

NON-HISTORIC USE PRODUCTION PERMIT

THIS CERTIFIES THAT: Forrest Herman Perry
P.O. Box 816
Van Horn, Texas 79855

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

1 Permit Category

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

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 Wild Horse Flat Aquifer for beneficial, nonwasteful use in a manner not to exceed the amount (volume) of 125 acre-feet per calendar year. This groundwater withdrawal amount has been calculated pursuant to Section 5.102 of the District's rules. The amount of groundwater withdrawal may be subject to proportional adjustment pursuant to Chapter 5, of the District's rules, as may be amended; and may be subject to cancellation or reduction pursuant to Section 5.102(f) of the District's rules.

5 Purpose of Use

Permittee may use Wild Horse Flat Aquifer groundwater only for industrial and municipal purposes.

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

Groundwater may only be withdrawn from the aquifer from the well(s) located at each of the location(s) and with a maximum rate of withdrawal(s) (flow rate) as follows: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>
Well # 1	31.129467, -104.712835	1,000gmp
Well # 2	31.122676, -104.716683	1,100gmp

7 Measurement of Amount of Groundwater Withdrawn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's rules and is listed in Section 6 of this permit.

8 Place of Use

Permittee may beneficially use Aquifer groundwater within the District's boundaries. 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's rules and all other applicable federal, state, and local laws, including by submitting a copy of a state plugging report to the District within 60 days after capping or plugging any well.

9 Water Conservation

Withdrawals of groundwater are required to be efficiently withdrawn and used in compliance with the District's rules and the District's management plan, as may be amended, and Permittee's water conservation plan as approved by the District, as may be applicable. Starting in the year 2016, and for each ten year period thereafter under the term of this permit and Section 5.217 of the District Rules, permit is subject to cancellation by the District in whole or a reduction in the annual volume of production authorized by the permit. 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.

10 Meters; Alternative Measuring Method

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

11 Reports

Permittee shall timely file all applicable reports with the District on forms prescribed by the District as required by the District's rules, as may be amended, the requirements of this permit, and other applicable law.

12 Fees

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

13 Interruption, Suspension, or Other Limitations Due to Drought

Permittee shall reduce water supply and consumption during times of drought in accordance with the District's rules and the District's management plan and Permittee's drought and water conservation plan approved by the District, as applicable.

14 Other Water Permits or Water Supply Contracts

Permittee shall only withdraw groundwater pursuant to this permit if the Permittee has made all reasonable efforts to fully use all water available to the Permittee pursuant to other water supply permits and/or water supply contracts, if any.

15 Groundwater Management Plan

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

16 Water Quality

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

17 Transfers and Amendments

Permittee may transfer or amend this permit only in compliance with the District's rules.

18 Permit Review, Renewal or Extension Conditions

Permittee is subject to any review, renewal or extension conditions stated in the permit or the District's rules. This permit is subject to cancellation in accordance with Section 5.217 of the District's rules.

19 Change of Name, Address or Telephone Number

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

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 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 well(s) and well site by District representatives.

21 Additional Conditions

21.1 This permit is issued subject to the requirements of: (1) Chapter 8821, Texas Special District Local Laws Code; (2) Chapter 36, Texas Water Code, as may be amended; and (3) the District's Rules, as may be amended.

21.2 This permit is subject to the standard permit conditions set forth in Section 6.209 of 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 if the District learns that any of the information set forth in this permit is incorrect on the date issued.

24 Permit Recordation

Within 30 days of the date of issuance of this approved permit from the District, the District on behalf of the Permittee will record this permit with the County Clerk of every county in which the well(s) or place of use are located and provide a copy of the recorded permit to the Permittee. The cost of such recordings shall be assessed against the Permittee.

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 and additions 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 12th day of October ²⁰¹⁶ **by the Board of Directors of the Culberson County Groundwater Conservation District.**

Vance Cottrell

Vance Cottrell
President, Board of Directors

ATTEST:

Cruz Parada

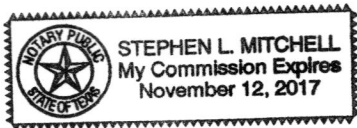
Cruz Parada
Secretary, Board of Directors

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF CULBERSON)

ON BEHALF OF THE DISTRICT, THIS PERMIT WAS ACKNOWLEDGED before me on OCTOBER 12, 2016, 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

00000002571

**STATE OF TEXAS
COUNTY OF CULBERSON**

**FILED FOR RECORD
AT 3:54 O'CLOCK P. M.**

ON THE 13th DAY OF October

A.D., 2016.

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 20 and Page 457-461 of the OPR Records of Culberson County, Texas.

Linda McDonald
COUNTY AND DISTRICT CLERK
CULBERSON COUNTY, TEXAS
BY [Signature]
DEPUTY



COUNTY AND DISTRICT
CLERK CULBERSON
COUNTY, TEXAS