



**FOURTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF WHITEWATER SPRINGS SUBDIVISION
(Applies to Section 1-6)**

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision (this "*Amendment*") is made by the Whitewater Springs Property Owners Association, Inc. (the "*Association*"), to be effective as of the date set forth below.

RECITALS

A. Suntex Fuller Corporation ("*Suntex*"), Wollaston Properties, LLC, successor-in-interest to Suntex ("*Wollaston*"), or White Water Springs, LLC, successor-in-interest to Wollaston ("*White Water Springs*") previously executed those certain declarations of covenants, conditions and restrictions and/or amendments thereto relating to WHITEWATER SPRINGS SUBDIVISION (the "*Subdivision*"), a subdivision located in Burnet County, Texas, according to the map(s) or plat(s) thereof recorded in the Plat Records of Burnet County, Texas, which declarations of covenants and amendments are more particularly described on **Exhibit "A"** attached hereto (collectively referred to herein as the "*Declarations*").

B. The Declarations contemplated and provided for the Subdivision to receive retail potable water service from a community water system constructed by the developer of the Subdivision. After certain disputes arose between individual property owners and the developer(s) within the Subdivision regarding, among other matters, the adequacy of the public water supply within the Subdivision, an Agreement for Acquisition and Operation of Water System Assets (the "*Water Agreement*") was entered into by and between White Water Springs and the Lower Colorado River Authority, a conservation and reclamation district of the State of Texas (the "*LCRA*"), pursuant to which the LCRA assumed ownership and operation of the public water system within the Subdivision.

C. The LCRA public water system does not currently have a sufficient water supply to serve all lots within the Subdivision, and LCRA has conducted numerous groundwater tests for purposes of identifying the availability and sufficiency of additional groundwater supplies within the Subdivision.

D. This Fourth Amendment is adopted to allow the use of individual water wells for potable drinking water purposes on lots within the Subdivision, but only when retail water service cannot be made available to such lot from LCRA or a successor retail water service provider, so that all property owners in the Subdivision have a means of obtaining water service to their homes.

E. All terms not otherwise defined herein shall have the same meaning as in the Declarations.

F. The Declarations provide for amendment thereof by an instrument executed and acknowledged by an authorized representative of the Board of the Association setting forth the amendment and certifying that such amendment is approved by Owners entitled to cast at least 75% of the total number of votes, as prescribed in the Declarations.

G. A duly authorized officer of the Association has certified that this Amendment to the Declarations has been duly approved by Owners entitled to cast at least 75% of the total number of vote, as prescribed in the Declarations.

NOW, THEREFORE, in consideration of the premises, the Association hereby amends the Declarations and each instrument comprising the Declarations as follows:

1. **Article IV, Section 28.** A new section, Section 28, is hereby added to the end of Article IV of the Declarations entitled "Restrictions". The following quoted language represents new Section 28:

"Section 28: Domestic Water Wells. Notwithstanding the provisions of Section 12 of Article IV, Sections 6 and 7 of Article IX or Section 7 of Article XI, or any other provision herein to the contrary, and subject to the restrictions set forth in Section 29 below, individual water wells installed on a lot by an Owner of such lot may be utilized for potable drinking water purposes provided that the Owner first applies for domestic, retail water service to the lot from the LCRA or any successor retail water provider for the Subdivision, and no water service is made available to the lot by the LCRA or the successor water provider within 90 days of receipt of the service application. Each Owner is hereby notified that the authority to drill and produce a domestic water supply from an individual on-site well is subject to receipt of all necessary regulatory approvals, including any permits, registrations, or approvals that may be required from the Central Texas Groundwater Conservation District. Each Owner is further notified that individual domestic wells may be subject to applicable minimum spacing and other requirements promulgated by the Central Texas Groundwater Conservation District, or requirements imposed by other state or local jurisdictions. Finally, each Owner is notified that LCRA or the successor water provider may have rights or remedies under applicable law and regulations in the event wells on individual lots affect the public water supply system."

2. **Article IV, Section 29.** A new section, Section 29, is hereby added to the end of Article IV of the Declarations entitled "Restrictions". The following quoted language represents new Section 29:

"Section 29: Restriction on Well Spacing. "Notwithstanding the provisions of Section 12 of Article IV, Section 28 of Article IV, Sections 6 and 7 of Article IX or Section 7 of Article XI, or any other provision herein to the contrary, the following restriction shall apply with respect to drilling wells anywhere within the Project by an individual Owner, the Association or any other person: a.) no water well of any kind may be drilled within

1,800 feet of the perimeter boundary of any Designated Well Lot, as identified on **Exhibit "B"** attached to this Amendment. The only party entitled to enforce the provisions of this Section 29 shall be a "PWS Well Designator" which shall be: a.) LCRA, or any successor retail water service provider to the Project; or b.) any party who has a written agreement with LCRA or any successor retail water provider to the Project allowing the party to construct a public water supply well on a Designated Well Lot for subsequent dedication to LCRA or any successor retail water provider to the Project as part of LCRA's or any successor retail water provider to the Project's community water system serving the Project. Any Owner of a Designated Well Lot may file an instrument in the Official Property Records of Burnet County removing such lot from the list of Designated Well Lots. Upon recordation of such an instrument, such lot shall be released from the requirements of this Section 29 for all purposes. This restriction shall apply and shall be enforceable through any remedy at law or equity by a PWS Well Designator regardless of whether or not a public water supply well is completed or operational on a Designated Well Lot."

3. **Entire Agreement.** Except as expressly amended by this Amendment, the terms, provisions, covenants, conditions and restrictions of the Declarations shall remain in full force and effect.

4. **Counterparts; Multiple Originals and Separate Signature Pages.** This Amendment and any and all future amendments may be executed simultaneously in two or more counterparts and/or with separate signature pages, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

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EXECUTED as of the dates of the acknowledgements set forth below, TO BE EFFECTIVE
January 24, 2011.

The undersigned, being a duly authorized officer for the Association, hereby certifies that this Amendment has been approved by Owners entitled to cast at least 75% of the number of votes, as prescribed by Article VI of the Declarations.

ASSOCIATION:

**Whitewater Springs Property Owners
Association, Inc.**

(a Texas non-profit corporation)

By: Robert C. Mickel

Name: Robert C. Mickel

Title: President

State of Texas

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County of Burnet

This instrument was acknowledged before me, the undersigned authority, this 26th day of JAN., 2011, by ROBERT C. MICKEL of Whitewater Springs Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Linda C. Totten
NOTARY PUBLIC

After Recording, Please Return To:

Whitewater Springs POA
10900 South FM 1174
Bertram, TX 78605

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EXHIBIT A

1. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section I, dated December 18, 1997, recorded in Volume 774, Page 200 of the Official Public Records of Burnet County, Texas ("**OPRBC**"), as amended by First Amendment to Declaration of Covenant, Conditions and Restrictions of Whitewater Springs Subdivision Section I dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 395 of the OPRBC, as further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section I dated January 19, 2006 (to be effective as of December 9, 2004), recorded in Volume 1399, Page 245 of the OPRBC, as further amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision dated effective June 26, 2007, recorded in Document No. 0708299 of the OPRBC (collectively, the "**Section I CCRs**").

2. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section II, dated July 22, 1998, recorded in Volume 808, Page 159 of the OPRBC, as amended by First Amendment to Declaration of Covenant, Conditions and Restrictions of Whitewater Springs Subdivision Section II dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 414 of the OPRBC, as further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section II, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 253 of the OPRBC, as further amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision dated effective June 26, 2007, recorded in Document No. 0708299 of the OPRBC (collectively, the "**Section II CCRs**").

3. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section III, dated September 14, 1998, recorded in Volume 817, Page 910 of the OPRBC, as amended by First Amendment to Declaration of Covenant, Conditions and Restrictions of Whitewater Springs Subdivision Section III dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 433 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section III, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 261 of the OPRBC, as further amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision dated effective June 26, 2007, recorded in Document No. 0708299 of the OPRBC (collectively, the "**Section III CCRs**").

4. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section IV, dated November 19, 1999, recorded in Volume 887, Page 336 of the OPRBC, as amended by First Amendment to Declaration of Covenant, Conditions and Restrictions of Whitewater Springs Subdivision Section IV dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 452 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section IV, dated January 19, 2006 (to be effective as of December 19,

2004), recorded in Volume 1399, Page 269 of the OPRBC, as further amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision dated effective June 26, 2007, recorded in Document No. 0708299 of the OPRBC (collectively, the "*Section IV CCRs*").

5. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section 1, dated December 7, 1999, recorded in Volume 892, Page 117 of the OPRBC, as amended by Amended and Restated Declaration of Covenant, Conditions and Restrictions of Whitewater Springs Subdivision Section V, dated April 1, 2002, recorded in Volume 1093, Page 3 of the OPRBC, and First Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section 1 dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 471 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section V, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 277 of the OPRBC, as further amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision dated effective June 26, 2007, recorded in Document No. 0708299 of the OPRBC (collectively, the "*Section V CCRs*").

6. Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision Section VI, dated April 12, 2000, recorded in Volume 918, Page 25 of the OPRBC, as amended by First Amendment to Declaration of Covenant, Conditions and Restrictions of Whitewater Springs Subdivision Section VI dated June 15, 2004 (to be effective December 11, 2003), recorded in Volume 1286, Page 490 of the OPRBC, further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions of White Water Springs Subdivision Section VI, dated January 19, 2006 (to be effective as of December 19, 2004), recorded in Volume 1399, Page 286 of the OPRBC, as further amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions of Whitewater Springs Subdivision dated effective June 26, 2007, recorded in Document No. 0708299 of the OPRBC (collectively, the "*Section VI CCRs*").

EXHIBIT B

Lot 88 of WHITEWATER SPRINGS, SECTION ONE, as recorded in Cabinet 2, Slides 108B-111A, Plat Records of Burnet County, Texas.

Lot 136, WHITEWATER SPRINGS, SECTION TWO, as recorded in Cabinet 2, Slide 120D-124A, Plat Records of Burnet County, Texas.

Lot 173, WHITEWATER SPRINGS, SECTION TWO, as recorded in Cabinet 2, Slide 120D-124A, Plat Records of Burnet County, Texas.

Lot 213, WHITEWATER SPRINGS, SECTION TWO, as recorded in Cabinet 2, Slide 120D-124A, Plat Records of Burnet County, Texas.

Lot 216, WHITEWATER SPRINGS, SECTION TWO, as recorded in Cabinet 2, Slide 120D-124A, Plat Records of Burnet County, Texas.

Lot 205A, A REPLAT OF LOT NOS. 204 & 205, WHITEWATER SPRINGS, SECTION TWO, as recorded in Cabinet 2, Slide 127A, Plat Records of Burnet County, Texas.

Lot 325, WHITEWATER SPRINGS, SECTION THREE, as recorded in Cabinet 2, Slides 148A-149C, Plat Records of Burnet County, Texas.

Lot 356, WHITEWATER SPRINGS, SECTION THREE, as recorded in Cabinet 2, Slides 148A-149C, Plat Records of Burnet County, Texas.

Lot 370, WHITEWATER SPRINGS, SECTION THREE, as recorded in Cabinet 2, Slides 148A-149C, Plat Records of Burnet County, Texas.

Lot 502B, A REPLAT OF LOT NOS. 501-504, 506-507, 511-512, AND 519, WHITEWATER SPRINGS, SECTION FIVE, as recorded in Cabinet 2, Slides 172C-173A, Plat Records of Burnet County, Texas.

Lot 512B, A REPLAT OF LOT NOS. 501-504, 506-507, 511-512, AND 519, WHITEWATER SPRINGS, SECTION FIVE, as recorded in Cabinet 2, Slides 172C-173A, Plat Records of Burnet County, Texas.

Lot 516, WHITEWATER SPRINGS, SECTION FIVE, as recorded in Cabinet 2, Slide 154C-155A, Plat Records of Burnet County, Texas.

Lot 605, WHITEWATER SPRINGS, SECTION SIX, as recorded in Cabinet 2, Slides 174A-175C, Plat Records of Burnet County, Texas.

Lot 606, WHITEWATER SPRINGS, SECTION SIX, as recorded in Cabinet 2, Slides 174A-175C, Plat Records of Burnet County, Texas.

Lot 655, WHITEWATER SPRINGS, SECTION SIX, as recorded in Cabinet 2, Slides 174A-175C, Plat Records of Burnet County, Texas.

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Janet Parker

201100700

January 26, 2011 11:48:12 AM

FEE: \$40.00

Janet Parker, County Clerk

Burnet County, Texas