

ORDER NO. 2003-1

HAYS TRINITY GROUNDWATER §
CONSERVATION DISTRICT §

AGREED ORDER: ROOSTER SPRINGS, L.P.
KEY RANCH GOLF COURSE
PRODUCTION PERMIT

At its September 18, 2003 Board meeting, the Hays Trinity Groundwater Conservation District (the District) Board of Directors, considered this agreement of the parties, resolving the applications of Rooster Springs, L.P. (the Applicant), for a production permit from the Lower Trinity Aquifer, from Wells PC #2, #3 and #4 (the Well Field) located on the Key Ranch in Hays County, Texas (the Property). Cliff “Butch” Wheeler, on behalf of Rooster Springs, L.P. and the District stipulate that:

1. The Applicant applied for a production permit for the Lower Trinity Aquifer Well Field on the Property. The Applicant is seeking a total of 75,000,000 gallons for the first year of the permit, and 55,845,000 gallons per year for the second and third years of the permit. The water will be used to irrigate a planned golf course on the Property and to fill onsite tanks or ponds that are part of the irrigation water storage system. Within three years, the Applicant intends to reduce the use of groundwater for irrigation by switching, at least partially, to irrigation with effluent. The Applicant has also registered a well (PC#1) in the Key Ranch, stating that such well would produce less than 25,000 gallons per day from the Middle Trinity Aquifer. The water from PC#1 is to be used for the planned golf course clubhouse.
2. The District and the Applicant agree that the District has jurisdiction and authority to enter this Agreed Order and that the wells are under the District’s jurisdiction.
3. Any notice and procedures that might otherwise be authorized or required in this matter are waived in the interest of resolution of this matter.
4. The Applicant agrees to waive any right to appeal of the permits issued under this Order.
5. As authorized in Permit No. 0020, the proposed use of water is not anticipated to unreasonably affect existing groundwater and surface water resources or existing permit holders.

6. The Applicant has agreed to avoid waste and achieve water conservation.
7. The Applicant has agreed to use reasonable diligence to protect groundwater quality.
8. The Applicant has agreed to follow well plugging guidelines at the time of well closure.
9. The conditions and limitations imposed in Permit No. 0020 are reasonably necessary to protect existing uses, prevent waste, achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells.

THEREFORE, the Board of Directors approves and issues Permit No. 0020, which is made a part of this Agreed Order.

SIGNED AND ENTERED THIS 18th DAY OF SEPTEMBER, 2003.

**Al Broun
President
Hays Trinity Groundwater
Conservation District**

Attested by:

I, the undersigned, have read and understand the foregoing Agreed Order. I am authorized to agree to the foregoing Agreed Order on behalf of Rooster Springs, L.P., and I do agree to the terms and conditions specified herein.

Cliff "Butch" Wheeler, authorized
Representative of Rooster Springs, L.P.

Date: _____