DOWNSTREAM TO DOW DIVERSION POINT NO. 2
ON OYSTER CREEK NEAR THE EXTERIOR SOUTHWEST CORNER OF THE
JARED E. GROCE SURVEY ABSTRACT NO. 66.

(See Map No. 2, Sheets 1 through 6 - Exhibits "E-1" through "E-6")

Beginning at an intersection of the North line of the William Parker Survey, Abstract No. 104, and Oyster Creek; thence downstream with the meanders of Oyster Creek through the following surveys: William Parker Survey, Abstract No. 104; Shubael Marsh Survey, Abstract Nos. 81 and 82; George Robinson Survey, Abstract No. 126; John Bradley Survey, Abstract No. 45; William Roberts Survey, Abstract No. 124; Cornelius Smith Survey, Abstract No. 129; Asa Mitchell Survey, Abstract No. 96; Stephen F. Austin Survey, Abstract No. 19; and Jared E. Groce Survey, Abstract No. 66; and to DOW Diversion point No. 2 on Oyster Creek near the exterior Southwest corner of the Jared E. Groce Survey, Abstract No. 66, covering a distance along said Oyster Creek of 27.7 miles, more or less.

together with the right of ingress and egress to and from said section or part of Oyster Creek and all incidental rights for the purposes aforesaid.

EXHIBIT "A"

The lands which are the subject matter of this condemnation are situated in Fort Bend County and Brazoria County, State of Texas, and are more particularly described (and the estate taken therein) as follows:

A perpetual easement and right to use, maintain and repair the bed, banks and channel of that section or part of Oyster Creek in Fort Bend County and Brazoria County, Texas, passing through and traversing the land hereinafter described, for the purpose of conveying, transporting, flowing and delivering water, without hindrance, interruption, obstruction or interference of any kind or nature; together with the right to keep the said bed, banks and channel of said section or part of Oyster Creek free from silt and mud deposits, debris and/or any and all other obstructions of any kind whatsoever; together with the right to place and dispose of spoil upon the bank and banks of said section or part of Oyster Creek, said land being more particularly described as follows:

OYSTER CREEK CHANNEL FROM A POINT IN THE WILLIAM PETTUS SURVEY, ABSTRACT NO. 68 IN FORT BEND COUNTY, TEXAS, DOWNSTREAM TO THE NORTH LINE OF THE WILLIAM PARKER SURVEY, ABSTRACT NO. 104 IN BRAZORIA COUNTY, TEXAS: ALSO, THAT PORTION OF OYSTER CREEK CHANNEL WHICH CURVES THROUGH THE NORTHERLY PART OF THE SAID WILLIAM PARKER SURVEY, ABSTRACT NO. 104 AND THEN RE-ENTERS AND MEANDERS THROUGH THE WILLIAM HARRIS SURVEY, ABSTRACT NO. 71, IN BRAZORIA COUNTY, TEXAS, TO THE NORTH LINE OF THE SAID WILLIAM PARKER SURVEY, ABSTRACT NO. 104:

(See Map No. C-40-3376 - Exhibit "G")

Beginning at the intersection of the right of way of the South Texas Water Company canal with Oyster Creek in the William Pettus Survey, Abstract No. 68 in Fort Bend County, Texas;

Thence downstream with the meanders of Oyster Creek to the South line of the William Pettus Survey, Abstract No. 68 in Fort Bend County, Texas, said line being the common line between Fort Bend and Brazoria Counties;

Thence continuing downstream with the meanders of Oyster Creek through the following surveys in Brazoria County, Texas: Francis Biggam Survey, Abstract No. 43, Archiles McFarland Survey, Abstract No. 86, David Tally Survey, Abstract No. 130, Chester S. Corbett Survey, Abstract No. 64, Edward R. Bradley Survey, Abstract No. 44, Andrew Robinson Survey, Abstract No. 125, J. W. Hall Survey, Abstract No. 68, J. W. Hall Survey, Abstract No. 67, Stephen F. Austin Survey, Abstract N. 25, Stephen Richardson Survey, Abstract No. 122, William Harris Survey, Abstract No. 71, said Creek enters the William Parker Survey, Abstract No. 104, and then re-enters the William Harris Survey, Abstract No. 71; thence with the meanders of Oyster Creek to the North Line of the William Parker Survey, Abstract No. 104.

together with the right of ingress and egress to and from said section or part of Oyster Creek and all incidental rights for the purposes aforesaid.

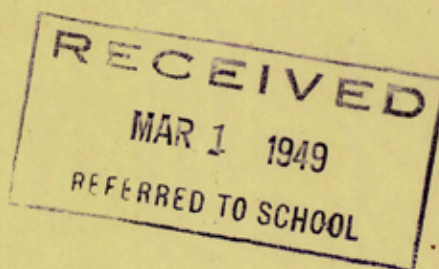
It is further ORDERED by the Court that said interests or estates in said lands, as hereinabove set out, are deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of said Declaration of Taking and the making of said deposit, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

That the United States of America having heretofore taken possession of the above described lands and premises under orders of possession heretofore duly entered in this proceeding, this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ORDERED at ^{Galveston}~~Houston~~, Texas, this 12 day of June, 1946.

/s/ T. M. Kennerly

United States District Judge



BRAZORIA COUNTY SK. FILE 44

Judgment on declaration of taking
U.S.A. Petitioner vs. Certain
tracts in Brazoria County and
Dow Chemical Co., Civil Action 360,

U. S. District Court, Galveston
Oyster Creek Condemnation

Counter 15081

from said land) in and to the lands described in the following

Paragraph or Section (A).

(2) The absolute fee simple title (mineral and mineral leases

excepted, however, that the surface of said land shall not

be used for the purpose of agriculture or stock raising, and all

other minerals in a manner which will interfere with the use,

and maintenance of improvements contemplated or erected or to be

contemplated or erected in or upon said land) in and to the lands de-

scribed in the following Paragraph or Section (B).

(3) A perpetual easement and right to use, maintain and repair

the bed, banks and channel of the section or part of Oyster Creek

in Fort Bend County and Brazoria County, Texas, within Branch and

proceeding the land described in the following Paragraph or Section

(C) and (D) for the purpose of conveying, transmitting, storing and

collecting water, without hindrance, obstruction, restriction or

interference of any kind or nature, together with the right to keep

the said bed, banks and channel of said section or part of Oyster

Creek free from silt and deposits, lands and/or any and all other

obstructions of any kind whatsoever, together with the right to place

and dispose of silt upon the bank and banks of said section or part

of Oyster Creek; to erect with the right of ingress and egress to and

from said section or part of Oyster Creek and all incidental rights

for the purposes aforesaid.

That the lands in and to which the above enumerated estates or

interests have vested in the United States of America are now fully

described as follows:

RECEIVED
MAR 1 1949
REFERRED TO SCHOOL

County # 78927

Brazoria co. st. File #44