

**DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT**

P.O. Box 506  
Benavides, TX 78341  
PHONE: 361-256-3589  
FAX: 361 256-3592  
Email: [duvalgcd.gm@gmail.com](mailto:duvalgcd.gm@gmail.com)

RECEIVED:

**OPERATING PERMIT APPLICATION**

**This form is used for existing and new non-exempt wells**

**YOU MAY NOT DRILL A NEW NON-EXEMPT WELL WITHOUT FIRST RECEIVING AN OPERATING PERMIT FROM THE DISTRICT**

**PRIOR TO SUBMITTING AN APPLICATION, YOU MUST CONFER WITH THE DISTRICT OFFICE. THE APPLICANT MUST COMPLETE THIS FORM AND ATTACH ALL REQUIRED DOCUMENTS. BASED ON THIS SUBMITTAL, THE DISTRICT MAY REQUIRE ADDITIONAL INFORMATION. YOU WILL BE NOTIFIED IN WRITING WHEN THIS APPLICATION IS DEEMED ADMINISTRATIVELY COMPLETE AND WHEN IT WILL BE PRESENTED TO THE DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION.**

**A. WELL OWNER INFORMATION (A Person who has the right to drill a Well on a tract of land or to produce Groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land. The Well Owner and Land Owner may be the same person.):**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Facsimile Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Email Address: \_\_\_\_\_

**B. OWNER OF SURFACE OF LAND:**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Facsimile Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Email Address: \_\_\_\_\_

**C. OWNER OF WATER RIGHTS (if different from owner of surface of land):**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Facsimile Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Email Address: \_\_\_\_\_

**D. PERSON SUBMITTING APPLICATION (if different from owner):**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Facsimile Number: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Email Address: \_\_\_\_\_

**E. EXISTING WELL IDENTIFICATION**

If this is for an Operating Permit for an Existing Well, for which no prior Operating Permit is in force:

1. District Well No.: \_\_\_\_\_
2. Owner's Well No. and name: \_\_\_\_\_
3. Attach a copy of the approved Well Registration Application and the Certificate of Well Registration for each Well to be covered by the Operating Permit.
4. Attach a copy of any prior Operating Permit for the Well.

**F. PROPOSED PROJECT**

1. **CLASS A WELLS** The following information is required for a Non-Exempt Well, or multiple Wells operated under a single Operating Permit, capable of producing not more than 35 gallons per minute. These Wells are referred to in these Rules as Class A Production Wells.
  - a. Location and property description of the proposed Well, including a location map or property plat. The map or plat must
    1. include the name of the county.
    2. have a direction indicator.
    3. identify the scale of the map.
    4. be drawn on a scale that adequately details the Well site and a 500-foot radius around the Well.
    5. show within that 500-foot radius, the property lines, the location of other Wells, any existing or proposed wastewater systems, and any potential sources of contamination, including septic systems.
    6. include the location of each Well to be permitted and provide GPS

co-ordinate location of the Well or Wells (WGS 84 preferred).

- b. If the Production Limit is based on Rule 11.1.B(3) or 11.2.C , the legal description of Production-Limit-Acreage and documentation that the Applicant has the authority to tie the land to the Operating Permit when issued. If the Applicant is other than the owner of the property on which the Well will be located, documentation establishing the authority to construct and operate the Well for the proposed use.
- c. A copy of the approved Well Registration Application and the Well Registration Certificate for each Well to be covered by the Permit.
- d. A statement of the nature and purpose of the proposed use.
- e. Proposed Well Depth and proposed screening intervals and the aquifer(s) being tapped. The initial determination may be made using information from an Existing State-Approved GAM model.
- f. The annual maximum production requested (in gallons per year or acre-feet per year). For an Existing Well, include documentation showing the annual production from the Well during each of the previous five years. For a New Well, provide documentation relating the requested Production Volume to contiguous acreage owned by the Applicant or for which the Applicant has Groundwater production rights, also referred to as the Production-Limit-Acreage. Include the annual amount of water for each of the proposed uses.
- g. Identify the location of other Wells located on the Production-Limit-Acreage property.
- h. The size of the pump to be installed at the Well, indicating whether it is submersible or above ground and the maximum Production Capacity of the pump being installed; and the estimated rate of withdrawal for each Well to be permitted, including the instantaneous Production Rate in gallons per minute.
- i. A declaration that the Applicant will adhere to the District's Management Plan.
- j. A Water Conservation plan showing what Water Conservation measures the Permittee has adopted, what Water Conservation goals the Permittee has established, and what measures and time frames are necessary to achieve the Permittee's established Water Conservation goals.
- k. A Drought Contingency Plan that has been approved under the requirements of other local, state, or federal law. For example, a Drought Contingency Plan

approved under 30 Texas Administrative Code chapter 288 is presumed adequate for purposes of this requirement.

- l. A statement of the anticipated time period within which the proposed construction or alteration is to begin.
  - m. A statement of the anticipated duration of time required for the proposed use of the water.
  - n. The Operating Permit Application Fee of \$100.00, which is non-refundable.
  - o. A sworn statement that the Production-Limit-Acreage is not subject to a permit for uranium mining or an Aquifer Exemption under 40 Code of Federal Regulations Section 144.7 and 30 Texas Administrative Code Section 331.13 and that the Applicant agrees to notify the District 60 days prior to any changes that would require a change in this sworn statement.
  - p. A sworn statement that the Applicant agrees to notify the District of any changes in Well condition or operations as required by Rule 3.9 and to Plug or Cap the Well according to Rules 6.1 and 6.3, respectively, if the operation or condition of the Well so warrants, and to report Plugging of the Well to the Texas Department of Licensing and Regulation.
  - q. The information required under 2 and 3 below, which has been deemed necessary by the District to comply with the requirements of Texas Water Code Chapter 36, the District's Enabling Statute, and general law, and which is reasonably related to issues that the District is authorized to consider.
  - r. If the Application covers Water Supply Well(s) for a Retail Water Utility,
    1. Information about the utility's service area, including the location and number of service connections;
    2. A description of the utility's metering and leak detection and repair program for its water storage, delivery, and distribution system;
    3. Information on the system's water demands, including customer data, water use data, water supply system data, and wastewater data;
    4. Information on other sources of water supply being used by the utility;
    5. Information showing whether the utility has considered using other sources of water supply; and
    6. Calculations supporting the requested production amount to support a finding that the amount is a reasonable Volume for purpose of Beneficial Use of Groundwater without Waste plus 25%.
2. **CLASS B PRODUCTION WELLS.** The following information is required for a Non-Exempt Well or Wells operated under a single Operating Permit capable of

producing between 35 and not more than 60 gallons per minute. These Wells are referred to as Class B Production Wells.

- a. All information necessary for Class A Production Wells.
- b. Existing driller records from the nearest well with such records (prefer records within 1 mile radius where available). Data can be obtained from Texas Water Development Board Submitted Drillers Reports (SDR) database.
- c. Identification (location of other wells) within a 1-mile radius of the Proposed Well(s) including those outside the property boundaries, and their Production Limits.
- d. Preliminary determination of potential drawdown at the closest property boundary due to production from the well after 1, 5 10, and 25 years of operation. Other times may be used with prior approval of the District if the Well is to be used for a shorter period. Analytical solutions (e.g., Theis solution) may be used for this purpose.
- e. Adjacent Landowner waiver of Well spacing if the potential drawdown estimated at the property boundary, calculated under Rule 3.5.E(4), exceeds over 5 feet in 1 year or 10 feet in 5 years.

3. **CLASS C PRODUCTION WELLS.** The following information is required for a Non-Exempt Well or Wells operated under a single Operating Permit capable of producing more than 60 gallons per minute. These wells are referred to as Class C Production Wells.

- a. All information necessary for Class B Production Wells.
- b. Existing driller records from the nearest Well with such records (prefer records within 1 mile radius where available). Data can be obtained from Texas Water Development Board Submitted Drillers Reports (SDR) database.
- c. Identification (location of other wells) within a 5-mile radius of the Proposed Well(s) including those outside the property boundaries, and their Production Limits.
- d. Proximity to surface water bodies including but not limited to springs, intermittent creeks, and perennial streams.
- e. Preliminary determination of potential drawdown at the closest property boundary due to production from the Well after 1, 5 10, and 25 years of

operation. Other times may be used with prior approval of the District if the Well is to be used for a shorter period. Analytical solutions (e.g., This solution) may be used for this purpose.

- f. Site-specific lithological information obtained from a test bore-hole or an Existing Well on the contiguous parcel of the property where the well is proposed to be drilled.
- g. Available groundwater level data describing the historical response of the aquifer within a 5-mile radius. Data from Texas Water Development Board Groundwater Database, data collected by private third-party consultants, and other information collected by the District may be used for this purpose.
- h. Available groundwater quality data describing the historical response of the aquifer within a 5-mile radius. Data from Texas Water Development Board Groundwater Database, data collected by private third-party consultants, and other information collected by the District may be used for this purpose.

**G. WELL INFORMATION:**

- 1. Name of Project: \_\_\_\_\_
- 2. Description of All Uses of Water: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Note:** If the Well Owner uses water for other purposes after the Production Permit is issued:

- a. the Production Permit may be amended by the District; and
- b. the Production Permit may be revoked if the subsequent use is not a Beneficial Use of the water.

**H. ANNUAL PRODUCTION REQUESTED**

- 1. **Existing Non-Exempt Wells.** For Existing Non-Exempt Wells, provide the following information:
  - a. If the requested Production Limit is based on Rule 11.1.B(3) or 11.2.C, the legal description of Production-Limit-Acreage and documentation that the Applicant has the authority to tie the land to the Operating Permit when issued.
  - b. If the requested Production Limit is based on Rule 11.1.B.(1), evidence of annual Production Volume from the Well during the five years prior to October 25, 2016, and the annual production for each of the succeeding five (5) calendar years..

- c. If the requested Production Limit is based on Rule 11.1.B.(2), evidence supporting the Applicant's contention of a reasonable Volume for purpose of Beneficial Use of Groundwater without Waste.
- d. If the Applicant is other than the Land Owner of the property on which the Well will be located, documentation establishing the authority to construct and operate the Well for the proposed use.

2. **New Non-Exempt Wells.** For New Non-Exempt Wells, other than those for Retail Water Utility Wells, provide the following information:

- a. A legal description of all contiguous acres owned by the Well Owner, or which the Well Owner has Groundwater production rights for those contiguous acres to be under the Production Permit, together with all Deeds or other instruments vesting ownership of the groundwater rights in such Well Owner.
- b. The contiguous acres designated by the Applicant to support the Production Limit. The designated acreage shall be considered the Production-Limit-Acreage.
- c. If all or any of the Production-Limit-Acreage is subject to In Situ Uranium Mining, all deeds, leases, or other instruments under which the In Situ Uranium Mining is being, or may be, conducted.

**Note:**

- (a) If any portion of the aquifer becomes off limits for use as a drinking water source under the Safe Drinking Water Act, Texas Water Code Chapter 27, Aquifer Exemption process of 40 Code of Federal Regulations Section 144.7(b), and/or 30 Texas Administrative Code Section 331.13, the Production-Limit-Acreage shall be reduced by the surface acreage deemed off limits.
- (b) The total Production Limit shall be reduced by 80 acre-feet per production area per year during any period of In Situ Uranium Mining on the Production-Limit-Acreage.

**I. PUBLIC WATER SYSTEMS.** If this Application is for a public water system well, attach documentation showing:

- 1. Compliance with the 150-foot sanitary control easements as required by 30 Texas Administrative Code Chapter 290.
- 2. Well construction using the engineer-designed criteria approved by the Texas Commission on Environmental Quality under 30 Texas Administrative Code Chapter 290.

**J. SIGNATURE** I hereby certify the following:

1. The information provided in the Well Registration Application, which is made a part of this Operating Permit Application, is accurate.
2. I have the groundwater production rights to support the annual maximum production requested.
3. The information submitted is, to the best of *my* knowledge and belief, true, accurate, and complete.
4. I am aware there are significant penalties for submitting false information.
5. I agree to operate the Well in accordance with the Duval County Groundwater Conservation District Rules and all permit provisions, and to avoid waste and achieve water conservation.
6. I certify that the property serving as the basis for the production amount is not subject to permit for uranium mining or an aquifer exemption under 40 Code of Federal Regulations Section 144.7 and 30 Texas Administrative Code Section 331.13 (see Rule 11.2.C), and I agree to notify the District 60 days prior to any changes that would require a change in this sworn statement. (**Note:** If the property is subject to a permit for uranium mining or an aquifer exemption, strike through this statement and initial prior to signing below)
8. I further agree to notify the District of any changes in well condition or operations as required by Rule 3.8 and to plug or cap the well according to Rules 6.1 and 6.3 if the operation or condition of the Well so warrants.
9. I further state that I am the applicant or am authorized to act for the applicant.

Signature of Well Owner or Authorized Agent: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_ )(

County of \_\_\_\_\_ )(

Signed and sworn to before me by \_\_\_\_\_, identified by \_\_\_\_\_, on this \_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_