



## PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

205 S CADDO STREET/P.O. BOX 3128

CLEBURNE, TEXAS 76033

PHONE: (817) 556-2299 FAX: (817) 556-2305 EMAIL: INFO@PRAIRIELANDSGCD.ORG

### APPLICATION FOR HISTORIC USE PERMIT

(Deadline for Submission: Extended until November 1, 2019)

*This form may be submitted in person, by mail or e-mail, or by fax.*

An application for a Historic Use Permit must be accompanied by an application for well registration if a valid registration is not currently in place. Historic users requesting authorization to produce more groundwater annually than designated as the Maximum Historic Use of the well or well system must submit an application for an Operating Permit for such an increase in production. Please consult District staff on what authorizations are required for your specific situation. **The District recommends applicants schedule a pre-application meeting with District staff prior to final submission of a permit application.**

#### I. APPLICANT INFORMATION

*The Applicant is usually the owner of the property where the well is located. If the Applicant is other than the owner of both the property where the well is located and the well itself, please attach documentation to this form establishing the applicable authority to file the application for a Historic Permit and to serve as the applicant in lieu of the property owner and the name, phone number, email, fax, and mailing address for the owner of the property and the owner of the well.*

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing address:

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Street and Number or PO Box	City	State	Zip
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Contact Person (if different than above): \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing address:

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Street and Number or PO Box	City	State	Zip
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Is the Applicant the owner of both the property where the well is located and the well itself? ☐ Yes ☐ No  
(if "no" please attach contact information for the property owner and the well owner as requested above)

**II. WELL, PURPOSE OF USE, AND PRODUCTION INFORMATION** *(if the well is part of a well system, complete a separate Section II. for each well in the system)*

**(a) Well Information**

Provide the following information for the well:

(1) Total number of wells covered by application: \_\_\_\_\_ (complete a separate Section II for each well in a well system)

(2) Well site address:

\_\_\_\_\_  
Street and Number City State Zip

Legal description of the property / tract of land on which the well is located: *(Attach deed, survey, or other legal documents describing the property / tract)*

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

Well site: Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

Total size of property/ tract on which the well is located: \_\_\_\_\_ acres

(3) Total number of contiguous controlled acreage to the well site: (retail public utilities leave blank and complete Part (c) of Section II instead): \_\_\_\_\_ acres

Legal description of all contiguous controlled acreage to the well:

☐ Same as in number 2 above ☐ Different than 2 above, as described as follows:

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

*(Attach deeds, surveys, groundwater rights leases, or other legal documents describing the acreage)*

(4) Name of aquifer and layer of the aquifer from which water is produced by the well:

\_\_\_\_\_

(5) Year well was drilled: \_\_\_\_\_; Well Driller (if known): \_\_\_\_\_

(6) Did the well have an approved well registration from the District prior to January 1, 2019?

☐ Yes ☐ No

If yes, provide well registration number: \_\_\_\_\_

If no, please complete a well registration application, submit as an attachment to this application and provide well ID number assigned by District: \_\_\_\_\_

Was the well completed and operational prior to January 1, 2019?   ☐ Yes                      ☐ No

Did the well produce and use groundwater for a beneficial use in any calendar year from 2004 to 2018?   ☐ Yes                      ☐ No

*(For applicants with a well that was not both completed by January 1, 2018, and in operation for the full calendar year of 2018 at the maximum designed and planned production capacity, please contact the District staff for assistance on how to complete this Section II of the application for that well in accordance with the District Rules).*

(7)      Maximum designed production capacity of the well: \_\_\_\_\_ gallons per minute

**(b)      Well Production History, Maximum Historic Use, and Purpose of Use**

(1)      Provide in the spaces below the annual total water production history of the well for each calendar year during the existing and historic use period in which the well was completed and operational; attach additional pages if necessary. *(The existing and historic use period is defined by District rules as the time period of January 1, 2004, through December 31, 2018.)*

- 2004: \_\_\_\_\_ gallons
- 2005: \_\_\_\_\_ gallons
- 2006: \_\_\_\_\_ gallons
- 2007: \_\_\_\_\_ gallons
- 2008: \_\_\_\_\_ gallons
- 2009: \_\_\_\_\_ gallons
- 2010: \_\_\_\_\_ gallons
- 2011: \_\_\_\_\_ gallons
- 2012: \_\_\_\_\_ gallons
- 2013: \_\_\_\_\_ gallons
- 2014: \_\_\_\_\_ gallons
- 2015: \_\_\_\_\_ gallons
- 2016: \_\_\_\_\_ gallons
- 2017: \_\_\_\_\_ gallons
- 2018: \_\_\_\_\_ gallons

Maximum Historic Use of the well: \_\_\_\_\_ gallons  
(the single highest amount used in a calendar year listed above).

(2) Describe in the space below:

1. the purpose for which the well was drilled (e.g. municipal/public water supply; commercial /small business; golf course irrigation; mining; oil and gas hydraulic fracturing; industrial; filling amenity pond, etc.—a brief description is sufficient)
2. any subsequent purposes of use of water; and
3. the amount of water used for each purpose (attach additional pages as necessary).

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(3) Is the groundwater withdrawn from the well used at a location different from the well site? (for public water supply systems, answer “no” if well is located within the service area or political subdivision boundaries in which it supplies water)

☐ Yes    ☐ No

(4) If yes, provide the location of use of water from the well:

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(5) Describe in the space below any and all investment-backed expectations associated with the well(s) and the groundwater produced from the well(s); attach additional pages if necessary. (*An investment-backed expectation represents the financial resources you have invested **prior to January 1, 2019**, based upon a reasonable expectation that you will be able to produce a certain amount of groundwater from the well for a certain purpose.*)

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**(c) Political Subdivisions and Retail Public Utilities**

Please provide the information requested in Questions (c)(1) - (4) only if you are a political subdivision or other retail public utility and the well is drilled inside of the boundaries of the political subdivision or inside the retail public utility's retail water Certificate of Convenience and Necessity (CCN). All other applicants, skip to Part III.:

(1) Public Water Supply Number: \_\_\_\_\_ Number of Connections: \_\_\_\_\_

(2) For political subdivisions only, the number of acres within the corporate boundaries of the political subdivision:

\_\_\_\_\_ acres

(3) The number of acres within the applicant's retail water service area), if any, where the well is located:

\_\_\_\_\_ acres

(4) Attach to this application a map of the corporate boundaries of the political subdivision within which the well is located and a map of the retail water CCN in which the well is located, as applicable, and depicting the location of the well.

(5) For political subdivisions, if another retail public utility has a retail water CCN that covers all or part of the area within your political subdivision boundaries, please provide:

Name of other retail public utility: \_\_\_\_\_

Number of acres of within your political subdivision boundaries covered by the other retail public utility's retail water CCN:

\_\_\_\_\_ acres

**III. WELL SYSTEMS (TO BE COMPLETED ONLY BY APPLICANTS WITH TWO OR MORE WELLS IN A WELL SYSTEM)**

- (1) How many wells are in the well system? \_\_\_\_\_
- (2) Have you identified each well in the well system by completing a separate Section II of this application for each well in the system?      ☐ Yes      ☐ No
- (3) What is the combined maximum designed production capacity of the wells in the well system?  
\_\_\_\_\_ gallons per minute
- (4) Provide in the spaces below the annual total water production history of the **well system** for each calendar year during the existing and historic use period in which the well system was completed and operational; attach additional pages if necessary. (*The existing and historic use period is defined by District rules as the time period of January 1, 2004, through December 31, 2018.*)

2004: \_\_\_\_\_ gallons

2005: \_\_\_\_\_ gallons

2006: \_\_\_\_\_ gallons

2007: \_\_\_\_\_ gallons

2008: \_\_\_\_\_ gallons

2009: \_\_\_\_\_ gallons

2010: \_\_\_\_\_ gallons

2011: \_\_\_\_\_ gallons

2012: \_\_\_\_\_ gallons

2013: \_\_\_\_\_ gallons

2014: \_\_\_\_\_ gallons

2015: \_\_\_\_\_ gallons

2016: \_\_\_\_\_ gallons

2017: \_\_\_\_\_ gallons

2018: \_\_\_\_\_ gallons

Maximum Historic Use of the **well system**: \_\_\_\_\_ gallons  
(the single highest amount used in a calendar year listed above). *(If your application is approved, the total amount you can pump annually from your well system will be based on your Maximum Historic Use, as defined by District rules.)*

#### **IV. VERIFICATION PERIOD**

- (a) If the well for which you are applying for a Historic Use Permit was not required to be metered by the District prior to January 1, 2019, or if at least two (2) full calendar years of metered records of groundwater production during the existing and historic use period do not exist, you must commence a two (2) year Verification Period, as defined by District Rule 1.1 (January 1, 2020 through December 31, 2021).
- (b) The Verification Period process and eligibility for a Historic Use Permit also apply to you if:
  - (1) You had beneficial use of the water during the existing and historic use period, but because your activities have not been commenced and in operation for the full calendar year of the existing and historic use period, you do not have beneficial use for a full calendar year; and
  - (2) You received an approved well registration from the District prior to January 1, 2019, that is still valid, but the registered well had not yet been drilled and completed on January 1, 2019, but only if the well has been drilled, completed, and equipped with a meter on or before December 31, 2019.
- (c) For approved well registrations or well registration applications deemed to be administratively complete prior to the effective date of these rules, but for which no groundwater has yet been produced, the Board may authorize the two (2) year Verification Period to begin the first calendar year after production begins.
- (d) If your well does not already have an approved well registration from the District, you must submit an administratively complete well registration application to the District no later than March 1, 2019, in addition to submitting an administratively complete application for a Historic Use Permit to the District no later than November 1, 2019. Upon completion of the Verification Period, you must provide as part of the application the annual groundwater production history of the well for each year of the two-year Verification Period.
- (e) You must amend the Historic Use Permit application for the well or well system during the Verification Period or at any time prior to February 1, 2022, if necessary, to include any new information or to update information that you have determined to be inaccurate or incorrect.
- (f) For a well that was registered and required to comply with the metering, fees, and reporting requirements prior to January 1, 2019, compliance with such requirements is not suspended and shall continue during the Verification Period.
- (g) Production of groundwater during the Verification Period shall not itself be eligible for a claim of Maximum Historic Use from the well, but rather is intended as relevant information to assist you in determining what the Maximum Historic Use of the well was during the existing and historic use period.

## V. ATTACHMENTS

Please check the appropriate box below:

(For applicants with two or more wells in a well system) I have attached a separate completed Section II for each well in the well system: ☐ Yes ☐ No ☐ Not applicable

I have attached a drought contingency plan (if applicant is required by law to have one):

☐ Yes ☐ No ☐ Not applicable

I have attached a Water Well Closure Plan: ☐ Yes ☐ No

If no, sign below as a declaration that the owner will report any closure of the well to the District and will strictly comply with the well plugging regulations of the Texas Department of Licensing & Regulation:

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Signature

I have attached a **\$250.00 non-refundable permitting fee per well indicated in this application** as required by District Rule 7.10: ☐ Yes ☐ No

I have attached an application to register a well that is the subject of this application for a Historic Use Permit (if a registration application has not already been submitted). ☐ Yes ☐ No

**For political subdivisions or other retail public utilities only:** I have attached to this application a map of the corporate boundaries and a map of the retail water CCN where the well is located or proposed to be located.

☐ Yes ☐ No

## VI. TERMS AND CONDITIONS

- (a) During the time between January 1, 2020, and the issuance or denial of the Historic Use Permit, you may annually produce no more than the amount of groundwater specified in the application or most recent amendment thereto, as the Maximum Historic Use, and must pay the water use fees as set forth in District Rule 7.1. This interim authorization is based on the information included in your Historic Use Permit application, or most recent amendment thereto, and constitutes your permit to operate and produce groundwater from the well identified in the application until the Board acts on the application.
- (b) You must amend your application to include any new information or to update information that you have determined to be inaccurate or incorrect on or before January 1, 2020 (*prior to February 1, 2022, if subject to Verification Period*).
- (c) After January 1, 2020, (*or February 1, 2022, if subject to Verification Period*), the District will commence its review and determination of the Maximum Historic Use for each applicant. If you produce more groundwater from a well or well system than designated in the approved Historic Use Permit or, for permits that have not yet been approved or denied by the Board, the amount claimed as



the Maximum Historic Use for that well or well system in the application or most recent amendment thereto, you will be subject to enforcement for violation of the District rules, unless you are authorized under an Operating Permit to produce the additional groundwater from the well or well system.

- (d) In the interest of promoting conservation of groundwater, the District will allow you to apply for a Historic Use Permit that authorizes an amount less than your Maximum Historic Use. However, you will forfeit your right to make any future claim or application to the District for a Historic Use Permit for a greater amount of groundwater production authorization and the right to file a lawsuit or make any claim against the District for taking your property without just compensation.
- (e) If your application for a Historic Use Permit has been contested and is still contested one (1) year after the date of publication of the proposed Historic Use Permit, the District may limit the amount of water that you may produce until the contested case has concluded and the Board has made its final decision on your application. Such an interim production limitation shall be established by the Board only after an expedited interlocutory hearing before the Board to be initiated by motion of the General Manager.
- (f) The well owner of a well that was not required to be metered by the District prior to January 1, 2019, shall comply with the metering, groundwater production reporting, and fee payment requirements of these rules beginning on January 1, 2019.

## VI. CERTIFICATION

I hereby certify that the information provided herein and given herewith is true and accurate to the best of my knowledge and belief. I further certify that all water produced from the well that is the subject of this registration will at all times be put to beneficial use. I further certify that I will comply with the District's Management Plan and rules.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

### **DISTRICT TO COMPLETE THIS SECTION**

☐ Historic Use Permit Application Received Date: \_\_\_\_\_

☐ Historic Use Permit Fee Received Date: \_\_\_\_\_ Method/Check No.: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Verification Period Required? \_\_\_\_\_

Date of Board Approval or Denial, in whole or in part: \_\_\_\_\_

Historic Use Permit No. \_\_\_\_\_