

# COW CREEK GROUNDWATER CONSERVATION DISTRICT

Physical Address: 9 Toepperwein Road, Boerne, Texas 78006

Mailing Address: P.O. Box 1557, Boerne, Texas 78006

(830) 816-2504 Fax (830) 816-2607

## Application for an Operating Permit for a New Permitted Non-exempt Well

### Tier 4

An application for an operating permit shall be submitted on this form and shall be signed and sworn to by the well owner as required by Texas Water Code Section 36.113(b). The operating permit application must be granted by the District prior to the proposed production of water in accordance with the provisions of District Rules.

Rule 3.3.A is the section in the District Rules that relates to the application process for an operating permit. While this application attempts to request all the items listed in Rule 3.3.A., some of the requested items will have to be submitted as attachments to this application. Please refer to District Rule 3.3.A. for a complete list of all required items.

**A. Well Owner Information** (Any person who has the right to produce groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land.)

The applicant must provide evidence that they have the legal authority to produce the groundwater associated with the land surface and the permit application. The applicant must also provide any documents that transfers that right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface and the permit application. A permit may be amended or revoked if the groundwater rights or right to produce are legally transferred to another person/entity. **The applicant shall attest to the information required in this rule by a District-provided affidavit form and submit the affidavit with the permit application;**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Alternate number: \_\_\_\_\_

Email Address: \_\_\_\_\_

fax: \_\_\_\_\_

*If the applicant is not the owner of the property, documentation establishing the applicable authority to construct and operate a well on the owner's property for the proposed use shall be provided with this application.*

**B. Well Location/Information**

Well Number or Reference: \_\_\_\_\_

Well Location Address: \_\_\_\_\_

Gate Combo: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Legal description of the well location:

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Proposed well site coordinates **Lat:**

**Long:**

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Name of the project, if any:

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Other names that identify the tract, if any:

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Anticipated start date of the proposed project:

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Identify the well owner's/operator's total number of acres of land and/or water rights contiguous in ownership with the land where the well is to be located, as required by Rule 10.2:

Total contiguous acreage:

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Proposed conditions

Casing Size:

Estimated Well Depth:

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Pump Size:

Target aquifer:

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Estimated rate water will be withdrawn from the well (gpm):

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Requested maximum production capability (gpm):

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Quantity of water to be produced by this well annually:

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Will the water be exported out of the District (Kendall County)? Yes or No

### C. PURPOSE OF WELL

For what purpose will the water well be used ?

*Please attach a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose and any evidence supporting the authenticity of the intended beneficial use, including but not limited to a detailed water balance for the permitted water that describes the flow of water in and out of the system and identifies water loss. Please attach any documentation/evidence in support*

#### (check all that apply)

- ☐ **Agricultural** The use of groundwater for: (1) Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers; (2) Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower; (3) Raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value; (4) Planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure; (5) Engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and, (6) Raising or keeping equine animals.
- ☐ **Commercial** The use of groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business establishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering).

- ☐ **Industrial** The use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to wash, cleanse, cool, or heat such goods or products.
- ☐ **Irrigation** The use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or trees, other than for domestic use or purpose.
- ☐ **Livestock** The use of groundwater to provide water to domesticated horses, cattle, goats, sheep, swine, poultry, ostriches, emus, rheas, exotic deer and antelope, and other similar animals involved in farming or ranching operations. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock type animals kept as pets or in a pet-like environment are not considered livestock although providing water to such pets may be considered domestic use when associated with a residence.
- ☐ **Public Water System** a system as defined in 30 Texas Administrative Code Chapter 290 for providing water for human consumption to the public.
- ☐ **Retail Water Utility** as defined by Texas Water Code Section 13.002 and 30 Texas Administrative Code Section 291.3, any person, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, maintaining, or controlling within the District facilities for providing potable water service for compensation.
- ☐ **Other** (If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)  
\_\_\_\_\_

#### D. Water Well Driller & Pump Installer Information

Company contracted to drill the water well:

Phone Number:

TDLR License Number:

Company contracted to install the pump:

*(If different than the water well driller)*

Phone Number:

TDLR License Number:

#### E. Well Spacing

Attach a copy of a location map or property survey drawn on a scale that adequately details the well site, the property lines, the location of existing wells on the subject tract, the location of the existing use(s), the limits of any designated FEMA flood hazards, the location of any existing or proposed on-site wastewater system, the location of any other potential source of contamination within 150 feet of the existing wells or new well, the location of the proposed production monitoring device(s),

Please provide the distance in feet from the water well to the following:

Closest property line:

Closest existing well:

Nearest on-site sewage facilities:

Concentrated Sources of Potential Contamination, such as livestock or poultry facilities:

Is the proposed well located within 50 feet of or within the service area of a retail public water utility or public water system?

Yes or No

If you answered “yes,” attach a document from the retail public water utility or public water supply system stating that it is unable or unwilling to provide service, or does not object to the well.

Will water from this well be transported out of the District for use? Yes or No

**F. Additional required documentation to be attached to application**

The following items must be submitted with the application:

- ☐ Aquifer Test Report, prepared by a Texas licensed professional engineer or a Texas licensed professional geoscientist, shall be provided with the permit application in accordance with section 5.13.
- ☐ If the water is to be resold, provide a description of:
  - the service area, the metering and leak detection and repair program,
  - the drought or emergency water management plan, and
  - information on each customer's water demands, including population and customer data, water use data, water supply system data, wastewater data, water conservation measures and goals, and the means for implementation and enforcement.
- ☐ Identify well(s) producing from the same formation on land adjacent to the property where the well is to be located.
- ☐ Include a description of the location and use of existing wells on the property where the well is to be located.
- ☐ a well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the applicable authorities, including the District.
- ☐ A copy of the well registration, if applicable.
- ☐ A water conservation plan.
- ☐ A drought contingency plan.
- ☐ A demonstration that the purpose of use and production amount are consistent with the District Management Plan.
- ☐ A demonstration of other sources of water available for the requested production amount and use.

**G. Application Fee**

New Permitted Non-exempt Wells attach the \$2,500 (two thousand dollars) application fee per well.

**H. Signature**

By signing this form, I declare that the information provided in this form is true and correct, to the best of my knowledge and belief. Furthermore, I am familiar with all pertinent requirements contained in the Cow Creek Groundwater Conservation District Rules. I agree to allow District representatives to enter the well site property to inspect during drilling and upon well completion. I agree and acknowledge that if the information I have provided changes in the future, it is my responsibility and the responsibility of the well owner to provide the new information to the District. I understand that a change in this information may result in additional fees and requirements. I agree to abide by the terms of the Cow Creek Groundwater Conservation District Rules, the District Management Plan, and orders of the Board of Directors. I agree to report to the District. I agree that I have the legal authority to produce the groundwater associated with the land surface and that this permit may be amended or revoked, based on the legal transfer of the associated groundwater rights or right to produce groundwater to another person/entity. I agree that the permit may be amended in the future due to enforcement of the adopted desired future conditions of the aquifer and the District's rules. I understand that failure to abide by the terms of this permit will result in civil penalties and/or revocation of this permit.

**Signature of Well Owner or Authorized Agent**

Printed Name

Date

Contact Information (if different from Section A):

Street

City

State

Zip Code

Daytime Phone Number:

Alternate number:

Email Address:

**NOTARY PUBLIC'S CERTIFICATE**

Subscribed and sworn to before me, by the said \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my hand and seal of office.

Notary Public Signature

Notary Public Printed Name

Notary Public in and for \_\_\_\_\_ County, Texas

My Commission Expires \_\_\_\_\_

FOR DISTRICT USE ONLY

☐ Collected \$2,500 Application Fee Cash or Check # \_\_\_\_\_

District Well Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Application Expiration Date (180 days after receipt): \_\_\_\_\_

Date of First NOD: \_\_\_\_\_ Revised Expiration Date: \_\_\_\_\_

Date of Second NOD: \_\_\_\_\_ Revised Expiration Date: \_\_\_\_\_

Date of Third NOD: \_\_\_\_\_ Revised Expiration Date: \_\_\_\_\_

Date Administratively Complete: \_\_\_\_\_

Deadline for setting date for preliminary hearing on BOD agenda (within 60 days from date administratively complete): \_\_\_\_\_

Notice to Applicant of Hearing Date (at least 10 days before hearing): \_\_\_\_\_

Decision Date (within 35 days of hearing): \_\_\_\_\_

# **AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER**

BEFORE ME, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being duly sworn on his oath, says and deposes as follows:

"My name is \_\_\_\_\_. I am of sound mind, over eighteen (18) years of age, and have never been convicted of a felony or of a crime involving moral turpitude. My address is:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
I have personal knowledge of the facts stated herein, and they are true and correct.

1. I am submitting to the Cow Creek Groundwater Conservation District ("District") an application for a drilling and/or operating permit for water well located at \_\_\_\_\_.
2. I have the legal authority to produce the groundwater associated with the land surface and the permit application for the well listed in #1 above.
3. **Exhibit A** is the map that identifies the water rights to be legally controlled by the applicant for the well listed in #1 above.
4. I have provided to the District any and all documents that evidence my right to own, control, or produce the groundwater rights associated with the permit application for the well listed in #1 above).
5. I have provided to the District any and all documents that transfers that right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface and the permit application. And I understand that I am required to provide such transfer documents as they occur in the future.
6. I understand that a permit may be amended or revoked if the groundwater rights or right to produce, related to a permit are legally transferred to another person/entity.

FURTHER AFFIANT SAYETH NOT."

\_\_\_\_\_  
SWORN AND SUBSCRIBED to before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, in and for the State of Texas

My Commission Expires: \_\_\_\_\_