

**Item 7 - Adoption of Amended Language for the**  
**“Affidavit of Legal Right to Produce Groundwater”**

In November, 2017 the Board adopted language and created the “Affidavit for Legal Right to Produce Groundwater” which is executed for all non-exempt permitted wells. It was recently suggested by a district landowner/permit holder that the language may be too broad and cast a net that required more documentation to be produced than the Board had envisioned. It was also suggested two forms be made available, one for individuals and one for entities.

The first attachment identifies the words/terms at issue.

Following that are the two revised draft affidavits for Board review.

It is the recommendation by the General Manager’s the Board approve the Individual and Entity “Affidavit for Legal Right to Produce Groundwater” as presented in draft form.

**AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER**

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

"My name is \_\_\_\_\_. 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 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. 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 for water well located at \_\_\_\_\_.
2. I have 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 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 any and all documents that evidence my 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 any and all documents that transfers that 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 7.1(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 \_\_\_\_\_

**SWORN AND SUBSCRIBED** to before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Notary Seal)

\_\_\_\_\_  
**Notary Public in and for the State of Texas**

**My Commission Expires:** \_\_\_\_\_

**AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER**

*(Individual Form)*

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

"My name is \_\_\_\_\_. 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 \_\_\_\_\_, \_\_\_\_\_. 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 for water well located at \_\_\_\_\_.
2. I have 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** my 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)** that 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 7.1(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 \_\_\_\_\_

**SWORN AND SUBSCRIBED** to before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Notary Seal)

\_\_\_\_\_  
**Notary Public in and for the State of Texas**

**My Commission Expires:** \_\_\_\_\_

**AFFIDAVIT OF LEGAL RIGHT TO PRODUCE GROUNDWATER**

*(Entity Form)*

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

"My name is \_\_\_\_\_. I am the \_\_\_\_\_ (*title*) of \_\_\_\_\_ (*name of entity*) (hereinafter referred to as the "Applicant"). **I have been authorized by \_\_\_\_\_ (*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 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. 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 \_\_\_\_\_.
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 \_\_\_\_\_  
Authorized representative of Applicant

**SWORN AND SUBSCRIBED** to before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Seal)

\_\_\_\_\_  
**Notary Public in and for the State of Texas**  
My Commission Expires: \_\_\_\_\_