

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 19-1965 OWNER: E. J. Burke, Jr., Inc.  
P. O. Box 23247  
San Antonio, TX 78223

COUNTY: Bexar PRIORITY DATE: May, 1963

WATERCOURSE: Salado Creek, tributary BASIN: San Antonio River  
of the San Antonio River

WHEREAS, by final decree of the 37th Judicial District Court of Bexar County, in Cause No. 78-CI-4342, In Re: The Adjudication of Water Rights in the San Antonio River Basin, excluding the Medina River and Cibolo Creek Watersheds, dated October 3, 1980, a right was recognized under Claim 671 authorizing E. J. Burke, Jr., Inc. to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Antonio River Basin is issued to E. J. Burke, Jr., Inc., subject to the following terms and conditions;

1. USE

Owner is authorized to divert and use not to exceed 300 acre-feet of water per annum from Salado Creek to irrigate a maximum of 153 acres of land out of two tracts located in the Maria G. de Alaniz Survey 20, Abstract 22, Bexar County, Texas, said tracts being described as follows:

TRACT 1

- (1) BEGINNING at the east corner of the intersection of Pecan Valley Drive and East Southcross Boulevard, for the most westerly corner of this tract;
- (2) THENCE N 26°00'E, with the southeast line of Pecan Valley Drive, 314.52 feet to the southwest corner of Lot 3, New City Block 13606;
- (3) THENCE S 63°56'E, a distance of 361.87 feet to the southeast corner of Lot 3, New City Block 13606;
- (4) THENCE N 12°03'53"E, a distance of 265.15 feet to the northeast corner of Lot 3, New City Block 13606;
- (5) THENCE N 70°45'32"W, a distance of 106.59 feet to the southeast corner of Lot 1, New City Block 13606 for a west reentrant corner of this tract;
- (6) THENCE in a northerly direction with the east line of Apartment Tracts, as follows:  
N 18°56'E, 810.78 feet to a point for corner; N 67°34'29"W, 21.04 feet to the southeast corner of Lot 2, New City Block 13606 to a point for corner; N 18°56'E, 392.70 feet to a point for corner; N 1°36'W, 309.60 feet to a point for corner being the northeast corner of said Apartment tract (Lot 2, New City Block 13606) and the northwest corner of this tract;
- (7) THENCE S 88°54'10"E, 194.44 feet to a point in the center line of the Salado Creek, for corner of this tract;
- (8) THENCE in a northeasterly direction with the center line of the Salado Creek, as follows:  
N 34°50'E, 210.0 feet; N 48°00'E, 110.0 feet; N 1°59'30"E, 101.85 feet; N 7°00'E, 110.0 feet; N 44°00'E, 155.0 feet; N 72°30'E, 92.0 feet; N 55°30'E,

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104.0 feet; S 89°30'E, 102.0 feet; N 78°19'20"E, 110.56 feet to a point for the most northerly corner of this tract;

- (9) THENCE S 24°42'05"E, 438.26 feet to a steel fence post, for corner of this tract;
- (10) THENCE continuing with steel fence, in a southerly direction, as follows:  
S 9°55'05"E, 94.05 feet; S 21°32'55"W, 336.85 feet; S 3°13'13"E, 259.55 feet to a point for corner;
- (11) THENCE S 89°55'20"E, 178.83 feet to a point for a north corner of this tract;
- (12) THENCE S 27°28'20"E, 132.21 feet to a point in the south line of Pecan Grove Boulevard, for corner of this tract;
- (13) THENCE in an easterly direction with the south line of Pecan Grove Boulevard, with a curve to the left having a radius of 50.0 feet and central angle of 116°25'19", to a point in the west line of Lot 13, New City Block 14045, Pecan Valley Subdivision, Unit 9;
- (14) THENCE in a southwesterly direction with the southwest line of Lot 13, New City Block 14045 to the southwest corner of Lot 13, New City Block 14045;
- (15) THENCE S 52°53'20"E, a distance of 1230.91 feet along the south line of New City Block 14045;
- (16) THENCE along a curve with a radius of 565.0 feet and easterly direction, a distance of 145.53 feet along the south line of New City Block 14045;
- (17) THENCE S 67°38'50"E, a distance of 246.81 feet to the southeast corner of Lot 28, New City Block 14045;
- (18) THENCE N 22°21'10"E, a distance of 120 feet along the east line of Lot 28, New City Block 14045;
- (19) THENCE along a curve to the left having a radius of 15 feet, a distance of 23.56 feet to the south line of Pecan Grove Boulevard;
- (20) THENCE S 67°38'50"E, along the south line of Pecan Grove Boulevard, to the northwest corner of Lot 6, New City Block 13485, the plat of which is recorded in Volume 5502, Page 152 of the Plat Records of Bexar County, Texas;
- (21) THENCE S 22°21'10"W along the west line of above mentioned Lot 6, a distance of 645.25 feet;
- (22) THENCE S 39°31'20"E along the southwest line of Lot 6, New City Block 13485, a distance of 184.15 feet to a point in the northwest line of Lot 5, Block 1, New City Block 13485 for the most southerly corner of Lot 6, and an east corner of this tract;
- (23) THENCE S 40°24'37"W, with a northwest line of said Lot 5, a distance of 26.27 feet to the most westerly corner of said Lot 5, for a reentract east corner of this tract;
- (24) THENCE with the southwest line of Lot 5, S 63°23'05"E, 17.20 feet to a point for corner of this tract;

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- (25) THENCE S 51°04'05"E, continuing with the southwest line of said Lot 5, at 206.9 feet the south corner of Lot 5;
- (26) THENCE S 51°2'30"E, along the southwest line of Lot 2, New City Block 13485, a distance of 199.16 feet;
- (27) THENCE S 3°34'5"E, a distance of 225.47 feet to the southeast corner of Lot 2, New City Block 13485 and a point in the north line of East Southcross Boulevard;
- (28) THENCE N 89°54'50"W, with the north right-of-way line of East Southcross Boulevard, 1908.50 feet to a point in said north right-of-way line, for corner of this tract;
- (29) THENCE S 1°24'E, continuing with the north right-of-way line of East Southcross Boulevard, 12.0 feet to a point for corner of this tract;
- (30) THENCE S 88°36'W, with the north right-of-way line of East Southcross Boulevard, 117.24 feet to the point of curvature of a curve to the right, for a south corner of this tract;
- (31) THENCE continuing in a northwesterly direction with the north right-of-way line of East Southcross Boulevard, with above mentioned curve to the right having a radius of 1027.77 feet; a distance of 307.52 feet to a point of compound curvature for corner of this tract;
- (32) THENCE continuing along the north right-of-way line of East Southcross Boulevard, with a curve to the right having a radius of 1287.84 feet, a distance of 285.38 feet to a point where a line parallel with and 1.80 feet at right angles southeast of the southeast line of a 1.988 acre tract being Lot 3, Block 1, New City Block 13485, intersects the northeast right-of-way line of East Southcross Boulevard, for a south corner of this tract;
- (33) THENCE N 49°17'10"E, parallel with the southeast line of said 1.988 acre tract, 103.23 feet to a point for corner of this tract;
- (34) THENCE N 40°42'50"W, 546.92 feet to the northwest corner of said 1.988 acre tract, for a southwest reentrant corner of this tract;
- (35) THENCE S 49°17'10"W, with the north line of said 1.988 acre tract, 184.45 feet to a point in the north right-of-way line of East Southcross Boulevard, for corner of this tract;
- (36) THENCE N 44°58'W, with the northeast right-of-way line of East Southcross Boulevard, 322.28 feet to a point of this tract;
- (37) THENCE continuing with the northeast right-of-way of East Southcross Boulevard, with a curve to the left having a radius of 1158.15 feet, a distance of 378.29 feet to the point of beginning.

TRACT 2

- (1) BEGINNING at a point in the south line of East Southcross Boulevard, at the northeast corner of Highland Hills Subdivision, Unit 24, for a north corner of this tract;

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- (2) THENCE S 89°54'50"E, with the south line of East Southcross Boulevard, 1733.38 feet to a point in the east boundary of said Pecan Valley Golf Course Tract, for the northeast corner of this portion of said Golf Course Tract lying south of East Southcross Boulevard;
- (3) THENCE in a southerly direction with the east line of said Pecan Valley Golf Course Tract, as follows:  
S 3°34'05"E, 314.19 feet; S 47°20'55"W, 347.52 feet; S 33°42'55"W, 204.12 feet; S 57°41'20"E, 304.79 feet; S 1°38'55"W, 320.15 feet to a point in line of fence running east and west, for the southeast corner of this tract;
- (4) THENCE N 89°54'50"W, with line of said fence, 1724.0 feet, more or less, to a point for a southeast reentrant corner of this tract;
- (5) THENCE S 56°13'10"W, 362.0 feet to a point, the northeast corner of Lot 20, Block 6, New City Block 13089, Highland Hills Subdivision, Unit 25-A, for a south corner of this tract;
- (6) THENCE in a northwesterly direction with the northeast line of Highland Hills Subdivision, Unit 25-A and Highland Hills Subdivision, Unit 25, a total distance of 1713.54 feet to the northwest corner of Lot 21, Block 6, New City Block 13089, Highland Hills Subdivision, Unit 25, for the most westerly southwest corner of this tract, in east line of Pollydale Drive;
- (7) THENCE N 34°11'30"E, with the northeast line of Pollydale Drive, crossing Drainage Easement, 100.0 feet to a point in the southeast boundary line of an alley and the southeast boundary line of Highland Hills Subdivision, Unit 24, for the most westerly corner of this tract;
- (8) THENCE with the southeast boundary line of said Highland Hills Subdivision Unit 24, a distance of 2596.42 feet to a point where the south line of Lot 37, Block 1, New City Block 13079 projected eastward intersects the east line of Highland Hills Subdivision Unit 24, for corner of this Golf Course Tract;
- (9) THENCE N 89°54'50"W, 121.0 feet to a point in the east line of Prestwick Boulevard, for the southwest corner of said Lot 37, Block 5, New City Block 13079, for a corner of this Golf Course Tract;
- (10) THENCE N 0°05'10"E, with the east right-of-way line of Prestwick Boulevard, 40.0 feet to a point for corner of this tract, at the point of curvature of a curve to the right;
- (11) THENCE with above mentioned curve to the right having a radius of 25.0 feet a distance of 39.27 feet to the P. T. of said curve, in the south right-of-way line of East Southcross Boulevard;
- (12) THENCE S 89°54'50"E, with the south right-of-way line of East Southcross Boulevard, a distance of 96.0 feet to the point of beginning.

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2. DIVERSION

A. Location:

At a point on the east or west bank of Salado Creek which is N 50°E, 8970 feet from the southwest corner of the Maria G. de Alaniz Survey 20, Abstract 22, Bexar County, Texas.

B. Maximum Rate: 1.72 cfs (770 gpm).

3. PRIORITY

The time priority of owner's right is May, 1963.

The locations of pertinent features related to this certificate are shown on Page 2 of the San Antonio 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, Texas, in Cause No. 78-CI-4342, In Re: The Adjudication of Water Rights in the San Antonio River Basin, excluding the Medina River and Cibolo Creek Watersheds, dated October 3, 1980, 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 San Antonio River Basin.

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

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the water right owned by the owner or seller at the time of the transaction.

TEXAS WATER COMMISSION

/s/ Lee B. M. Biggart  
Lee B. M. Biggart, Chairman

DATE ISSUED:

JUL 29 1982

ATTEST:

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

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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



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AMENDMENT TO CERTIFICATE OF ADJUDICATION

DEC 20 2000

WATER RIGHTS TEAM

APPLICATION NO. 19-1965A

CERTIFICATE NO. 19-1965

TYPE: §11.122

Owners: National Golf Operating Partnership, L. P.

Address: 2951 28th Street,  
Suite 3001, Santa  
Monica, California  
90405

Filed: October 20, 2000

Granted: DEC 06 2000

Purpose: Irrigation

County: Bexar

Watercourse: Salado Creek, tributary of  
the San Antonio River.

Basin: San Antonio River  
Basin

WHEREAS, Certificate of Adjudication No. 19-1965, authorizes National Golf Operating Partnership, L. P. to divert and use not to exceed 300 acre-feet of water per annum from Salado Creek, tributary of the San Antonio River to irrigate 153 acres of land out of two tracts in Bexar County at a maximum rate of 1.72 cubic feet per second (770 gallons per minute) with a time priority of May 1963; and

WHEREAS, applicant seeks to amend the certificate by adding a 4.56 acre-foot capacity off-channel reservoir currently used as part of its irrigation system; and

WHEREAS, applicant does not seek to increase the diversion amount or the rate of diversion;  
and

WHEREAS, there are no water rights which will be affected by the requested amendment;  
and

WHEREAS, the Texas Natural Resource Conservation 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 Natural Resource Conservation Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-1965 is issued to National Golf Operating Partnership, L. P., subject to the following terms and conditions:

#### USE & IMPOUNDMENT

In addition to the "use" authorization currently included in the certificate, owner is authorized to divert this water to a 4.56 acre-foot capacity off-channel reservoir for subsequent irrigation. The center of the reservoir is located N 42.62° E, 9321 feet from the southwest corner of the Maria G. De Alaniz Original Survey No. 20, Abstract No. 22, in Bexar County. Also being, at latitude 29.38° N, Longitude 98.42° W.

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

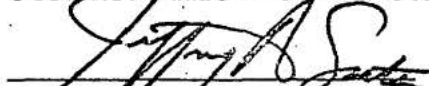
This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 19-1965 except as herein amended.

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.

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: DEC 06 2000

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

Certificate No. 19-1965B

Type:11.122

Owner: PVG 2008, L.L.C.

Address: 4700 Pecan Valley  
San Antonio, Texas 78223

Filed: August 12, 2010

Granted: April 18, 2011

Purpose: Agricultural

County: Bexar

Watercourse: Salado Creek, tributary of the  
San Antonio River

Watershed: San Antonio River Basin

WHEREAS, Certificate of Adjudication No. 19-1965 authorizes PVG 2008, L.L.C. (Owner) to divert and use not to exceed 300 acre-feet of water per year at a maximum rate of 1.72 cfs (770 gpm), from a point on the east or west bank of Salado Creek, tributary of the San Antonio River, San Antonio River Basin, for agricultural purposes to irrigate 153 acres of land out of two tracts in Bexar County or for storage in a 4.56 acre-foot off-channel reservoir for subsequent irrigation; and

WHEREAS, the time priority of this water right is May 1963; and

WHEREAS, pursuant to *The Lease of Water Rights By and Between PVG 2008, L.L.C. and Republic Golf Club, Ltd.*, whereby Republic Golf Club, Ltd. will lease water authorized by Certificate of Adjudication No. 19-1965 upon the granting of this amendment to add a diversion point downstream on Salado Creek and add storage in a second off-channel reservoir for subsequent irrigation of a 205.996-acre tract in Bexar County; and

WHEREAS, the proposed diversion point is located approximately seven miles southeast of the nearby city of San Antonio, Texas at Latitude 29.351789° N, Longitude 98.409042° W, also bearing S 24.641667° E, 2,965 feet from the northwest corner of the A. Stafford Original Survey No. 49, Abstract No. 667, in Bexar County, Texas; and

WHEREAS, the proposed off-channel reservoir impounds 17.80 acre-feet of water and is located approximately seven miles southeast of the nearby city of San Antonio, Texas with a point on the centerline of the dam being located at Latitude

29.353172° N and Longitude 98.408008° W in the A. Stafford Survey No. 1034, Abstract No. 667, in Bexar County, Texas; and

WHEREAS, the proposed place of use is approximately 205.996 acres located in the A. Stafford Survey No. 49, Abstract No. 667, and the Justo Esqueda Survey No. 100, Abstract No. 213, in Bexar County, Texas; and

WHEREAS, the additional 205.996 acres to be irrigated is leased by The Republic Golf Club Ltd. and is evidenced by a *Assignment and Assumption of Lease* executed March 20, 2001, recorded in Vol. 8817, pages 533-537, of the Official Public Records of Bexar County, Texas and therefore will not be considered appurtenant to Certificate of Adjudication 19-1965; and

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

WHEREAS, this amendment, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment; 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;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-1965, designated Certificate of Adjudication No. 19-1965B, is issued to PVG 2008, L.L.C. subject to the following terms and conditions:

1. USE

In addition to previous authorization, Owner is also authorized to store the currently authorized water in a second off-channel reservoir for subsequent diversion and use for agricultural purposes to irrigate an additional 205.996 acres, being comprised of 117.611 acres out of the Adam Stafford Survey No. 49, Abstract 667, County Block No. 5153, New City Block 10847, City of San Antonio, Bexar County, Texas; and 88.385 acres out of the Justo Esqueda Survey No. 100, Abstract 213, County Block No. 5154, New City Block 10879, City of San Antonio, Bexar County, Texas pursuant to *The Lease of Water Rights* By and Between PVG 2008, L.L.C. and Republic Golf Club, Ltd.

The land to be irrigated is leased by The Republic Golf Club Ltd. and is evidenced by an *Assignment and Assumption of Lease* executed March 20, 2001, recorded in Vol. 8817, pages 533-537, of the Official Public Records of Bexar County, Texas.

## 2. DIVERSION

- A. In addition to the previous authorization, Owner is also authorized to divert at a point located on Salado Creek, tributary of the San Antonio River, San Antonio River Basin, at Latitude 29.351789° N, Longitude 98.409042° W, also bearing S 24.641667° E, 2,965 feet from the northwest corner of the A. Stafford Original Survey No. 49, Abstract No. 667, approximately seven miles southeast of the City of San Antonio, Texas.
- B. Maximum Combined Diversion Rate of 1.72 cfs (770 gpm).

## 3. TIME PRIORITY

The time priority for this water right is May 1963.

## 4. CONSERVATION

Owner shall implement a water conservation plan that provides for the utilization of those 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.

## 5. SPECIAL CONDITION

- A. The authorization described in Paragraphs 1. USE, and 2. DIVERSION are subject to the continued maintenance of *The Lease of Water Rights* By and Between PVG 2008, L.L.C. and Republic Golf Club, Ltd. as such contract may be extended or amended from time to time. Should the contract be amended in such a manner as to change the terms of the certificate, Owner shall submit an application to amend this certificate to conform to the terms of the amended contract. Upon expiration of the contract, Owner shall immediately cease diversion pursuant to Paragraphs 1. USE, and 2. DIVERSION and either apply to amend the certificate with a new contract or amend the certificate to remove the authorizations described in Paragraphs 1. USE, and 2. DIVERSION. Owner shall immediately notify the Executive Director upon amendment or expiration of the contract and provide the Commission with copies of appropriate documents effectuating such changes.
- B. Owner shall implement measures to minimize impacts to aquatic resources due to entrainment or impingement including, but not limited to, the installation of screens on any new diversion facilities with a mesh size of no greater than 0.25 inches and a maximum flow-through velocity of 0.5 feet per second.
- C. Owner shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 2. DIVERSION and maintain measurement records.

- D. Owner shall allow representatives of the TCEQ reasonable access to the property to inspect the measuring device and records.
- E. Owner shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.

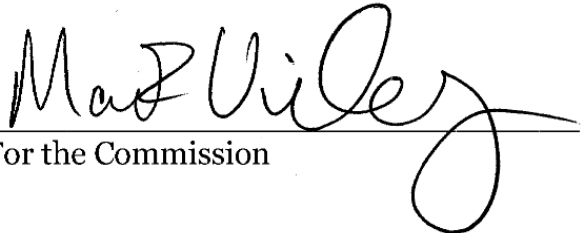
This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 19-1965, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the San Antonio 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.

  
For the Commission

Date issued: **April 18, 2011**