

H:111topWSC

**AFFIDAVIT**

THE STATE OF TEXAS                    §  
   §  
COUNTY OF MCLENNAN                §

BEFORE ME, the undersigned authority, on this day personally appeared  
KENT SMITH, who being duly sworn, upon oath deposes and says:

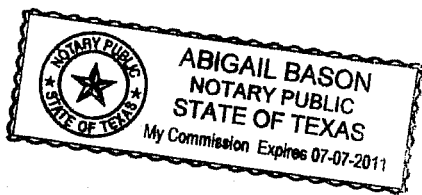
“My name is KENT SMITH. I am over 18 years of age, competent to make this  
affidavit, and am familiar with the facts herein stated and believe them to be true.

I have complied with the requirements of the Southern Trinity Groundwater Conservation  
District’s Rules to provide notification by first class mail to landowners, well owners and well  
operators within one half-mile of the well or wells for which I or the entity I represent seek(s) a  
Historic Use Production Permit. Such notification was made not less than 10 days before the  
public hearing scheduled to consider the application for a Historic Use Production Permit  
**HUPP-2010-022.**”

*Kent Smith*  
Affiant

Sworn to and subscribed before me on this 28<sup>th</sup> day of September, 2010.

*Abigail Bason*  
Notary Public in and for the State of Texas





SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT  
COUNTY OF MCLENNAN, STATE OF TEXAS

**HISTORIC USE PRODUCTION PERMIT**

**THIS CERTIFIES THAT:**

Hilltop Water Supply Corporation  
P.O. Box 127  
Itasca, Texas 76055  
Phone: 254-687-2331

(the "Permittee"), has applied for an Historic Use Production Permit to withdraw and place to beneficial use groundwater from within the District, and that the Board of Directors of the Southern Trinity Groundwater Conservation District ("District") has APPROVED the application as follows:

**1 Permit Category**

This permit is a **Historic Use Production Permit**.

**2 Permit Term**

The term of this permit is **perpetual**.

**3 Groundwater Source**

The source of groundwater is the **Trinity Aquifer**.

**4 Annual Groundwater Withdrawal Amounts**

Permittee may withdraw groundwater from the Trinity Aquifer for beneficial, nonwasteful use in a manner not to exceed the following volume: **105.0262 acre-feet per calendar year**. This groundwater withdrawal amount has been calculated pursuant to Section 5.211 of the District's rules. It may be subject to proportional adjustment pursuant to Chapter 5, Subchapter B of the District's rules, as may be amended.

**5 Purpose of Use**

Permittee may use Trinity Aquifer groundwater only for **municipal purposes**.

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

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

<u>Name</u>	<u>Location (latitude/longitude)</u>	<u>Maximum Flow Rate</u>
Well # 1	N31D 46M 52S / W97D 05M 47S	100
Well # 2	N31D 46M 39S / W97D 04M 20S	122
Well # 3	N31D 47M 06S / W97D 04M 30S	200

**SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT  
COUNTY OF MCLENNAN, STATE OF TEXAS**

**7 Measurement of Amount of Groundwater Withdrawn**

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

**8 Place of Use**

Permittee may beneficially use Aquifer groundwater only within the Permittee's wholesale or retail water service area identified in the Certificate of Convenience and Necessity 10017, filed with the Texas Commission on Environmental Quality. Except as provided by 5.401(b) of the District's rules, as may be amended, if the place of use is not within the District's boundaries, Permittee must obtain a groundwater exportation permit from the District prior to the withdrawal of groundwater under the permit.

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

The well(s) identified in this permit shall be installed, equipped, operated, maintained, plugged, capped, or closed, as may be appropriate in accordance with the District's rules and all other applicable federal, state, and local laws, including by submitting a copy of a state plugging report to the District within 60 days after capping or plugging any well.

**10 Water Conservation**

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

**11 Conveyance to Place of Use**

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

**12 Meters; Alternative Measuring Method**

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

**13 Reports**

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

**14 Fees**

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

**SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT  
COUNTY OF MCLENNAN, STATE OF TEXAS**

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

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

**16 Groundwater Management Plan**

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

**17 Water Quality**

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

**18 Transfers and Amendments**

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

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

Permittee is subject to any review, renewal or extension conditions stated in the permit or the District's rules.

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

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

**21 Inspections by District**

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

**22 Additional Conditions**

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

**SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT  
COUNTY OF MCLENNAN, STATE OF TEXAS**

**23 Enforcement**

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

**24 Continuing Jurisdiction of District**

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

**25 Permit Recordation**

Within 30 days of the date of issuance of this approved permit from the District, Permittee shall record this permit with the County Clerk of every county in which the well(s) or place of use are located and provide a copy of the recorded permit to the District.

**26 References to Law**

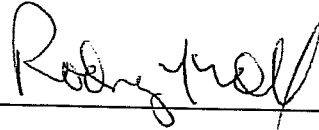
Any reference in this permit to a statute, rule, or other law of any kind, that exists on the date of issuance of the permit includes all subsequent amendments and additions thereto.

**27 Other Matters Denied**

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

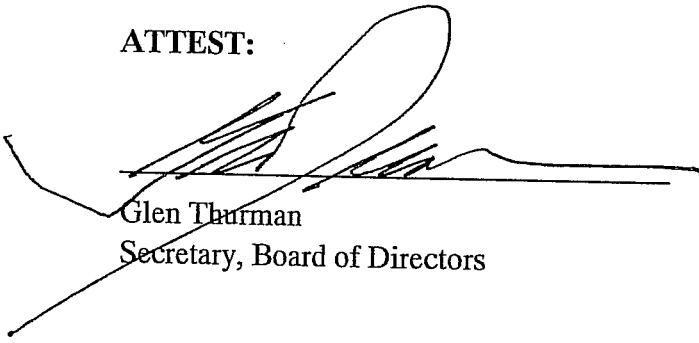
**SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT  
COUNTY OF MCLENNAN, STATE OF TEXAS**

**THIS PERMIT IS ISSUED, EXECUTED THIS 6<sup>th</sup>** day of October, 2010, by the Board of Directors of the Southern Trinity Groundwater Conservation District.



Rodney Kroll,  
President, Board of Directors

**ATTEST:**

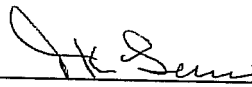
  
Glen Thurman  
Secretary, Board of Directors

**ACKNOWLEDGMENT**

STATE OF TEXAS )

COUNTY OF MCLENNAN )

**ON BEHALF OF THE DISTRICT, THIS PERMIT WAS ACKNOWLEDGED** before me on October 6, 2010, by Rodney Kroll, President, Board of Directors, Southern Trinity Groundwater Conservation District, a groundwater conservation district created pursuant to Article XVI, Section 59, Texas Constitution.



Notary Public in and for the State of Texas



**AFTER RECORDING RETURN TO:**

Tricia Law, General Manager  
Southern Trinity Groundwater Conservation District  
P. O. Box 2205  
420 North 6th Street  
Waco, Texas 76703

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

*J.A. Andy Harwell*

October 15, 2010 11:17:40 AM

FEE: \$27.00

2010032266

J.A. "Andy" Harwell County Clerk  
McLennan County TEXAS



**Southern Trinity Groundwater Conservation District**

**P. O. Box 2205**

**Waco, Texas 76703**

**Phone 254 759-5610 Fax 254 754-9480 e-mail [southerntrinitygcd@att.net](mailto:southerntrinitygcd@att.net)**

**Notice of Administrative Completeness for  
For Historic Use Production Permit (HUPP) Application, Technical Summary, and  
General Manager's Proposed Action on Historic Use Production Permit Application**

September 20, 2010

Hilltop Water Supply Corporation  
P.O. Box 127  
Itasca, Texas, 76055

RE: Application No. HUPP-2010-022

Please be advised that the Southern Trinity Groundwater Conservation District (the "District") received your Historic Use Production Permit Application. Pursuant to §9.207 of the District's Rules, the District's General Manager has reviewed your application and has determined that the application is administratively complete. The General Manager has conducted a technical review of the application and will recommend to the District's Board of Directors that it consider issuing the Historical Use Production Permit for an annual production of groundwater not to exceed 105.0262 acre-feet. Attached to this letter is a copy of the Technical Summary, the proposed draft permit, and notice of the permit hearing date and location.

Also attached to this letter is a list of names, if any were found by the District, of well owners that may own a well or wells in the Trinity Aquifer that are located within ½ mile radius of the well or wells that you listed in your HUPP application. This list may not be complete, but Rule §9.219(e) requires that you provide by first class mail a copy of the hearing notice to any owner of a well within ½ mile radius of the well or wells that you listed in your HUPP application. The notice(s) must be mailed at least 10 days prior to your hearing date. You are also required to provide to the District, prior to your hearing date, a copy of the attached affidavit regarding your requirement to provide notification by first class mail to landowners, well owners and well operators within one half-mile of the well or wells owned by Hilltop Water Supply Corporation.

If you have any questions concerning this matter, please call me at (254) 759-5610. Please keep this letter as a permanent record for your file.

Sincerely,



Tricia K. Law, General Manager  
Southern Trinity Groundwater Conservation District

- Attachments: 1) Technical Summary  
2) Affidavit  
3) Draft of Proposed Historic Use Production Permit  
4) Notice of Hearing



## Technical Review Summary

**Well Owner:** Hilltop Water Supply Corporation,  
P.O. Box 127,  
Itasca, Texas, 76055

### Application Summary For HUPP-2010-022:

Aquifer: Trinity  
Annual production of groundwater not to exceed: 105.0262 acre-feet  
Year of Maximum Historic Use: 2005  
Hearing Group: 3

### Location of Each Point of Withdrawal:

Latitude/Longitude (NAD83):  
N31D 46M 52S / W97D 05M 47S  
N31D 46M 39S / W97D 04M 20S  
N31D 47M 06S / W97D 04M 30S

### Reasons and Technical Basis for Recommended Action

The applicant submitted documentation other information that, in the opinion of the General Manager, reasonably showed evidence of Historical Use Production from the Trinity Aquifer of 105.0262 acre-feet during the calendar year of 2005.

### Proposed Purpose of Use

All groundwater produced under the proposed permit is restricted to Municipal Use within the Applicant's Water Service Area as defined by the Applicant's Certificate of Convenience and Necessity 10017 issued by the Texas Commission on Environmental Quality.

### General Manager May Modify Recommendations or Request Additional Information

The General Manager of the District may at anytime modify her recommendations to the Board of Directors regarding the proposed permit or this technical summary or request additional information from the applicant.

### Request for Contested Case Hearing

HUPP applicants or affected persons may file a written request for a contested case hearing on the proposed HUPPs with the District by no later than at 9:00 a.m. five days prior to the hearing date. If no timely requests for contested case hearing are filed, the applications will be presented to the District on the date of the hearing for final action.

**AFFIDAVIT**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF MCLENNAN               §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, who being duly sworn, upon oath deposes and says:

“My name is \_\_\_\_\_. I am over 18 years of age, competent to make this affidavit, and am familiar with the facts herein stated and believe them to be true.

I have complied with the requirements of the Southern Trinity Groundwater Conservation District’s Rules to provide notification by first class mail to landowners, well owners and well operators within one half-mile of the well or wells for which I or the entity I represent seek(s) a Historic Use Production Permit. Such notification was made not less than 10 days before the public hearing scheduled to consider the application for a Historic Use Production Permit **HUPP-2010-022.**”

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public in and for the State of Texas

# HISTORIC USE PRODUCTION PERMIT

**THIS CERTIFIES THAT:** Hilltop Water Supply Corporation  
P.O. Box 127  
Itasca, Texas 76055  
Phone: 254-687-2331

(the "Permittee"), has applied for an Historic Use Production Permit to withdraw and place to beneficial use groundwater from within the District, and that the Board of Directors of the Southern Trinity Groundwater Conservation District ("District") has APPROVED the application as follows:

## Permit Category

This permit is a **Historic Use Production Permit**.

## Permit Term

The term of this permit is **perpetual**.

## Groundwater Source

The source of groundwater is the **Trinity Aquifer**.

## Annual Groundwater Withdrawal Amounts

Permittee may withdraw groundwater from the Trinity Aquifer for beneficial, nonwasteful use in a manner not to exceed the following volume: **105.0262 acre-feet per calendar year**. This groundwater withdrawal amount has been calculated pursuant to Section 5.211 of the District's rules. It may be subject to proportional adjustment pursuant to Chapter 5, Subchapter B of the District's rules, as may be amended.

## Purpose of Use

Permittee may use Trinity Aquifer groundwater only for **municipal purposes**.

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

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

<u>Name</u>	<u>Location (latitude/longitude)</u>	<u>Maximum Flow Rate</u>
Well # 1	N31D 46M 52S / W97D 05M 47S	100
Well # 2	N31D 46M 39S / W97D 04M 20S	122
Well # 3	N31D 47M 06S / W97D 04M 30S	200

## Measurement of Amount of Groundwater Withdrawn

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

## Place of Use

Permittee may beneficially use Aquifer groundwater only within the Permittee's wholesale or retail water service area identified in the Certificate of Convenience and Necessity 10017, filed with the Texas Commission on Environmental Quality. Except as provided by 5.401(b) of the District's rules, as may be amended, if the place of use is not within the District's boundaries, Permittee must obtain a groundwater exportation permit from the District prior to the withdrawal of groundwater under the permit.

### **Well Construction, Operation, Maintenance, Closure**

The well(s) identified in this permit shall be installed, equipped, operated, maintained, plugged, capped, or closed, as may be appropriate in accordance with the District's rules and all other applicable federal, state, and local laws, including by submitting a copy of a state plugging report to the District within 60 days after capping or plugging any well.

### **Water Conservation**

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

### **Conveyance to Place of Use**

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

### **Meters; Alternative Measuring Method**

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

### **Reports**

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

### **Fees**

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

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

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

### **Groundwater Management Plan**

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

### **Water Quality**

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

### **Transfers and Amendments**

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

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

Permittee is subject to any review, renewal or extension conditions stated in the permit or the District's rules.

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

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

### **Inspections by District**

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

### **Additional Conditions**

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

### **Enforcement**

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

### **Continuing Jurisdiction of District**

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

### **Permit Recordation**

Within 30 days of the date of issuance of this approved permit from the District, Permittee shall record this permit with the County Clerk of every county in which the well(s) or place of use are located and provide a copy of the recorded permit to the District.

### **References to Law**

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

### **Other Matters Denied**

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

**THIS PERMIT IS ISSUED, EXECUTED THIS** 6th day of October, 2010, by the Board of Directors of the Southern Trinity Groundwater Conservation District.

\_\_\_\_\_  
Rodney Kroll,  
President, Board of Directors

**ATTEST:**

\_\_\_\_\_  
Glen Thurman  
Secretary, Board of Directors

**ACKNOWLEDGMENT**

**STATE OF TEXAS** )  
**COUNTY OF MCLENNAN** )  
**ON BEHALF OF THE DISTRICT, THIS PERMIT WAS ACKNOWLEDGED** before me on October 6, 2010, by Rodney Kroll, President, Board of Directors, Southern Trinity Groundwater Conservation District, a groundwater conservation district created pursuant to Article XVI, Section 59, Texas Constitution.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**AFTER RECORDING RETURN TO:**  
Tricia Law, General Manager  
Southern Trinity Groundwater Conservation District  
P. O. Box 2205  
420 North 6th Street  
Waco, Texas 76703

## **NOTICE OF PROPOSED HISTORIC USE PRODUCTION PERMITS AND PUBLIC HEARING**

The Southern Trinity Groundwater Conservation District (“District”) proposes action on applications for Historic Use Production Permits (“HUPPs”), which would authorize the permittees to withdraw groundwater from the Trinity Aquifer according to the terms and conditions set forth in the permits. A copy of the General Manager’s proposed action, the proposed HUPPs and technical summaries are available for public inspection at the District’s offices at 420 North 6<sup>th</sup> Street, Waco, Texas during regular business hours.

The District will conduct a public hearing pursuant to its authority under Chapter 8821 of the Texas Special District Local Laws Code, Chapter 36 of the Texas Water Code and the District’s rules, to consider issuance of the proposed HUPPs and to provide interested members of the public the opportunity to appear and provide oral or written comments to the District regarding the proposed permits at the following date, time and place:

Date: Wednesday, October 6, 2010  
Time: 9:00 a.m.  
Location: City of Woodway, City Council Chambers  
922 Estates Drive  
Woodway, Texas

HUPPs are proposed to be granted to the following entities as follows:

City of West, 110 N Reagan St., West, Texas, 76691 filed an application on 3/10/2010. The proposed HUPP has a maximum annual withdrawal of 487.3884 acre-feet (151641000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 48M 58S / W97D 05M 33S.

Levi Water Supply Corporation, 2757 Rosenthal Pkwy, Lorena, Texas, 76655 filed an application on 4/16/2010. The proposed HUPP has a maximum annual withdrawal of 267.3430 acre-feet (87114000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 23M 19S / W97D 06M 51S, N31D 23M 33S / W97D 09M 44S, N31D 23M 21S / W97D 10M 24S.

City of Bruceville-Eddy, 143 Wilcox Dr., Eddy, Texas, 76524 filed an application on 4/26/2010. The proposed HUPP has a maximum annual withdrawal of 347.4870 acre-feet (113229000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 22M 02S / W97D 13M 29S, N31D 22M 02S / W97D 13M 28S, N31D 19M 02S / W97D 18M 22S, N31D 17M 47S / W97D 15M 13S, N31D 19M 22S / W97D 14M 12S.

Pure Water Supply Corporation, P.O. Box 154414, Waco, Texas, 76715 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 84.4251 acre-feet (27510000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 40M 03S / W97D 04M 59S, N31D 39M 41S / W97D 03M 32S.

Gholson Water Supply Corporation, 12520 Gholson Rd., Waco, Texas, 76705 filed an application on 5/3/2010. The proposed HUPP has a maximum annual withdrawal of 270.0348 acre-feet (87991100 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 44M 24S / W97D 15M 13S, N31D 43M 51S / W97D 14M 38S, N31D 44M 35S / W97D 15M 32S.

City of Crawford, 6719 North Lonestar Parkway, Crawford, Texas, 76638 filed an application on 4/5/2010. The proposed HUPP has a maximum annual withdrawal of 140.1822 acre-feet (45678500 gallons) for municipal use

pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 31M 59S / W97D 27M 05S, N31D 31M 35S / W97D 27M 43S.

CS Community WSC, P.O. Box 385, China Spring, Texas, 76633 filed an application on 4/5/2010. The proposed HUPP has a maximum annual withdrawal of 55.1193 acre-feet (17960670 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 39M 13S / W97D 18M 44S.

South Bosque Water Supply Corporation, 536 River Park, McGregor, Texas, 76657 filed an application on 4/5/2010. The proposed HUPP has a maximum annual withdrawal of 18.2148 acre-feet (5935300 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 29M 34S / W97D 17M 22S.

H & H Water Supply Corporation, 192 Old Hallsburg Rd., Riesel, Texas, 76682 filed an application on 4/16/2010. The proposed HUPP has a maximum annual withdrawal of 212.7792 acre-feet (69334300 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 31M 20S / W96D 59M 22S, N31D 31M 14S / W96D 59M 04S.

Prairie Hill Water Supply Corporation, 5337 A Hwy 73, Prairie Hill, Texas, 76678 filed an application on 4/21/2010. The proposed HUPP has a maximum annual withdrawal of 210.0791 acre-feet (68454500 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 38M 00S / W96D 54M 14S, N31D 37M 38S / W96D 54M 58S.

Hilltop Water Supply Corporation, P.O. Box 127, Itasca, Texas, 76055 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 105.0262 acre-feet (34222900 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 46M 52S / W97D 05M 47S, N31D 46M 39S / W97D 04M 20S, N31D 47M 06S / W97D 04M 30S.

Windsor Water Company, 186 New Windsor Parkway, Waco, Texas, 76712 filed an application on 4/23/2010. The proposed HUPP has a maximum annual withdrawal of 131.1642 acre-feet (42740000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 38M 47S / W96D 58M 30S, N31D 31M 07S / W97D 17M 35S.

City of McGregor, 302 South Madison St., McGregor, Texas, 76657 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 225.1041 acre-feet (119000000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 26M 35S / W97D 24M 53S, N31D 26M 06S / W97D 25M 10S, N31D 26M 05S / W97D 24M 01S, N31D 25M 09S / W97D 24M 59S, N31D 24M 55S / W97D 25M 27S, N31D 24M 22S / W97D 26M 17S,

Moore Water System, 476 Beaver Ln., Waco, Texas, 76705 filed an application on 4/29/2010. The proposed HUPP has a maximum annual withdrawal of 19.6324 acre-feet (6397231 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 37M 39S / W96D 59M 42S, ,

East Crawford Waster Supply Corporation, P.O. Box 180, Crawford, Texas, 76638 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 229.8894 acre-feet (74909700 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 33M 06S / W97D 23M 18S, W31D 31M 40S / W97D 19M 04S.

North Bosque Water Supply Corporation, P.O. Box 8581, Waco, Texas, 76714 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 411.2647 acre-feet (134011000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 36M 24S / W97D 18M 32S, N31D 35M 49S / W97D 21M 37S, N31D 36M 24S / W97D 19M 01S,

Cross Country Water Supply Corporation, P.O. Box 87, China Spring, Texas, 76633 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 498.1268 acre-feet (162315100 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 40M



56S / W97D 16M 45S, N31D 40M 59S / W97D 16M 34S, N31D 41M 12S / W97D 19M 47S, N31D 40M 48S / W97D 15M 25S.

City of Hewitt, P.O. Box 610, Hewitt, Texas, 76643 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 2083.2675 acre-feet (678834800 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 27M 37S / W97D 10M 37S, N31D 26M 55S / W97D 15M 42S, N31D 27M 30S / W97D 12M 22S, N31D 25M 44S / W97D 14M 32S, N31D 27M 18S / W97D 12M 55S, N31D 26M 22S / W97D 12M 51S.

City of Mart, 112 N. Commerce, Mart, Texas, 76664 filed an application on 4/30/2010. The proposed HUPP has a maximum annual withdrawal of 183.4090 acre-feet (59764000 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 34M 35S / W96D 55M 32S.

Cottonwood Water Supply Corporation, P.O. Box 569, West, Texas, 76691 filed an application on 5/3/2010. The proposed HUPP has a maximum annual withdrawal of 66.1947 acre-feet (21569600 gallons) for municipal use pumped from well(s) located at the following latitude(s)/longitude(s) (NAD83): N31D 49M 54S / W97D 02M 46S.

HUPP applicants or affected persons may file a written request for a contested case hearing on the proposed HUPPs with the District by no later than October 1, 2010 at 9:00 a.m. If no timely requests for contested case hearing are filed, the applications will be presented to the District on the date of the hearing for final action.

**ISSUED THIS 23th DAY OF SEPTEMBER 2010.**



Tricia K. Law, General Manager  
Southern Trinity Groundwater Conservation District

MEMO

Date: 8-13-10

To: Southern Trinity Groundwater Conservation District

From: \_\_\_\_\_

The following sites list \_\_\_\_\_ longitude for the well

Well No. 4016791  
4016803  
4018802  
at Smith

Well No. 8 right

Well No. of West  
unity

\_\_\_\_\_

**Southern Trinity Groundwater Conservation District**  
**P. O. Box 2205**  
**Waco, Texas 76703**  
**Phone 254 759-5610 Fax 254 754-9480**  
**Email [southerntrinitygcd@att.net](mailto:southerntrinitygcd@att.net)**  
**NOTICE OF DEFICIENCY OF HISTORIC USE PRODUCTION**  
**PERMIT APPLICATION**

June 25, 2010

Hilltop Water Supply Corporation  
Kent Smith  
P. O. Box 127  
Itasca, Texas 76055

**Re: Historic Use Production Permit  
Application No. HUPP-2010-022**

Dear Mr. Smith,

Please be advised that the Southern Trinity Groundwater Conservation District (the "District") received your Historic Use Production Permit Application on April 30, 2010. Pursuant to § 9.209 of the District's Rules, the District's general manager has reviewed your application and has determined that the application is not administratively complete. More specifically, the application has the following deficiencies:

1. Copies of deeds for each well site are also missing.
2. A copy of your Drought Contingency Plan

You must submit the above documentation in writing to the District within 30 days of your receipt of this letter or your incomplete application will be returned to you.

The above deficiencies were discovered during the preliminary review of your application. Your application is currently under additional review. The District will inform you in writing if any additional information or clarifications are required, or that your application is administratively complete.

If you have any questions concerning this matter or the District's Historic Use Production Permit program in general, please call Tricia K. Law at (254) 759-5610.

Please keep this letter as a permanent record for your file.

Sincerely,



Tricia K. Law  
General Manager

*7/29 text message*

**SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT**

P. O. Box 2205  
 420 North 6th Street  
 Waco, Texas 76703

Phone: (254) 759-5610 [southerntrinitygcd@att.net](mailto:southerntrinitygcd@att.net)

**APPLICATION FOR HISTORIC USE PRODUCTION PERMIT**

**Part A – General Information**

**Instructions:** Please type or print legibly. Incomplete applications will not be accepted. Application Fee Required: A non-refundable application fee of \$1,000 must accompany this application. Only checks or money orders made payable to “Southern Trinity Groundwater Conservation District” will be accepted. CASH IS NOT ACCEPTED.

1. Applicant Information		
<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Corporation
<input type="checkbox"/> Government Entity	<input type="checkbox"/> Estate/Trust/Guardianship	
Permit Applicant's Name: Hilltop WSC		
Physical Address:		
City:	State:	Zip Code:
Mailing Address, (if different): P.O. Box 127		
City: Itasca	State: Texas	Zip Code: 76055
Daytime Telephone Number:    Fax: 254-687-2331 x 1131    Fax: 254-687-2428		
Email Address (if any):		
2. Name of Authorized Agent (if any): Kent Smith		
Position: Water Operations Manager		
Physical Address: 115 E. Main St.		
City: Itasca	State: Texas	Zip Code: 76055
Mailing Address (if different): P.O. Box 127		
City: Itasca	State: Texas	Zip Code: 76055
Daytime Telephone Numbers of Authorized Agent: 254-687-2331    Fax: 254-687-2428		
Email for Authorized Agent (if any):		
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>                  APR 30 2010                  BY: <i>[Signature]</i> </div> <div style="text-align: center;"> <i>For District Use Only</i>                  Date Application Received: APR 30 2010    Date Admin. Fee Received: APR 30 2010    Amount of Fee: 1000.00             </div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>                  APR 30 2010                  BY: <i>[Signature]</i> </div> </div>		

**Historic Groundwater Use and Production Information.**

3. Purpose of Historic Use: The purpose(s) for which the groundwater was used during the Historic Use Period.  Irrigation  Municipal  Industrial  
 Other (If Other, describe specifically):

4. Purpose of Future Use: Same

5. Is the place of use within the District boundaries:  Yes  No

6. If you answered No to Item 5, has a groundwater exportation permit been applied for or obtained from the District or is there a groundwater export agreement or contract in effect prior to January 7, 2010?  Yes  No

7. If you answered Yes to Item 6, please describe the parties to the agreement, the location outside of the District that the water is used, the amount use, and pipeline route.  
 N/A

8. Completely describe the place of use of groundwater withdrawn from the well:  
 CCN # 10017 & Map

9. If groundwater was withdrawn from the well or placed to a beneficial use by a contract user or predecessor in interest, then provide the name, address, and telephone number of each contract user or predecessor in interest, and provide copies of the legal documents establishing the legal right of the contract user or predecessor in interest to withdraw and/or place groundwater from the well to beneficial use.

N/A

10. If applicable, provide a copy of the map identifying the boundaries of the applicant's Certificate of Convenience and Necessity (CCN).

11. If applicable, describe the number of connections to be serviced by the well: 286

12. Maximum Historic Use. State the amount of water that you claim as your Maximum Historic Use during any one year of the Historic Use Period. Maximum Historic Use means the maximum amount of groundwater that an applicant for a Historic Use Production Permit proves was produced and beneficially used without waste from the applicant's non-exempt well during any one calendar year of the Historic Use Period.

Amount: 34,222,900

Units: GAL

Year:2005

13. Provide your use amounts for each year groundwater was withdrawn during the Historical Use Period. If no groundwater was withdrawn for a period listed below, place a zero (0) in the appropriate space (typical units are in gallons, 100 gallons, 1000 gallons, or acre-feet).

2009 Amount: 29,553,300 Units: GAL

2008 Amount: 25,735,400 Units: GAL

2007 Amount: 23,887,900 Units: GAL

2006 Amount: 32,364,910 Units: GAL

2005 Amount: 34,222,900 Units: GAL

2004 Amount: 29,182,590 Units: GAL

2003 Amount: 29,701,780 Units: GAL

2002 Amount: 25,891,330 Units: GAL

2001 Amount: 26,379,340 Units: GAL

2000 Amount: 27,834,800 Units: GAL

14. Attach documents to substantiate your claim of Maximum Historic Use. Documentation may include, but is not limited to: production logs showing amount of water pumped, copies of reports to the Texas Commission on Environmental Quality, the Texas Water Development Board, or the Texas Department of Health; reports filed with or created by the Natural Resource Conservation Service or Farm Services Agency or aerial photographs; reports filled with or created by soil and water conservation districts; fuel and electricity use records; and calculations used to estimate well discharge rates if the well discharge is not metered. The purpose of supporting documentation is to substantiate your declaration. The information you provide should be labeled, indexed and in a form that can be easily reviewed by the District.

15. Will the proposed use of water unreasonably affect existing groundwater and surface water resources or existing permit holders?  Yes  No

16. Is the proposed use of water dedicated to a beneficial use?  Yes  No

17. Is the proposed use of water consistent with the District's management plan?  Yes  No

**STATEMENT OF COMPLIANCE WITH DISTRICT GROUNDWATER  
MANAGEMENT PLAN, DISTRICT RULES, AND COMMITMENT TO WATER  
CONSERVATION AND WATER QUALITY PROTECTION**

Please check all that apply:

- Applicant will comply with the District's Groundwater Management Plan.
- Applicant is in compliance with all applicable District rules in effect since December 7, 2007 and will comply with the District's rules.
- Applicant agrees to avoid waste and achieve water conservation.
- Applicant agrees to use reasonable diligence to protect groundwater quality and will follow the District's well plugging guidelines at the time of well closure.
- Applicant affirms that activities constituting the purpose of use for which the groundwater will be beneficially used will be managed to preserve, protect, prevent the pollution, degradation, or harmful alteration of, control and prevent the waste of, prevent the escape of groundwater from, and achieve the conservation of groundwater in and produced from, the aquifer.

**CERTIFICATION†**

I, the undersigned applicant, subscribe and affirm that the information provided herein is true and correct. I also understand that it shall be considered to be a fraud upon the District for any applicant to knowingly give erroneous information in this application.

Signed: *Kent Smith*

Date: 4-20-10

Printed Name: KENT SMITH

Title: WATER OPERATIONS MGR

† If the applicant is an individual, the application shall be signed by the applicant or a duly appointed agent. An agent shall provide written evidence of his or her authority to represent the applicant. If the applicant is an individual doing business under an assumed name, the applicant shall attach to the application an assumed name certificate filed with the county clerk of the county in which the principal place of business is located or with the Texas Secretary of State.

A joint application shall be signed by each applicant or each applicant's duly authorized agent with written evidence of such agency submitted with the application. If a well or proposed well is owned by both husband and wife, each person shall sign the application. Joint applicants shall select one among them to act for and represent the others in pursuing the application with the District with written evidence of such representation to be submitted with the application.

If the application is by a partnership, the application shall be signed by one of the general partners. If the applicant is a partnership doing business under an assumed name, the applicant shall attach to the application an assumed name certificate filed with the county clerk of the county in which the principal place of business is located or with the Texas Secretary of State. The name of the partnership must be followed by the words "a partnership." If the applicant is an estate or guardianship, the application shall be signed by the duly appointed guardian or representative of the estate and a current copy of the letters testamentary issued by the court shall be attached to the application.

If the applicant is a corporation, public district, county, municipality or other corporate entity, the application shall be signed by a duly authorized official. Written evidence in the form of bylaws, charters, or resolutions specifying the authority of the official to take such action shall be submitted along with the application. A corporation may file a corporate affidavit as evidence of a corporate official's authority to sign.

If the applicant is acting as trustee for another, the applicant shall sign as trustee and in the application shall disclose the nature of the trust agreement and give the name and current address of each trust beneficiary. The application must designate the trustee's name followed by the word "trustee," and the name of the trust for which the trustee is acting.

STATE OF TEXAS §

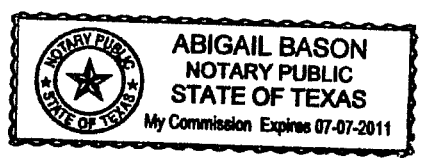
§

COUNTY OF §

BEFORE ME, a notary public, on this day personally appeared: Kent Smith  
\_\_\_\_\_ who stated that: (1) he/she has read the  
foregoing application and any supporting attachments and that the statements contained  
therein are true and accurate; and (2) that he/she is duly authorized to sign this  
application on behalf of the permit applicant.

Subscribed and sworn to before me on this 20<sup>th</sup> day of April, 2010.

Abigail Bason  
\_\_\_\_\_  
Notary Signature





DATE	INVOICE	DESCRIPTION	GL DIV	GL ACCT	GL DEPT	AMOUNT
04/20/2010	APPICATION FEE	APPLICATION FEE	0	408.1	0	1,000.00
Vendor: 71161 SOUTHERN TRINITY G.C.D.					Totals:	1,000.00

RECEIPT

DATE 4-26-10 No. 248717

RECEIVED FROM Hilltop WSC \$ 1000.00

One thousand & 00/100 DOLLARS

FOR RENT  
 FOR HuPPA Application - HuPP-2010-022

ACCOUNT		<input type="radio"/> CASH
PAYMENT		<input type="radio"/> MONEY ORDER
BAL. DUE		<input checked="" type="radio"/> CHECK
		<input type="radio"/> CREDIT CARD

FROM # 1953 TO \_\_\_\_\_

BY [Signature]

20 odyssey 1182

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT ANGLE TO VIEW.

HILLTOP WATER SUPPLY CORPORATION  
 P. O. BOX 127  
 ITASCA, TX 76055

No. 1953

88-515/1119

ONE THOUSAND AND XX / 100\*\*\*\*\*

PAY TO THE ORDER OF  
 71161 SOUTHERN TRINITY G.C.D.  
 P O BOX 2205  
 WACO TX 76703

DATE	CHECK NO.	AMOUNT
04/21/2010	1953	\$*****1,000.00

*[Signatures]*  
 Dennis J. Bulak  
 Eugene D. Hochstetler

**STGWCD- HUPP Application - Part B – Well Information (one form per well)**

1. Applicant Name: Hilltop WSC			
2. Well Identifier or Well Name: Well #1			
3. System Name: Same			
4. TCEQ System ID Number: PWS 1550032			
5. If applicable, please attach a copy of the applicant's most recent water conservation plan and drought contingency plan prepared for TCEQ.			
6. TWDB ID Number:			
7. Aquifer(s) or formations in which the well is screened: Trinity			
8. Address of the property upon which the well is located: 12619 Old Dallas Rd.			
9. Well Location:	Latitude:	D	M S
	Longitude:	D	M S
10. Identify any surface water, including lakes or rivers within 1,000 feet of the well: -			
11. Well or Driller's Log. Please attach a copy of the State Well Report and, if available, any geophysical logs for the well.			
12. Please attach a photograph of the well taken approximately 100 feet from the well.			
13. Please attach a copy of a recorded deed or other legal document verifying the applicant's ownership of the well. Disregard this requirement if the deed was sent with your Application for Interim Production Status and there has been no change.			
14. Year well drilled: 1964 Year well completed and operational: 1964			
15. Pump Information: Pump Make and Model: Franklin 40HP			
Pump power source: <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Diesel <input type="checkbox"/> Natural Gas <input type="checkbox"/> Other			
Casing Material <input checked="" type="checkbox"/> Steel <input type="checkbox"/> PVC			
Size of well casing: 10 3/4 OD inches Inside diameter of column pipe: 7 OD inches			
16. The maximum rate at which water can be withdrawn from the well: 100 gpm			
17. Flow Meter Make and Model: Senus 4"			
Serial Number: 32988860		Meter Units: 000000 000	
Meter reading end of 2008: Amount: 58036000		Units: GAL	Date: 12-31-08
Meter reading end of 2009: Amount: 67589000		Units: GAL	Date: 12-31-09

**STGWCD- HUPP Application - Part B – Well Information (one form per well)**

1. Applicant Name: Hilltop WSC			
2. Well Identifier or Well Name: Well #2			
3. System Name: Same			
4. TCEQ System ID Number: PWS 1550032			
5. If applicable, please attach a copy of the applicant's most recent water conservation plan and drought contingency plan prepared for TCEQ.			
6. TWDB ID Number:			
7. Aquifer(s) or formations in which the well is screened: Trinity			
8. Address of the property upon which the well is located: 984 Melgren Rd.			
9. Well Location:	Latitude:	D	M S
	Longitude:	D	M S
10. Identify any surface water, including lakes or rivers within 1,000 feet of the well:			
11. Well or Driller's Log. Please attach a copy of the State Well Report and, if available, any geophysical logs for the well.			
12. Please attach a photograph of the well taken approximately 100 feet from the well.			
13. Please attach a copy of a recorded deed or other legal document verifying the applicant's ownership of the well. Disregard this requirement if the deed was sent with your Application for Interim Production Status and there has been no change.			
14. Year well drilled: 1985 Year well completed and operational: 1985			
15. Pump Information: Pump Make and Model: Franklin 50HP 6"			
Pump power source: <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Diesel <input type="checkbox"/> Natural Gas <input type="checkbox"/> Other			
Casing Material <input checked="" type="checkbox"/> Steel <input type="checkbox"/> PVC			
Size of well casing: 8 5/8 OD inches Inside diameter of column pipe: inches			
16. The maximum rate at which water can be withdrawn from the well: 122 gpm			
17. Flow Meter Make and Model: Sensus 3"			
Serial Number: 44384000		Meter Units: 000000 00	
Meter reading end of 2008: Amount: 18596500		Units: GAL	Date: 12-31-08
Meter reading end of 2009: Amount: 25827200		Units: GAL	Date: 12-31-09

**STGWCD- HUPP Application - Part B – Well Information (one form per well)**

1. Applicant Name: Hilltop WSC			
2. Well Identifier or Well Name: Well #3			
3. System Name: Same			
4. TCEQ System ID Number: PWS 1550032			
5. If applicable, please attach a copy of the applicant's most recent water conservation plan and drought contingency plan prepared for TCEQ.			
6. TWDB ID Number:			
7. Aquifer(s) or formations in which the well is screened: Trinity			
8. Address of the property upon which the well is located: 10859 Heritage Pkwy			
9. Well Location:	Latitude:	D	M S
	Longitude:	D	M S
10. Identify any surface water, including lakes or rivers within 1,000 feet of the well:			
11. Well or Driller's Log. Please attach a copy of the State Well Report and, if available, any geophysical logs for the well.			
12. Please attach a photograph of the well taken approximately 100 feet from the well.			
13. Please attach a copy of a recorded deed or other legal document verifying the applicant's ownership of the well. Disregard this requirement if the deed was sent with your Application for Interim Production Status and there has been no change.			
14. Year well drilled: 1996 Year well completed and operational: 1996			
15. Pump Information: Pump Make and Model: Franklin 50HP 6"			
Pump power source: <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Diesel <input type="checkbox"/> Natural Gas <input type="checkbox"/> Other			
Casing Material <input checked="" type="checkbox"/> Steel <input type="checkbox"/> PVC			
Size of well casing: 14 OD inches Inside diameter of column pipe: 8 5/8 OD inches			
16. The maximum rate at which water can be withdrawn from the well: 200 gpm			
17. Flow Meter Make and Model: Water Specialties			
Serial Number: 20091263		Meter Units: 000000 00	
Meter reading end of 2008: Amount: 14598800		Units: GAL	Date: 12-31-08
Meter reading end of 2009: Amount: 7942800		Units: GAL	Date: 12-31-09