

Worksheet for an Amendment to an Operating Permit

Luminant Mining Company, LLC – BVDO-0424

Luminant Mining Company, LLC seeks an amendment to one (1) Operating Permit for the purpose of:

- **Agricultural Use – Water for livestock & wildlife**

Well #6

Located at: N 31.27352314° W 96.44390243° 0.95 miles W of the intersection of Willow Creek Road and SH 7 in Robertson County.

Beneficial Use: **Agricultural Use – Water for livestock & wildlife**

Aquifer of Origin: **Simsboro**

Well Column: **6”**

Rate of Production: **44 gpm**

Max. Annual Production: **71 acre feet/year**

Original Permit Issued May 8, 2025

This application meets all the specifications listed in BVGCD Rule 7.1 (c) regarding production-based acreage. Below are the calculations verifying the applicant's compliance:

$71 \text{ acre feet/year} \times .62 = 44.02 \text{ gpm}$ on an average annual basis

$44.02 \times 2' \text{/gpm for Simboro wells} = 88.04' \text{ radius from the wellhead}$

$88.04' \times 88.04' \times 3.14 = 24,338.27 \text{ square feet around the well}$

$24,338.27/43,560 = \mathbf{0.5587 \text{ contiguous acres to be assigned to the well.}}$

The footprint of the well lie entirely within the property controlled by the applicant.

The permit holder seeks to amend Operating permit BVDO-0424 to lengthen the permit term from one (1) year to five (5) years.

It is recommended by the General Manager to approve the amendment to the Operating permit BVDO-0424 as presented.

Permit No. BVDO-0424

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



This **Operating Permit** is granted to **Luminant Mining Company, LLC (Kosse)** (Permittee) authorizing the Permittee to operate a water well, known as **Well #6** ("Well"), at the location specified below within the Brazos Valley Groundwater Conservation District (District) for the beneficial purpose of producing water for **Agricultural** use. Permittee is authorized to operate the Well located at **N 31.27352314° and W 96.44390243°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **44 GPM** and a maximum annual production of **71 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed as specified by the District's rules.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.

This permit is issued and effective as of May 8, 2025. This permit was amended July 10, 2025 lengthening the permit term for one (1) year to five (5) years.

Special Provisions/Notes: None

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

- (1) This Permit is granted in accordance with provisions of the Rules of the District, including amendments, and acceptance of this Permit constitutes an acknowledgment and agreement that Permittee will comply with the Rules of the District.
- (2) This Permit confers only the right to operate the permitted well under the provisions of the District Rules and its terms may be modified or amended pursuant to the provisions of those Rules. To protect the permit holder from the illegal use of a new landowner, within ten (10) days after the date of sale of property containing a well having been issued an operating permit, the operating permit holder must notify the District in writing of the name of the new owner. Any person who becomes the owner of a currently permitted well must, within forty-five (45) calendar days from the date of the change in ownership, file an application for a permit amendment to affect a transfer of the permit.
- (3) The operation of the well for the authorized purposes must be conducted in a non-wasteful manner.
- (4) All groundwater production from non-exempt wells in the District is required to be metered, except for the groundwater produced from wells in the Brazos River Alluvium aquifer. The District maintains the discretion to require meters on wells in the Brazos River Alluvium aquifer. Permittee shall maintain records of withdrawal on the property where the well is located or at its business office and shall make those records available to the District for inspection. The Permittee shall submit complete, accurate, and timely metered pumpage and transport reports to the District annually, as requested by the District, no later than February first (1st) of each year.
- (5) The well site must be accessible to District representatives for inspection, and Permittee agrees to cooperate fully in any reasonable inspection of the well and well site by the District representatives.
- (6) The application pursuant to which this Permit has been issued is incorporated in this Permit, and this Permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of the permit.
- (7) Violation of this Permit's terms, conditions, requirements, special provisions, including pumping amounts in excess of authorized withdrawal, is punishable by civil penalties as provided by the District Rule 15.3, as well as revocation of the permit.
- (8) Permittee will use reasonable diligence to protect groundwater quality and will follow well-plugging guidelines at the time of well closure.

The issuance of this Permit does not grant to Permittee the right to use any private property, or any public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of any federal, state, or local laws, rules or regulations. Further, the District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.

Brazos Valley Groundwater Conservation District

By: _____ Date _____
Alan M. Day, General Manager