

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka,  
*Commissioner Toby Baker,*  
*Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 8, 2020

Martin Marietta Materials Real Estate  
Investments, Inc Attn: Mr. Kevin Stone  
5710 W. Hauseman Rd. Ste  
121 San Antonio, TX  
78249-1646

Subject: Change of Ownership  
Certificate of Adjudication No.

18-2006 Dear Mr. Stone:

During the July 6, 2021 phone call with Kathy Buckley of my staff, you indicated that the water rights were not conveyed with the land purchased from C W Colvin in the *Deed* dated December 23, 2014, and recorded as Document No. 14-07835 in the Official Public Records of Kerr County, Texas.

Since Martin Marietta Real Estate Investments, Inc. is not an owner of a portion of the above referenced water right, you requested that the application be withdrawn.

Pursuant to Title 30 TAC §281.18, the application was withdrawn without prejudice.

If you have any questions concerning this matter please contact me via e-mail at [Kathy.buckley@tceq.texas.gov](mailto:Kathy.buckley@tceq.texas.gov) or by telephone at (512) 239-0462.

Sincerely,

A handwritten signature in cursive script that reads "R. Joseph Nicosia".

R. Joseph Nicosia, Team Leader, MC-  
160 Water Rights Compliance  
Assurance Team Water Availability  
Division

JN/kb

cc: South Texas Watermaster's Office

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 •

[tceq.texas.gov](http://tceq.texas.gov) How is our customer service?

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 2, 2020

Martin Marietta Materials Real Estate Investments,  
Inc. Attn: Mr. Kevin Stone  
5710 W. Hauseman Rd. Ste.  
121 San Antonio, TX 78249-  
1646

RE: Change of Ownership  
Certificate of Adjudication No.

18-2006 Dear Mr. Stone:

Based on the information available at the Kerr County Appraisal District, staff determined that Martin Marietta Materials Real Estate Investments, Inc. may be the owner of a portion of the water right and appurtenant land referenced above.

Pursuant to Title 30 Texas Administrative Code (TAC) §§297.81-.83, *Relating to Conveyances of Land and Water Rights*, before the change of ownership can be completed and prior to the use of the authorized water, please provide the following information and fee:

1. A completed Water Rights Change of Ownership Form (copy attached);
2. Copies of recorded legal documents establishing a complete chain of title from the owners of record; **J. W. Colvin and J. W. Colvin Family Trust, J. W. Colvin, Trustee** to the new owner **Martin Marietta Materials Real Estate Investments, Inc.** These documents usually consist of deeds and other such *conveyances* or, in case of inheritance, the (a) Will, (b) Will Inventory, and (c) Probate Order. These documents **may include at a minimum** the following:
  - a. A copy of the **recorded** *Deed* dated December 23, 2014, from J. W. Colvin, III, to Martin Marietta Materials Real Estate Investments, Inc. as filed in the Official Public Records of Kerr County, Texas.
  - b. A copy of the **recorded** *Special Warranty Deed* dated November 5, 2004, from Sandra G. Colvin to J. W. Colvin, III and filed as Document No. 10745 in Volume 1395, Page 542 in the Official Public Records of Kerr County, Texas.

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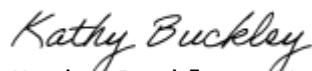
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- c. A copy of the **recorded** General Warranty Deed dated July 30, 2004 from the Colvin Family Trust, J. W. Colvin, III, Trustee, to J. W. Colvin, III and filed as Document 7328 in Volume 1374, Page 75 in the Official Public Records of Kerr County, Texas;
  - d. A copy of the **recorded** document from the Colvin Family Trust, and/or J. W. Colvin, III to Sandra G. Colvin and filed in the Official Public Records of Kerr County, Texas;
  - e. A copy of the **recorded** Colvin Family Trust and any additional document needed appointing J. W. Colvin, III as trustee.
3. The \$100.00 recording fee for changing the ownership records of the certificate. Make your remittance payable to Texas Commission on Environmental Quality.

Please provide the requested information by **July 1, 2020**, or the file may be returned pursuant to 30 Texas Administrative Code §281.18.

If you have any questions concerning this matter, please contact me via e-mail at [Kathy.buckley@tceq.texas.gov](mailto:Kathy.buckley@tceq.texas.gov).

Sincerely,



Kathy Buckley, Water Rights Ownership and Reporting  
Specialist, MC-160 Water Rights Compliance Assurance Team  
Water Availability Division

cc: South Texas Watermaster's Office

Dt=.EO

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Date:** December 23, 2014

**Grantor:** J.W. Colvin, III, individually and as Trustee<sup>14-07835</sup>

**Grantee:** Martin Marietta Materials Real Estate Investments, Inc., a North Carolina corporation

**Grantee's Mailing Address:** 2710 Wycliff Road, Raleigh, North Carolina 27607

**Consideration:** Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged by Grantor.

**Property (including any improvements):**

1. The tract or parcel of land (the "*Land*") described on Exhibit "A" attached hereto and made a part hereof for all purposes;
2. All appurtenances pertaining to the Land, including (without limitation) all buildings, structures, fixtures, and improvements located thereon, and the interest of Grantor, if any, in and to any and all strips or gores, roads, easements, streets, and ways bounding the Land and all rights of ingress and egress thereto;
3. All Groundwater and Groundwater Rights, as hereinafter defined; "*Groundwater*" means all water beneath the surface of the Land, including, but not limited to all of the underground water, percolating water, artesian water, and any other water from any and all depths and reservoirs, formations, depths and horizons beneath the surface of the Land; "*Groundwater Rights*" means all of the real and personal property rights, appurtenances, hereditaments, permits, authorities, licenses, consents and contracts, if any, pertaining to the Groundwater, including but not limited to: (a) the right to withdraw and use Groundwater for any use authorized by law, whether such use be on or off the Land, and to test, explore for, drill for, develop, withdraw, capture, or otherwise use the Groundwater (b) the right to use the surface of the Land for access to and to explore for, develop, treat, produce, sell, and transport the Groundwater, (c) all permits, licenses, or other governmental authorizations relating to any of the foregoing (including, without limitation, HGCD Standard Production Permit No. P0142), including the right to amend, modify, or transfer such permits, licenses, and governmental authorizations, and (d) the right to apply for and obtain new permits, licenses, and governmental authorizations to drill and operate new wells on the Land and to withdraw, store, and transport Groundwater from such wells for any use

FILED BY AND RETURN TO:

KERA **CO&V** **£J**

5731240.3

**&nne co.**  
**712 Earl Gam,tt Street**  
**Kerrville, Texas 78028**

authorized by law, including the right to claim all historical uses of Groundwater on the Land;

4. All groundwater wells located on the Land and any equipment or facilities necessary or useful for the operation of such wells, including but not limited to, well pumps, casing, motors, pressure tanks, storage tanks, and electric lines; and
5. All sand, gravel, limestone, aggregate, building stone, caliche, surface shale, near-surface lignite, uranium, and iron on or under the Land.

#### **Reservations from Conveyance:**

For Grantor and Grantor's heirs, successors, and assigns forever, Grantor hereby reserves, and the Property shall not include, all of Grantor's right, title and interest in all oil, gas, and other minerals in and under and that may be produced from the Land (the "*Reserved Minerals*"), together with all executive rights with respect to the Reserved Minerals; *provided* however that. the terms "*minerals*" and "*Reserved Minerals*" shall, for the avoidance of doubt, exclude all water, sand, gravel, limestone, rock, aggregate, building stone, caliche, surface shale, near-surface lignite, uranium, and iron; *provided further*, however, that in conducting any operations **with** respect to the exploration for, exploitation of, mining and production, processing, transporting, and marketing of such Reserved Minerals, Grantor waives the right to use, enter upon, or occupy any portion of the surface of the Land (or any Groundwater), or to grant or permit others to do so, and shall not place, or permit to be placed, any fixtures, equipment, buildings or structures thereon. Without limiting the generality of the foregoing, Grantor agrees and covenants for Grantor and for any parties acquiring an interest in the Reserved Minerals by, through or under Grantor, including, without limitation, any parties acquiring an oil and gas lease or mining lease covering the Reserved Minerals or any portion thereof that (i) Grantor and all such parties will not conduct or cause to be conducted any seismic operations, drilling, reworking, or other operations for the exploration, development, production, marketing, transportation, storage, sale, refinement or treatment of any Reserved Minerals on the surface of the Land; and (ii) Grantor waives, releases, and relinquishes, for itself and for all parties claiming by, through or under Grantor, all rights to use all or any portion of the surface of the Land for seismic operations, drilling, reworking, developing, producing, preserving, storing, transporting, marketing, or processing any Reserved Minerals, and any rights-of-way and easements for storage tanks, houses, stations, gasoline plants, reservoirs and fixtures for producing, processing, transporting, treating, saving, marketing and caring for such Reserved Minerals and any and all other rights and privileges necessary or incident to the operation of the subject lands for production or development of any Reserved Minerals. Grantor's waiver of surface rights to produce, develop and extract the Reserved Minerals shall constitute a covenant running with the Reserved Minerals and shall be binding upon, and shall inure to the benefit of, Grantor, Grantee and their respective heirs, legal representatives, transferees, grantees, lessees, successors and assigns; provided, however, that it is acknowledged and agreed that nothing contained herein shall in any way restrict or limit the rights of Grantee, its successors and assigns, to use all or any portion of the Property.





For Grantor and Grantor's heirs, successors, and assigns forever, Grantor hereby reserves all of Grantor's right, title and interest in all surface water rights, including appropriative, adjudicative or other similar or related rights, associated with, pertaining to or appurtenant to the Property, including but not limited to any water rights evidenced by or granted under Certificate of Adjudication No. 18-2006B and amended Certificates of Adjudication and related Certificates of Adjudication and all fixtures, machinery, equipment, pumps and pipes located on the Property and used for such surface water rights, but in each case only to the extent relating to the diversion and use of surface water from the Guadalupe River ("*Surface Water Rights*"); *provided* however that "*surface water*" shall not include diffuse water; *provided further* however, that Grantor's reservation herein shall under no circumstances include the right for Grantor, or Grantor's heirs, executors, successors and assigns, to enter onto or use any part of the Land or the surface of the Land to divert, use, store, or transport the reserved Surface Water Rights. Grantor shall, at Grantor's sole expense, amend all applicable Certificates of Adjudication to make such Surface Water Rights appurtenant to other lands for diversion, storage, and use.

**Exceptions to Conveyance and Warranty:** The matters listed on Exhibit "B" attached hereto ("*Exceptions*"), but only to the extent that such Exceptions are valid and existing and in fact affect the Property. This conveyance is made subject to ad valorem taxes on the Property for the year 2015, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee hereby assumes and agrees to pay, including any interest or penalties attributable thereto.

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

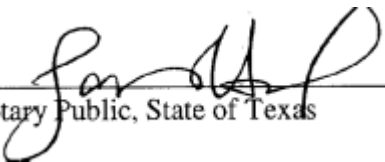
EXECUTED on the date set forth in the acknowledgement below,  
but to be effective as of the date first set forth above.

GRANTOR:

STATE OF TEXAS           §  
                                     §  
COUNTY OF     LEE §

Before me, the undersigned authority, on this day personally  
appeared J.W. Colvin, III, both in his individual capacity and  
as Trustee, known to me to be the person whose name is  
subscribed to the foregoing instrument and acknowledged to me  
that he executed the same for the purposes and consideration  
therein expressed.

Given under my hand and seal of office this     23 day of  
December, A.D., 2014.

  
\_\_\_\_\_  
Notary Public, State of Texas

After recording, return to:  
Martin Marietta Materials  
Real Estate Investments,  
Inc.  
2710 Wycliff Road  
Raleigh, NC  
27607 Attn: John  
A. Gillan

EXHIBIT A

DESCRIPTION OF THE LAND

**FIELD NOTES FOR A 194.79 ACRE TRACT**

Survey of a 194.79 Acre (8,485,189 square feet more or less), Tract of land out of the William Watt Survey No. 69, Abstract No. 367 and the W.T. Crook Survey No. 70, Abstract No. 113, Kerr County, Texas, being all of that 195.26 Acre Tract conveyed to J.W. Colvin, III, in deed recorded in Volume 1395, Page 542, Official Public Records, Kerr County, Texas, and being more particularly described as follows: (Basis of bearing NAD83 State Plane Coordinates Texas South Central Zone.)

BEGINNING: At a½" iron rod with cap stamped "RICKMAN RPLS 5826" set in the west right of way line of State Highway 27 (100' Right of Way) and the northwest line of Split Rock Road, (Variable Width Right of Way) for the most easterly southeast corner of this Tract and the POINT OF BEGINNING, from which a Texas Department of Transportation Monument found bears S 15°31'16" E, a distance of 489.17 feet;

THENCE: Departing the west right of way line of State Highway 27, with the northwest right of way line of Split Rock Road and the southeast line of this Tract, the following calls and distances:

S 45°15'37" W, a distance of 1429.45 feet to a½" iron rod found for a northwest corner of Split Rock Road and a reentrant corner of this Tract;

S 47°15'23" E, across Split Rock Road, a distance of 33.26 feet to a½" iron rod found in the northwest line of Lot 1, the Byerly Addition, recorded in Volume 5, Page 329, Plat Records, Kerr County, Texas, for the south corner of Split Rock Road and the most southerly southeast corner of this Tract;

THENCE: S 46°14'37" W, with the northwest line of Lot 1 and the southeast line of this Tract, a distance of 313.40 feet to a½" iron rod with cap stamped "RICKMAN RPLS 5826" set in the left bank of the Guadalupe River for the west corner of Lot 1 and the south corner of this Tract, from which an iron rod bears S 87°35'35" E, a distance of 15.45 feet;

THENCE: Up the Guadalupe River, with the left bank of the River and the west line of this Tract, the following calls and distances:

N 63°47'23" W, a distance of 137.20 feet to

a½" iron rod found; S 88°51'28" W, a

distance of 225.26 feet to a point;

N 66°38'33" W, a distance of 131.04 feet to a point;

N 76°06'28" W, a distance of 276.07 feet to a ½" iron rod found;

N 82°01'32" W, a distance of 118.44 feet to a ½" iron rod found;

S 68°34'32" W, a distance of 57.08 feet to a

½" iron rod found; N 61°58'44" W, a

distance of 185.20 feet to a ½" iron rod

found; N 58°03'43" W, a distance of 536.45

feet to a point;

N 46°44'05" W, a distance of 214.22 feet to a point;

N 39°08'36" W, a distance of 158.41 feet to a point;

N 47°46'56" W, a distance of 146.17 feet to a

½" iron rod found; N 32°20'46" W, a distance

of 280.93 feet to a ½" iron rod found; N

37°10'10" W, a distance of 582.89 feet to a

point;

N 02°27'23" W, a distance of 341.04 feet to a point;

N 18°44'23" W, a distance of 215.30

feet to a point; N 27°22'23" W, a

distance of 102.11 feet to a point;

N 07°27'23" W, a distance of 146.03 feet to a ½" iron rod found;

N 27°23'37" E, a distance of 291.58 feet to a ½" iron rod with cap stamped "**RICKMAN** RPLS 5826" set in the left bank of the Guadalupe River for the west corner of a 34.22 Acre Tract conveyed to 1967 Shelter Trusts Partnership and 1973 Shelter Trusts Partnership in deed recorded in Volume 734, Page 524, Deed Records, Kerr County, Texas, and the northwest corner of this Tract;

THENCE: Departing the left bank of the Guadalupe River, with the south line of the 34.22 Acre Tract and the north line of this Tract the following calls and distances:

S 87°21'23" E, a distance of 581.00 feet to a ½" iron rod

found for an angle point; N 72°51'15" E, a distance of

237.05 feet to a ½" iron rod found for an angle point; N

66°28'02" E, a distance of 120.35 feet to a ½" iron rod

found for an angle point; N 57°00'57" E, a distance of

276.47 feet to a ½" iron rod found for an angle point;



S 46°48'16" E, a distance of 20.86 feet to a ½" iron rod found for an angle point;

N 46°11'54" E, a distance of 866 .11 feet to a ½" iron rod found for an angle point; N 63°36'17" E, a distance of 30.66 feet to a ½" iron rod found for an angle point; S 88°07'53" E, a distance of 37.41 feet to a ½" iron rod found for an angle point; S 71°08'41" E, a distance of 71.95 feet to a ½" iron rod found for an angle point; S 67°32'23" E, a distance of 315.25 feet to a ½" iron rod found for an angle point;

S 64°58'14" E, a distance of 250.58 feet to a ½" iron rod found for an angle point; S 62°15'37" E, a distance of 181.64 feet to a ½" iron rod found for an angle point; S 57°37'50" E, a distance of 186.42 feet to a ½" iron rod found for an angle point; S 54°00'52" E, a distance of 495.59 feet to a ½" iron rod found for an angle point;

S 54°08'22" E, a distance of 67.47 feet to a 1/2" iron rod found in the west right of way line of State Highway 27 for the southeast corner of the 34.22 Acre Tract and the northeast corner of this Tract;

THENCE: S 15°31'16" E, with the west right of way line of State Highway 27 and the east line of this Tract, a distance of 1534.33 feet to the POINT OF BEGINNING and containing 194.79 Acres in Kerr County, Texas, according to a survey on the ground on December 16, 2014, by Rickman Land Surveying.

## EXCEPTIONS

1. Electrical Right of Way Easements to L.C.R.A., dated September 10, 1962, recorded in Volume 3, Page 532, and dated March 31, 1967, recorded in Volume 4, Page 532, Easement Records of Kerr County, Texas.
2. Easement and Right of Way to Kerrville Telephone Company, dated March 1, 1967, recorded in Volume 4, Page 491, Easement Records of Kerr County, Texas.
3. Easements to L.C.R.A., dated June 3, 1948, recorded in Volume 1, Page 114, Easement Records of Kerr County, Texas.
4. Easement to Southwestern Bell, recorded in Volume 6, Page 447, Easement Records of Kerr County, Texas.
5. Easement to KPUB and Kerrville. Telephone Company, dated July 9, 2002, recorded in Volume 1224, Page 23, Real Property Records of Kerr County, Texas.
6. Road Easement to Kerr County, dated February 15, 1912, recorded in Volume 34, Page 533, Deed Records of Kerr County, Texas.
7. Overhead utilities, signs, fiber optic vaults and buried telecommunications lines as shown on survey dated December 16, 2014, prepared by J. Derrick Rickman, Registered Professional Land Surveyor No. 5826.
8. Rights of third parties to use gravel lane called Split Rock Road across the Property as shown on survey dated December 16, 2014, prepared by J. Derrick Rickman, Registered Professional Land Surveyor No. 5826.
9. Encroachment of cinder block shed on the east corner of the Property, as shown on survey dated December 16, 2014, prepared by J. Derrick Rickman, Registered Professional Land Surveyor No. 5826.

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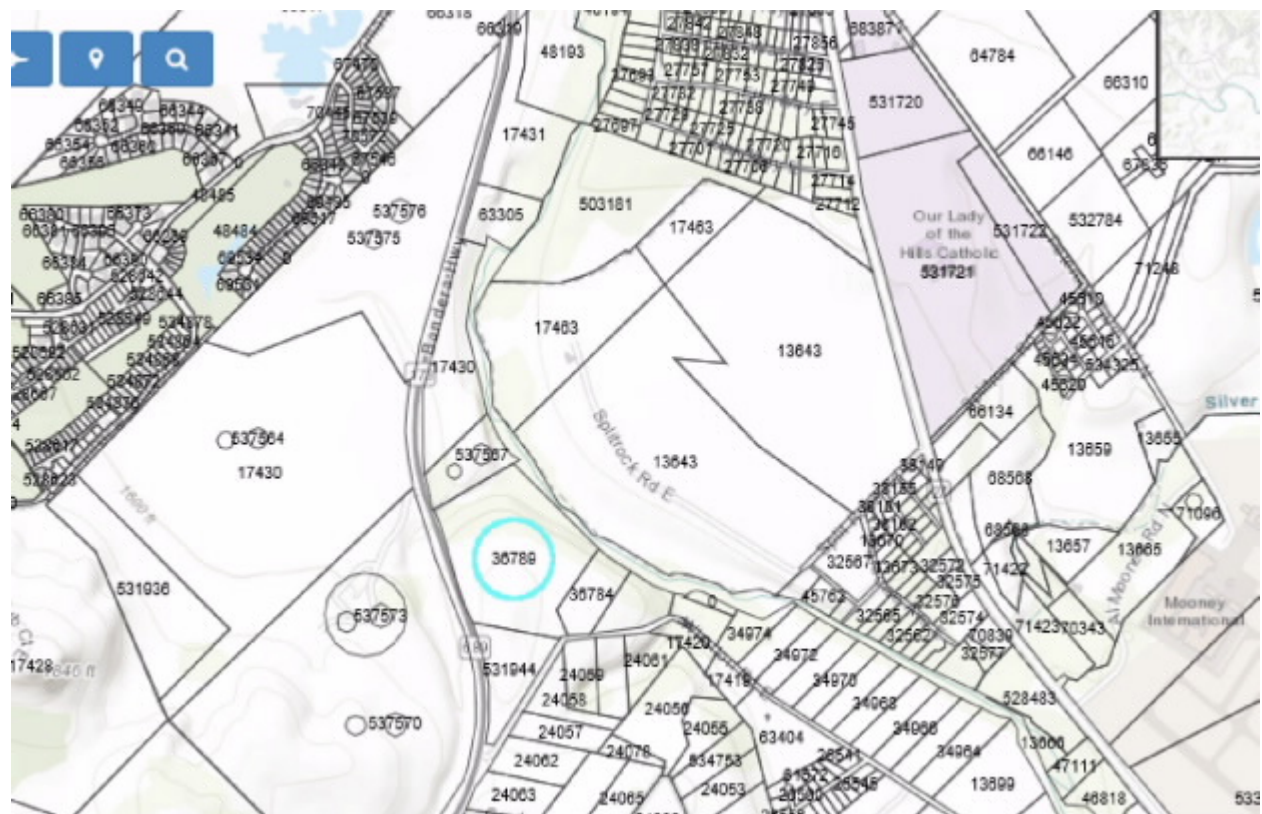
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Property

Account

Property ID:	13643	Legal Description:	ABS A0113 CROOK, SUR 70,BLOCK (SPLIT ROCK FARM), ACRES 166.1
Geographic ID:	01 13-0070-001001	Zoning:	
Type:	Real	Agent Code:	ID:584328
Property Use Code:			
Property Use Description:			

Location

Address:	337 SPLIT ROCK ROAD E KERRVILLE, TX 78028	Mapsoo:	
Neighborhood:		Map III :	P33
Neighborhood CD:			

Owner

Name:	MARTIN MARIETTA MATERIALS REAL ESTATE	Owner ID:	596836
Mailing Address:	% BADEN TAX MANAGEMENT PO BOX 8040 FORT WAYNE, IN 46898 -8040	% Ownership:	100.0000000000%
		<u>Exemptions:</u>	

/ Deed History - (Last 2 Deed Transactions)

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CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION:  
18-2006

OWNER: Shelton Ranch  
Corporation, a Texas  
Corporation  
P. O. Box 1107  
Kerrville, TX 78028

PRIORITY DATE: 1952

COUNTY: Kerr

BASIN: Guadalupe River

WATERCOURSE: Guadalupe River

WHEREAS, by final decree of the 37th Judicial District Court of Bexar County, in Cause No. 77-CI-13052, In Re: The Adjudication of Water Rights in the Upper Guadalupe River Segment of the Guadalupe River Basin, dated November 12, 1979, a right was recognized under Claim 30 authorizing Lloyd D. Brinkman to appropriate waters of the State of Texas as set forth below;

WHEREAS, by Warranty Deed dated April 1, 1980, recorded in Vol. 233, page 277, Deed Records of Kerr County, Shelton Ranch Corporation acquired all of the land described in Claim 30;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Guadalupe River Basin is issued to Shelton Ranch Corporation, a Texas Corporation, subject to the following terms and conditions:

1. ILLINOIS RIVER

Owner is authorized to maintain two off channel dams and reservoirs and impound therein not to exceed 6 acre-feet and 48 acre-feet of water. Points on the center of the dams are S 10°W, 7710 feet and S 5°W, 7590 feet from the northeast corner of the O. V. Robinson Survey 44, Abstract 282, Kerr County, Texas.

2. USE

Owner is authorized to divert and use not to exceed 320 acre-feet of water per annum from the Guadalupe River to irrigate a maximum of 160 acres of land out of a tract located in the John Hatchett Survey 43, Abstract 243 and the O. V. Robinson Survey 44, Abstract 282, Kerr County, Texas, said tract being described as follows:

(1) BEGINNING at the Southwest corner of Survey 44 on the Northeast bank of the Guadalupe River;

(2) THENCE North, 4476.00 feet to a point on the Southwest line of State Highway 27;

(3) THENCE S 52°E, 2517.00 feet;

(4) THENCE S 37°59'W, 112.39

feet; (5) THENCE S 00°39'W,  
1068.95 feet;

(6) THENCE S 01°04'E, 850.13 feet;

(7) THENCE S 54°44'W, 1241.16 feet;

(8) THENCE S 44°16'E, 825.86  
feet;

(9) THENCE S 48°23'E, 189.74  
feet;

(10) THENCE N 38°53'E, 565.26  
feet;

(11) THENCE N 73°02'E, 222.04

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feet;

(12) THENCE N 30°31'E, 129.60 feet;

Cl'U l u ., ":

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- (13) THENCE N 20°12'E, 173.98 feet;
- (14) THENCE N 68°14'E, 628.35 feet;
- (15) THENCE N 76°10'E, 675.05 feet;
- (16) THENCE S 85°06'E, 178.06 feet;
- (17) THENCE S 77°45'E, 374.59 feet;
- (18) THENCE N 02°47'E, 73.96 feet;
- (19) THENCE N 00°27'W, 444.93 feet to a point on the Southwest line of State Highway 27;
- (20) THENCE S 46°43'E, 896.94 feet to a point on Turtle Creek-Comfort Road;
- (21) THENCE S 00°19'E, 3637.51 feet to a point on the Northeast bank of the Guadalupe River;
- (22) THENCE up the said river with its meanders to the place of beginning.

3. DIVERSION

A. Location;

(1) At a point on the north bank of the Guadalupe River which is S 06°W; 7890 feet from the northeast corner of the D.V. Robinson Survey 44, Abstraction Act 282, Kerr County, Texas.

(2) At a point on the perimeter of the aforesaid reservoirs.

B. Maximum Rate: 4.0 cfs (1800 gpm).

4. PRIORITY

The time priority of owner's right is 1952.

The locations of pertinent features related to this certificate are shown on Page 4 of the Guadalupe River Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 37th Judicial District Court of Bexar County, in Cause No. 77-CI-13052, In Re: The Adjudication of Water Rights in the Upper Guadalupe River Segment of the Guadalupe River Basin, dated November 12, 1979, and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Guadalupe River Division.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of Statewater resources consistent with the public policy of the State as set forth in the Texas Water Code.

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This water right is appurtenant to the above-described land within which irrigation is authorized, unless and until severed from the land. A transfer of any portion of the above-described land includes, unless otherwise specified, that the water right which is appurtenant to the transferred land at the time of the transaction.

TEXAS WATER COMMISSION

/s/ Felix McDonald  
Felix McDonald, Chairman

DATE  
ISSUED:

April 17  
2010

ATTEST:

/s/ Macy Ann Hefner  
Mary Ann Hefner, Chief Clerk

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1', NENDMENT TO  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 18-2006A

TYPE: A.tv'...ENDMENT

Nrune: SHELTON RANCH

Address: P.O. Box 1107 CORPORATION

Kerrvil-le, Texas 78029

Filed: January 11, 1988

Granted: January 26, 1988

Purpose: Mining

County: Kerr

Watercourse: Guadalupe River

Watershed: Guadalupe River Basin

WHEREAS, C rtificate No. 18-2006 was issued to SHELTON RANCH CORPO-  
ATION on July 17, 1981 and includes authorization for the certificate owner  
to divert and use not to exceed 320 acre-feet of water per annum from a  
specific point on the Guadalupe River for irrigation of land approxi- mately  
seven miles southeast of Kerrville, Texas; and

1i.7HEREAS, SHELTON RANCH CORPORATION has requested that the purpose of use  
authorized un er Certificate No. 18-2006 be changed from irrigation to mining  
purposes for a term of years without any other changes in the certificate;  
and

li'ffiIEREAS, the Texas Water Commission finds that jurisdiction over the  
application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the .requirements of the  
Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

N.O W, THEREFORE, this amendment to Certificate No. 18-2006 is issued to  
SHELTON RANCH CORPORATION, subject to the following provisions:

1. USE

In lieu of the authoriz tion to divert and use not to exceed 320  
acre-fee of water per annum from the Guadalupe River for irriga-  
tion purposes, owner is authorized to use this water for rnining  
purpos s on its property inKerr County, Texas.

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2. SPECIAL CONDITION

This amendment shall expire and become null and void on January 31, 1992 or prior to that date upon written request by certificate owner.

3. PRIORITY

The time priority of this amendment is 1952.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 18-2006, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Guadalupe River Basin.

.. Certificate owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

/s/ Paul Hopkins  
Paul Hopkins, Chairman

DATE ISSUED: February 3,  
1988

ATTEST:

/s/ Karen A. Phillips, ----  
Karen A. Phillips Chief Clerk

AMENDMENT TO  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 18-2006B		TYPE:	AMENDMENT
Name:	Shelton Ranch Corporation	Address:	P.O. Box 1107 Kerrville, Texas 78029
Filed:	September 29, 1989	Granted:	May 30, 1990
Purpose:	Irrigation	County:	Kerr
Watercourse:	Guadalupe River	Watershed:	Guadalupe River Basin

WHEREAS, Certificate of Adjudication No. 18-2006 was issued to Shelton Ranch Corporation on July 17, 1981, and authorized the certificate owner to maintain two off-channel dams and reservoirs and impound therein not to exceed 6 acre-feet and 48 acre-feet of water and to divert and use not to exceed 320 acre-feet of water per annum from the Guadalupe River at a maximum diversion rate of 4.0 cfs (1800 gpm) for irrigation of 160 acres of land, approximately seven miles southeast of Kerrville, Kerr County, Texas; and

WHEREAS, Certificate No. 18-2006A was issued to Shelton Ranch Corporation on February 3, 1988, and authorized the certificate owner a change in use of the 320 acre-feet of water authorized for diversion per annum from irrigation to mining. The amendment includes a special condition indicating that the amendment would expire and become null and void on January 31, 1992 or prior to that date upon written request by certificate owner; and

WHEREAS, Shelton Ranch Corporation entered into a Subordination Agreement with the Guadalupe-Blanco River Authority for the upstream use of 150 acre-feet of water per annum from the Guadalupe River; and

WHEREAS, Shelton Ranch Corporation has requested an amendment to Certificate No. 18-2006, as amended, to: (1) change the authorized use from mining to irrigation; (2) increase the authorized acreage irrigated per annum from 160 to 620 acres; (3) increase the annual diversion from 320 acre-feet of water to 470 acre-feet and (4) redefine the presently authorized diversion point and add two diversion points.

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate No. 18-2006, as amended, is issued to Shelton Ranch Corporation, subject to the following provisions: \_

1. USE

In lieu of Paragraph 1. of Certificate No. 18-2006A, certificate owner is authorized to divert and use 470 acre- feet of water per annum from the Guadalupe River to irrigate not to exceed 620 acres of land within three tracts totaling 674 acres being a portion of that land conveyed to Shelton Ranch Corporation on April 1, 1980 and recorded in Volume 233, page 277 of the Deed Records of Kerr County as follows:

TRACT A:

- a. 235 acres of land out of two tracts totaling 251 acres. The first tract is located on the right, or west, side of the Guadalupe River and is comprised of 84 acres in the William T. Crook survey No. 60, Abstract No. 110 and the F. A. Sawyer Survey No. 109, Abstract No. 306. The second tract is located on the left, or east, side of the Guadalupe River and is comprised of 167 acres in the John Matchett survey No. 43, Abstract No. 243 and the Oliver V. Robinson Survey No. 44, Abstract No. 282. Tract A is located approximately 8.1 miles southeast of Kerrville, Texas.

TRACT B:

- b. 210 acres of land out of a 226-acre tract located on the left, or east, side of the Guadalupe River in the aforesaid Robinson survey and the Francisco Rodriguez survey No. 72, Abstract No. 280, approximately 7.2 miles southeast of Kerrville, Texas.

TRACT C:

- c. 175 acres of land out of a 197-acre tract located on the left, or east, side of the Guadalupe River in the William T. Crook survey No. 70, Abstract No. 113, approximately 4.8 miles southeast of Kerrville, Texas.

Tracts A, Band care located on a map submitted with the original application.

2. DIVERSIONS

- a. The water is authorized to be diverted as follows:

1. Point No. 1 - For Tract A, from either bank of the Guadalupe River at a points  $06^{\circ}$  W 7890 feet from the northeast corner of said Robinson survey.
2. Point No. 2 - For Tract B, on the left, or north, bank of the Guadalupe River, s  $18^{\circ}$  W, 5370 feet from the northwest corner of said Robinson survey.
3. Point No. 3 - For Tract C, on the left, or north, bank of the Guadalupe River, N  $77^{\circ}$  W, 6910 feet from said northwest corner.

- b. Maximum Combined Diversion Rate - 4.0 cfs (1800 gpm).

3. PRIORITY

The time priority of the diversion of the additional 150 acre feet of water per annum is September 29, 1989.

4. SPECIAL CONDITIONS

- a. Certificate owner is authorized to divert the additional 150 acre-feet of water per annum with the September 29, 1989 priority date, only when the remaining flow of the Guadalupe River equals or exceeds 25 cfs (11,220 gpm) at a reference device to be installed by certificate owner prior to diversion immediately downstream of the certificate owner's most downstream diversion point. This restriction is to protect Guadalupe River instream uses. If certificate owner diverts this additional water prior to installation of the reference device, this amendment, as related to the diversion of the 150 acre-feet of water per annum, shall expire and become null and void.

- b. The additional 150 acre-feet of water authorized by this amendment is subject to the maintenance of the September 28, 1989 "Subordination Agreement", or extensions thereof, between certificate owner and the Guadalupe-Blanco River Authority.
- c. On an annual basis, certificate owner is authorized to divert the 150 acre-feet of water with the September 29, 1989 priority date only after the 320 acre-feet of water with the 1952 priority date is depleted.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 18-2006, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Guadalupe River Basin. -

Certificate owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.


All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

DAT ISSUED: July 11, 1990

ATTEST:

  
Brenda W. Foster, Chief Clerk



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 18-2006C

TYPE: AMENDMENT

Name: Kenneth W. Whitewood and  
Janie Whitewood

Address: 204 Cully Drive  
Kerrville, Texas 78028

Filed: August 1, 1996

Granted: NOV 22 1996

Purpose: Irrigation

County: Kerr

Watercourse:

Watershed: Guadalupe River Basin

Guadalupe River

WHEREAS, Certificate of Adjudication No. 18-2006 was issued to the Shelton Ranch Corporation, a Texas Corporation on July 17, 1981 and authorized the owner the right to divert and use, with a time priority of 1952, not to exceed 320 acre-feet of water per annum from the Guadalupe River at a maximum rate of 4.0 cubic feet per second (1800 gallons per minute) to irrigate a maximum of 160 acres of land out of a tract located in the John Matchett Survey 43, Abstract 243 and the O.V. Robinson Survey, Abstract 282 i Kerr County, Texas; and

WHEREAS, The certificate also authorized owner to maintain two off-channel darns and reservoirs and impound therein not to exceed 6 acre-feet and 48 acre-feet of water in Kerr County, Texas and to divert water from the river to the ponds for subsequent irrigation; and

WHEREAS, the certificate has been amended twice and currently authorizes the diversion and use, from any of three diversion points on the Guadalupe River, of not to exceed 470 acre-feet of water .per annum from the Guadalupe River to irrigate a maximum of 620 acres of land within three tracts totaling 674 acres of land in Kerr County; and

WHEREAS, there are three owners of the certificate, as amended; and

WHEREAS, the diversion of the additional 150 acre-feet per annum can only be diverted when the remaining flow of the Guadalupe River

downstream of the most downstream diversion point is at least 25 cfs;  
and

, WHEREAS, this amendment is conditioned upon the maintenance of a Subordination Agreement with the Guadalupe-Blanco River Authority; and

WHEREAS, a condition in the amendment also indicates that in any calendar year, diversion of the additional 150 acre-feet of water per annum can occur only after all of the 320 acre-foot per annum initial authorization has been diverted; and

WHEREAS, the certificate includes a time priority of 1952 for the diversion of 320 acpe-D **for** water per annum and September 29, 1989 for the additional 150 acre-feet of water per annum;

WHEREAS, Commission records indicate that Kenneth W. and Janie Whitewood own a portion of the water right which allows them to divert and use not to exceed 50 acre-feet of water per annum from the river to irrigate 28.90 acres out of 103.40 acres of land authorized under Certificate No. 18-2006; and

WHEREAS, the Whitewood's portion of Certificate No. 18-2006, as amended, has a time priority of 1952; and

WHEREAS, the applicants have requested an amendment to Certificate No: 18-2006 to add an additional 100 acre-feet of water per annum and to increase the amount of land to be irrigated per annum to 76 acres out of their 103.40 acre-tract of land; and

WHEREAS, the applicants are also requesting authorization to divert at a maximum rate of 0.7 cfs (300 gallons per minute) from the river; and

WHEREAS, Commission records indicate that the two other owners of this certificate provided letters of consent to this application; and

WHEREAS, Kenneth W. and Janie Whitewood entered into a Subordination Agreement with the Guadalupe-Blanco River Authority for the use of the additional 100 acre-feet of water per annum from the Guadalupe River; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this amendment; and

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 18-2006 is issued to Kenneth W. and Janie Whitewood as follows:

1. DIVERSION & USE

- a. In lieu of previous authorizations, owners are authorized to divert and use not to exceed 150 acre-feet of water per annum to irrigate a maximum of 76 acres out of their 103.40 acre-tract of land at a maximum rate of 0.7 cfs (300 gallons per minute) from the Guadalupe River.
- b. The maximum combined diversion rate for all of the owners of the certificate is 4.0 cfs (1800 gallons per minute).

2. PRIORITY

The time priority of the diversion of the additional 100 acre-feet of water per annum is August 1, 1996.

3. SPECIAL CONDITIONS

- a. In order to protect instream water use in the Guadalupe River during the months March through June, owners are authorized to divert the additional water authorized by this amendment only when the flow of the river equals or exceeds 57 cfs at U.S.G.S . Gaging Station No. 08167000 at Comfort, Texas.
- b. In order to protect instream water use in the Guadalupe River during the months July through February, owners are authorized to divert the additional water authorized by this amendment only when the flow of the river equals or exceeds 44 cfs at the aforesaid U.S . G.S. gage.
- c. In addition to the flow restrictions contained in Paragraph b. SPECIAL CONDITIONS, in order to protect recreational use in the Guadalupe River during the months of July through February of the following year, when the flow of the river at the aforesaid

gage is 50 cfs or greater, owners must restrict diversions of the water authorized by this amendment to allow a flow of at least 50 cfs at the gage.

- d. This additional 100 acre-feet of water authorized by this amendment is subject to the maintenance of the March 1, 1996 "Subordination Agreement", or extensions thereof, between certificate owners and the Guadalupe-Blanco River Authority.

4. CONSERVATION

Owners shall implement a water conservation plan that provides for the utilization of those practices, techniques and technologies that reduce the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

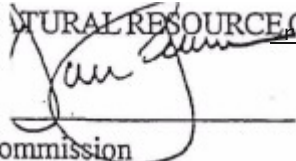
.This amendment is issued subject to all superior and senior rights in the Guadalupe River Basin .

Owners agree to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

Prior to diversion of water authorized herein, owners shall contact the South Texas Watermaster at 1-800-733-2733.

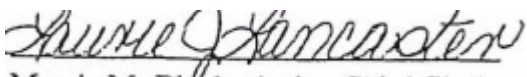
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
  
for the Commission

DATE ISSUED: **NOV 22 1996**

ATTEST:



Mamie M. Blfck, Acting Chief Clerk





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO  
CERTIFICATE OF ADJUDICATION

APPLICATION NO. 38-2006D

CERTIFICATE NO. 18-2006D TYPE §11.122

Owner: R.B. Colvin

Address: P.O. Box 785  
Hunt, Texas 78024

Filed: October 14,  
2004

Granted: .

**JUN 21-**

**2005. --**

Use: Municipal;  
Industrial,  
cultural (Irrigation)

County: Kerr ;

Watercourse: Guadalupe River

Watershed: Guadalupe River Basin

WHEREAS, R. B. Colvin, applicant, owns a portion of Certificate of Adjudication No. 18-2006 which authorizes the applicant to divert and use 153.00 acre-feet of water per year from Diversion Point No. 1 in this tract for agricultural purposes to irrigate 198.18 acres out of a 430.11-acre tract in Kerr County at a combined diversion rate of 4.0 cfs (1,800 gpm) in combination with all other owners of the Certificate; and

WHEREAS, several special conditions exist and the first 104.16 acre-feet of water per year has a priority of 1952 and the remaining 48.84 acre-feet of water per year has a priority date of September 29, 1989; and

WHEREAS, the 48.84 acre-foot portion of water per year is part of a Subordination Agreement between R.B. Colvin and the Guadalupe-Blanco River Authority; and

WHEREAS, applicant seeks to add municipal and industrial purposes of use for the 104.16 acre-foot portion of water per year; currently authorized for agricultural (irrigation) purposes with a time priority of 1952; and

WHEREAS, this amendment, if granted, will be subject to administrative requirements of the South Texas Watermaster; and

. . WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, no one protested the granting of this application ; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment; and

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 18-2006, designated Certificate of Adjudication No. 18-2006D, is issued to R.B. Colvin subject to the following terms and conditions:

1. USE

In lieu of the authorization to divert and use 153.00 acre-feet of water from the Guadalupe River, Guadalupe River Basin for agricultural purposes to irrigate 298.18 acres out of a 430.11-acre tract in Kerr County, the owner is now authorized to divert and use not to exceed 104.16 acre-feet of water per year for municipal, industrial, or agricultural (irrigation) purposes and 48.84 acre-feet of water per year for agricultural purposes to irrigate 298.18 acres out of a 430.11-acre tract in Kerr County.

2. CONSERVATION

Owner shall implement a conservation plan that provides for the utilization of water conservation practices, techniques and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses.

3. TIME PRIORITY

The first 104.16 acre-feet of water has a time priority of 1952 and the remaining 48.84 acre-feet of water has a priority of September 29, 1989.

4. SPECIAL CONDITIONS

A. Within 180 days prior to the diversion of water for municipal purposes, the owner must submit a municipal water conservation plan and drought contingency plan to the TCEQ to comply with Title 30 TAC Chapter 288.2 and 288.20.

B. Within 90 days prior to the diversion of water for industrial purposes, the owner or contract customer must submit an industrial water conservation plan to the TCEQ to comply with Title 30 TAC Chapter 288.3.

C. The diversion and use of the 48.84 acre-feet of water with a priority of September 29, 1989 is subject to the maintenance of the June 21, 2000 Subordination Agreement, or extension thereof, between the certificate owner, R.B. Colvin, and the Guadalupe-Blanco River Authority.

D. Owner shall contact the South Texas Watermaster prior to

diversion of water authorized by this permit.

- E. Owner shall install a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the Guadalupe River. Owner shall allow representatives of the TCEQ South Texas Watermaster reasonable access to the property to inspect the measuring device.

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This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 18-2006, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Guadalupe River Basin.

Owner agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
for the Commission

Date issued : .. **JUN 21 2005**

