

Permit No. BVTP-001



Transport Permit Issued By Direction of the Board of Directors of the Brazos Valley Groundwater Conservation District

This **Transport Permit** is granted to **UW Brazos Valley Farm, LLC** (Permittee) authorizing the Permittee to transport groundwater out of the Brazos Valley Groundwater Conservation District (“District”) in an amount **not to exceed 49,999 acre-feet/year** for **Agricultural, Industrial, Commercial, Municipal, and Public Water Supply** uses in the receiving area outside of the District of Milam, Williamson, Bell, and/or Travis counties.

Operating Permits associated with Transport Permit:

The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Permit #		Latitude	Longitude	Aquifer	GPM	ac-ft
BVDO-0254	CS 1	N 30.886626°	W 96.658433°	Simsboro	3,000	4,839
BVDO-0255	CS 2	N 30.903856°	W 96.662094°	Simsboro	3,300	5,322
BVDO-0256	CS 3	N 30.919628°	W 96.642153°	Simsboro	3,300	5,322
BVDO-0292	Well B	N 30.932321°	W 96.691592°	Simsboro	3,150	4,068
BVDO-0293	Well C	N 30.916287°	W 96.721219°	Simsboro	1,550	2,001
BVDO-0294	Well G	N 30.871826°	W 96.689291°	Simsboro	2,150	2,776
BVDO-0295	PS 1	N 30.937420°	W 96.676560°	Simsboro	2,450	3,164
BVDO-0296	PS 2	N 30.889026°	W 96.684725°	Simsboro	1,500	1,937
BVDO-0297	PS 3	N 30.893501°	W 96.663845°	Simsboro	2,400	3,099
BVDO-0298	PS 4	N 30.917196°	W 96.631244°	Simsboro	2,250	2,905
BVDO-0299	PS 5	N 30.882803°	W 96.673047°	Simsboro	1,500	1,937
BVDO-0300	PS 6	N 30.880632°	N 30.880632°	Simsboro	1,700	2,195
BVDO-0301	PS 8	N 30.872396°	W 96.675639°	Simsboro	1,750	2,260
BVDO-0302	PS 9	N 30.913084°	W 96.653847°	Simsboro	2,850	3,680
BVDO-0303	PS 10	N 30.954950°	W 96.680068°	Simsboro	1,500	1,937
BVDO-0304	PS 11	N 30.901250°	W 96.651604°	Simsboro	1,980	2,557

Conveyance System:

Network of wells and pipelines feeding a central collection system (tanks and impoundments) from which the water will be conveyed through pipeline infrastructure to the end users

Transport Permit Term:

- (a) This transport permit automatically expires three years from its issuance if the permitted conveyance system has not begun before the expiration date and shall be automatically extended to the terms 30 years if construction of a conveyance system is begun before the expiration of the initial term.
- (b) The District may amend or revoke an operating permit at any time, in accordance with District rules, if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or

- (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence.
- (c) The District may periodically review the amount of water that may be transferred under an operating permit to transport water out of the District, in accordance with properly adopted District rules, and may limit the amount if additional factors considered, related to the factors in District Rule 10.4(b):
 - (1) the availability of water in the District and in the proposed receiving area during the period for which the water supply is requested;
 - (2) the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District; and
 - (3) the approved Region G Water Plan and certified District Management Plan.

Special Provisions/Notes:

(a) **Aggregation:**

- (1) The production from the following operating permits may be aggregated: BVDO-0254, BVDO-0255, BVDO-0256, BVDO-0292, BVDO-0293, BVDO-0294, BVDO-0295, BVDO-0296, BVDO-0297, BVDO-0298, BVDO-0299, BVDO-0300, BVDO-0301, BVDO-0302, BVDO-0303, and BVDO-0304 (Well Field), so that the combined permitted amount from the wells may be pumped from any well, or split between the wells, as circumstances may require as allowed by District Rule. Total maximum annual aggregate production for the wells under all permits is 49,999 acre-feet/year. This is a multi-use permit for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. Purpose of use will be metered and reported separately.
- (2) Permittee's maximum aggregate export shall not exceed 49,999 acre-feet in any year.
- (3) Permittee shall reduce permitted amount of Historic Use Operating Permit BVHU-1058 as exported volume increases, keeping the aggregate of all Simsboro Operating permit production not to exceed 59,999 acre-feet/year.

(b) **Reporting:**

- (1) Permittee shall timely report to the District all groundwater production for all of its operating permits, including Historic Use Permits, issued by the District by the 10th day of every month, by a form prescribed by the District.
- (2) Permittee shall annually calibrate the requisite flow meter for all of its permitted wells, including those authorized by Historic Use Permits, in the Simsboro Aquifer. Documentation of the calibration/verification for each flow meter shall be submitted to the District by February 1st of each year. The first calibration must be completed and submitted to the District by April 1, 2023.
 - i. **Flow Meter Testing:** Each flow meter shall have an accuracy of plus or minus 3% and be tested for accuracy as installed in place. Permittee shall submit a certificate of the test results. The certificate shall be in a form acceptable to the District. Meters shall be tested by a third party qualified to measure meter accuracy and approved by the District General Manager. Each meter shall be tested for accuracy on an annual basis. All testing equipment must be calibrated

annually by an independent testing laboratory or company capable of accuracy verification.

- ii. **Flow Meter Installation:** The water flow meter must be installed for wells associated with the following operating permits: BVDO-0254, BVDO-0255, BVDO-0256, BVDO-0292, BVDO-0293, BVDO-0294, BVDO-0295, BVDO-0296, BVDO-0297, BVDO-0298, BVDO-0299, BVDO-0300, BVDO-0301, BVDO-0302, BVDO-0303, and BVDO-0304, according to the manufacturer's published specifications in effect at the time of meter installation. A copy of the specifications shall be provided to the District. If no specifications are published, there must be a minimum length of five pipe diameters of straight pipe upstream of the water meter and two pipe diameters of straight pipe downstream of the water meter. The pipe upstream and downstream of the meter must be the same diameter as the housing for the meter. These lengths of straight pipe must contain no check valves, tees, gate valves, back flow preventers, blow-off valves or any other fixture than those flanges or welds necessary to connect the straight pipe to the meter. The Permittee may use a different methodology for the installation of flow meter(s) used solely for agricultural uses, if approved by the District, and such approval may not be unreasonably withheld.

(3) Meter of Exported Water:

The District may require a master or totalizing meter that measures all groundwater exported on the pipeline from Permittee's project site.

(c) Monitor Wells:

- (1) Permittee shall install and maintain two (2) monitor wells on its permitted project site in a location or locations agreed upon with the District and with construction and equipment approved by the District, such agreement and approval not to be unreasonably withheld.

(d) Well Assistance Agreement:

- (1) The Well Assistance Agreement entered into by Permittee and the District, effective October 20, 2022, and the rights and obligations contained therein, is incorporated as a binding special provision of this Permit.
- (2) The Well Assistance Agreement is binding on Permittee's aggregated Well Field and associated permits.

(e) Groundwater Conveyance and User Agreement(s):

- (1) Permittee shall submit all agreements regarding the conveyance system to transport groundwater under this Permit, and amendments thereto, within 30 days of execution of the agreement(s), which may be redacted regarding information protected under the Texas Public Information Act for public entities and confidential business information for private entities. The District may request a meeting to discuss the submitted information. Permittee shall provide updated technical descriptions of the facilities to be used for transportation of water and time schedules for any construction and completion thereof.
- (2) Permittee shall submit all agreements regarding the sale of or use of groundwater under this Permit, and amendments thereto, within 30 days of execution of the agreement(s), which may be redacted regarding information protected under the Texas Public Information Act for public entities and confidential business

information for private entities. The District may request a meeting to discuss the submitted information.

(f) Water Conservation and Drought Contingency Plans

- (1) The Permittee's water conservation plan and, if any subsequent user of the water is a municipality or entity providing retail water services, the water conservation plan of that municipality or entity shall also be provided to the District along with a copy of the contract between the applicant and any subsequent user of the water, under Section (e)(2) above, indicating that the applicant and that municipality or entity will comply with the District's Conservation Plan.

(g) Periodic Review:

The District may periodically review the amount of water that may be transferred under an operating permit to transport water out of the District and may limit the amount if warranted by aquifer conditions, pursuant to District Rules and state law.

This Permit is granted subject to these Rules, orders of the Board, and the laws of the State of Texas. In addition to any special provisions or other requirements incorporated into the permit issued by the District.

- (1) This Permit is granted in accordance with provisions of the Rules of the District, including amendments, and acceptance of this Permit constitutes an acknowledgment and agreement that Permittee will comply with the Rules of the District.
- (2) This Permit confers only the right to operate the permitted well(s) under the provisions of the District Rules and its terms may be modified or amended pursuant to the provisions of those Rules. To protect the permit holder from the illegal use of a new landowner, within ten (10) days after the date of sale of property containing a well having been issued an operating permit, the operating permit holder must notify the District in writing of the name of the new owner. Any person who becomes the owner of a currently permitted well must, within forty-five (45) calendar days from the date of the change in ownership, file an application for a permit amendment to affect a transfer of the permit.
- (3) The operation of the well(s) for the authorized purposes must be conducted in a non-wasteful manner.
- (4) All groundwater production from non-exempt wells in the District is required to be metered, except for the groundwater produced from wells in the Brazos River Alluvium aquifer. The District maintains the discretion to require meters on wells in the Brazos River Alluvium aquifer. Permittee shall maintain records of withdrawal on the property where the well is located or at its business office, and shall make those records available to the District for inspection. The Permittee shall submit complete, accurate, and timely metered pumpage and transport reports to the District annually, as requested by the District, no later than February first (1st) of each year.
- (5) The well site(s) must be accessible to District representatives for inspection, and Permittee agrees to cooperate fully in any reasonable inspection of the well(s) and well site(s) by the District representatives.
- (6) The application pursuant to which this Permit has been issued is incorporated in this Permit, and this Permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
- (7) Violation of this Permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District

