



Hudspeth County Underground Water Conservation District No. 1

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Monday – Wednesday, 9 a.m.–3:00 p.m. (office business hours)

Application for Rule 3.11 Drilling & Production Permit

For District Use Only _____

Application No. _____

Date Application Rec'd _____

Date Fee Rec'd _____

Instructions: This application is to be used to obtain District Board permission to produce water from a well or well system alleged to meet the category of such well or well system that is set out in District Rule 3.11, as well as to drill or equip a well for such production. All parts of the application must be completed (with all required supporting documents), signed, notarized, and returned to the District. Please keep a copy of the application for your records. Please print or type legibly. A non-refundable fee must be paid in full at the time of filing. Incomplete applications will be returned.

Part 1 – Applicant Information (see end-note)

Individual Partnership Corporation Governmental Entity Estate/Trust/Guardianship

Applicant Name: _____

Telephone No.: Cell () Business () _____

Mailing Address: _____

Physical Address: _____

Email Address: _____

Authorized Representative's Name, if any: _____

Describe relationship to applicant (agent, office, attorney, etc.): _____

Authorized Representative Telephone No.: Cell () Business _____

Authorized Representative Mailing Address: _____

Authorized Representative Physical Address: _____

Authorized Representative Email Address: _____

Part 2 – Water Use Information

Purpose of Use: Municipal Industrial Irrigation Other

If other use, describe specifically: _____

Proposed withdrawal rate: _____ gallons per minute

Part 3 – Well Information

Complete Part 3 of this form for each individual well proposed to be used to withdraw groundwater under this permit. If there is more than one well, attach the required Part 3 information on a separate page for each such well. Please note that a Rule 3.11 Drilling and Production Permit must be obtained prior to withdrawing any groundwater therefrom for non-exempt use.

Well Identifier/Well Name for well to be used, along with maximum rate in gallons per minute at which water can be withdrawn from well: _____

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

The physical address of the property upon which the well is located: _____

A legal description of the location of the well, including the county, section, block and survey, and the number of feet to the two nearest public streets or highways; or other adequate legal description approved by the District.

In addition to the above information, the applicant needs to include with this application all the information required under District Rule Section 6.4 for any well(s) proposed to be drilled.

Part 4 – Supporting documentation

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

1. the recorded deed and other legal document that supports the Rule 3.11 Drilling and Production Permit application and verifies the applicant’s ownership of the well(s) for which this application is filed;
2. documents specified in another part of this application, including Part 3;
3. completed well registration form(s) for any existing wells proposed to be used to withdraw groundwater pursuant to this production permit;
4. a copy of State Well Report(s);
5. any geophysical logs for the well(s);
6. a photograph of the well(s) taken approximately 100 feet from the wellhead;
7. the water conservation plan and drought contingency plan prepared for TCEQ, if applicable;

8. a map identifying the boundaries of the applicant's Certificate of Convenience and Necessity (CCN), if applicable; and
9. any additional information that you believe would assist in the District's review of this application.

Part 5: Demonstration that Well System is drilled into an aquifer that is hydrologically disconnected from the High Production Zone

1. The applicant shall submit an aquifer and well capacity test for each well identified in Part 3 of this application.
2. The applicant shall use a Professional Geoscientist or Professional Engineer, licensed by the State of Texas, to conduct the test and submit a written report to the District of the results, sealed by the Geoscientist or Engineer who conducted the test.
3. The well capacity shall be based on the results of a constant rate well capacity test with a minimum duration of 24 hours of pumping.
4. The report required by Part 5.2 shall include: (a) the professional opinion of the geoscientist or engineer concerning whether the well system is drilled into an aquifer that is hydrologically disconnected from the High Production Zone (as defined in District Rule Sec. 1.1(z)); (b) complete documentation of any analysis or calculations performed by the geoscientist or engineer in regard to Part 5.1; and (c) copies of all supporting documentation, including but not limited to the geological log of any wells identified in Part 3 of this application, the geological logs of all nearby wells, information regarding the geological stratigraphy and geological formations in the vicinity of the well, and water quality tests of the water produced from the wells showing the concentrations of the primary chemical cations (Sodium, Calcium, and Magnesium) and anions (Chloride, Sulfate, Carbonate, and Bicarbonates), and the total dissolved solids and electrical conductivity.

The District may decline recognition of the results of any test that was not coordinated with the District or that does not meet the specifications and requirements for well capacity or aquifer testing.

Part 6: Demonstration that neither use of the well system nor the amount of groundwater sought by the applicant for withdrawal impairs either Existing and Historic Use or holders of Operating or Validation Permits

In addition to the documentation submitted under Parts 4 and 5, the report required under Part 5.4 shall include any information and documentation that establishes, or tends to establish, that neither use of the well system nor the amount of groundwater sought by the applicant for withdrawal will impair either Existing and Historic Use or holders of Operating and Validation Permits.

APPLICANT CERTIFICATION

I, the undersigned applicant, subscribe and affirm that the information provided herein is true and correct. I also understand that it is a violation of state law for any applicant to knowingly give erroneous information in this application.

Signed: _____ Date: _____

Printed Name: _____ Title: _____

SIGNED AND SWORN TO before me on this _____ day of _____, 20__

NOTARY PUBLIC, State of Texas

My Commission expires: _____

Notes

If the applicant is an individual, the application shall be signed by the applicant or a duly appointed agent. An agent shall provide written evidence of his or her authority to represent the applicant. If the applicant is an individual doing business under an assumed name, the applicant shall attach to the application an assumed name certificate filed with the county clerk of the county in which the principal place of business is located or with the Texas Secretary of State.

A joint application shall be signed by each applicant or each applicant’s duly authorized agent with written evidence of such agency submitted with the application. If a well or proposed well is jointly owned by spouses, each person shall sign the application. Joint applicants shall select one among them to act for and represent the others in pursuing the application with the District with written evidence of such representation to be submitted with the application.

If the application is by a partnership, the application shall be signed by one of the general partners. If the applicant is a partnership doing business under an assumed name, the applicant shall attach to the application an assumed name certificate filed with the county clerk of the county in which the principal place of business is located or with the Texas Secretary of State. The name of the partnership must be followed by the words “a partnership.”

If the applicant is an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate and a current copy of the letters testamentary issued by the court shall be attached.

If the applicant is a corporation, public district, county, municipality, or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions specifying the authority of the official to take such action shall be submitted along with the application. A corporation may file a corporate affidavit as evidence of a corporate official’s authority to sign.

If the applicant is acting as trustee for another, the applicant shall sign as trustee and in the application shall disclose the nature of the trust agreement and give the name and current address of each trust beneficiary. The application must designate the trustee’s name followed by the word “trustee,” and the name of the trust for which the trustee is acting.

Section 3.11 Notwithstanding anything to the contrary in these rules, Sections 3.3 through 3.10 do not apply to any Well System that the Board finds is not hydrologically connected to the High Production Zone and will not impair Existing and Historic Use and holders of Operating or Validation Permits for withdrawal of groundwater from the High Production Zone. However, the burden shall be on the person applying for a Validation, Drilling, or Operating Permit under these rules to demonstrate to the Board, and the Board must find by clear and convincing evidence that a particular Well System is or will be drilled into an aquifer that is hydrologically disconnected from the High Production Zone and that the amount of groundwater sought by the applicant for withdrawal does not impair either Existing and Historic Use or holders of Operating or Validation Permits. It shall be the Board's privilege to exempt such a Well System from any requirement of these rules to the extent that the Board finds that it is necessary and prudent to do so.