

CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT
COUNTY OF CULBERSON, STATE OF TEXAS

Vol. 192, p. 420

HISTORIC USE PRODUCTION PERMIT

THIS CERTIFIES THAT: **Carol Louise Brookshier Jones dba Brookshier Jones Ranch**
P.O. Box 244
Talpa, TX 76882

("Permittee"), has applied for an 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") has APPROVED the application as follows:

1 Permit Category

This permit is a **Historic Use Production Permit** ("HUPP").

2 Permit Term

The term of this permit is perpetual 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

Permittee may withdraw groundwater from the Aquifer for beneficial, nonwasteful use in a manner not to exceed the amount (volume) of 1,554.0 acre-feet per calendar year, subject to any proportional adjustment pursuant to Chapter 5, Subchapter B, of the District Rules. The amount of 1,554.0 acre-feet per calendar year is based on the determination by the District that the applicant owns 310.80 acres of Existing and Historic Irrigated Land, as defined in the District Rules.

5 Purpose of Use

Permittee may use Aquifer groundwater only for **agricultural uses**, as defined in the District Rules.

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

Groundwater may be withdrawn from the Aquifer only from a well(s) located at each of the location(s) and with a maximum rate of withdrawal(s) (flow rate) as listed in Exhibit A, attached and incorporated herein.

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7 Measurement of Amount of Groundwater Withdrawn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.

8 Ownership of Land and Place of Use of Groundwater

Exhibit B, attached and incorporated herein, is a copy of the deeds for land owned by the Permittee and provided by the Permittee in Permittee's HUPP application to the District. The District relied on the information contained in Exhibit B in granting this permit. Permittee may beneficially use Aquifer groundwater only for irrigation of agricultural crops located within the property identified in Exhibit B of this permit.

9 Measurement of Amount of Groundwater Withdrawn

Permittee may only withdraw groundwater from a well that has an operating flow meter that meets the requirements of Chapter 8 of the District Rules.

10 Well Construction, Operation, Maintenance, Closure

The well(s) identified in this permit shall be installed, equipped, operated, maintained, plugged, capped, or closed, as may be appropriate, in accordance with the District Rules and all other applicable federal, state, and local laws. Included in these requirements is the requirement that Permittee shall submit a copy of a state plugging report to the District within 60 days after capping or plugging any well.

11 Water Conservation

Withdrawals of groundwater are required to be efficiently withdrawn and used in compliance with the District Rules and the District's water conservation plan (as may be amended), and Permittee's water conservation plan as approved by the District, as may be applicable.

12 Conveyance to Place of Use

Water authorized by this permit to be produced must be conveyed to the place of use in a manner to prevent evaporation, channel loss by percolation, or waste. Water conveyed greater than a distance of one-half mile from the wellhead where produced must be conveyed through a pipeline.

13 Meters

Permittee shall install, operate, and maintain meter(s) on the well(s) identified in this permit in compliance with the District Rules and the manufacturer's instructions.

14 Reports

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

15 Fees

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

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16 Groundwater Management Plan

Permittee shall withdraw and use groundwater only in accordance with the District's approved groundwater management plan, as may be amended.

17 Water Quality

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

18 Transfers

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

19 Change of Address

The Permittee shall provide to the District written notice of any change in the mailing address of the Permittee within 30 days after such address is changed.

20 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 well(s) identified in Paragraph 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 well(s) and well site by District officers, employees, agents, or representatives.

21 Additional Conditions

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.

22 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.

23 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 circumstances in which the District learns that any of the information set forth in this permit is incorrect on the date issued.

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24 Permit Recordation

Within 30 days of the date of issuance of this approved permit from the District, the District shall record this permit with the Culberson County Clerk.

25 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 thereto.

26 Other Matters Denied

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

THIS PERMIT IS ISSUED, EXECUTED THIS June 17, 2013, by the Board of Directors of the Culberson County Groundwater Conservation District.

V R Cottrell
President, Board of Directors

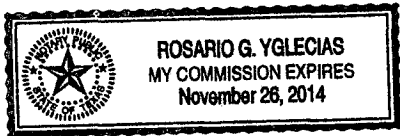
ATTEST:

[Signature]
Secretary, Board of Directors

ACKNOWLEDGMENT

STATE OF TEXAS)
COUNTY OF CULBERSON)

ON BEHALF OF THE DISTRICT, THIS PERMIT WAS ACKNOWLEDGED before me on June 17, 2013 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.



Rosario G. Yglecias
Notary Public in and for the State of Texas

**CULBERSON COUNTY GROUNDWATER CONSERVATION DISTRICT
COUNTY OF CULBERSON, STATE OF TEXAS**

EXHIBIT A

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

<u>Name</u>	<u>Location (latitude/longitude)</u>	<u>Maximum Flow Rate (gpm)</u>
1CJ	31.115833, -104.708888	1450
2CJ	31.1213888,-104.710278	800

EXHIBIT B
A029

CECIL D. MILLER

I

TO

I

R.G. BROOKSHIER, ET AL

I

7

Prepared by the State Bar of Texas for use by lawyers only. Reviewed
1-1-76. Revised to include grantee's address (art. 6626, RCS) 1-1-82.

WARRANTY DEED 34824

THE STATE OF TEXAS
COUNTY OF CULBERSON

} KNOW ALL MEN BY THESE PRESENTS:

That I, CECIL D. MILLER, not joined by my wife as the herein described property
is no part of our homestead,
whit address of 338 S. E. 10 Rd., Othello, Washington 99344
of the County of and State of WASHINGTON for and in
consideration of the sum of TEN AND NO/100 -----
-----(\$10.00)----- DOLLARS
and other valuable consideration to the undersigned paid by the grantee s herein named, the receipt of
which is hereby acknowledged.

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto
- - R. G. BROOKSHIER and MARGARET L. BROOKSHIER ----

of the County of Coleman and State of Texas, all of

the following described real property in CULBERSON County, Texas, to-wit:
3.49 acres, more or less, constituting a part of Sectin or Survey No. 4, Block 77,
Public School Land Survey, Culberson County, Texas, lying about 7 miles North 55° East from
the County Site of said County and described by metes and bounds in EXHIBIT "A"
attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and
appurtenances thereto in anywise belonging, unto the said grantee s, their heirs and assigns
forever; and I do hereby bind myself, my heirs, executors and administrators to
WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantees, their
heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 28th day of FEBRUARY, A.D. 19 90

Cecil D. Miller

CECIL D. MILLER

Mailing address of each grantee:

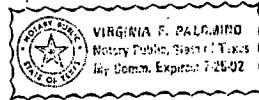
Name: R. G. BROOKSHIER &
Address: MARGARET L. BROOKSHIER
P. O. Box 277
Talpa, Texas 76882

Name:
Address:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF REEVES }

This instrument was acknowledged before me on the 28th day of February, 1990,
by CECIL D. MILLER



Virginia F. Palomino
Notary Public, State of Texas
Notary's name (printed):
VIRGINIA F. PALOMINO
Notary's commission expires:
7-25-92

(Acknowledgment)

STATE OF TEXAS
COUNTY OF }

Exhibit "A"

3.49 acres, more or less, constituting a part of Section or Survey No. 4, in Block 77 of the Public School Lands in Culberson County, Texas, lying about 7 miles North 55° East from the county site of said County;

Beginning at the Northeast corner of this tract in the West Line of Section or Survey No. 6, Block No. 63, the Block Line, and the East line of Section or Survey No. 4, Block 77, the Block line, Public School Land Surveys, from which the Northeast corner of said Section or Survey No. 4 bears North 161° varas;

Thence West 92.16 varas to an iron pin for the Northwest corner of this tract;

Thence South 253.4 varas to an iron pin for the Southwest corner of this tract;

Thence East 92.16 varas to an iron pin at the Southwest corner of the North 1/2 of Survey or Section 6, Block 63 for the Southeast corner of this tract, in the common line of Surveys or Sections No. 6 and 4, and Blocks Nos. 63 and 77, Public School Land Surveys;

Thence North 253.4 varas with said common line to the place of beginning; according to Survey made by W.F. Sowell, July 11, 1959.

Filed for record on the 5th day of March A.D. 1990 at 9:00'clock

A M. Recorded on the 20th day of March A.D. 1990 at 8:20'clock

A M. By Frank Ortiz Deputy.

LINDA URIAS, COUNTY CLERK
CULBERSON COUNTY, TEXAS.

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#Pages 8 #NFPages 0
6/18/2013 4:20:28 PM
Filed & Recorded in
Official Public Records of
County and District Clerk
Linda McDonald
Fees 38.00

State of Texas
County of Culberson

I hereby certify this instrument was FILED on
the date and at the time stamped hereon by me
and was duly RECORDED in the VOL 192 and
Page 420 of the DM Records of
Culberson County, Texas on:

July 10, 2013

M. C. Ward

By Deputy