

TEMPORARY AMENDMENT TO Amended and Restated Drilling & Operating Permit Issued By Direction of the Board of Directors of the Post Oak Savannah Groundwater Conservation District

This Temporary Amendment to the Amended and Restated Drilling and Operating Permit ("Temporary Amendment") is granted to Vista Ridge, LLC, ("Permittee"), the assignee of and successor to Abengoa Vista Ridge, LLC ("Abengoa"), successor to Blue Water Vista Ridge LLC ("BWVR"), the successor to Blue Water Systems, L.P. ("Blue Water") the successor to Layne Water Development of Texas, LLC ("Layne"), to authorize Permittee to drill and operate thirty-three (33) water wells within the Post Oak Savannah Groundwater Conservation District ("District"), for the purpose of producing water for Municipal Use. The name, location, maximum annual production and maximum gallons of production permitted per minute for each of the thirty-three wells is listed in Exhibit "A," which is attached hereto and incorporated herein for all purposes. The individual wells listed in Exhibit "A" are referred to herein as the "Well" or "Wells" and the thirty-three Wells are collectively referred to as the "Well System."

This Temporary Amendment is conditioned upon and subject to Permittee complying with the Rules of the District ("Rules"), the orders of the Board, the Management Plan of the District, as amended, and the laws, rules and regulations of the State of Texas, as amended, applicable to drilling, operating and maintaining water wells within the District. This Temporary Amendment confers only the right to drill and operate the Wells and Well System in compliance with and subject to the Rules and requirements of this Temporary Amendment as it modifies the underlying Amended Permit. The terms, conditions and authorizations of this Temporary Amendment may be modified or amended under the Rules.

The Wells are registered with the District and the State of Texas. The Wells are approved for production in the aggregate as a Well System. The Permittee is authorized to drill and operate the Wells at the locations and maximum GPM production set forth in Exhibit "A." and the maximum annual production of the Well System shall not exceed 55,835 acre feet per year, of which 15,000 acre-feet shall be from the wells denoted on Exhibit A as CW-1 through CW-21 and 40,835 acre-feet from the wells denoted as PW-9 through PW-20. During the term of this Temporary Amendment the annual aggregate Carrizo production will be reduced commensurately with the increased Simsboro production such that the amount of water produced from within the District will not exceed the currently permitted amount of 55,835 ac-ft/yr. Any additional pumpage over the 40,835 in the Simsboro wells would be reciprocated with like amounts of reduction in the 15,000 allocated to the Carrizo wells.

Under this Temporary Amendment, the Permittee will explore the potential for shifting pumpage from the Carrizo aquifer wells to the Simsboro aquifer wells and will be allowed to increase the pumpage rate for five out of the existing nine Simsboro wells (PW11, PW13, PW15, PW16 & PW17). The Temporary Amendment will allow increases in the maximum instantaneous production rates (currently 3,000) for these wells, as follows:

Table 1. Requested Maximum Instantaneous Production Rates

<i>Well</i>	<i>Distance from Property Line (ft)</i>	<i>Requested Instantaneous Flow Rate (GPM)</i>	<i>Max.</i>
PW11	1,594	3,188	
PW13	1,892	3,500*	
PW15	1,580	3,160	
PW16	1,606	3,212	
PW17	1,538	3,076	

* Restricted to 3,500 gpm by motor horsepower limitations

Additionally, during the term of the Temporary Amendment, the following conditions shall apply:

1. All drawdown and instantaneous pumping and performance data will be collected, recorded, and reviewed to monitor permit compliance, aquifer and well performance, and system operational compliance. All results of the test will be actively shared with the District and continue to be submitted on a monthly basis.
2. Permittee shall provide values for transmissivity and storativity that were used for the Theis non-equilibrium solution to estimate the additional drawdown caused by the test and provide modeling results for predicted drawdowns at PO-011621 (Watson) Simsboro well and at PO-008767 (Ausley) Simsboro well.
3. Permittee shall commit to biweekly teleconference with POSGCD to review and discuss monitoring results from PO-011621 (Watson) Simsboro well, PO-008767 (Ausley) Simsboro well, PO-011622 Carrizo well, and the 18 Vista Ridge production wells. Meetings will be on an as-needed basis as determined by POSGCD.
4. Prior to the start of testing, Permittee shall submit a plan for approval by POSGCD to stop testing to prevent more than 20 feet of additional drawdown from occurring in either the PO-011621 well or the PO-008767 well as if this Temporary Amendment had not been granted.
5. Not later than May 31, 2023 Permittee shall define the measures used to evaluate the success of the test.
6. Provide estimates of anticipated changes in production rates for the Carrizo and Simsboro wells to support predictions of changes in future water levels in the Carrizo and Simsboro aquifers.
7. Not later than August 31, 2023, provide a schedule for installing PW-18 if the test is successful.

The Temporary Amendment shall be granted through August 31, 2023. If all pumping indicators are favorable, Permittee agrees it **shall** submit the application for a permanent amendment not later than August 31, 2023 and any well adjustments or drilling shall be completed not later than September 30, 2024. Permittee requests that the instantaneous pumpage rates specified in this Temporary Amendment are allowed to continue during the application process for the permanent amendment to the Amended Permit currently granted to Permittee.

The Rules are incorporated herein in their entirety by reference, as if set forth herein verbatim, including but not limited to the Rules providing for reducing permitted production. The Permittee shall comply with the Rules and each requirement thereof in operating, maintaining, repairing and altering each of the Wells and the Well System. All application(s) pursuant to which the related original permits and prior amended permits, and this Temporary Amendment, have been issued, and all written agreements and acknowledgments executed by the Permittee, and/or by BWVR, Blue Water, or Layne, are incorporated into this Temporary Amendment. This Temporary Amendment is granted on the basis of, and contingent upon, the accuracy of the information supplied in the application(s), agreements and acknowledgments on file with the District. A finding that false information was supplied to the District in the permitting process for the Wells is grounds for revocation of this Temporary Amendment.

The issuance of this Temporary Amendment does not grant Permittee the right to use any public or private property, interfere with any personal or property rights, or violate any federal, state, or local law, rule or regulation. The District makes no representations and has no responsibility with respect to the availability or quality of the water authorized to be produced under this Temporary Amendment.

The Temporary Amendment does not impact the term of the Amended Permit, both the Drilling and the Operating Permit, which is for a period of forty years from the original issuance date of the original Permit on September 14, 2004, subject to review every fifth year and modification during any such review to conform this Permit with intervening changes in the Management Plan or state law. Unless waived by the Board of the District for a specific review period, applications for review shall be submitted to the District ninety (90) days prior to the fifth anniversary of the issuance date and each subsequent scheduled review date following the fifth anniversary date, until the date of expiration of the Amended Permit. The Board may waive any review if no material change has been made to the Management Plan, or if the changes made do not require modification of the Amended Permit.

The permit issued September 14, 2004; amended January 13, 2009; amended June 22, 2015; amended April 18, 2017 and further amended and in effect as of the 9th day of February, 2021 is temporarily amended as of April 12, 2023.



Post Oak Savannah Groundwater Conservation District

By: 

Name: Gary Westbrook

Title: General Manager

Permit No. POS-D&O/A&M-0001e

EXHIBIT A

			Formation	MaxGPM	Permit Status
CW-1	30.44211	-96.813827	Carrizo	1200*	Reduced Aggregate Production
CW-2	30.43565	-96.803663	Carrizo	1200*	Reduced Aggregate Production
CW-3	30.42931	-96.806839	Carrizo	1200*	Reduced Aggregate Production
CW-4	30.43212	-96.815608	Carrizo	1200*	Reduced Aggregate Production
CW-5	30.43104	-96.824058	Carrizo	1200*	Reduced Aggregate Production
CW-6	30.42845	-96.833138	Carrizo	1200*	Reduced Aggregate Production
CW-7	30.41498	-96.817178	Carrizo	1200*	Reduced Aggregate Production
CW-8	30.42325	-96.819694	Carrizo	1200*	Reduced Aggregate Production
CW-9	30.42188	-96.810085	Carrizo	975*	Reduced Aggregate Production
CW-10	30.41916	-96.80507	Carrizo	750*	Reduced Aggregate Production
CW-11	30.41392	-96.7928	Carrizo	750*	Reduced Aggregate Production
CW-12	30.41116	-96.79682	Carrizo	750*	Reduced Aggregate Production
CW-13	30.44583	-96.76865	Carrizo	1200*	Reduced Aggregate Production
CW-14	30.40421	-96.7786	Carrizo	750*	Reduced Aggregate Production
CW-15	30.41001	-96.78026	Carrizo	750*	Reduced Aggregate Production
CW-16	30.40794	-96.77606	Carrizo	750*	Reduced Aggregate Production
CW-17	30.41709	-96.77139	Carrizo	750*	Reduced Aggregate Production
CW-18	30.42121	-96.77545	Carrizo	975*	Reduced Aggregate Production
CW-19	30.41838	-96.7668	Carrizo	750*	Reduced Aggregate Production
CW-20	30.43605	-96.76393	Carrizo	1200*	Reduced Aggregate Production
CW-21	30.43899	-96.77173	Carrizo	1200*	Reduced Aggregate Production
PW-9	30.4419	-96.813345	Simsboro	3000	Increase Aggregate Production
PW-10	30.43606	-96.803873	Simsboro	3000	Increase Aggregate Production
PW-11	30.42906	-96.806497	Simsboro	3188**	Increase Aggregate Production
PW-12	30.42223	-96.81063	Simsboro	3000	Increase Aggregate Production
PW-13	30.42394	-96.820052	Simsboro	3500**	Increase Aggregate Production

PW-14	30.41469	-96.817523	Simsboro	2500	Increase Aggregate Production
PW-15	30.42799	-96.832996	Simsboro	3160**	Increase Aggregate Production
PW-16	30.4306	-96.823848	Simsboro	3212**	Increase Aggregate Production
PW-17	30.43199	-96.816059	Simsboro	3076**	Increase Aggregate Production
PW-18	30.44905	-96.826114	Simsboro	3000	Increase Aggregate Production
PW-19	30.41001	-96.77979	Simsboro	3000	Increase Aggregate Production
PW-20	30.41145	-96.79644	Simsboro	2000	Increase Aggregate Production

Production will rotate among wells to maintain annual total.

**Temporary Amendment for increases in instantaneous production.