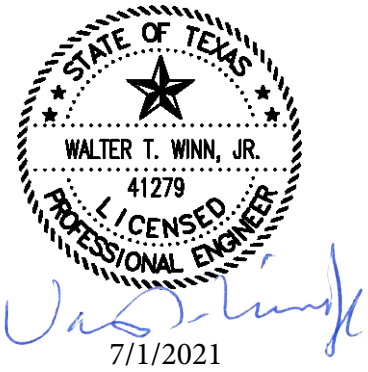
WELLBORN SPECIAL UTILITY DISTRICT

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

APPLICATION FOR DRILLING PERMIT

July, 2021



Prepared for:

Wellborn Special Utility District
PWS TX0210016
6784 Victoria Avenue ● P.O. Box 250
Wellborn, Texas 77881
979-690-9799
www.wellbornsud.com

Prepared by:

CP&Y, Inc.
Texas Registered Firm No. F-1741
505 Padon Street
Longview, Texas 75601
903-553-0500
www.cpyi.com

Brazos Valley Groundwater Conservation District
P.O. Box 528
Hearne, TX 77859
Ph: 979-279-9350 Fax: 979-279-0035
E-mail: clopez@brazosvalleygcd.org **Website:** www.brazosvalleygcd.org

District Use Only
Permit No. _____
BVGCD Well No. _____

APPLICATION FOR DRILLING OR OPERATING PERMIT

One (1) Year _____ Five (5) year ___X_____

A $100 fee is due upon submittal of this application for each well requested.

1. **Applicant(s) Information:**
   (a) If the applicant is more than one individual or entity with different residences, attach a written affidavit executed by each individual and/or entity with an interest or their legal representatives describing their respective interests in the well(s), listing their names and addresses, and designating a contact person.

   (b) If the applicant is a corporation, partnership, retail water supplier or other business association, state its name and address below and attach written documentation that the contact person is authorized to represent the applicant. (See Exhibit 1)

Note: If the applicant is different from the owner of the land on which the well(s) is/are to be located, provide documentation from the property owner granting applicable authority for the applicant to drill and/or operate the well.

Name of Applicant: Wellborn Special Utility District

Email Address: scast@wellbornsud.com

Mailing Address: P.O. BOX 250 Wellborn, Texas 77881

Phone: 979-690-9799 Fax: _____

Contact Person (if different from applicant): Terry Winn, P.E

Phone: 903-241-0401 Fax: _____

Relationship to Applicant: District Engineer (CP&Y, Inc.)

Mailing Address: 505 Padon St., Longview TX 75601

2. **Amount of Water Requested to be produced under This Permit:**

(a) Provide the amount of water requested for each well in acre-feet/year.

	Annual Use		Pump Capacity
Production	1,974	acre-feet/year	2000 gpm
Production	2,139	acre-feet/year	2000 gpm
Production		acre-feet/year	gpm
Production		acre-feet/year	gpm

Note: The permitted annual use for these two wells is aggregated for this application.

*Please attach additional sheets as needed

*Hydrogeologic Study-See attached Exhibit 2

.

(b) State the nature and purpose of beneficial use of the groundwater under the requested permit and provide any evidence (if available).

The intention is to provide an additional water to the Wellborn SUD system to accomodate growth and to address other slight deficiencies. (See attached letter from engineer, Exhibit 3.)

(c) Estimated Date/Year Drilled: 2022

Drilling Company: T.B.D. Phone: _____

Address: _____ City: _____

State: _____ Zip code: _____

(d) Identify the aquifer(s) from which the well(s) in this application will produce:

Simsboro: X, Carrizo: _____, Calvert Bluff: _____,

Hooper: _____, Gulf Coast: _____, Queen City: _____,

Sparta: _____, Yegua: _____, Brazos River Alluvium_____,

(e) Well Information

Total Depth: Est. 2,854 Ft. Depth to First Screen: Est. 2,334 Ft.

Inside Diameter of Casing: 24 & 18 In. Pump Size: 350 hp

(f) If the place of use of the groundwater is outside the district's boundaries, please indicate here with an "X":_____

(g) Well Location:

Well Site Physical Address: 12400 S. State Hwy. 6

City: Bryan State: TX Zip: 77807

County: Robertson County

Latitude: 30.757° N and 30.752° N Longitude: -96.478° W and -96.475° N

Survey Name*: Wilson Reed and David Campbell Survey No*: _____

Abstract No*: 36 & 88

Section*: _____ Block*: _____

***Asterisk indicates "if known"**

See attached Water Rights Property Map - Exhibit 4

Pursuant to District Rule 15.1 and Section 36.123, Texas Water Code, staff may enter and inspect the property for District purposes.

3. Attachments to Application

(a) **For all wells drilled in the Simsboro Formation, provide the landowners name, contact information, and documentation showing clear legal authority, signed by the landowner of the real estate within the required contiguous acreage (per district Rule 7.1(c)), allowing water production from the requested well.** (See attached Affidavit and Agreements - Exhibit 5.)

(b) **Water Conservation Plan (Please check one):**

X I have attached a water conservation plan showing what conservation measures I have adopted or will adopt what conservation goals I have established, and what measures and time frames are necessary to achieve my established water conservation goals. (See Exhibit 6.)

OR

____ I declare that I will comply with the District's management plan.

(c) **Drought Contingency Plan (Please check one):**

X I have attached a drought contingency plan showing what drought conservation measures I have adopted or will adopt, what drought conservation goals I have established, and what measures and time frames are necessary to achieve my established drought contingency goals. (See Exhibit 6.)

OR

____ I declare that I will comply with the District's drought contingency plan.

(d) **Well Closure Plan (Please check one):**

____ I have attached a well closure plan.

OR

X I declare that I will comply with the District's well plugging guidelines and report well closure to the District.

I agree that any water withdrawn under the authority of a permit issued based upon the District's grant of this application will be put to beneficial, non-wasteful use at all times, and will not exceed the production allowance of the permit. I agree that reasonable diligence will be used to protect groundwater quality.

I agree to abide by the terms of the District Rules, the District Management Plan, and orders of the Board of Directors, as required by State law. My certification of this application does not waive my right to protest in the future proposed District actions, including proposed amendments to District Rules. However, once the District adopts Rules, Management Plans, Permits, etc., I agree to abide by those terms, as required by State law.

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

Signature of Applicant: _____

Date: July 6, 2021

Application Revised 6-12-18

District Use Only

Date received _____
Permit No. _____
BVGCD Well No. _____
Hearing date _____
Action _____
Comments/notes: _____
_____

EXHIBIT 1

AUTHORIZATION TO REPRESENT WELLBORN SUD

Wellborn Special Utility District

June 29, 2021

Mr. Walter T. Winn, P.E.
CP&Y Inc,
505 Padon St.
Longview, Texas 75601

RE: Authorization to Represent Wellborn Special Utility District

Dear Terry:

This letter is intended to be used as an attachment to the BVGCD permit application for two new wells in the Simsboro formation as authorization for you, Terry Winn, P.E., to represent the Wellborn Special Utility District (Wellborn SUD). As the lead engineer in the 2020 Water Supply and Distribution Improvements Project for the Wellborn SUD, you are authorized to represent Wellborn SUD before the Brazos Valley Groundwater Conservation District in all matters regarding the application for the Drilling or Operating Permit as required for this project.

Sincerely yours,

Wellborn Special Utility District

Stephen Cast
General Manager of Wellborn SUD

979.690-.9799 • Fax 979.690.1260 • Mailing Address: P.O. Box 250 • Wellborn, TX 77881
6784 Victoria Avenue • College Station, TX 77845

EXHIBIT 2

HYDROGEOLOGIC STUDY

Wellborn SUD

HYDROGEOLOGIC EVALUATION REPORT FOR PROPOSED WELLS A AND B

FINAL | June 2021

carollo®
TBPELS No. F-882

HYDROGEOLOGIC EVALUATION REPORT FOR PROPOSED WELLS A AND B

FINAL | June 2021

Digitally signed by Jeffrey N. Stovall
Contact Info: Carollo Engineers, Inc.
Date: 2021.06.23 10:42:16-06'00'

8911 CAPITAL OF TEXAS HIGHWAY NORTH, BLDG. 2, SUITE 2200 • AUSTIN, TEXAS 78759 • P. 512.453.5383 • F. 512.453.0101

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Abbreviations

bgs	below ground surface
BRACS	Brackish Resources Aquifer Characterization System
BVGCD	Brazos Valley Groundwater Conservation District
Carollo	Carollo Engineers, Inc.
DFC	Desired Future Condition
GAM	Groundwater Availability Model
SUD	Special Utility District
TWDB	Texas Water Development Board

Section 1

BACKGROUND

Wellborn Special Utility District (SUD) is developing a project to construct two public water supply wells in the Simsboro Formation at a 278-acre site in between Hwy 190 and Old Hearne Road in Robertson County, Texas. The recommended design capacity for each well is 2,000 gpm with a total combined production of 4,113 acre-feet/year from both wells. Carollo Engineers, Inc. (Carollo) has completed a hydrogeologic evaluation of the projected effect of the proposed withdrawal for Wells A and B in the Simsboro Formation in accordance with the rules of the Brazos Valley Groundwater Conservation District (BVGCD). This report provides a description of the hydrogeologic conditions in proximity to the proposed wells, a table of nearby registered and permitted wells, and an estimate of the water-level drawdown caused by the proposed wells.

The locations of proposed Wells A and B are shown in Figure 1. The approximate coordinates of the well sites are latitude 30.757° N, longitude –96.478° W (Well A) and latitude 30.752° N, longitude –96.475° W (Well B), respectively.

The proposed well design includes a 24-inch surface casing to a depth of 650 ft followed by an 18-inch steel casing to the top of the targeted water-bearing interval in the Simsboro Formation at an estimated depth of 2,334 feet below ground surface (bgs). The total thickness of the Simsboro Formation is approximately 516 ft at this location. The production zone of the well comprises approximately 500 feet of 24-inch under-reamed, gravel-packed borehole with a 12-3/4-inch stainless steel screen. Preliminary well design information is based on historical research of similar Simsboro wells in the area and information available from the BVGCD groundwater database (BVGCD, 2021).

District Rule 8.4(b)(7)(B) specifies four items that must be addressed in the evaluation report.

1. The depth interval and water bearing zone proposed to be screened, the anticipated thickness of the water bearing zone, and whether the water bearing zone is anticipated to be in an unconfined or confined condition.
2. A table giving data on each registered or permitted well located within one mile of the well(s) and screening the same aquifer. The well table shall include the name of the well owner, well registration or permit number, casing and screen diameters and depth settings, total well depth, and aquifer screened. A map shall be provided showing the location of the well(s) at a scale no greater than one-inch equals 1,000 feet.
3. An estimate of the drawdown that can be caused by pumping the well(s) at the permitted rate for one year and ten years at a distance of up to five miles from the well(s). Water-level drawdown contours shall be shown at ten-foot contour intervals. The estimate can be developed using the Theis equation and aquifer transmissivity and storage coefficients in the most recent TWDB approved version of the Queen City Sparta GAM or TWDB Yegua-Jackson GAM, as applicable. Aquifer hydraulic data available from other sources and in proximity to the well(s) also can be considered in estimating the water-level drawdown effects of pumping.

4. A table giving the estimated drawdown at the locations of existing registered and permitted wells contained in the BVGCD database that screen the same aquifer as the well(s) and are located within one mile of the well(s).

The following sections provide the information for the required items.

Figure 1 Location of Wells A and B

Section 2

DESCRIPTION OF HYDROGEOLOGIC CONDITIONS

The sediments that form the hydrogeologic units in the Robertson County area are part of a gulf-ward thickening wedge of Cenozoic sediments deposited in the Houston Embayment of the northwest Gulf Coast Basin (Young et al., 2018). The depositional environments reflect sea level oscillations and changes in amount and source of sediments. Growth faults greatly increased the thickness of some stratigraphic units in short distances (Baker, 1979).

The primary depositional sequences in ascending stratigraphic order are the Midway Group; the Wilcox Group including the Simsboro Formation; the Claiborne Group; and the Jackson Group (Table 1). Each of these depositional sequences is bounded by marine shales and finer-grained sediments representing transgressions, as exemplified in the Reklaw and Weches formations of the Claiborne Group. These sequences overlay the thick marine clays of the Midway Group.

Table 1 Stratigraphy and Aquifers in the Robertson County Area (after Young et al, 2018)

Series	Group	Formation	Aquifer
Eocene	Jackson		Yegua-Jackson
	Claiborne	Yegua	
		Cook Mountain	
		Sparta	Sparta
		Weches	
		Queen City	Queen City
		Reklaw	
		Carrizo	Carrizo-Wilcox
	Wilcox	Calvert Bluff	
		Simsboro	
Paleocene		Hooper	
	Midway		

2.1 Surface Geology

The Tertiary Cook Mountain Formation is exposed at the surface of the well sites. The Cook Mountain Formation in this area is a marine deposit consisting of up to 300 feet of carbonaceous clay and a small amount of sand, sandstone, limestone, glauconite, gypsum, and fossilized wood (Follett, 1974; USGS, 2020).

2.2 Depth Interval of the Proposed Water Bearing Zone

Wells A and B are targeting the Simsboro Formation within the Carrizo-Wilcox Aquifer at a depth of 2,334 feet to 2,854 feet bgs.

2.3 Anticipated Thickness of the Water Bearing Zone

The targeted water-bearing thickness of the Simsboro Formation is 618 feet at Well A and 547 feet at Well B based on the information in the Groundwater Availability Model (GAM) for the central part of the Carrizo-Wilcox, Queen City, and Sparta aquifers (Young et al, 2018).

2.4 Statement of Whether the Water Bearing Zone is Anticipated to be in Unconfined or Confined Condition

The conceptual model of groundwater flow for the "Groundwater Availability Model for the Central Portion of the Carrizo-Wilcox, Queen City, and Sparta Aquifers" (Young et al, 2018) states that groundwater flow within the aquifers is controlled by topography, structure, and permeability variations within the different layers. The Wilcox Aquifer, including the target Simsboro Formation, is under confined conditions in Brazos County and Robertson County. Through historical research of similar Simsboro wells in the area and information available from the BVGCD groundwater database, it is estimated that the top of the Simsboro aquifer is approximately 2,334 feet bgs in the proposed well field. Additionally, it is estimated the static water level will be around 248 feet bgs.

2.5 Description of any Hydrologic Features or Geologic Features Located Within One Mile of the Proposed Well Site

The units in the area of the well site dip to the southeast toward the Gulf. Most of the water produced from the Carrizo-Wilcox Aquifer in the Brazos/Robertson County area is from the Simsboro Formation with municipalities such as Bryan and College Station and Texas A&M University obtaining most of their water from this unit (Thorkildsen and Price, 1991; Follett, 1974).

The Simsboro Formation is an identifiable unit only in central Texas, comprising one of the three formational divisions of the Wilcox Group within this region. It is composed primarily of fine- to coarse-grained, light gray sand with relatively small amounts of clay, mudstone, and mudstone conglomerate (Thorkildsen and Price, 1991). The Simsboro Formation was deposited in a fluvial environment and formed a complex distribution of sands with diverse sand body geometries. Simsboro sands are discontinuous river channel deposits with interchannel deposits composed of finer-grained sands and muds.

Section 3

EXISTING WELLS

The rules require a table giving data on each registered or permitted well located within one mile of the proposed well and screening the same aquifer. Based on data compiled from the BVGCD groundwater database, the Texas Water Development Board (TWDB) Groundwater Database, and the Brackish Resources Aquifer Characterization System (BRACS) database, only one other well completed in the Simsboro Formation is located within one mile of proposed Wells A and B. The well (BVHU-0058) is owned by Wellborn SUD and is located approximately one mile southeast of Well Site A. The well was drilled in 1998 to a depth of 2,740 feet. Table 2 provides information for all wells located within 1-mile of the Wells A and B site and the locations of the wells are shown in Figure 2.

Table 2 Existing Wells Within 1-Mile of Proposed Well A and B

Name of Well Owner	BVGCD Well Number	Well Tracking #	Casing and Screen Diameter and Depth		Total Well Depth (feet)	Aquifer Screened	Source
			Blank	Screen			
Wellborn SUD	BVHU-0058	59-13-707	13 3/8" steel – 2180 ft	8 5/8" stainless steel Wesco – 470 ft	2740	Simsboro	TWDB Database
Billy Baker #3	BVR-3506	70-03-506	4" PVC-415 ft	4" PVC-20 ft	435	Queen City	BVGCD Groundwater Database
Billy Baker #2	BVR-2832	70-02-832	4" PVC-410 ft	4" PVC-20 ft	430	Queen City	BVGCD Groundwater Database
Billy Baker #1	BVR-2831	70-02-831	4" PVC-340 ft	100 ft*	440	Queen City	BVGCD Groundwater Database
L.R. Harding	BVR-3512	70-03-513	4" PVC-290 ft	2" PVC-112 ft	402	Queen City	BVGCD Groundwater Database
Harding Road Boring	BVR-2830	70-02-830	4" PVC-380	2.5" PVC Slotted-20 ft	440	Queen City	BVGCD Groundwater Database
Sam Fling #1	BVR-2806	70-02-806	4" steel/PVC-300 ft	2" stainless steel -15 ft	323	Queen City	BVGCD Groundwater Database
Sam Fling #2	BVR-3308	70-03-308	4" PVC-359 ft	2" steel-472 ft*	840	Queen City	BVGCD Groundwater Database

Name of Well Owner	BVGCD Well Number	Well Tracking #	Casing and Screen Diameter and Depth		Total Well Depth (feet)	Aquifer Screened	Source
			Blank	Screen			
Edd Tiggs	BVR-3508	70-03-508	4" steel-235 ft	2" stainless steel-71 ft	306	Queen City	BVGCD Groundwater Database
Dick Peyton	BVR-3505	70-03-505	4" PVC-420 ft;	2" PVC slotted-20 ft	510	Queen City	BVGCD Groundwater Database
Bill Parks	BVR-1569	70-01-569	4" PVC-470 ft	4" PVC-30 ft	525	Queen City	BVGCD Groundwater Database
Effie Bailey	BVR-3507	70-03-507	4" PVC-352 ft	2" PVC-18 ft	370	Queen City	BVGCD Groundwater Database
Lamar James	BVR-2824	70-02-824	4" PVC-308 ft	2" PVC-20 ft	328	Queen City	BVGCD Groundwater Database
Tim Harding	BVR-2821	70-02-821	4" PVC-395 ft	2.5" stainless steel-10 ft	420	Queen City	BVGCD Groundwater Database
Jesse Jenkins	BVR-2829	70-02-829	4" PVC-380 ft	2.5" PVC slotted-20 ft	440	Queen City	BVGCD Groundwater Database
Joe Bishop	BVR-3397	70-03-397	4" PVC-220 ft	2" stainless steel- 10 ft	320	Queen City	BVGCD Groundwater Database
W.O. Lightsey	BVR-3511	70-03-511	4" PVC-300 ft	2" PVC-45 ft	355	Queen City	BVGCD Groundwater Database
Maurice Lightsey	--	59-13-705	4" PVC-340 ft	2" slotted-42 ft	525	Queen City	TWDB Database
Victor Harris	--	59-21-104	4" PVC*	*	260	Queen City	TWDB Database
Pat Goodejon	BV-11197	59-13-704	2"-144 ft*	2" stainless steel*	144	Sparta	TWDB Database
Sam Alva, Jr.	BVR-2811	70-02-811	4" PVC-164 ft	4" PVC slotted-20 ft	204	Sparta	BVGCD Groundwater Database
Suzzie Bradley	--	59-21-102	*	*	318	Sparta	TWDB Database

Name of Well Owner	BVGCD Well Number	Well Tracking #	Casing and Screen Diameter and Depth		Total Well Depth (feet)	Aquifer Screened	Source
			Blank	Screen			
Anadarko Petroleum	--	232021	4" PVC-180 ft	4" PVC-80 ft	270	Unknown	BRACS Database
Anadarko Petroleum	--	280915	6" PVC-260 ft	6" PVC-100 ft	360	Unknown	BRACS Database
Bill Parks	--	192172	4" PVC-470 ft	4" PVC-30 ft	525	Unknown	BRACS Database
--	BVR-0155	70-00-155	*	*	185	Unknown	BVGCD Groundwater Database
--	BVR-0169	70-00-169	*	*	*	Unknown	BVGCD Groundwater Database

*Well report does not provide enough detail to provide the requested information.

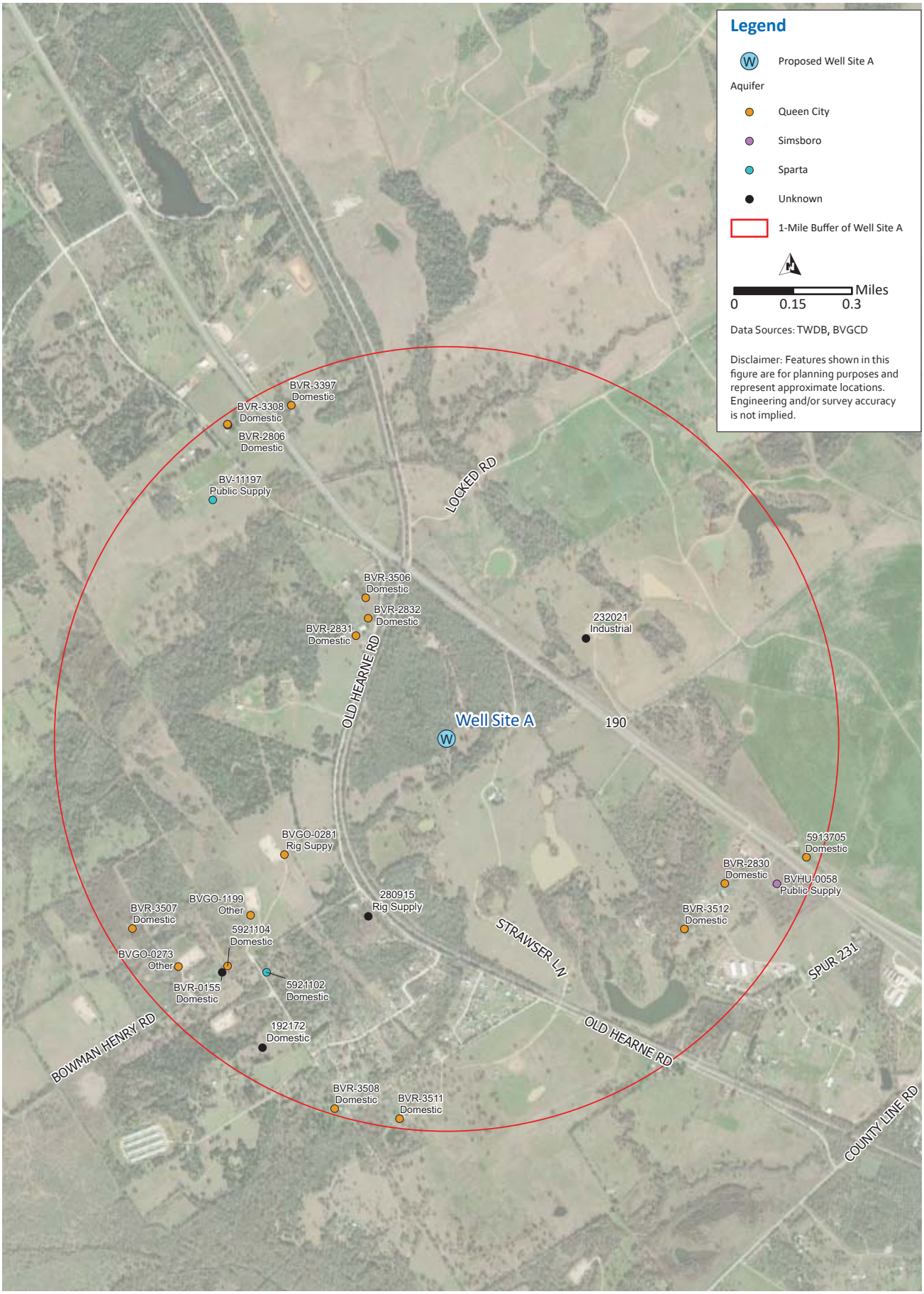

Figure 2 Well Site A

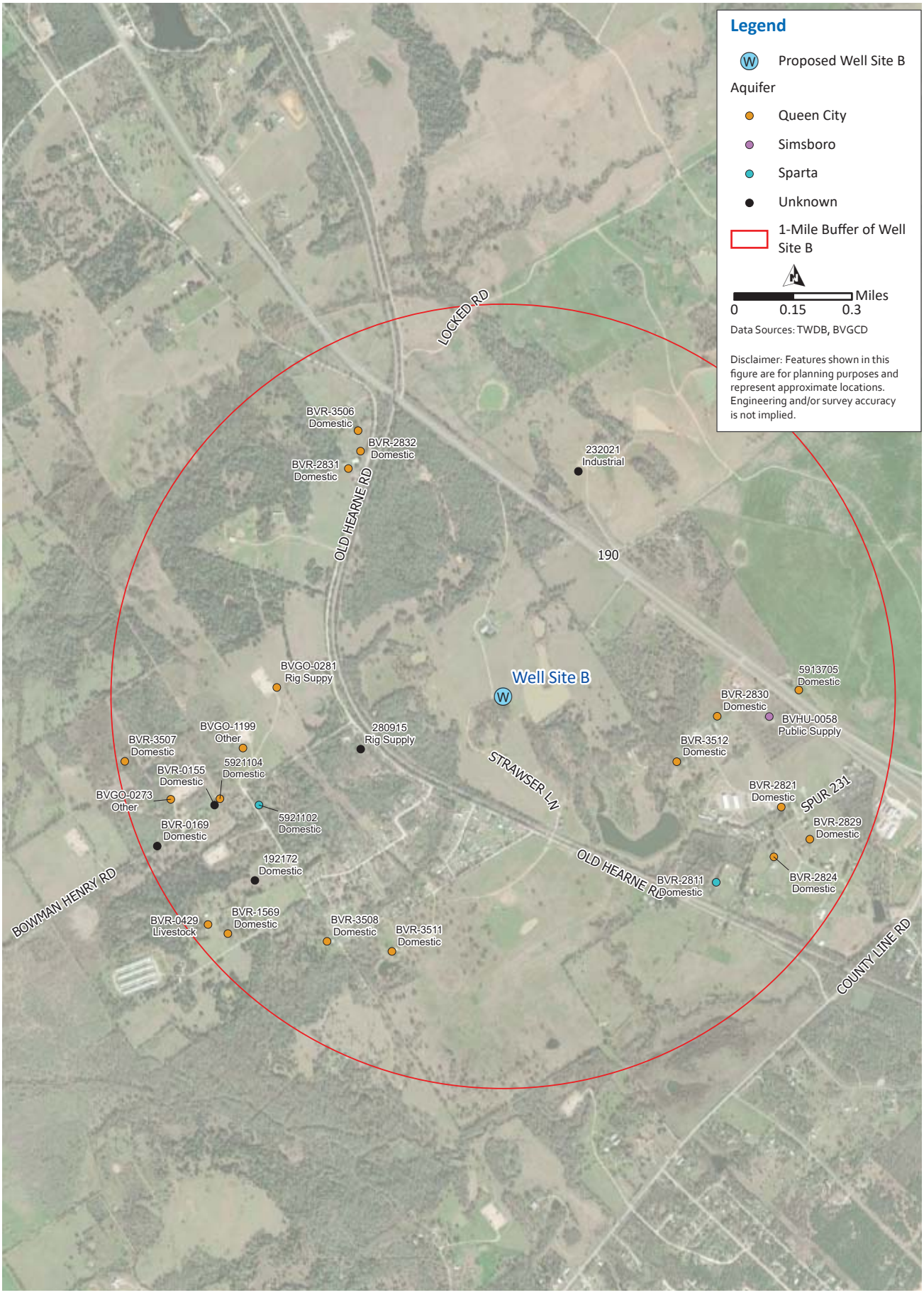

Figure 3 Well Site B

3.1 Estimate of the Water-Level Drawdown

BVGCD requires an estimate of the water-level drawdown that can be caused by pumping the proposed well at the permitted rate for one year and ten years at five miles from the well. This estimate must be developed using the most recent TWDB-approved version of the Groundwater Availability Model (GAM) for the Queen City, Sparta, and Carrizo-Wilcox aquifers.

For this analysis, Carollo obtained version 3.02 of the GAM for the central part of the Carrizo-Wilcox, Queen City, and Sparta aquifers. The GAM is a three-dimensional groundwater flow model of the Carrizo-Wilcox, Queen City and Sparta Aquifers which includes 9 layers of formations, including the Simsboro Formation. The model can simulate the aquifer's response to pumping from the proposed well in a regional context and provides a useful tool for assessing the impacts of the proposed withdrawal. For detailed documentation of the model, please refer to Final Report: Groundwater Availability Model for the Central Portion of the Sparta, Queen City, and Carrizo-Wilcox Aquifers (Young et al., 2018).

3.1.1 Description of Central Carrizo-Wilcox, Queen City, and Sparta GAM

The Carrizo–Wilcox aquifer, one of nine major aquifers in Texas, extends across the state parallel to the Gulf Coast from the Rio Grande northeastward into Arkansas and Louisiana and supplies water to approximately 60 counties. Groundwater production is predominantly for municipal public-water supply, manufacturing, and rural domestic use. The largest areas of municipal use from the Carrizo–Wilcox aquifer are in the Bryan-College Station, Lufkin-Nacogdoches, and Tyler areas (Dutton et al., 2003). The active model area for the central portion of the Carrizo-Wilcox, Queen City, and Sparta aquifers GAM, as well as the location of groundwater conservation districts in the model area, is shown in Figure 4. The active model boundary extends from the up-dip limit of the Carrizo-Wilcox Aquifer outcrop to the northwest; the up-dip limit of the Wilcox growth fault zone, which is located past the extent of fresh water in the Carrizo-Wilcox, Queen City, and Sparta aquifers, to the southeast; approximately the San Antonio River to the southwest; and Cherokee and Nacogdoches counties to the northeast. The model area includes all or part of 46 counties, of which 14 are in Groundwater Management Area 12. Model files were obtained from the Texas Water Development Board on May 25, 2021.

An Unstructured Grid Version of the USGS MODFLOW model, MODFLOW-USG, was used to simulate ground-water flow. MODFLOW-USG is a three-dimensional control volume finite difference groundwater flow code that is supported by boundary condition packages to handle recharge, evapotranspiration, streams, springs and reservoirs. The model consists of ten layers representing the Sparta Aquifer, the Weches Formation, the Queen City Aquifer, the Reklaw Formation, the Carrizo Aquifer, the Calvert Bluff Formation, the Simsboro Formation, and the Hooper Formation along with the alluvium of the Brazos and Colorado rivers and outcrop area of the other hydrogeologic units. The model incorporates available information on structure, hydrostratigraphy, hydraulic properties, stream flow, and recharge estimates. MODFLOW-USG supports an unstructured grid, which allows the grid to be refined locally without adjusting the grid size away from the area of interest. This option was used along select rivers and streams in the model. Grid cells range in size from 0.25- mi^2 near major streams to 1-mi^2 in refined areas. More information about the hydrogeology of the aquifer system, model design and input datasets, calibration procedure, and simulation results are in Young et al. (2018).

In 2020, the GAM was updated better predict drawdown caused by pumping by the Vista Ridge production wells screened in the Simsboro Aquifer based on pumping test data from nine Vista Ridge wells located in Burleson County. Hydraulic conductivity values of the Simsboro Aquifer in the vicinity of the Vista Ridge well field were adjusted using parameter optimization software to improve the capability of the GAM to better match observed drawdown and transmissivity from the aquifer pumping tests. The primary modification of the GAM consisted of changing the hydraulic conductivity of the Simsboro Aquifer by an average ratio of 1.5 within a radial distance of about 15 miles of the Vista Ridge well field which improved the performance of the GAM to reproduce the transmissivity values of the aquifer tests (Young, et al., 2020).

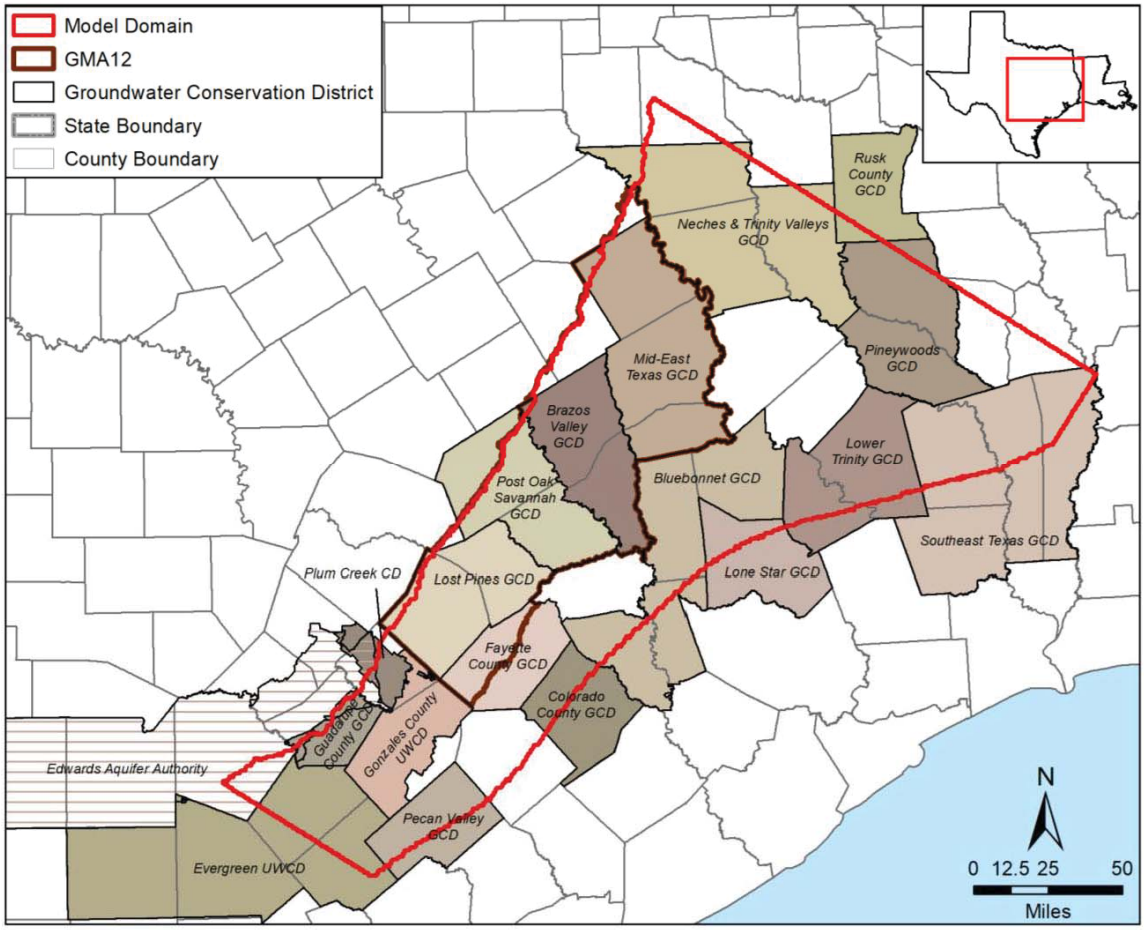

Figure 4 Location of Central Carrizo-Wilcox, Queen City, and Sparta GAM (Young et al., 2018)

3.1.2 GAM Pumping Scenario

The withdrawal scenario prepared with the GAM comprises historical withdrawals from the aquifer system for 1930–2010. The only predictive pumping scenario currently available for this model is the scenario for determination of modeled available groundwater based on the Desired Future Condition (DFC) (Donnelly, 2018). This scenario is not a realistic depiction of projected future water demands from the aquifer, but rather is used to determine the maximum amounts of groundwater available. Results of DFC modeling using a previous version of the Carrizo-Wilcox GAM showed that upwards of 35,000 acre-feet/year is available for withdrawal from the Simsboro Formation in Brazos County in 2010 with that number increasing to over 53,000 acre-feet/year by 2060 (Wade and Ballew, 2017).

Therefore, the historical scenario has been used as a baseline for comparison of the effects of the proposed withdrawal. Wells A and B were added to the model at the time period representing 2001 to allow for ten years of withdrawal to be simulated. The impacts of the proposed well can be evaluated by examining the differences in simulated water levels between the historical baseline scenario and the scenario with each well added.

Pumping wells in the model are represented by specified-flow boundaries. The GAM-specified pumping rates at the proposed well location were adjusted by adding the proposed pumping to the model grid corresponding to the locations of Wells A and B. Because the GAM uses annual stress periods, an annual production rate of 2,056 acre-feet per well was used to represent pumping in the model. A constant pumping rate of –245,423 feet^3/day per well was added in model cells (49,153) and (49, 152) in layer 9. The pumping rate began in model stress period 73 which corresponds to the year 2001. This pumping continued through the end of the simulation at stress period 82 for a total simulation of ten years of withdrawal at Wells A and B.

3.1.3 GAM Results

Figure 5 shows the additional drawdown from Wells A and B after 1-year of withdrawal in the Simsboro Formation. Additional drawdown of more than ten feet occurs within a radius of 8 miles of the two pumping wells. Figure 6 shows the additional drawdown from Wells A and B after 10 years of withdrawal in the Simsboro Formation. Additional drawdown of more than 10 feet occurs within a radius of 16 miles of the two pumping wells. Drawdown in the Simsboro Formation within about 1-mile of the pumping wells is expected to exceed 22 feet after 10 years of withdrawal. Simulated additional drawdown after 1 and 10 years of pumping along two 20-mile cross-sections of the formation (Figure 7) is illustrated in Figures 8 and 9.

Note that Figure 6 shows an egg-shaped 10-ft contour extending southeast towards Bryan and College Station. It is likely this shape is caused by several municipal and domestic wells in the area contributing to the drawdown effect of the proposed project. The radius of the 10-ft contour is significantly larger after 10 years due to this compounding effect.

The adopted DFC for the Simsboro Formation within the BVGCD is an average aquifer drawdown of 295 feet as measured from January 2000 through December 2069 (GMA 12, 2017). This DFC results in an annual estimated available groundwater of 35,086 acre-feet/year in 2010 increasing to 53,404 acre-feet/year by 2060 (Wade and Ballew, 2017). After 10 years of withdrawal, Wells A and B are predicted to cause an average drawdown of 13.3 feet in the Simsboro Formation over the area of the BVGCD, or about 4.5 percent of the DFC of 295 feet of average drawdown. Similarly, the expected annual withdrawal of 4,113 acre-feet is 9.9 percent of the modeled available groundwater total of 41,673 acre-feet/year for the Simsboro Formation in Robertson County in 2020 (Wade and Ballew, 2017).

The simulated maximum drawdown at the pumping wells is about 27 feet. It is recognized that localized drawdown near the proposed well is underestimated by the GAM because of the regional nature of the model. However, because the observed piezometric head in the Simsboro Formation (~2,086 feet) is much greater than the expected drawdown, the effect of pumping the wells on the Simsboro Formation is small. No land subsidence or depletion are expected to occur as a result of withdrawal at Wells A and B.

As shown in Table 2, there is only one Simsboro well located within one mile of the proposed project. The simulated additional drawdown at this well after 1 year and 10 years of project pumping is provided in Table 3. Again, because the piezometric head in the Simsboro Formation in this area is much greater than the expected drawdown, the expected impact to this existing well from the proposed project is small.

Table 3 Estimated Drawdown at Existing Wells Within 1-Mile of Proposed Wells A and B

Name of Well Owner	BVGCD Well Number	Expected Drawdown after 1 Year (ft)	Expected Drawdown after 10 Years (ft)
Wellborn SUD	BVHU-0058	20.9	25.0

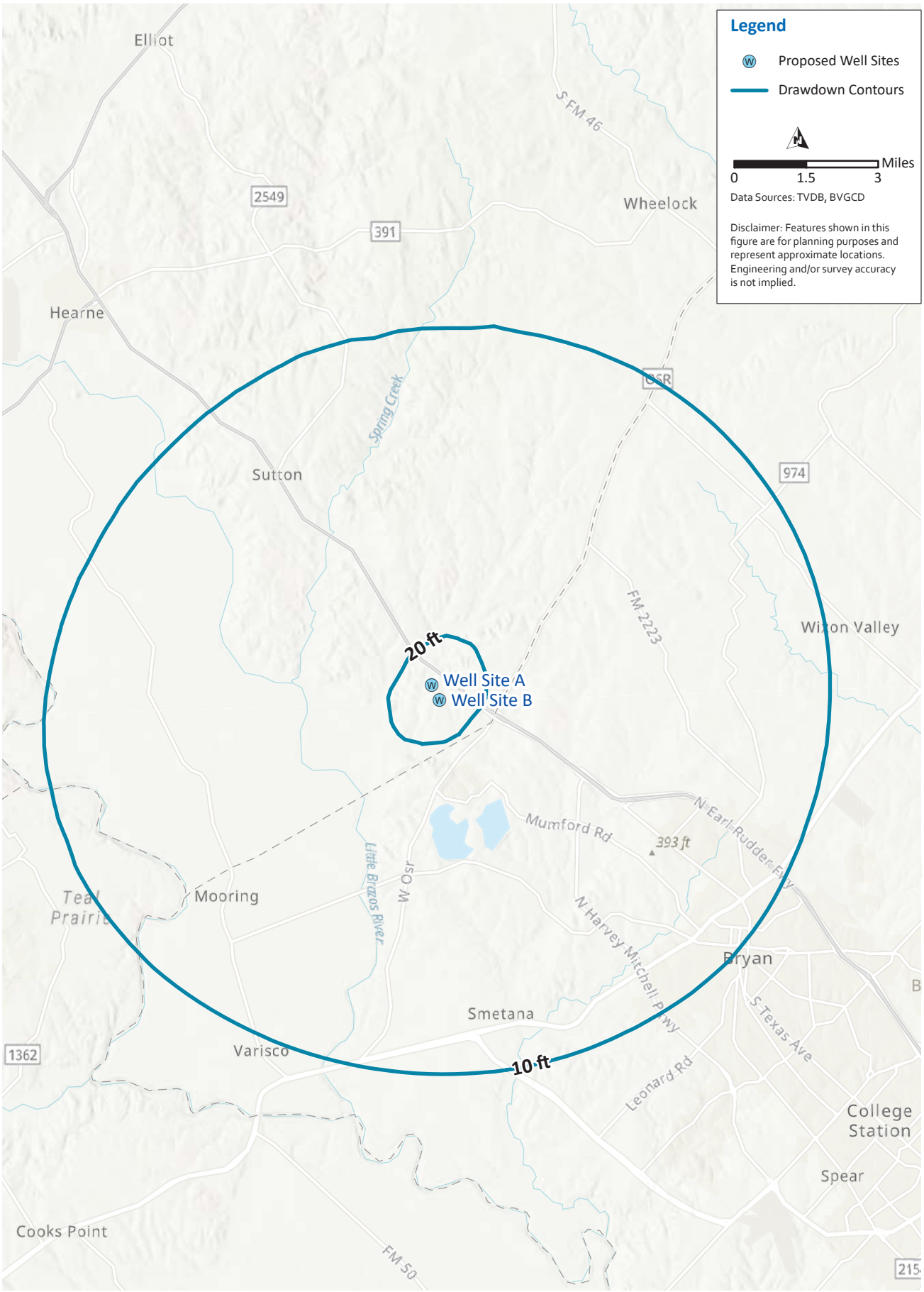

Figure 5 Simulated Additional Drawdown in the Simsboro Formation after 1 year

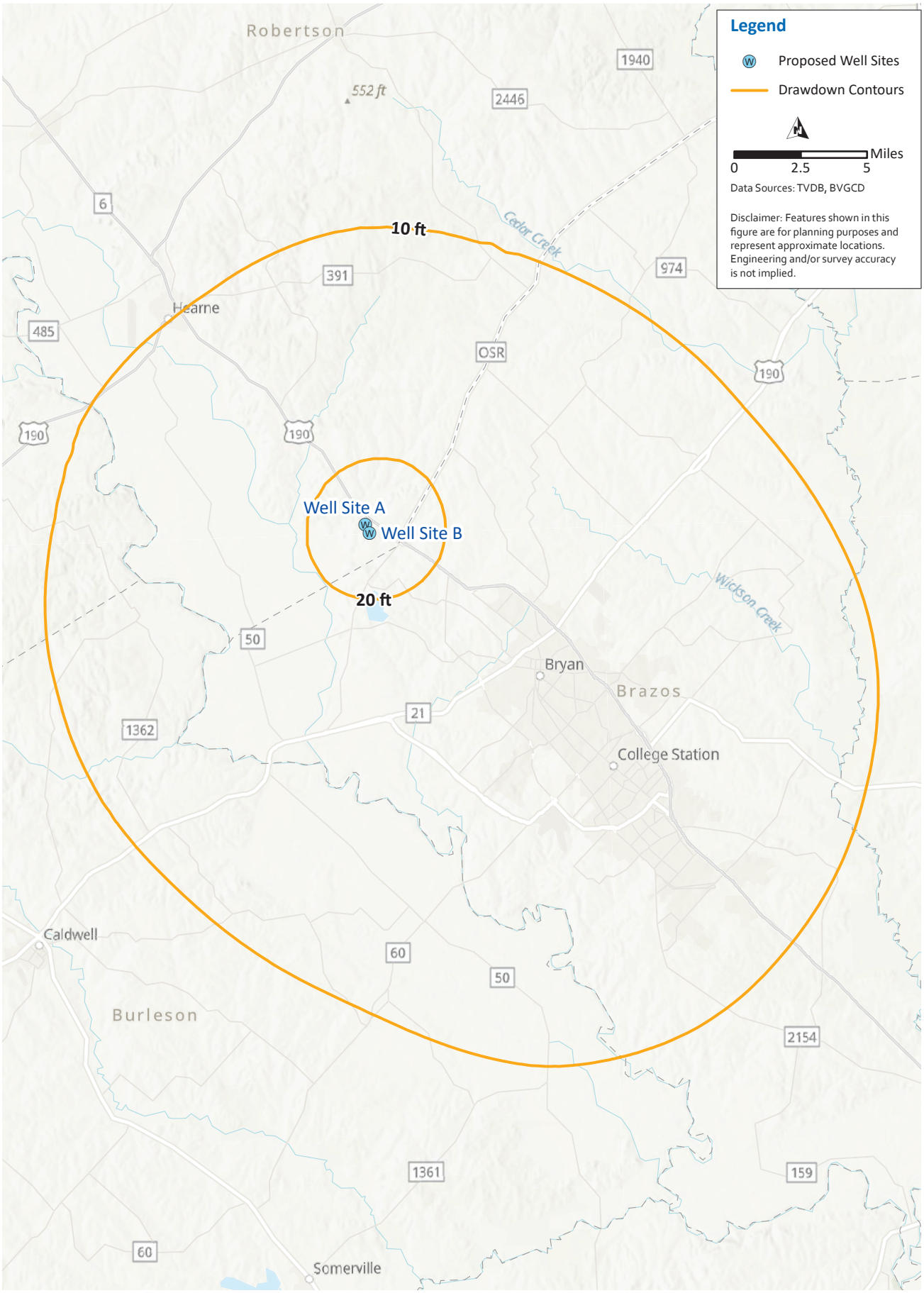

Figure 6 Simulated Additional Drawdown in the Simsboro Formation after 10 years

Last Revised: June 09, 2021pw://IO-PW-INT.Carollo.local:Carollo_200000/Documents/TX/Wellborn;SpecialUtilityDistrict/200199-000000/03Reports&Studies/09GIS/Simsboro.aprx/Figure 6 Drawdown 10 yr

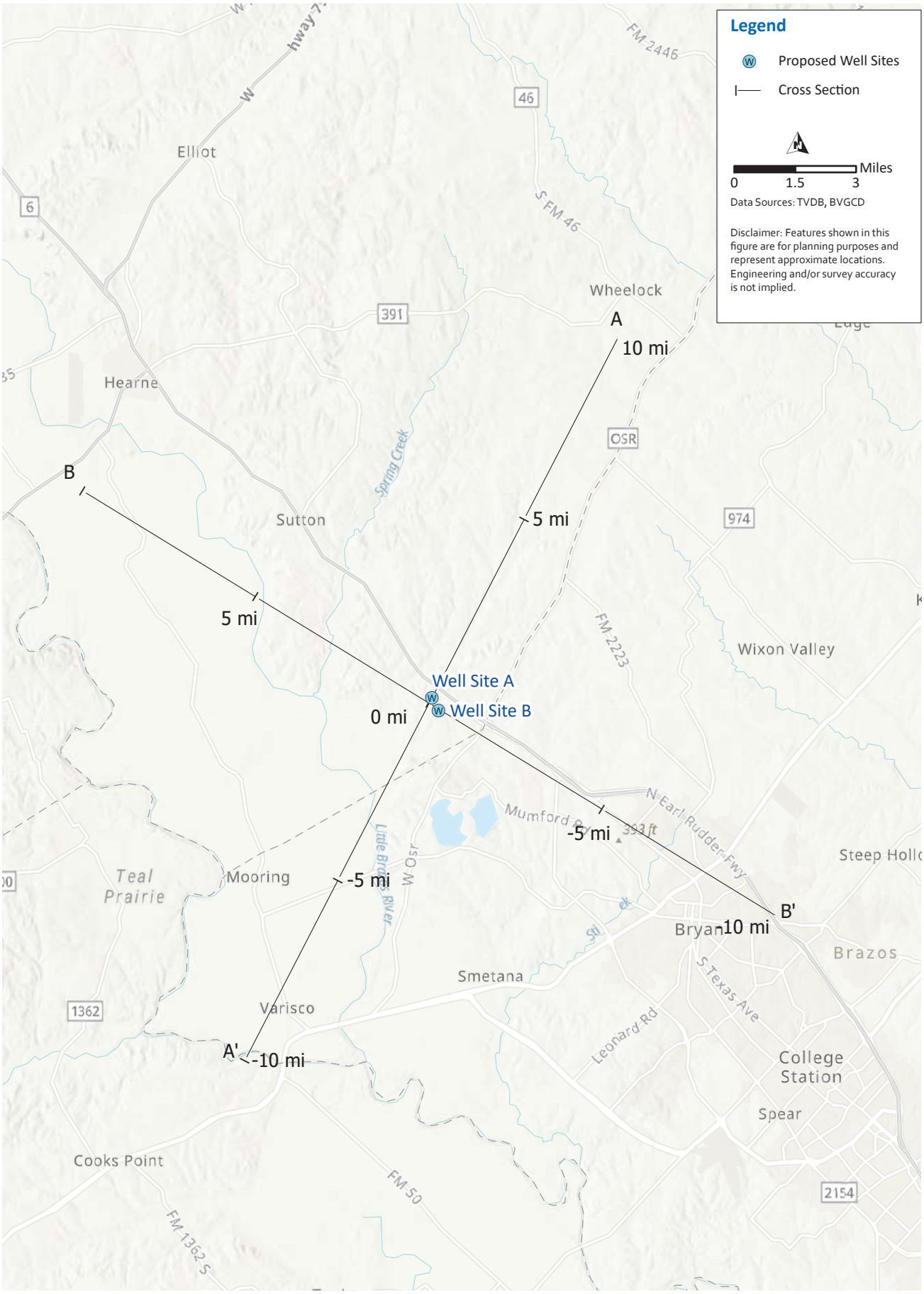

Figure 7 Drawdown Cross Section Lines

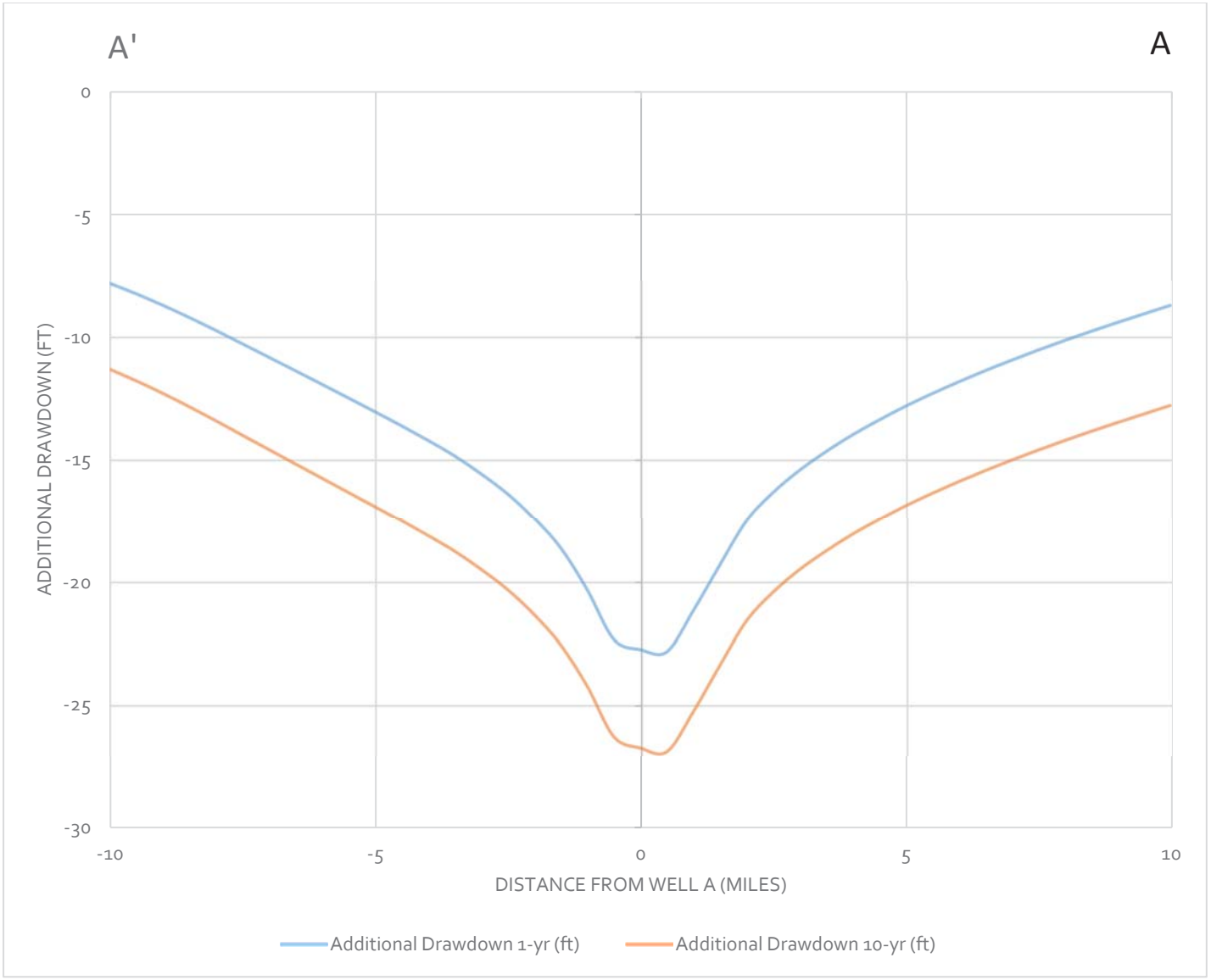

Figure 8 Simulated Additional Drawdown from Withdrawals by Wells A and B, Section Line A-A'

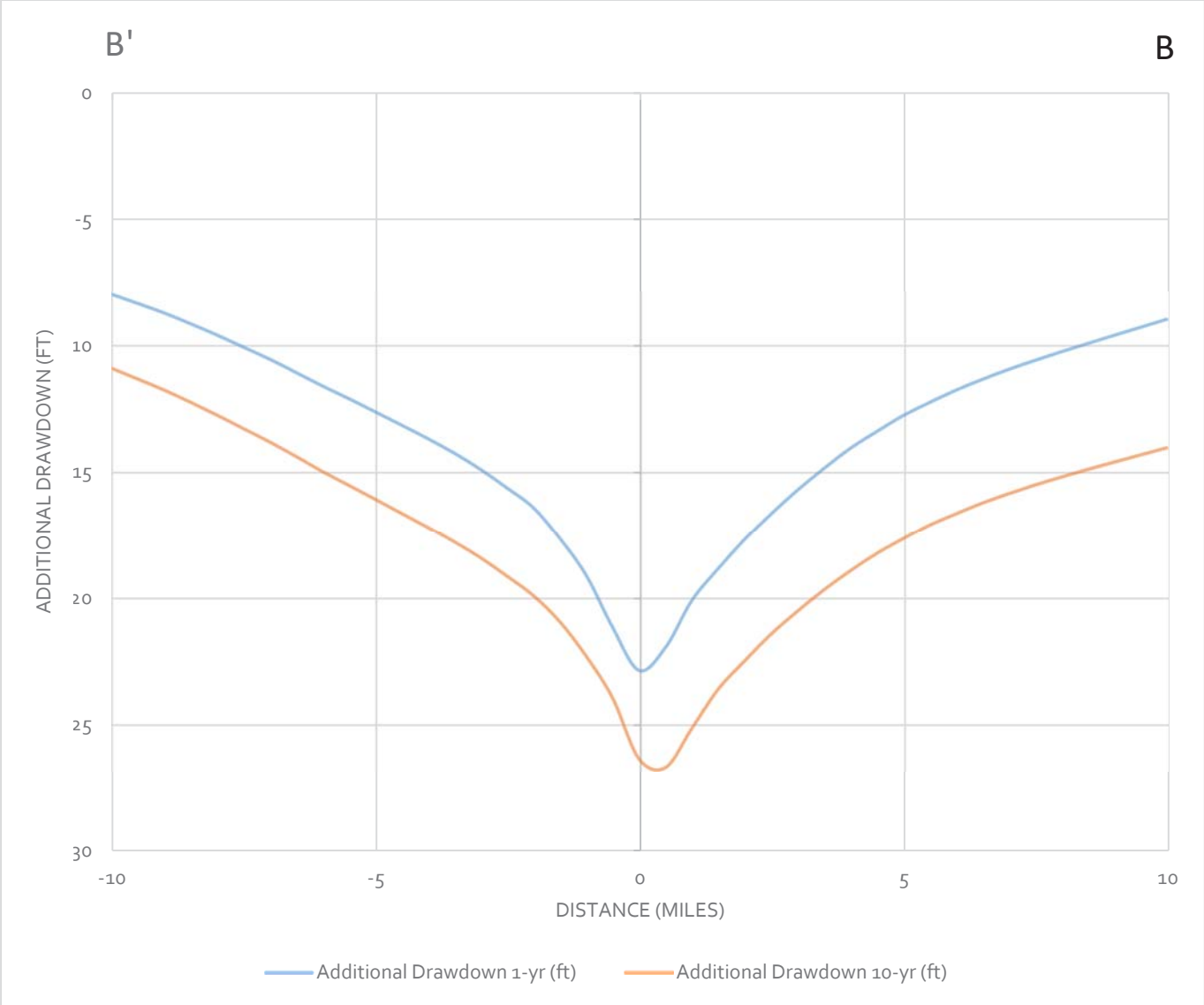

Figure 9 Simulated Additional Drawdown from Withdrawals by Wells A and B, Section Line B-B'

Section 4

CONCLUSIONS AND RECOMMENDATIONS

Carollo has completed an evaluation of the projected effect of the proposed withdrawal for Wells A and B on the Simsboro Formation in accordance with the rules of the Brazos Valley Groundwater Conservation District. The predicted additional drawdown is less than 15 feet at a radius of 10 miles after 10 years of pumping. This additional drawdown is not expected to substantially affect existing water users because the piezometric head in the Simsboro Formation in this area is much greater than the simulated additional drawdown. Only one existing well within a 1-mile radius of the proposed project is completed in the Simsboro Formation. Additionally, the expected annual withdrawal of 4,113 acre-feet is 9.9 percent of the modeled available groundwater total of 41,673 acre-feet/year for the Simsboro Formation in Brazos County in 2020.

Section 5

REFERENCES

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Young, S.C., A. Donnelly, J. Seifert, and N. Deeds, 2020, GMA 12 Update to The Groundwater Availability Model for the Central Portion of the Sparta, Queen City, and Carrizo-Wilcox Aquifers, Contract Report to Groundwater Management Area 12 Members.

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EXHIBIT 3

LETTER FROM ENGINEER

Partners for a Better Quality of Life

June 29, 2021

Mr. Stephen Cast
Wellborn Special Utility District
P.O. Box 250
Wellborn, Texas 77881

RE: Need for Simsboro Wells

Dear Stephen:

This letter is intended to be used as an attachment to the BVGCD permit application to drill and operate two new wells in the Simsboro formation to demonstrate the need for completion of the wells. Figure 1 attached shows the Wellborn Special Utility District (Wellborn SUD) service area. Also attached is Figure 2 which shows the results of a study performed by our firm in 2017 projecting the population growth in this area. To continue to responsibly serve this growing population, it is necessary for the Wellborn SUD to expand their water production capabilities. The drilling of these two wells is part of the larger 2020 Water Supply and Distribution Improvements project with the intention of doing just that. This project seeks to improve the existing Benchley and Bird Pond plants, drill two new Simsboro wells, and to install water supply, transmission, and distribution lines. The scope of this project is laid out in Figure 3. The typical design of the wells is attached as Figure 4. The latest project schedule is shown in Figure 5. We anticipate completion of this project in late 2023.

We appreciate the opportunity to provide this information. Please do not hesitate to call if you have any questions or comments.

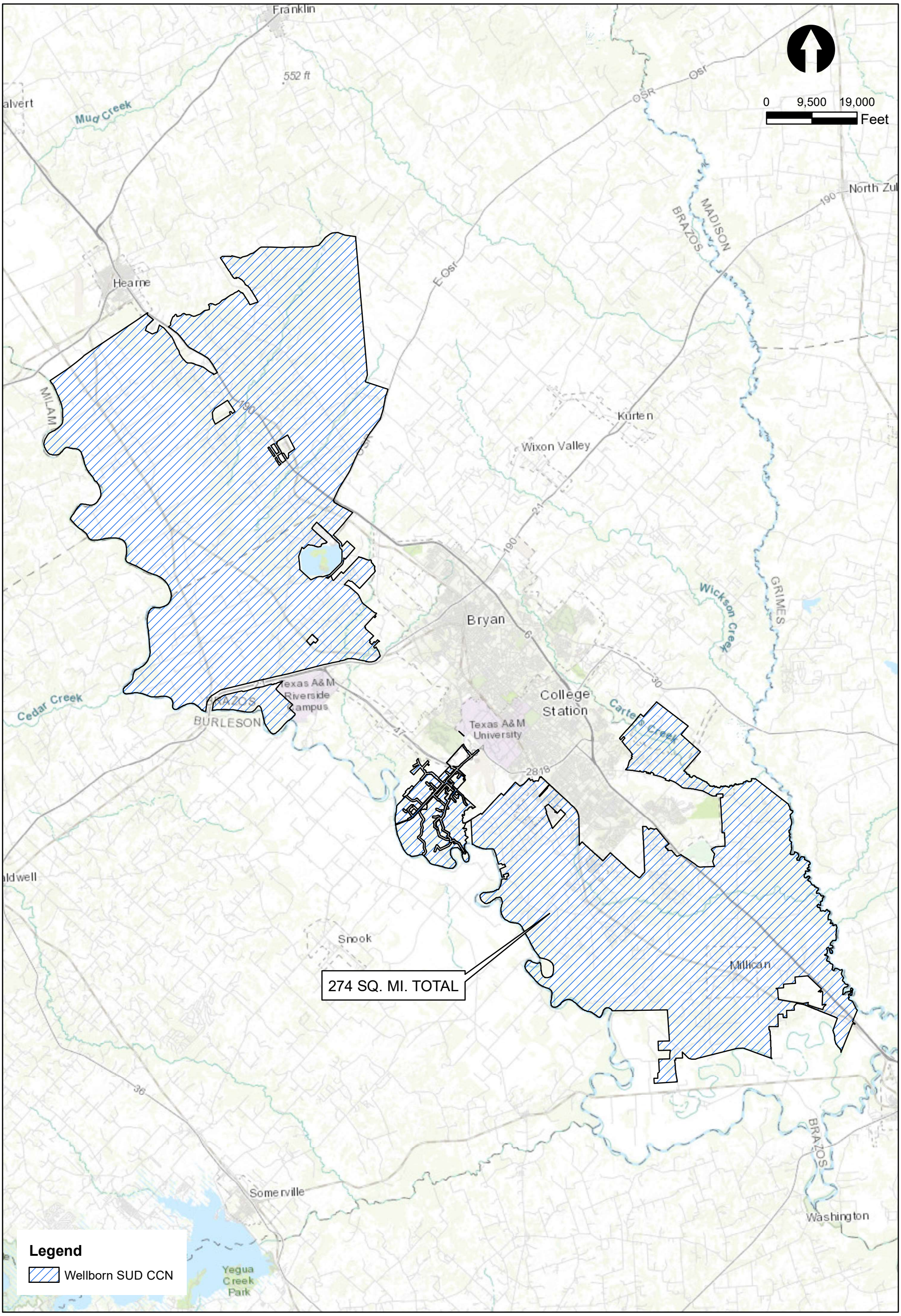
Sincerely yours,

CP&Y, Inc.
Texas Registered Firm No. F-1741

Walter T. Winn, Jr., P.E.
Vice President

Attachments

505 Padon St.
P.O. Box 2727
Longview, Texas 75606
(p) 903.553.0500 · (f) 903.553.0555
www.cpyi.com



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Longview, TX 75601
T: 903-553-0500
F: 903-553-0555
www.cpyi.com
Firm # 1741

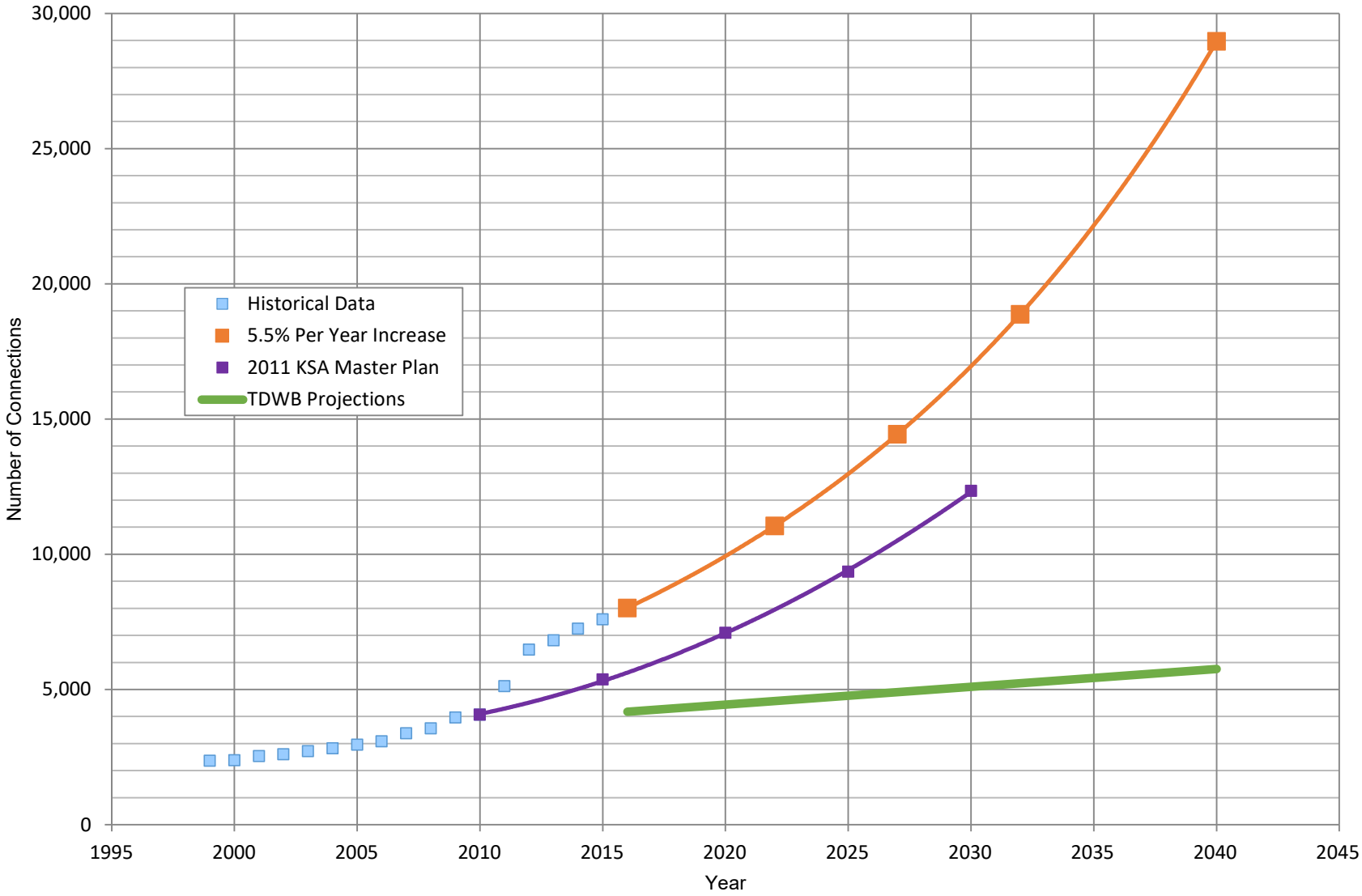
DRAWN BY:
R.E.G.
DESIGNED BY:
D.D.S.
LATEST REVISION:
06/24/2020
CP&Y JOB NO.:
WSUD2000191

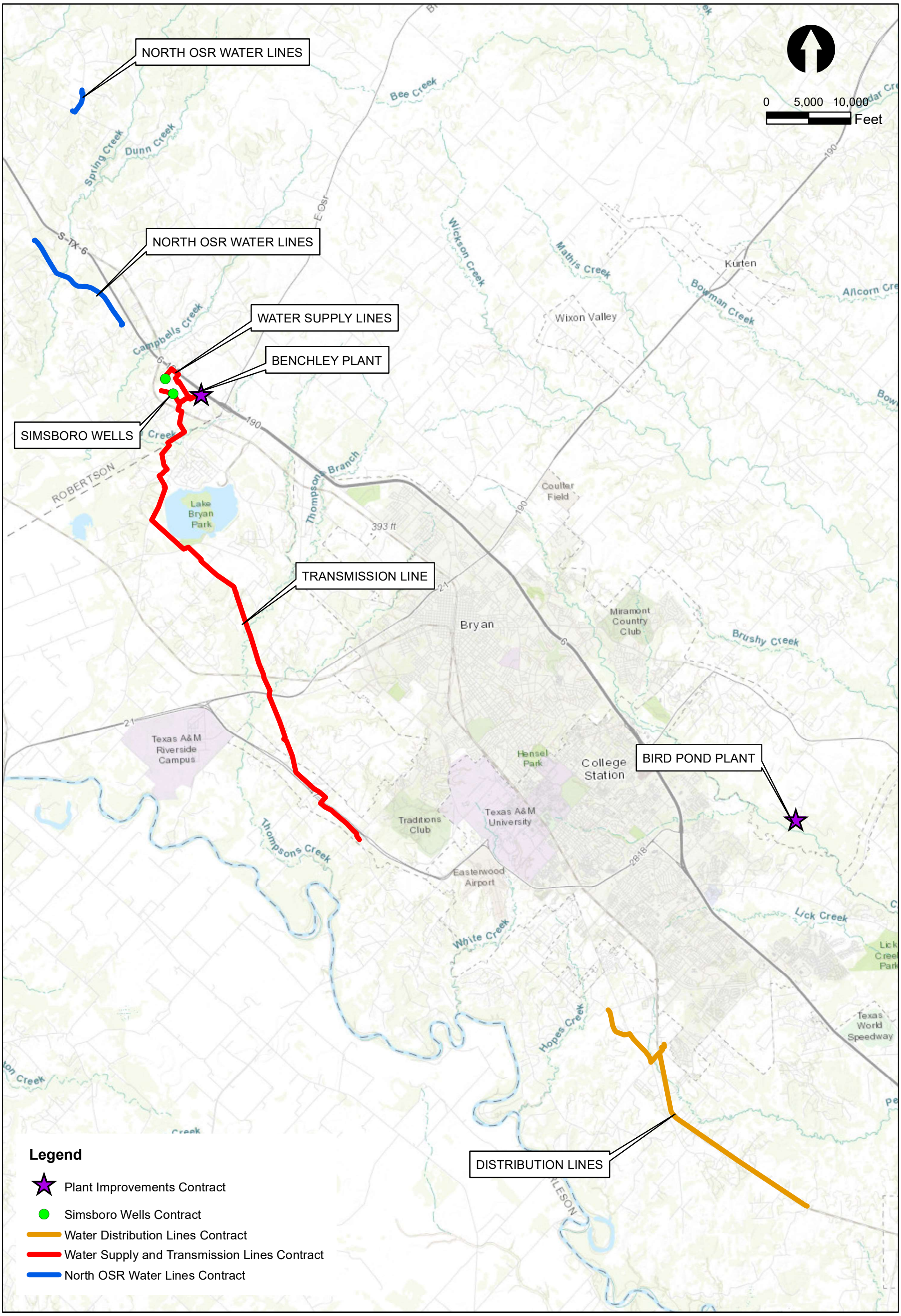
PROJECT NAME: WELLBORN SUD 2020 WATER SUPPLY AND DISTRIBUTION IMPROVEMENTS

SHEET NAME: SERVICE AREA

FIGURE 1

FIGURE 2
WELLBORN SUD
2017 MASTER
PLAN
PROJECTED





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Longview, TX 75601
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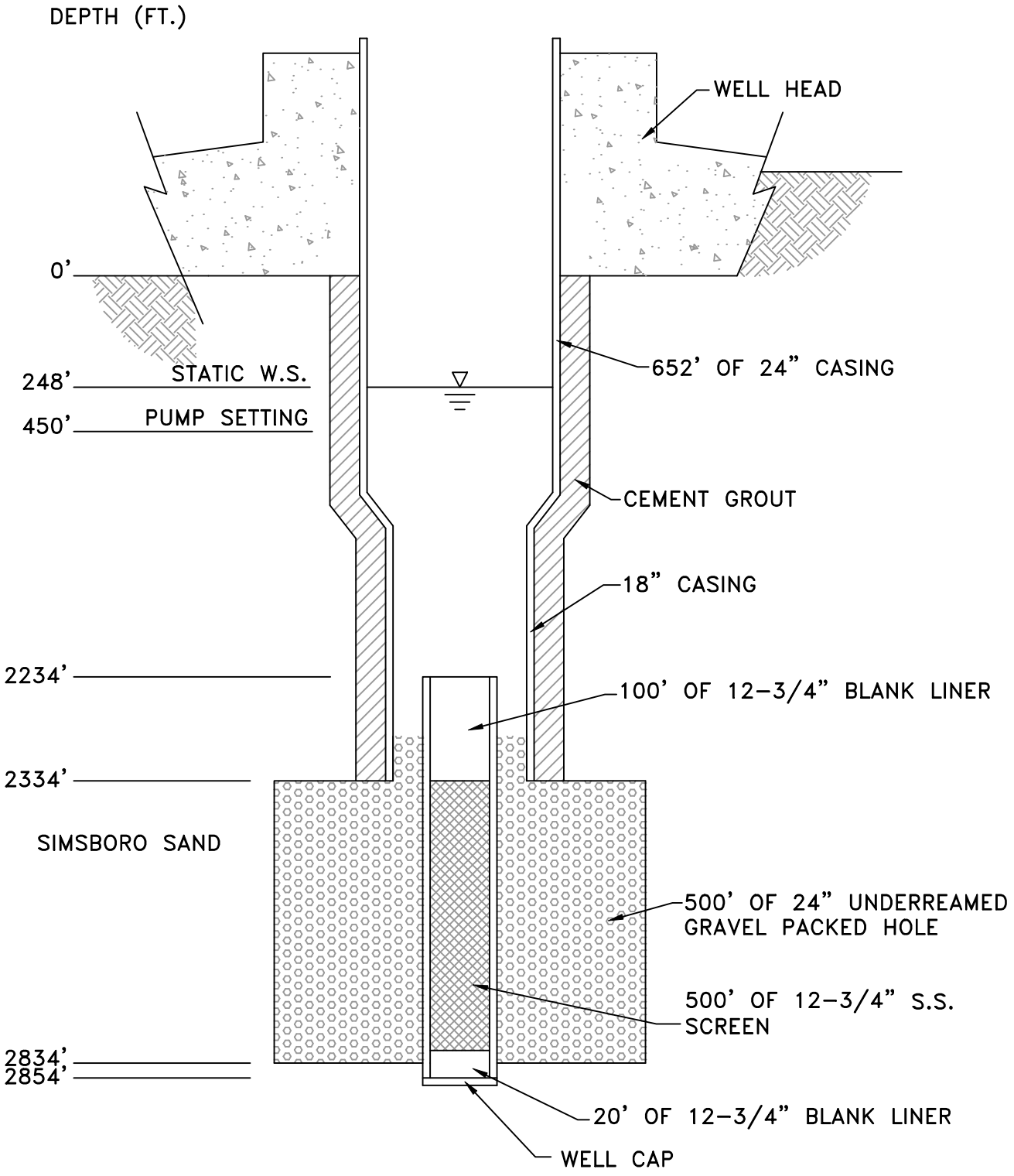
Firm # 1741

DRAWN BY:
R.E.G.
DESIGNED BY:
D.D.S.
LATEST REVISION:
06/24/2020
CP&Y JOB NO.:
WSUD2000191

PROJECT NAME:
WELLBORN SUD
2020 WATER SUPPLY AND DISTRIBUTION IMPROVEMENTS

SHEET NAME:
2020 SYSTEM IMPROVEMENTS

FIGURE
3



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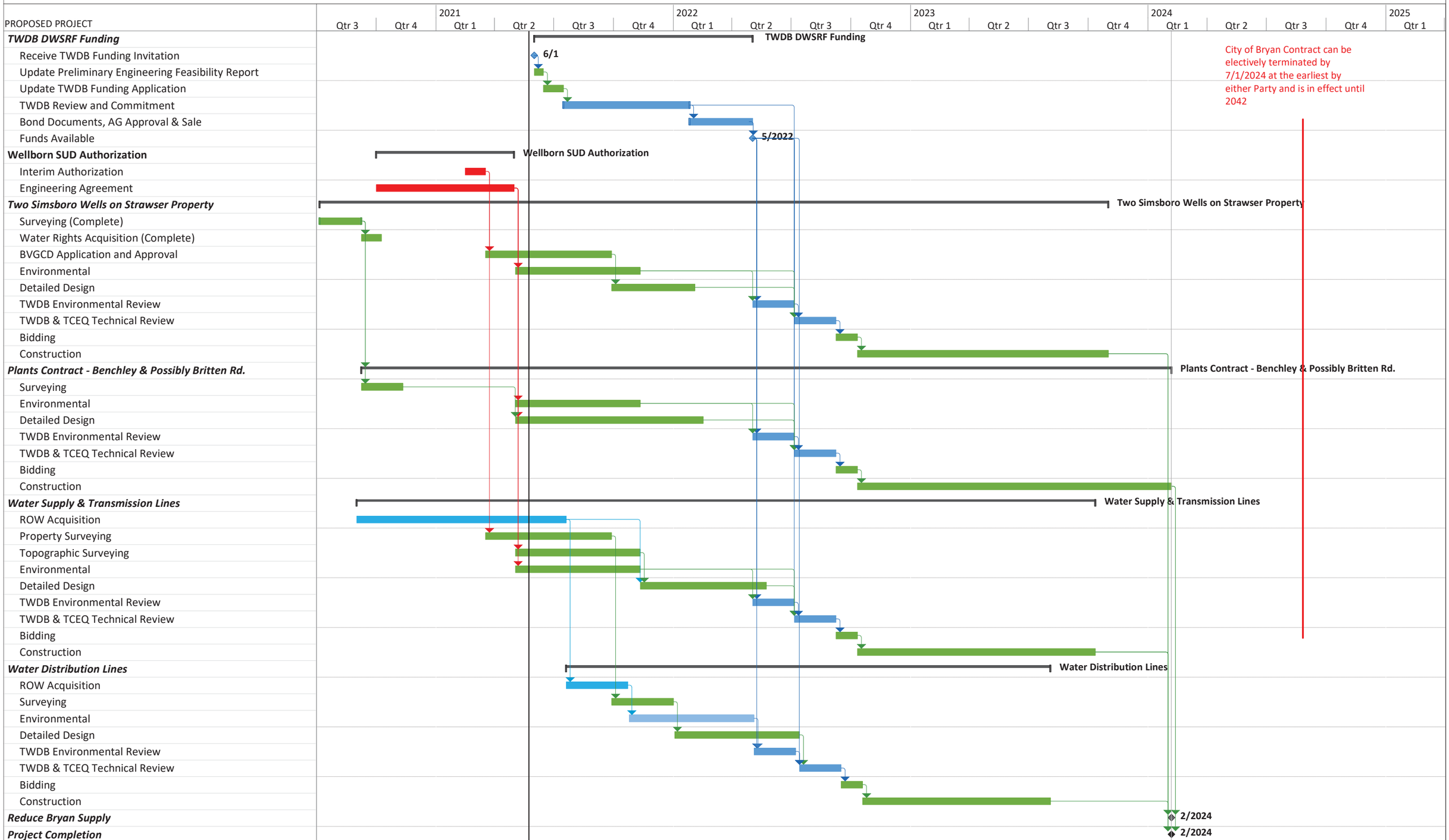
WELLBORN SUD
2020 WATER SUPPLY AND
DISTRIBUTION IMPROVEMENTS

TYPICAL SIMSBORO
WELL DETAIL

FIGURE
4

P:\Projects\PROJECTS\31-WE (WSUD2000191.00)\Draw\WELL DETAILS.DWG

FIGURE 5
WELLBORN SUD - 2020 WATER SUPPLY AND DISTRIBUTION IMPROVEMENTS PROJECT SCHEDULE

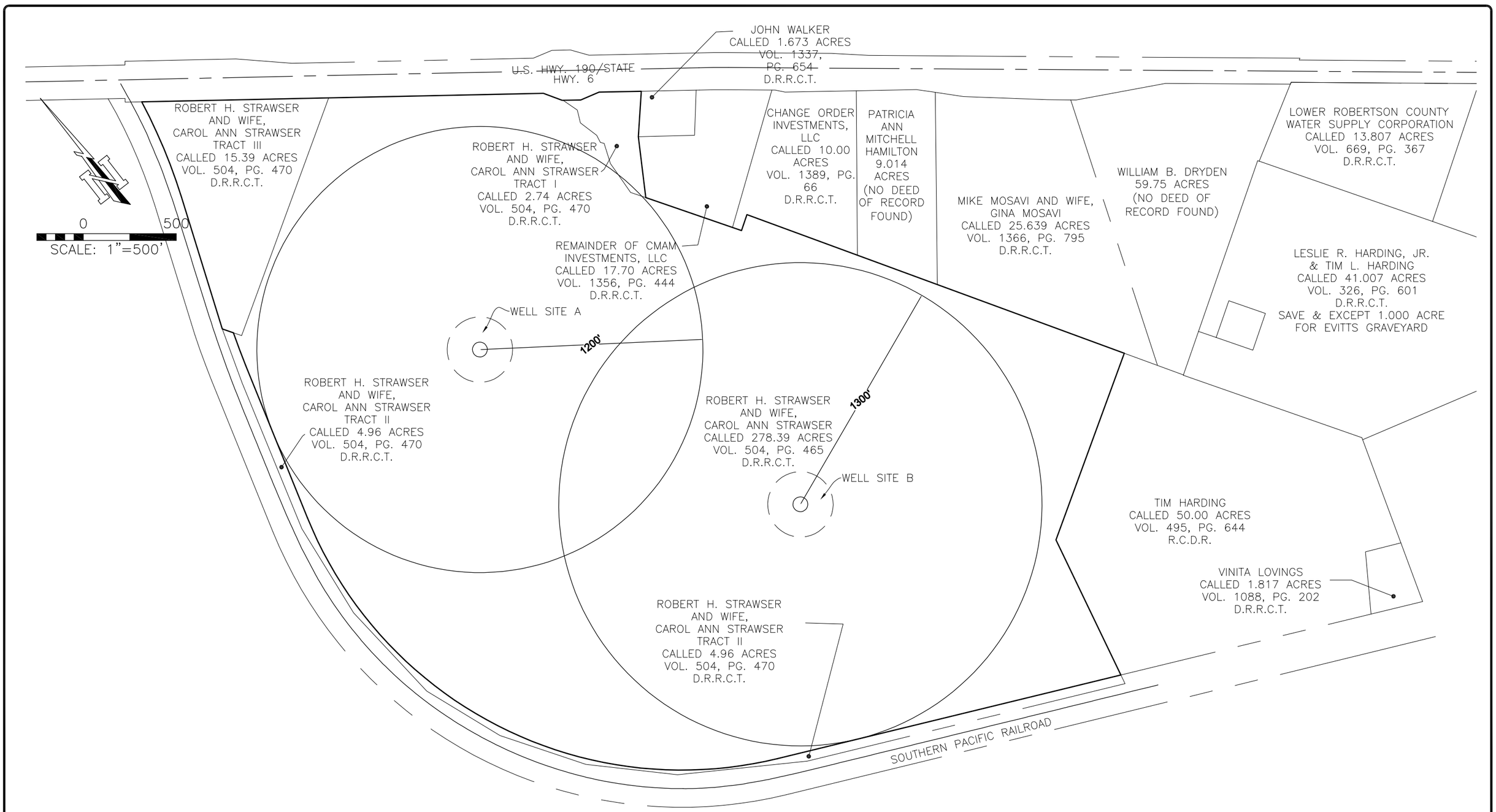


CPY (F-1741)

May, 2021

EXHIBIT 4

WATER RIGHTS PROPERTY MAP



MARK	REVISION	BY	CK'D	DATE

CP&Y, INC. DBA
505 Padon
P.O. Box 2727
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T.903-553-0500
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www.cpyi.com
Firm # F-1741

DRAWN BY:	JDR/SJD
DESIGNED BY:	W.T.W
LATEST REVISION:	7/1/2021
WPEC JOB NO.:	31-WE

PROJECT NAME: WELLBORN SUD
BVGCD DRILLING PERMIT
APPLICATION

SHEET NAME: WATER RIGHTS
PROPERTY MAP

SEAL: STATE OF TEXAS · WALTER T. WINN, JR. · 41273 · LICENSED PROFESSIONAL ENGINEER · 7/6/2021

DRAWING SCALE:	
VERTICAL	N/A
HORIZONTAL	1"=500'
PLOTTING SCALE:	1:500
FILE NAME:	WATER RIGHTS

EXHIBIT NO. 4

P:\Projects\PROJECTS\31-WE (WSUD2000191.00)\Design Phase\Simsboro Wells\BVGCD Application\Water Rights Property Map.dwg

EXHIBIT 5

AFFADAVIT OF AGREEMENT TO PRODUCE GROUNDWATER

AND WATER RIGHTS AGREEMENTS

AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER

(*Entity Form*)

BEFORE ME, the undersigned authority, on this day personally appeared Stephen Cast, who being duly sworn on his oath, says and deposes as follows:

"My name is Stephen Cast. I am the General Mgr. (*title*) of Wellborn Special Utility District (*name of entity*) (hereinafter referred to as the "Applicant"). I have been authorized by Wellborn Special Utility District (*name of entity*) to give this affidavit. I am of sound mind, over eighteen (18) years of age, and have never been convicted of a felony or of a crime involving moral turpitude. My address is 6784 Victoria Avenue, College Station, Texas 77845. I have personal knowledge of the facts stated herein, and they are true and correct.

1. I am submitting to the Brazos Valley Groundwater Conservation District ("District") an application for a drilling and/or operating permit on behalf of the Applicant for a water well located at 12400 S. State Highway 6, Bryan, TX 77807.
2. Applicant has the legal authority to produce the groundwater associated with the land surface and the permit application for the well listed in #1 above, as required by District Rule 7.1(c).
3. Exhibit A, attached hereto, is the map that identifies the water rights to be legally controlled by the Applicant under District Rule 7.1(c) for the well listed in #1 above.
4. I have provided to the District documents that prove Applicant's right to own, control, or produce the groundwater rights associated with the permit application for the well listed in #1 above, as required by District Rule 7.1(c).
5. I have provided to the District documents, if any, that fully evidence all transfer(s) of Applicant's right to own, control, or produce the groundwater rights to another person/entity that are associated with the land surface and the permit application, as required by Rule 7. I(c). And I understand that I am required to provide such transfer documents as they occur in the future.
6. I understand that a permit may be amended or revoked if the groundwater rights or right to produce, related to a permit under Rule 7.1(c), are legally transferred to another person/entity.

FURTHER AFFIANT SAYETH NOT."

Signed Stephen Cast
Authorized representative of Applicant

SWORN AND SUBSCRIBED to before me on this the 6th **day of** July, **20** 21

(Notary Seal)

JULIA DODSON SKRIVANEK
Notary Public, State of Texas
My Commission Expires
JUNE 27, 2022

Julia Dodson Skrivanek
Notary Public in and for the State of Texas
My Commission Expires: June 27, 2022

***** Electronically Recorded Document *****

Robertson County

Stephanie M. Sanders
Robertson County Clerk
Franklin, Texas

Return to
Aggieland Title Company
GF# 50120 CK/LV

Document Number: 2020-20204148
Recorded As : EREC-RECORDINGS

Recorded On:	December 16, 2020
Recorded At:	11:22:57 am
Number of Pages:	8
Book-Vl/Pg:	Bk-OR Vl-1428 Pg-242
Recording Fee:	$50.00

Parties:

Direct- STRAWSER ROBERT H
Indirect- WELLBORN SPECIAL UTILITY DISTRICT

Receipt Number:	129361
Processed By:	Kadie Burns

THIS PAGE IS PART OF THE INSTRUMENT

STATE OF TEXAS COUNTY OF ROBERTSON

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of Robertson County, Texas

Honorable Stephanie M. Sanders, County Clerk, Robertson County

Return to
Aggieland Title Company
GF# 50130 CLC LV

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WATER RIGHTS SPECIAL WARRANTY DEED

STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF ROBERTSON §

THAT the undersigned, ROBERT H. STRAWSER and CAROL A. STRAWSER, husband and wife ("***Grantor***"), whose mailing address is 12400 South State Highway 6, Bryan, Texas 77807, for and in consideration of the sum of Ten and No/100 Dollars and other good and valuable consideration paid in hand, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto WELLBORN SPECIAL UTILITY DISTRICT (the "***Grantee***"), all groundwater and other subsurface water of any and every type, kind, category, or nature whatsoever, separately or mixed or combined with any other substance, found beneath the surface of the earth (whether referred to or categorized as ground water, underground water, artesian water, percolating ground water, moisture in soils or other substances, underflow of streams, underground streams and other waters from any and all formations, depths and horizons beneath the surface of the earth), and any and all rights related thereto, including, without limitation, historic production rights (collectively, the "***Groundwater***") , now or in the future that are located in whole or in part, in, on and under, and/or that may be produced from, that certain real property situated in County of Robertson, Texas, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference for all purposes (collectively, the "***Property***").

This conveyance and the warranties of title herein are expressly made subject only to (i) the matters set forth on Exhibit "B" attached hereto and incorporated herein by this reference for all purposes to the extent the same are valid and subsisting and affect the Property (the "***Permitted Exceptions***"), (ii) reservation by Grantor of the Retained Water Rights (as defined below), and (iii) confirmation of the Acknowledgment and the Accommodation (as defined below).

TO HAVE AND TO HOLD the Groundwater, together with all and singular the rights, privileges, and appurtenances thereto in anywise belonging, including, without limitation, the right to develop or produce the Groundwater by drilling under the Property from well sites located on the Property, unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's successors, to WARRANT and FOREVER DEFEND, all and singular the Groundwater unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through or under Grantor, but not otherwise, and subject, however, as aforesaid.

Subject to limitations on Grantee's rights to use the surface of the Property pursuant to the existing rights of third party utility providers under recorded easements that are valid and currently

in effect, and the existing rights of mineral rights owners, and of mineral rights lessees under recorded mineral leases that are valid and currently in effect, if any, and the reservation by Grantor of the Retained Water Rights in the following paragraph, Grantor further covenants and agrees that the real and personal property rights, titles, and interests in and to the Groundwater in and under the Property are hereby vested solely, exclusively and absolutely in Grantee, specifically including all rights and benefits accruing from historical production, use and usage, and any and all permits, licenses, or other valuable governmental approvals that now or hereafter pertain or accrue to such Groundwater ownership, production, and use.

PROVIDED, HOWEVER, Grantor hereby specifically retains and reserves, for Grantor and Grantor's successors and/or assigns, the right to extract water from under the Property solely for domestic and livestock or agricultural purposes and from not more than five (5) wells, provided (a) each such well shall not be other than a well exempt from permitting by the Brazos Valley Groundwater Conservation District as of the date of this Deed, and (b) each such well, individually and collectively, and the extraction and use of water therefrom, does not materially interfere with, limit or restrict Grantee's rights, including, Grantee's production of Groundwater from the Property, and any well sites or easement areas now or hereafter existing for Grantee's benefit upon the Property ("***Retained Water Rights***"). Grantee shall have no responsibility or obligations whatsoever with respect to the drilling, maintenance or operation of any wells for the benefit or use of Grantor, or for any conditions resulting from Grantee's draw down of aquifer pressure due to Grantee's production of water. All water extracted by Grantor shall be used solely by Grantor on the Property and for the foregoing purposes.

Notwithstanding anything to the contrary contained herein, with respect to any mineral interests relating to the Property described on Exhibit "A" now or hereafter owned by Grantor or its successors and assigns, Grantor and its successors and assigns waive the right to (and shall not grant any lessee or other party the right to) (a) construct buildings, improvements or other structures on the Well Sites or Sanitary Control Easement Areas described in that certain Easement Agreement dated as of the date hereof by and between Grantor and Grantee relating to the Property (the "***Easement Agreement***"), (b) conduct geological or geophysical surveys on the Wells Sites or Sanitary Control Easement Areas, (c) consume, deplete or destroy the surface of the land located within the Well Sites or Sanitary Control Easement Areas, and (d) cross over or upon, occupy, or otherwise access or use any portion of the surface of the Well Sites or Sanitary Control Easement Areas for any purpose. In addition, Grantor and its successors and assigns shall plug any oil and gas wells drilled pursuant to or in connection with any mineral interests now or hereafter owned by Grantor or its successors or assigns when such wells are abandoned or otherwise cease being active or are no longer productive, all in accordance with applicable laws and regulations.

PROVIDED FURTHER HOWEVER, that notwithstanding the foregoing Groundwater grant, Grantor represents, and Grantee, to the best of its knowledge, acknowledges the following (provided that any conflict between the following provisions and the description of the Property contained on Exhibit "A" shall be resolved in favor of Exhibit "A"):

(i) the Property is located within the extra-territorial jurisdiction of the City of Bryan, Texas, and is less than two (2) miles from its City limits,

(ii) the Property's east boundary is State Highway 6, currently the main north-south (Houston to Waco) highway corridor bisecting the area between Interstates 35 and 45 in central Texas,

(iii) the Property's west boundary is the Union Pacific Railroad,

(iv) the Property is in close proximity to various other tracts used for residential, commercial, mixed use, and industrial purposes, and

(v) the Property is suitable to be developed and used for such various purposes.

As a portion of the consideration for this Deed, Grantee has executed and delivered to Grantor a Waiver of Surface Rights Agreement to be recorded on or about the date of recording of this Deed waiving Grantee's rights to use of additional portions of the surface of the Property not otherwise permitted pursuant to the Easement Agreement. Grantee also acknowledges and confirms (the "***Acknowledgment***") that Grantor reserves the right to develop the surface of the Property for any one or more of the following purposes: residential, commercial, mixed use, and industrial, provided that the foregoing reservation shall not be a limitation on Grantee's ownership of the Groundwater or limit in any way the rights granted to Grantee in the Easement Agreement. Grantee further acknowledges and agrees that a portion of the consideration, delivered by Grantee to Grantor for this Deed in connection with Grantee's acquisition and ownership of the Groundwater and associated implied rights to use the surface of the Property for extraction, production and transportation thereof, is Grantee's agreement, with respect to Grantee's exercise of its implied rights to use the surface of the Property, to reasonably accommodate such future uses of the Property as reasonably developed by Grantor, and Grantor's heirs and successors, to the extent (i) such future uses of the surface of the Property by Grantor or Grantor's heirs or successors are (x) in existence or (y) reasonably contemplated to exist within one (1) year as evidenced by Grantor's written notice to Grantee, at the time Grantee exercises its implied rights to use the surface of the Property, (ii) Grantee's exercise of its implied rights to use the surface of the Property completely precludes or substantially impairs such then-existing use or contemplated use of the surface by Grantor or Grantor's heirs or successors, and (iii) there is no reasonable alternative method available to Grantor or Grantor's heirs or successors by which such then-existing use can be continued (the "***Accommodation***"). Provided, however, that the foregoing (a) is intended to acknowledge that the common law doctrine of "accommodation" applies to the Groundwater rights conveyed hereby, and is not intended to extend to Grantor any rights in excess of the rights generally held by an owner of the surface estate under the common law accommodation doctrine, and (b) does not and shall not reduce, restrict, limit or otherwise adversely affect any rights granted to Grantee pursuant to the terms of the Easement Agreement, and any conflict between this paragraph and the terms of the Easement Agreement shall be resolved in favor of the Easement Agreement.

[*Signature Page Follows.*]

IN WITNESS WHEREOF, Grantor has executed this Water Rights Special Warranty Deed on the date set forth below, to be effective for all purposes as of the 15th day of December, 2020.

GRANTOR:

Robert H Strawser

Robert H. Strawser

Carol A. Strawser

Carol A. Strawser

STATE OF TEXAS §
§
COUNTY OF BRAZOS §

This instrument was acknowledged before me, the undersigned authority, this 15th day of December, 2020 by Robert H. Strawser and Carol A. Strawser.

[SEAL]

CHAD KOLBE
Notary ID #131148649
My Commission Expires
May 30, 2021

Chad Kolbe

Notary Public, State of Texas

Printed Name: Chad Kolbe

Notary Commission Expires: 5/30/21

Exhibit A – Property

WHEN RECORDED PLEASE RETURN TO:

Jackson Walker LLP
100 Congress Avenue, Suite 1100
Austin, Texas 78701
Attn: Leonard H. Dougal

EXHIBIT A

Description of the Property

Approximately 301.48 acres of land, more or less, located in Robertson County, Texas, comprised of the following:

Field notes of a 278.39 acre tract or parcel of land, lying and being situated in the Wilson Reed Survey, Abstract No. 36 and in the David W. Campbell Survey, Abstract No. 88, Robertson County, Texas, and being part of the called 41-1/2 acre tract described in the deed from Francis Fuchs and wife, Iona B. Fuchs, to R. M. Jackson, as recorded in Volume 239, Page 568, of the Deed Records of Robertson County, Texas, and being part of the called 64 acre First Tract described in Volume 64, Page 600, of the Deed Records of Robertson County, Texas, and being all of the called 64 acres described in Volume 141, Page 444, of the Deed Records of Robertson County, Texas, and being all of the called 28.3 acre tract (Save and Except 8-1/2 acres) Second Tract described in Volume 93, Page 179, of the Deed Records of Robertson County, Texas, said two 64 acre tracts and the 28.3 acre tract being part of the 143.8 acre portion of the called 350 acre tract described in the deed from Boles Home, Inc., to R. M. Jackson, as recorded in Volume 207, Page 222, of the Deed Records of Robertson County, Texas, and being all of the called 55 acre First Tract described in Volume 93, Page 179, of the Deed Records of Robertson County, Texas, and being all of the called 27 acre tract described in Volume 97, Page 106, of the Deed Records of Robertson County, Texas, and being part of the called 65 acre tract described in Volume 97, Page 106, of the Deed Records of Robertson County, Texas, said 55 acre tract, 27 acre tract and 65 acre tract being out of the called 147 acre portion of the beforementioned Boles Home, Inc., 350 acre tract; and said 278.39 acre tract being the remainder of Parcel A as shown on a certain survey plat prepared by B. J. Kling in March, 1986, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the north corner of a 50.00 acre division tract of the beforementioned Parcel A and described in the Deed to Tim Harding recorded in Volume 495, Page 645, of the Public Records of Robertson County, Texas, and being in the northeast line of the first above-mentioned 64 acre tract described in Volume 64, Page 600;

THENCE S 60° 47' 53" W for a distance of 1068.23 feet to a 1/2" iron rod found at an angle point in the northwest lines of the just mentioned 50.00 acre tract;

THENCE S 15° 02' 50" W pass at 915.90 feet a 16" Post Oak on line, continue on for a total distance of 985.86 feet to a point on the northeast line of a 200 foot wide Southern Pacific Railroad right-of-way lying 100 feet each side of the centerline of track;

THENCE with said railroad right-of-way for the following calls:

N 62° 58' 56" W 1901.35 feet to a point for the beginning of a curve to the right, having a radius of 2173.41 feet,

With said curve to the right for an arc length of 3096.08 feet, the chord bears N 22° 10' 21" W 2840.86 feet,

N 18° 38' 14" E 833.00 feet to a point for the beginning of a curve to the right, having a radius of 3469.29 feet,

With said curve to the right for an arc length of 243.30 feet, the chord bears N 20° 38' 47" E 243.25 feet;

THENCE S 30° 09' 28" E with the southwest line of the James Thomas Survey, Abstract No. 348, for a distance of 47.58 feet to the south corner of said survey, said point being a re-entrant corner of the David W. Campbell Survey, Abstract No. 88;

THENCE N 60° 47' 53" E with the common line of the just mentioned surveys, for a distance of 1361.74 feet to a point in the southwest right-of-way line of State Highway No. 6;

504

THENCE with the Highway 6 right-of-way the following calls:

S 50° 25' 55" E 1182.05 feet to an angle point,
S 33° 43' 58" E 46.88 feet to an angle point in the centerline of a ravine;

THENCE up said ravine with it's centerline meanders as follows:

S 15° 23' 39" E 140.48 feet,
S 27° 36' 12" W 21.61 feet,
S 12° 39' 09" E 100.10 feet,
S 13° 07' 01" W 43.29 feet,
S 33° 38' 59" E 20.45 feet,
S 22° 40' 53" W 34.54 feet,
S 23° 04' 58" W 79.41 feet,
S 05° 45' 28" W 77.04 feet,
S 05° 53' 54" W 111.86 feet to a point on the northeast line of the beforementioned 65 acre First Tract in Volume 97, Page 106;

THENCE S 29° 12' 07" E with said northeast line, for a distance of 627.28 feet to a point on the southeast line of the David W. Campbell Survey, a 36" diameter Pin Oak in fence bears N 63° 49' 03" W 57.2 feet;

THENCE N 60° 47' 53" E with the common line between the David W. Campbell Survey and the Wilson Reed Survey, for a distance of 90.31 feet, a 6" creosote fence post bears S 43° 52' 57" E 23.6 feet;

THENCE S 29° 12' 07" E along the north lines of the 64 acre tract described in Volume 141, Page 444, and the 64 acre First Tract in Volume 64, Page 600, for a distance of 2166.68 feet to the PLACE OF BEGINNING, containing 278.39 acres of land, more or less.

Together with those three tracts of land containing approximately 2.74 acres, 4.96 acres, and 15.39 acres, respectively, said three tracts of land being described as Tract I, Tract II and Tract III in that certain Special Warranty Deed executed October 8, 1987 and recorded in the Real Property Records of Robertson County, Texas under Volume 504, Page 470.

EXHIBIT B

1. Easement dated July 1, 1931, from Gus Bade to Southwestern Bell Telephone Company, as recorded in Volume 102, page 7, Deed Records of County, Texas.

2. Easement dated July 2, 1931, from C.T. Bowman et ux to Southwestern Bell Telephone Company, as recorded in Volume 102, page 6, Deed Records of Robertson County, Texas.

3. Easement dated July 23, 1955, from Gus Bade et ux to State of Texas, as recorded in Volume 183, page 255, Deed Records of Robertson County, Texas.

4. Easement Deed dated February 12, 2015 from Paul D. Drawhorn, Ronald Poor, et al to Qwest Communications Company, LLC, recorded in Volume 1267, page 418, Official Public Records of Robertson County, Texas.

5. Mineral Reservation as set out in deed dated July 17, 1964 from Boles Home, Inc. to R.M. Jackson, recorded in Volume 207, page 222, Official Public Records of Robertson County, Texas.

6. Estate created by oil, gas and mineral lease granted to CJB Resources,Inc. by Robert H. Strawser and Carol Ann Strawser by instrument dated July 30, 1991, recorded in Volume 570, Page 536 of the Official Public Records of Robertson County, Texas, and all terms, conditions and stipulations contained therein.

7. Pasture Grazing Lease dated May 1, 2018 between Grantor and Don Schultz, covering the north 137 acres of the Property, as amended by First Amendment to Pasture Grazing Lease dated December 14, 2020.

***** Electronically Recorded Document *****

Robertson County

Stephanie M. Sanders
Robertson County Clerk
Franklin, Texas

Return to
Aggieland Title Company
GF# 50120 CK/LV

Document Number: 2020-20204150
Recorded As : EREC-RECORDINGS

Recorded On:	December 16, 2020
Recorded At:	11:30:40 am
Number of Pages:	7
Book-VI/Pg:	Bk-OR VI-1428 Pg-339
Recording Fee:	$46.00

Parties:

Direct- STRAWSER ROBERT H
Indirect- WELLBORN SPECIAL UTILITY DISTRICT

Receipt Number:	129361
Processed By:	Kadie Burns

THIS PAGE IS PART OF THE INSTRUMENT

STATE OF TEXAS COUNTY OF ROBERTSON

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of Robertson County, Texas

Honorable Stephanie M. Sanders, County Clerk, Robertson County

Return to
Aggieland Title Company
GF# 3020 CWW

WAIVER OF SURFACE RIGHTS AGREEMENT

This Waiver of Surface Rights Agreement (the "***Agreement***") is made and entered into on this 15th day of December, 2020 (the "***Effective Date***"), by and between ROBERT H. STRAWSER AND CAROL A. STRAWSER ("***Surface Owner***") and WELLBORN SPECIAL UTILITY DISTRICT ("***Water Rights Owner***"). Water Rights Owner and Surface Owner are sometimes referred to in this Agreement as "***Parties***" and singularly as a "***Party***."

RECITALS

WHEREAS, in connection with that certain Groundwater Rights Purchase and Sale Agreement, dated as of August 7, 2020, by and between Surface Owner and Water Rights Owner (the "***Purchase Agreement***"), on this date Surface Owner conveyed to Water Rights Owner all groundwater rights (the "***Water Rights***") associated with those certain parcels of real property described on Exhibit A attached hereto and made a part hereof for all purposes (the "***Land***").

WHEREAS, pursuant to that certain Easement Agreement, dated as of the Effective Date, by and between Surface Owner and Water Rights Owner (the "***Easement Agreement***"), Surface Owner has granted to Water Rights Owner certain easements and other rights relating to Water Rights Owner's use of the surface of the Land for water well sites, pipelines, and other purposes, all as further described therein (the "***Easements***").

WHEREAS, as part of the consideration for Surface Owner's sale of the Water Rights and the granting and conveyance of the Easements, Water Rights Owner has agreed to place certain restrictions on its use of the surface of the Land for the exploration, development and production of groundwater, and this Agreement is being made by and between the Parties to fully evidence the restrictions on the use of the surface of the Land by Water Rights Owner for the exploration, development and production of ground water.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties have agreed as follows:

1. **Waiver of Surface Rights.** Except as otherwise expressly provided in this Agreement or the Easement Agreement, the Water Rights Owner waives and releases, on behalf of Water Rights Owner and Water Rights Owner's successors and assigns, all rights of ingress and egress and all other rights of every kind and character whatsoever, to the extent arising solely out of its ownership of the Water Rights, to enter upon or to use the surface of the Land or any part thereof.

2. **Authorization of Off-Site Production.** Nothing herein shall be construed to prevent Water Rights Owner or Water Rights Owner's heirs, successors or assigns from exploring for, developing and/or producing the ground water in and under, or that may be produced from, the Land from any well site easements granted for such purpose in the Easement Agreement or otherwise by separate agreement hereafter.

3. **Binding Effect.** This Agreement and the rights and privileges granted in this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, representatives, successors and assigns where permitted by this Agreement. The terms, provisions and restrictions set forth in this Agreement shall be covenants running with the Water Rights binding upon any party owning an interest in the Water Rights and inuring to the benefit of, and directly enforceable by, all future owners of all or any part of the Land.

4. **Choice of Law.** This Agreement shall be subject to and governed by the laws of the State of Texas, excluding any conflicts-of-law rule or principle that might refer the construction or interpretation of this Agreement to the laws of another state. Each Party hereby submits to the jurisdiction of the state and federal courts in the State of Texas and to venue in Brazos County, Texas.

5. **Severability.** If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remaining terms and provisions (including the unaffected portion of the invalid or unenforceable provision) of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

6. **Headings.** The headings of the sections in this Agreement are for convenience only and shall not be taken into account in determining the meaning of any provisions of this Agreement.

7. **Entire Agreement.** This Agreement contains the entire agreement among the parties in connection with the surface rights waiver, and supersedes all prior correspondence, negotiations, and agreements, if any, whether oral or written, between the parties concerning the surface rights waiver. There are no contemporaneous oral agreements. Notwithstanding anything to the contrary contained in this Agreement, in the event of any conflict between the terms of this Agreement and the terms of the Easement Agreement, the terms of the Easement Agreement shall control.

8. **Waiver.** Except for a written waiver signed by the Party to be bound, any action or inaction by a Party with respect to any provision of this Agreement, including, but not limited to, a Party's failure to enforce any provision of this Agreement, shall not constitute a waiver of that provision or any other provision of this Agreement. Any waiver by a Party of any provision of this Agreement shall not constitute a waiver of any other provision of this Agreement.

9. **Counterpart Execution.** This Agreement may be executed in a number of identical counterparts, all of which together shall constitute a single agreement.

[*Signature Page Follows.*]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date set forth below, to be effective as of the Effective Date.

SURFACE OWNER:

Robert H Strawser

Robert H. Strawser

Carol A. Strawser

Carol A. Strawser

STATE OF TEXAS §
§
COUNTY OF BRAZOS §

This instrument was acknowledged before me, the undersigned authority, this 15th day of December, 2020, by Robert H. Strawser and Carol A. Strawser.

Chad Kolbe

Notary Public, State of Texas

[SEAL]

CHAD KOLBE
Notary ID #131148649
My Commission Expires
May 30, 2021

Printed Name: Chad Kolbe
Notary Commission Expires: 5/30/21

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date set forth below, to be effective as of the Effective Date.

WATER RIGHTS OWNER:

WELLBORN SPECIAL UTILITY DISTRICT

By: _____
Name: Stephen Cast
Title: General Manager

STATE OF TEXAS §
§
COUNTY OF Brazos §

This instrument was acknowledged before me, the undersigned authority, this 15th day of December, 2020, by Stephen Cast, General Manager of Wellborn Special Utility District, on behalf of said entity.

_____
Notary Public, State of Texas

[SEAL] CHAD KOLBE
Notary ID #131148649
My Commission Expires
May 30, 2021

Printed Name: Chad Kolbe
Notary Commission Expires: 5/30/21

EXHIBIT A

Description of the Land

Approximately 301.48 acres of land, more or less, located in Robertson County, Texas, comprised of the following:

Field notes of a 278.39 acre tract or parcel of land, lying and being situated in the Wilson Reed Survey, Abstract No. 36 and in the David W. Campbell Survey, Abstract No. 88, Robertson County, Texas, and being part of the called 41-1/2 acre tract described in the deed from Francis Fuchs and wife, Iona B. Fuchs, to R. M. Jackson, as recorded in Volume 239, Page 568, of the Deed Records of Robertson County, Texas, and being part of the called 64 acre First Tract described in Volume 64, Page 600, of the Deed Records of Robertson County, Texas, and being all of the called 64 acres described in Volume 141, Page 444, of the Deed Records of Robertson County, Texas, and being all of the called 28.3 acre tract (Save and Except 8-1/2 Acres) Second Tract described in Volume 93, Page 179, of the Deed Records of Robertson County, Texas, said two 64 acre tracts and the 28.3 acre tract being part of the 149.8 acre portion of the called 350 acre tract described in the deed from Boles Home, Inc., to R. M. Jackson, as recorded in Volume 207, Page 222, of the Deed Records of Robertson County, Texas, and being all of the called 55 acre First Tract described in Volume 93, Page 179, of the Deed Records of Robertson County, Texas, and being all of the called 27 acre tract described in Volume 97, Page 106, of the Deed Records of Robertson County, Texas, and being part of the called 65 acre tract described in Volume 97, Page 106, of the Deed Records of Robertson County, Texas, said 55 acre tract, 27 acre tract and 65 acre tract being out of the called 147 acre portion of the beforementioned Boles Home, Inc., 350 acre tract; and said 278.39 acre tract being the remainder of Parcel A as shown on a certain survey plat prepared by B. J. Kling in March, 1986, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the north corner of a 50.00 acre division tract of the beforementioned Parcel A and described in the Deed to Tim Harding recorded in Volume 495, Page 645, of the Public Records of Robertson County, Texas, and being in the northeast line of the first above-mentioned 64 acre tract described in Volume 64, Page 600;

THENCE S 60° 47' 53" W for a distance of 1068.23 feet to a 1/2" iron rod found at an angle point in the northwest lines of the just mentioned 50.00 acre tract;

THENCE S 15° 02' 50" W pass at 515.90 feet a 16" Post Oak on line, continue on for a total distance of 805.86 feet to a point on the northeast line of a 200 foot wide Southern Pacific Railroad right-of-way lying 100 feet each side of the centerline of track;

THENCE with said railroad right-of-way for the following calls:

N 62° 58' 56" W 1901.35 feet to a point for the beginning of a curve to the right, having a radius of 2173.41 feet,

With said curve to the right for an arc length of 3096.00 feet, the chord bears N 22° 10' 21" W 2840.86 feet,

N 18° 38' 14" E 833.00 feet to a point for the beginning of a curve to the right, having a radius of 3469.29 feet,

With said curve to the right for an arc length of 243.30 feet, the chord bears N 20° 38' 47" E 243.25 feet;

THENCE S 30° 09' 28" E with the southwest line of the James Thomas Survey, Abstract No. 348, for a distance of 47.58 feet to the south corner of said survey, said point being a re-entrant corner of the David W. Campbell Survey, Abstract No. 88;

THENCE N 60° 47' 53" E with the common line of the just mentioned surveys, for a distance of 1361.74 feet to a point in the southwest right-of-way line of State Highway No. 6;

504

THENCE with the Highway 6 right-of-way the following calls;

S 50° 25' 55" E 1182.05 feet to an angle point,
S 33° 43' 58" E 46.88 feet to an angle point in the centerline of a ravine;

THENCE up said ravine with it's centerline meanders as follows:

S 15° 23' 39" E 140.48 feet,
S 27° 36' 12" W 21.61 feet,
S 12° 39' 09" E 100.10 feet,
S 13° 07' 01" W 43.29 feet,
S 33° 38' 59" E 20.45 feet,
S 22° 40' 53" W 34.54 feet,
S 23° 04' 58" W 79.41 feet,
S 05° 45' 28" W 77.04 feet,
S 05° 53' 54" W 111.86 feet to a point on the northeast line of the beforementioned 65 acre First Tract in Volume 97, Page 106;

THENCE S 29° 12' 07" E with said northeast line, for a distance of 627.28 feet to a point on the southeast line of the David W. Campbell Survey, a 36" diameter Pin Oak in fence bears N 63° 49' 03" W 57.2 feet;

THENCE N 60° 47' 53" E with the common line between the David W. Campbell Survey and the Wilson Read Survey, for a distance of 90.31 feet, a 6" creosote fence post bears S 43° 52' 57" E 23.6 feet;

THENCE S 29° 12' 07" E along the north lines of the 64 acre tract described in Volume 141, Page 444, and the 64 acre First Tract in Volume 64, Page 600, for a distance of 2166.58 feet to the PLACE OF BEGINNING, containing 278.39 acres of land, more or less.

Together with those three tracts of land containing approximately 2.74 acres, 4.96 acres, and 15.39 acres, respectively, said three tracts of land being described as Tract I, Tract II and Tract III in that certain Special Warranty Deed executed October 8, 1987 and recorded in the Real Property Records of Robertson County, Texas under Volume 504, Page 470.

EXHIBIT 6

WATER CONVERVATION AND DROUGHT CONTINGENCY PLAN

WELLBORN

SPECIAL UTILITY DISTRICT

WATER CONSERVATION PLAN

AND

DROUGHT CONTINGENCY PLAN

Adopted April 23, 2007

Revised April 15, 2014

Revised May 22, 2018

Revised March 7, 2019

TABLE OF CONTENTS

INTRODUCTION

The Wellborn Special Utility District (SUD, a.k.a. the District), in an effort to conserve the fresh water supply of the area, will initiate a program to educate the customers of the district on reasons for water conservation and methods of water conservation.

The District's service area's current supply is from seven (7) water wells and surface water operated by Wellborn SUD and water purchased from The City of Bryan and from plants utilizing water drawn from the Carrizo-Wilcox, Simsboro and Yequa aquifers.

The District is aware of the growing need to conserve its water supply. It is the goal of the Wellborn SUD to promote overall water conservation upon implementation of this conservation plan. Achieving this goal would, in effect, increase the capacity of the water supply facilities.

The goal is to reduce the per capita water use of members by 2% or 2.4 gallons per day in 5 years and 4% or 4.8 gallons per day in 10 years. This goal will serve as the basis for evaluating the effectiveness of the Water Conservation Program and will provide a guide to identify possible modifications that may be needed to better meet the District's conservation objectives.

UTILITY EVALUATION

1. Population of Service Area 21750

2. Area of Service Area 95.4 sq. mi.

3. Number and Type of Connections in Service Area 8559 Res. 91 Com. 0 Ind.

4. Rate of New Connections (Additions Per Year) 300 Res. 13 Com. 0 Ind.

5. Water Use Information

5.1 Average Water Production (2018) 2,650,000 gal./day

5.2 Monthly Water Production (2018)

	2018
January	44,465,000
February	35,209,000
March	40,285,000
April	43,390,000
May	59,355,000
June	102,007,000
July	96,302,000
August	97,233,000
September	84,468,000
October	65,962,000
November	38,367,000
December	32,067,000

5.3 Peak Daily Use
June 2018 5,261,000 gallons

5.4 Peak to average use rates
(average daily summer use divided by average daily use)

5,261,000 GPD (peak) ÷ 2,650,000 GPD (average) = 1.99

6. Safe Annual Yield of Water Supply 1,500,000,000 gallons

7. Peak Daily Capacity of the System 8,352,000 gallons

8. Water Loss

The average water loss over the last five years was 12.3 gallons per capita per day (gpcd). Wellborn SUD establishes a five-year goal of no more than 14 gpcd and a ten-year goal of no more than 13 gpcd loss of water production.

9. Population and Water Use Projections

Year	Daily Average	Daily Maximum	Population Potential
1995	578,164	1,379,000	6,979
1996	638,203	1,391,000	7,188
1999	697,382	1,552,077	7,300
2004	894,465	2,400,000	7,420
2009	910,136	2,442,048	7,550
2014	1,963,000	4,120,000	17,500
2019	2,650,000	5,261,000	21,750
2024	3,106,897	6,168,069	25,500
2029	3,563,793	7,075,137	29,250
2034	4,020,690	7,982,207	33,000

10. Percent of Connections Metered

Residential - 100%
Commercial - 100%
Industrial - 100%

11. Proposed Water Rate Structure

$	26.00	per month			0	gallons
$	3.30	per 1,000 gallons	1	-	2,000	gallons
$	3.60	per 1,000 gallons	2,001	-	10,000	gallons
$	4.05	per 1,000 gallons	10,001	-	20,000	gallons
$	4.55	per 1,000 gallons	20,001	-	30,000	gallons
$	5.70	per 1,000 gallons	30,001	-	40,000	gallons
$	6.40	per 1,000 gallons	40,001	-	50,000	gallons
$	7.10	per 1,000 gallons	50,001	-	+	gallons

12. Applicable Local Regulations

There are no local regulations that are applicable to the District in regard to water usage, supply or distribution.

13. Applicable, State, Federal or other Regulations

As a Special Utility District, Wellborn SUD must abide by the rules that govern public water providers.

13.1 Texas Commission on Environmental Quality

13.2 Texas Water Development Board

PUBLIC INVOLVEMENT

A. PUBLIC AT LARGE

Wellborn SUD holds regular board meetings once each month. These meetings are open to the public and anyone is invited to speak to the Board. At these meetings, the Board hears the concerns of the public which helps their decision making process

B. SPECIAL INTEREST GROUPS

The District has created a conservation committee consisting of two Board Members, and the General Manager to submit conservation policies and to evaluate trigger conditions.

WATER CONSERVATION PLAN

Education and Information

1.1 Wellborn SUD will promote water conservation by informing the public of ways to conserve water. The following methods will be used to inform the water users and will be conducted each year.

1.1.1 At the initiation of the conservation program mail-outs containing information on the general program, drought contingency restrictions, indoor water conservation tips, outdoor and lawn watering conservation tips, plumbing recommendations and information about retrofit devices for existing plumbing will be sent to each user.

1.1.2 Include water conservation tips, and outdoor and lawn watering conservation tips on District website.

1.1.3 One (1) direct mail-out. Direct mailing will be made each year during the peak use periods (May to September).

1.1.4 All printed information will be provided to all new customers at the time they sign up for service.

1.1.5 Include water conservation tips on website.

1.2 Suggestions on ways to save water will be included in the public information.

1.2.1. Bathroom

1.2.1.1 Take a shower instead of filling the tub and taking a bath. Showers usually use less water than tub baths.

1.2.1.2 Install a low-flow shower head which restricts the quantity of flow at 60 psi to no more than 1.8 gallons per minute.

1.2.1.3 Take short showers and install a cutoff valve or turn the water off while soaping and back on again only to rinse.

1.2.1.4 Do not use hot water when cold water will do. Water and energy can be saved by washing hands with soap and cold water; hot water should only be added when hands are especially dirty.

1.2.1.5 Reduce the level of the water being used in a bath tub by one or two inches if a shower is not available.

1.2.1.6 Turn water off when brushing teeth until it is time to rinse.

1.2.1.7 Do not let the water run when washing hands. Wet hands thoroughly, turn off water while soaping and scrubbing, and turn water on again to rinse. A cutoff valve may also be installed on the faucet.

1.2.1.8 Shampoo hair while in the shower. Shampooing in the shower takes only a little more water than is used to shampoo hair while in the bath, and takes much less time than shampooing and bathing separately.

1.2.1.9 Use the basin to hold hot water when shaving instead of letting the faucet run continuously.

1.2.1.10 Test toilets for leaks. To test for a leak, add a few drops of food coloring to the water in the tank. The toilet should not be flushed

during this test. If the customer sees the coloring appear in the bowl within a few minutes, the fixture needs adjustment or repair.

1.2.1.11 Use a toilet displacement device. A one-gallon plastic milk bottle can be filled with stones or with tap water, recapped and placed in the toilet tank. This will reduce the amount of water in the tank but still provide enough flushing action. (Bricks -which some people use for this purpose- are not recommended since they crumble eventually and could cause damage to the working mechanisms, necessitating a call to the plumber.) Displacement devices should never be used with the new low-volume flush toilets.

1.2.1.12 Install faucet aerators to reduce water consumption.

1.2.1.13 Never use the toilet to dispose of cleansing tissues, cigarette butts or other trash. This can waste a great deal of water and also places an unnecessary load on the sewage treatment plant.

1.2.1.14 Install a new low-volume flush toilet that uses 1.6 gallons or less per flush when building a new home or remodeling a bathroom.

1.2.2 Kitchen

1.2.2.1 Use a pan of water (or place a stopper in the sink) for rinsing pots & pans and cooking, rather than turning on the water faucet each time a rinse is needed.

1.2.2.2 Never run the dishwasher without a full load. In addition to saving water, expensive detergent will last longer and a significant energy savings will appear on the utility bill.

1.2.2.3 Use the sink disposal sparingly, and never use it for just a few scraps.

1.2.2.4 Keep a container of drinking water in the refrigerator. Running water from the tap until it is cool is wasteful. Better still, both water and energy can be saved by keeping cold water in a picnic jug on the kitchen counter, to avoid opening the refrigerator door frequently.

1.2.2.5 Use a small pan of cold water when cleaning vegetables rather than letting the faucet run continuously.

1.2.2.6 Use only a little water in the pot and put a lid on it for cooking most food. Not only does this method save water, but food is more nutritious since vitamins and minerals are not poured down the drain with the extra cooking water.

1.2.2.7 Use a pan of water for rinsing when hand-washing dishes, instead of running the faucet continuously.

1.2.2.8 Always keep water conservation in mind, and think of other ways to save in the kitchen. Small kitchen savings from not making too much coffee or letting ice cubes melt in a sink can add up in a year's time.

1.2.3 Laundry

1.2.3.1 Wash only a full load when using an automatic washing machine (32 to 59 gallons are required per load).

1.2.3.2 Use the lower water level setting on the washing machine for light loads whenever possible.

1.2.3.3 Use cold water as often as possible to save energy and to conserve the hot water for uses which cold water cannot serve. (This is also better for clothing made of today's synthetic fabrics.)

1.2.4 Appliances and Plumbing

1.2.4.1 Check water requirements of various models and brands when considering purchasing any new appliance that uses water. Some use less than others.

1.2.4.2 Check all water line connections and faucets for leaks. If the cost of water is $1.00 per 1,000 gallons, one could be paying a large bill for water that simply goes down the drain because of leaks. A slow drip can waste as much as 170 gallons of water EACH DAY (5,000 gallons per month), and can add as much as $12.50 per month to the water bill.

1.2.4.3 Learn to replace faucet washers so that drips can be corrected promptly. It is easy to do, cost very little and can represent a substantial amount saved in plumbing and water bills.

1.2.4.4 Check for water leakage that the customer may be entirely unaware of, such as a leak between the water meter and the house. To check,

all indoor and outdoor faucets should be turned off and the water meter checked. If it continues to run or turn, a leak probably exists and needs to be located.

1.2.4.5 Insulate all hot water pipes to avoid the delays experienced waiting for the water to “run hot”.

1.2.4.6 Be sure the thermostat on the hot water heater is not set too high. Extremely hot settings waste water and energy because the water often has to be cooled with cold water before it can be used.

1.2.4.7 Use a moisture meter to determine when house plants need water. More plants die from over-watering than from being on the dry side.

1.2.5 Outdoor Water Uses

1.2.5.1 Water lawns early in the morning during the hotter summer months. Most of the water used on the lawn can simply evaporate between the sprinkler and the grass.

1.2.5.2 Use a sprinkler that produces large drops of water, rather than a fine mist, to reduce evaporation.

1.2.5.3 Turn soaker hoses so the holes are on the bottom to reduce evaporation.

1.2.5.4 Water slowly for better absorption, and never water in high winds.

1.2.5.5 Do not water streets, sidewalks or driveways. They will never grow a thing.

1.2.5.6 Condition the soil with compost before planting grass or flower beds so that water will soak in rather than run off.

1.2.5.7 Fertilize lawn at least twice a year for root stimulation. Grass with a good root system makes better use of less water.

1.2.5.8 Learn to know when grass needs watering. If it has turned a dull grey-green or if footprints remain visible, it is time to water.

1.2.5.9 Do not water too frequently. Too much water can overload the soil so that air cannot get to the roots and can encourage plant diseases.

1.2.5.10 Do not over-water. Soil can absorb only so much moisture and the rest simply runs off. A timer will help - either a kitchen timer or an alarm clock will do. An inch of water applied every 5 to 7 days will keep most Texas grasses alive and healthy.

1.2.5.11 Operate automatic sprinkler systems only when the demand on the District's water supply is lowest: between 4 and 6 AM.

1.2.5.12 Do not "scalp" lawns when mowing during hot weather. Taller grass holds moisture better. Instead, grass should be cut fairly often, so that only 1/2 to 3/4 inch is trimmed off each time. A better looking lawn will result.

1.2.5.13 Use a watering can, or hand water with the hose, in small areas of the lawn that need more frequent watering: those near walks, driveways or in especially hot, sunny spots.

1.2.5.14 Learn which types of grass, shrubbery and plants do best in the area, in which parts of the lawn, and then plant accordingly. If one has a heavily shaded yard, no amount of water will make roses bloom.

1.2.5.15 Consider decorating areas of the lawn with rocks, gravel, wood chips or other materials that require no water at all.

1.2.5.16 Do not use water and a hose to "sweep" walks and driveways. Use a broom or rake instead.

1.2.5.17 When washing the car, use a bucket of soapy water and use the hose only for rinsing.

2. Plumbing Codes

The Board of Directors of Wellborn SUD adopted a Resolution on July 18, 1995 which requires new customers to install plumbing fixtures that will aid in water conservation. A copy of this Resolution with the plumbing codes is provided in Appendix B.

3. Retrofit Program

Customers in existing buildings which do not have water devices will be encouraged to replace their old plumbing fixtures. The advertising program will help inform them of the advantages of installing water saving devices.

4. Water Rate Structures

A water rate structure which encourages water conservation has been implemented. The rate structure includes a uniform rate with a minimum monthly charge.

5. Metering

The District currently meters 100% of the water used. The District has a policy of testing all meters which appear to have abnormally high or low water usage. Incorporated into the Water Conservation Plan, the District will set up the following meter testing schedule:

production meters	test once a year
meters larger than 1"	test once a year
meters 1" and smaller	test every 10 years

6. Water Conservation Landscaping

The District does not have the authority to establish subdivision regulations which would require developers to plant only low-water-use plants and grasses. The advertising program will include suggestions on landscaping and irrigation procedures which will save water usage and money. The excess use fees should encourage customers to save water outdoors.

7. Leak Detection and Repair

The District has a leak detection program which will be maintained.

7.1 Monthly water use accounting by the billing which identifies high water use after the service meters indicating leaks.

7.2 Constant monitoring of storage tanks which identifies major water main breaks.

7.3 Daily visual inspection by meter readers and other District employees who keep a constant watch out for abnormal conditions indicating leaks.

7.4 An adequate maintenance staff which is available to repair leaks on a 24-hour basis

8. Implementation and Enforcement

This Water Conservation Plan will be enforced by the following methods:

8.1 New service taps will not be given to customers who do not meet the requirements of the water conservation plumbing fixtures.

8.2 The District fees should encourage retrofitting of old plumbing fixtures which are using large amounts of water. People will realize that replacing their fixtures will save them money on their water bill.

8.3 The water rate structure will be enforced: people who do not pay their water bill will have their service discontinued.

9. Conservation Plan Annual Report

The District will file an annual report with the Executive Administrator which addresses the progress and effectiveness of this Water Conservation Plan. The report will address:

1. Implementation progress and status
2. Public response
3. Effectiveness of the water conservation program in reducing water use and wastewater flows.

The District shall maintain an approved water conservation program in effect until all financial obligations to the State have been discharged and shall report annually to the executive administrator on the implementation and status of required water conservation programs for three years after the date of loan closing. If the executive administrator determines that the water conservation plan is not in compliance with the approved water conservation plan, the political subdivision shall continue to supply annual reports beyond the three years until the executive administrator determines that deficiencies in the plan have been resolved.

DROUGHT CONTINGENCY PLAN
FOR THE
WELLBORN SPECIAL UTILITY DISTRICT

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Wellborn Special Utility District hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Wellborn Special Utility District by means of a public meeting.

Section III: Public Education

The Wellborn Special Utility District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of:

1. Education and Information
   - 1.1 At the initiation of the conservation program, mail-outs containing information on the general program, drought contingency restrictions, indoor water conservation tips, outdoor and lawn watering conservation tips, plumbing recommendations and information about retrofit devices for existing plumbing will be sent to each user.
   - 1.2 One direct mail-out. Direct mailing will be made each year during the peak use periods. (May-September).
   - 1.3 All printed information will be provided to all new customers at the time they sign up for service.

Section IV**:** Coordination with Regional Water Planning Groups

The service area of Wellborn Special Utility District is located within the Region G water planning area. Wellborn Special Utility District has provided a copy of this Plan to the Region G water planning group.

Section V: Authorization

The General Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The General Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by Wellborn Special Utility District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Wellborn Special Utility District.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

(a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
(b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
(c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(e) flushing gutters or permitting water to run or accumulate in any gutter or street;
(f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
(g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
(h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
(i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The General Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record conditions, or based on known system capacity limits.

Stage 0 Triggers – Summer Irrigation Restrictions

Requirements for initiation
Mandatory dummer irrigation restrictions shall begin on June 1 of each year and continue through September 30. No additional action by the General Manager or his/her designee shall be required to trigger the Stage 0 – Summer Irrigation Restrictions.

Requirements for termination
Mandatory summer irrigation restrictions shall automatically terminate each year on September 30.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation
Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when the daily water use is 75% of system and production capacity and continues for three (3) consecutive days or notification from the City of Bryan that a mild drought condition has affected the production capacity and that conservation measures should be taken.

Requirements for termination
Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the daily water use exceeds 80% of system and production capacity and continues for seven (7) consecutive days.

Requirements for termination
Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the daily water use exceeds 85% of system and production capacity and continues for seven (7) consecutive days.

Requirements for termination
Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when water use exceeds 90% of system and production capacity and continues for seven (7) consecutive days.

Requirements for termination
Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation
Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the General Manager or his/her designee determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination
Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 6 Triggers -- WATER ALLOCATION

Requirements for initiation
Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when Stage 3, Severe water shortage conditions exist.

Requirements for termination - Water allocation maybe rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Section IX: Drought Response Stages

The General Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

4. Major water users
5. County Judge & Commissioners Court
6. County Emergency Coordinator

Stage 0 Response – Summer Irrigation Restrictions (June 1 – September 30)

Goal: Achieve a reduction in seasonal peak water consumption due to landscape irrigation and provide for refilling of storage tanks for operational purposes on Sunday evenings.

Water Use Restrictions:

Water customers shall limit the irrigation of landscaped areas to Monday, Wednesday, and Friday for customers with a street address ending in an even number (0,2,4,6 or 8); and Tuesday, Thursday, and Saturday for water customers with a street address ending in an odd number (1,3,5,7 or 9)

Voluntary Water Use Restrictions:

(a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(b) All operations of Wellborn Special Utility District shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(c) Water customers are requested to practice water conservation and to minimize or
discontinue water use for non-essential purposes.

Stage 1 Response – MILD Water Shortage Conditions

Goal: Achieve a voluntary 5% percent reduction in daily water

demand. Supply Management Measures:

Wellborn Special Utility District shall limit water supply and/or reduce water demand by reducing or discontinuing flushing of water mains, filling new water mains, sell of water to road construction projects and other non essential water usage.

Voluntary Water Use Restrictions:

(c) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(d) All operations of Wellborn Special Utility District shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(c) Water customers are requested to practice water conservation and to minimize or

discontinue water use for non-essential purposes.

Stage 2 Response -- MODERATE Water Shortage Conditions

Goal: Achieve a 10% percent reduction in daily water

demand. Supply Management Measures:

Wellborn Special Utility District shall limit water supply and/or reduce water demand by reducing or discontinuing flushing of water mains, filling new water mains, sell of water to road construction projects and other non essential water usage.

Water Use Restrictions.

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the

hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that
use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Wellborn Special Utility District.

(f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the Wellborn Special Utility District, the facility shall not be subject to these regulations.

(g) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(h) The following uses of water are defined as non-essential and are prohibited:

1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. use of water for dust control;
4. flushing gutters or permitting water to run or accumulate in any gutter or street;
and
5. failure to repair a controllable leak (s) within a reasonable period after having
been given notice directing the repair of such leak(s)

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a 15% percent reduction in daily water demand.

Supply Management Measures:

Wellborn Special Utility District shall limit water supply and/or reduce water demand by reducing or discontinuing flushing of water mains, filling new water mains, sell of water to road construction projects and other non essential water usage.

Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

(b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the Wellborn Special Utility District.

(c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Goal: Achieve a 15% percent reduction in daily water

demand. Supply Management Measures:

Wellborn Special Utility District shall limit water supply and/or reduce water demand by reducing or discontinuing flushing of water mains, filling new water mains, sell of water to road construction projects and other non essential water usage.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and

commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.

(c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi type pools is prohibited.

(d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Goal: Achieve a 30% percent reduction in daily water demand.

Supply Management Measures:

Wellborn Special Utility District shall limit water supply and/or reduce water demand by reducing or discontinuing flushing of water mains, filling new water mains, sell of water to road construction projects and other non essential water usage

Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

(a) Irrigation of landscaped areas is absolutely prohibited:

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6 Response -- WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the General Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

"Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies Wellborn Special Utility District of a greater number of persons per household on a form prescribed by the General Manager. The General Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Wellborn Special Utility District office to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the General Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Wellborn Special Utility District on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify Wellborn Special Utility District in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the General Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify Wellborn Special Utility District of a reduction in the number of person in a household shall be fined not less than $50.00.

Residential water customers shall pay the following surcharges:

$ 2.00 for the first 1,000 gallons over allocation.
$ 2.50 for the second 1,000 gallons over allocation.
$ 3.00 for the third 1,000 gallons over allocation.
$ 3.50 for each additional 1,000 gallons over allocation.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a

customer's meter serves two dwelling units unless the customer notifies the Wellborn Special Utility District of a greater number on a form prescribed by the General Manager. The General Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Wellborn Special Utility District office to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the General Manager. If the number of dwelling units served by a master meter
is reduced, the customer shall notify Wellborn Special Utility District in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the General Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify Wellborn Special Utility District of a reduction in the number of persons in a household shall be fined not less than $50.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

$ 2.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
$ 2.50, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
$ 3.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
$ 3.50, thereafter for each additional 1,000 gallons over allocation.

Commercial Customers

A monthly water allocation shall be established by the General Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75% percent of whose monthly usage is less than 3000 gallons, shall be allocated 3000 gallons. The General Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact Wellborn Special Utility District to determine the allocation. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors of Wellborn Special Utility District. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 40,000 gallons through 200,000 gallons per month:

$ 2.00 per thousand gallons for the first 1,000 gallons over allocation.
$ 2.50 per thousand gallons for the second 1,000 gallons over allocation.
$ 3.00 per thousand gallons for the third 1,000 gallons over allocation.
$ 3.50 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 200,000 gallons per month or more:

2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
2 ½ times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
3 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
3 ½ times the block rate for each 1,000 gallons more than 15 percent above allocation.

As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers

A monthly water allocation shall be established by the General Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 75% percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 60% percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the three month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than three months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The General Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact Wellborn Special Utility District to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the General Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Wellborn Special Utility District. Industrial customers shall pay the following surcharges:

Customers whose allocation is 40,000 gallons through 200,000 gallons per month:

$ 2.00 per thousand gallons for the first 1,000 gallons over allocation.
$ 2.50 per thousand gallons for the second 1,000 gallons over allocation.
$ 3.00 per thousand gallons for the third 1,000 gallons over allocation.
$ 3.50 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 200,000 gallons per month or more:

2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
2 1/2 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
3 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
3 ½ times the block rate for each 1,000 gallons more than 15 percent above allocation.

As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Section X: Enforcement

(a) No person shall knowingly or intentionally allow the use of water from Wellborn Special Utility District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by General Manager, or his/her designee, in accordance with provisions of this Plan.

(b) Any person, including a person classified as a water customer of Wellborn Special Utility District, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(c) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than five hundred dollars ($500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at $35.00, and any other costs incurred by Wellborn Special Utility District in discontinuing service. In addition, suitable assurance must be given to the General Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the District Court.

(d) Any employee of the Wellborn Special Utility District, police officer, or other authorized employee designated by the General Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Justice of the Peace Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the Justice of the Peace Court to enter a plea of guilty or not guilty for the violation of this

Plan. If the alleged violator fails to appear in Justice of the Peace Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the Justice of the Peace Court before all other cases.

Section XI: Variances

The General Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
(b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the Wellborn Special Utility District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the General Manager, or his/her designee, and shall include the following:

(a) Name and address of the petitioner(s).
(b) Purpose of water use.
(c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
(d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
(e) Description of the relief requested.
(f) Period of time for which the variance is sought.
(g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
(h) Other pertinent information.

Variances granted by Wellborn Special Utility District shall be subject to the following conditions unless waived or modified by the General Manager or his/her designee:

(a) Variances granted shall include a timetable for compliance.
(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

APPENDIX A

DROUGHT CONTINGENCY ORDER

RESOLUTION

WHEREAS, due to a possible lack of water during certain months and the necessity to provide drinking water by the Wellborn Special Utility District (SUD) in the future; and

WHEREAS, the Wellborn SUD is making every effort to meet the needs of supplying potable water to all of its customer's; and

WHEREAS, it will be necessary to curtail the use of potable water from the Wellborn Special Utilities District for use by its customers for watering lawns, shrubs and cars; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Wellborn Special Utility District, that an emergency has arisen that requires the restriction or total banning of the use of water other than household uses.

1. This resolution is intended to, and does, in effect, invoke all of the elements contained in the Wellborn SUD Water Conservation Plan, a true copy is attached to, and made a part of this resolution.

2. Water can be partially restricted or totally restricted, in the purview of the Conservation Committee and as necessitated by the emergency.

   a. A Step I curtailment will allow the Conservation Committee to REQUEST the users to restrict the use of water for outdoor sprinkling, watering of lawns, shrubs, driveways & automobiles to even numbered houses on even numbered days and between the hours of 9-11 AM and 2-6 PM.

   b. A Step II curtailment will allow the Conservation Committee to REQUEST the users to restrict the use of water for outdoor sprinkling, watering of lawns, shrubs, driveways & automobiles to odd numbered houses on odd numbered days and between the hours of 9-11 AM and 2-6 PM.

   c. A Step Ill curtailment will allow the Conservation Committee to prohibit all outside use of water, prohibit use of water by all commercial establishments except food processing and serving establishments and prohibit use of water by all industrial users.

The Conservation Committee is authorized to publish the Rules and Regulations pursuant to the Statutes of the State of Texas and further, to provide copies at the Administrative Office of the District to the general public.

3. These rules and regulations will be effective immediately as per the Statutes of the State of Texas.

4. The curtailment will be effective upon the Conservation Committee giving notice of curtailment to the users within the District; the posting of a notice of curtailment and notifying the news media of curtailment.

5. The curtailment will be terminated upon the Conservation Committee giving notice of termination as it does for the institution of the curtailment.

6. The Conservation Committee can amend, add or delete any of these Rules and Regulations and shall notify the Board of Directors at its regular meeting of said amendments, additions or deletions.

7. Any violation of the Rules and Regulations adopted by the District shall carry a penalty of disconnection of water service.

BE IT FURTHER RESOLVED by this Board, that the General Manager is hereby empowered to take the necessary steps to put this Resolution in effect by notifying the users within the Wellborn SUD or ordinances preventing the use of potable water for watering lawns, shrubs and/or cars, except on those specific days authorized.

PASSED BY THE BOARD OF DIRECTORS OF THE WELLBORN SPECIAL UTILITIES DISTRICT, on this the____Day of _____, 2007.

ATTESTED:

APPENDIX B

RESOLUTION ADOPTING PLUMBING CODES

RESOLUTION

WHEREAS, due to the possible limited water resources available to the Wellborn Special Utilities District (SUD) in the future, and

WHEREAS, the Wellborn SUD is making every effort to meet the needs of supplying potable water to all of its customers; and

WHEREAS, emergencies may develop requiring that Wellborn SUD enforce ordinances for customers to utilize water saving devices in new and retrofitted construction.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Wellborn SUD, the General Manager is hereby empowered to limit new service taps only to those customers who install water conservation devices; and

FURTHER BE IT RESOLVED, that all new construction, substantial improvements and major additions will meet the following plumbing specifications:

tank-type toilets will use less than 1.6 gals/flush
flush-valve toilets will use less then 2.0 gals/flush
tank-type urinals will use less than 1.6 gals/flush
flush-valve urinals will use less than 1.0 gpm
lavatory & kitchen faucets will use less than 2.2 gpm
showerheads will use no more than 2.75
all hot water pipes will be insulated
swimming pools must have recirculating equipment and filters, and

FURTHER BE IT RESOLVED, that the customer requesting the service taps be required to submit specifications on plumbing fixtures, and Wellborn SUD will inspect completed construction to insure plumbing requirements have been met, an

FURTHER BE IT RESOLVED by this Board, that the General Manager is hereby empowered to take the necessary steps to put this RESOLUTION in effect by notifying users to meet the minimum requirements of this order.

PASSED BY THE BOARD OF DIRECTORS OF THE WELLBORN SPECIAL UTILITIES DISTRICT, on this the _____ day of _____, 2007.

ATTESTED:

_____

APPENDIX C

RESOLUTION ADOPTING EXCESS USE RATE STRUCTURE

RESOLUTION

WHEREAS, due to the possible limited water resources available to the Wellborn Special Utilities District (SUD) in the future, and

WHEREAS, the Wellborn SUD is making every effort to meet the needs of supplying potable water to all its customers; and

WHEREAS, it is necessary to conserve the use of potable water in the Wellborn SUD; and

WHEREAS, the Wellborn SUD has adopted the WATER CONSERVATION PLAN in conjunction with the application to the Texas Water Development Board for financial assistance; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Wellborn SUD, shall enact water rates that encourage water conservation.

PASSED BY THE BOARD OF DIRECTORS OF THE WELLBORN SPECIAL UTILITIES DISTRICT, on this the _____day of _____, 2007.

ATTESTED: _____

APPENDIX D

RESOLUTION APPROVING AND ADOPTING WATER CONSERVATION PLAN

RESOLUTION

WHEREAS, the Wellborn Special Utilities District (the District) is in the process of securing funds to complete system improvements serving the area and construct improvements to satisfy State Health Department Regulations.

WHEREAS, the Texas Water Development Board (the Board) has committed to purchase the Notes from the District; and

WHEREAS, the Board's rules require that the District adopt a water conservation plan which has been approved by the Executive Director of the Board; and

WHEREAS, the District has previously submitted to the Board a proposed water conservation plan which has been reviewed and commented upon by the Board and the District has made certain required changes therein and adopted certain additional ordinances related thereto as required by the Board; and

WHEREAS, the Board of Directors of the District now desire to evidence its approval of the revised water conservation plan and adopt this water conservation plan as the official policy of the District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Wellborn SUD:

Section 1: Approval of the Plan The Board hereby approves and adopts as the policy of the District the Water Conservation Plan, attached hereto as Exhibit „A„

Section 2: Attestments Each of the facts and matters contained in the recitals to this RESOLUTION are hereby found, determined and declared by the Board of Directors of the District to be true in all respects.

Section 3: Findings and Determinations The Board officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this Board meeting was posted at a place convenient to the public at the administrative office of the District for the time required by law preceding this meeting; and that a copy of such written notice was posted on a bulletin board located at a place convenient to the public in the County Courthouse for the time required by law preceding this meeting and that such place of posting was readily accessible at all times to the general public; that all os the foregoing was done as required by Chapter 54, Texas Water Code, as amended, and the

Open Meetings Law, Article 6252-17, Vernon's Texas Civil Statutes, as amended; and that this meeting has been open to the public as required by law at all times during which this RESOLUTION and the subject matterthereof has been discussed, considered and formally acted upon. The Board further ratifies, approves and confirms such written notice and the contents and posting thereof. The Board further officially finds and determines that a case of emergency and urgent public necessity exists which requires the need to finance the acquisition of the existing central water system and construction of additions, extensions and improvements to the existing water systems and the urgent need to issue notes to obtain funds to finance such improvements at the earliest possible date creates an emergency and public necessity requiring the consideration of such subject even if this notice has not been posted for at least 72 hours preceding the scheduled time of such meeting and that the notice of this meeting expressed such emergency and urgent public necessity.

PASSED AND APPROVED this_ ____day of_ _____, 2007.

ATTEST: _____

{SEAL}

APPENDIX E

CERTIFICATE FOR RESOLUTION

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS }

COUNTY OF BRAZOS }

We, the undersigned office of Wellborn Special Utilities District (the District), do hereby execute and deliver this certificate for the benefit of the Attorney General of the State of Texas and all persons interested in the validity of proceedings of the Board of Director of the District, and do certify as follows:

1. That we are the duly chosen, qualified and acting officers of the District for the offices shown below our signatures; that as much as we are familiar with the facts herein certified and that we are duly authorized to execute and deliver this certificate.

2. That the attached and following is a true and complete excerpt of proceedings from the minutes of a meeting of the Board of Directors of the District, pertaining to the adoption of the resolution described therein; and that the persons named in such excerpt as the officers and members of the Board of Directors of the District or as officers of the District are the duly chosen qualified and acting officers and members as indicated therein.

3. That a true and complete copy of the resolution adopted at the meeting describes in such excerpt from the minutes is attached to and follows such excerpt,

4. That such resolution has been duly and lawfully adopted by the Board of Directors of the District and has been duly signed and attested to by the proper officers and, as adopted and signed, has been duly recorded in the minutes of the Board of Directors for such meetings.

5. That each of the officers and members of the Board of Directors of the District was duly and sufficiently notified, officially and personally, in advance, of the date, hour, place and subject of such meeting and that such resolution would be introduced and considered for passage as such meetings, and each of such officers and members consented to the holding of such meeting to consider and act upon such subject.

6. That written notice of the date, hour, place and subject of said meeting described in the excerpt from the minutes was posted at a place readily accessible at all times to the general public for the time required by law preceding this meeting; that a copy of such written notice was posted on a bulletin board located at a place readily accessible at all times to the general public for the time required by law preceding this meeting, all as required by its Articles of Incorporation as amended, and such meeting was open to the public as required by law at all times during which such resolution and the subject matter thereof was discussed, considered and formally acted upon.

SIGNED AND SEALED as of the __26th Day of _ October , 1999.

{SEAL}

APPENDIX F

MINUTES OF REGULAR MEETING

MINUTES OF REGULAR MEETING

OCTOBER 26TH _____ 1999

WELLBORN SPECIAL UTILITIES DISTRICT

THE STATE OF TEXAS }

COUNTY OF BRAZOS }

The Board of Directors of the Wellborn Special Utilities District (the District) convened in regular session, open to the public, at the District office, the regular meeting place of the District, on the 26th day of October, 1999, and the roll was called of the duly constituted officers and members of the board, to whit:

Mary Herron	President Vice-
A. P. Boyd	President
Gary Spence	Treasurer
Hank Bohne	Secretary
Theresa Schehin	Director
Jacque Atkins Guy	Director
Cooke	Director
Hugh Lindsay	Director
Charles Robertson	Director

and all of said persons were present, except the following: _____ Hank Bohne, Charles Robertson, and Hugh Lindsay, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting; a written resolution entitled:

A RESOLUTION APPROVING & ADOPTING A WATER CONSERVATION PLAN was duly introduced for the consideration of the Board. It was then duly moved by Director Gary Spence and seconded by Director Guy Cooke that such RESOLUTION be adopted; and, after discussion, such motion, carrying with it the adoption of such RESOLUTION, prevailed and carried by the following vote:

AYES: 5
NOES: 0
ABSTENTIONS: 1

The President thereupon announced that the resolution has been duly and lawfully adopted and was in full force and effect.