

Victory Rock LLC Permit Hearing
Item #4a



Phone: 254-933-0120 Fax: 254-933-8396
P.O. Box 1989, Belton, TX 76513

Every drop counts!

APPLICATION FOR NON-EXEMPT WELL CLASSIFICATION 2

A NON-EXEMPT WELL, CLASSIFICATION 2 is a well that satisfies the following conditions:

- 1) A water well used for purposes other than domestic, livestock or poultry; or
- 2) A water well that is drilled, equipped or completed so that it is capable of producing more than 25,000 gallons/day.

Check one of the following:

DRILLING PERMIT

(Complete Sections 1, 2, 3, 4 & 7)

New Well

Replacement Well

OPERATING PERMIT

(Complete Sections 1, 5 & 7; update Sections 2, 3, & 4 if different from Drilling Permit)

Water to Remain in District

Water to be Exported Outside District*

PERMIT AMENDMENT

Modify Dilling Permit (Complete Sections 1,2,3,4 & 7)

Modify Operating Permit (Complete Sections 1,5 & 7)

Change in Well Ownership (Complete Sections 1 & 7)

An application for an **Operating Permit** must be filed within 30 days of completing a new well, or reworking/re-equipping an existing well.

A **Hydrogeological Report** is required for 1) Operating Permit applications requesting an annual maximum permitted use of more than 37 acre-feet; or 2) amendments to increase production or production capacity of a public water supply, municipal, commercial, industrial, agricultural or irrigation well with an outside casing diameter greater than 6 5/8 inches as discussed in District Rule 6.9.2.

*Requests to export water outside the District must also complete Section 7.

Per Rule District Rule 9.3 and State Law TDLR all *State of Texas Well Reports* are due to the District within **60 days of well completion**.

NEW Per District Rule 9.3.3 at completion of all wells Water Quality Assessment is required by the Pump Installer and/or Well Driller. District Staff will provide screen test, sample bottles, and coordinate with Pump Installer or Driller to retrieve the sample within **45 days of the well completion**. Temporary pump to purge the well is required should the well not have pump permanently installed in first 45 days. This requirement is for operating permits 37 ac. ft. or less.

1. Owner Information

Note: If well owner is different from property owner, provide documentation from property owner authorizing well construction and operation.

Well Owner: Byron Goode Email: _____ Telephone No.: _____

Address: P.O Box 297 Jarrell TX 76537
(Street or P.O. Box) (City) (State) (Zip Code)

Contact Person (if other than owner): Mickey Hubicsak Telephone No.: (830) 312-2217

If ownership of well has changed, name of previous owner _____ State Well No. _____

2. Property Location & Proposed Well Location

Owner of property (if different from well owner): _____

Property is located 1.5 miles W of Prairie Dell on Solana Ranch Rd
(Number) (N,S,E,W) (Nearest City or Town) (Name of Road)

Acreage: 3.359 Bell CAD Property ID #: 107127 Latitude: 30.876147 Longitude: -97.609449

3. Well Description (Submit if State of Texas Well Report is available)

a. Proposed use of well and estimated amount of water to be used for each purpose:

_____ *Domestic; _____ Livestock/Poultry; _____ Agricultural/Irrigation;
30 acre-ft/yr Industrial; _____ **Public Supply; _____ Other.

*Total number of houses to be serviced by the well: 0

**Notice is required of any application to the TCEQ to obtain or modify a Certificate of Convenience and Necessity to provide water or wastewater service with water obtained pursuant to the requested permit.

b. Estimated distance from nearest: (feet)

100 N / S Property Line; 950 E / W Property Line; _____ Existing Septic Leach Field;

3300 River, Stream or Lake; 600 Existing Water Well; _____ Livestock Enclosure;

_____ Other Source of Contamination (cemetery, pesticide mixing/loading, petroleum storage tank, etc.)

c. Estimated rate of withdrawal (GPM): 186 d. Is property subject to flooding: Yes No

e. Is there another well on the property? Yes No f. Is the well part of a multi-well aggregate system? Yes No
If yes, how many wells? _____ List State Well Numbers: _____

g. Attach the following:

- tax plat map indicating the location of the proposed well or the existing well to be modified, the subject property, and adjacent owners' physical addresses and mailing addresses. (Bell CAD maps if current will be accepted)
- Indicate the location of the proposed well or the existing well to be modified with a circle and dot, and the distance to the well from property lines.
- CUWCD will provide the location of all existing wells within 1/2 mile radius of the proposed well or the existing well to be modified.

NOTE: If this is a replacement well, indicate location of well that is being replaced and distance from the proposed well. Abandoned well must be properly capped or filled in accordance with state law and the rules of the District.

Required: Pump Installer / Well Driller Information (Required by Law)

Name: Alpine Water Well TDLR Pump Installer License Number: _____

Address: _____ TDLR Well Drillers License Number: 02912WI

(Street or P.O. Box) _____

(City) _____ (State) _____ (Zip Code) _____

(512) 818-2679 _____ Comments/notes: _____

(Phone #) _____ (Fax #) _____ alpinewaterwell2012@gmail.com

(E-mail address)

4. Completion Information

Provide the following information to the extent known and available at the time of application.
NOTE: Provide the complete driller's log and any mechanical log, or chemical analysis, within 60 days of completion of well. Well must be drilled within 30 feet of the location specified and not closer to any existing well or authorized well site than the District's minimum spacing rule requires.

If amending existing permit, explain requested amendment and reason for amendment:

Proposed **Total Depth of Well:** 880 ft; Borehole Diameter (Dia) 9 inches (in) from 0 to 140 ;
 Dia. (2) 7 in. from 140 to 880 Casing: Material steel ; Inside Diameter (ID) 6 in;
Screen: Yes No Screen Type slotted pvc ; Screen Dia. 4.5 in from 800 to 880 ft;
 # of Packers _____ ; **Pump Type:** submersible ; **Power:** electric ; Horsepower Rating 5 ;
 Depth: _____ ft; Column Pipe ID: 2 in. Date Completed _____

Proposed Water Bearing Formation: Middle Trinity **Correction to the Column Pipe Size per Jon & Dirk Conversation 10:15 am Dec 21st**

RECEIVED
 MAR 10 2021
 BY: [Signature]

Amended
 to
 2 acs/ft/
 with term
 Limit PBD

5. Operating Permit

NOTE: If requesting operating permits or permit renewals for multiple wells, please attach a separate sheet with the information requested below for each well.

Current operating permit annual production: _____ Requested increase/decrease: _____
 Include statement/documentation explaining requested production:
 Number of contiguous acres owned or leased on which water is to be produced: 283 acres
 Total annual production requested with this operating permit: 30 acre-foot or 9775000 gallons
 Requested annual volume to be exported out of the District: 0 Gallons (0 % of total pumpage)

NOTE: (1 acre-foot = 325,851 gallons) Withdrawals from all non-exempt wells Classification 2 must be reported to the District monthly—by the 10th of the following month

6. Export Requirements

If water is to be exported outside the District, describe the following issues and provide documents relevant to these issues:

- The availability of water in the District and in the proposed receiving area during the period requested.
- The projected effect of the proposed export on aquifer conditions, depletion, subsidence or effects on existing permit holders or other groundwater users within the District.
- How the proposed export is consistent with the approved regional water plan and certified District Management Plan.

7. Certification

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief. I certify to abide by the terms of the District Rules, the District Management Plan, and orders of the Board of Directors. I agree to comply with all District well plugging and capping guidelines as stated in the District Rules.

Mickey Hubicsak 12/18/2020

Typed Name of the Owner or Designee _____ Date _____

PERMIT TERMS: *Drilling Permits*—effective for 365 days from the date the permit application is approved by the Board. *Combination Drilling / Operating Permits*—effective until the end of the calendar year in which it is issued. Permits may be renewed by the General Manager, subject to any changes necessary under proportional adjustment regulations, District Rules, or the District Management Plan.
SPACING/ACREAGE REQUIREMENTS: Refer to District Rules, Section 9.5. For a well with a column pipe size of 2" or less, a minimum tract size of 2 acres is required, with a 100' setback from other well sites, and a 50' setback from property lines. Acreage and setbacks increase with larger column pipe size.
NOTICE REQUIREMENTS: Permit applicants must provide notice of filing as follows: 1) publication in a newspaper of general circulation in the District; and 2) certified mail, return receipt requested, to all adjacent property owners and owners of wells located within ¼ mile radius of the existing well or proposed well that is the subject of the application. The District will provide the appropriate forms for notification. Applicant must provide 1) proof of publication of public notice; and 2) proof of receipt by certified mail of the public notice to property owners as

SUBMIT FOR ADMIN REVIEW



— AN ATLAS COMPANY —

12/18/2020

Mr. Dirk Aaron
Clearwater UWCD
700 Kennedy Ct
Belton, TX, 76513

RE:

Dear Mr. Aaron;

Sage Environmental Consulting is submitting this application on behalf of Victory Rock Texas LLC who will operate the well according to the permit upon approval of the Board.

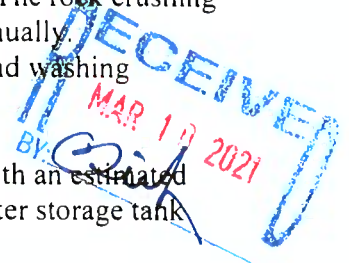
The 283-acre property is owned by Byron Goode and is leased by Victory Rock Texas LLC for the purpose of mining and crushing aggregates.

The Jarrell Plant is currently authorized under a Tier II Standard Permit (No. R09108323940). A NSR Air Permit is currently under review for authorization that will increase allowable production. Victory Rock Texas LLC is in good standing with the TCEQ.

The wash plant will produce approximately 900,000 tons of material annually. The rock crushing and screening will operate 7300 hours annually and produce 4,380,000 tons annually. Approximately 30 acre-ft/yr of water will be required to operate the crushing and washing operations annually.

*Amended to 2 acre-ft/yr
with term limit TBD*

The operator will capture and reuse water using a 1-acre sedimentation pond with an estimated depth of 14 ft. The water will be pumped from the pond to an above ground water storage tank that will supply the crushing and washing operations as necessary.



Alpine Water Wells inspected the well on December 1st, 2020. The well and casing are in good condition. The well currently has a 1.5 HP submersible pump that will be replaced with a 5 HP submersible pump to supply the 30 acre-ft/yr of water annually.

If you have any questions, please contact Jon Taliaferro (phone: 361-215-9994, email: jon.taliaferro@oneatlas.com).

Sincerely,
Sage ATC Environmental Consulting LLC

Jon Taliaferro
Project Manager

Enclosure

APPLICATION FOR NON-EXEMPT WELL
CLASSIFICATION 2

Bell CAD Property Information

Jarrell Mine Water Use Estimate

Jarrell Memo of Lease

cc: Scott Cusick

Victory Rock Texas
Jarrell Rock Crushing Plant
Groundwater Water Usage Determination

	Worst-Case Scenario	
	Annual Groundwater Need	
	gal/yr	acre-ft/yr
Washplant	8929476	27
Dust Suppression	865050	3
Total	9794526	30

Victory Rock Texas
Jarrell Rock Crushing Plant
Dust Suppression Water Usage Determination

Item	Number of Items	Number of Nozzles	Gal/min/nozzle	Loads/day	Gal/load	Gallons/minute	Gallons/day	Days/yr	Gallons/yr	Acre/ft-yr
Dust Suppression Spray Bars	6	3	0.5	-	-	9	10800	365	3942000	12.10
Water Truck	1	-	-	1	5000	-	5000	365	1825000	5.60
									Total Use	17.70
									Total Ground Water Use	2.65

Notes:

- Dust Suppression Spray Bars operate 20 hours per day.
- Dust Suppression Spray Bars are located at crushers and screens.
- Water trucks are for dust suppression sitewide.
- Avg of 1 truck load per day.
- Assume 85% recapture of water.

Input Values

Mine Name: VR Jarrell	Storage pond surface area in acres: <u>1</u>	Months without rainfall (worst case): <u>6</u>
Tons of material washed annually: 400,000	Average pond depth in feet: <u>14</u>	Rainfall runoff collection efficiency: <u>60%</u>
Working days per year: <u>365</u>	Pond catchment area in acres: <u>80</u>	Wash water shipped with material: <u>5%</u>
Working hours per day: <u>20</u>	Average evaporation in inches: <u>54.39</u>	Wash water return flow infiltration loss: <u>10%</u>
Sprayer nozzles: <u>18</u>	Average precipitation in inches: <u>33.05</u>	Additional contingency: <u>0%</u>
Minimum GPM per nozzle: <u>1</u>	Maximum GPM per nozzle: <u>2</u>	

VR Jarrell Mine Water Use Estimates

1,096 tons of washed material daily	0.18 low estimate of daily water use in acre-feet	66.29 low estimate of annual water use in acre-feet
59,178 low estimate of daily water use in gallons	0.36 high estimate of daily water use in acre-feet	132.58 high estimate of annual water use in acre-feet
118,356 high estimate of daily water use in gallons		

VR Jarrell Mine Water Loss Estimates

3.31 minimum annual water loss for water shipped in washed material in acre-feet	0.01 minimum daily water loss for water shipped in washed material in acre-feet
6.63 maximum annual water loss for water shipped in washed material in acre-feet	0.02 maximum daily water loss for water shipped in washed material in acre-feet
6.63 minimum annual water loss for return flow infiltration in acre-feet	0.02 minimum daily water loss rate for return flow infiltration in acre-feet
13.26 maximum annual water loss rate for return flow infiltration in acre-feet	0.04 maximum daily water loss rate for return flow infiltration in acre-feet
1.78 annual net evaporative loss estimate in acre-feet	0.00 average daily net evaporation in acre-feet
0.03 Minimum daily consumptive use in acre-feet	0.05 Maximum daily consumptive use in acre-feet

VR Jarrell Mine Water Input Estimates

14 volume of pond in acre-feet
182,600 annual volume of rainfall runoff available in pond in acre-feet
4 potential volume to refill pond resulting from a 1-inch rain in acre-feet

VR Jarrell Mine Worst-Case Groundwater Use Estimates

131 working days in worst-case scenario	23.83 Estimated minimum worst-case groundwater needs in acre-feet
4.00 estimated soil re-wetting volume in acre-feet	27.40 Estimated maximum worst-case groundwater needs in acre-feet

Clearwater Underground Water Conservation

PO Box 1989
Belton, TX 76513

Invoice

Invoice #: 129

Invoice Date: 12/21/2020

Due Date: 12/21/2020

Project:

P.O. Number:

Bill To:

Victory Rock Texas, LLC
531 East 770 North
Orem, UT 84097

Date	Description	Amount
12/21/2020	Permit Application Fee	3,500.00

RECEIVED
DEC 21 2020
BY: *[Signature]*

Total	\$3,500.00
Payments/Credits	\$0.00
Balance Due	\$3,500.00

RECORDING REQUESTED BY
Victory Rock Texas, LLC

Exhibit B
Memorandum of Agreement Form

FILED FOR RECORD
At 12:25 O'Clock P.M.

WHEN RECORDED MAIL TO
Victory Rock Texas, LLC
10447 South Jordan Gateway
South Jordan, UT 84095

1/10

531 E 770N.
DREM, UT 84097

JAN - 6 2015

Shirley Costin
COUNTY CLERK BELL COUNTY, TX

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT dated this 27th day of May, 2015, is made on behalf of Victory Rock Texas, LLC, a Utah limited liability company, whose address is 10447 South Jordan Gateway, South Jordan, Utah, 84095 (referred to hereinafter as "Lessee").

Pursuant to a Lease Agreement by and between Byron Goode (referred to hereinafter as "Lessor") and Lessee, Lessor leased to Lessee the real property described on Exhibit A (referred to hereinafter as the "Property") attached hereto and incorporated herein by this reference.

This Memorandum of Agreement is prepared to provide record notice that Lessee holds these rights as long as certain obligations are met for Three (3) years and has the option to extend the term for Five (5) additional Ten (10) year terms. This Memorandum of Agreement is prepared for the purpose of recordation, and in no way replaces, modifies, or alters the provisions of the aforementioned Land Lease Agreement.

The undersigned hereby acknowledges and affirms to the below named notary public that (1) [s]he appeared before such notary public and on behalf of the above named corporation or limited liability company by proper authority, either executed the foregoing document before such notary public or acknowledged to such notary public that the undersigned executed the foregoing document.

DATED effective this 27th day of May, 2015.

LESSOR

LESSEE

Victory Rock Texas, LLC, a Utah limited liability company

Byron Goode
Byron Goode

Scott Gusiak
Scott Gusiak, CEO

**ACKNOWLEDGMENT
INDIVIDUAL**

STATE OF Texas)
COUNTY OF Williamson)ss.

On this 27 day of May, 2015, before me personally appeared Byron Goode known to me (or proved to me on the basis of satisfactory evidence) to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.



Brenda Cooper
Notary Public

**ACKNOWLEDGMENT
CORPORATE**

STATE OF Texas)
COUNTY OF Williamson)ss.

On this 27 day of May, 2015, before me personally appeared Scott Cusick known to me (or proved to me on the basis of satisfactory evidence) to be the person who is described in and who executed the within instrument as CEO of Victory Rock Texas, LLC and acknowledged to me that he executed the same.



Brenda Cooper
Notary Public

EXHIBIT A

Legal descriptions

283 Acres as described in the Site Plans Dated March 20, 2015 for the Jarrell North Pit and the Goode Ranch South Pit combined.

Official Receipt for Recording in:

Bell County Clerk
P.O. Box 480
Belton, Texas 76513

Issued To:
VICTOR ROCK TEXAS LLC
531 E 770 N
ORERN UT 84097

Recording Fees

Filing Type	Number	Vol#	Page	Time	Recording Amount
Recordings	00000391	09509	00916	12:24:20p	19.00
	DR-GOODIE BYRON IN-VICTORY ROCK TEXAS LLC				

19.00

Collected Amounts

Payment Type	Amount
Credit Card BUOPDF0227B1	19.00

19.00

Total Received : 19.00
Less Total Recordings: 19.00

Change Due : .00

Thank You
SHELLEY COSTON - County Clerk

By - Destinee Wilson

Receipt# Date Time
0257119 01/06/2016 12:24p



Charles Jones
Treasurer
101 East Central Avenue Ground Floor
Belton TX 76513

Receipt

Location: 12

Employee: 210

Transaction Information

Transaction Type: County Clerk RECORDING Fees
ID: RECORDONG
Year: 2016
Amount Due: \$19.00
Convenience Fee: \$3.00
Total Amount Due: \$22.00

Payment Information

Payment Method: Credit Card
Card Type: VISA
Card Holder Name: CUSICK/SCOTT
Reference #: 155954
Transaction #: BU0PDF0227B1
Authorization #: 111111
Processed Date: 01/06/2016
Processed Time: 12:24:07 PM

Please Sign Here:

Transaction Details

Phone #: 8015091239

Home

Thank you for your payment!
Your credit card statement will reflect this transaction with the name
GOVERNMENT PAYMENTS.
If you should have any questions regarding your credit card transaction you can
call us at 956-682-3466 during our business hours of 8:00 AM to 5:00 PM Central
Standard Time on Monday through Friday.

Copyright 2012.

CUWCD Executive Summary

Staff Report
Amended Application for an Operating Permit
N2-20-007P



Applicant/Owner: Victory Rock LLC
c/o Jon Taliaferro Sage ATC Environmental Consulting LLC
715 Discovery Blvd., Suite 301, Cedar Park TX 78613

Location of Well:
283-acre tract located at 7170 Solana Ranch Rd West, Jarrell Texas 76537-5008, to produce groundwater for beneficial use for the purpose of mining and crushing aggregates.

Latitude 30.876156°
Longitude -97.609424°

<p>Proposed Annual Withdrawal:</p> <p>Rate : @ 18.6 gpm</p> <p>Withdrawal/Well: 2 acre-feet/year 9,775,000 gallons</p>	<p>Proposed Use</p> <p>Mining & Crushing Aggregates</p>	<p>Aquifer:</p> <p>Hensell Layer of the Trinity Aquifer (known as the Middle Trinity)</p>	<p>Nearest Existing Wells:</p> <p>Total: 1 wells @ 1/4 mile 6 wells @ 1/2 mile.</p> <hr/>
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General Information

Victory Rock Texas LLC, by Project Manager, Jon Taliaferro with Sage ATC Environmental, made application to the Clearwater Underground Water Conservation District (CUWCD) on December 6, 2020, for an operating permit to authorize production of groundwater not to exceed 30 ac-ft (9,775,000 gallons) per year from an existing well (N2-20-007G) completed in the Hensell Layer of Trinity aquifer to produce water for beneficial use for the purpose of mining and crushing aggregates.

Upon receiving information from the District GM and Consultants the applicant verbally amended the original application to 2 acre-feet/year to address the district’s concern for exempt and non-exempt well owners currently depending on Middle Trinity groundwater for domestic use.

Victory Rock Texas LLC is now proposing a temporary operating permit with special provisions that allow permitted production on property leased from Byron Goode totaling 283 contiguous acres. The recommended permit condition for 2-acre feet is to include a meter and a tremie tube installed as necessary for monthly reporting and district staff monthly measuring of the static water level as a part of the district’s goal to manage to the long-term DFC for the Hensell Layer of the Middle Trinity.

The proposed operating permit is not standard but defined as “term limited” to end on December 31, 2021. The district does renew standard permits annual in accordance with district rules related to production, is the permit holder complying with standard and agreed upon provisions set forth in the original permit and is the desired future conditions of the aquifer layer in question trending as predicated. (*see attached Keester Supplemental Report*).

Because this is a proposed permit is for less than 9 months, the staff has determined this well will revert to its previous status (effective January 1, 2022) as an “exempt well owned and operated by the landowner for domestic use”.

“Domestic use” means the use of groundwater by an individual or a household to support domestic activity. Such use may include water for drinking, washing, or culinary purposes; for irrigation of lawns, or of a family garden and/or orchard; for watering of domestic animals; and for water recreation including aquatic and wildlife enjoyment. Domestic use does not include water used to support activities for which consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a public water system.

CUWCD consulting hydrogeologist, Mike Keester LRE Water LLC, has reviewed the application, and has conducted the required drawdown analysis per district rules and recommended the well be metered and measured monthly during the limited life of the permit until December 31, 2021.

CUWCD general counsel has reviewed the applications for the well and participated with the district staff on January 4, 2021 to discuss the merits of the application with both Sage Environmental, Victory Rock LLC, local well owners and adjacent property owners. General Council answered questions related to the possibility that the applicant may amend their current application during testimony on January 17, 2021 to address the concerns of impact to existing exempt well owners in the Middle Trinity should the permit for 30 acre-feet/year be approved.

The applicant formally requested the application be amended to 2-acre feet/year in the Middle Trinity during the public hearing on March 10, 2021. The applicant has submitted a second application to the District per their previous testimony for a proposed new well completed to the Hosston Layer of the Trinity Aquifer. General Council has advised district GM on the following elements of the application for which the district board of directors may deliberate on.

Per Rules 6.9 and 6.10

In deciding whether or not to issue a permit, the Board must consider the following:

1. **Does the application contain all the information requested, is the application accurate? Does it meet spacing and production limitations identified by District Rules, and does it conformed to all application requirements which include public notification and accompanied by the prescribed fees? (Rule 6.10.24(a)(b), TWC 36.116(a)(1), TWC 36.113(d)(1) and Rule 6.9.1(b)(1)(2)**

The application is complete—all requested information has been provided. The application conforms to said rules with all required application fees. In addition, the applicant has met all notification requirements in a proper manner per District Rules.

- 2) **Is the proposed use of water dedicated to a beneficial use? (TWC 36.113(d)(3) and District Rule 6.10.24 (d)).**

The water produced from the existing well will be used for mining operation and equipped to 18.6 gpm/well. This does qualify as a beneficial use under district rules and chapter 36.

- 3) **Has the applicant agreed to avoid waste and achieve water conservation? (TWC 36.113(d)(6) and Rule 6.10.24(f))**

The applicant has agreed to avoid waste and achieve water conservation by signing the application form stating compliance with the District's Management Plan and "agreed upon special permit provisions" that include documentation that a site-plan for runoff containment which includes a prescribed retention pond engineered with a professionally installed poly-liner to prevent unwanted water discharge to the underlying aquifer. The engineered retention ponds are a part of the required TCEQ SWP3.

The applicants and their representatives understand that the District requires recapture and reuse of all water used in the washing and crushing operation to achieve water conservation.

- 4) **Has the applicant agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure? (TWC 36.113(d)(7) and Rule 6.10.24(g))**

The applicant has agreed to provide at a specified time "agreed upon special provision" to provide the district documentation of the TCEQ APO, SWP3 and the EPA Spills Prevention, Control & Countermeasure plan known as SPCC Plan.

The applicant has agreed (*by signing the application form*) should the well deteriorate over time or be damaged in such a way that the well is inoperable that state law and district rules require such well to be plugged before a replacement well can be drilled.

- 5) **Will the proposed water well comply with spacing and production limitations identified in our rules? (TWC 36.116(a)(1) and Rule 6.10.24(b))**

The existing well will be re-worked to have a column pipe size not to exceed a diameter of 2 inch. Based on this column pipe size, a minimum size tract of 2 acres is required, with a 100-foot spacing requirement from other wells.

The 50-foot setback requirement from adjacent property lines or the center of county roads is met for the existing well. should the applicant proposed to amend the application for a new well to the Lower Trinity per District Rule 9.5 Spacing Requirements.

The District rules do not impose production limitations other than those determined applicable in the review of the today's permit request or to prevent unacceptable level of decline in water quantity or quality of the aquifer, or as may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence. These issues are considered in Items 6 & 7 below

and with staff recommendations to address potential concerns of adjacent property owners.

6) **Will the proposed use of water unreasonably affect existing groundwater and surface water resources or existing permit holders?**

Total: 1 well within 1/4 mile and 6 wells within 1/2 mile

All wells are listed as exempt in our database and 3 completed to the Edwards BFZ aquifer and the remaining completed to the Middle Trinity Aquifer.
(attached proposed Victory Rock LLC Map)

Mike Keester, Hydrogeologist, LRE Water, has reviewed this application and has determined anticipated drawdown and has provided the MK Supplemental Report with his conclusions and recommendations stating that the proposed permitted amount of 2-acre feet for approximately 9 months in 2021 will not diminish the ability of other exempt aquifer users to produce water for a beneficial use from the Middle Trinity Aquifer known as the Hensell Layer of the Trinity.

He assessed the application prior to the March 10, 2021 public hearing to the reduced level of 2-acre feet founding that this request is reasonable and manageable. Mr. Keester will testify as needed.

(see Supplement hydrogeologic review dated February 24, 2021).

Additionally, the District, to the extent possible, must issue permits up to the point the total volume of exempt and permitted groundwater production will achieve the applicable Desired Future Condition (DFC) per **TWC 36.1132(a)(b) and Rule 6.10.25(a)(b)(c)(d)(e)**.

7) **The proposed use of water is consistent with the District's Groundwater Water Management Plan related to the approved DFC and the defined available groundwater for permitting.**

The District's Management Plan reflects a groundwater availability figure in the Middle Trinity Aquifer of **1099 ac-ft/year Model Available Groundwater**. The District has reserved 548 ac-ft/year for exempt well use thus only **551 ac-ft/year** is technically available for permitting. Currently the district has permitted out **467.70 ac-ft/year** thus only **83.3 ac-ft/year** remains of the managed available groundwater for permitting in the Middle Trinity.

The board, per the district management plan, has evaluated groundwater available for permitting the three Layers of the Trinity Aquifer and most recently evaluated the available groundwater for permitting (consistent with the management plan as stated on pages 9-11).

The requested permit amount relative to the **modeled available groundwater** MAG determined by the Texas Water Development Board (TWDB) based on the desired future conditions (DFCs) established by the District for the Middle and Lower Layers of the Trinity Aquifer was set by CUWCD based on drawdown of 137 feet and 330 feet respectfully for the next 60 years. These drawdowns were approved by the board in January 2019. To achieve this DFC, the TWDB used a model that indicated the MAG was equal to 1099 ac-ft/year for the Hensell Layer (Middle) Trinity Aquifer.

A summary of YTD 2020 permit production, HEUP & OP Permit Analysis, pending applications and *Exempt Well Reservations for the Trinity Aquifer, per District Report (*see attached Trinity Aquifer Status Report, May 2021*).

- 8) **The Modeled Available Groundwater calculations determined by the Executive Administrator of the Texas Water Development Board.**
Refer to #7 above. The modeled available groundwater will not be exceeded by granting this 2-acre feet permit for 9 months.
(*see attached Trinity Aquifer Status Report, May 2021*).
- 9) **The Executive Administrator of the Texas Water Development Board's estimate of the current and projected amount of groundwater produced under the exemptions in District Rule 8.3.**
Refer to #7 above. Reservation of Modeled available groundwater for **exempt well** use will not be exceeded by granting this permit. 548 ac-ft/year vs 490 ac-ft estimated to be used annually in the Middle Trinity. (*see 2020 district exempt use report*)
- 10) **The amount of groundwater authorized under permits previously issued by the District.**
Refer to #7 above. Existing permits do not exceed the managed available groundwater (*modeled available groundwater – exempt well use = Managed available groundwater*) for the Middle Trinity Aquifer (83 ac-ft per year remaining).
- 11) **A reasonable estimate of the amount of groundwater that is produced under permits issued by the District is determined.**
The total permitted amounts for wells in the Middle Trinity Aquifer in 2020 was **467.70 acre-feet** and the actual production in 2020 was **93.69 acre-feet (2%)** of permitted amount. (*Figures are based upon monthly production reports submitted to Clearwater by the permit holders in 2020*).
- 12) **Yearly precipitation and production patterns.**
Clearwater is currently in no drought management stage based on the PDI system (average running total annual rainfall) over the Aquifer in the District, is currently at **27.46** inches of rain received in the last 365 days (5/4/2021) thus 83.21% of annual expected rainfall of 33 inches. The Middle Trinity permit holders in all of 2020 have used only 18.27% of total permitted amounts in the Middle Trinity Aquifer. Permit holders did not exceed their total permitted amounts in 2020. The gravity of the drought of 2011-2013, 2018 and again in summer of 2020 necessitated the need for all permit applications to be evaluated based on conservative needs and usage that is not contradicted by the current voluntary drought contingency plan stage.

Conclusions:

- CUWCD well records indicate that 1 existing well (Edwards BFZ) is located within a ¼-mile radius and 2 existing wells (Edwards BFZ) and 4 existing wells (Middle Trinity) within ½ of the proposed. These wells are listed as exempt with confirmed depths in the either the Edwards BFZ and/or Middle Trinity Aquifer.

- Proposed annual permit amount of 2 acre-feet (651,702 gallons in 2021) is an amount that *will not adversely impact exempt well owners* in the defined ½ mile radius of the proposed operating well from the Middle Trinity. Per Keester Technical Memorandum (February 24, 2021) describes at the short-term lower production rate of 2 ac-ft maximum over 9 months, as manageable. He goes further to state “*the long-term predicted drawdown of about 2 feet would not cause a noticeable effect on existing users ability to obtain groundwater resources*”.
(see attached Keester’s Supplemental Report)

Recommendations:

- 1) The application for the Victory Rock LLC will need to be discussed in the public hearing and options to mitigate the concerns of the district and the affected exempt well owners.
- 2) The “*standard permit provisions*” for the existing well, if permitted for 2 ac-ft for 9 months are that the applicant install the prescribed meter and tremie tube. This would allow for district to monitor static water levels monthly as well as production.
- 3) The applicant has agreed to provide at a specified time as “*agreed upon special provisions*” in the permit that they will provide the district documentation of the:
 - a. TCEQ Aggregate Production Operations (APO) Registration,
 - b. TCEQ Storm Water Pollution Prevention Plan (SWP3),
 - c. EPA Spills Prevention, Control & Countermeasure plan (SPCC Plan).
- 4) The applicant has agreed to avoid waste and achieve water conservation by signing the application form stating compliance with the District’s Management Plan and “*agreed upon special permit provisions*” that include documentation that a site-plan for runoff containment which includes a prescribed retention pond engineered with a professionally installed poly-liner to prevent unwanted water discharge to the underlying aquifer. The engineered retention ponds are a part of the required TCEQ SWP3.

The applicants and their representatives understand that the District requires recapture and reuse of all water used in the washing and crushing operation to achieve water conservation.

- 5) Applicant has also stated that they understand the need for an ongoing Geologic Assessment to understand the nature of the underlying karst aquifer and the need for an understanding of karst features and will develop a strategy to address and protect said features.

Attachments are as follows:

<i>Mike Keester, PG Supplement Report for 2 ac-ft</i>	<i>02/24/2021</i>
<i>CUWCD Trinity Aquifer Status Report</i>	<i>05/12/2021</i>
<i>CUWCD 2019 Exempt Well Estimate of Use Report</i>	<i>12/31/2020</i>
<i>CUWCD Site Map</i>	<i>See Attached</i>
<i>Applications, fees and Notification Affidavit</i>	<i>See Attached</i>

LRE Supplemental Review



Technical Memorandum

To: Dirk Aaron, General Manager –
Clearwater Underground Water Conservation District
From: Michael R. Keester, PG
Date: February 24, 2021
Subject: Supplement to Hydrogeologic Review of the Victory Rock, LLC
Operating Permit Application


As a supplement to our review data February 9, 2021, we calculated the predicted drawdown when producing the existing Middle Trinity Aquifer well at an instantaneous rate of 10 gallons per minute and an annual rate of 2 acre-feet per year. Table 1 provides the predicted drawdown using these rates. The calculated drawdown presented in Table 1 assumes the conservative transmissivity values for the Middle Trinity Aquifer discussed in our February 9, 2021 hydrogeologic review.

At the lower production rates, the predicted drawdown at nearby existing wells is manageable. The long-term predicted drawdown of about 2 feet would not cause a noticeable effect on existing users ability to obtain groundwater resources. However, due to the uncertainty in the local hydrogeologic conditions, we continue to recommend a pumping test be conducted to ascertain the local hydraulic properties of the Middle Trinity Aquifer.

If you have any questions regarding our review, please let us know.

Geoscientist Seal

This report documents the work of the following licensed professional geoscientist with LRE Water, LLC, a licensed professional geoscientist firm in the State of Texas (License No. 50516).



Michael R. Keester, P.G.
Senior Project Manager | Hydrogeologist

02/24/2021

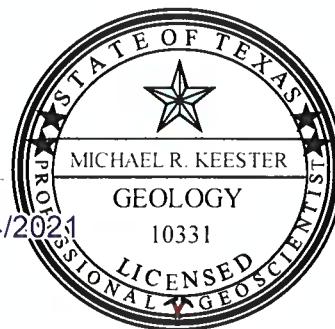


Table 1. Predicted drawdown at existing wells completed in the Middle Trinity Aquifer located within one mile of the Victory Rock, LLC well (CUWCD ID: N2-20-007G).

Well Name	Distance from Proposed Well (feet)	1-Day Drawdown (feet)	30-Day Drawdown (feet)	1-Year Drawdown (feet)
Victory Rock LLC (N2-20-007G)	1	47	8	8
E-20-123P (Baird)	1,634	3	2	2
E-20-124P (Deweese)	2,077	2	2	2
E-19-051P (Baird)	2,156	1	1	2
E-20-111P (Watkins)	2,548	Negligible	1	2
N2-19-002P (Centex Acres 2)	3,112	Negligible	1	2
N2-19-001P (Centex Acres 1)	3,239	Negligible	1	2
E-19-221P (Marsden)	3,513	Negligible	1	2
E-19-233P (Pahlke)	4,369	Negligible	Negligible	2
E-02-1551G (Sybert)	4,460	Negligible	Negligible	2
E-19-034P (Butler)	5,148	Negligible	Negligible	2
E-06-048P (KSC Properties)	5,427	Negligible	Negligible	2

Trinity Aquifer Status Report – May 2021

<u>DFC Analysis Over Time</u> (2000-Present) <i>Modeled Available Groundwater</i>			<u>HEUP and OP Permit Analysis</u> <i>Relative to the Modeled Available Groundwater</i>			<u>2021 YTD</u> <u>Total Prod.</u> <i>Jan - Apr</i> 468.27 Ac-ft 10.37%		<u>Pending Applications</u>		<u>Exempt Well Reservations</u>		
Trinity Aquifer (by layer)	DFC Adopted * Average Drawdown (by layer)	MAG ** Ac-ft	HEUP Ac-ft (by layer)	OP Ac-ft (by layer)	Total Permitted Ac-ft (by layer)	2020 YTD YTD Prod. (by layer)	2021 YTD YTD Prod. (by layer)	Available for Permitting Ac-ft (by layer)	Pending Applications Ac-ft (by layer)	Exempt Well Reserve Ac-ft (by layer)	2020 Exempt Well Use Estimate Ac-ft (by layer)	Available Exempt Use Ac-ft (by layer)
		Current										
Pawluxy	NA	0	0	0	0	0	0	0	0			0
Glen Rose (upper)	-1.38 ft/yr -83 ft/60 yrs	974	61.9	72.13	134.03	25.85	1.54	146.97	0	693	194	499
Hensell (middle)	-2.28 ft/yr -137 ft/60 yrs	1099	259.3	208.40	467.70	93.69	18.27	83.30	***2.00	548	524	24
Hosston (lower)	-5.50 ft/yr -330 ft/60 yrs	7193	1181.4	2732.64	3914.04	1119.97	448.46	3100.96	*** 1732.8	178	53	125
Total		9266	1502.6	3013.17	4515.77	1239.50 (27.45%)	468.27 (10.37%)	3331.62	1702.8	1419	771	648

*Desired Future Conditions (DFC) is the description of how the aquifer should look in the future (60 years).

**The Modeled Available Groundwater (MAG) is the estimated amount of water available for permitting assigned to Clearwater UWCD by the Executive Administrator of TWDB.

***Pending applications

Trinity Oasis LLC Operating Permit N2-13-002P (1702.8 ac-ft/yr) (this permit amount not reflected in Trinity Aquifer total permit amount; production contingent on TCEQ approval and plant construction

Victory Rock LLC Operating Permit N2-20-007G (2.00 ac-ft/yr) from the Hensell

Victory Rock LLC Operating Permit N2-21-001P (30.00 ac-ft/yr) from the Hosston

CUWCD Exempt Well Use



CUWCD Exempt Well Use Summary

As of: 5/7/2021

Aquifer	Total Active Registered Exempt Wells ³	Registered Domestic Wells	Estimated Domestic Use Gallons/Day ^{1,2}	Estimated Domestic Use Ac-ft/Year ^{1,2}	Registered Stock Wells	Estimated Stock Use Gallons/Day ⁴	Estimated Stock Use Ac-ft/Year ⁴	Total Estimated Use Gallons/Day ⁷	Total Estimated Exempt Well Use Ac-ft/Year ⁷	MAG Reserved Exempt Well Use
Glen Rose (Upper Trinity)	437	355	103,859	116	82	70,848	79	174,707	196	
Hensell (Middle Trinity)	915	857	401,648	450	58	50,112	56	451,760	506	
Hosston (Lower Trinity)	147	136	39,788	45	11	9,504	11	49,292	55	
Trinity (Total) ⁶	1,499	1,348	545,295	611	151	130,464	146	675,759	757	1,419
Edwards BFZ	833	701	205,085	230	132	114,048	128	319,133	357	825
Edwards Equivalent	494	391	114,391	128	103	88,992	100	203,383	228	
Buda	28	15	4,388	5	13	11,232	13	15,620	17	
Lake Waco	8	3	878	1	5	4,320	5	5,198	6	
Austin Chalk	226	142	41,544	47	84	72,576	81	114,120	128	
Ozan	166	118	34,522	39	48	41,472	46	75,994	85	
Pecan Gap	67	44	12,873	14	23	19,872	22	32,745	37	
Kemp	15	11	3,218	4	4	3,456	4	6,674	7	
Alluvium	586	378	110,588	124	208	179,712	201	290,300	325	
Other ⁵	1,590	1,102	322,401	361	488	421,632	472	744,033	833	
CUWCD Total Active	3,922	3,151	1,072,781	1,202	771	666,144	746	1,738,925	1,948	

- Domestic use estimate assumes 106 gallons/person per day (USGS estimate of domestic use outside of a municipal water system) and 2.76 persons/household (U.S. Census Bureau, Population Estimates Program (PEP) July 1, 2019)
- Benjamin G. Wherley, Ph.D. Associate Professor- Turfgrass Science & Ecology Dept. of Soil and Crop Sciences Texas A&M University estimate of 2,000ft² warm season turfgrass requires 38,855gal/yr/lawn or 106gal/day/lawn; "Ranchette" Avg. lawn size is 13,042ft², 6.5X larger; 6.5 X 106gal/day/lawn= 689gal/day/lawn; ~217 "Ranchette" Middle Trinity Wells; 689 X 217=an additional 150,924gal/day/lawn; **490ac-ft/yr or an 89% increase in Middle Trinity exempt well use from the 2018 estimate of 258ac-ft/yr.**
- Exempt well use estimate factors out all plugged, capped, monitor and inactive wells in the database.
- Source of stock water estimates is Texas Agrilife Extension @ 18 gallons water per day per cow. Livestock water use estimates are based on the 2017 Census of Agriculture, USDA National Agricultural Statistics Service. 36,868 cows / 771 stock wells= 48 cows/stock well; 48* 18gpd= 846 gal/day/stock well, **747ac-ft/yr or a 34% increase in annual stock use from the 2018 estimate of 556ac-ft/yr.**
- The "Other" designation is the total of minor aquifer and alluvium source designation of the exempt wells.
- Trinity Aquifer wells registered with unknown depth are assigned to the Middle Trinity per Board decision.
- All estimates of groundwater use by exempt well owners is based on assumptions and scientific data, but by no means are they to be interpreted as recommended practices by CUWCD.

Notification

January __, 2021

NOTICE OF APPLICATION FOR AN OPERATING PERMIT

Name
Address
City, State Zip

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

RE: Application for an Operating Permit Associated with an Existing Well

To Whom It May Concern:

On behalf of Victory Rock Texas LLC, I Jon Taliaferro as Project Manager with Sage ATC Environmental, have made application to the Clearwater Underground Water Conservation District (CUWCD) on December 6, 2020, for an operating permit to authorize production of groundwater not to exceed 30 ac-ft (9,775,000 gallons) per year from an existing well (N2-20-007G) completed in the Hensell Layer of Trinity aquifer to produce water for beneficial use for the purpose of mining and crushing aggregates.

Victory Rock Texas LLC is proposing an operating permit with agreed upon special provisions that allow permitted production on property leased from Byron Goode totaling 283 contiguous acres. The permit condition is to include an advanced aquifer 36 hour pumping test of the well with enhanced aquifer monitoring to correlate the permitted production with additional understanding of the aquifer conditions in the Hensell Layer of the Trinity Aquifer. The test is designed to yield additional valuable data for Victory Rock and CUWCD for general regulatory purposes and assist the District and other well owners with in-depth scientific discernment of the Hensell Layer of the Trinity aquifer and potential radius of influence on wells within ½ mile of the existing well.

The operator will be required to install a metering device for required monthly reporting of production to CUWCD. In addition, the applicant will install an observation tremie tube inside the well casing to the pump depth, for monthly static water level measurements necessary for CUWCD to monitor aquifer conditions.

CUWCD well #N2-20-007G is currently registered as an exempt well and has been inactive for an unknown amount of time. The well is completed to 880 feet below land surface, screened in the Hensell Layer of the Trinity Aquifer at 800 – 880 feet below land surface. The well will be reworked and equipped with a maximum 2-inch column pipe for a submersible pump rated at 18.6 gallons per minute on the 283-acre tract located at 7170 Solana Ranch Rd West, Jarrell Texas 76537-5008, Latitude 30.876156', Longitude -97.609424' to produce groundwater for beneficial use for the purpose of mining and crushing aggregates.

This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Courthouse Annex and at the CUWCD Office. If you would like to support, protest, or provide comments on this application, you must appear at the hearing and comply with District Rule 6.10. For additional information about this application or the permitting process, please contact CUWCD at 700 Kennedy Court (PO Box 1989), Belton, Texas 76513, 254-933-0120. I, the applicant's representative, Mr. Jon Taliaferro may be contacted at 715 Discovery Blvd., Suite 301, Cedar Park TX 78613, or by calling (361)215-9994.

Sincerely,

Jon Taliaferro
Project Manager
Sage ATC Environmental Consulting LLC

**NOTICE OF APPLICATION TO FOR AN OPERATING PERMIT
FROM THE
CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT**

Victory Rock Texas LLC, by Project Manager, Jon Taliaferro with Sage ATC Environmental, has made application to the Clearwater Underground Water Conservation District (CUWCD) on December 6, 2020, for an operating permit to authorize production of groundwater not to exceed 30 ac-ft (9,775,000 gallons) per year from an existing well (N2-20-007G) completed in the Hensell Layer of Trinity aquifer to produce water for beneficial use for the purpose of mining and crushing aggregates.

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This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Courthouse Annex and at the CUWCD Office. If you would like to support, protest, or provide comments on this application, you must appear at the hearing and comply with District Rule 6.10. For additional information about this application or the permitting process, please contact CUWCD at 700 Kennedy Court (PO Box 1989), Belton, Texas 76513, 254-933-0120. As the applicant's representative, Mr. Jon Taliaferro may be contacted at 715 Discovery Blvd., Suite 301, Cedar Park TX 78613, or by calling (361)215-9994.

Publisher's Affidavit

State of Texas
County of Bell

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JAN 15 2021
BY: [Signature]

Before Me, The Undersigned Authority, this day personally appeared Jane Moon after being by me duly sworn, says that she is the Classified Manager Inside Sales of the Temple Daily Telegram, a newspaper published in Bell County, Texas and that the stated advertisement was published in said newspaper on the following date(s):

January 15, 2021

For: Victory Rock Texas LLC
Ad #: 16664650
Cost: \$223.80
Times Published: 1

Jane Moon
Jane Moon
Classified Manager Inside Sales

Subscribed and sworn to before me,
this day: January 15, 2021

Teri Zamora
Notary Public in and for
Bell County, Texas

(Seal)

TERI ZAMORA
Notary Public, State of Texas
Comm. Expires 11-05-2023
Notary ID 19837339

NOTICE OF APPLICATION FOR AN OPERATING PERMIT FROM THE CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

Victory Rock Texas LLC, by Project Manager, Jon Tallaferra with Sage ATC Environmental, has made application to the Clearwater Underground Water Conservation District (CUWCD) on December 4, 2020, for an operating permit to authorize production of groundwater not to exceed 30 ac-ft (9,775,000 gallons) per year from an existing well (N2-20-007G) completed in the Hensell Layer of Trinity aquifer to produce water for beneficial use for the purpose of mining and crushing aggregates.

Victory Rock Texas LLC is proposing an operating permit with agreed upon special provisions that allow permitted production on property leased from Byron Goode totaling 283 contiguous acres. The permit condition is to include an advanced aquifer 26-hour pumping test of the well with advanced aquifer monitoring to correlate the permitted production with additional understanding of the aquifer conditions in the Hensell Layer of the Trinity Aquifer. The test is designed to yield additional valuable data for Victory Rock and CUWCD for general regulatory purposes and assist the District and other well owners with in-depth scientific discernment of the Hensell Layer of the Trinity aquifer and potential radius of influence on wells within 1/2 mile of the existing well.

The operator will be required to install a metering device for required monthly reporting of production to CUWCD. In addition, the applicant will install an observation tremie tube inside the well casing to the pump depth, for monthly static water level measurements necessary for CUWCD to monitor aquifer conditions.

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This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Courthouse Annex and at the CUWCD Office. If you would like to support, protest, or provide comments on this application, you must appear at the hearings and comply with District Rule 4.1d. For additional information about this application or the permitting process, please contact CUWCD at 700 Kennedy Court (PO Box 1989), Belton, Texas 76513, 254-933-0120. As the applicant's representative, Mr. Jon Tallaferra may be contacted at 715 Discovery Blvd., Suite 301, Cedar Park TX 78613, or by calling (361)215-9994.

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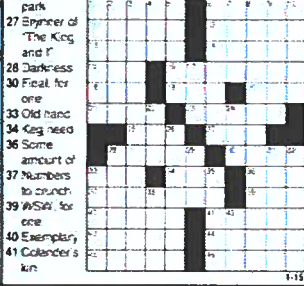
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By THOMAS JOSEPH

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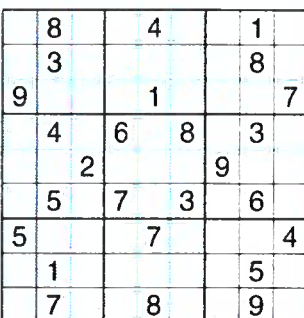


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su do ku

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How to Play:
Using the numbers provided, complete the grid so that every row, column, and 3x3 square contains the numbers 1-9 without duplications. Find solutions tips and computer program at www.sudoku.com

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One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.
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KGHM KS RSSX UHWHYXS CR
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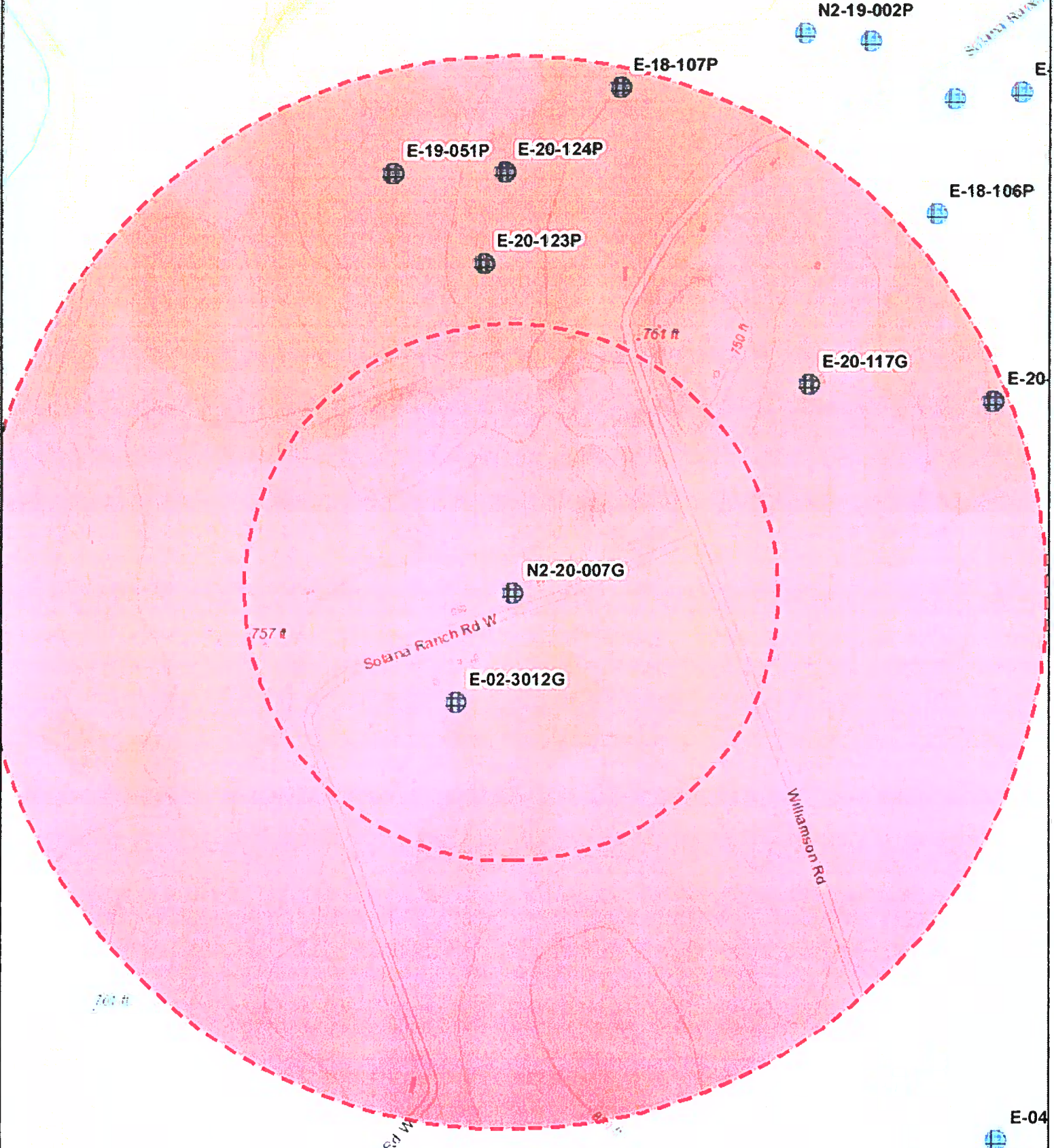
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Victory Rock Radius Map



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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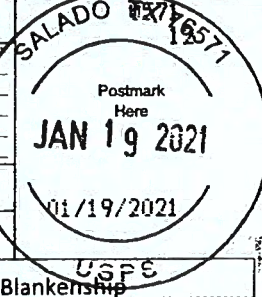
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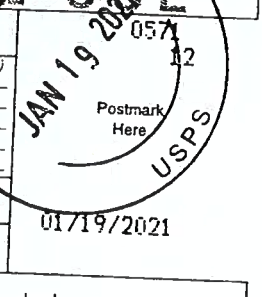
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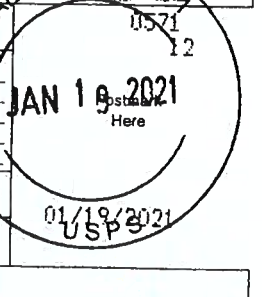
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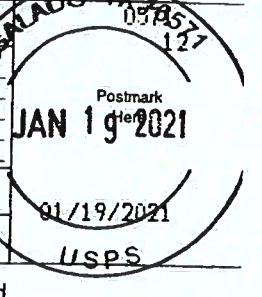
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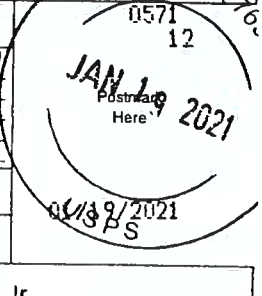
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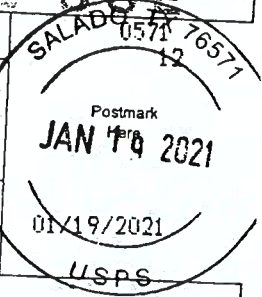
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**NOTICE OF APPLICATION FOR DRILLING PERMIT FROM THE
CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT**

KX Investments (dba 7KX Ranches), has made application to the Clearwater Underground Water Conservation District (CUWCD) on January 11, 2021, for a drilling permit to authorize drilling of a new well in the Edwards BFZ aquifer to produce groundwater for public water supply.

7KX Well #10 (N2-19-005P) is the proposed new well with a 6-inch column pipe and rated at 1000-gpm on a 345.97-acre site located approximately 3 miles south of the Village of Salado Pump, West Side of IH-35, west of the southbound TXDOT rest area, Latitude 30.9122220 / Longitude-97.5569440 with a proposed annual withdraw of 500 ac-ft/year or 162,925,500 gallons per year.

KX Investments is proposing only a drilling permit at this time per District Rule 6.9. The application states that the future operating permit [per District Rule 6.9.2(e)1)] will be applied for upon completion of the well and the prescribed Hydrogeologic Report [per District Rule 6.9.2(f)]. CUWCD hydrogeologic report guidelines include an advanced aquifer pumping test of 24 to 72 hours of the new well with enhanced aquifer monitoring to correlate the future production with additional understanding of the aquifer conditions in the Edwards BFZ Aquifer. The test is designed to yield additional data for KX Investments and CUWCD for regulatory purposes thus managing to the desired future conditions of the Northern Segment of the Edwards BFZ aquifer. This will assist KX Investments, CUWCD and other well owners with in-depth scientific discernment of the Edwards BFZ aquifer and the well's potential radius of influence on neighboring wells within ½ mile of the proposed well.

This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Courthouse Annex and at the CUWCD Office. If you would like to support, protest, or provide comments on this application, you must appear at the hearing and comply with District Rule 6.10. For additional information about this application or the permitting process, please contact the CUWCD at P.O. Box 1989, 700 Kennedy Court, Belton, Texas 76513, 254-933-0120. I may be contacted 254-947-5577; P.O. Box 297 Salado, TX 76571.

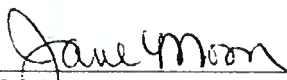
Publisher's Affidavit

State of Texas
County of Bell

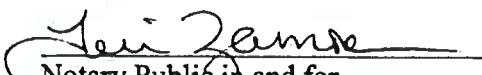
Before Me, The Undersigned Authority, this day personally appeared Jane Moon after being by me duly sworn, says that she is the Classified Manager Inside Sales of the Temple Daily Telegram, a newspaper published in Bell County, Texas and that the stated advertisement was published in said newspaper on the following date(s):

January 25, 2021

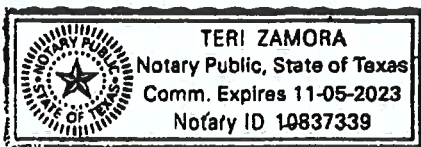
For: 7KX Investments
Ad #: 16664842
Cost: \$186.35
Times Published: 1


Jane Moon
Classified Manager Inside Sales

Subscribed and sworn to before me,
this day: January 26, 2021


Notary Public in and for
Bell County, Texas

(Seal)



**NOTICE OF APPLICATION FOR DRILLING
PERMIT FROM THE
CLEARWATER UNDERGROUND WATER
CONSERVATION DISTRICT**

7KX Investments (dba 7KX Ranches), has made application to the Clearwater Underground Water Conservation District (CUWCD) on January 11, 2021, for a drilling permit to authorize drilling of a new well in the Edwards BFZ aquifer to produce groundwater for public water supply.

7KX Well #10 (N2-19-005P) is the proposed new well with a 4-inch column pipe and rated at 1000-gpm on a 345.97-acre site located approximately 3 miles south of the Village of Salado Pump, West Side of IH-35, west of the southbound TXDOT rest area, Latitude 30.9122220 / Longitude -97.5549440 with a proposed annual withdrawal of 500 ac-ft/year or 162,925,500 gallons per year.

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This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Courthouse Annex and at the CUWCD Office. If you would like to support, protest, or provide comments on this application, you must appear at the hearing and comply with District Rule 6.10. For additional information about this application or the permitting process, please contact the CUWCD at P.O. Box 1989, 700 Kennedy Court, Belton, Texas 76513, 254-933-0120. It may be contacted 254-947-5577; P.O. Box 297 Salado, TX 76571.