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April 25, 2018

Board of Directors
Ms. Summer Webb, General Manager
Brewster County Groundwater Conservation District
P.O. Box 465
Alpine, TX 79831
bcgwcd@gmail.com

VIA EMAIL
& U.S. MAIL

Re: Submission of Application on Behalf of Mr. Jason Sullivan

Dear Board of Directors and Ms. Webb:

Enclosed is an application completed pursuant to Brewster County Groundwater Conservation District (“District”) Rules 5.204 and 5.601 that is submitted on behalf of my client, Mr. Jason Sullivan. I have also enclosed the application materials filed on behalf of Mr. Sullivan in 2015 in accordance with District Rule 5.204(b)(19), which allows an applicant to rely on information previously submitted to the District. I signed the application as Mr. Sullivan’s duly appointed agent pursuant to the first footnote under “Certification” on Page 6 of the application form.

Mr. Sullivan has acted in reliance on his permit¹ by investing significant irrigation infrastructure on his property, and is currently producing groundwater pursuant to the permit terms. Mr. Sullivan has been in compliance with the permit conditions, the District Rules (both old and new), and Chapter 36 of the Texas Water Code at all times since the issuance of the permit in 2016. Therefore, it is our understanding that the enclosed application will be processed pursuant to Texas Water Code § 36.1145 and the District’s Rules, and that Mr. Sullivan’s existing permit will be converted to a perpetual term permit.²

Please contact me at the above-referenced contact information if I can provide any additional information. Thank you for your attention to this matter.

Regards,

A handwritten signature in cursive script that reads 'Kristen Fancher'.

Kristen O. Fancher

¹ District Permit No. 2016-OP0001; permit recorded in Brewster County Real Property Records at Book 324, Page 346, Document ID No. 100497.

² See also Resolution and Order No. 2018-01 Adopting Brewster County Groundwater Conservation District Rules, Exhibit B, “District Response,” Page 2 (stating that “...existing permittees may obtain new permits for their issued amounts.”).

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cc (via email): Mr. Jason Sullivan
Ms. Deborah Trejo, attorney for the District

Part 2 - Use and Production Information

2.1 The Source of Supply: A Statement Identifying each aquifer that is a source of groundwater from the well. Igneous

2.2 The amount of groundwater that you propose as your Maximum Annual Groundwater Withdrawal Amount: 70 acre feet previously granted acre-feet per year

2.3 Purpose of Use. The purpose(s) for which the groundwater is proposed to be used without waste for a beneficial purpose (example: Irrigation/Municipal/Industrial/Other (if other, describe Specifically): Agricultural Irrigation

2.4 For irrigation applications: Provide the crop type and number of acres proposed to be irrigated, and the location of the irrigated fields. Bermuda and alfalfa (April through November) planted concurrently; wheat (December through March)

2.5 If the property has any non-irrigated acres or structures other than the well, provide a detailed description of these areas: House located on property

2.6 Completely describe the place of use of groundwater withdrawn from the well: On property

2.7 Describe the existence of any circumstances or conditions under which the proposed production of groundwater at the Maximum Annual Groundwater Withdrawal Amount requested above will unreasonably affect existing groundwater or surface water resources or existing holders of permits issued by the District: No unreasonable affects; applicant is an existing permit holder

2.8 Describe whether the operation of the well at the Maximum Annual Groundwater Withdrawal Amount claimed above will cause unreasonable interference between existing wells: No unreasonable interference

2.9 In addition to information submitted in response to Part 3 below, please provide information regarding availability, access to, and cost to obtain water from a source other than the aquifer(s) identified above. Information regarding such other sources shall at a minimum include the availability of, access to, and cost to obtain surface water or reclaimed water (additional responsive information may be attached). Not able to access other sources due to location of property

Part 3 – Reports and Deeds

3.1 For Applicants for Qualified Land

3.1.1 All applicants for a production permit based on Qualified Land owned by the applicant shall include documentation identifying the contiguous acres of Qualified Land owned by the applicant for which a permit is sought, along with a recorded deed showing the applicant owns the land and legal description or survey showing the location of such acres.

3.2 For Applicants for Municipal Use, including Public Water Supply, not based on ownership of Qualified Land owned by the applicant:

All applicants for municipal use must include with this application an Engineering Report prepared by an engineer licensed in the State of Texas that provides the following information, outlining the details and methods used to determine this information:

- 3.2.1 the monthly and annual water use on a per meter and per capita basis for the previous 10 years;
- 3.2.2 the estimated future water needs of the applicant;
- 3.2.3 the applicant's billing amounts, rate structure, and billing efficiency;
- 3.2.4 the estimate of water lost through leaks, unmetered connections, and any other loss;
- 3.2.5 the water conservation methods implemented during the previous 10 years and those methods planned for implementation in the next 5 years;
- 3.2.6 the economic analysis of using surface water or conservation methods to avoid the need for increased groundwater use;
- 3.2.7 the economic analysis of using groundwater from other aquifers outside the District to avoid the need for increased groundwater use from aquifers located within the District; and
- 3.2.8 a description of whether the operation of the well at the maximum annual groundwater withdrawal amount claimed above will cause unreasonable interference between any wells.
- 3.2.9 Information documenting the place of use of groundwater withdrawn from each well, including, as applicable, a copy of the deed and legal description for the place of use or a copy of the map identifying the boundaries of the applicant's Certificate of Convenience and Necessity issued by TCEQ.

3.3 For Applicants for Industrial Use or another beneficial purpose of use not based on the ownership of Qualified Land owned by the applicant shall also include:

All applicants for industrial use must include with this application an Engineering Report prepared by an engineer licensed in the State of Texas that provides the following information, outlining the details and methods used to determine this information:

- 3.3.1 the applicant's monthly and annual water use for the previous 10 years;
- 3.3.2 the estimated future water needs of the applicant;
- 3.3.3 the amount of water used per unit of production and referenced to the typical amount of water used in the industry per unit of production (gallons per lb, gallons per item, gallons per unit processed, etc.);
- 3.3.4 the estimate of water lost through leaks, unmetered uses, and any other loss
- 3.3.5 the water conservation methods implemented during the previous 5 years and those methods planned for implementation in the next 5 years;
- 3.3.6 the economic analysis of using groundwater from other aquifers outside the District to avoid the need for increased groundwater use from aquifers located within the District;
- 3.3.7 the economic analysis of using groundwater from other groundwater sources to avoid the need for increased groundwater; and
- 3.3.8 a description of whether the operation of the well at the maximum annual groundwater withdrawal amount claimed above will cause unreasonable interference between any wells.

Part 4 – Well Information

Submit a Part 4 of this form for each individual well

4.1 Well Identifier or Well Name for well to be used for distribution of this water along with maximum rate at which water can be withdrawn from well: (If multiple wells, attach a separate page)

Well Name District Production Permit No. 2016-OP0001 GPM Max: 300 gpm

4.2 Production Permit Number No. for which you are seeking additional groundwater withdrawal rights in this application, if any:

n/a

4.3 Source of Supply - Which aquifer(s) is/are the source of groundwater from the well:

Igneous

4.4 Provide the following information for the well from which withdrawals are proposed that are not identified in a Production Permit, or for which any of the information below has changed:

4.4.1 Well Identifier or Well Name: _____

4.4.2 Physical address of the property upon which the well is located: _____

4.4.3 Location of the well by latitude and longitude:

Latitude: _____

Longitude: _____

4.4.4 Wellhead is located within the boundaries of the District (circle): Yes No

4.4.5 Identify any surface water, including springs within 1,000 feet of the well: _____

4.4.6 Year well drilled or proposed to be drilled: _____

4.4.7 Year well completed and operational or proposed to be completed and operational: _____

4.4.8 Pump Type and Size: _____

4.4.9 Pump power sources _____

4.4.10 Size of well casing: _____

4.4.11 Inside diameter of column pipe: _____

4.4.12 Maximum rate at which water can be withdrawn from the well: _____ gpm

4.4.13 Proposed meter type and model number: _____

Part 5 - Supporting documentation

Please ensure that your application includes the following supporting documents, as applicable, and please note that the District may request additional information once the initial application has been submitted:

5.1 Supporting information regarding availability, access to, and cost to obtain water from a source other than the aquifer(s) located within the District.

5.2 Completed engineering and/or USDA NRCS report as specified in Part 3 of this application;

5.3 For all well(s) from which withdrawals are proposed that are not identified in a Production Permit, or for which any of the information below has changed, the following documents, if applicable:

- a) completed well registration form(s);
- b) completed meter registration form(s);
- c) a copy of: State Well Report(s);
- d) any geophysical logs for the well(s);
- e) a photograph of the well(s) taken approximately 100 feet from the wellhead;
- f) a recorded deed or other legal document verifying the applicant's ownership of the well(s) for which this application is filed; and
- g) the water conservation plan and drought contingency plan prepared for TCEQ, if applicable.
- h) a copy of: a deed and legal description of the place of use of groundwater withdrawn from the well;
- i) a map identifying the boundaries of the applicant's Certificate of Convenience and Necessity (CCN).

5.4 Copies of a contracts to purchase the groundwater from a third party who holds a permit or other authorization to produce groundwater within the District;

5.5 Documentation that demonstrates using accepted engineering and scientific practices that:

- a) there is insufficient water available in the proposed receiving area to substantially meet the actual or projected demand during the proposed term of the groundwater exportation permit;
- b) there is sufficient water available within the District to substantially meet the actual or projected demand during the proposed term of the groundwater exportation permit;
- c) the proposed exportation will not have an unreasonably adverse effect on aquifer conditions, depletion, or water quality within the District;
- d) the proposed exportation will not have an unreasonably adverse effect on existing permittees or other groundwater users within the District; and
- e) the proposed exportation is consistent with the applicable Regional Water Plans approved by the Texas Water Development Board.

