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District Use Only:

Received _____

Approved _____

By _____

Well Reg. No. _____

Scanned _____

EX

NEW

APPLICATION FOR EXCEPTION TO MINIMUM TRACT SIZE REQUIREMENTS

Please read the attached District Rules pertaining to exceptions to minimum tract size requirements to ensure you are eligible to apply for an exception. This form must be accompanied by a completed well registration application and, if applicable, a completed application for a permit.

PART I. APPLICANT INFORMATION

Name: _____ Phone: (____) _____

E-mail: _____ Fax: _____

Mailing address: _____
Street name and number or PO Box City State Zip

Provide the following information if the Well Owner and/or Property Owner where well will be located are different from Applicant:

Name: _____ Phone: (____) _____

E-mail: _____

Mailing address: _____
Street name and number or PO Box City State Zip

If the Applicant is someone other than the owner of the property where the well that is the subject of this minimum tract size exception application is proposed to be located, please attach all necessary documentation that demonstrates your authorization to submit this application on behalf of the proposed well owner (property owner).

PART II. PROPERTY INFORMATION

Size (area) of the tract where the well is proposed to be located: _____ acres

Legal description of property where the well is proposed to be located:

Physical address of property where the well is proposed to be located:

- ☐ Same as mailing address above
☐ Other address as follows:

Street name and number	City	State	Zip
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If the specific parcel where the well is proposed to be located cannot be readily located with the physical address provided above, please provide any additional information that would further identify the specific parcel of property upon which the well will be drilled:

PART III. DESCRIPTION OF REQUEST

The applicant must present evidence that no water from a public water system is available to the property (unless the applicant is a retail public utility), the drilling of a well is not inconsistent with any approved plat related to the property, *and* either A. or B. below apply. *For more information regarding the requirement to demonstrate that no alternative water sources are available and that no water from a public water system is available to the property, see Rule 4.6(e).*

Complete the following questions if the applicant is **not** a retail public utility:

- 1. If there is an approved plat related to the property, does the plat call for water to be supplied to the property by a public water system? ☐ Yes ☐ No

- 2. Is water from a public water system currently being delivered to any part of the property? ☐ Yes ☐ No

- 3. If “no” on question 2, is the property located within the boundaries or service area of a city, special district, water supply corporation, or investor-owned utility that provides public water? ☐ Yes ☐ No

- 4. If “yes” on question 3, provide the name of the public water provider: _____

- 5. If “yes” on question 3, is there a water main of the public water supplier located on or adjacent to the property?
☐ Yes ☐ No If no, provide the distance from the property to the nearest water main of the public water supplier:

- 6. If “yes” on question 3, has the applicant requested that the public water provider connect or extend service to your property? ☐ Yes ☐ No If yes, date of your most recent request to the public water provider to connect or extend service to the property: _____. If yes, was the public water supplier willing to extend water service to your property? ☐ Yes ☐ No If “yes,” provide the date by which service could be extended to the property: _____.

- 7. Please further describe the efforts you have made to ensure no water from a public water system is available to the property:

Please indicate your reason for requesting an exception to the District's minimum tract size requirements by checking the appropriate box below (**CHECK ONLY A or B**):

☐ **A. TRACT OF LAND WAS SMALLER THAN TWO ACRES PRIOR TO MAY 15, 2017**

The well is proposed to be located on a tract of land that was platted, meets an exception to platting, or was otherwise lawfully configured prior to May 15, 2017, as a tract that is too small to comply with the minimum tract size requirements set forth under District Rule 4.4, but only if:

- (1) the tract has not been further subdivided into smaller tracts of land after May 15, 2017; and
- (2) you can provide a plat or other evidence of the date the tract of land was platted or was otherwise lawfully configured.

If you checked **A.**, please provide:

- (1) Date when tract of land where the well will be located was platted or otherwise lawfully configured:

- (2) A completed well registration form and, if applicable, a completed permit application form, and a plat or other evidence of the date the tract of land was platted or otherwise lawfully configured, as set forth under Part IV. Attachments.

If you check A. and your proposed well is less than 17.36 gallons per minute in maximum designed production capacity and will be used solely for domestic, livestock, or poultry watering use, your application for an exception to the minimum tract size requirements may be approved or denied by the General Manager or set for hearing by the Board at his or her discretion. However, even if this application is approved, you must still comply with the minimum well spacing requirements of Rule 4.3 if a location exists on the property where the well can be drilled in compliance with such requirements. If no such location exists, the General Manager may approve an alternative location on the tract where the well must be drilled.

OR

☐ **B. TRACT OF LAND WAS IN THE PLATTING PROCESS ON MAY 15, 2017**

If you checked **B.**, non-exempt well owners must complete and provide all information in Section 1; exempt well owners complete only Section 2. Both exempt and non-exempt well owners must complete Section 3.

Section 1: Non-exempt wells

You were in the process of platting or otherwise lawfully configuring a tract that is too small to comply with the minimum tract size requirements set forth under District Rule 4.4 as of May 15, 2017, but only if:

- (1) to require compliance with District Rule 4.4 would cause unreasonable economic hardship to you;
- (2) the proposed well is not exempt from the requirements under District Rule 2.1 (*this includes retail public water suppliers*), and no other economically feasible water source is available to you (*An alternative water source is considered economically feasible and available if it can be delivered to you for no more than 25 times the District's current water use fee rate.*); and
- (3) you can provide evidence demonstrating each of these requirements.

Please describe what efforts you have made to secure alternative water sources by answering the following questions:

1. Please indicate any entities you have contacted inquiring whether water sources might be available to you, and the approximate dates of contact. (i.e. industries, public water suppliers, other businesses, etc.).

2. For each entity indicated above, describe the reasons given why water is not available for your use, necessitating your application for an exception to the minimum tract size requirements of the District Rules.

3. Please describe any other efforts you have made to secure an alternative water source to your property.

Section 2: Exempt wells

You were in the process of platting or otherwise lawfully configuring a tract that is too small to comply with the minimum tract size requirements set forth under District Rule 4.4 as of May 15, 2017, but only if:

- (1) to require compliance with District Rule 4.4 would cause unreasonable economic hardship to you; and
- (2) you can provide evidence demonstrating these requirements.

Section 3: Exempt and non-exempt wells

Please provide a short, plain statement explaining how the tract was in the platting process as of May 15, 2017, expenses related to platting that you had already incurred as of May 15, 2017, and how compliance with the minimum tract size requirements would cause an unreasonable economic hardship on you.

Please also provide:

- (1) Date when plat for the tract of land was approved: _____
- (2) Please attach to this application a completed well registration form and, if applicable, a completed permit application form, and a plat or other evidence of the date the tract of land was platted or otherwise lawfully configured, as set forth under Part IV. Attachments.

Under District Rule 4.6(i), the District may impose additional restrictions or special conditions on the exact location, construction, completion, operation, or production of a well drilled pursuant to a well spacing exception.

If the proposed well involves a preliminary plat, you must have personal knowledge of the information set forth in the preliminary plat and must swear or affirm below that the information is true and correct to the best of your knowledge.

Applicant's signature

PART IV. ADDITIONAL REQUIRED INFORMATION AND ATTACHMENTS

Non-exempt well owners must complete *both* sections (A) and (B) below. Exempt well owners must only complete section (A):

- (A) Please include the following information as an attachment to this application, and indicate that you have included the required information by checking all appropriate boxes.

- ☐ I have attached to this application a completed application for a new well registration and, if applicable, a completed permit application (*not necessary for a platted subdivision developer who is seeking to sell the platted lots to third parties for future use*).
- ☐ I have attached to this application a plat, survey, or sketch of the tract upon which I am proposing to locate the well that is the subject of this application. The attached plat, survey, or sketch:
 - (1) is drawn to scale; and
 - (2) accurately identifies and depicts the size of the property and location of the proposed well that is the subject of this application.

A plat filed with this application must be certified by the county clerk's office where the land is located, or it must be sworn to or affirmed by a person with personal knowledge of relevant facts set forth in the plat. If the District has an updated plat already on file that is certified by the appropriate county clerk's office that covers the property in question, the plat included with the application does not require an additional certification.

- ☐ I have attached evidence to this application that no water from a public water system is available to the property (*does not apply to applicants that are retail public utilities*).
- ☐ I have attached evidence to this application that the drilling of a well on the property is not inconsistent with any approved plat related to the property.
- ☐ I have attached to this application a non-refundable application fee in the amount of \$250.00.
- ☐ I checked **Part III. A.** as applying to me, and I have attached to this application a plat or other evidence of the date the tract of land was platted or was otherwise lawfully configured.

- ☐ I checked **Part III. B.** as applying to me, and I have attached to this application evidence to demonstrate that (1) I was in the process on May 15, 2017, of platting or otherwise lawfully configuring the tract, and (2) that compliance with District Rule 4.4 (minimum tract size requirements) would cause unreasonable economic hardship to me.

(B) Please complete the following if your well is non-exempt:

- ☐ I checked **Part III. B.** as applying to me, and I have attached to this application evidence to demonstrate that that no other economically feasible water source is available to me.
- ☐ I have had a pre-application meeting with the District as required by District Rule 4.6(d).

PART V. CERTIFICATION

I hereby swear or affirm that the facts stated in this application are within my personal knowledge and are true and correct to the best of my knowledge. If this application is approved, I understand that the minimum tract size exception will be recorded in the real property records of the county in which the well will be located.

Signature of Applicant

Date

Printed Name of Applicant

State of Texas

County of _____

Subscribed and sworn to me this _____ day of _____, 20____

Notary Public's Signature

Date Commission Expires: _____

District Use Only:

Date App. Rec'd: ____/____/____	<input type="checkbox"/> Admin. Complete Determination: ____/____/____
<input type="checkbox"/> Approved by GM: ____/____/____	<input type="checkbox"/> Approved by Board: ____/____/____
GM Signature: _____	Board President Signature: _____