

Permit Number: NHUPP-003

CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT  
COUNTY OF CULBERSON, STATE OF TEXAS**NON-HISTORIC USE PRODUCTION PERMIT**

**THIS CERTIFIES THAT:**                    **DAHJUR, L.P.**  
    **745 E. Mulberry, Suite 100**  
    **San Antonio, Texas 78212**

("Permittee"), has applied for a Non-Historic Use Production Permit to withdraw and place to beneficial use groundwater from within the District, and that the Board of Directors of the Culberson County Groundwater Conservation District ("District"), pursuant to the Rules of the District (adopted August 24, 2011, as amended March 7, 2012) ("District Rules"), has APPROVED the application and issues the permit as follows:

**1 Permit Category**

This permit is a **Non-Historic Use Production Permit** ("NHUPP").

**2 Permit Term**

The term of this permit is ten years from the date of issuance.

**3 Groundwater Source**

The source of groundwater is the Wild Horse Flat Aquifer (the "Aquifer").

**4 Annual Groundwater Withdrawal Amounts**

4.1 Per calendar year, and subject to the proviso, Permittee is authorized to withdraw groundwater from the Aquifer for beneficial, nonwasteful use for irrigation of an agricultural crop 5.0 acre-feet per acre of land on the property owned by Permittee, as described in Exhibit A, which is attached as part of this permit; provided, however, that the land must be both irrigable and actually irrigated and in no event shall the amount exceed 1,250 acre-feet.

4.2 Any land irrigated under this permit shall be irrigable land that is:

a) classified by the United States Department of Agriculture Farm Services Agency as "cropland," which is land capable of being farmed with normal farming equipment; and

(b) classified by the United States Department of Agriculture Natural Resources Conservation Services as "Additional Farmland of Statewide Importance" according to the procedures of Part 657.5 Identification of Important Farmlands (7 CFR 657).

4.3 Permittee shall submit a sworn report to the District no later than the end of the calendar year of how much land was actually irrigated during that calendar year.

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4.4 The amount of groundwater authorized in Section 4.1 is subject to proportional adjustment pursuant to Chapter 5 of the District Rules and to cancellation or reduction pursuant to § 5.102(f) of the District Rules.

**5 Purpose of Use**

Permittee may use Aquifer groundwater only for agricultural purposes.

**6 Well Name(s), Location(s), and Maximum Rate of Withdrawal**

Groundwater may be withdrawn from the Aquifer only from the well(s) located at each of the locations and with a maximum rate of withdrawal (flow rate), as follows:

<u>Name</u>	<u>Location (latitude/longitude)</u>	<u>Maximum Flow Rate (gpm)</u>
47-51-902	31.13667/-104.65556	1000
47-51-903	31.16389/-104.65389	1000

**7 Measurement of Amount of Groundwater Withdrawn**

Permittee may withdraw groundwater only from a well that has an operating flow meter that meets the requirements of Chapter 8 of the District Rules and is listed in Section 6 of this permit.

**8 Location of Delivery and Place of Use**

Groundwater authorized for production in Section 4.1 must be beneficially used within the District's boundaries.

**9 Well Construction, Operation, Maintenance, Closure**

The wells identified in this permit shall be installed, equipped, operated, maintained, plugged, capped, and closed in accordance with the District Rules and all other applicable federal, state, and local laws. A copy of a state plugging report shall be submitted to the District within 60 days after capping or plugging any well.

**10 Water Conservation**

Groundwater produced under this permit must be efficiently withdrawn and used in compliance with the District Rules and the District's management plan, and any water conservation plan submitted by Permittee and approved by the District.

**11 Conveyance to Place of Use**

Groundwater authorized for production in Section 4.1 must be conveyed to the place of use in a manner that prevents evaporation, channel loss by percolation, and waste.

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**12 Meters; Alternative Measuring Method**

Permittee shall install, operate, and maintain the meter or alternative measuring method on the wells identified in this permit in compliance with the District Rules and the manufacturer's instructions.

**13 Reports**

Permittee shall timely file all applicable reports with the District on forms prescribed by the District as required by the District Rules, the requirements of this permit, and other applicable law.

**14 Fees**

Permittee shall timely pay and remain current on the payment of all applicable fees to the District.

**15 Interruption, Suspension, or Other Limitations Due to Drought**

Permittee shall reduce water supply and consumption during times of drought in accordance with the District Rules and the District's management plan and any drought and water conservation plan submitted by Permittee and approved by the District.

**16 Groundwater Management Plan**

Permittee shall withdraw and use groundwater only in accordance with the District's approved groundwater management plan.

**17 Water Quality**

Permittee shall use diligence to protect the quality of groundwater in the District and shall comply with the water quality requirements of the District Rules and take no action that pollutes or contributes to the pollution of groundwater in the District.

**18 Transfers and Amendments**

Permittee may transfer or amend this permit only in compliance with the District Rules.

**19 Permit Review, Renewal or Extension Conditions**

Permittee is subject to any review, renewal, or extension conditions stated in the permit or the District Rules. This permit is subject to cancellation in accordance with § 5.217 of the District Rules.

**20 Change of Name, Address, or Telephone Number**

Permittee shall provide written notice to the District of any change of ownership, name of Permittee, authorized representative, well operator, mailing address, or telephone number within 30 days of such change.

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**21 Inspections by District**

Any authorized officer, employee, agent, or representative of the District shall have the right at all reasonable times to enter upon lands upon which a well may be located within the boundaries of the District, including the wells identified in Section 6 of this permit, for the purpose of inspecting or testing such wells, meters, pumps, and the power units of a well or wells, collecting water samples, and making any other reasonable and necessary inspections and tests that may be required or necessary for the formulation or the enforcement of the permits, rules, or orders of the District. Permittee has a duty to ensure that the well site is accessible to District representatives for inspection and to cooperate fully in any reasonable inspection of the wells and well sites by District representatives.

**22 Additional Conditions**

23.1 This permit is issued subject to the requirements of: (1) Chapter 8816, Texas Special District Local Laws Code; (2) Chapter 36, Texas Water Code; and (3) the District Rules.

23.2 This permit is subject to the standard permit conditions set forth in § 5.216 of the District Rules.

**23 Enforcement**

The District retains the right to take any and all enforcement actions within its legal authority to enforce compliance with the terms and conditions of this permit.

**24 Continuing Jurisdiction of District**

This permit is issued subject to the continuing jurisdiction of and supervision by the District, and may be amended from time to time consistent with applicable law, including if the District learns that any of the information set forth in this permit is incorrect on the date issued.

**25 Permit Recordation**

Within 30 days of the date of issuance of this permit by the District, the District on behalf of the Permittee will record this permit with the County Clerk of Culberson County and provide a copy of the recorded permit to the Permittee. The cost of such recording shall be assessed against the Permittee.

**26 References to Law**

Any reference in this permit to a statute, rule, or other law of any kind that exists on the date of issuance of the permit includes all subsequent amendments and additions thereto.

**27 Other Matters Denied**

All other matters requested in Permittee's application that are not specifically granted by this permit are denied.

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**THIS PERMIT IS ISSUED UPON EXECUTION.**

**EXECUTED THIS** 14<sup>th</sup> day of June, 2018 **by the Board of Directors of the Culberson County Groundwater Conservation District.**

*V R Cottrell*

Vance Cottrell  
President, Board of Directors

**ATTEST:**

*David Robb*

David Robb  
Secretary, Board of Directors

**ACKNOWLEDGMENT**

**STATE OF TEXAS** )

**COUNTY OF CULBERSON** )

**ON BEHALF OF THE DISTRICT, THIS PERMIT WAS ACKNOWLEDGED** before me on JUNE 14, 2018, by Vance Cottrell, President, Board of Directors, Culberson County Groundwater Conservation District, a groundwater conservation district created pursuant to Article XVI, Section 59, Texas Constitution.

*Stephen L Mitchell*

Notary Public in and for the State of Texas



00000005470

**STATE OF TEXAS  
COUNTY OF CULBERSON**

**FILED FOR RECORD**  
**AT 9:55 O'CLOCK A. M.**  
**ON THE 15th DAY OF June**  
**A.D., 2018.**

I hereby certify that this instrument  
was FILED on the date and at the time  
stamped hereon by me and was duly  
RECORDED in the  
Volume 39 and Page 867-871  
of the OPK  
Records of Culberson County, Texas.

Linda McDonald  
COUNTY AND DISTRICT CLERK  
CULBERSON COUNTY, TEXAS



COUNTY AND DISTRICT  
CLERK CULBERSON  
COUNTY, TEXAS

BY Nalley Kinton  
DEPUTY