**HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT**

State Well No. 640867 & 626085

District Registration No. 3782/3783

Center Lake Business Park
14101 Hwy 290 West, Bldg. 100, Suite #212, Austin, TX 78737
Mailing Address: P.O. Box 1648, Dripping Springs, TX 78620
www.haysgroundwater.com; email: gm@haysgroundwater.com
(512) 858-9253

## REQUEST FOR A VARIANCE FROM HTGCD RULES

**Instructions:** This form is used for requesting a variance from HTGCD Rules according to HTGCD Rule 14 and shall be filled out as completely as possible.

**Check All Applicable:**
( ) Variance requested for Well Performance Test (Tier 2).
( ) Variance requested for Aquifer Tests (Tier 3).
( ) Variance requested for Active Resolutions that specify an allowance for a variance.
( ) Variance requested for Installation of an access tube for the purpose of reporting water levels msrmts.
(X) Variance requested for Operating Permit for PWS

**Well Inspection:** District staff shall inspect each well involved in a variance request. Property access for inspections is authorized by Texas Water Code, Chapter 36.123 and shall be scheduled with the well owner and conducted in accordance with District Rule 3 and Rule 7. Inspections may include confirming well location, measuring water level, confirming pumping capability, water sampling, geological survey, or any other well-related inspection activity deemed necessary by the District.

**Well Owner**

Well Owner: Dripping Springs Owner, LLC

Mailing Address: 3990 Hillsboro Pike, Suite 400, Nashville, TN 37215
(Street or P.O. Box) (City) (ZIP)

Phone: 615.778.3932

E-mail Address: dan.hutts@southernland.com, bronte.prins@southernland.com

Contact Person (if other than owner): Dan Hutts Phone: 830.837.1982

**Location, Description, and Uses of Well**

Lot or Tract Size: 70 acres Directions to Well (or attach location map): 30.237970,-98.058282 & 30.237055,-98.057242
Go south on Silver Creek Road (off Fitzhugh). Proceed down road and go thru main gate located on your right. First well is located on the right about 150 yards from main gate entrance. Second well is further down at the end of dirt road.

Driller: Bee Cave Drilling Drilling Date if Known: October 10, 2022-May 2023

Water to be used: ( ) On-Site ( ) Off-Site If off-site, please specify where used:

**Provide explanation about your need for the requested variance(s).** Attach additional pages as necessary.

SEE ATTACHED PAGE

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Assuming, arguendo, that the HTGCD's moratorium on the acceptance, processing and granting of new applications for operating permits is applicable to Applicant's operating permit application, Applicant files this Variance Application to secure a waiver of the moratorium on the following basis:

1. Applicant's planned subdivision addresses the need for housing in the fast growing Dripping Springs area of Hays County. Denial of Applicant's application through the enforcement of the moratorium will result in an arbitrary taking of Applicant's property rights in it 70 acre property (see Appendices "E" and "F" attached hereto in violation of Article I Sections 17 and 19 of the Texas Constitution, including Applicant's property rights in its groundwater in violation of Section 36.002, Texas Water Code. Moreover, enforcement of the moratorium will likely result in the practical closing and elimination of a lawful business, occupation, or activity, *i.e.*, Applicant's Silver Creek Subdivision, without corresponding benefit or advantage to the public.

2. Assuming Applicant can financially survive the moratorium that will indefinitely delay if not permanently prevent the construction of the subdivision needed to address the booming population and resulting need for housing in the region, denial of Applicant's requested operating permit with result in colonia-type living conditions within the subdivision, and the larger surrounding community, that threaten the health, safety, and welfare of the public, as well as unquestionably impair, if not take Applicant's property rights.

Accordingly, Applicant requests, if needed, that the District grant the necessary variance to process and grant Applicant's request for an operating permit.