

TERRILL & WALDROP

ATTORNEYS and COUNSELORS

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Austin, Texas 78701
Tel (512) 474-9100
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July 1, 2019

VIA EMAIL

Ms. Barbara Boulware-Wells
General Counsel
Post Oak Savannah Groundwater Conservation District
223 West Anderson Lane, Suite A-105
Austin, Texas 78752
bbw@cityattorneytexas.com

Re: Application to Amend Vista Ridge Drilling and Operating Permit
No. POS-D&O/A&M-001d (“Operating Permit”) and
Transport Permit No. POS-T-0001d (“Transport Permit”)

Dear Ms. Boulware-Wells:

On behalf of Blue Water Vista Ridge LLC (“Blue Water”), as permit administrator for Vista Ridge LLC (“Vista Ridge”), enclosed with this correspondence please find applications and supporting documents for amendments to Vista Ridge’s Operating Permit No. POS-D&O/A&M-0001d and Transport Permit No. POS-T-0001d (“Application”). Four amendments are requested in this Application:

1. Relocation of the PW-18 Permitted Well Site;
2. Increase in Annual Simsboro Well Field Production;
3. Reinstatement of 3,000 gpm Instantaneous Well Production Rates for Wells PW-12, PW-13, and PW-16; and
4. Alignment of Operating and Transport Permit Production Amounts, Instantaneous Rates, and Points of Withdrawal.

For clarity, I will explain each of the application amendments in turn.

Amendment 1: Relocation of the PW-18 Permitted Well Site

The Vista Ridge Operating Permit contains 12 permitted Simsboro well sites with identified coordinates for each well location. Nine of those 12 Simsboro well sites have been drilled, constructed and tested, leaving 3 of the 12 Simsboro permitted well sites currently undrilled. This Application requests relocation of PW-18, one of the permitted-but-undrilled Simsboro well sites, to a new location in closer proximity to the pump station that services the well field. No change is requested for PW-18 other than the point of withdrawal.

To relocate a previously permitted well site, District Rule 4.1.7 provides for a streamlined process that only requires an application demonstrating approval of the permittee and relevant surface owner within the footprint of leased or owned groundwater rights. Rule 4.1.7 provides in relevant part: “Upon application, and approval by the District, a well location established by permit may be modified on the request of both the permittee and the surface owner of land within the contiguous area included within the permit...” The surface owner of the land, Central Texas Regional Water Supply Corporation, has consented to the location of PW-18 on its property. As further shown in Tab 2, Plates 1 through 3, the proposed relocation is within the contiguous area of leased groundwater rights for the permitted Vista Ridge well field. Under the District’s Rules, Vista Ridge has the right to relocate the previously permitted well by virtue of holding the groundwater rights on the proposed new location.

Amendment 1 seeks no changes to the Vista Ridge Operating Permit other than the simple relocation of the point of withdrawal for PW-18. As indicated on the map under Tab 2, Plate 2, the proposed relocation of this previously permitted well complies with all District spacing rules. Moreover, although additional groundwater modeling is not required under District Rules for relocation of a permitted well, Blue Water’s groundwater modeling demonstrates that the proposed relocation of PW-18 is essentially undetectable, and will not alter the aquifer response to Vista Ridge pumping or interfere with the production of water from exempt, existing, or previously-permitted wells. *See* Tab 2, Plate 4 and the Groundwater Modeling Memorandum at Tab 4.

For the foregoing reasons, Amendment 1 constitutes a non-substantial amendment falling within District Rule 4.1.7. As such, District Rule 7.8.2, which governs substantial permit amendments, is not applicable to Amendment 1 and no hearing is required under District Rules. Nor is a hearing required by Texas Water Code Section 36.114(b)-(d), which directs that permit amendments for which no hearing is required be acted on promptly by the board of directors or as delegated by rule to the general manager. Blue Water thus requests that the District act on Amendment 1, through administrative approval of the General Manager, following a determination of administrative completeness, pursuant to the Texas Water Code and District Rules.

Amendment 2: Increase Total Annual Simsboro Well Field Production

The Vista Ridge Operating Permit currently authorizes production of 35,993 acre-feet per year (ac-ft/yr) from its 12 permitted wells in the Simsboro Formation and 15,000 ac-ft/yr from the wells permitted in the Carrizo Formation, for a total permitted annual production of 50,993 acre-feet. Through Amendment 2, Vista Ridge requests that the Simsboro production be increased by 4,842 ac-ft/yr for a total Simsboro withdrawal of 40,835 ac-ft/yr. No change is requested for any of the permitted Carrizo wells.

Under District Rule 7.4.5(a), permit applications for wells that exceed 500 gpm must include “predictions of pumping impacts on water levels over the next 30 years within a radial distance of 5 miles of the newly permitted well.” While the Vista Ridge wells are not newly permitted wells, Blue Water commissioned modeling to illustrate the impacts on water levels consistent with District Rule 7.4.5. A summary of the groundwater modeling is included in the

Groundwater Modeling Memorandum and supporting exhibits in Tab 4. Blue Water utilized the updated Texas Water Development Board (“TWDB”)-approved Central Carrizo-Wilcox Groundwater Availability Model (“GAM”), as modified to reflect the actual (as opposed to the assumed) transmissivity in the Vista Ridge well field area, to improve the accuracy of the model predictions. Specifically, inspection of the model input datasets indicated that the assumed transmissivity applied to the Vista Ridge well field area was inaccurate and did not reflect the actual transmissivity values determined during aquifer testing of the Vista Ridge production wells. The inaccurate transmissivity values resulted in inaccurate prediction of drawdown in the Vista Ridge well field. This corrected GAM (the “MODGAM”), specifically authorized by Rule 7.4.5(e), demonstrates that the requested production increase will not significantly affect other users of Simsboro groundwater. It is worth noting that the only Simsboro wells in the vicinity are Vista Ridge’s permitted production wells and all other Simsboro wells are miles away.

Comparison of MODGAM thirty-year simulations with and without the additional authorized pumpage, depicted at Tab 2, Plates 5 through 9, demonstrates a slight increase in Simsboro drawdown in the Vista Ridge well field area of between 30 and 40 feet, which is negligible given the average of over 2,000 feet of artesian pressure beneath the well field. As explained in the Tab 4 technical memorandum and supporting Tab 2 plates, the requested additional authorized pumpage results in a predicted artesian pressure decrease of approximately 1.5-2% over the next 30 years. Given that the nearest Simsboro well is approximately four miles from the Vista Ridge well field (Tab 2, Plate 5), and that well is the only Simsboro well not controlled by Blue Water within many miles of the well field, the increase in authorized production will not have any material effect on neighboring Simsboro users and will likely be undetectable. To illustrate Tab 2, Plate 9 demonstrates that the nearest Simsboro well has a predicted combined 1,800 feet of artesian pressure and saturated thickness in the Simsboro aquifer after 30 years, even when taking into account all regional pumpage. The predicted 30-year drawdown associated with the additional authorized Simsboro production is approximately 25 feet at the nearest Simsboro well. (Rule 7.6(3)).

In addition to the MODGAM simulations referenced above, additional comparable model simulations were run using the TWDB GAM without the corrections to the transmissivity values that were used for the MODGAM. The GAM simulations are found at Tab 2, Plates 12 through 17.

Finally, in addition to the MODGAM and GAM simulations, additional simulations were run using the old GAM that was previously in use before the recent update to the TWDB approved GAM (“Old GAM”). This obsolete version of the GAM has been superseded by the more accurate and refined current GAM, but an additional Old GAM simulation has been run and included within this permit application at Tab 2, Plate 22. A note of caution is in order with the Old GAM. Neither Blue Water, nor its technical consultants, are offering the additional Old GAM simulation for any reason other than the possibility that the Old GAM simulation may be needed by the District in connection with its review of these permit applications. Blue Water submits that the MODGAM is the proper model for computer simulations because it is the latest and most accurate version, but has nevertheless included the additional model run for the District’s review.

Blue Water has also included a technical memorandum addressing the issue of subsidence at Tab 5. Consultants for the TWDB recently released a statewide report concerning subsidence. The TWDB report addresses statewide subsidence from the Carrizo-Wilcox Aquifer (among other aquifers) in a necessarily broad-brush form, which very significantly limits its accuracy and applicability to local pumping from the Simsboro, which is a subunit of the Carrizo-Wilcox. Because large-scale pumping from the Simsboro has been taking place for decades (by the cities of Bryan and College Station) without any observable subsidence, let alone any *problems* associated with subsidence, Blue Water submits that subsidence is not a concern, but in the interest of completeness, includes the technical memorandum to provide responsive analysis to the TWDB report. The technical memorandum confirms that, even though there are very significant limitations inherent in the TWDB model, subsidence that may result from these permit applications is *de minimis* and not a concern.

Finally, the mapping required pursuant to District Rule 7.4.4(e) is enclosed at Tab 2, Plates 1 and 2, and all additional District application requirements are contained in Tabs 1 through 6. The requested aggregated increase in Simsboro pumping complies with all District rules and no variance or good cause exception is required for approval of Amendment 2 because, as depicted at Tab 2, Plate 1, the resulting authorized production is within the allowance for groundwater rights owned or controlled by the owner or operator as established in District Rule 5.1.2.

Amendment 3: Reinstate Instantaneous Well Production Rates

In 2017, the District amended the Operating Permit by granting Blue Water's requested relocation of eleven previously-permitted wells. These well relocations were made in response to reasonable landowner requests to move well sites within their property and to ensure that all public supply well sites provided proper drainage characteristics. As noted in Amendment 2, there are no other Simsboro wells within miles of Vista Ridge's Simsboro wells, and Vista Ridge obviously did not object to the relocation of Simsboro wells closer to its other permitted Simsboro wells. In granting the requested well relocations, the District did not follow its previous rule spacing interpretation and instead lowered the originally-permitted instantaneous production rate of wells PW-12 (from 3,000 gpm to 2,617 gpm), PW-13 (from 3,000 gpm to 2,685 gpm), and PW-16 (from 3,000 gpm to 2,412 gpm), presumably relying on District Rule 4.1.2(a) to impose spacing limitations between Vista Ridge Simsboro wells of one foot per one gallon per minute of production capacity.

Amendment 3 seeks reinstatement of the previously-authorized instantaneous production for wells PW-12, PW-13 and PW-16. These Simsboro wells have been drilled and completed. The requested reinstatement to 3,000 gpm for wells PW-12, PW-13 and PW-16 fully complies with District spacing requirements regarding adjoining property owners and adjoining (*i.e.*, non-Vista Ridge) Simsboro wells. Consistent with the District's previous interpretation of District Rule 4.2.1, which is to enforce spacing requirements "to prevent or limit injury to adjoining landowners, well owners or the aquifer," Blue Water respectfully submits that no adjoining property owner or well owner is injured by the 3 previously-permitted wells being placed slightly closer together to each other.

None of the authorized purposes for limiting production applies to wells PW-12, PW-13 or PW-16. As reflected in Tab 2, Plate 5, the closest Simsboro well is approximately four miles from the Vista Ridge well field. Internal Vista Ridge well field spacing has no impact on this, or any other, Simsboro well outside of the Vista Ridge well field. Thus, the only potential “injury” associated with restoration of 3,000 gpm instantaneous rates is to other Vista Ridge wells (and Vista Ridge obviously does not consider itself injured and has plainly consented to the well spacing). Simsboro modeling bears this out. In support of Amendment 3, Applicant utilized the updated, TWDB-approved GAM as modified to reflect actual documented transmissivity of the Simsboro within the Vista Ridge well field area. The MODGAM simulation assuming full instantaneous production of 3,000 gpm for PW-12, PW-13 and PW-16 predicts an immaterial drawdown of 1-2 feet in the nearest non-contiguous property, as depicted in Tab 2, Plate 12 – and no drawdown at the closest non-Vista Ridge Simsboro well approximately 4 miles away. Additionally, a simulation using the obsolete Old GAM has been included as well at Tab 2, Plate 22. Again, this simulation from this superseded GAM is only included in the event the District believes that such simulation is necessary for review of these permit applications.

As reflected above, and consistent with both the plain language of District Rule 4.1.2, and the District’s past interpretation of its rules, no injury has occurred to adjoining landowners or well owners from the well relocation, and the previous instantaneous rates should be restored to reflect that reality.

Amendment 4: Align Operating and Transport Permits

Blue Water further requests that the Transport Permit be amended to make corresponding changes to the annual groundwater withdrawal, instantaneous well production rates, and well locations identified in the Operating Permit pursuant to this Application. No changes to the Transport Permit term, place of use or purpose of use are requested.

Supporting Documentation: Each of the requested amendments sought through this Application is supported by all required District documents, studies, fees, mapping and declarations as follows:

- | | |
|--------|--|
| Tab 1: | Application forms and supporting information for: the proposed relocation of PW-18 (Amendment 1); the increase in aggregate Simsboro authorized annual production (Amendment 2); and reinstatement of 3,000 gpm instantaneous production for PW-12, PW-13 and PW-16 (Amendment 3). |
| Tab 2: | All required mapping reflecting relocation of PW-18 (Amendment 1) and in support of groundwater modeling for each of requested Amendments 1-3 (Rule 7.4.4(e)). |
| Tab 3: | All required supporting documentation for groundwater leases and land parcels (memoranda of groundwater leases, memorandum of partial groundwater lease assignment and real property deeds provided digitally) (Rule 7.4.4(b)). The documentation includes an updated schedule of leased groundwater rights necessary to support the current permit amount and the |

additional annual amount requested by these permit applications, along with an additional 1000 acres of groundwater rights. Although the additional 1000 acres of leased groundwater rights is not required by the District's Rules to support the permit applications, these additional rights have been included with this submission to provide an additional margin of underlying groundwater rights. The updated groundwater rights schedule provides the District with information regarding the public record recording information for the memoranda of lease, which of course makes the document available for the District and the public, and the pooling information indicating which leases are held by production and the applicable pooling amendment, which is also recorded in the public records. Although we know that the District is not responsible for administering leases or regulating \pooling, we have included this information for the District's review and convenient reference.

- Tab 4: Groundwater modeling technical memorandum and supporting exhibits (Rule 7.4.5).
- Tab 5: Subsidence technical memorandum (Rule 8.1.5(b)).
- Tab 6: Current Operating Permit and Transport Permit.

For each of Amendments 1 through 4:

- Blue Water seeks no change to the previously-permitted beneficial use for potable municipal supply. (Rule 7.4.4(c)), Rule 7.6(4);
- The Vista Ridge well field is supported by 28,999.9362 contiguous acres overlying the Simsboro and Carrizo-Wilcox aquifers within the District as evidenced by Tab 3 and Tab 2, Plate 1. (Rule 7.4.4(l) and (m));
- The requested Amendments to the Operating Permit and Transport Permit comply with the District Management Plan. (Rule 7.6(1);
- Blue Water affirms that the Vista Ridge project does not currently hold underutilized permits and has a substantial need for the relocation of PW-18, the increase in aggregate Simsboro well field production, and the increase in instantaneous production of PW-12, PW-13 and PW-16. (Rule 7.6(5));

Blue Water submits the enclosed check for \$500.00, in payment of the District's non-refundable fee required for each required application in support of Amendments 1 through 4. Blue Water respectfully requests that the requested Amendments to Drilling and Operating Permit No. POS-D&O/A&M-001d and Transport Permit No. POS-T-0001d be processed concurrently pursuant to District Rule 7.1.6.

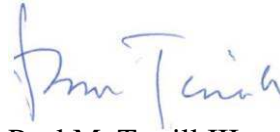
Ms. Boulware-Wells

July 1, 2019

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If you or the General Manager have any questions or concerns, or would like any additional information in connection with this request, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul M. Terrill III".

Paul M. Terrill III
TERRILL & WALDROP

cc: Gary Westbrook, General Manager, POSGCD
Ross Cummings, Blue Water Vista Ridge LLC
Pat Reilly, Blue Water Vista Ridge LLC
Scott Parrish, Vista Ridge LLC
James Bene, R.W. Harden & Associates

TAB

1

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

Return this completed form to: POSGCD, PO Box 92 (310 East Ave. C), Milano, TX 76556

Phone: 512-455-9900 **FAX:** 512-455-9909 **Email:** admin@posgcd.org

Please type or print legibly. Incomplete applications will be returned to applicant.

Application Date: 07/01/2019 Well Number: Individual well information provided in Appendix A
Date received by POSGCD Assigned by POSGCD

Is the property where this well is or will be located within a subdivision or city? ☐ Yes ☒ No

If yes, please write the name of the subdivision or city: _____

PURPOSE FOR THIS APPLICATION (Choose one)

- ☐ New well
- ☐ Replacement well; if selected, please briefly explain: _____
- ☐ Alter an existing well; if selected, please briefly explain: _____
- ☐ Operate an existing well
- ☒ Other; if selected, please briefly explain: Increase aggregate well field production.

SECTION 1: APPLICANT

Name: Vista Ridge, LLC Phone: 512-459-7100
(First, Middle, Last)

Address: 3600 N Capital of TX Hwy, Suite B180, Austin, Texas 78746 c/o Ross Cummings

City: Austin State: TX Zip: 78759

Are you requesting an exemption under Post Oak Savannah GCD Rule 7.10? ☐ Yes ☒ No

If yes, please cite applicable rule, or explain: _____

SECTION 2: FEE REQUIRED

If the applicant intends to drill a new well, increase the size of an existing well, increase the size of a pump on an existing well, or replace a permitted well, then a **\$100 NON-REFUNDABLE FEE PER EXISTING, OR PROPOSED WELL** must accompany this application. The applicant may be required to submit any additional information identified by the board during the permitting process as reasonably required or beneficial to the Districts' decision. Additional funds may be required from the applicant if necessary to complete the District's cost of processing the application.

A charge of \$25.00 will be assessed for all "returned" checks.



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 3: AUTHORIZATION TO DRILL

Has any part of the water rights of the property for this well been leased, sold, or transferred? ☒ Yes ☐ No

If yes, or if the name and address of the property owner is different than the person shown in Section 1, please complete this section and attach proof of authorization to drill and produce groundwater:

Name: Individual well information provided in Appendix A Phone: _____
(First, Middle, Last)

Address: _____

City: _____ State: _____ Zip: _____

Is a copy of authorization to drill on property attached according to Rule 7.4.4? ☒ Yes ☐ No

SECTION 4: MAP & SPACING

You must answer yes to each of the following for this application to be complete:

Is map of area according to Rule 7.4.4 attached? ☒ Yes

Is proof of satisfaction of spacing requirements according to Rule 4.1 attached? ☒ Yes

SECTION 5: PURPOSE FOR WATER USE

Type of well (Check one): ☐ Domestic ☒ Municipal ☐ Irrigation ☐ Other

If other, please explain: _____

List proposed usage of water produced from well and the amount of usage, including conjunctive use.

Use: Individual well information provided in Appendix A Amount Used: Individual well information provided in Appendix A gallons/day.

Use: _____ Amount Used: _____ gallons/day.

Use: _____ Amount Used: _____ gallons/day.

Total Amount to be used: Individual well information provided in Appendix A gallons/day.

Location of water usage: Bexar County, Texas or any other county identified in Transport Permit

Proposed rate at which water will be withdrawn: Individual well information provided in Appendix A gallons/minute.

Aquifer & Formation water is to be drawn from: Simsboro member of the Carrizo-Wilcox Aquifer

The total number of acres that overlies the aquifer and formation listed above that is contiguous to the well listed and located above (Rule 7.4.4): 28,999.9362 total acres.

Total amount of water requested per year: 40,835(Simsboro) - 55,835(Total) acre feet (1 acre foot = 325,851 gallons)
(Aggregate for this permit application amendment)



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 6: PLANS

Please attach copies of the following studies or plans, or indicate:

☒ Well Closure Plan ☒ Alternative Supply Plan ☒ Conservation Plan ☒ Drought Contingency Plan

Aquifer Impact Study: See Tab 4 - Aquifer Impact Study and Report

☒ Declaration to abide by all Rules and the Management Plan of the District (found in Section 8).

** In lieu of submitting these plans, the applicant may declare that he/she will abide by the District's Rules and Management Plan as they pertain to these items.

SECTION 7: Well Information (POSGCD can assist with this Section)

Well location (directions to well site from nearest state or federal highway):

Begin at _____ and then go _____
and then go _____ and then go _____
and then go _____ and then go _____

Individual well information provided in Appendix A

Well is located in: ☐ Milam County ☒ Burleson County

Well coordinates: Latitude: _____

Please attach copies of the following schedules or logs, if available:

Individual well information provided in Appendix A.
Well construction information will be supplied to the
District after well completion

☐ Driller's Schedule ☐ Driller's Log/Report ☐ Electric Log

Date well drilled:	Driller's name:	Driller's license number:
Well depth (feet):	Diameter of hole (inches):	Diameter of pipe (inches):
Pump set at (depth of lift in feet):	Depth to water (feet):	Pump size (horse power):
Well capacity (gallons/minute):	Pump power source:	Type of pump:

Request for well to be aggregate with other wells? ☒ Yes ☐ No If yes, list wells below:

PW-9, PW-10, PW-11, PW-12, PW-13, PW-14, PW-15, PW-16, PW-17, PW-18, PW-19, PW-20



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 8: Attachments

Please list all items attached to this permit:

☒ Map of location showing spacing (REQUIRED)

☒ Unique property description (REQUIRED)

Other: Documents pertaining to this permit amendment request are included under Tabs 1-6

SECTION 9: Affirmation and Execution

I certify that all statements and information in this application are true and correct. If the name and address in Section 3 of this application is different than that in Section 1, I also certify that I have authorization to act on behalf of the person(s) in Section 2 and that I also have authorization to produce groundwater from this well. I further declare that all groundwater withdrawn will be put to beneficial use at all times. If I have chosen the Declaration option in Section 6, I hereby declare that I will abide by all Rules and the Management Plan of the District according to the District's Rule 7.4.4 D, F, G, and H concerning these items.

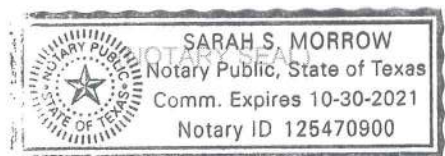

Signature of Applicant

THE STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on (date) 2/1/19

by (applicant) Ross Cummings




Notary Signature

FOR OFFICE USE ONLY

Has appropriate fee been paid to District to process this application? ☐ Yes ☐ No Amount Paid:

Is Applicant current with District Rules? ☐ Yes ☐ No

Is application administratively complete? ☐ Yes ☐ No

Date of hearing (if applicable): _____

Notes: _____



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

Return this completed form to: POSGCD, PO Box 92 (310 East Ave. C), Milano, TX 76556

Phone: 512-455-9900 **FAX:** 512-455-9909 **Email:** admin@posgcd.org

Please type or print legibly. Incomplete applications will be returned to applicant.

Application Date: 07/01/2019 Well Number: 8626 (PW-12)
Date received by POSGCD Assigned by POSGCD

Is the property where this well is or will be located within a subdivision or city? ☐ Yes ☒ No

If yes, please write the name of the subdivision or city: _____

PURPOSE FOR THIS APPLICATION (Choose one)

- ☐ New well
- ☐ Replacement well; if selected, please briefly explain: _____
- ☐ Alter an existing well; if selected, please briefly explain: _____
- ☐ Operate an existing well
- ☒ Other; if selected, please briefly explain: Restore previously-permitted instantaneous production rate.

SECTION 1: APPLICANT

Name: Vista Ridge, LLC Phone: 512-459-7100
(First, Middle, Last)

Address: 3600 N Capital of TX Hwy, Suite B180, Austin, Texas 78746 c/o Ross Cummings

City: Austin State: TX Zip: 78759

Are you requesting an exemption under Post Oak Savannah GCD Rule 7.10? ☐ Yes ☒ No

If yes, please cite applicable rule, or explain: _____

SECTION 2: FEE REQUIRED

If the applicant intends to drill a new well, increase the size of an existing well, increase the size of a pump on an existing well, or replace a permitted well, then a **\$100 NON-REFUNDABLE FEE PER EXISTING, OR PROPOSED WELL** must accompany this application. The applicant may be required to submit any additional information identified by the board during the permitting process as reasonably required or beneficial to the Districts' decision. Additional funds may be required from the applicant if necessary to complete the District's cost of processing the application.

A charge of \$25.00 will be assessed for all "returned" checks.



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 3: AUTHORIZATION TO DRILL

Has any part of the water rights of the property for this well been leased, sold, or transferred? ☒ Yes ☐ No

If yes, or if the name and address of the property owner is different than the person shown in Section 1, please complete this section and attach proof of authorization to drill and produce groundwater:

Name: Byron McAllister Phone: _____
(First, Middle, Last)

Address: 2070 County Road 120

City: Caldwell State: TX Zip: 77836

Is a copy of authorization to drill on property attached according to Rule 7.4.4? ☒ Yes ☐ No

SECTION 4: MAP & SPACING

You must answer yes to each of the following for this application to be complete:

Is map of area according to Rule 7.4.4 attached? ☒ Yes

Is proof of satisfaction of spacing requirements according to Rule 4.1 attached? ☒ Yes

SECTION 5: PURPOSE FOR WATER USE

Type of well (Check one): ☐ Domestic ☒ Municipal ☐ Irrigation ☐ Other

If other, please explain: _____

List proposed usage of water produced from well and the amount of usage, including conjunctive use.

Use: Municipal Amount Used: <4,320,000 gallons/day.

Use: _____ Amount Used: _____ gallons/day.

Use: _____ Amount Used: _____ gallons/day.

Total Amount to be used: <4,320,000 gallons/day.

Location of water usage: Bexar County, Texas or any other county identified in Transport Permit

Proposed rate at which water will be withdrawn: <3,000 gallons/minute.

Aquifer & Formation water is to be drawn from: Simsboro Member of the Carrizo-Wilcox Aquifer

The total number of acres that overlies the aquifer and formation listed above that is contiguous to the well listed and located above (Rule 7.4.4): 28,999.9362 total acres.

Total amount of water requested per year: 40,835(Simsboro) - 55,835(Total) acre feet (1 acre foot = 325,851 gallons)
(Aggregate for this permit application amendment)



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 6: PLANS

Please attach copies of the following studies or plans, or indicate:

☐ Well Closure Plan ☐ Alternative Supply Plan ☐ Conservation Plan ☐ Drought Contingency Plan

Aquifer Impact Study: See Tab 4 - Aquifer Impact Study and Report

☐ Declaration to abide by all Rules and the Management Plan of the District (found in Section 8).

*** In lieu of submitting these plans, the applicant may declare that he/she will abide by the District's Rules and Management Plan as they pertain to these items.*

SECTION 7: Well Information (POSGCD can assist with this Section)

Well location (*directions to well site from nearest state or federal highway*):

Begin at Intersection of Hwy 36 and 21 and then go SW on Hwy 21 10.1 miles to FM 696
and then go Continue SW on Hwy 21 0.69 miles and then go NW on Private Road 0.25 miles
and then go _____ and then go _____

Well is located in: ☐ Milam County ☒ Burleson County

Well coordinates: Latitude: 30.42223° N 96.81062° W

Please attach copies of the following schedules or logs, if available:

Well construction information will be supplied to the District after well completion

☐ Driller's Schedule ☐ Driller's Log/Report ☐ Electric Log

Date well drilled: 1/28/2018	Driller's name: Rylan Albritton	Driller's license number: 59846
Well depth (feet): 2800	Diameter of hole (inches): 24 (borehole)	Diameter of pipe (inches): 18 (casing)
Pump set at (depth of lift in feet): 700	Depth to water (feet): 132.4	Pump size (horse power): 800
Well capacity (gallons/minute): 3000	Pump power source: 3-phase	Type of pump: Lineshaft

Request for well to be aggregate with other wells? ☒ Yes ☐ No If yes, list wells below:

PW-9, PW-10, PW-11, PW-13, PW-14, PW-15, PW-16, PW-17, PW-18, PW-19, PW-20



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 8: Attachments

Please list all items attached to this permit:


☒ Map of location showing spacing (REQUIRED)

☒ Unique property description (REQUIRED)

Other: Documents pertaining to this permit amendment request are included under Tabs 1-6

SECTION 9: Affirmation and Execution

I certify that all statements and information in this application are true and correct. If the name and address in Section 3 of this application is different than that in Section 1, I also certify that I have authorization to act on behalf of the person(s) in Section 2 and that I also have authorization to produce groundwater from this well. I further declare that all groundwater withdrawn will be put to beneficial use at all times. If I have chosen the Declaration option in Section 6, I hereby declare that I will abide by all Rules and the Management Plan of the District according to the District's Rule 7.4.4 D, F, G, and H concerning these items.

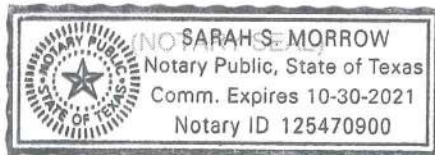

Signature of Applicant

THE STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on (date) 2/1/2019

by (applicant) Ross Cummings




Notary Signature

FOR OFFICE USE ONLY

Has appropriate fee been paid to District to process this application? ☐ Yes ☐ No Amount Paid:

Is Applicant current with District Rules? ☐ Yes ☐ No

Is application administratively complete? ☐ Yes ☐ No

Date of hearing (if applicable): _____

Notes: _____



CALLED 217.852 ACRES
 CLINT J. LUKSA
 VOL. 194, PAGE 481
 D.R.B.C.T.
 DESCRIBED AS:
 FOURTH TRACT
 VOL. 29, PAGE 250
 D.R.B.C.T.

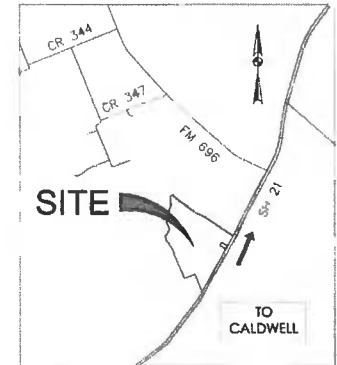
POINT OF
 BEGINNING

LAT.: N30° 25' 19.2567"
 LONG.: W96° 48' 34.1376"

BYRON LEE McALLISTER AND
 EVELYN ELAINE McALLISTER CO-TRUSTEES
 VOL. 939, PG. 271
 CALLED 132.29 ACRES
 O.P.R.B.C.T.

E. M. COX SURVEY,
 ABSTRACT NO. 82

CM: BRASS DISC



LOCATION MAP
 SCALE: 1" = 5,000'

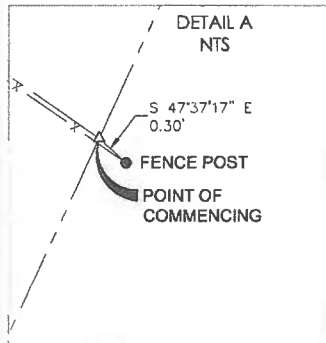
LEGEND

- = 1/2" IRON ROD WITH CAP STAMPED "WALLACE GROUP" SET
- = TXDOT TYPE II CONCRETE MONUMENT (ROUND)
- ⊙ = UTILITY POLE
- D.R.B.C.T. = DEED RECORDS, BURLESON COUNTY, TEXAS
- O.R.B.C.T. = OFFICIAL RECORDS, BURLESON COUNTY, TEXAS
- O.P.R.B.C.T. = OFFICIAL PUBLIC RECORDS, BURLESON COUNTY, TEXAS
- [] = RECORD INFORMATION PER TXDOT
- = OVERHEAD ELECTRIC LINE
- x — = HOG WIRE FENCE LINE
- CM = CONTROLLING MONUMENT

LAND TITLE SURVEY
2.025 ACRES
OUT OF THE
E. M. COX SURVEY, ABSTRACT NO. 82

PARCEL 15035
BURLESON COUNTY, TEXAS

PAGE 1 OF 2



DETAIL A
 LEFT

STATE HIGHWAY 21
 (RIGHT-OF-WAY WIDTH VARIES)

Handwritten signature in blue ink.

THE WALLACE GROUP
 engineers architects surveyors
 A CPM COMPANY

0 200 400

SCALE: 1" = 200'

PLAT NO. <u>P-15035</u> DRAFT DATE <u>09-08-2016</u> DRAWN BY <u>MAN</u>	
WORK ORDER <u>ABEN1400438</u>	FIELDBOOK/PG. <u>BURLESON</u> TAB # <u>15</u>
DIGITAL FILE <u>15_035_R2_LTS.DWG</u> F/N <u>1</u>	

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METES AND BOUNDS DESCRIPTION

BEING A 2.025 ACRE TRACT OF LAND SITUATED IN THE E. M. COX SURVEY, ABSTRACT NO. 82, BURLESON COUNTY, TEXAS; SAID 2.025 ACRE TRACT BEING A PART OF A CALLED 132.29 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO CAROL BRYMER BEDRICH, BRIAN BRYMER, AND JAMES BRYMER AND RECORDED IN VOLUME 729, PAGE 617 OF THE OFFICIAL PUBLIC RECORDS OF BURLESON COUNTY TEXAS (O.P.R.B.C.T.); SAID 2.025 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a calculated point on the common northeast line of said 132.29 acre tract and the southwest line of a called 217.852 acre tract of land as described in a deed to Clint J. Luksa and recorded in Volume 194, Page 481 and described as Fourth Tract in Volume 29, Page 250 of the Deed Records of Burleson County, Texas (D.R.B.C.T.), lying on the west right-of-way line of State Highway 21 (variable width right-of-way), from which a TXDOT type II brass disc found for an angle point on the northwest right-of-way line of said State Highway 21 bears, North 24° 33' 35" East, a distance of 1184.84 feet and a TXDOT type II brass disc found for an angle point on the northwest right-of-way line of said State Highway 21 bears, South 24° 33' 35" West, a distance of 349.62 feet, and a fence post found bears, South 47° 37' 17" East, a distance of 0.30 feet;

THENCE, North 55° 33' 33" West, with the common northeast line of said 132.29 acre tract and the southwest line of said 217.852 acre tract, a distance of 994.42 feet to a 1/2-inch iron rod with cap stamped "WALLACE GROUP" set with a latitude of North 30° 25' 19.2567" and a longitude of West 96° 48' 34.1376", for the northeast corner and POINT OF BEGINNING hereof;

THENCE, through the interior of said 132.29 acre tract, the following three (3) courses and distances:

- 1) South 34° 26' 27" West, a distance of 210.00 feet to a 1/2-inch iron rod with cap stamped "WALLACE GROUP" set for the southeast corner hereof,
- 2) North 55° 33' 33" West, a distance of 420.00 feet to a 1/2-inch iron rod with cap stamped "WALLACE GROUP" set for the southwest corner hereof, and
- 3) North 34° 26' 27" East, a distance of 210.00 feet to a 1/2-inch iron rod with cap stamped "WALLACE GROUP" set on the common northeast line of said 132.29 acre tract and the southwest line of said 217.852 acre tract for the northeast corner hereof;

THENCE, South 55° 33' 33" East, with the common northeast line of said 132.29 acre tract and the southwest line of said 217.852 acre tract, a distance of 420.00 feet to the POINT OF BEGINNING hereof and containing 2.025 acres of land, more or less.

TITLE COMMITMENT NOTE:

ONLY THOSE EASEMENTS AND THAT INFORMATION LISTED IN THE FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NUMBER NCS-6F-15035-SNANT, EFFECTIVE DATE SEPTEMBER 16, 2016, ISSUED DATE SEPTEMBER 22, 2016, AND RELISTED BELOW WERE CONSIDERED FOR THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED ON THE SURVEY IS THE SAME PROPERTY AS DESCRIBED IN THAT TITLE COMMITMENT. NO OTHER EASEMENT RESEARCH WAS PERFORMED BY THE WALLACE GROUP.

- F) RIGHT OF WAY EASEMENT, NOT TO EXCEED 15 FOOT IN WIDTH, TO DEANVILLE WATER SUPPLY CORPORATION RECORDED IN VOL. 649, PAGE 440 OF THE O.R.B.C.T., NOT SHOWN, BLANKET TYPE.
- R) EASEMENT TO BLUEBONNET ELECTRIC COOPERATIVE, INC. RECORDED IN VOL. 220, PAGE 541 OF THE D.R.B.C.T., NOT SHOWN, NOT ON THE 2.025 ACRE SUBJECT TRACT.
- S) RIGHT OF WAY EASEMENT, NOT TO EXCEED 15 FOOT IN WIDTH, TO DEANVILLE WATER SUPPLY CORPORATION RECORDED IN VOL. 209, PAGE 163 OF THE D.R.B.C.T., NOT SHOWN, BLANKET TYPE.
- AA) EASEMENT 15 FOOT ON EACH SIDE OF THE CENTERLINE OF OVERHEAD ELECTRIC FACILITIES AND 10 FOOT ON EACH SIDE OF THE CENTERLINE OF UNDERGROUND ELECTRIC FACILITIES TO BLUEBONNET ELECTRIC COOPERATIVE, INC. RECORDED IN VOL. 780, PAGE 468 OF THE O.R.B.C.T., NOT SHOWN, BLANKET TYPE.

NOTES:

1. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 (NA2011) EPOCH 2010.00.
2. AREAS AND DISTANCES SHOWN ARE SCALED TO U.S. SURVEY FEET.
3. UNDERGROUND UTILITIES HAVE NOT BEEN FIELD VERIFIED.
4. THE SUBJECT PROPERTY IS WITHIN THE FOLLOWING FLOOD ZONE AS DEPICTED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A) FLOOD INSURANCE RATE MAP NUMBER 48051C0275C, DATED JANUARY 06, 2011 FOR BURLESON COUNTY, TEXAS AND INCORPORATED AREAS. THIS DATA IS AVAILABLE ON THE WEBSITE WWW.MSC.FEMA.GOV. ZONE X (UNSHADED, DEFINED AS "OTHER AREAS: AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN.")

SURVEYORS CERTIFICATION

I HEREBY CERTIFY TO FIRST AMERICAN TITLE INSURANCE COMPANY, CENTRAL TEXAS REGIONAL WATER SUPPLY CORPORATION, SAN ANTONIO WATER SYSTEM AND BYRON LEE McALLISTER AND EVELYN ELAINE McALLISTER, CO-TRUSTEES:

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION III SURVEY AND IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT MEETS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS APPROVED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 9, 2016.

MARGARET A. NOLEN
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5589



LAND TITLE SURVEY 2.025 ACRES OUT OF THE E. M. COX SURVEY, ABSTRACT NO. 82

PARCEL 15035 BURLESON COUNTY, TEXAS

PAGE 2 OF 2

		THE WALLACE GROUP engineers architects surveyors A CP&Y COMPANY	
		One Chisholm Trail, Suite 130, Round Rock, Texas 78681 TBPLS 10051700	
SCALE	PLAT NO. <u>P-15035</u> DRAFT DATE <u>09-08-2016</u> DRAWN BY <u>MAN</u>	WORK ORDER <u>ABEN1400438</u> FIELDBOOK/PG. <u>BURLESON</u> TAB # <u>LTS</u>	
© 2016 ALL RIGHTS RESERVED	DIGITAL FILE <u>15_035_R2 LTS.DWG</u> F/N # _____		

132
P9
669
1099
OR
BK
00003668
Doc



THE WALLACE GROUP
engineers architects
A CP&Y COMPANY

Parcel Number 15035_R2
County: Burleson
Vista Ridge Regional Supply

Doc
00003668

Bk
OR

Vol
1099

Pg
133

METES AND BOUNDS DESCRIPTION
2.025 ACRES (88,200 Square Foot)

BEING A 2.025 ACRE TRACT OF LAND SITUATED IN THE E. M. COX SURVEY, ABSTRACT NO. 82, BURLESON COUNTY, TEXAS; SAID 2.025 ACRE TRACT BEING A PART OF A CALLED 132.29 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO CAROL BRYMER BEDRICH, BRIAN BRYMER, AND JAMES BRYMER AND RECORDED IN VOLUME 729, PAGE 617 OF THE OFFICIAL PUBLIC RECORDS OF BURLESON COUNTY TEXAS (O.P.R.B.C.T.); SAID 2.025 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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Page 3 of 4

www.wallace-group.com

WACO KILLEEN DALLAS ROUND ROCK

1 Chisholm Trail, Suite 130 | Round Rock, Texas 78681 | 512.248.0065

TBPE F-54

TBPLS 10051701



THE WALLACE GROUP

engineers architects surveyors

A CP&Y COMPANY

Parcel Number 15035_R2
County: Burleson
Vista Ridge Regional Supply

Doc
00003668

Bk
OR

Vol
1099

Pg
134

THENCE, through the interior of said 132.29 acre tract, the following three (3) courses and distances:

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- 2) North 55° 33' 33" West, a distance of 420.00 feet to a 1/2-inch iron rod with cap stamped "WALLACE GROUP" set for the southwest corner hereof, and
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THENCE, South 55° 33' 33" East, with the common northeast line of said 132.29 acre tract and the southwest line of said 217.852 acre tract, a distance of 420.00 feet to the **POINT OF BEGINNING** hereof and containing 2.025 acres of land, more or less.

Basis of Bearings: Bearings are based on the Texas State Plane Coordinate System (Central Zone – NAD 83) which is based on Leica's Central Texas GPS Cooperative CORS RTK Network, all units are in US Survey Feet.

PREPARED BY: The Wallace Group a CP&Y Company

DATE: September 9, 2016

REVISED: May 04, 2017

JOB NO. 23476

DOC. ID.

Z:\Projects\23476 Vista Ridge Water Line-SAWS\15_BURLESON Well Field Alignment\DWG\Exhibit\15035\15035 Legal.DOC

[Signature] 5/5/2017



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

Return this completed form to: POSGCD, PO Box 92 (310 East Ave. C), Milano, TX 76556

Phone: 512-455-9900 **FAX:** 512-455-9909 **Email:** admin@posgcd.org

Please type or print legibly. Incomplete applications will be returned to applicant.

Application Date: 07/01/2019 Well Number: 8627 (PW-13)
Date received by POSGCD Assigned by POSGCD

Is the property where this well is or will be located within a subdivision or city? ☐ Yes ☒ No

If yes, please write the name of the subdivision or city: _____

PURPOSE FOR THIS APPLICATION (Choose one)

- ☐ New well
- ☐ Replacement well; if selected, please briefly explain: _____
- ☐ Alter an existing well; if selected, please briefly explain: _____
- ☐ Operate an existing well
- ☒ Other; if selected, please briefly explain: Restore previously-permitted instantaneous production rate.

SECTION 1: APPLICANT

Name: Vista Ridge, LLC Phone: 512-459-7100
(First, Middle, Last)

Address: 3600 N Capital of TX Hwy, Suite B180, Austin, Texas 78746 c/o Ross Cummings

City: Austin State: TX Zip: 78759

Are you requesting an exemption under Post Oak Savannah GCD Rule 7.10? ☐ Yes ☒ No

If yes, please cite applicable rule, or explain: _____

SECTION 2: FEE REQUIRED

If the applicant intends to drill a new well, increase the size of an existing well, increase the size of a pump on an existing well, or replace a permitted well, then a **\$100 NON-REFUNDABLE FEE PER EXISTING, OR PROPOSED WELL** must accompany this application. The applicant may be required to submit any additional information identified by the board during the permitting process as reasonably required or beneficial to the Districts' decision. Additional funds may be required from the applicant if necessary to complete the District's cost of processing the application.

A charge of \$25.00 will be assessed for all "returned" checks.



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 3: AUTHORIZATION TO DRILL

Has any part of the water rights of the property for this well been leased, sold, or transferred? ☒ Yes ☐ No

If yes, or if the name and address of the property owner is different than the person shown in Section 1, please complete this section and attach proof of authorization to drill and produce groundwater:

Name: Central Texas Regional Water Supply Corporation Phone: _____
(First, Middle, Last)

Address: P.O Box 160573

City: Austin State: TX Zip: 78716

Is a copy of authorization to drill on property attached according to Rule 7.4.4? ☒ Yes ☐ No

SECTION 4: MAP & SPACING

You must answer yes to each of the following for this application to be complete:

Is map of area according to Rule 7.4.4 attached? ☒ Yes

Is proof of satisfaction of spacing requirements according to Rule 4.1 attached? ☒ Yes

SECTION 5: PURPOSE FOR WATER USE

Type of well (Check one): ☐ Domestic ☒ Municipal ☐ Irrigation ☐ Other

If other, please explain: _____

List proposed usage of water produced from well and the amount of usage, including conjunctive use.

Use: Municipal Amount Used: <4,320,000 gallons/day.

Use: _____ Amount Used: _____ gallons/day.

Use: _____ Amount Used: _____ gallons/day.

Total Amount to be used: <4,320,000 gallons/day.

Location of water usage: Bexar County, Texas or any other county identified in Transport Permit

Proposed rate at which water will be withdrawn: <3,000 gallons/minute.

Aquifer & Formation water is to be drawn from: Simsboro Member of the Carrizo-Wilcox Aquifer

The total number of acres that overlies the aquifer and formation listed above that is contiguous to the well listed and located above (Rule 7.4.4): 28,999.9362 total acres.

Total amount of water requested per year: 40,835(Simsboro) - 55,835(Total) acre feet (1 acre foot = 325,851 gallons)
(Aggregate for this permit application amendment)



POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT (POSGCD)
Permit Application to Drill or Alter and Operate a Non-Exempt Well

SECTION 6: PLANS

Please attach copies of the following studies or plans, or indicate:

☐ Well Closure Plan ☐ Alternative Supply Plan ☐ Conservation Plan ☐ Drought Contingency Plan

Aquifer Impact Study: See Tab 4 - Aquifer Impact Study and Report.

☐ Declaration to abide by all Rules and the Management Plan of the District (found in Section 8).

*** In lieu of submitting these plans, the applicant may declare that he/she will abide by the District's Rules and Management Plan as they pertain to these items.*

SECTION 7: Well Information (POSGCD can assist with this Section)

Well location (directions to well site from nearest state or federal highway):

Begin at Intersection of Hwy 36 and 21 and then go SW on Hwy 21 10.1 miles to FM 696
and then go NW on FM 969 1.01 Miles and then go SW on CR 347 0.56 miles
and then go S/SE on CR 367 0.43 miles and then go SE on Private Road 0.18 miles to well

Well is located in: ☐ Milam County ☒ Burleson County

Well coordinates: Latitude: 30.42394° N 96.82004° W

Please attach copies of the following schedules or logs, if available:

Well construction information will be supplied to the District after well completion

☐ Driller's Schedule ☐ Driller's Log/Report ☐ Electric Log

Date well drilled: 6/8/2015	Driller's name: Richard Albritton	Driller's license number: 4633
Well depth (feet): 2688	Diameter of hole (inches): 24 (borehole)	Diameter of pipe (inches): 18 (casing)
Pump set at (depth of lift in feet): 660	Depth to water (feet): 124.3	Pump size (horse power): 800
Well capacity (gallons/minute): 3000	Pump power source: 3-phase	Type of pump: Lineshaft

Request for well to be aggregate with other wells? ☒ Yes ☐ No If yes, list wells below:

PW-9, PW-10, PW-11, PW-12, PW-14, PW-15, PW-16, PW-17, PW-18, PW-19, PW-20

