

Permit Hearing - Item #10

N3-24-001P

NS Retail Holdings



GBT Realty Corporation

RECEIVED
FEB 22 2024
BY: [Signature]
Admin Console

February 20, 2024

Clearwater Underground Water Conservation District
700 Kennedy Court
Belton, TX 76513

Well #1
N3-24-001P

Subject: **Application for Non-Exempt Well Classification 3**

Dear Clearwater Underground Water Conservation District,

We are proposing to build a 10,640 square-foot Dollar General store at 16900 S. Fort Hood Street, Killeen, TX 76542 and install a new public-drinking well. Dollar General executed a 15-year lease whereby the effective date will start once the store opens for business.

GBT Realty Corporation is a preferred developer for Dollar General and we have developed 800+ locations across 20 states. For this specific project, we have a Development Agreement with the property owner, NS Retail Holdings, LLC, to act on their behalf for all permitting and construction related items until the store is fully completed. GBT is authorized under this Development Agreement to submit this application on behalf of NS Retail Holdings, LLC, who will ultimately operate this well once completed.

Our property is located within the city limits of the City of Killeen, but out of reach of the public water service (WBCWSC) and thus we were required to submit for approvals to TCEQ. We hired Ward, Getz & Associates, PLLC as our consultant to apply for exception approval and the permit to construct a public-drinking well with TCEQ. Because our property was within the limits of a water service district, TCEQ made us receive confirmation from this water service district (Exhibit H.1, H.2, & H.3) that our site could not be supplied with public water and our only option would be to drill and install a new well. I have included all TCEQ approval letters verifying this was completed which allowed TCEQ to issue the permit to construct. I have also provided the Building Permit from the City of Killeen verifying they have fully reviewed/approved our project design.

The proposed per-capita consumption needs would be 0.12 ac-ft/year (39,102 gal/yr).

Please do not hesitate to contact me if there is anything else needed to complete our application.

Sincerely,

Greg Glaser, P.E.
9010 Overlook Blvd.
Brentwood, TN 37027
gglaser@gbtrealty.com
Office: (615) 515-4075



N3-24-001P



Application for Non-Exempt Well Classification 3

Check one of the following:

- COMBINATION PERMIT
- DRILLING PERMIT
- OPERATING PERMIT
- PERMIT AMENDMENT

Answer the following:

- Is this for a New Well? Yes No
- Is this for a Replacement Well? Yes No
- Do you plan to Export Water Outside District? Yes No
- Are you modifying a Drilling Permit? Yes No
- Are you modifying an Operating Permit? Yes No

1. Owner Information

Well Owner: NS Retail Holdings, LLC Email: stran@netstreet.com Telephone: 972-200-7100
 Address (Street/P.O. Box, City, State, ZIP): 2021 McKinney Ave., Suite 1150, Dallas, TX 75201
 Contact Person (if other than owner): _____ Telephone: _____
 If ownership of Well has changed, name the previous owner: _____ State Well #: _____

2. Property Location & Proposed Well Location

Owner of Property (if different from Well Owner): _____
 The well is located in Management Zone: _____
 Acreage: 2.39 Bell CAD Property ID #: 519931 Latitude 30.97562 Longitude: -97.77514

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

- a. Proposed use of well and estimated amount of water, in acre-feet, to be used for each purpose:
 _____ *Domestic; _____ Livestock/Poultry; _____ Agricultural/Irrigation;
 ** Public Supply; _____ Industrial _____ Other
 *Total number of houses to be serviced by the well 0
 ** Applicant is required to give notice to 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, in feet, from the nearest: [SITE PLAN ATTACHED]
47 N / S Property Line; 255 E / W Property Line; 170 Existing Septic Leach Field
1,000 River, Stream, or Lake; N/A Existing Water Well; N/A Livestock Enclosure;
 _____ Other Source of Contamination (cemetery, pesticide mixing/loading, petroleum storage tank, etc.)
- c. Estimated Rate of Withdrawal (GPM): 5
- d. Is the Property subject to flooding? No
- e. Is there another well on the property? No ; If YES, how many wells? _____
- f. Is the well part of a multi-well aggregate system?
 If YES, list the State or District Well Numbers: NO

REQUIRED BY LAW: Pump Installer / Well Driller Information

Name: Jim Blair Street Address: 185 Angel Fire Dr.
 TDLR Pump Installer License #: 54416 City, State, ZIP: Dripping Springs, TX 78620
 TDLR Well Driller License #: 54416 Phone: 215-894-4221 Fax: _____
 Email: jlm@beecavedrilling.com

Name of Consultant preparing Application (if applicable): Daniel Champeau - Bee Cave Drilling
 Con. Phone: 512-701-6784 Con. Fax: _____ Con. Email: daniel@beecavedrilling.com



4. Completion Information

Provide the following information to the extent known and available at the time of application:

Proposed Total Depth of Well: 650 ft;
Borehole Diameter (Dia): 10.75 inches (in) from 0 to 10 ;
Dia (2) 8.75 in from 10 to 650 ;
Casing Material: Steel ; Inside Diameter (ID): 5 in;
Screen Type: Stainless ; Screen Dia. 5 in from 630 to 650 ; # of Packers: Gravel Pac
Pump Type: Submersible ; Power: Electric ; Horsepower Rating: 5 ;
Pump Depth: 440 ; Column Pipe ID: 1-1/2" in.
Date Completed: _____
Proposed Water Bearing Formation: 630' - 650' ; Management Zone: Southwest

1/4 DA Per Tract size limits

5. Operating Permit

Number of contiguous acres owned or leased on which water is to be produced: 2.39 acres
Total annual production requested with this operating permit: 0.12 acre-feet
If exporting water, what is the annual volume requested for export out of the District: _____ Gallons
What is the annual volume requested for export as a % of total pumpage: _____ %
If modifying an operating permit, what is the current, permitted annual production: _____ ac-ft
What is the requested amount of annual production: _____ ac-ft

6. Attachments

Include a statement/documentation explaining your requested production.
If amending an existing permit, explain the requested amendment and the reason for the amendment in a signed and dated letter, attached to this application.
If requesting operating permits or permit renewals for multiple wells, please attach a separate sheet with the information requested in Section 5 for each well.
If applicant plans to export water outside the District, address the following in an attachment 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

For more attachments that may be needed, please see the *Full Summary of the Permit Application Process* document.

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.

Typed Name of the Owner or Designee: NS Retail Holdings, LLC

Signature:  Date: 2/14/24

Payment

Clearwater Underground Water Conservation
PO Box 1989
Belton, TX 76513

COPY Invoice

Invoice #: 223
Invoice Date: 2/22/2024
Due Date: 2/22/2024
Project:
P.O. Number:

Bill To:
GBT Investments Inc
9010 Overlook Blvd
Brentwood, TN 37027

RECEIVED
FEB 22 2024
BY: *DN*

Date	Description	Amount
2/22/2024	Permit Application Fee Dollar General - Ding Dong, TX	150.00

Total	\$150.00
Payments/Credits	\$0.00
Balance Due	\$150.00

Ent	Invoice	Date	Amount
0202	0202-021324n	2/13/2024	150.00
Dollar General - Ding Dong			
Payor: GBT INVESTMENTS INC Vendor ID: CLEWAU			Date: 2/20/2024 Check No.: 027904 Check Amount: 150.00

COPY

RECEIVED
 FEB 22 2024
 BY: *EA*

Retain this statement for your records

THIS CHECK IS VOID WITHOUT A BLUE & GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW

GBT INVESTMENTS INC
9010 OVERLOOK BOULEVARD
BRENTWOOD, TN 37027

0202-O CAPSTAR BANK
 201 4TH AVENUE NORTH SUITE 950
 NASHVILLE, TN 37219

87-938
 640

Date	Check No.	Check Amount
2/20/2024	027904	150.00

Pay to the order of: **One Hundred Fifty AND 00/100 Dollars**

CLEARWATER UNDERWATER CONVERSATION DISTRICT

VOID IF NOT CASHED WITHIN 90 DAYS WITHIN DATE OF ISSUE

[Handwritten Signature]

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈000

⑈888⑈

Clearwater Underground Water Conservation

PO Box 1989
Belton, TX 76513

COPY

Payment Receipt

RECEIVED
FEB 22 2024
BY: DA

Received From
GBT Investments Inc 9010 Overlook Blvd Brentwood, TN 37027

Date	2/22/2024
Payment Method	Check
Check/Ref No	027904

Payment Amount	\$150.00
Total Amount Due	\$0.00

Invoices Paid

Date	Invoice Number	Amount Due	Amount Applied
2/22/2024	223	\$150.00	\$150.00



Every drop counts!

Clearwater Underground Water
Conservation District
P.O. Box 1989, Belton, TX 76513
Phone: 254/933-0120 Fax: 254/933-8396

ADMINISTRATIVE FEE SCHEDULE
Effective November 1, 2022

DESCRIPTION	FEES
<u>Exempt Well Registration (unregistered wells)</u>	No Fee
<u>Exempt Well Application (New or Replacement)</u>	No Fee
<u>Non-Exempt Permit Application Fee Schedule:</u>	(Fee calculation Table is available by request)

Handwritten note: \$150 pd

Title	Annual Withdrawal (ac-ft)	Withdrawal Limit Condition	Drilling Permit Base Fee	Drilling Permit Progressive Fee	Progressive Fee Unit	Operating Permit Base Fee	Operating Permit Progressive Fee	Progressive Fee Unit
Level I'	0	Up to and including 1 ac-ft	\$ 150.00	\$ -	-	\$ -	\$ -	-
Level II'	1	Up to but not including 5 ac-ft	\$ 150.00	\$ 210.00	per ac-ft	\$ -	\$ -	-
Level III	5	Up to but not including 130 ac-ft	\$ 400.00	\$ 15.00	per ac-ft	\$ 600.00	\$ 20.00	per ac-ft
Level IV	130	Equal to or Greater than 130 ac-ft	\$ 2,200.00	\$ 7.50	per ac-ft	\$ 3,300.00	\$ 10.00	per ac-ft

' Level I and Level II use a Combination Permit, the Combination Permit fees are listed under Drilling Fees

Reference Table of Fees:

ac-ft	Combined Fee	Drilling Fee	Operating Fee
0.5	\$ 150.00	-	-
1	\$ 150.00	-	-
2	\$ 360.00	-	-
3	\$ 570.00	-	-
4	\$ 780.00	-	-
5	\$ 1,000.00	\$ 400.00	\$ 600.00
30	\$ 1,875.00	\$ 750.00	\$ 1,125.00
55	\$ 2,750.00	\$ 1,100.00	\$ 1,650.00
80	\$ 3,625.00	\$ 1,450.00	\$ 2,175.00
105	\$ 4,500.00	\$ 1,800.00	\$ 2,700.00
130	\$ 5,500.00	\$ 2,200.00	\$ 3,300.00
155	\$ 5,937.50	\$ 2,375.00	\$ 3,562.50
180	\$ 6,375.00	\$ 2,550.00	\$ 3,825.00
205	\$ 6,812.50	\$ 2,725.00	\$ 4,087.50
230	\$ 7,250.00	\$ 2,900.00	\$ 4,350.00

All Drilling and Operating Permit applications of 5-acre feet or more are a two-step process, with progressive fees that have a maximum cost not to exceed as follows:

Drilling Permit Fee	Maximum
Operating Permit Fee	\$ 7,500.00
Combined Total	\$ 10,000.00
	\$ 17,500.00

Revised effective (November 1, 2022)

Southwest Management Zone

Trinity Aquifer Management Zones

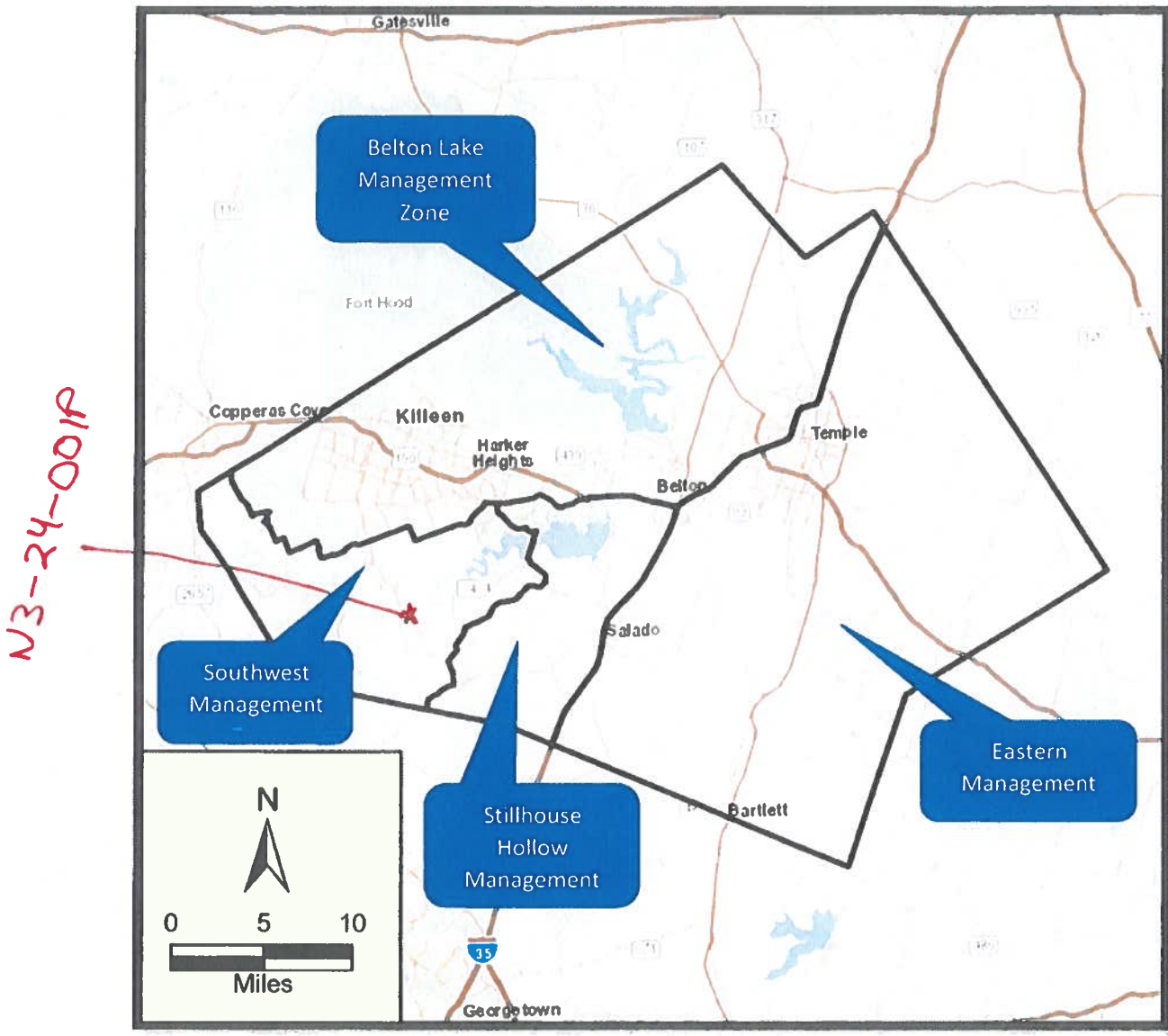


Figure A: Clearwater Underground Water Conservation District Management Zone Map for: Southwest Management Zone; Stillhouse Hollow Management Zone; Belton Lake Management Zone; and Eastern Management Zone.

Figure 1: Upper & Middle Trinity Layers of the Trinity Aquifer

Management Zones	Min Well Spacing	Min Well Spacing	Min Well Spacing	Min Well Spacing	Min Well Spacing	Min Well Spacing
	Min Tract Size	Min Tract Size	Min Tract Size	Min Tract Size	Min Tract Size	Min Tract Size
Column Pipe **Size	1 ¼-inch	1 ½-inch	2-inch	>2-4 inch	>6-8 inch	>8 inch
Southwest	150 ft 2-acres	330 ft 5-acres	⊗	⊗	⊗	⊗
Stillhouse Hollow	150 ft 2-acres	330 ft 5-acres	660 ft 10-acres	⊗	⊗	⊗
Belton Lake	150 ft 2-acres	330 ft 5-acres	660 ft 10-acres	⊗	⊗	⊗
Eastern IH35	150 ft 2-acres	330 ft 5-acres	660 ft 10-acres	1320 ft 20-acres	⊗	⊗

NB-24-0018

Note: The above are exempted from the minimum tract size requirements: (1) a Retail Public Water Utility's Non-exempt New Well if the Well is located within the prescribed boundaries of the utility's retail water service area that is certificated by the Public Utility Commission of Texas by the issuance of a Certificate of Convenience and Necessity; and (2) Water Wells powered by windmills if Drilled and completed with sucker rod column pipe, which shall not exceed 2 inches in diameter.

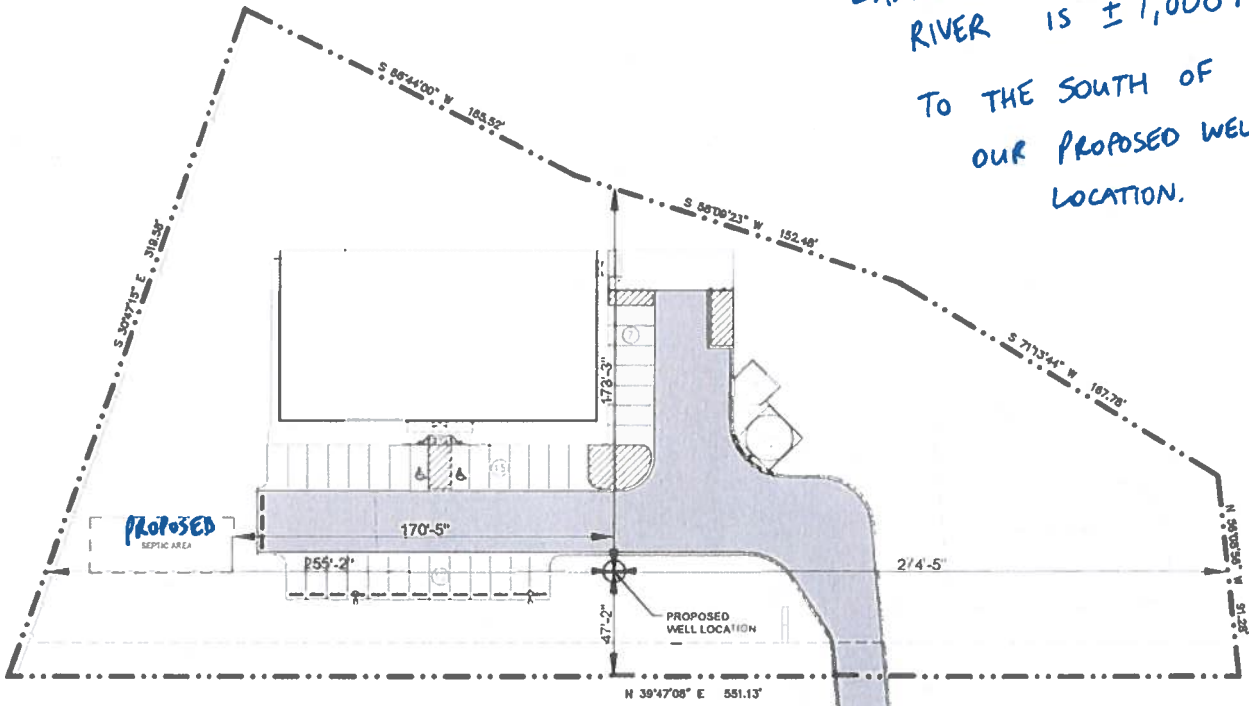
Exhibit A

EXHIBIT A

SITE PLAN

RECEIVED
FEB 22 2024
BY: *Jim W*

LAMPASAS RIVER IS $\pm 1,000$ FT TO THE SOUTH OF OUR PROPOSED WELL LOCATION.



STATE HIGHWAY NO. 195 (FORT HOOD STREET)
VARIABLE R.O.W. 36' ASPHALT



Exhibit B

EXHIBIT B

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

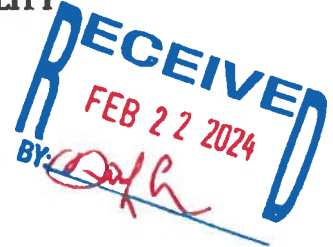


PWS_CG_Bell_CO_20221206_Exception

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 06, 2022



Mr. Jerry G. Ince, P.E.
Ward, Getz & Associates, PLLC
2500 Tanglewilde, Suite 120
Houston, Texas 77063

Re: Dollar General Store #24911 - PWS ID Unassigned
Request for an Exception to the Sanitary Control Easement Requirement
Proposed Well No. 1 (TCEQ Well ID Unassigned)
Latitude 30°58'31.92" N; Longitude 97°46'33.83" W
Bell County, Texas
RN Unassigned | CN Unassigned

Lat: 30.97562 *correction needed*
long: -97.77514

Dear Mr. Ince:

On August 29, 2022, the Texas Commission on Environmental Quality (TCEQ) received your letter dated July 22, 2022, requesting an exception to the requirement that all public water supply wells have properly recorded sanitary control easements as specified in Title 30 of the Texas Administrative Code (30 TAC) §290.41(c)(1)(F). This request is for the Dollar General Store #24911 public water system (PWS) proposed Well No. 1 (TCEQ Well ID Unassigned) located at 30°58'31.92" N and 97°46'33.83" W, 16942 Highway 195, Killeen, Texas. The submittal indicated that the well is not yet constructed.

According to your submittal and confirmed via the Bell County Appraisal District online interactive viewer, portions of the US Highway 195 right-of-way (ROW) fall within the 150-foot radius of proposed Well No.1. The TCEQ has determined that the inability to secure a sanitary control easement indicates that this groundwater source may be susceptible to fecal contamination and may result in a risk to public health. In order to allow monitoring of the well to determine if the well has been impacted by lack of sanitary control, we are granting your request for an exception to the sanitary control easement requirement, until December 06, 2025, under the conditions listed below. This exception applies to the US Highway 195 ROW located within a 150-foot radius of Well No. 1. In accordance with 30 TAC §290.46(b) and §290.109(d)(4)(E), the PWS is required to fulfill the conditions of approval outlined below.

Condition 1:

- After receiving approval to use the well as a source, and upon the placing the well into service, the PWS must begin collecting one raw water sample per month from Well No. 1. The PWS must submit the sample for bacteriological analysis at a TCEQ-accredited laboratory with a current National Environmental Laboratory Accreditation Program (NELAP) certification, and maintain these records on site.

Mr. Jerry G. Ince, P.E.
Page 2 of 3
December 06, 2022



Please note that this monitoring requirement does not imply approval to use this well as a source. You must receive approval to use the well from the TCEQ Plan Review Team. Once you receive approval, a TCEQ Source ID will be assigned to the well by the TCEQ. If for any reason the well is put in use prior to approval from the TCEQ, you may be subject to enforcement action.

The sampling procedure should be the same as the one used when collecting routine distribution samples. Please ensure that the sample is delivered to the laboratory clearly labeled "RAW." Once the well is assigned an official State-issued well identification number, ensure the sample is labeled with the assigned TCEQ Well ID and marked "RAW."

The sampling procedure should be the same as the one used when collecting routine distribution samples. Please ensure that the sample is delivered to the laboratory clearly labeled with the proper TCEQ Well ID and marked "RAW."

A current list of TCEQ-accredited laboratories can be directly downloaded using the following web address (url):

<https://www.tceq.texas.gov/downloads/compliance/labs/tx-nelap-lab-list.docx/>

These samples are in addition to the normally required monthly distribution bacteriological samples and must be collected at a point prior to the disinfectant injection point. The sample results should be submitted in the same manner as the results of the monthly distribution bacteriological samples.

Condition 2:

- Once twelve (12) consecutive monthly bacteriological sample results have been collected and analyzed, the PWS must submit this data to the TCEQ Technical Review and Oversight Team before this exception expires.

Please submit the bacteriological analysis results from the twelve months of consecutive monitoring to the TCEQ Technical Review and Oversight Team to the address listed at the end of this letter. These results must be submitted for our review to consider granting an exception without an expiration date.

Based on the results of the raw water bacteriological samples, the TCEQ may continue or modify the current monitoring requirement, require a more stringent disinfection protocol, or require treatment. Unless otherwise directed by the TCEQ, the PWS must continue to collect and analyze the monthly raw water samples as required in this letter for as long as Well No. 1 is used as a public water supply well. Please note that at a minimum, a monthly monitoring requirement will remain in effect should an exception without an expiration date be granted following the review of the bacteriological sample results.

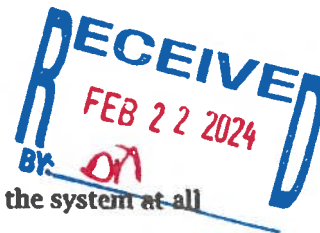
If any of the samples yield a positive result, please follow the instructions specified in Enclosure 1: *Instructions for Positive Bacteriological Samples*.

Please update your system's monitoring plan to reflect the monitoring requirements outlined in this letter and mail to the TCEQ Monitoring Plan Coordinator using Mail Code 155 (MC-155) at the letterhead address.

Additional information is available in TCEQ's Regulatory Guidance No. 384 (RG-384), *How to Develop a Monitoring Plan for a Public Water System*, or on our website at:

https://www.tceq.texas.gov/drinkingwater/monitoring_plans

Mr. Jerry G. Ince, P.E.
Page 3 of 3
December 06, 2022



All PWS monitoring plans are required to be kept up-to-date and on file at the system at all times and must be presented to TCEQ staff upon request.

Condition 3:

- This exception will expire 36 months from the date of this letter (*December 06, 2025*).

In support of your exception request, you provided the following information:

- A general location map and a detailed site map for proposed Well No.1;
- A statement that sanitary hazards prohibited by the required sanitary easement are not located within a 150-foot radius of proposed Well No. 1.

Exceptions to 30 TAC Chapter 290 rules are granted to PWSs subject to State and Federal regulations. We note that this system's status is still "proposed" in our records and has not been assigned an official State-issued 7-digit public water system identification number (PWS ID).

A copy of this letter, and all related monitoring data, must be maintained with the water system's records for as long as any exception granted in this letter is in effect. These records must be made available to TCEQ staff upon request. If contamination of a well occurs which is not remediated through treatment, a new, properly constructed well may be required at another location and abandonment, proper plugging, and sealing of the abandoned well will be required.

All exceptions are subject to review. If new information indicates that any granted exception compromises the public health or degrades service or water quality, that exception may be revoked as specified in 30 TAC §290.39(I)(2). Noncompliance with any condition stated in this exception letter may result in enforcement action as specified in 30 TAC §290.39(I)(5). Granted exceptions only waive compliance to the 30 TAC Chapter 290 requirements explicitly stated in the TCEQ exception letter. Granted exceptions cannot be used as a defense in of an enforcement action resulting from noncompliance with other requirements of 30 TAC Chapter 290.

If you have questions concerning this letter, or if we can be of additional assistance, please contact Ms. Anja Toussaint at anja.toussaint@tceq.texas.gov or (512) 239-2609, or any member of the Technical Review and Oversight Team at PTRS@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Escobar".

Stephanie Escobar, Team Leader
Technical Review and Oversight Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

SJE/ant/db

Enclosure 1: *Instructions for Positive Bacteriological Samples*

Exhibit C

EXHIBIT C

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



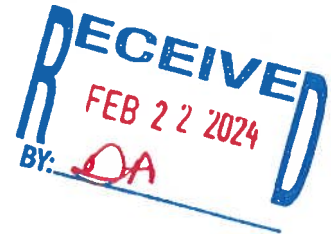
PWS_CG_Bell_CO_20230822_Exception

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 22, 2023

Mr. Jerry G. Ince, P.E.
Ward, Getz & Associates, LLP
2500 Tanglewilde Street, Suite 120
Houston, Texas 77063



Subject: **Dollar General Store #24911** - PWS ID: Unassigned
Request for an Exception to the Request for Service Rule
Bell County, Texas
RN Unassigned | CN Unassigned

Dear Mr. Ince

On July 27, 2023, the Texas Commission on Environmental Quality (TCEQ) received your email submittal of the same date, requesting an exception to the request for service rule specified in Title 30 of the Texas Administrative Code (30 TAC) §290.39(c). The request for service rule specifies that when a proposed public water system (PWS) is within a half mile of the certificated service area boundary of an existing PWS, the proposed PWS is required to request service from the existing PWS. This request was submitted on behalf of the Dollar General Store #24911 proposed PWS, which is located approximately 0.5 miles southwest of the intersection of State Highway 195 and Farm-to-Market Road 2670 at 16942 State Highway 195 in Killeen, Texas. The location of the proposed PWS is within the Certificate of Convenience and Necessity (CCN) service area for the West Bell County Water Supply Corporation (WSC) public water system, CCN No. 10045 and PWS ID 0140105.

We note that a request for the same exception was made on behalf of the proposed PWS by you on March 27, 2023. That request was withdrawn while the proposed PWS awaited a response to a request for service request sent to the West Bell County WSC.

You provided the following justifications for requesting an exception to the service request rule requirement:

- 1) For the first year of operation: An estimated cost of approximately \$245,508.84 to connect to and purchase water service from the West Bell County WSC. An estimated cost of approximately \$96,730.00 to install a water treatment system and conduct operations and maintenance of a stand-alone system.
- 2) For the second year of operation: An estimated cost of \$6,620.48 to purchase water service from the West Bell County WSC. An estimated cost of approximately \$5,080.60 to conduct operations and maintenance of a stand-alone system.
- 3) The operation and maintenance costs to purchase water service from the West Bell County WSC is estimated to be higher than the estimated cost of the stand-alone system during the first and subsequent years of operation.

Based on our review of the justifications listed in your submittal, the TCEQ is **granting your request** for an exception to 30 TAC §290.39(c)(1) subject to the following condition.



Condition No. 1:

- **The Dollar General Store #24911 PWS (PWS ID: Unassigned) must establish a separate PWS facility "Reserve Account" that is immediately accessible (i.e., checking, savings, etc.) in the amount of \$5,000 prior to submittal to the Plan Review Team for creation of the Public Water System. Documentation which includes the type of account and the current balance shall also be provided on the financial institution's letterhead at the time the PWS plan submittal is filed with the TCEQ Plan Review Team. The reserve account must be a separate account to be used for PWS facility equipment replacement only and shall be increased annually by \$2,500 until the account contains \$20,000. The account shall not be used for normal operational expenses such as, but not limited to, certified operator, compliance sampling chemicals, or electricity. The PWS shall maintain records and be prepared to provide evidence of the account and records showing deposits and expenditures to TCEQ for review upon request.**

We note that you provided the following information:

- 1) Five-Year Budget Projection Plan and Construction In-Place worksheets for connecting to the West Bell County WSC;
- 2) A detailed Cost Estimate Report to support the Construction In-Place worksheet;
- 3) Five-Year Budget Projection Plan and Construction In-Place worksheets for operating a standalone system; and
- 4) Letter from the West Bell County WSC, dated July 26, 2023, agreeing to provide service to the proposed Dollar General Store #24911 PWS.

A copy of this letter and all related monitoring data must be maintained with the water system's records for as long as this exception is in effect. These records must be made available to TCEQ staff upon request.

All exceptions are subject to periodic review and may be revoked or amended if warranted as specified in 30 TAC §290.39(l)(2) or evidence is found that granting of an exception results in a degradation of water quality or water supply. Noncompliance with any condition stated in this exception letter may result in enforcement action as specified in 30 TAC §290.39(l)(5). This exception is not intended to waive compliance with any other TCEQ requirement in 30 TAC Chapter 290. This exception cannot be used as a defense in any enforcement action resulting from noncompliance with any other requirement of 30 TAC Chapter 290.

If you have questions concerning this letter, or if we can be of additional assistance, please contact Mr. Henry Oliver by email at henry.oliver@tceq.texas.gov, by telephone at (512) 239-4667, or by correspondence at the letterhead address using Mail Code 159 (MC-159).

Sincerely,

A handwritten signature in black ink that reads "Stephanie Escobar".

Stephanie Escobar, Team Leader
Technical Review and Oversight Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

SJE/hto

cc: Killeen (195) DTP, LLC, 9010 Overlook Blvd., Brentwood, TN 37027

Exhibit D

EXHIBIT D

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



PWS_0140176_CO_20231221_Plan Ltr

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 21, 2023

Jerry G. Ince, P.E.
Ward, Getz, & Associates, PLLC
2500 Tanglewild, Suite 120
Houston, TX 77063



Re: Dollar General Store 24911 - Public Water System ID No. 0140176
Proposed New System and Well
Engineer Contact Telephone: (832) 344-6604
Plan Review Log No. P-10262023-168
Bell County, Texas

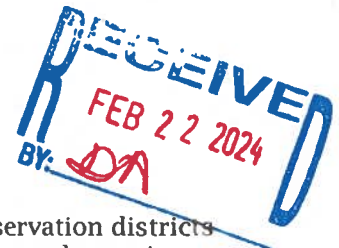
CN606208262 RN111856803

Dear Mr. Ince:

On October 26, 2023, the Texas Commission of Environmental Quality (TCEQ) received planning material with your letter dated October 26, 2023 for the proposed new system and well. Based on our review of the information submitted, the project generally meets the minimum requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 290 - Rules and Regulations for Public Water Systems and is **conditionally approved for construction** if the project plans and specifications meet the following requirement(s):

1. Corrosive indices will be used to calculate corrosivity of the water from new source(s). Corrosive or aggressive water could result in aesthetic problems, increased levels of toxic metals, and deterioration of household plumbing and fixtures. **If the water appears to be corrosive**, the system will be required to conduct a study and submit an engineering report that addresses corrosivity issues or may choose to install corrosion control treatment **before use may be granted**. All changes in treatment require submittal of plans and specifications for approval by TCEQ.
2. The system must meet the conditions of the TCEQ exception letter (enclosed) dated December 6, 2022, granting exceptions to sanitary control easement requirements with respect to State Highway 195 right of way (ROW).
3. The system must meet the conditions of the TCEQ exception letter (enclosed) dated August 2, 2023, granting exceptions to the request for service rule requirements in 30 TAC Section (§)290.39(c).

Jerry G. Ince, P.E.
Page 2
December 21, 2023



Texas Water Code Section 36.0015 allows for the creation of groundwater conservation districts (GCDs) as the preferred method of groundwater management. GCDs manage groundwater in many counties and are authorized to regulate production and spacing of water wells. **Public water systems drilling wells within an existing GCD are responsible for meeting the GCD's requirements.** The authorization provided in this letter does not affect GCD authority to manage groundwater or issue permits. ✓

The TCEQ does not approve this well for use as a public water supply at this time. We have enclosed a copy of the "Public Well Completion Data Checklist for Approval to Use (Step 2)". We provide this checklist to help you in obtaining approval to use this well.

The submittal consisted of 6 sheets of engineering drawings, technical specifications and an engineering summary. The proposed project consists of:

- One (1) public water supply well drilled to 650 feet with 630 linear feet (lf) of 5-inch diameter steel casing and pressure-cemented 630 lf; 20 lf of 4-inch diameter stainless steel screen, with no blank liner, underream, or gravel pack. The design capacity of the pump is 25 gallons per minute (gpm) at 400 feet total dynamic head;
- Well sealing block, screened vent, pressure relieve valve, meter, and sample tap;
- One (1) 315-gallon American Society of Mechanical Engineers (ASME) hydropneumatic pressure tank (manufacturer: Perma Tank, model: PZ 315 or equal);
- One (1) sodium hypochlorite feed system consisting of one (1) 30-gallon polyethylene storage tank stored inside a secure, weather resistant enclosure and two (2) 0.05 — 5.0 gpd peristaltic pulse pump (1 duty, 1 standby) (Manufacturer: Stenner pump company, model: 45 MHP2, or equal);
- Intruder resistant fence; and
- Associated yard piping, valves, fittings, and appurtenance.

*Please
Correct*

This approval is for the construction of the above listed items only. Any wastewater components contained in this design were not considered. The authorization provided in this letter does not relieve a Public Water System from the need to comply with other applicable state and federal regulations.

This project may have approved the construction of facilities that may require either the creation of or update to an Emergency Preparedness Plan (EPP). Information on EPPs is available at the following website:

https://www.tceq.texas.gov/drinkingwater/homeland_security/disasterprep/epp

If you have additional questions about EPPs, please contact the Emergency Preparedness and Response Section at 512-239-4691 or PDWEPP@tceq.texas.gov

The Dollar General Store 24911 public water system provides water treatment.

The project is located at 16942 State Highway 195, in Killeen, Bell County, Texas.

An appointed engineer must notify the TCEQ's Region 9 Office in Waco by email at R9PWS@TCEO.Texas.gov when construction will start. Please keep in mind that upon completion of the water works project, the engineer or owner will notify the commission's Water Supply Division, in writing, as to its completion and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission as required in 30 TAC §290.39(h)(3). This notification may be sent to PTRS@tceq.texas.gov.

Jerry G. Ince, P.E.
Page 3
December 21, 2023



Please refer to the Plan Review Team's Log No. P-10262023-168 in all correspondence for this project.

Please complete a copy of the most current Public Water System Plan Review Submittal form for any future submittals to TCEQ. Every blank on the form must be completed to minimize any delays in the review of your project. The document is available on TCEQ's website at the address shown below. You can also download the most current plan submittal checklists and forms from the same address.

<https://www.tceq.texas.gov/drinkingwater/udpubs.html>

For future reference, you can review part of the Plan Review Team's database to see if we have received your project. This is available on TCEQ's website at the following address:

<https://www.tceq.texas.gov/drinkingwater/planrev.html/#status>

You can download the latest revision of 30 TAC Chapter 290 - Rules and Regulations for Public Water Systems from this site.

If you have any questions concerning this letter or need further assistance, please contact Mr. Ruben Meza, P.E., at (512) 239-2546 or by email at ruben.meza@tceq.texas.gov or by correspondence at the following address:

Plan Review Team, MC-159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,

A handwritten signature in black ink that reads "Ruben Meza".

Ruben Meza, P.E.
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

A handwritten signature in black ink that reads "Craig A. Stowell".

Craig A. Stowell, P.E., Team Leader
Plan Review Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

CAS/RM/av

Enclosure: "Public Well Completion Data Checklist for Approval to Use (Step 2)"

cc: Dollar General Store 24911, Attn: Jacob Carter, 9010 Overlook Blvd., Brentwood, TN
37027-5242

Jerry G. Ince, P.E.
Page 4
December 21, 2023

bcc: TCEQ Central Records PWS File 0140176 (P-10262023-168/Dollar General Store 24911)
TCEQ Region No. 9 Office - Waco
TCEQ PWSINVEN, MC-155

RECEIVED
FEB 22 2024
BY DA

Exhibit E

EXHIBIT E

RECEIVED
FEB 22 2024
BY: DA

ons
E Ave
541

CITY OF KILLEEN
*** CUSTOMER RECEIPT ***

Oper: BBATES Type: OC Drawer: 2
Date: 2/07/24 00 Receipt no: 240672

Year	Number	Amount
2023	3685	
16900 S FORT HOOD ST		
KILLEEN, TX 76542		
BP BUILDING PERMITS		
Trans number:		\$5195.75
16900 S FORT HOOD		15654289

Tender detail		
CK CHECK	21061	\$5195.75
Total tendered		\$5195.75
Total payment		\$5195.75

Trans date: 2/07/24 Time: 15:09:48

THANK YOU FOR YOUR PAYMENT

CONCR

26

2/

Expiration Date 8/

Permit ELECT

Additional desc

Permit Fee

Issue Date 2/

Expiration Date 8/

City of Killeen
 Building Inspections
 PO Box 1329 / 100 E Avenue C
 Killeen, Texas 76541
 254-501-7762

RECEIVED
FEB 22 2024
 BY: *DA*
 Date 2/22/24

Number:
 FORT HOOD
 Detail
 Considered
 Permit
 Date: 2/07/
 FOR YOUR

Application Number 23-00003685
 Application pin number 549010
 Property Address 16900 S FORT HOOD ST
 Application type description NEW COMMERCIAL OFFICE BANK PLAZA
 Subdivision Name KILLEEN 195 DTP ADDITION
 Property Use RESIDENTIAL
 Application valuation 920000

Application desc
 NEW COMMERCIAL

Contractor 7B BUILDING AND DEVELOPMENT
 Structure Information 000 000

Construction Type NON-COMBUSTABLE (NP)
 Occupancy Type MERCANTILE-RETAIL STORE
 Flood Zone NOT FLOOD ZONE

Permit CONCRETE PERMIT

Additional desc
 Permit Fee 2697.75 Plan Check Fee00
 Issue Date 2/07/24 Valuation 0
 Expiration Date 8/05/24

Permit ELECTRICAL BUILDING PERMIT

Additional desc
 Permit Fee00 Plan Check Fee00
 Issue Date 2/07/24 Valuation 0
 Expiration Date 8/05/24

Permit LANDSCAPE PERMIT

Additional desc
 Permit Fee 50.00 Plan Check Fee00
 Issue Date 2/07/24 Valuation 0
 Expiration Date 2/07/24

Permit MECHANICAL BUILDING PERMIT

Additional desc
 Permit Fee00 Plan Check Fee00
 Issue Date 2/07/24 Valuation 0
 Expiration Date 8/05/24

Permit NEW COMMERCIAL

Additional desc
 Permit Fee 2128.00 Plan Check Fee00
 Issue Date 2/07/24 Valuation 920000
 Expiration Date 8/05/24

Permit PLUMBING BUILDING PERMIT

Additional desc
 Permit Fee00 Plan Check Fee00
 Issue Date 2/07/24 Valuation 0

Exhibit F

EXHIBIT F

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

Date: August ^{12th}, 2023

Grantor: CATSTRONG, LLC, a Texas limited liability company

Grantor's Mailing Address (including county):

900 Ranch Road South, Suite C101
Lakeway, Travis County, Texas 78734

Grantee: NS RETAIL HOLDINGS, LLC, a Delaware limited liability company

Grantee's Mailing Address (including county):

NS Retail Holdings, LLC
2021 McKinney Avenue, Suite 1150,
Dallas, Dallas County, Texas 75201



The sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the undersigned in hand paid by Grantee herein named, the receipt of which is hereby acknowledged.

Property (including any improvements): ALL THAT TRACT OR PARCEL of improved land lying and being in Bell County, Texas, being more particularly described on Exhibit "A" attached hereto (the "Land"); TOGETHER WITH any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining to the Land, and any right, title and interest of Grantor in and to any land lying in the bed of any street, road or highway in front of or adjoining said Land, together with any strips or gores relating to the Land (the Land and the foregoing rights, easements and appurtenances being hereinafter collectively referred to as the "Property").

Reservations from and Exceptions to Conveyance and Warranty: This conveyance is made and accepted subject to the matters shown on Exhibit "B" attached hereto and incorporated by reference herein (the "Permitted Exceptions").

Grantor, for the consideration, and subject to the Permitted Exceptions, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor further covenants and binds itself, its successors and assigns, to warrant and forever defend the title to said Property to said Grantee, its successors and assigns, against all persons lawfully claiming or to claim the same or any part thereof subject, however, to the Permitted Exceptions.

When the context requires, singular nouns and pronouns include the plural.

[Signatures on the Following Page]

RECEIVED
FEB 22 2024
BY: *AA*

EXECUTED on the date first above written.

CATSTRONG, LLC,
a Texas limited liability company

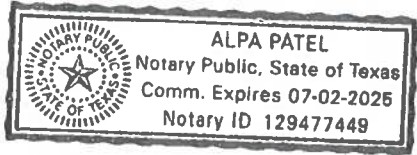
By: *[Signature]*
Name: ERIC SUSS
Title: managing member

THE STATE OF TEXAS §
 §
COUNTY OF Texas §

This instrument was acknowledged before me on August 12th 2023, by ERIC SUSS, as the Managing member of Catstrong, LLC, the within named grantor.

[Signature]

Notary Public, State of Texas



AFTER RECORDING RETURN TO:

Thompson Burton PLLC
6100 Tower Circle, Suite 200
Franklin, TN 37067
Attn: Chandler Farmer

Exhibit "A"

Legal Description

Lot One (1), in Block One (1), of Killeen 195 DTP Addition in the city of Killeen, Bell County, Texas, according to the plat of record in Instrument No. 2023011993, Official Public Records of Bell County, Texas.

RECEIVED
FEB 22 2024
BY: *DA*

Exhibit "B"

Permitted Exceptions

1. Taxes for the year 2023, and all subsequent years, a lien due and payable, but not yet delinquent.
2. Electric Utility Easement and Covenant of Access to Bartlett Electric Cooperative, Inc., of record in Volume 2319, Page 491; Volume 2389, Page 303; Volume 2430, Page 504; Volume 4730, Page 624; Volume 4793, Page 190; Volume 4793, Page 192, Official Public Records of Real Property of Bell County, Texas.
3. Non-access easement 1 feet in width along portions of the northwest property line(s) as reflected by the recorded plat of said subdivision.

RECEIVED
FEB 22 2024
BY: DA

Exhibit H.1

EXHIBIT H.1

WEST BELL COUNTY WATER SUPPLY CORPORATION

P.O. Box 1422 • Killeen, Texas 76540 • Phone (254) 634-1727

July 26, 2023

Attn: Zachary Castillo
WGA Consulting Engineers
2500 Tanglewilde, Suite 120
Houston, TX 77063



RE: Water Service for SH 195, Killeen, TX (Property ID 519933)

TO WHOM IT MAY CONCERN:

This letter is to verify that the property indicated in the request for service does fall within West Bell County WSC's service area. However, the water line ends approximately half a mile north on State Highway 195. The property owner is responsible for any costs to extend the line to the lot for meter installation.

If further information is needed, you may contact our office at 254-634-1727 or westbellwater@hotmail.com.

Sincerely,

A handwritten signature in black ink that reads "Michelle Kelly". The signature is written in a cursive, flowing style.

Michelle Kelly
Office Manager
West Bell County WSC

Exhibit H.2

EXHIBIT H.2

FIVE YEAR BUDGET PROJECTION - STANDALONE SYSTEM

System Name: Dollar General Store #24911, Killeen
 Type of System: Store
 Expected Population: 250
 Appropriate TCEQ Rule: 45(d)(2)(A)(i)
 Capacity or MDD: Capacity = 5 gpm

Inflation Factor: \$0.02

LINE	EXPENSES AND SOURCE OF FUNDS	Year				
		1	2	3	4	5
1	OPERATIONS AND MAINTENANCE (O&M) EXPENSES					
2	Salaries and Benefits		\$0.00	\$0.00	\$0.00	\$0.00
3	Contract Operation and Maintenance	\$1,000.00	\$1,020.00	\$1,040.40	\$1,061.21	\$1,082.43
4	Power Cost	\$250.00	\$255.00	\$260.10	\$265.30	\$270.61
5	Regulatory Fees	\$500.00	\$510.00	\$520.20	\$530.60	\$541.22
6	Treatment Chemicals	\$100.00	\$102.00	\$104.04	\$106.12	\$108.24
7	Coliform Monitoring	\$180.00	\$183.60	\$187.27	\$191.02	\$194.84
8	Chemical Monitoring	\$300.00	\$306.00	\$312.12	\$318.36	\$324.73
9	Materials Supplies and Parts	\$200.00	\$204.00	\$208.08	\$212.24	\$216.49
10	Office Supplies		\$0.00	\$0.00	\$0.00	\$0.00
11	Miscellaneous		\$0.00	\$0.00	\$0.00	\$0.00
12						
13	Total O&M Expenses:	\$2,530.00	\$2,580.60	\$2,632.21	\$2,684.86	\$2,738.55
14						
15	GENERAL AND ADMINISTRATIVE EXPENSES					
16	Engineering and Professional Services	\$8,500.00				
17	Depreciation and Amortization					
18	Insurance					
19	Annual CIP Cost (From CIP Line 11)	\$80,250.00				
20	Reserve Account (required by PRT)	\$5,000.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
21	Other Reserves		\$0.00	\$0.00	\$0.00	\$0.00
22	Miscellaneous (Permit)	\$450.00				
23	Debt Service					
24	Total General and Administrative Expenses:	\$94,200.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
25	TOTAL EXPENSES (Line13 + Line 24)	\$96,730.00	\$5,080.60	\$5,132.21	\$5,184.86	\$5,238.55

RECEIVED
 FEB 22 2024
 BY: *DA*

Exhibit H.3

EXHIBIT H.3

FIVE YEAR BUDGET PROJECTION (Purchase Water From West Bell County WSC)

System Name: _____
 Dollar General Store No. 24911

Inflation Factor (example) (%): 2.0
 Average Tax: 8.25%

LINE	EXPENSES AND SOURCE OF FUNDS	2023	2024	2025	2026	2027
1	Up Front Cost (New meter/tap includes installation, membership, and capitol recovery fees.)	\$ 4,500.00				
2	Meter Test	\$ 60.00				
3	Engineering and Professional Services	\$ 50,000.00				
4	Site Survey	\$ 30,000.00				
5	3000' of 4" water line installed at \$30/ft	\$ 90,000.00				
6	Monthly Usage Fee	\$ 5,996.00	\$ 6,115.92	\$ 6,238.24	\$ 6,363.00	\$ 6,490.26
7	Land Acquisition & Easements	\$ 36,242.00				
8						
9						
10			\$ -	\$ -	\$ -	\$ -
11						
12						
13						
14						
15	Total O&M Expenses:	\$ 216,798.00	\$ 6,115.92	\$ 6,238.24	\$ 6,363.00	\$ 6,490.26
16						
17	GENERAL AND ADMINISTRATIVE EXPENSES					
18	Engineering and Professional Services	\$ 10,000.00				
19	Insurance	N/A				
21	Total General and Administrative Expenses:	\$ 10,000.00				
22	TOTAL EXPENSES (Line 13 + Line 24)	\$ 245,508.84	\$ 6,620.48	\$ 6,752.89	\$ 6,887.95	\$ 7,025.71

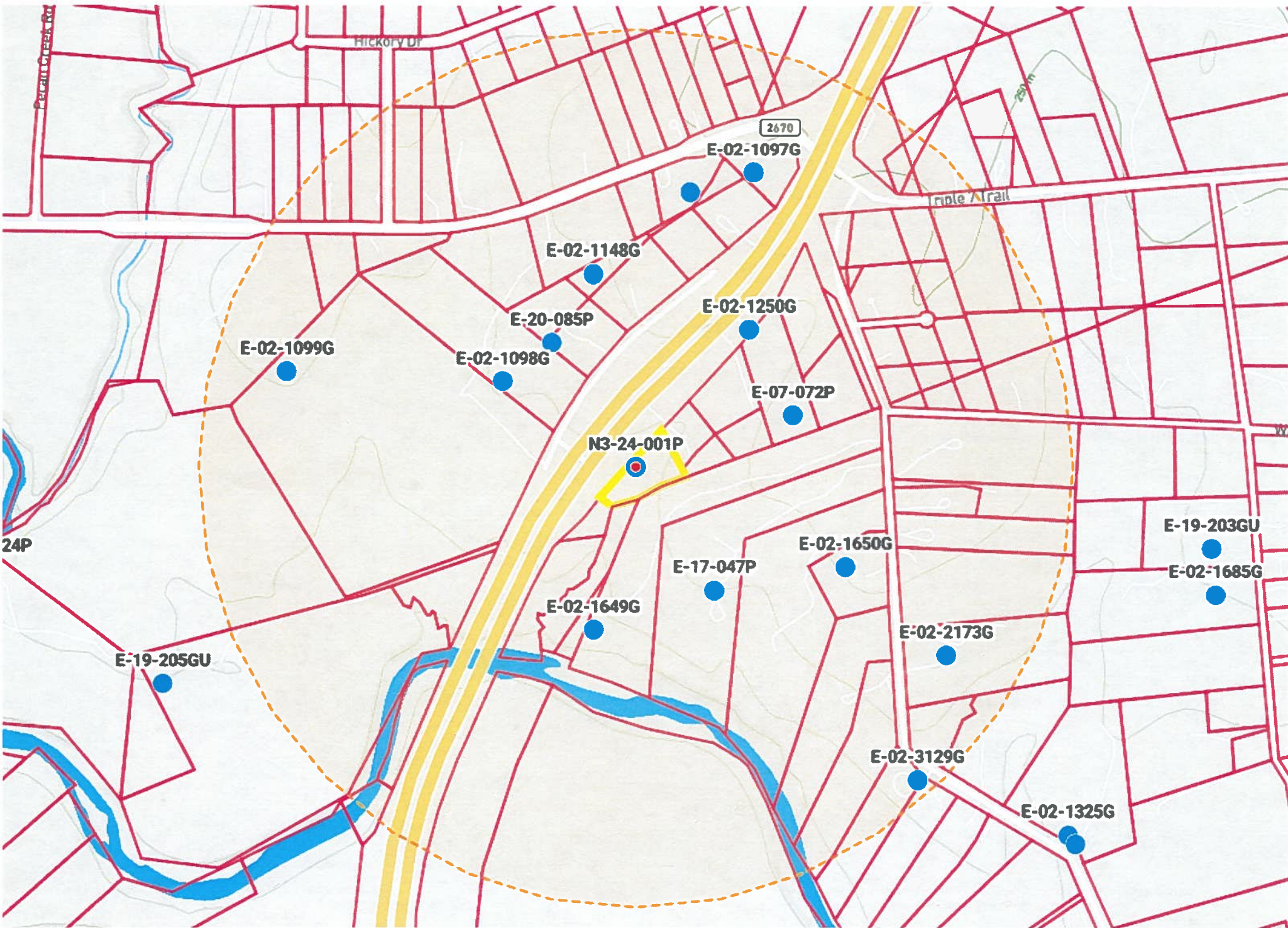
NOTE Water Purchase Cost Provided by West Bell County WSC.

RECEIVED

FEB 22 2024

BY:

Radius Map & Notification



Hickory Dr

2670

E-02-1097G

E-02-1148G

E-02-1250G

E-20-085P

E-02-1099G

E-02-1098G

E-07-072P

N3-24-001P

E-19-203GU

E-02-1685G

E-17-047P

E-02-1650G

E-19-205GU

E-02-1649G

E-02-2173G

E-02-3129G

E-02-1325G

24P

N3-24-001P Contact List

Wells 1/2 Mile

<u>Prop ID</u>	<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Well #</u>	<u>Status</u>	<u>Depth</u>	<u>Aquifer</u>	<u>Use</u>	<u>Distance</u>
401105	F M Lethco	125 Lampasas River Lane	Killeen	TX	76542	E-02-1099G	Active	380	Upper Trinity	Domestic	2192 ft
64474	F M Lethco	16731 State Highway 195	Killeen	TX	76542	E-02-1098G	Active	535	Lower Trinity	Livestock/Poultry	973 ft
399618	Ilana Britten	16663 State Highway 195	Killeen	TX	76542	E-20-085P	Active	610	Lower Trinity	Domestic	909 ft
129887	Billy Baker	16547 Lampasas River Rd	Killeen	TX	76542	E-02-1148G	Active	550	Lower Trinity	Domestic	1185 ft
204528	Rodney & Sherry Cavendar	24191 FM 2670	Killeen	TX	76549	E-03-022G	Active	unknown	Upper Trinity	Domestic	1692 ft
399637	Guitano Myong Ladner	PO Box 174	Killeen	TX	76540	E-02-1097G	Active	420	Upper Trinity	Domestic	1915 ft
41926	David Goode	1216 FM 580	Copperas Cove	TX	76522	E-02-1250G	Active	500	Middle Trinity	Domestic	1090 ft
41926	David Goode	1216 FM 580	Copperas Cove	TX	76522	E-07-072P	Active	520	Middle Trinity	Domestic	998 ft
209286	Paul Blum	533 Riverside Dr	Killeen	TX	76542	E-02-1650G	Active	700	Lower Trinity	Domestic	1412 ft
104486	Floyd & Deborah Seales	652 Riverside Dr	Killeen	TX	76542	E-02-2173G	Active	462	Middle Trinity	Domestic	2181 ft
19476	C&C Revocable Trust c/o Gail Fenton	741 Riverside Dr	Killeen	TX	76542	E-02-3129G	Inactive	unknown	Upper Trinity	Not Used	2532 ft
473353	Mary Teresa Bay Young 2012 Trust	417 Riverside Dr	Killeen	TX	76542	E-17-047P	Active	475	Middle Trinity	Domestic	877 ft
400101	Brad Bennett	343 Riverside Dr	Killeen	TX	76542	E-02-1649G	Active	370	Upper Trinity	Domestic	1002 ft

Adjacent Property

64481	Jessie Moon	16800 State Highway 195	Killeen	TX	76542
64480	Jessie Moon	16800 State Highway 195	Killeen	TX	76542
40800	Catstrong LLC	900 Ranch Rd 620 Ste C101 Box 174	Austin	TX	78734
399659	Catstrong LLC	900 Ranch Rd 620 Ste C101 Box 174	Austin	TX	78734
400101	Brad Bennett	343 Riverside Dr	Killeen	TX	76542

Mailing List

Name	Address	City	State	Zip
F M Lethco	16731 State Highway 195	Killeen	TX	76542
Ilana Britten	16663 State Highway 195	Killeen	TX	76542
Billy Baker	16547 Lampasas River Rd	Killeen	TX	76542
Rodney & Sherry Cavendar	24191 FM 2670	Killeen	TX	76549
Guitano Myong Ladner	PO Box 174	Killeen	TX	76540
David Goode	1216 FM 580	Copperas Cove	TX	76522
Paul Blum	533 Riverside Dr	Killeen	TX	76542
Floyd & Deborah Seales	652 Riverside Dr	Killeen	TX	76542
C&C Revocable Trust c/o Gail Fenton	741 Riverside Dr	Killeen	TX	76542
Mary Teresa Bay Young 2012 Trust	417 Riverside Dr	Killeen	TX	76542
Brad Bennett	343 Riverside Dr	Killeen	TX	76542
Jessie Moon	16800 State Highway 195	Killeen	TX	76542
Catstrong LLC	900 Ranch Rd 620 Ste C101 Box 174	Austin	TX	78734

February 21, 2024

NOTICE OF APPLICATION FOR DRILLING AND OPERATING PERMIT

Name
Address
City, TX Zip

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

RE: Application for an Operating Permit

To Whom It May Concern:

I, Greg Glaser, on behalf of NS Retail Holdings, LLC, have submitted an application to the Clearwater Underground Water Conservation District (CUWCD) on February 22, 2024, for a combination drilling and operating permit on a new well (N3-24-001P) for 0.12 acre-feet or 39,102 gallons per year.

This permit will authorize the withdrawal from a well completed in the Lower Trinity Aquifer with a 1 ¼ - inch column pipe on a 2.39 acre tract located at State Highway 195 approximately ¼ mile north of the Lampasas River, Killeen, Texas, Latitude 30.97562°/Longitude -97.77514° (well# N3-24-001P), to produce water for public water supply to proposed Dollar General in a proposed annual quantity not to exceed 0.12 acre-feet or 39,102 gallons per year total.

This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Clerk's Office 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, Belton, Texas 76513, 254-933-0120. The applicant may be contacted at 2021 McKinney Ave., Suite 1150 Dallas, TX 75201, or by phone at 972-200-7100.

Sincerely,

Greg Glaser

7019 2280 0000 2724 6059

U.S. Postal Service™ **CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **RODNEY & SHERRY CAVENDAR**
Street and Apt. No., or PO Box No. **24191 FM 2670**
City, State, ZIP+4® **KILLEEN, TX 76549**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7019 2280 0000 2724 6042

U.S. Postal Service™ **CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **BILLY BAKER**
Street and Apt. No., or PO Box No. **16547 LAMPASAS RIVER RD**
City, State, ZIP+4® **KILLEEN, TX 76542**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7019 2280 0000 2724 6141

U.S. Postal Service™ **CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **CATSTRONG LLC**
Street and Apt. No., or PO Box No. **900 RANCH RD, SUITE C101, BOX 174**
City, State, ZIP+4® **AUSTIN, TX 78734**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7019 2280 0000 2724 6073

U.S. Postal Service™ **CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **DAVID GOODE**
Street and Apt. No., or PO Box No. **1216 FM 580**
City, State, ZIP+4® **COPPERAS COVE, TX 76522**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

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 City, State, ZIP+4®: **KILLEEN, TX 76542**

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 Street and Apt. No., or PO Box No.: **16731 STATE HWY 195**
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Postage	\$
Total Postage and Fees	\$

Sent To: **PAUL SHUM**
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 City, State, ZIP+4®: **KILLEEN, TX 76542**

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 Street and Apt. No., or PO Box No.: **741 RIVERSIDE DR.**
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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Total Postage and Fees	\$

Sent To: **JESSIE MOON**
 Street and Apt. No., or PO Box No.: **16800 STATE HIGHWAY 195**
 City, State, ZIP+4®: **KILLEEN, TX 76542**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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OFFICE REALTY CORP

7019 2280 0000 2724 6127

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- Return Receipt (electronic)
- Certified Mail Restricted Delivery
- Adult Signature Required
- Adult Signature Restricted Delivery

Postage \$

Total Postage and Fees \$

Sent To **BRAD BENNETT**

Street and Apt. No. or PO Box No. **343 RIVERSIDE DR**

City, State, ZIP+4® **KILLEEN, TX 76542**

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions



**NOTICE OF APPLICATION FOR A COMBINATION DRILLING AND
OPERATING PERMIT FROM CLEARWATER UNDERGROUND WATER
CONSERVATION DISTRICT**

NS Retail Holdings, LLC has submitted an application to the Clearwater Underground Water Conservation District (CUWCD) on February 22, 2024, for a combination drilling and operating permit to authorize drilling and withdrawal from a proposed new well.

This permit will authorize the withdrawal from a new well completed in the Lower Trinity Aquifer with a 1 ¼ - inch column pipe on a 2.39 acre tract located at on State Highway 195 approximately ¼ mile north of the Lampasas River, Killeen, Texas, Latitude 30.97562°/Longitude -97.77514° (well# N3-24-001P), to produce water for public water supply to proposed Dollar General in a proposed annual quantity not to exceed 0.12 acre-feet or 39,102 gallons per year total.

This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Clerk's Office 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 700 Kennedy Court, Belton, Texas 76513, 254-933-0120. The applicant may be contacted at 2021 McKinney Ave., Suite 1150 Dallas, TX 75201, or by phone at 972-200-7100.

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The Killeen Daily Herald will not be responsible for more than one (1) incorrect insertion of any classified ad. Errors must be reported immediately to the Classified Department so that they can be corrected and proper credit be given. Please be sure you proof your ad prior to the first publication date. The Killeen Daily Herald does not assume the responsibility beyond the cost of the ad.

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Killeen (254) 220-7355.

12 Notices

12 Legal Notices

Killeen-Temple Metropolitan Planning Organization Public Hearing & Comment Period

Regarding
FY23-26 Transportation Improvement Plan (TIP) and 2045 Metropolitan Transportation Plan (MTP)

Public Comment Period

February 26, 2024 - March 11, 2024

Public Meeting

In-person Meeting with Live Virtual Option
Wednesday, February 28, 2024
12:00-1:00 pm

Central Texas Council of Governments
2180 N Main St
Belton, TX 76513

Call in Number: 1 (224) 501-3412
Access Code: 938-515-829

For virtual access visit: http://www.ktmoa.org

(Legal notice published in the Killeen Daily Herald on February 24, 2024.)

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Daily Herald
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12 Notices

12 Legal Notices

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Retailer's Off-Premise Permit by CEFCO, A Partnership, dba CEFCO #110 located at 3004 Stagecoach Rd, Killeen, Bell County, Texas. Partners are Fikes Investors Inc., Fikes Investors Inc. No. 2 and Fikes Investors Inc. No. 3, Raymond Smith, President and Kim Fikes, Secretary and Treasurer, of all partners.

(Legal notice published in the Killeen Daily Herald on February 24 & 25, 2024.)

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage (BG) Permit by Zay's Gourmet Dawgs, LLC dba Zay's Steamhouse Lounge to be located at 1104 Kaye Dr., Suite 100, Killeen, TX 76542. LLC is Aleta C. Eversley, Manager.

(Legal notice published in the Killeen Daily Herald on February 24 & 25, 2024.)

PUBLIC NOTICE

The Workforce Solutions of Central Texas Board (WSCB) is soliciting proposals for Child Care Fiscal Services. WSCB serves the Central Texas Service Workforce Area consisting of the following counties: Bell, Coryell, Lampasas, Milam, Mills, Hamilton, and San Saba. The WSCB plans and oversees workforce programs under Federal and State funding sources.

Proposal specifications may be obtained from the offices of WSCB by contacting Horace Dicka at (254) 742-4512, or at 200 North Main, P.O. Box 450, Belton, Texas, 76513, or you may download a computer version of the RFP at WSB@workforcesolutions.tx.gov

Questions about the RFP may be e-mailed to Ron Cowan at WSB@workforcesolutions.tx.gov.

All related questions must be submitted in writing by March 1, 2023.

Proposals must be submitted by mail to
Central Texas Workforce Board
Attention: Ron Cowan
P.O. Box 450
Belton, Texas 76513

Proposals must be postmarked by 5:00pm March 15, 2023.

WSCB reserves the right to accept or reject any or all proposals received as a result of this request, or to negotiate with all qualified vendors, or to cancel in part or in its entirety this Request for Proposals (RFP), if it is in the best interest of the WSCB.

WSCB encourages historically underutilized businesses to request and respond to all RFPs.

Equal Opportunity Employer/Program
Auxiliary Aids and Services available upon request to individuals with disabilities
For Relay Texas, dial 7-1-1
workforcesolutions.tx.gov

(Legal notice published in the Killeen Daily Herald on February 24, 25 & 26, 2024.)

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12 Notices

12 Legal Notices

NOTICE OF APPLICATION FOR A CONCRETE PILING AND OPERATING PERMIT FROM THE UNDERGROUND WATER CONSERVATION DISTRICT

NS Retail Holdings, LLC has submitted an application to the Clearwater Underground Water Conservation District (CUWCD) on February 22, 2024, for a combined drilling and operating permit to authorize drilling and withdrawal from a proposed new well.

This permit will authorize the withdrawal from a new well completed in the Lower Trinity Aquifer with a 1 1/2" inch column pipe on a 2.39 acre tract located at on State Highway 185 approximately 1/2 mile north of the Lampasas River, Killeen, Texas. Latitude: 30.975627 Longitude: -97.775147 (well# N3-24-001P), to produce water for public water supply to proposed Dollar General in a proposed annual quantity not to exceed 0.12 acre-foot or 39,102 gallons per year total.

This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Clerk's Office 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 permitting process, please contact the CUWCD at 700 Kennedy Court, Belton, Texas 76513, 254-933-0120. The applicant may be contacted at 2021 McKinney Ave, Suite 1150 Dallas, TX 75201, or by phone at 972-200-7100.

(Legal notice published in the Killeen Daily Herald on February 24, 2024.)

17 Employment

17 General

YESTER'S CONSTRUCTION COMPANY

is now hiring for active positions. Looking for highly-talented REMODELERS & PAINTERS for indoor work. Heated homes during Winter and A/C homes during the Summer. Must be dependable, hard working, reliable transportation for long-term project. Must have proper hand tools for each task. Fort Hood JOBIT! Must have valid ID to get on base. Email resume to tdyesterconst@aol.com or Call: (254) 681-0612

19 Pets

19 Dogs

KILLEEN GARAGE SALE

1507 S. ROY REYNOLDS
Sat, Feb 24, 9am-7pm

MALE REGISTERED SCHNAUZERS, 1 & 1.5 years old. \$12-265-1956.

REG. YORKIE PUPS \$W. Hiltz group. Reduced \$ 254-722-2565. Lic# 148.

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Now Hiring Dump Truck Drivers. Home every night. Equip. exp. a plus. (512) 556-1659

187 Garage Sales / Estate Sales

KILLEEN SALE
1203 Meadow Dr.
Sat, Feb 24th 9am-7pm
lots of nick-nack and kitchen items, ect.

KILLEEN STATE SALE
1101 N TWIN CREEK
APT 74
FRI-SAT, FEB 23-24
8AM-4PM
CASH ONLY
FURNITURE CLOTHES & DISHES

Upcalls Garage Sale:
2302 Sandstone Dr
Feb. 24th-25th
Sat. 9am-3pm
Sun. 10am-3pm

127 Legal Notices

127 Legal Notices

127 Legal Notices

THE STATE OF TEXAS

CITATION BY PUBLICATION - Civil
Cause No.23DCV341205

To The Unknown Heirs-at-Law of Landis Watson, Deceased

Greetings:
You are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock AM of the first Monday after the expiration of 42 days from the date of issuance of this Citation, the same being Monday at or before 10 o'clock AM, before the Honorable 168th Judicial District Court, Bell County Texas to be held at the Bell County District Courts Building in Belton, Texas. Said PLAINTIFF'S ORIGINAL PETITION was filed in said court on September 01, 2023.

The file number of said suit being No. 23DCV341205. The names of the parties in said suit are

Penny Mac Loan Services, LLC VS. Amy Watson, The Unknown Heirs-at-Law of Landis Watson, Deceased

The nature of said suit being substantially as follows, to wit:

Plaintiff PennyMac Loan Services, LLC, its successors and assigns, by and through its attorney of record, Thuy Frazier of McCarthy & Holthus, LLP, 1255 West 15th Street, Suite 1060, Plano, Texas 75075, brought suit in rem only against Amy Watson, the Unknown Heirs-at-Law of Landis Watson, Deceased, and any other person(s) claiming any right, title, or interest through Landis Watson, as heir(s)-at-law to 3304 Regency Ct, Killeen, Texas 76548 and legally described to wit LOT THIRTY (30), IN BLOCK ONE(1), OF AMENDED PLAT FOR LOTS 1, 4-18, 22, 24-31, & 34 OF BLOCK 1 REGENCY PLACE, IN THE CITY OF KILLEEN, BELL COUNTY TEXAS, ACCORDING TO THE PLAT OF RECORD IN CABINET D, SLIDE 284-C & D PLAT RECORDS OF BELL COUNTY, TEXAS

This was issued at the request of attorney: THUY FRAZIER 1255 WEST 15TH STREET SUITE 1060 PLANO TX 75075.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM on Monday next following the expiration of forty-two days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Issued and given under my hand and seal of said Court at office in Belton, Texas, on December 27, 2023.

Joanna Staton
District Clerk
Bell County, Texas
1201 Huey Road
P.O. Box 909
Belton, Texas 76513

By: *DeChase* Deputy Clerk
C. Chase

(Legal notice published in the Killeen Daily Herald on February 17, 24, March 2 & 9, 2024.)

127 Garage Sales / Estate Sales

127 Dogs

127 Classifieds

127 Daily Herald

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127 Hiring?

127 Call 254-501-7500 to

127 post your job opening online!

127

KILLEEN DAILY HERALD

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THE STATE OF TEXAS

COUNTY OF BELL

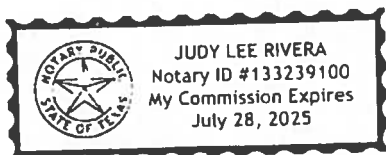
Personally appeared before the undersigned authority

Anthony Edwards who being sworn says that the attached ad for: **NS Retail Holdings, LLC** published in the **Killeen Daily Herald** on the following dates to-wit: **February 24, 2024** and at a cost of **\$261.70**.


Advertising Representative

Subscribed and sworn before me on February 27, 2024.


Notary Public, Bell, Texas



NOTICE OF APPLICATION FOR A COMBINATION DRILLING AND OPERATING PERMIT FROM CLEARWATER UNDERGROUND WATER CONSERVATION DISTRICT

NS Retail Holdings, LLC has submitted an application to the Clearwater Underground Water Conservation District (CUWCD) on February 22, 2024, for a combination drilling and operating permit to authorize drilling and withdrawal from a proposed new well.

This permit will authorize the withdrawal from a new well completed in the Lower Trinity Aquifer with a 1 1/2 - inch column pipe on a 2.39 acre tract located at on State Highway 195 approximately 1/4 mile north of the Lampasas River, Killeen, Texas, Latitude 30.97562°/Longitude -97.77514° (well# N3-24-001P), to produce water for public water supply to proposed Dollar General in a proposed annual quantity not to exceed 0.12 acre-feet or 39,102 gallons per year total.

This application will be set for hearing before the CUWCD Board upon notice posted at the Bell County Clerk's Office 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 700 Kennedy Court, Belton, Texas 76513, 254-933-0120. The applicant may be contacted at 2021 McKinney Ave., Suite 1150 Dallas, TX 75201, or by phone at 972-200-7100.

(Legal notice published in the Killeen Daily Herald on February 24, 2024.)

CUWCD Executive Summary

Staff Report
Application for Drilling & Operating Permit
N3-24-001P



Applicant/Owner: NS Retail Holdings LLC
c/o Greg Glaser, P.E., GBT Realty Corporation
9010 Overlook Blvd.
Brentwood, TN 37027

Location of Well:
2.39-acre tract located at 16900 S. Fort Hood Street, Killeen, Texas (approximately ¼ mile north of the Lampasas River), Latitude 30.97562°/Longitude -97.77514°

<p>Proposed Annual Withdrawal:</p> <p>Column Pipe: 1 ¼ -inch</p> <p>Withdrawal: Proposed annual quantity not to exceed 0.12 acre-feet or 39,102 gallons per year.</p>	<p>Proposed Use</p> <p>Public Water Supply for a Dollar General Store</p>	<p>Aquifer:</p> <p>Hosston Layer of the Trinity Aquifer</p> <p>Southwest Management Zone as described in Rule 7.1</p>	<p>Nearest Existing Wells: 13 @ 1/2 mile</p> <p>Note: 4 wells within ½ mile are completed in the Hosston Layer of the Trinity Aquifer</p>
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General Information

GBT Realty Corporation, on behalf of NS Retail Holdings LLC, has applied to Clearwater Underground Conservation District for a combination drilling and operating permit for a non-exempt well. The proposed well is to supply public water to a Dollar General store in an area located in the southern portion of Killeen. GBT Realty has been hired by NS Retail Holdings LLC to help support this process and provided all necessary documents to meet the requirements of the application.

The applicant’s representative has stated the proposed groundwater use is for supplying water to a Dollar General store. Their proposed use of the groundwater meets the standard for beneficial use as defined in District rules (Rule 1.1 Definition of Terms).

Per the applicant’s cover letter, the proposed well will be located within the City limits of Killen and the CCN of West Bell Water Supply Corporation. The applicant has submitted documentation from West Bell Water Supply Corporation stating it is the property owner’s financial responsibility to extend the water line. GBT Realty and NS Retail Holdings LLC have decided that a water well will better serve this property.

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, and is the application accurate? Does it meet spacing and production limitations identified by District Rules, and does it conform 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 groundwater produced from this well is for public water supply use per District Rules and Chapter 36 and TCEQ has conditionally approved the well for construction.

- 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 should testify they understand per District Rules that by signing the application form the applicant and applicant's representatives agree to comply with the District's Groundwater Management Plan.

- 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 agrees (*by signing the application form*) and should also offer testimony that if the well deteriorates over time or becomes damaged in such a way that the well is inoperable that state law and district rules require such a well 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)) and Rule 9.5.2**

The proposed well is in the "Southwest Management Zone" of Bell County. The tract size of 2.39 acres limits the well to a maximum column pipe size of 1¼ -inch. Based on this column pipe size, the proposed well must meet the 150-foot spacing requirement from other wells and be located 75 feet from the property line. The applicant should offer testimony that they will adhere to all spacing requirements per District Rule 9.5 Spacing Requirements.

Based on projected public water supply demands reviewed as part of today's permit request for a new well, the applicant has agreed to a production limit of 0.12 acre-ft/year (39,102 gallons per year). The applicant and/or their representative needs to understand that the production associated with the operating permit does not appear to cause an unacceptable level of decline in water quality of the aquifer, is limited as may be necessary to prevent waste and achieve water conservation, minimizes as far as

practicable the drawdown of the water table or the reduction of artesian pressure, lessens interference between wells, and controls and prevents subsidence.

These issues are considered in Items 6 & 7 below 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?

Based upon available information, there are the following number of wells completed and active from the Upper (Glen Rose), Middle (Hensell), and Lower (Hosston) Trinity Aquifers.

13 wells are within 1/2 mile,
5 completed in the Glen Rose Layer of the Trinity Aquifer,
4 completed in the Hensell Layer of the Trinity Aquifer,
4 completed in the Hosston Layer of the Trinity Aquifer.

Mike Keester, KT Groundwater, LLC, has reviewed the application, has projected the anticipated drawdown, and has provided the *attached MK report*.

His conclusions and recommendations state that the proposed well will primarily be impacted by short-term production. He adds: “Existing Lower Trinity Aquifer wells within one-quarter mile are expected to experience negligible drawdown due to the proposed annual production.” The long drawdown production analysis shows for 30-day and 1-year are less than 1 foot thus the potential impact is negligible thus reasonable (see Table 1 below). Based on water level measurements from nearby wells, we expect water levels to decline about 75 feet over the next 10 years. With the current water level trends, continued water level monitoring will aid in assessing the long-term effects of cumulative groundwater production in the area.

Table 1. Calculated drawdown at N3-24-001P and other nearby wells completed in the Lower Trinity based on an annual production rate of 0.12 acre-feet from the proposed well and instantaneous production of 5 gallons per minute.

CUWCD Well ID	Distance from Proposed Well (feet)	1-Day Drawdown (feet)	30-Day Drawdown (feet)	1-Year Drawdown (feet)
N3-24-001P (Proposed)	—	5	<i>Negligible</i>	<i>Negligible</i>
E-20-085P	907	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>
E-02-1098G	957	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>
E-02-1148G	1,192	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>

7) **Is the proposed use of water consistent with the District's Groundwater Water Management Plan (GMP) related to the approved DFC and the defined available groundwater for permitting?**

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).

The District's current Groundwater Management Plan reflects a groundwater availability figure in the Lower Trinity Aquifer of **7900 ac-ft/year. Modeled Available Groundwater** (minus the reserve 178 ac-ft/year for exempt well use) thus **7722 ac-ft/year is the Managed Available Groundwater for permitting.**

The Board, per the District Management Plan, has evaluated groundwater available for permitting the Lower Trinity Aquifer and evaluated the available groundwater for permitting (*consistent with the current management plan as stated on pages 9-10*).

The requested permit amount relative to the current 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 Lower Trinity Aquifer was set by CUWCD at 330 feet of average drawdown over 60 years. This DFC was reviewed and again approved by the board in October 2023. To achieve this DFC, the TWDB used a model that indicated the MAG was equal to 7722 acre-feet per year from the Lower Trinity.

A summary of YTD 2024 permit production, HEUP & OP Permit Analysis, pending applications, and *Exempt Well Reservations for the Lower Trinity, per District Report illustrates current Lower Trinity Aquifer permits total 4506.39 ac-ft/year. Currently, the District has a pending permit of 552.80 ac-ft/year, thus available for permitting is only 3215.61 acre-feet/year. (*see attached Lower Trinity Aquifer Status Report, February 2024*).

8) **What are 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 permit. (*see attached Lower Trinity Aquifer Status Report, February 2024*).

9) **What has 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. 178 ac-ft/year vs 60 ac-ft estimated to be used annually in the Lower Trinity. (*see 2023 district exempt use report*)

10) What is 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 Lower Trinity Aquifer which is 4506.39 ac-ft per year.

11) What is the reasonable estimate of the amount of groundwater that is produced annually under existing non-exempt permits issued by the District?

The total permitted amounts for non-exempt wells in the Lower Trinity Aquifer in 2023 was **4506.39 ac-feet/yr.** and the actual production in 2023 was **1860.31 ac-ft/yr (41.28%)** of the permitted amount. (*Figures are based upon monthly production reports submitted to Clearwater by the permit holders in 2023*).

The Lower Trinity permit holders in all of 2023 have used 41.28% of the total permitted amounts in the Aquifer. Permit holders did not exceed their total permitted amounts in 2021, 2022, and 2023.

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 **31.061** inches of rain received in the last 365 days (since 3-5-2023) thus 94.12% of annual expected rainfall of 33 inches.

While the District is not currently under a declared drought based on the PDI system, recent conditions are reminiscent of the epic drought of 2011-2013, the significant drought in 2018, 2020, and again in 2022-23. The current drought trends do necessitate the need for all permit applications to be evaluated based on conservative needs and usage that are not contradicted by the current voluntary drought contingency plan stage.

Conclusions and Recommendations:

- 1) District GM recommends that the Board approve the permit for the one well for the public water supply use as described in the application.
- 2) District GM concurs with Keester that the following conditions for the well's construction and for limiting this application permit necessary for the following:
 - To assess actual changes in water levels due to pumping from the proposed well and regional water level declines, the pump installer shall install a measuring tube alongside the column pipe to allow for measurement of the water level using an e-line or other direct measurement method as needed by District Staff.
 - The pump installer shall install a metering device for monthly online reporting of production to confirm the applicant does not exceed the approved amount of production.

Attachments are as follows:

<i>Keester PG Technical Memorandum</i>	<i>03/06/2024</i>
<i>CUWCD Aquifer Status Report</i>	<i>02/14/2024</i>
<i>CUWCD 2023 Exempt Well Estimate of Use Report</i>	<i>12/31/2023</i>
<i>CUWCD Site Map</i>	<i>See Attached</i>
<i>Applications, fees and Notification Affidavit</i>	<i>See Attached</i>

Trinity Aquifer Status Report – February 2024

<u>DFC Analysis Over Time</u> (2000-Present) Modeled Available Groundwater			<u>HEUP and OP Permit Analysis</u> Relative to the Modeled Available Groundwater			<u>2024 YTD</u> <u>Total Prod.</u> Jan 128.68 ac-ft 2.52%		<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)	2023 YTD Prod. (by layer)	2024 YTD Prod. (by layer)	Available for Permitting Ac-ft (by layer)	Pending Applications Ac-ft (by layer)	Exempt Well Reserve Ac-ft (by layer)	2023 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	275	61.9	72.73	134.63	35.94	0.39	0	0	140.37	190	0
Hensell (middle)	-2.28 ft/yr -137 ft/60 yrs	1100	259.3	208.44	467.74	44.70	2.17	84.26	0	548	534	14
Hosston (lower)	-5.50 ft/yr -330 ft/60 yrs	7900	1181.4	3324.99	4506.39	1860.31	126.12	3215.61	***552.80	178	60	118
Total		9275	1502.6	3606.16	5108.76	1940.95 (37.99%)	128.68 (2.52%)	3299.87	552.80	866.37	784	132

*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

City of Temple N3-23-004P (239 ac-ft/yr)

UMHB N3-23-005P (64 ac-ft/yr)

Mustang Springs N3-23-010P & N3-23-011P (249.8 ac-ft/yr)



CUWCD Exempt Well Use Summary

As of: 2/12/2024

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)	428	350	102,396	115	78	67,392	75	169,788	190	
Hensell (Middle Trinity)	993	931	423,297	474	62	53,568	60	476,865	534	
Hosston (Lower Trinity)	162	151	44,177	49	11	9,504	11	53,681	60	
Trinity (Total) ⁵	1,583	1,432	569,870	638	151	130,464	146	700,334	784	1,419
Edwards BFZ	855	723	211,521	237	132	114,048	128	325,569	365	825
Edwards Equivalent	485	386	112,928	126	99	85,536	96	198,464	222	
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	141	41,251	46	85	73,440	82	114,691	128	
Ozan	161	114	33,352	37	47	40,608	45	73,960	83	
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	585	377	110,295	124	208	179,712	201	290,007	325	
Other ⁶	1,575	1,091	319,183	358	484	418,176	468	737,359	826	
CUWCD Total Active	4,013	3,246	1,100,574	1,233	767	662,688	742	1,763,262	1,975	

- 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.

**KT Groundwater
Technical Memorandum**



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Round Rock, Texas 78665
(512) 621-7237
KTGroundwater.com
TBPG Firm No. 50705

Technical Memorandum

To: Mr. Dirk Aaron, General Manager –
Clearwater Underground Water Conservation District

From: Michael R. Keester, P.G.

Date: March 6, 2024

Subject: Hydrogeologic Evaluation of the NS Retail Holdings, LLC Well (N3-24-001P)
Combination Permit Application

Proposed Well ID: *N3-24-001P*

Well Owner Name: *NS Retail Holdings, LLC*

Tract Size: *2.39 Acres*

Column Pipe Size: *1.25 inch*

Aquifer: *Lower Trinity*

Management Zone: *Southwest*

Proposed Annual Production: *0.12 Acre-Feet per Year (39,102 gallons per year)*

Proposed Instantaneous Pumping Rate: *5 Gallons per Minute*

The applicant indicated they will use the proposed well for public water supply use. They intend to equip the well with a 5 horsepower pump and 1.25-inch diameter column pipe for a pumping rate of no more than 5 gallons per minute. The requested annual production from the well is 0.12 acre-feet (39,102 gallons) per year to meet the public supply needs of the Dollar General retail store.

The identified source for the proposed use is the Lower Trinity Aquifer in the Southwest Management Zone. The application indicates the driller will screen the well from 630 to 650 feet below ground level. The CUWCD virtual bore indicates the Lower Trinity is about 475 feet below ground level and about 65 feet thick. However, based on local well records (namely, well E-20-085P), the top of the Lower Trinity is about 500 feet below ground level and is about 80 to 100 feet thick. Essentially, there is some uncertainty regarding the local stratigraphy and the driller will need to stay aware of the changes in lithology while drilling to minimize penetration into the underlying Paleozoic age formations. In addition, the driller will need to be prepared to modify the screen interval based on observed hydrogeologic conditions.

Based on data from District monitoring well M-19-001P, the depth to water in the Lower Trinity is currently about 325 feet below ground level and is declining by about 7.4 feet per year. The

applicant anticipates completing the proposed well to the bottom of the Lower Trinity and setting the pump at 440 feet below ground level. The proposed pump setting should provide sufficient submergence for several years under current conditions.

Projected Effect on Existing Wells

The potential effects of the proposed production on local water levels in the aquifer are calculated using the Theis equation¹ which relates water level decline (that is, drawdown) to the pumping rate of a well and properties of the aquifer. While the equation does not account for aquifer conditions which may affect the calculation of long-term water level declines (for example: aquifer recharge, faulting, or changes in aquifer structure), it does provide a very good, reliable, and straightforward method for estimating relatively short- term drawdown in and near a well due to pumping. To assess the potential effects from the proposed production, the equation uses values from the groundwater availability model datasets².

Table 1 presents the calculated drawdown at the proposed well and at other nearby wells completed in the same aquifer. For 1-Day Drawdown, we applied the proposed instantaneous pumping rate for a period of 24 hours. For 30-Day Drawdown, we assumed peak pumping during the summer of about 15 percent more than the average monthly amount (that is, the proposed annual production rate divided by 12 then multiplied by 1.15). For 1-Year Drawdown, we used the proposed annual production amount.

Table 1. Calculated drawdown at N3-24-001P and other nearby wells completed in the Lower Trinity based on an annual production rate of 0.12 acre-feet from the proposed well and instantaneous production of 5 gallons per minute.

CUWCD Well ID	Distance from Proposed Well (feet)	1-Day Drawdown (feet)	30-Day Drawdown (feet)	1-Year Drawdown (feet)
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E-02-1148G	1,192	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>

¹ Theis, C.V., 1935, The Relation Between the Lowering of the Piezometric Surface and the Rate and Duration of Discharge of a Well Using Ground-Water Storage: American Geophysical Union Transactions, v. 16, p. 519-524.

² Groundwater availability model (GAM) datasets include the Northern Edwards GAM, the Northern Trinity/Woodbine GAM (for the Upper and Middle Trinity aquifers), and the modified Northern Trinity/Woodbine GAM (for the Lower Trinity Aquifer).



The predicted drawdown presented above is based on our current understanding of the aquifer hydraulic properties and the estimated production from the proposed well. The predicted drawdown values presented do not include the effects from other wells pumping near the proposed well. Predicted drawdown of less than one foot is considered negligible for analysis purposes due to inherent uncertainty in the aquifer hydraulic characteristics, modeling limitations, and limited effect the drawdown would have on existing groundwater users.

Conclusions and Recommendations

The requested annual permitted volume is less than commonly requested for domestic use and represents a minimum need for the retail store. Existing Lower Trinity Aquifer wells within one-quarter mile are expected to experience negligible drawdown due to the proposed annual production. Based on water level measurements from nearby wells, we expect water levels to decline about 75 feet over the next 10 years. With the current water level trends, continued water-level monitoring will aid in assessing the long-term effects of cumulative groundwater production in the area and in informing local users of the groundwater availability. Upon setting the pump in the well, we also recommend the applicant install a measuring tube to assess actual changes in water levels due to pumping from the well and regional water level declines.

Geoscientist Seal

The signature and seal appearing on this document was authorized by Michael R. Keester, P.G. on March 6, 2024.

