

IN THE SUPERIOR COURT OF UPSON COUNTY
STATE OF GEORGIA

FOUR CHIMNEYS LLLP,

Four Chimneys,

v.

STATE OF GEORGIA,

Defendant.

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Civil Action File No. _____

Teresa Meier

Teresa Meier, Clerk
Upson County, Georgia

VERIFIED COMPLAINT

Four Chimneys LLLP ("Four Chimneys") hereby files this Complaint against the State of Georgia (the "State"), seeking a declaratory judgment, injunctive relief, litigation expenses, and, in the alternative, damages for inverse condemnation, as set forth below.

THE PARTIES

1. Plaintiff Four Chimneys LLLP is a limited liability limited partnership formed under the laws of Georgia and registered to do business in Georgia. The Estate of Martha M. Brewton (the "Estate") and Item IV(a) Trust under LWT of S.A. Brewton, Jr. (the "Trust") are limited partners of Four Chimneys. Benjamin H. Brewton and Martha Caroline Brewton Reddick are general partners. Mr. Brewton is also the duly appointed representative of the Estate and the Trustee of the Trust.

2. Defendant State of Georgia can be served with process by serving the Chief Executive Officer of the State, Governor Brian Kemp, at 206 Washington Street, 111 State Capitol, Atlanta, GA 30334.

SUBJECT MATTER JURISDICTION

3. This Court has jurisdiction over this action pursuant to Article 6, § 4, Paragraph I of the Constitution of the State of Georgia and O.C.G.A. §§ 9-4-2(a) and 9-4-3(a).

VENUE AND PERSONAL JURISDICTION

4. This Court has personal jurisdiction over the State and venue is appropriate in this forum as this is a dispute respecting title to real property that is located in Upson County. *See* Ga. Const. art. 6, § 2, ¶ II.

INTRODUCTION AND BACKGROUND

5. The State, particularly through its arm, the Georgia Department of Natural Resources (“DNR”), is refusing to enforce the laws against fishing without permission on privately owned land and failing to protect Four Chimneys’ private property rights. Therefore, Four Chimneys brings this action.

6. Specifically, in recent months DNR changed its prior position and now refuses to issue citations for fishing without permission in the portion of Four Chimneys’ property in Upson County, Georgia, that lies within the Flint River in an area popularly known as “Yellow Jacket Shoals.”

7. DNR, through its officers, has made multiple statements, quoted in the media, that DNR will no longer enforce the law at Yellow Jacket Shoals.

8. These statements, made at the urging of, and then propagated by, special-interest groups, have led to increased non-permitted fishing traffic and trespass on Four Chimneys’ property as it relates to Four Chimneys’ exclusive right to control the fishing on its property.

9. DNR’s refusal to issue citations at Yellow Jacket Shoals is based on its stated belief that Yellow Jacket Shoals is “navigable” under Georgia law, and thus the State, not Four Chimneys, owns the riverbed below the low-water mark.

10. DNR's position constitutes a stunning about-face.

11. As recently as last year, DNR issued citations for fishing without permission in a nearby portion of the Flint River.

12. In May of this year, a DNR agent assured Mr. Brewton warnings and citations could and would be issued at Yellow Jacket Shoals.

13. DNR's conduct and statements have caused Four Chimneys to become uncertain as to its rights in the portion of its property lying within the riverbed at Yellow Jacket Shoals, necessitating the filing of this action.

II. Georgia Law on the Ownership of Riverbeds

14. Under Georgia law, "[t]he beds of nonnavigable streams belong to the owner of the adjacent land." O.C.G.A. § 44-8-2.

15. "If the stream is a dividing line between two parcels of land, each owner's boundary shall extend to the thread of the main current in the water." *Id.*

16. "The rights of the owner in lands which are navigable streams extend to the low-water mark in the bed of the stream." O.C.G.A. § 44-8-5(b).

17. A "navigable stream" is one "which is capable of transporting boats loaded with freight in the regular course of trade either for the whole or a part of the year. The mere rafting of timber or the transporting of wood in small boats shall not make a stream navigable." O.C.G.A. § 44-8-5(a).

18. A landowner who traces his title back to a land grant from the State of Georgia prior to 1863 owns the bed to the center thread regardless of whether the stream is navigable. *Parker v. Durham*, 258 Ga. 140, 141 (1988).

19. The owner of the bed of a stream has the exclusive right of controlling fishing in that portion of the stream. *See Parker*, 258 Ga. at 141; *West v. Baumgartner*, 124 Ga. App. 318, 325 (1971); *Bosworth v. Nelson*, 152 S.E. 575, 578 (Ga. 1930).

20. Georgia law, not federal law, determines the ownership of riverbed property. *See In re Lumpkin Sand & Gravel, Inc.*, 104 B.R. 529, 533 (Bankr. M.D. Ga. 1989); *see also Phillips Petroleum Co. v. Mississippi*, 484 U.S. 469, 484 (1988) (“[T]he law of real property is, under our Constitution, left to the individual States to develop and administer.”).

21. The so-called “federal navigational servitude” relates solely to “*navigational* rights and *commerce*.” *See Parm v. Shumate*, 513 F.3d 135, 143 (5th Cir. 2007) (emphasis in original).

22. The federal navigational servitude does not have an effect on the ownership of fishing rights. *See id.*

III. The Land Purchases

23. On April 20, 1972, W.C. Daniel and Clarice Daniel Woodson, executors of the estate of E.R. Daniel, conveyed 238 acres of land along the Flint River in Upson County, Georgia, to Dr. Samuel A. Brewton, Jr. via an Executor’s Deed (the “1972 Deed”). The property transferred is more particularly described in the 1972 Deed, attached hereto as **Exhibit A**.

24. The Executor’s Deed was recorded with the Clerk of the Superior Court of Upson County at Deed Book 216, Page 585, on April 21, 1972.

25. In addition to 238 acres on dry land, the 1972 Deed also expressly transferred “all of the right, title and interest of the said E.R. Daniel, deceased, in and to the Flint River and the adjoining bed thereof to the thread or center of the main current of said River which is adjacent to the land specifically described....” Ex. A at p. 2.

26. The area of the portion of the riverbed transferred to Dr. Samuel Brewton in the 1972 Deed was 13.1 acres.

27. The transfer of both the dry land and all rights, title, and interest, in and to the Flint River and the adjoining bed to the center of the main current of said River is also reflected on the survey done in conjunction with the 1972 Deed. The survey done in 1972, indicating the portion of the transferred property lying in the Flint River in yellow, along with a magnifications of certain portions for emphasis, are attached hereto as **Exhibit B**.

28. On June 14, 2007, William C. Bass, Jr. transferred an adjoining 12.8 acres of property to Martha Mullins Brewton, wife of Dr. Samuel Brewton, via quitclaim deed (the “2007 Deed”). The property transferred, which included the adjacent riverbed of the Flint River up to the center line of the Flint River, is more particularly described in the 2007 Deed, which is attached hereto as **Exhibit C**.

29. Similarly, the survey done in conjunction with the transfer of the property done in 2007 reflects the property line is the centerline of the Flint River. The survey done in 2007 is attached hereto as **Exhibit D**.

30. The property acquired in the 2007 Deed and in the 1972 Deed will hereinafter collectively be referred to as the “Brewton Property.”

31. The portion of the Brewton Property lying within the riverbed of the Flint River will hereinafter be referred to as the “River Property.”

32. The records of the Upson County Tax Assessor reflect that the Brewton Property’s boundary extends to the midpoint of the Flint River. *See* Upson Cty. Tax Records, attached hereto as **Exhibit E**.

33. Title to all the Brewton Property can be traced back to grants from the State of Georgia prior to 1863.

34. In 1986, Dr. Samuel Brewton transferred his interest in the property purchased in 1972 to Martha Brewton.

35. In 2010, Martha Brewton transferred 50% of the interest in the property purchased in 1972 back to Dr. Samuel Brewton.

36. Dr. Samuel Brewton died on September 28, 2016.

37. Under the terms of Dr. Samuel Brewton's will, his 50% interest in the land purchased in 1972 was placed in the Trust, for which Mr. Brewton serves as trustee.

38. Four Chimneys, LLLP was formed on June 25, 2021.

39. On February 17, 2022, Martha Brewton and Mr. Brewton, as trustee of the Trust, conveyed their interests in the Brewton Property to Four Chimneys via limited warranty deeds.

40. On March 29, 2022, Four Chimneys licensed the exclusive fishing rights on the River Property to Mike Smith and Quint Rogers, reserving the rights of family members and certain others whom the family allowed to fish.

IV. Fishing and Navigation on the Flint River

41. The Flint River runs from the area of Hartsfield-Jackson International Airport through west-central and south Georgia until it joins the Chattahoochee River at Lake Seminole in the southwest corner of Georgia to form the Apalachicola River.

42. The Flint River is commonly divided into three segments: Lower, Middle, and Upper.

43. The Upper Flint is the portion from the Flint River's source down to where it is crossed by Georgia Highway 80 in Taylor and Crawford Counties.

44. The Middle Flint is the portion from south of Highway 80 to Lake Blackshear in Lee, Sumter, and Crisp Counties.

45. The Lower Flint is the portion from Lake Blackshear to Lake Seminole.

46. The River Property lies in the Upper Flint in an area below the Highway 36 Bridge known as Yellow Jacket Shoals.

47. Yellow Jacket Shoals, including the River Property, has excellent fishing for shoal bass.

48. Common methods for fishing for shoal bass include fishing from kayaks, canoes, and float boats, as well as wading in the water. Anglers cast into one to four foot deep holes multiple times, then move to another hole.

49. Yellow Jacket Shoals, including the River Property, is a treacherous stretch of the river due to its intense (Class III or higher) rapids, hidden rocks, rock ledges, and sand bars.

50. It has been described as “[t]he most challenging rapids on the entire river” and as “[f]amous for eating canoes.” Richard J. Lentz, *The Flint River at the Fall Line*, SHERPA GUIDES, https://www.sherpaguides.com/Georgia/flint_river/sidebars/richard_greene.html (last visited June 23, 2022).

51. Historically, the River Property has never been the site of commercial traffic.

52. While steamboat traffic was common on the Flint River until 1928, it never reached farther upstream than Montezuma, which is approximately 65 miles south of Yellow Jacket Shoals.

53. The River Property is not capable of bearing commercial traffic.

54. The Flint Riverkeeper (“FRK”), an organization established to protect the quality and flow of the Flint River, states on its website the Middle and Upper Flint are not navigable. *See The River: History and Facts*, FLINT RIVERKEEPER, <https://flintriverkeeper.org/flint-river-history-and-facts/> (last visited Oct. 4, 2022).

55. In 1920, the Georgia General Assembly resolved that the Flint River is unsuitable for navigation north of the south side of Broad Street in Albany, Georgia, which is approximately 101 miles south of Yellow Jacket Shoals. *See* 1920 Ga. Laws 1776.

56. In 1997, DNR concluded “[t]he Flint River is navigable only to Bainbridge,” which is just north of the Flint River’s confluence with the Chattahoochee at Lake Seminole, and approximately 170 miles below Yellow Jacket Shoals. *See* Flint River Basin Management Plan 1997 § 5.1.5 (Ga. Dept. of Natural Res., Environmental Protection Div.), attached hereto as **Exhibit F**.

57. The United States Army Corps of Engineers does not consider the Flint River navigable north of Montezuma, in Crawford County, Georgia. *See* Section 10 List, U.S. ARMY CORPS OF ENGINEERS—SAVANNAH DISTRICT, *available at* https://www.sas.usace.army.mil/Portals/61/docs/Regulatory/DIGITAL%20EAPPLICATION/20190625%20Section%2010%20Waters%20List_Savannah%20District.pdf?ver=2019-06-26-144338-893, attached hereto as **Exhibit G**, at p. 3.

58. Again, the River Property is within the Yellow Jacket Shoals portion of the Flint River and is not navigable per the Georgia General Assembly.

59. The River Property is within the Yellow Jacket Shoals portion of the Flint River and is not navigable per the DNR’s River Basin Management Plan.

60. The River Property is within the Yellow Jacket Shoals portion of the Flint River and is not navigable per the United States Army Corps of Engineers.

V. DNR's Refusal to Protect Fishing Rights and the State's Assertion of Rights in the River Property

61. Since first purchasing the initial 13.1 acres of riverbed in 1972, no owners of the Brewton Property have ever attempted to impede or discourage people traveling down the river in canoes and kayaks.

62. For over 30 years, the owners of the Brewton Property have consistently sought to protect their right to control fishing on the River Property.

63. Given the disruption to the quiet enjoyment of the property caused by excessive fishing for shoal bass, and the imposition on the owners' exclusive right to control the fishing on the River Property, for at least 20 years, signs have been posted on the Brewton Property expressly indicating "No Fishing".

64. The owners of the Brewton Property have also consistently communicated with DNR concerning their control of the fishing rights on the Brewton Property, including on the River Property.

65. Prior to 2022, DNR's practice had been to issue citations to those illegally taking fish from the Flint River in portions owned by private individuals.

66. As far back as 2016, DNR officials had specifically advised members of the public that the Flint River is not navigable at Yellow Jacket Shoals, which includes the River Property, and therefore the property owners control the fishing rights.

67. DNR Game Warden Keith Waddell has issued numerous citations for fishing without permission in the Flat Shoals portion of the Flint River, which is just upstream from Yellow Jacket Shoals in Meriwether County.

68. In recent years, as the result of increased internet publicity of Yellow Jacket Shoals, the Brewton Property has been inundated with fishermen who enter the property to take fish from it.

69. Many of the fishermen coming to Yellow Jacket Shoals are professional fishing guides who charge clients for taking fish from the River Property.

70. On May 2, 2022, Mr. Brewton executed a “Landowner Affidavit,” in a form authorized by DNR, stating he is an owner of the Brewton Property and requesting the DNR to charge persons caught fishing on the River Property, with the exception of an enumerated list of persons attached to the affidavit as Exhibit B, with violations of O.C.G.A. §§ 27-3-1 (hunting upon the lands of another), 27-4-2 (fishing in the waters of another), and 27-3-63 (illegal trapping), as applicable.

71. On or about May 8, 2022, DNR Game Warden David Webb informed Mr. Brewton that he had discussed the issue of citations with DNR representatives and was told he could begin issuing warning citations to people fishing on the River Property without Four Chimneys’ permission.

72. However, on May 11, 2022, Mike Worley, President & CEO of the Georgia Wildlife Federation, Gordon Rogers, Riverkeeper and Executive Director of FRK, and Fletcher Sams, Executive Director of the Altamaha Riverkeeper, published a “Letter to the Editor” decrying the enforcement of private property rights on the Flint, Soque, Toccoa, and Satilla Rivers, and advocating for full public access and use of these areas.

73. On May 13, 2022, Mr. Brewton learned DNR game wardens, who had previously been issuing tickets for fishing without permission on the Flint River and who had been prepared

to continue writing those tickets just five days before, were instructed not to write citations because the issue of enforceability needed further study and investigation.

74. On June 29, 2022, “Georgia Outdoor News” published a story quoting Col. Thomas Barnard, Chief of the DNR Law Enforcement Division, as saying DNR considers Yellow Jacket Shoals, which includes the River Property, to be navigable and announcing DNR will not write tickets for wrongfully taking fish at Yellow Jacket Shoals.

75. In an article in the “Georgia Recorder” published July 25, 2022, DNR’s Lt. Judd Smith is cited as having announced DNR would not write citations for fishing on the Flint River.

76. These public statements by Col. Barnard and Lt. Smith and their republication by organizations such as FRK have led to increased fishing traffic at Yellow Jacket Shoals.

COUNT I: DECLARATORY JUDGMENT (O.C.G.A. § 9-4-2)

77. Four Chimneys incorporates the allegations in Paragraphs 1 through 76 of its Complaint as if fully stated herein.

78. Water rights, including fishing rights, are property rights in Georgia, protected by the Constitution, common law, and Georgia’s statutory code.

79. Four Chimneys, and its predecessors, purchased land, constructed facilities, and engaged in fishing and the leasing of exclusive fishing rights in reliance on Georgia law that its water rights, including the exclusive right to control the fishing on the River Property, will be protected by law enforcement.

80. Four Chimneys’ use of the Brewton Property, including the River Property, depends on its ability to utilize all of its property rights.

81. DNR’s refusal to enforce private property rights and its public statements that the Flint River is navigable at Yellow Jacket Shoals constitute an assertion by the State that it owns the River Property.

82. Four Chimneys contests DNR's assertion.

83. Yellow Jacket Shoals, in particular the River Property, is not "navigable" within the meaning of Georgia law.

84. Because the relevant portion of the Flint River is not navigable under Georgia law, Four Chimneys owns the River Property and possesses the exclusive right to control fishing on the River Property.

85. Additionally, the 1972 Deed and the 2007 Deed, and the surveys accompanying those deeds, expressly included portions of the riverbed in the property conveyed.

86. The Upson County Tax Assessor considers the River Property to belong to Four Chimneys.

87. Because Four Chimneys can trace its title back to a grant from the State prior to 1863, Four Chimneys is the owner of the River Property even if the Flint River is navigable at the River Property under Georgia law.

88. As owners of the River Property, Four Chimneys is entitled to exclusively control fishing thereon.

89. Four Chimneys is entitled to control the fishing on the River Property even if the federal navigational servitude applies, as the servitude does not impact fishing rights.

90. DNR's conduct and assertions to the contrary have created uncertainty and insecurity for Four Chimneys concerning the extent of its rights in the River Property, including the right to exclude others from fishing in that portion of the Flint River, its contractual rights with leases into which it has entered related to its exclusive fishing rights, its ability to request the DNR issue warnings or citations for those trespassing on the River Property by fishing without

permission, and its ability to restrict fishing guides from unlawfully entering the River Property and removing fish without Four Chimneys' consent.

91. While this uncertainty and insecurity remains, Four Chimneys cannot fully enjoy its property and is unsure as to how to proceed concerning its activities on the property, including the enforcement by Four Chimneys of its fishing rights, the continued licensing of fishing rights, and the payment of taxes on the River Property.

92. This dispute constitutes an actual controversy, and a judgment will settle and afford relief from uncertainty and insecurity.

93. Four Chimneys has complied with all conditions precedent with requesting declaratory relief against the State.

94. Four Chimneys is entitled to trial on its claim for declaratory relief not earlier than 20 days after service on the State. *See* O.C.G.A. § 9-4-5.

95. Four Chimneys requests the Court enter a declaratory judgment pursuant to O.C.G.A. § 9-4-2 establishing Four Chimneys is the owner of the River Property and is entitled to control fishing thereon.

COUNT II: INJUNCTIVE RELIEF (PERMANENT INJUNCTION)

96. Four Chimneys incorporates the allegations in Paragraphs 1 through 76 of its Complaint as if fully stated herein.

97. Article I, Section 2, Paragraph 5 of the Georgia Constitution authorizes the granting of injunctive relief against the State after the issuance of a declaratory judgment.

98. Under Georgia law, it is a crime to “[i]nterfere with the lawful taking of wildlife by another person by intentionally preventing or attempting to prevent such person from such lawful taking of wildlife.” *See* O.C.G.A. § 27-3-151(a)(1).

99. Four Chimneys experiences and continues to experience individuals and, many times, fishing guides with groups, entering the River Property and taking fish from it.

100. Four Chimneys wishes to exercise its rights to exclude others from fishing on the River Property, but given DNR's recent comments and actions suggesting State ownership of that property, it could be criminally prosecuted for preventing the "lawful" taking of wildlife.

101. The DNR's changed position that Four Chimneys does not own the River Property or the fishing rights associated with the River Property has subjected and will continue to subject Four Chimneys to irreparable harm for which there is no adequate remedy at law.

102. The harms Four Chimneys has suffered and will continue to suffer includes the loss of the River Property and the resulting loss of rights associated with the Brewton Property, loss of the capital Four Chimneys acquires as a result of leasing out its fishing rights to third parties, loss of future lease payments related to the River Property, confusion related to payment of property taxes to Upson County on the River Property, potential exposure to liability if individuals, or fishing guides with groups, are injured on the River Property, and deprivation of substantive and procedural due process rights.

103. Money damages are not adequate compensation to protect the unique character of Four Chimneys' interest in the River Property.

104. Four Chimneys requests the Court, upon the issuance of a declaratory judgment establishing Four Chimneys as the owner of the River Property, enter a permanent injunction preventing the State from enforcing O.C.G.A. § 27-3-151(a)(1) against it as a result of Four Chimneys' exercising its rights as the owner of the River Property and permitting Four Chimneys to exercise the full control of its exclusive right to control the fishing on the River Property. Four Chimneys further requests the Court, upon issuance of said declaratory judgment, prevent the

State, via any of its agencies, instrumentalities, or otherwise, from making statements and taking any actions inconsistent with Four Chimneys' ownership of the River Property.

COUNT III: INVERSE CONDEMNATION

105. Four Chimneys incorporates the allegations in Paragraphs 1 through 76 of its Complaint as if fully stated herein.

106. To the extent the State is determined to be the owner of the River Property and/or determined to have any property interest in the River Property, the State's conduct is, under the Georgia Constitution, a taking of Four Chimneys' exclusive property rights for which the State has not provided adequate compensation.

107. To the extent the State is determined to be the owner of the River Property and/or determined to have property interest in the River Property, such determination also constitutes a judicial taking of Four Chimneys' exclusive property rights for which the State has not provided adequate compensation.

108. Four Chimneys is entitled to recover the fair market value of the River Property and the fishing rights associated with the River Property.

109. Four Chimneys is further entitled to recover for the consequential damage caused to the remaining portions of the Brewton Property as a result of the State's taking of the River Property and the fishing rights associated with the River Property.

110. Four Chimneys does not have to provide the State with notice of an inverse condemnation claim pursuant to the Georgia Torts Claims Act because the Act does not apply. *Bray v. Department of Transportation*, 324 Ga. App. 315 (2013).

COUNT IV: EXPENSES OF LITIGATION

111. Four Chimneys incorporates the allegations in Paragraphs 1 through 76 of its Complaint as if fully stated herein.

112. The State has acted in bad faith, been stubbornly litigious, and has caused Four Chimneys unnecessary trouble and expense.

113. Georgia law on the issues raised in this Complaint is clear.

114. The State's prior position on the issues raised in this Complaint are clear.

115. The State has obstinately pursued a course necessitating the filing of this lawsuit.

116. Four Chimneys is entitled to recover its expenses of litigation, including attorneys' fees, under O.C.G.A. § 13-6-11.

PRAYER FOR RELIEF

WHEREFORE, Four Chimneys respectfully prays this Court grant the following relief:

- B. A declaratory judgment that Four Chimneys LLLP is the sole owner in fee simple of the River Property, with full rights to prohibit the taking of fish thereon;
- C. A permanent injunction precluding the State from enforcing O.C.G.A. § 27-3-151(a)(1) against Four Chimneys or its agents or assigns as a result of Four Chimneys or its agents or assigns taking steps to prevent the taking of fish on the River Property and precluding the State from making statements and taking any actions inconsistent with Four Chimneys' ownership of the River Property;
- D. In the alternative, that Four Chimneys be awarded all compensatory and consequential damages resulting from the taking of the River Property and the fishing rights thereon without compensation and that Four Chimneys' taxable obligations on the River Property be abated;
- E. That Four Chimneys be awarded its expenses of litigation; and
- F. Any additional relief this Court deems just and proper.

Respectfully submitted this 13th day of October, 2022.

[Signature on following page]

Brooke W. Gram

Brooke W. Gram

Georgia Bar No. 810901

Email: bgram@balch.com

Patrick N. Silloway

Georgia Bar No. 971966

Email: psilloway@balch.com

BALCH & BINGHAM LLP

30 Ivan Allen Jr. Boulevard, N.W.

Suite 700

Atlanta, GA 30308

Telephone: (404) 261-6020

Facsimile: (404) 261-3656

Attorneys for Four Chimneys

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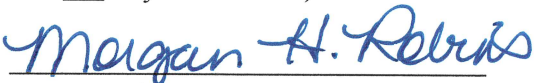
Civil Action File No. _____

VERIFICATION

Before the undersigned officer, duly authorized by law to administer oaths, comes Benjamin H. Brewton, as Managing Partner of Four Chimneys LLLP, who, after first being duly sworn according to law on oath, deposes and states that the facts contained in *Plaintiff's Verified Complaint* are true and correct and within his personal knowledge.


Benjamin H. Brewton
Managing Partner of Four Chimneys LLLP

Sworn and subscribed to before me
this 13th day of October, 2022.



Notary Public

My commission expires: 6/28/24

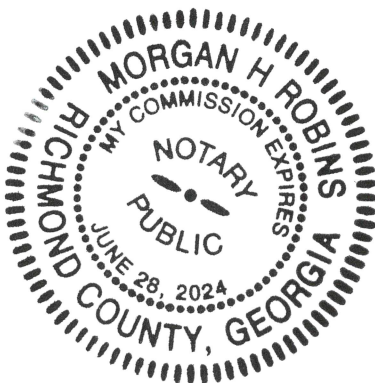


EXHIBIT A

STATE OF NEW YORK, AND
STATE OF GEORGIA,
COUNTY OF UPSON:

EASEMENT

THIS INDENTURE made and entered into this 29th day of March, 1972, between THE B. F. GOODRICH COMPANY, a New York Corporation, as Party of the First Part, and the CITY OF THOMASTON, GEORGIA, a municipal corporation, of Upson County, Georgia, as Party of the Second Part,

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of \$1.00 to it in hand paid, the receipt whereof is hereby acknowledged, has granted and conveyed, and does hereby grant and convey, unto the said CITY OF THOMASTON, GEORGIA, Party of the Second Part, its successors and assigns, a perpetual right of way and easement for the purposes hereinafter set forth, over, under and along the following described strip of land, to-wit:

A strip of land fifteen (15) feet in width, located in Land Lot Nos. 229 and 228 of the 10th Land District of Upson County, Georgia, which said easement is shown and delineated on that certain plat, a copy of which is of record in Plat Book 6, page 122, in the Office of the Clerk of the Superior Court of Upson County, Georgia, which is by this reference incorporated herein and made a part of this description, the center line of which fifteen (15) foot strip of land is located as follows, to-wit: To arrive at the REAL POINT OF BEGINNING of said center line, begin at a point on the North line of Lot No. 176 of Silvertown Subdivision (plats of said Silvertown Subdivision being of record in Plat Book 2 at pages 230-232, inclusive, in said Clerk's Office, which said plats as so recorded are incorporated herein in aid of this description), which said point is located North 89 degrees 0 minutes 0 seconds East 26.19 feet from the Northwest corner of said Lot No. 176 of Silvertown Subdivision and run thence North 10 degrees 44 minutes 56 seconds West 2944.53 feet to Station 20+81.26 shown on said easement plat, and run thence Southerly along an arc to the right (calculated on a delta angle of 28 degrees 44 minutes 56 seconds with a radius of 2300 feet) a distance of approximately 608.74 feet to the center of Miller Branch, the center of which branch is the common boundary line between the lands of John E. Holliman et al. and Party of the First Part, the center of which branch is the REAL POINT OF BEGINNING; run thence Southerly from the said REAL POINT OF BEGINNING of the center line of the fifteen (15) foot easement hereby conveyed along an arc to the right (calculated on a delta angle of 28 degrees 44 minutes 56 seconds with a radius of 2300 feet) an arc distance of approximately 545.32 feet to P. T. 32+35.32 shown on said easement plat; thence South 18 degrees 0 minutes 0 seconds West 187.17 feet; thence Southerly along an arc to the left (calculated on a delta angle of 65 degrees 30 minutes 00 seconds with a radius of 300.00 feet) an arc distance of 571.59 feet; thence South 47 degrees 30 minutes 00 seconds East 155.92 feet; thence Southerly along an arc to the right (calculated on a delta angle of 53 degrees 43 minutes 58 seconds with a radius of 800.00 feet) an arc distance of 750.251 feet; and thence South 6 degrees 13 minutes 58 seconds West 19.45 feet to the center of the sanitary sewer manhole shown on said easement plat.

.....together with the perpetual right to the said CITY OF THOMASTON, its successors and assigns, from time to time, and at any time: (i) to lay, construct, operate, relay, repair, and maintain continuously under, along and across said fifteen (15) foot strip of land above described, one or more sanitary sewer lines, and all necessary and convenient appurtenances thereto, with the right to dig ditches and make excavations on said fifteen (15) foot strip of land, for the purpose of installing, constructing, operating, relaying, repairing, and maintaining said sewer lines; and (ii) to trim, cut away and keep clear of said sewer line of lines any and all tree roots and other obstructions that may now or hereafter in any way interfere with the proper installation, construction and operation of said sewer line or lines; and (iii) to have full right of ingress and egress over said strip of land of party of the first part for all of the purposes above set forth, and also full right of ingress and egress over Party of the First Part's adjoining lands to said fifteen (15) foot easement area for the purposes of exercising all other rights and privileges conferred under this easement.

The above easement and privileges hereby granted may be exercised by said CITY OF THOMASTON, GEORGIA, its successors and assigns, and by the agents, officials, employees, contractors and other duly authorized agents of said city, or of its successors and assigns.

Party of the First Part warrants that it is the owner of the fifteen (15) foot strip hereinabove described and also warrants to said CITY OF THOMASTON, GEORGIA, its successors and assigns, the right to exercise any and all easements and privileges herein granted.

IN WITNESS WHEREOF, the said THE B. F. GOODRICH COMPANY, has hereunto set its hand and affixed its seal, and delivered these presents, the day and year first above written.

Witnesses:

R. L. Dewey
June M. Buttermore

THE B. F. GOODRICH COMPANY
By: F. X. Reilly
Vice-President-Treasurer

Signed, sealed and delivered
in the presence of:

June M. Buttermore
Notary Public,
JUNE M. BUTTERMORE
Notary Public, Summit County, Ohio
My Commission Expires Mar. 7, 1977.

Attest: J. C. Becker (SEAL)
Assistant Secretary

Corporate Seal
Approved RLD
Approved as to Form JB (SEAL)

Recorded April 21, 1972.

Edward Trice, Clerk

----- END -----
EXECUTORS' DEED

GEORGIA, UPSON COUNTY:

THIS INDENTURE, made and entered into this 20th day of April, 1972, by and between W. C. DANIEL and MRS. CLARICE DANIEL WOODSON, in their capacity as the Executors of THE LAST WILL AND TESTAMENT OF E. R. DANIEL, late of Upson County, Georgia, deceased, as Parties of the First Part, and DR. SAMUEL A. BREWTON, JR., of Upson County, Georgia, as Party of the Second Part,

WITNESSETH:

THAT WHEREAS, Parties of the First Part are the duly qualified Executors of THE LAST WILL AND TESTAMENT OF E. R. DANIEL, which Will was duly probated in Solemn Form in the Office of the Ordinary of Upson County, Georgia, and Letters Testamentary issued thereon on January 21, 1972, and

WHEREAS, Parties of the First Part were, by Item 10 of said Will, appointed as the Executors thereof, and specifically authorized to sell the property of said decedent at private sale, without order of any Court, which estate included the hereinafter described real estate;

NOW, THEREFORE, for the purpose of paying debts, taxes, and for the purpose of distribution, the said Parties of the First Part as said Executors do, for and in consideration of the sum of FIFTY-THREE THOUSAND FIVE HUNDRED SEVENTY-NINE DOLLARS (\$53,579.00), the receipt and sufficiency whereof are hereby acknowledged, in hand paid by Party of the Second Part to Parties of the First Part, the said Parties of the First Part do hereby transfer, sell and convey unto Party of the Second Part the following described real estate, to-wit:

All that tract or parcel of land, situate, lying and being in Land Lots Nos. 31, 32, 33, 69 and 70 of the 16th Land District of Upson County, Georgia, containing 238.129 acres, and being more particularly described according to that certain plat of survey prepared by Smith and Smith, Surveyors, dated March 29, 1972, and of record in Plat Book 6, page 120, in the Office of the Clerk of the Superior Court of Upson County, Georgia, and by reference thereto said plat is incorporated herein in aid of this description, as follows: Begin at the Northwest corner of Land Lot No. 68 of the 16th Land District of Upson County, Georgia, and run thence South 01 degrees 03 minutes 47 seconds East 1888.29 feet to a point; thence North 89 degrees 40 minutes 46 seconds West 2526.35 feet to a point; thence North 10 degrees 11 minutes 24 seconds West 65.84 feet to a point; thence North 38 degrees 32 minutes 01 seconds West 250.97 feet to a point; thence North 06 degrees 20 minutes 38 seconds West 144.80 feet to a point; thence North 18 degrees 42 minutes 37 seconds West 293.86 feet to a point; thence North 56 degrees 09 minutes 36 seconds West 121.49 feet to a point; thence North 53 degrees 41 minutes 19 seconds West 174.62 feet to a point; thence North 34 degrees 26 minutes 04 seconds West 91.35 feet to a point; thence North 15 degrees 33 minutes 23 seconds West 119.07 feet to a point; thence North 41 degrees 35 minutes 50 seconds West 376.94 feet to a point; thence North 60 degrees 05 minutes 08 seconds West 113.82 feet to a point; thence North 40 degrees 15 minutes 28 seconds West 135.78 feet to a point; thence North 58 degrees 19 minutes 43 seconds East 1731.75 feet to a point; thence South 85 degrees 01 minutes 24 seconds East 301.75 feet to a point; thence North 01 degrees 03 minutes 47 seconds West 104.15 feet to a point; thence South 38 degrees 26 minutes 51 seconds East 64.97 feet to a point; thence South 36 degrees 15 minutes 34 seconds East 95.00 feet to a point; thence South 34 degrees 47 minutes 05 seconds East 101.02 feet to a point; thence South 33 degrees 44 minutes 13 seconds East 109.03 feet to a point; thence South 39 degrees 11 minutes 03 seconds East 67.54 feet to a point; thence South 34 degrees 25 minutes 40 seconds East 88.13 feet to a point; thence South 28 degrees 23 minutes 17 seconds East 30.00 feet to a point; thence South 27 degrees 08 minutes 03 seconds East 52.00 feet to a point; thence South 33 degrees 01 minutes 51 seconds East 64.15 feet to a point; thence South 45 degrees 13 minutes 02 seconds East 47.20 feet to a point; thence South 56 degrees 47 minutes 27 seconds East 80.31 feet to a point; thence South 58 degrees 06 minutes 16 seconds East 81.16 feet to a point; thence South 59 degrees 18 minutes 56 seconds East 53.18 feet to a point; thence South 65 degrees 36 minutes 56 seconds East 66.00 feet to a point; thence North 87 degrees 25 minutes 33 seconds East 101.15 feet to a point; thence North 74 degrees 06 minutes 03 seconds East 95.09 feet to a point; thence North 83 degrees 55 minutes 18 seconds East 47.67 feet to a point; thence North 68 degrees 42 minutes 02 seconds East 32.00 feet to a point; thence North 58 degrees 01 minutes 24 seconds East 102.11 feet to a point; thence North 51 degrees 34 minutes 00 seconds East 106.12 feet to a point; thence North 48 degrees 25 minutes 31 seconds East 73.00 feet to a point; thence North 49 degrees 02 minutes 33 seconds East 83.91 feet to a point; thence North 49 degrees 52 minutes 37 seconds East 72.30 feet to a point; thence North 54 degrees 34 minutes 09 seconds East 82.11 feet to a point; thence North 60 degrees 08 minutes 24 seconds East 38.00 feet to a point; thence North 74 degrees 07 minutes 30 seconds East 58.97 feet to a point; thence North 89 degrees 59 minutes 52 seconds East 51.00 feet to a point; thence South 55 degrees 02 minutes 06 seconds East 94.02 feet to a point; thence South 53 degrees 12 minutes 08 seconds East 110.21 feet to a point; thence South 56 degrees 34 minutes 20 seconds East 100.04 feet to a point; thence South 59 degrees 10 minutes 19 seconds East 77.00 feet to a point; thence South 60 degrees 30 minutes 30 seconds East 60.00 feet to a point; thence South 56 degrees 14 minutes 13 seconds East 72.09 feet to a point; thence South 36 degrees 51 minutes 45 seconds East 42.45 feet to a point; thence South 09 degrees 59 minutes 44 seconds East 50.12 feet to a point; thence South 10 degrees 11 minutes 25 seconds West 67.05 feet to a point; thence South 13 degrees 26 minutes 06 seconds West 67.00 feet to a point; thence South 12 degrees 47 minutes 34 seconds West 80.34 feet to a point; thence South 10 degrees 10 minutes 50 seconds West 98.22 feet to a point; thence South 04 degrees 51 minutes 34 seconds West 88.01 feet to a point; thence South 05 degrees 48 minutes 54 seconds West 56.99 feet to a point; thence South 00 degrees 25 minutes 05 seconds West 48.24 feet to a point; thence South 15 degrees 24 minutes 56 seconds East 51.52 feet to a point; thence South 27 degrees 31 minutes 12 seconds East 42.00 feet to a point; thence South 41 degrees 25 minutes 08 seconds East 76.33 feet to a point; thence South 35 degrees 50 minutes 39 seconds East 71.76 feet to a point; thence South 22 degrees 09 minutes 15 seconds East 42.00 feet to a point; thence South 12 degrees 15 minutes 51 seconds East 97.20 feet to a point; thence South 05 degrees 44 minutes 39 seconds East 54.04 feet to a point; thence South 09 degrees 05 minutes 23 seconds East 46.20 feet to a point; and thence South 88 degrees 04 minutes 34 seconds West 2028.45 feet to a point, which point is the point of beginning, all as shown by said plat. THERE IS EXPRESSLY EXCEPTED from the above described real estate so much of same as may lie within the right of way boundaries of Roland Public Road.

Parties of the First Part further grant and convey unto Party of the Second Part all of the right, title and interest of the said E. R. DANIEL, deceased, in and to the Flint River and the bed thereof to the thread or center of the main current of said River which is adjacent to the land specifically described above.

The Parties of the First Part having, this day, paid to Party of the Second Part said estate's prorata part of all 1972 ad valorem taxes to which said lands are subject, Party of the Second Part hereby covenants and agrees to pay all 1972 ad valorem taxes assessed against said real estate promptly when the same falls due.

TO HAVE AND TO HOLD the said described real estate, together with all the rights, members and appurtenances thereunto belonging or in any wise appertaining to the said DR. SAMUEL A. BREWTON, JR., Party of the Second Part, in fee simple for his own proper use, benefit and behoof in as full and ample a manner as the same was possessed or enjoyed by the said E. R. DANIEL, deceased, in his lifetime.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hands and affixed their seals on the day and year first above written.

Upson County, Georgia
 Book 53.60
 Date April 20, 1972
 Edward Trice, Clerk

W. C. Daniel (SEAL)
 W. C. DANIEL, AS EXECUTOR U/W
 E. R. DANIEL, DECEASED

Mrs. Clarice Daniel Woodson (SEAL)
 MRS. CLARICE DANIEL WOODSON, EXECUTOR
 U/W E. R. DANIEL, DECEASED

Signed, sealed and delivered
 in the presence of:

Gail Hittson
 John E. Holliman (N. P. Seal)
 Notary Public, Upson County, Ga.

Recorded April 21, 1972.

Edward Trice, Clerk

----- END -----

ADMINISTRATOR'S DEED OF ASSENT

FLORIDA,
 DADE COUNTY.

This Indenture, made and entered into this 21st day of June, 1971, between BERTRAM M. SCHOELLER as Administrator of the Estate of Leonard M. Schoeller, deceased, as Party of the First Part, and THE TRUE CHURCH OF GOD IN CHRIST, INC. as Party of the Second Part,

WITNESSETH:

That, whereas, the said Leonard M. Schoeller died intestate in Upson County, Georgia, on the 5th day of November, 1965, leaving Party of the First Part as his sole surviving heirs at law; and

Whereas, Letters of Administration have been granted to Party of the First Part upon the Estate of Leonard M. Schoeller, and said Estate has been completely administered and all debts of said Estate have been paid and it is unnecessary to sell or administer the real estate hereinafter described for the purpose of distribution or payment of debts, or for any other purposes;

Now, therefore, the premises considered, the said Bertram M. Schoeller, acting in his capacity as Administrator of the Estate of Leonard M. Schoeller, deceased, does hereby relinquish unto Party of the Second Part, its legal representatives or assigns, the possession, custody, and control of the lands hereinafter described, free and clear of the necessity of said lands being administered as part of the Estate of the said Leonard M. Schoeller for the purpose of distribution and payment of debts of said Estate, or for any other legal purposes whatsoever, and, as a result, does hereby convey unto Party of the Second Part, its legal representatives and assigns, the following described real estate, to-wit:

All of 4.0248 acres of land located in Land Lot No. 223 in the 10th Land District of Upson County, Georgia, and better described on Plat of Survey No. 131-71-16-34 made by Charles Lamar Moore, R. P. S., on June 17, 1971, and on record in the Office of the Clerk of the Upson Superior Court, Upson County, Georgia, in Plat Book , page , with reference to said plat being hereby made in aid of this description as if copied at length herein.

To have and to hold the said bargained premises, with all and singular, the rights, members and appurtenances thereunto appertaining to the only proper use, benefit, and behoof of Party of the Second Part, its legal representatives and assigns, in fee simple.

In Witness Whereof, Party of the First Part, in his representative capacity, as Administrator of said Estate, has hereunto set his hand and seal, and delivered these presents the day and year first above-written.

Bertram M. Schoeller
 Administrator of the Estate of
 Leonard M. Schoeller, Deceased.

Signed, sealed and delivered in the
 presence of:

L. C. Westbrook Jr.
 First Witness

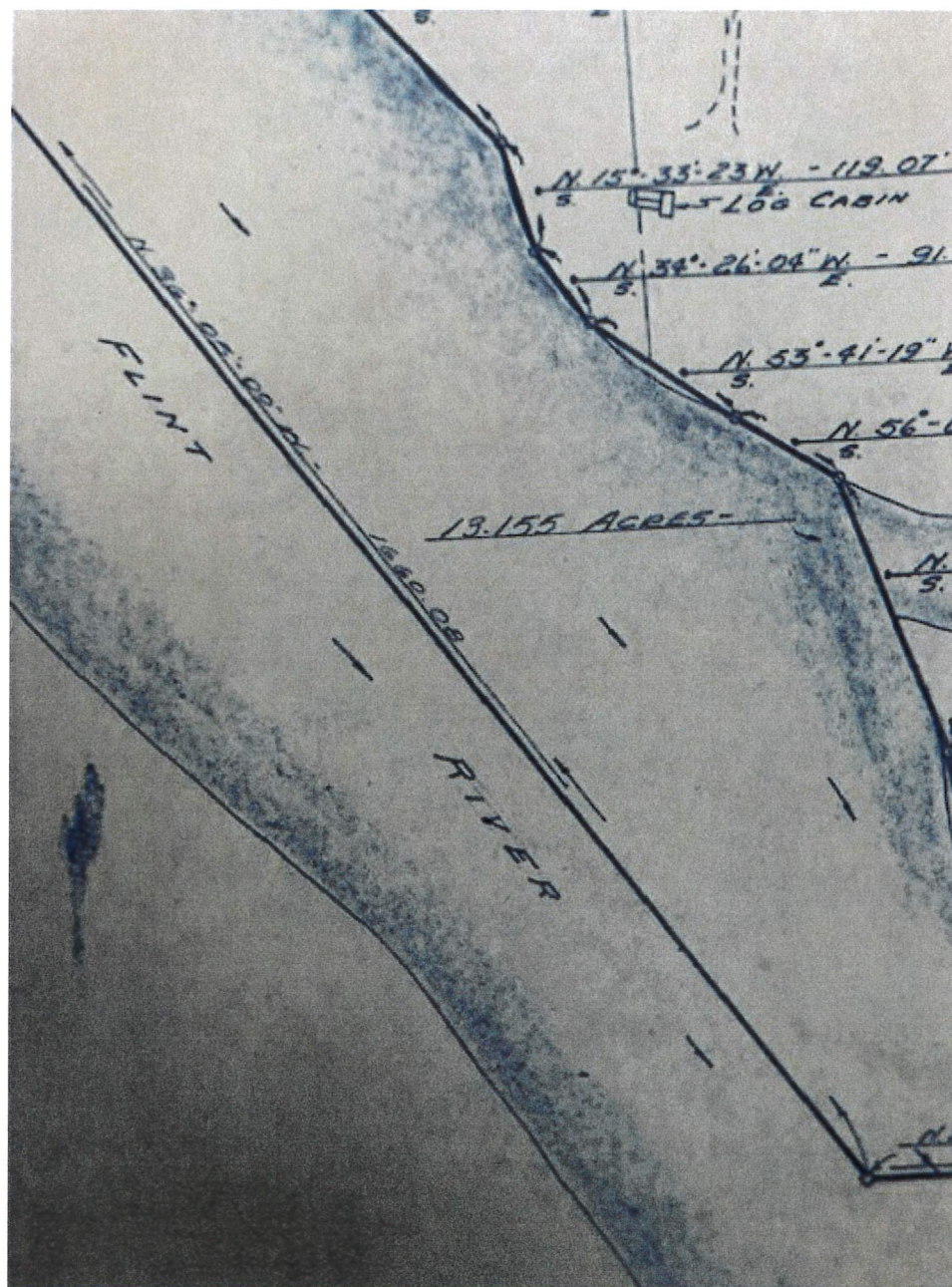
Sue Ann Crandall (N. P. Seal)
 Notary Public
 My Commission Expires
 NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
 My Commission Expires Apr. 4, 1972
 Bonded thru Maynard Bonding Agency
 28th day of June, 1971

Recorded April 24, 1972.

Edward Trice, Clerk

----- END -----

EXHIBIT B



LAND LOT No 32
DEED REF - T\124, 24\461, 46\438,
76\460, 83\701, 77\74

LAND LOT LINE IS BASED UPON DATA HERE SHOWN - NOTED IN SURVEY
APPROX 1000 FT E OF S.E. COR. (In 1924)
OF LOT NO 68

LAND LOT No 69

E. R. DANIEL EST.
DE. S. A. BREWTON

AREA 238.129 ACRES - TO N.E. SIDE (BANK) OF
FLINT RIVER (EXISTING).
AREA IN RIVER BOUNDED, NW BY NW LINE OF TRACT PROJECTED
SW BY A LINE APPROXIMATING CENTER OF RIVER, SOUTH BY
SOUTH LINE OF TRACT, PROJECTED, & ON N.E. BY THE N.E. BANK OF
FLINT RIVER = 13.155 ACRES.

DEED REFERENCES: T\124, 76\461, 46\438, 76\460,
63\701, 77\74.

Flint River

EXHIBIT C

FILED & RECORDED
CLERK, SUPERIOR COURT
UPSON COUNTY, GA. 30286

2007 JUN 22 AM 10 34

BY 
NANCY ADAMS, CLERK

RETURN TO:
Mallory & Trice
Attorneys at Law
P.O. Drawer 832
Thomaston, GA 30286

QUITCLAIM DEED

STATE OF GEORGIA, UPSON COUNTY:

THIS INDENTURE made this 14th day of June, 2007, between WILLIAM C. BASS, JR., of Meriwether County, Georgia, Party of the one part, and MARTHA MULLINS BREWTON of Upson County, Georgia, Party of the other part.

WITNESSETH:

That for and in consideration of ONE DOLLAR, the receipt whereof is hereby acknowledged, said First Party does hereby give, grant, remise, release and forever quitclaim unto said Second Party, her heirs, legal representatives and assigns, the following described property, to-wit:

All that tract or parcel of land, together with all improvements thereon, containing 12.823 acres, situate, lying and being in Land Lots Nos. 69 and 75 of the 16th Land District of Upson County, Georgia, shown and designated as Parcel 3 on that certain plat of survey of entitled "Property of William C. Bass, Jr.," dated February 21, 2007, revised March 26, 2007, and June 7, 2007, prepared by Trinity Land Surveying, of record in Plat Record 29, page 84, in the Office of the Clerk of the Superior Court of Upson County, Georgia, which said plat including the boundaries, metes, courses and distances of said real estate as shown and delineated thereon is by this reference incorporated herein in aid of this description.

This is a portion of the real estate conveyed to William C. Bass, Jr., by deed of Great Northern Nekoosa Corporation, a Maine Corporation (the successor of Southern Land, Timber & Pulp Corporation) dated April 15, 1984, and of record in Deed Book 302, Page 167, said Clerk's Office.

This deed conveys the property heretofore conveyed to Martha Mullins Brewton by the Grantor herein by deed of record in Deed Book 1092, Page 307, in said Clerk's Office. The plat of subject property was subsequently revised to include by survey all of Shelly Island which was previously conveyed to Martha Mullins Brewton. No interest in any access easement benefiting Parcels 1 or 2 as shown on said plat is conveyed hereby.

Together with all the rights, members and appurtenances thereto in any manner belonging, in Fee Simple. The said First Party does not warrant the title to said premises herein conveyed, except against himself and against those claiming under him.

IN TESTIMONY WHEREOF, the said First Party has hereunto set his hand and affixed his seal, the day and year first above written.

William C. Bass, Jr. (SEAL)
WILLIAM C. BASS, JR.

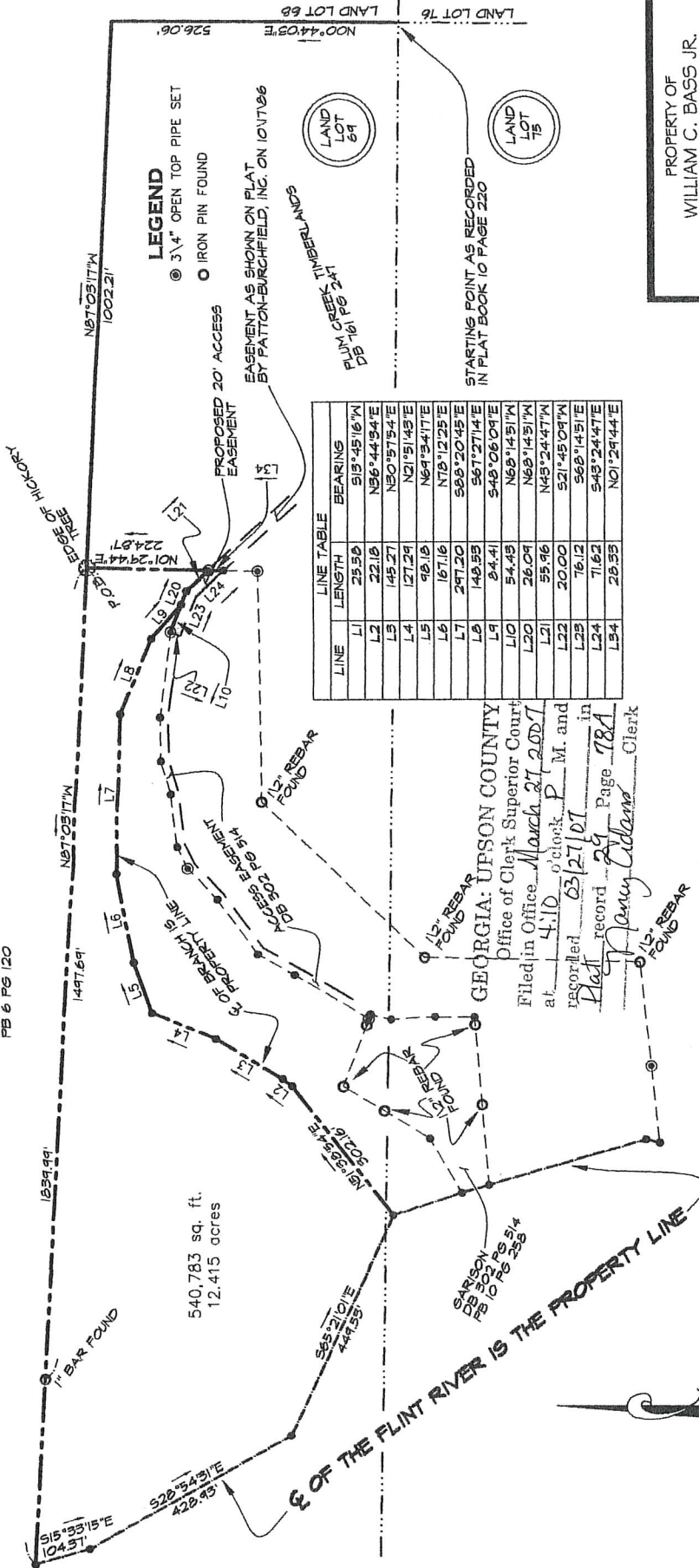
Signed, sealed, and delivered on
the 14 day of June, 2007,
in the presence of:

Jacqueline Seal
Donna M. Jones
Notary Public, Upson County, GA
My Comm. Expires: 7-13-10



EXHIBIT D

BRENTON
DB 316 PG 674
PB 6 PG 120



LINE	LENGTH	BEARINGS
L1	25.50	S13°45'16\"W
L2	22.10	N56°44'54\"E
L3	149.27	N30°57'54\"E
L4	127.29	N21°51'43\"E
L5	98.10	N69°34'17\"E
L6	167.16	N73°12'25\"E
L7	247.20	S68°20'45\"E
L8	149.53	S67°27'14\"E
L9	84.41	S48°06'09\"E
L10	54.43	N65°14'51\"W
L20	26.04	N63°14'51\"W
L21	55.96	N43°24'47\"W
L22	20.00	S21°45'09\"W
L23	76.12	S68°14'51\"E
L24	71.62	S43°24'47\"E
L34	28.53	N01°24'44\"E

GEORGIA: UPSON COUNTY
Office of Clerk Superior Court
Filed in Office March 27, 2007
at 4:10 o'clock P. M. and
recorded 03/27/07 in
Plat record 29 Page 781
Nancy Tidland Clerk



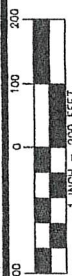
ORIGINAL SEAL IS IN BLUE INK

It is hereby certified that this plat is true and correct as to the property lines and all improvements shown thereon, and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist, and their location, size, type and material are correctly shown. The field data upon which this plat is based has a closure precision of one foot in >10,000 feet and angular error of <3\" per angle point and was not adjusted. The linear and angular measurements shown on this plat were obtained by using a TOPCON GPT-3007 TOTAL STATION.

This plat was calculated for closure and is found to have a minimum plat closure of one foot in 330,466 feet.

PROPERTY OF
WILLIAM C. BASS JR.
LOCATED IN LAND LOTS 69 & 75
16th LAND DISTRICT
UPSON COUNTY, GEORGIA
MARCH 9, 2007
REVISED MARCH 26, 2007

TRINITY
LAND SURVEYING
BOUNDARY - SUBDIVISION - ALTIMETER - TOPOGRAPHIC
MATTHEW S. JOHNSTON, P.L.S.
261 COUNTY LINE ROAD
GEORGETOWN, GA. 31023
GEORGIA REGISTRATION NO. 2869



STARTING POINT AS RECORDED
IN PLAT BOOK 10 PAGE 220

LAND LOT 69

LAND LOT 75

LEGEND
● 3 1/4\" OPEN TOP PIPE SET
○ IRON PIN FOUND

EASEMENT AS SHOWN ON PLAT
BY PATTON-BURCHFIELD, INC. ON 10/17/86

PLUM CREEK TIMBERLANDS
DB 161 PG 241

PROPOSED 20' ACCESS
EASEMENT

N87°03'17\"W
1002.21'

526.06'

N00°44'03\"E

1839.44'

1447.64'

N87°03'17\"W

N01°24'44\"E

N87°03'17\"W

N00°44'03\"E

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EXHIBIT E



EXHIBIT F

FLINT RIVER BASIN MANAGEMENT PLAN 1997



**GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

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testing and technical assistance when needed. Those public water system wells that exceed the Maximum Contaminant Level (MCL) for a contaminant are either removed from service or added treatment. Also a few wells in the basin have been found to be under the direct influence of surface water. These wells are monitored and have additional treatment. The DWP plans to conduct additional testing for ground water under the influence of surface water in public water system wells located the lower Flint basin since the geology of the area is predisposed to karst.

5.1.2 Agriculture

Agricultural water demand is very great in the Flint River basin (primarily in the lower basin south of Cordele). It has been estimated that over 80% of water demand for irrigation in the Flint basin comes from groundwater sources. Total agricultural water demand is expected to increase from 83,000 million gallons (MG) in 1995 to about 154,000 MG in 2010 and perhaps to 220,000 MG in 2050. However, because the demand for irrigation is concentrated in the months of May through August, and because demand is much greater during a drought, the withdrawal rate could be 2,000 million gallons per day (MGD) in 2010 and 3,000 MGD in 2050. At these rates of withdrawal, coming as they do in the summer when stream flows often diminish as a result of inconsistent rainfall, there is a real potential for short-term effects on aquifer levels and, in part because of reduced recharge rates, on significantly lower stream flows. This possibility has significant implications for the ability of farmers in southwest Georgia to provide sufficient water to produce a quality crop in a severe drought under a high agricultural growth scenario.

5.1.3 Recreation

Water-based recreation in the Flint basin is primarily dependent on sufficient water flow in the streams to support low density boating and fishing activities. It is unlikely that there will be any significant effect on these activities due to unavailability of water, with the possible exception of short term stream flows during droughts when agricultural irrigation is very high.

5.1.4 Hydropower

There is no significant hydropower production in the Flint basin. Both the Warwick Dam and the Flint River Dam, the two dams of the Flint River basin, are operated for hydropower but have very little storage capacity and impound run-of-the-river reservoirs.

5.1.5 Navigation

The Flint River is navigable only to Bainbridge, a few miles above Lake Seminole. As with the Chattahoochee, navigation is primarily dependent on channel depths in the Apalachicola River. The ACT/ACF Study will likewise have a significant effect on future navigation predictability.

5.1.6 Waste Assimilation Capacity

There are presently no known segments of surface waters in the Flint River basin in which there is a critical need for sufficient flow to meet water quality standards. At this time there does not appear to be such a need in the foreseeable future. To protect aquatic wildlife, it has been recommended that a minimum instream flow of 30 percent of average annual discharge be maintained (Evans and England, 1995).

EXHIBIT G

Savannah District – U.S. Army Corps
of Engineers Regulatory Branch

The below list represents those waters where the Savannah District is currently asserting its authority under Section 10 of the Rivers and Harbors Act of 1899. Please note that the list may include waters that are not part of an approved navigation study, and not inclusive of all navigable waters within the Savannah District.

You may contact the appropriate Regulatory Permit Section office ([hyperlink](#)) for additional information and/or to determine if a particular project falls within or outside of our authority under Section 10 of the Rivers and Harbors Act of 1899 ([hyperlink](#)).

Waterway	Rivers, Bays Bayous, Creeks , Canals, Intracoastal Waterways.		Harbors, Bays, Lakes, and Sounds		Remarks
	Navigable length (miles)	Miles under authorized project	Length of main channel or sailing course (miles)	Miles under authorized project	
Abercorn Creek	7	-	-	-	Origin at Savannah River and includes Little Abercorn Creek
Academy Creek	2	1	-	-	Dam
Adams Creek	4	-	-	-	Confluence w/ Odingshell River
Altamaha River	137	137	-	-	Forks
Altamaha Sound	-	-	3	3	Three miles also included in AIWW
Ashley Creek	3	-	-	-	Colonels Island
Atlantic Intracoastal Waterway	165	165	-	-	From Savannah River to Fernandina Florida alternate route
Atwood River	3	-	-	-	Valona
Augustine Creek	3	-	-	-	Railroad Bridge
Back River (Tributary to Doboy Sound)	2	1	-	-	One Mile also included in AIWW-Doboy Island
Back River (Tributary to Sapelo Sound)	3	-	-	-	Mile 7 of Sapelo River
Back River (Tributary to St. Simon Sound)	6	3	-	-	Three miles also included in AIWW Confluence with Mackey River
Back River (Tributary to Savannah River)	7	-	-	-	Savannah River-Included in Something
Back River (Tributary to Ossabaw Sound)	6	-	-	-	Highway Crossing
Bailey Cut	2	-	-	-	Satilla River
Barbours Island River	3	-	-	-	Swain River
Beach Creek	2	-	-	-	South end of Cumberland Island
Beacon (Beaver) Creek	5	-	-	-	Atlantic Ocean
Bear Creek	5	-	-	-	Savannah River Swamp
Bear River	11	9	-	-	Nine miles also included in AIWW West Side Ossabaw Island
Beard Creek	2	-	-	-	East Side Wilmington Island
Beards Creek	1	-	-	-	Beards Cut
Belfast River	4	-	-	-	Belfast, Georgia
Bell Point Creek	3	-	-	-	High ground north of Brunswick
Big Collins Creek	4	-	-	-	At forkin
Big Tom Creek	7	-	-	-	Ossabaw Island
Black Creek	9	-	-	-	Savannah River Swamp
Blackbank River	6	-	-	-	Sea Island
Blackbeard Island Creek	3	-	-	-	West Side Blackbeard Island
Black Point Creek	3	-	-	-	Grover Island
Blue Banks Creek	4	-	-	-	Wassaw Island
Bradley Creek	2	-	-	-	Whitemarsh Island
Bradley River	6	-	-	-	Ossabaw Island
Brier Creek	50	-	-	-	Central of GA RR Bridge
Brickhill River	9	-	-	-	Cumberland Dividings
Broro River	2	-	-	-	Shellman Bluff
Brown Island Creek	2	-	-	-	Marsh east of St. Simon Island
Brunson Creek	3	-	-	-	South end of St. Catherine's Island
Brunswick Harbor	-	-	23	23	-
Brunswick River	6	-	-	-	Blythe Island
Buck Creek	16	-	-	-	Sylvania
Buckhead Creek	4	-	-	-	Ossabaw Island
Buffalo Creek	3	-	-	-	Railroad Bridge
Burnett Creek	3	-	-	-	Near U.S. Hwy 25 Crossing
Burnside River	3	3	-	-	Three miles also included in AIWW Vernon View
Burrels Creek	6	-	-	-	Railroad Bridge
Butler River	5	-	-	-	Altamaha River
Butners Creek	3	-	-	-	High ground east of Savannah
Buttermilk Sound	-	-	5	5	Five miles also included in AIWW
Buzzard Roost Creek	1	-	-	-	Dead River
Cabbage Creek	4	-	-	-	Cabbage Island
Cabbage Island Creek	2	-	-	-	Wilmington River
Cabaretta Inlet	5	-	-	-	West Side Blackbeard Island
Cane Patch Creek	4	-	-	-	North end Ossabaw Island
Canoochee River	10	-	-	-	Highway Bridge
Carrs Neck Creek	4	-	-	-	Near Seabrook
Catfish Creek	2	-	-	-	Near Kingsland
Cat Fish Creek	6	-	-	-	North River
Cathead Creek	7	-	-	-	Highway Bridge
Cedar Creek (Tributary to St. Catherine Sound)	3	-	-	-	Medway River
Cedar Creek (Tributary to S. Sapelo River)	2	-	-	-	Near Valona
Cedar Hammock Creek	1	-	-	-	Black River near Shipyard Creek
Cedar Hammock Creek	2	-	-	-	Jointer Creek
Charles Creek	3	-	-	-	Little Ogeechee River
Chawaynochaway (Ichuaway Nochaway) Creek	0.5	-	-	-	Tributary to Flint River
Chattahoochee River	375	155.4	-	-	SR 11/US Highway 129, Hall County

Chimney Creek	2	-	-	-	Highway Bridge
Christmas Creek	6	-	-	-	Little Cumberland Island
					Includes only major embayments. 40 miles also included under State of South Carolina for Savannah River and Clark Hill Reservoir
Clark Hill Reservoir	-	-	172	172	
Clubb Creek	4	-	-	-	Brunswick
Conasauga River	75	-	-	-	Throughout
Connegan Creek	1	-	-	-	Valona
Connegan River	2	-	-	-	Near Valona
Coosa River	28	28	-	-	Throughout
Coosawattee River	41	-	-	-	Elijay, Gilmer County (incl. Carters Lake)
Corn Horse Creek	1	-	-	-	Little Tybee Island
Correll Creek	4	-	-	-	Laurel Island
Coupers River	2	-	-	-	Two miles also included in AIWW-Wrights Island
Cowhead Cut	1	-	-	-	Tybee Creek
Cowpen Creek	2	-	-	-	Below railroad bridge
Creighton Narrows	1	1	-	-	One mile also included in AIWW-South end Creighton Island
Crooked Creek	4	-	-	-	Marsh west of Frederica River
Crooked Creek	4	-	-	-	Rosedew Island
Crooked River	22	-	-	-	Highway Bridge
Cumberland River	12	12	-	-	Twelve miles also included in AIWW-Cumberland Island
Cumberland Sound	-	-	10	10	Ten miles also included in AIWW
Curtis Creek	3	-	-	-	Pine Island
Darien Creek	2	-	-	-	Butler Island
Darien Harbor	12	12	-	-	Two miles also included in AIWW-Darien to Doboy Sound
Dark Creek	3	-	-	-	Marsh Island adjacent to Doboy Sound
Dead Creek	4	-	-	-	Marsh Island St. Catherine's SD
Dead River	2	-	-	-	St. Catherine's Sound
Dead River	5	-	-	-	Marsh Island adjacent to Doboy Sound
Delaroché Creek	3	-	-	-	Cumberland River
Delegal Creek	5	-	-	-	Skidaway Island
Something	4	-	-	-	Marsh area across from Sunbury
Devils Elbow	2	-	-	-	Marsh area east of Brunswick
Something	6	-	-	-	Highway Bridge
Doboy Sound	-	-	5	2	Two miles also included in AIWW
Dover Creek	13	7	-	-	Seven miles also included in AIWW-highway bridge
Dover Cut	1	1	-	-	One mile also included in AIWW-Dover Creek
Dunbar Creek	4	-	-	-	St. Simons Island
Dubignon Creek	3	-	-	-	Jekyll Island
Duplin Creek	2	-	-	-	Sapelo Island
Duplin River	7	-	-	-	Sapelo Island
Eagle Creek	4	-	-	-	Creighton Narrows
East Field Creek	3	-	-	-	Colonels Island
East River	3	2	-	-	Two miles also included in AIWW-Turtle River
Ebenezer Creek	7	-	-	-	Railroad Bridge
Elba Island Cut	1	1	-	-	One mile also included in AIWW
Ellis Cut	2	-	-	-	Highway Bridge
Fancy Bluff Creek	5	5	-	-	Little Satilla River
Fancy Hall Creek	2	-	-	-	Fancy Hall Bluff
Flint River	232	232	-	-	Montezuma, Crawford County
Florida Passage	3	3	-	-	Three miles also included in AIWW-Cane Patch Creek
Floyd Creek	6	-	-	-	Satilla River
Folly Creek	1	-	-	-	Little Tybee Island
Folly River	4	-	-	-	Doboy River
Forrest River	5	-	-	-	Railroad Bridge
Fox Creek	2	-	-	-	Marsh area east on Meridian
Frederica River	11	2	-	-	Two miles also included in AIWW-Mackay River
Front River	3	3	-	-	Two miles also included in AIWW-Creighton Narrows
Generals Cut	1	1	-	-	Butler River
Gilson Cut	3	-	-	-	Highway Bridge
Gould Creek	2	-	-	-	Jones Creek
Gowrie Creek	1	-	-	-	Marsh near Gowrie Island
Grants Creek	2	-	-	-	Marsh north of Brunswick
Grays Creek	2	-	-	-	Whitemarsh Island
Gress Creek	5	-	-	-	Railroad Bridge
Grimballs Creek	2	-	-	-	Dutch Island
Groves River	9	-	-	-	Forest River
Grover Creek	3	-	-	-	Grover Island
Habersham Creek	1	-	-	-	Romerly Marsh
Half Moon River (Tributary to Wassaw Sound)	4	-	-	-	East Side Wilmington Island
Half Moon River (Tributary to N. Newport River)	3	-	-	-	South Newport River
Hammersmith Creek	2	-	-	-	South Altamaha River

Hampton River	13	-	-	-	Buttermilk Sound
Hartwell Reservoir	-	-	77	77	56 miles also included under state of S.C.
Harvey Creek	3	-	-	-	Harvey Cut
Harvey Cut	2	-	-	-	Ogeechee River
Hawkins Creek	2	-	-	-	St. Simons Island
Hazlets Creek	3	-	-	-	Green Island
Hells Gate	1	1	-	-	One mile also included in AIWW-Ogeechee River
Herb River	7	-	-	-	Marsh west of Isle of Hope
Hillary Creek	2	-	-	-	Blythe Island
Honey Creek	4	-	-	-	Marsh north of Dover Bluff
Horse Pen Creek	1	-	-	-	Tybee Island
House Creek	2	-	-	-	Little Tybee Island
Housetowns Cut	1	-	-	-	Onslow Island
Hudson River	3	-	-	-	Meridian
Isle of Hope River	2	-	-	-	Long Island
Jekyll Creek	5	5	-	-	Five miles also included in AIWW-St. Simon Sound
Jekyll Sound	-	-	3	3	Three miles included in AIWW
Jerico River	5	-	-	-	Railroad Bridge
Joes Cut	1	-	-	-	Wilmington River
Johnson Creek	6	6	-	-	Six miles also included in AIWW-North Newport
Jointer Creek	7	-	-	-	Jekyll Island Causeway
Jointer Back River	6	-	-	-	Jekyll Island Causeway
Jones Creek (Tributary to Sunbury Channel)	3	-	-	-	Colonels Island
Jones Creek (Tributary to Hampton River)	2	-	-	-	St. Simons Island
Jones Creek (Tributary to Laurel View River)	5	-	-	-	Isle of Wight
Jones Narrows	1	-	-	-	Marsh south of Isle of Hope
Julienton River	11	-	-	-	Highway Bridge
Kilkenny Creek	7	-	-	-	Belvidere
King(s) Cut	4	-	-	-	May Hall Island
Kings Bay	-	-	7	-	Six miles also included in AIWW-Kings Bay Military Ocean Terminal -St. Marys, GA. Crooked River
Knoxboro Creek	6	-	-	-	Savannah River Swamp
Latham River	1	-	-	-	Jekyll Island Causeway
Laurel Grove Creek	3	-	-	-	Little Satilla R. Swamp
Laurel Island Creek	3	-	-	-	Laurel Island
Laurel View River	7	-	-	-	Belfast River
Lazaretto Creek	6	-	-	-	Tybee River
Lewis Creek	8	-	-	-	Near Cox
Lincoln Creek	3	-	-	-	Belle Isle
Little River	4	-	-	-	Marsh east of Brunswick
Little Buzzard Creek	1	-	-	-	Altamaha R. Swamp
Little Collis	1	-	-	-	Savannah R. Swamp
Little Mud River (Tributary to Sapelo Sound)	3	-	-	-	Harris Neck
Little Mud River (Tributary to Altamaha River)	3	3	-	-	Three miles also included in AIWW-Wolf Island
Little Ocmulgee River	5	-	-	-	Ocmulgee R. Swamp
Little Ogeechee River	16	-	-	-	Highway Bridge
Little Satilla River	20	-	-	-	Yankee Landing
Little Tybee Creek	5	-	-	-	Little Tybee Island
Long Creek	3	-	-	-	Tybee River
Mackay River	11	7	-	-	Seven miles also included in AIWW-Buttermilk Sound
Maiden Creek	5	-	-	-	Little Satilla River
Malkintoo	2	-	-	-	Cumberland Island
Marianna Creek	3	-	-	-	Cherry Point
May Hall Creek	3	-	-	-	Herd Island
McBean Creek	3	-	-	-	Savannah River Swamp
McCoombs Cut	1	-	-	-	Savannah River - included in SC
McQueen's Inlet	2	-	-	-	St. Catherine Island
Medway River	10	-	-	-	Laurel View River
Middle River (Tributary to Savannah River)	5	-	-	-	McCoombs Cut
Middle River (Tributary to Altamaha River)	4	-	-	-	Altamaha River
Mill Creek	7	-	-	-	Savannah River
Minnow Creek	3	-	-	-	South Altamaha River
Moldclark Creek	5	-	-	-	North Newport River
Morrison Creek	1	-	-	-	Blythe Island
Mosquito Creek	3	-	-	-	St. Simons Island
Mud Creek	4	-	-	-	Marsh adjacent To Cumberland
Mud River (Tributary to Sapelo Sound)	6	-	-	-	South Sapelo River
Mud River (Tributary to Jekyll Sound)	2	-	-	-	Jekyll Island Causeway
Mumford Creek	3	-	-	-	Cumberland Island
New Cut	1	-	-	-	Wassaw Creek
Newells Creek	3	-	-	-	Ossabaw Island
New Savannah Bluff Lock & Dam	16	13	-	-	Sixteen miles also included State of SC for Savannah

New Teakettle Crekk	3	-	-	-	Mud River
North Creek	2	-	-	-	Little Satilla River
North River (Tributary to Doboy Sound)	8	2	-	-	Two miles also included in AIWW-Marsh east of Darien
North River (Tributary to St. Marys River)	10	-	-	-	Marsh south of Kings Bay
North Newport River	26	3	-	-	Three miles also included in AIWW-Railroad Bridge
Noyes Cut	1	-	-	-	Dover Cut
Ocmulgee River	206	206	-	-	Macon
Oconee River	145	145	-	-	Milledgeville, Baldwin County
Odingshell River	3	-	-	-	Little Wassaw Island
Ogeechee River	51	3	-	-	Three miles also included in AIWW-US Hwy 80
Ohoopee River	15	-	-	-	US Highway 280, Tattnall County
Old River (Tributary to Darien River)	2	-	-	-	Darien
Old River (Tributary to Penholoway Creek)	2	-	-	-	Altamaha Swamp
Old Remerly Marsh Creek	4	-	-	-	Marsh east of Skidaway Island
Old Teakettle Creek	5	5	-	-	Five miles also included in AIWW-Valona
Oldnors Island Creek	3	-	-	-	Oldnors Island
Oostanaula River	47	-	-	-	Throughout
Ossabaw Sound	-	-	6	-	Six miles also included in AIWW
Oyster Creek	4	-	-	-	Marsh west of Lazaretto Creek
Parsons Creek	4	-	-	-	Marsh east of Brunswick
Payne Creek	4	-	-	-	Highway Bridge
Peacock Creek	1	-	-	-	Highway Bridge
Penholoway Creek	5	-	-	-	Oak Landing
Pine Creek	2	-	-	-	Hampton River
Plantation Creek	4	-	-	-	Marsh east of Brunswick
Point Peter Creek	3	-	-	-	Marsh east of St. Marys
Purvis Creek	1	-	-	-	Highway Bridge
Queen Bess Creek	2	-	-	-	Marsh west of Ossabaw Island
Radcliff Creek	3	-	-	-	Marsh west of Blythe Island
Red Bird Creek	1	-	-	-	Savage Island
Retreat Creek	1	-	-	-	Belle Island
Rhodes Creek	5	-	-	-	Marsh west of Wassaw Island
Richardson Creek	6	-	-	-	Wilmington River
Rockdedundy River	3	1	-	-	One mile also included in AIWW-Darien River
Rock Fish Creek	5	-	-	-	Marsh south of Grove Point
Romerly Marsh Creek	3	-	-	-	Skidaway Island
Rosier Station Cut	2	-	-	-	South Newport River
Runaway Negro Creek	2	-	-	-	Skidaway River
Rush Creek	2	-	-	-	Bear Island
Sadler(s) Creek	5	-	-	-	Sadler Landing
St. Andrews Sound	-	-	4	4	Four miles also included in AIWW
St. Augustine Creek	5	1	-	-	One mile also included in AIWW- Tybee River
St. Catherine Sound	-	-	3	3	Three miles also included in AIWW
St. Marys River	59	59	-	-	Fifty-nine miles also shown in State of Florida; Trader's Hill, Charlton County
St. Simons Sound	-	-	3	3	Three miles also included in AIWW
Salt Creek	3	-	-	-	Highway Bridge
Salt Pond Creek	1	-	-	-	Romerly Marsh
Salter's Creek	1	-	-	-	Highway Bridge
Sapelo Harbor	-	-	9	9	Six miles also included in AIWW-Sapelo Sound
Sapelo River	18	2	-	-	Two miles also included in AIWW-Highway Bridge
Sapelo Sound	-	-	7	7	Confusion
Satilla River	166	166	-	-	Waycross, Ware County
Savannah Harbor	-	-	21	21	Six miles also included under State of SC - Hwy 17 Bridge
Savannah River	283	180	-	-	Includes 30 miles listed in Clark Hill Reservoir and 16 miles in New Savannah Bluff Lock & Dam 283 are also shown in the State of South Carolina
Sazarine Creek	2	-	-	-	Tybee Island Marsh
Shad River	5	-	-	-	Tybee River
Shell Bluff Creek	2	-	-	-	Valona
Shellbine Creek	4	-	-	-	Shellbine Landing
Shipyard Creek	1	-	-	-	Beaulieu
Sheal Creek	2	-	-	-	Old Teakettle Creek
Skidaway Narrows	3	3	-	-	Three miles also included in AIWW-Skidaway River
Skidaway River	6	6	-	-	Six miles also included in AIWW-Isle of Hope
Skippers Narrows	2	-	-	-	Kilkenny Creek
Snow Creek	1	-	-	-	Darien
South River	4	-	-	-	Rockdedundy River
South Altamaha River	10	-	-	-	Couper River
South Branch	5	5	-	-	Five miles also included in AIWW-Altamaha River

South Brunswick River	7	-	-	-	Blythe Island
South Channel	12	-	-	-	Savannah River
South Chickamauga Creek	34.8	-	-	-	Confluence w/ East Chickamauga Creek and Tiger Creek, Catoosa Co.
South Newport River	20	3	-	-	Three miles also included in AIWW-Highway Bridge
South Sapelo River	6	-	-	-	Sapelo River
Sparksman Creek	3	-	-	-	Marsh south of Satilla River
Spirit Creek	3	-	-	-	Savannah River Swamp
Steamboat River	2	-	-	-	Savannah River Swamp
Sunbury Channel	2	-	-	-	Medway River
Sunbury Creek	3	-	-	-	Medway River
Suwannee River	25	25	-	-	Throughout/Okefenokee NWR
Swain River	2	-	-	-	South Newport River
Swash Channel	1	-	-	-	Ogeechee River
Tallapoosa River	48	48	-	-	Harrison/Paulding County Line
Terry Creek	3	2	-	-	Brunswick
Three Mile Cut	2	-	-	-	Altamaha River
Timmons River	5	-	-	-	North Newport River
Tivoli	4	-	-	-	Highway Bridge
Toccoa River	38.8	38.8	-	-	Cooper Creek confluence, Fannin Co. (incl. Blue Ridge Lake); River Mile 83.8
Todds Creek	12	-	-	-	Marsh south of Satilla River
Troup(s) Creek	4	-	-	-	Marsh west of Mackay River
Turner(s) Creek	4	-	-	-	Tybee River
Turtle River	16	-	-	-	Georgia Highway 99
Tybee Cut	2	-	-	-	Cabbage Island
Tybee Creek	5	-	-	-	Little Tybee Island
Tybee River	8	-	-	-	St. Augustine Creek
Umbrella Creek	7	-	-	-	Dover Bluff
Umbrella Cut	1	-	-	-	Umbrella Creek
Unnamed Creek (Tributary to Adams Creek)	2	-	-	-	Romerly Marsh Creek
Unnamed Cut (Tributary to Darien River)	1	-	-	-	Mile Three Darien River
Vandyke Creek	7	-	-	-	Colonels Island
Venetian Inlet	1	-	-	-	Tybee Island
Vernon River	5	5	-	-	Five miles also included in AIWW-Vernon View
Village Creek	4	-	-	-	Sea Island
Wahoo River	5	-	-	-	Barbour Island River
Walburg Creek	4	-	-	-	North Newport River
Wally's Leg	4	-	-	-	Marsh south of South Altamaha R
Wassaw Creek	4	-	-	-	Wassaw Island
West Chickamauga Creek	22	-	-	-	Hwy 27, east of Chickamauga, near Walker/Catoosa Co. bdy
White Bluff River	8	-	-	-	Near Vernonburg
White Chimney Creek	4	-	-	-	Highway Bridge
White Oak Creek	10	-	-	-	Highway Bridge
Wilmington River	15	7	-	-	Seven miles also included in AIWW-Savannah River
Wilson Creek	2	-	-	-	St. Simons Island
Wolf Creek	5	-	-	-	Wolf Island
Wassaw Sound	-	-	-	3	Three miles also included in AIWW
Yellow Bluff Creek	2	-	-	-	Highway Bridge