

LOST PINES GROUNDWATER CONSERVATION DISTRICT OPERATING PERMIT

District Well Number: 5854819

Permit Approved: October 12, 2016

Permittee:

City of Bastrop
Attn: Lynda Humble
1311 Chestnut Street
Bastrop, Texas 78602

Location of Well: approximately 0.1 miles west of Phelan Road in Bastrop County, Texas
(30°9'32.76"N 97°19'41.88"W)

Permittee is authorized to operate Well No. 5854819 within the Lost Pines Groundwater Conservation District under the following conditions:

Authorized annual withdrawal: 2,000 acre-feet per year

Maximum rate of withdrawal: 1,500 gallons per minute

Aquifer unit: Simsboro

Type of water use: Municipal

Place of water use: City of Bastrop water service area

Standard Permit Provisions:

This Operating Permit is granted subject to the District Rules, the orders of the Board, the District Management Plan, and Chapter 36 of the Texas Water Code. In addition to any well-specific permit provisions and special conditions included in this Operating Permit, this Operating Permit includes the following provisions:

- (1) This permit is granted in accordance with District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that Permittee will comply with the terms, conditions, and limitations set forth in this permit, the District rules, the orders of the Board, and the District Management Plan.
- (2) Water withdrawn under the permit must be put to beneficial use at all times, and operation of the permitted well in a wasteful manner is prohibited.

- (3) Water produced from the well must be measured using a water measuring device or method approved by the District that is within plus or minus 10% of accuracy.
- (4) The well site must be accessible to District representatives for inspection, and Permittee agrees to cooperate fully in any reasonable inspection of the well and well site by District representatives.
- (5) Permittee will use reasonable diligence to protect groundwater quality.
- (6) Permittee will follow well plugging guidelines at the time of well closure.
- (7) The application pursuant to which this permit has been issued is incorporated in this permit by reference, and this permit is granted on the basis of and contingent upon the accuracy of the information provided in that application. A finding that false or inaccurate information has been provided is grounds for revocation of the permit.
- (8) Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawals, may subject the permittee to enforcement action under District Rules.
- (9) Whenever the special conditions in the permit are inconsistent with other provisions of the permit or the District Rules, the special condition will prevail.

Special Conditions:

This Operating Permit is granted subject to the following special conditions:

- (1) Within 180 days of the date of issuance of this permit, Permittee shall complete a 36-hour pump test that complies with District Rule 5.1.B(5) and report the results of the test to the District.
 - (a) Permittee shall produce groundwater from the well at an instantaneous rate of 1,500 gpm during the 36-hour pump test.
 - (b) Permittee shall provide the District with not less than 75 days' prior notice of the date the 36-hour pump test will begin.
 - (c) No less than 60 days before the date that the 36-hour pump test begins, the General Manager will mail notice of the 36-hour pump test to all property owners within 5,000 feet of the location of Well No. 1, as shown in the county tax rolls on the date the notice is mailed. The notice will describe the date that the 36-hour pump test will begin, the general nature of the pump test, and the process for requesting

monitoring of a well located within 5,000 feet from the location of Well No. 1 during the 36-hour pump test.

(d) Permittee will pay all costs of the 36-hour pump test and the monitoring of other wells, including the wells listed in Attachment A hereto.

(e) Within thirty (30) days of the completion of the 36-hour pump test, Permittee will provide the data gathered at Well No. 1 and at the monitored wells during the pump test to the General Manager.

(f) The General Manager will review the results of the 36-hour pump test to determine if the monitored wells were impacted by pumping from Well No. 1 during the 36-hour pump test. If the General Manager determines that one or more wells were impacted by the pumping from Well No. 1 during the 36-hour pump test, then the General Manager will compare the impact of the pumping of Well No. 1 during the 36-hour pump test on those monitored wells to the predicted impact of the pumping from Well No. 1 during a 36-hour pump test on those monitored wells at an instantaneous rate of 1,000 gpm. If the General Manager determines that pumping from Well No. 1 at 1,500 gpm causes significantly more impact on those monitored wells than the predicted impact on those monitored wells of pumping from Well No. 1 at 1,000 gpm, then the General Manager may reduce the authorized maximum annual withdrawal amount under this permit to 1,600 acre-feet per year and the authorized maximum rate of withdrawal under this permit to 1,000 gpm. The General Manager will mail notice of his decision to reduce the maximum annual withdrawal amount and maximum rate of withdrawal or not to reduce the maximum annual withdrawal amount and maximum rate of withdrawal to Permittee and all owners of monitored wells no later than the 60th day after receipt of the information described in subsection (e).

(g) Permittee or the owner of a monitored well may appeal the General Manager's decision under subsection (f) to the Board under District Rules.

(2) Within 30 calendar days of the issuance of this Permit, Permittee shall pay \$50,000 into an escrow account at a bank in Bastrop to serve as a well Mitigation Fund. Thereafter, Bastrop will deposit \$10.00 per acre-foot of water produced from Well No. 1 into the Mitigation Fund within 30 days of the end of the month that the water was produced. Bastrop's monetary obligation to the Mitigation Fund is capped at a total of \$250,000.

(a) To receive reimbursement for mitigation costs, well owners must submit their request for reimbursement and proof of material impact no later than the 10th anniversary of the date that Permittee begins production from Well No. 1. After such 10th anniversary, any unused money in the Mitigation Fund and interest shall be returned to Permittee.

- (b) Further conditions for the Mitigation Fund for well owners are as follows:
1. The owner of any Simsboro well located within 5,000 feet of Well No. 1 that was registered with the District on or before January 31, 2016 and the owners of the wells listed in Attachment A hereto (all such foregoing well owners hereafter collectively referred to as "Mitigation Fund Participating Well Owner"), may seek reimbursement of actual well mitigation costs (such as the cost of lowering the well pump because of artesian drawdown) if pumping from Well No. 1 is a substantial contributing factor causing a material reduction in the groundwater level or artesian pressure in such well owner's well(s).
 2. Any Mitigation Fund Participating Well Owner seeking reimbursement of costs must have established baseline information prior to the 36-hour pump test of Well No. 1, including without limitation: depth of well and pump; formation into which the well is completed; potentiometric surface (water level) before and after the 36-hour pump test for Well No. 1. Any Mitigation Fund Participating Well Owner may be reimbursed by the Mitigation Fund to establish the baseline information, provided the information is gathered by the independent, licensed hydrologist identified in Item Number 4 ("Permittee's Hydrologist"), below, and such information is provided to Permittee and the District.
 3. Any Mitigation Fund Participating Well Owner seeking reimbursement of costs must demonstrate by convincing evidence (e.g., well logs, potentiometric pressure/water level measurements, water quality sampling, pump cavitation, die tracing, etc.) gathered by the Permittee's Hydrologist or by the Mitigation Fund Participating Well Owner's own licensed hydrologist and provided to the Permittee's Hydrologist, that:
 - a. the well owner's well is completed in the Simsboro Aquifer; and
 - b. pumping from Well No. 1 is a substantial contributing factor to the reduction in groundwater level or artesian pressure in the well owner's well (e.g., any decline that occurred before Permittee begins operations at Well No. 1 is, of course, not caused by Permittee) and that the reduction caused the well owner to incur well mitigation costs for which the well owner seeks reimbursement.

An independent, licensed hydrologist identified by Permittee and approved by the District ("Permittee's Hydrologist") will review the well owner's reimbursement request and evidence of material impact caused by pumping from Well No. 1 referenced above in Item Number 3 and, in the

discretion of the Permittee's Hydrologist, determine the amount, if any, that should be reimbursed to the well owner to mitigate the material impact on the well. The Permittee's Hydrologist will provide the well owner with written notice of the reimbursement amount, along with a written explanation of the bases upon which it was derived. If the well owner objects to the reimbursement amount determined by the Permittee's Hydrologist or any of basis therefor, the well owner shall provide the Permittee with written notice of the grounds for such objection(s) within 14 days following the day on which the well owner received its written notice of the Permittee's Hydrologist's determination of the reimbursement amount; whereupon, the issue will be presented as soon as reasonably possible to another independent hydrologist or other professional jointly selected by the Permittee and the well owner ("Jointly Selected Hydrologist") for another independent determination of the amount that should be reimbursed. Once the Jointly Selected Hydrologist makes a makes a determination as to the amount that should be reimbursed to the well owner, the Jointly Selected Hydrologist will provide the Permittee and the well owner with written notice of the reimbursement amount, along with a written explanation of the bases upon which it was derived. Thereafter, the well owner shall have the sole discretion to decide which of the two reimbursement amounts (i.e., the amount determined by the Permittee's Hydrologist and the amount determined by the Jointly Selected Hydrologist) to accept. (c) This permit is issued subject to any future production limits adopted by the District under the District Rules.

Term:

- (1) This Operating Permit shall automatically terminate if, within 180 days of the date of issuance of the permit, (1) the permitted well has not been completed or (2) the well log required by Texas Occupations Code Section 1901.251 has not been filed with the District, unless the Permittee files a request for an extension of time to drill the well as provided in the District Rules.
- (2) This Operating Permit shall automatically terminate if, within 24 months of the date that the permitted well is completed, the Permittee has not used water from the permitted well for a purpose authorized in the Operating Permit, unless the Permittee requests an extension of time to operate the well as provided in the District Rules.
- (3) This Operating Permit shall be effective for a period of five years from the date the permit is approved, unless terminated, amended or revoked as provided in the District Rules.

Acceptance of this permit by the Permittee constitutes acknowledgment and agreement to comply with all of the terms, provisions, conditions, and restrictions stated in the permit and the rules of the Lost Pines Groundwater Conservation District.

ISSUED:

Bob Daniel August 16-017

Vice-President, Lost Pines Groundwater
Conservation District Board of Directors

Date: August 16-017

ATTACHMENT A

Well #	Well Location			Well Owner
	(Degrees, Minutes, Seconds)	Latitude (Decimal)	Longitude (Decimal)	
1	N 30° 10' 10.7" W 97° 19' 6.5"	30.16964	-97.31847	Linenberger
2	N 30° 9' 52.4" W 97° 19' 24.5"	30.16456	-97.32347	Linenberger
3	N 30° 9' 52.7" W 97° 19' 26.6"	30.16464	-97.32406	Linenberger
4	N 30° 10' 10.2" W 97° 19' 6.4"	30.1695	-97.31844	Linenberger
5	N 30° 9' 40.2" W 97° 20' 25"	30.16117	-97.34028	Caliva/Spencer
6	N 30° 9' 16.4" W 97° 19' 41.5"	30.15456	-97.32819	Tommy Odom
7	N 30° 9' 18" W 97° 19' 45"	30.155	-97.32917	Tommy Odom
8	N 30° 9' 15" W 97° 19' 46.4"	30.15417	-97.32956	Tommy Odom
9	N 30° 9' 11.5" W 97° 19' 48.6"	30.15319	-97.33017	David Odom
10	N 30° 10' 2.9" W 97° 19' 0.2"	30.16747	-97.31672	Williamson
11	N 30° 8' 50.9" W 97° 20' 7.2"	30.14747	-97.33533	Crump
12	N 30° 9' 10.9" W 97° 19' 48.1"	30.15303	-97.33003	David Odom