



PERMIT TO PRODUCE GROUNDWATER

Under provisions of Texas Water Code Chapter 36; Acts of May 31, 1999, 76th Legislature, Regular Session, Chapter 1331, 1999 Texas General Laws 4536 and Acts of May 27, 2001, 77th Legislature, Regular Session, Chapter 966 (Part 3), 2001 Texas General Laws 1880; and the Rules of the District

HTGCD Production Permit: **168**

The Permittee:

Wimberley Springs Partners Ltd.

Whose contact information is:

Winton Porterfield

2500 FM 2325

Wimberley, TX. 78676

Well No:

- 1510** Well Location: 704 – Maintenance 1-**Capped**: Augusta Lane, Wimberley, TX. 78676
- 1509** Well Location: 703 – Maintenance 2- **Capped**: Augusta Lane, Wimberley, TX. 78676
- 1508** Well Location: 702 – Doolittle: #1 Pro Lane, Wimberley, TX. 78676
- 1513** Well Location: 908 – Park Well: Crazy Cross Dr., Wimberley, TX. 78676
- 1511** Well Location: 901 – Section 25: Freer Ct., Wimberley, TX. 78676
- 1512** Well Location: 902 – Bull Frog- **Capped**: Bull Frog Ct., Wimberley, TX. 78676

The above referenced permittee is hereby authorized to produce groundwater from the above referenced well (s). All groundwater withdrawals are subject to the terms, conditions and limitations set forth in this permit, as well as the rules of the Hays Trinity Groundwater Conservation District (District) and the laws of the State of Texas. The District requires all permit holders to provide the location of their well(s) depicted on a map and attached as Exhibit A.)

This permit shall expire at midnight, **March 1, 2014**

Hays Trinity Groundwater Conservation District:.....ISSUED DATE: **February 28, 2011**

Jimmy Skipton
President

Mark Key
Secretary/Treasurer

Date: _____

Center Lake Business Park: 14101 Hwy 290 W. Bldg. 100, Ste. #212, Austin, Texas 78737
Mail: P. O. Box 1648 Dripping Springs, TX 78620
E-mail: manager2@haysgroundwater.com Phone: 512-858-9253 Fax: 512-858-2384 website: haysgroundwater.com

1. Location, Pump Size, and Production Capacity of Wells

- a. The well(s) are located as indicated on Exhibit A to this permit. A permanent 1" diameter access tube/pipe shall be installed and maintained in each well to facilitate groundwater level measurements. The access tube will be installed according to Rule 4.1(D) of the District Rules.
- b. The Permittee may, in the alternative, choose to install a transducer in some, or all, of its wells to measure water levels. Transducers make and model to be reviewed and approved by the District General Manager.
- c. Discharge from each well-head shall be through a constantly operating, properly installed meter, properly sized for the well pumps in use.

2. Maximum Quantity of Water to be Produced Annually

- a. The well(s) located within: **Woodcreek** and listed as District Well Registration Number(s) 1508 also known as Doolittle is/are collectively permitted to produce up to **125** acre-feet per year for the duration of the 3-Year permit. The Permittee may consult with the District General Manager allowing an amended allocation not to exceed the total permit allowance of 250 acre-feet.
- b. The well(s) located within: **Woodcreek North** and listed as District Well Registration Number(s) 1513 and 1511 also known as Park Well and Section 25 is/are collectively permitted to produce up to **125** acre-feet per year for the duration of the 3-Year permit. The Permittee may consult with the District General Manager allowing an amended allocation not to exceed the total permit allowance of 250 acre-feet.
- c. The District will allow an additional one-time "re-growth" use of **250** acre-feet for a period of 1-Year within Permit # 168. Use will be for the sole purpose of re-growth of Woodcreek North Golf Course. The Permittee will notify the District manager in writing when the additional 250 acre-feet will commence. The 250 acre-feet re-growth will be void and penalties will incur if pumping production surpasses Board approved re-growth 250 acre-feet or if the production exceeds the 1-Year time limit. This one-time pumping will only be allowed if rainfall in the previous year exceeded 32".
- d. The maximum quantity of water that may be produced or the rate of production may be reduced in accordance with the District's drought contingency plan.

3. Use or Purpose of Produced Water

- a. The produced well water shall be solely for beneficial use; including municipal use within the jurisdiction of the Hays Trinity Groundwater Conservation District located in western Hays County, Texas that Permittee is lawfully authorized to operate, including the area covered by Certificate of Convenience and Necessity (CCN) issued by the Texas Commission on Environmental Quality (or any successor agency) as the same may be amended from time to time.

- b. The Permittee takes full responsibility that Aqua Texas Inc. and Wimberley Springs Partners Ltd. are in agreement to pump within the CCN of Aqua Texas Inc.
- c. The Permittee understands that they do not have a CCN.

4. Monitoring, Data Collection, Recordkeeping and Reporting Requirements

- a. The Permittee shall meter the wells and record the monthly volume of water produced from the wells. The Permittee shall measure and record the monthly water-level measurements (in feet below land surface elevation) in the permitted wells on the Property. Water levels shall be measured after the pump has been idle for at least six hours.
- b. On-line quarterly reports must be submitted to the District by the end of business on the 15th day of the month following the end of the quarter to be reported. Each Quarterly report must include both the monthly volume of water, the monthly volume of water sold/used and the number of connections within the system.
- c. In the event that production exceeds the permitted amount, the Permittee shall give written notice to the District of such exceedence within 5 days after its occurrence. Such exceedence can be considered a violation of District Rules and this Permit.
- d. The Permittee shall record the amount of "water loss" monthly and report to the District within the on-line quarterly report. "Water loss" is defined in the Water Loss Manual, dated March 2008, prepared by the Texas Water Development Board. The Permittee shall submit a report to the District outlining future measures to reduce loss with the next permit renewal application, should the loss exceed 15%.
- e. The Permittee shall comply with District Rule: 12.1 (A) Within the submitted on-line quarterly report, the Permittee must include the number of new connections.
- f. The Permittee shall comply with District Rule 12.1 (B) A water utility shall pay a \$300.00 water utility service connection fee for each new water service connection. Connection forms may be found, within the District's website www.haysgroundwater.com , completed and sent into the District including applicant name, mailing address, connection address, email address and/or owner address if different.

5. Water Conservation and Drought Contingency Plans

- a. The Permittee shall abide by the approved District User Drought Contingency Plan and water conservation measures (attached as Exhibit B) in order to reduce the consumption and prevent the waste of the produced water. Permittee shall abide by the approved drought contingency plan (attached as Exhibit B) during various stages of drought conditions.
- b. The Permittee shall also comply with future guidance and rules passed by the District related to such plans on the date such guidance, plans and/or rules become effective, and this permit is

issued contingent upon compliance with any changes to the water conservation plan, drought contingency plan, District Groundwater Management Plan or District Rules.

6. Amendment, Renewal and Transfer

- a. Permittee must submit an application to amend this permit and obtain approval from the District prior to making any change in production, including the withdrawal amount, point of withdrawal, purpose of use, place of use or pump size.
- b. Permittee shall submit an application to renew this permit at least 90 days prior to the expiration date.
- c. Amendment or renewal of this permit shall be subject to the District's Rules and Management Plan in effect at the time of amendment or renewal.
- d. The District shall be notified in writing within 60 days of any transfer of this permit, or any change in control of ownership of the Property or the Well. The District shall be provided the appropriate mailing address, email address, phone numbers and primary point of contact of any successor(s) in interests.

7. Plugging, Inspections, and Enforcement

- a. Permittee shall comply with all plugging guidelines and reporting requirements as required by District Rules and State law, within 180 days of abandonment of each well authorized by this permit, or expiration of this permit, whichever is earlier.
- b. Inspection and entry shall be allowed as prescribed in Chapter 36, Texas Water Code, and District Rules.
- c. **The District has full authority under Chapter 36, Texas Water Code, to enforce this permit including: fines, penalties, and injunction against further violations.**

8. Other Conditions of Permit

- a. This permit is granted on the basis of the information supplied and the representations made by the Permittee in its application and in responses to any notices of deficiency or requests for information made during the application process. The application and such representations are enforceable under the terms of this Permit. Following appropriate public notice and public hearing, this permit may be modified, suspended, or revoked, in whole or in part, during its term for violation of any terms

or conditions of this permit; obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or a change in condition that the District deems requires either a temporary or permanent reduction or elimination of the authorized production in order to prevent waste, achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells.

- b. Acceptance of this permit by the Permittee constitutes acknowledgement and agreement that the Permittee, and any successor(s) in interest, shall comply with all the terms and conditions embodied in the Permit, and the District's rules, orders and certified Management Plan, as may be amended from time to time, and to the continuing right of the District to supervise and regulate the depletion of all aquifers within the District's boundaries.
- c. Acceptance of this permit by the Permittee constitutes acknowledgment and agreement that the Permittee agrees to avoid waste and achieve water conservation.
- d. The issuance of this permit does not grant to the Permittee the right to use private or public property for the conveyance of water.
- e. The District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.
- f. The applicant is hereby required to submit for District approval within 60 days of issuance of this permit a Water Waste Reduction Plan. The plan must provide a detailed schedule of improvements and deadlines to bring the applicant's accountability within industry standards (no more than 15% unaccounted for water).
- g. The Permittee shall be authorized to withdraw up to the Board approved pumpage production per year, see section 2 of this permit: **"Maximum Quantity of Water to be Produced Annually"** subject to all drought response measures requiring production reductions based upon the District's drought conditions, drought stages, and drought conservation measures implemented by the Board, consistent with this agreement and signed by the Permittee.
 - i) Drought Stage: ALARM = 20% Reduction in water use
 - ii) Drought Stage: CRITICAL = 30% Reduction in water use
- h. The Permittee may agree to produce and use less than the permit production amount.
- i. The Permittee shall be authorized to use a one-time additional "re-growth" use of 250 acre-feet following a calendar year in which rainfall has exceeded 32". Additionally, the Permittee will notify the District in writing 60 days prior to re-growth pumping.
- j. Re-growth: Any golf course grasses, drought tolerant plants and drought tolerant vegetation.
- k. The following conservation measures and improvements are further conditions of this permit:
 - 1. WSP will maximize the use of treated wastewater for golf course irrigation on its existing golf course and in the development and maintenance of its second golf course.
 - 2. Golf course design and maintenance shall be undertaken consistent with the semi-arid conditions of central Texas and non-play areas shall, to the extent feasible, consist of native or drought tolerant vegetation. Active play areas shall be developed using best management practices for golf courses in areas subject to periodic drought.

3. WSP will, in the development of its property, implement, to the extent WSP determines to be commercially feasible, rainwater collection systems for individual or community irrigation use, drought tolerant landscaping in common areas and residential development.
 4. Developer will strongly encourage, and where possible, require use of native and drought tolerant landscaping in common areas and residential lots to minimize potable water use.
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- l. In water quality protection and stormwater quality protection, best management practice measures shall be implemented by WSP in the maintenance and operation of its golf course facilities and in the development of common areas and residential lots. WSP will grant the District easements on unused wells for District use including monitoring and studying aquifer conditions at no cost to the District.
 - m. WSP will comply with all District Rules and pay all fees and assessments by the District.
 - n. WSP will supply on-line quarterly reporting of groundwater well use to the District
 - o. The District does recognize that some groundwater use will be required for golf course operation, WSP's commitment shall be to use treated wastewater for golf course maintenance to the extent it is available and can be used. WSP will design and operate its golf courses and facilities with the ultimate goal of using treated wastewater or other alternative sources for at least 80% of its outdoor use.
 - p. WSP will use best management practices in water use and loss to the extent of correcting leakages.
 - q. The Permittee has registered their wells with the District for the purpose of Irrigation and as a Public Water Supply. The Permittee shall contact and follow all required Texas Commission of Environmental Quality (TCEQ) rules, requirements and regulations.

The Permittee has read the entire permit in full and agrees to all permit conditions and District Rules.

Winton Porterfield
Vice President
Wimberley Springs Partners Ltd.

Date: _____

New Permit Exhibits

Exhibit A: Well Location Maps

Exhibit B: User Drought Contingency Plan and Water Conservation Measures