

# UPPER TRINITY GROUNDWATER CONSERVATION DISTRICT

Serving Hood, Montague, Parker and Wise Counties.  
1250 E Highway 199, P.O. Box 1749, Springtown, Texas 76082  
Phone (817) 523-5200 - Fax (817) 523-7687  
[www.uppertrinitygcd.com](http://www.uppertrinitygcd.com)

## APPLICATION FOR EXCEPTION TO SPACING REQUIREMENTS

**Instructions:** Complete an application for each spacing exception sought (one application per well). Exceptions to spacing requirements are governed by District Rule 4.5. The applicant is encouraged to review District Rule 4.5, as well as District Rules 3.3, 3.5, and 3.6 (relating to registration of new wells) before proceeding with this application. While this form is intended to assist the applicant in adequately addressing each applicable requirement under District Rule 4.5, it is not intended to be a substitute for the actual requirements. The applicant is responsible for demonstrating compliance with all applicable District rules. Rules can be found at: [www.uppertrinitygcd.com](http://www.uppertrinitygcd.com).

### Part I – Applicant Information

Name: \_\_\_\_\_ Daytime phone: (\_\_\_\_\_) \_\_\_\_\_ – \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_ – \_\_\_\_\_

Name of owner of proposed well (if other than the applicant): \_\_\_\_\_

Daytime phone: (\_\_\_\_\_) \_\_\_\_\_ – \_\_\_\_\_ E-Mail: \_\_\_\_\_

*If the Applicant is someone other than the owner of the property where the well that is the subject of this spacing exception application is proposed to be located, please attach all necessary documentation that demonstrates your authorization to submit this application on behalf of the proposed well owner (property owner).*

### Part II – Property Information

Physical address of property

where well is proposed to be located: \_\_\_\_\_

City: \_\_\_\_\_, Texas Zip: \_\_\_\_\_

*If the specific parcel that the well is proposed to be located on cannot be readily located with the physical address provided above, please provide any additional information that would further identify the specific parcel of property upon which the well will be drilled:* \_\_\_\_\_

### Part III – Description of Request

*Please provide a short, plain statement explaining each circumstance that you believe justifies an exception to the spacing requirements of the District for the well that is proposed to be located on the property identified in Part II of this application. If additional space is needed, please provide the information on a separate sheet of paper and include it as an attachment to this application.*

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### Part III – Description of Request (Continued)

*Under District Rule 4.5(b), you are required to include information with this application that will assist the District and potentially affected adjacent landowners in determining whether, or to what extent, the proposed exception to the District's spacing requirements will have an adverse impact on nearby existing groundwater wells. Please include the following information as an attachment to this application, and indicate that you have included the required information by checking all appropriate boxes.*

- I have attached to this application a plat or sketch of the property upon which I am proposing to locate the well that is the subject of this application. The attached plat or sketch:
- (i) is drawn to scale;
  - (ii) accurately identifies and depicts the location of the proposed well that is the subject of this application;
  - (iii) accurately identifies and depicts the location of the boundaries of each property located, in whole or in part, within the minimum spacing distances from the proposed well location under Rule 4.3; and
  - (iv) accurately identifies and depicts the location of each well registered with the District (as of the date of application) that is located within the minimum spacing distances from the proposed well location under Rule 4.3.

*An application for an exception filed pursuant to this Rule must be sworn to or affirmed by a person with personal knowledge of relevant facts who shall swear or affirm that the facts contained in the application are true and correct to the best of the person's knowledge. A plat filed with this application must be certified by the County Clerk's office where the land is located or it must be sworn to or affirmed by a person with knowledge of relevant facts set forth in the plat, unless the District already has a certified plat by the appropriate County Clerk's office on file at the District office that covers the property in question.*

- I have attached to this application a list of the names and physical addresses of the owner of each property located, , in whole or in part, within the minimum spacing distances from the proposed well location under Rule 4.3; and
- I have attached to this application a list of the owner of each well registered with the District (as of the date of application) that is located within the minimum spacing distances from the proposed well location under Rule 4.3.
- I have attached to this application a completed application for new well registration.

### Part IV – Waiver of Public Hearing Requirement

*Please check either of the following that applies:*

- I have secured a written waiver from the owner of each property and each groundwater well that exists entirely or partially within the applicable minimum spacing distance of the location of my proposed well, and I have included the following with this application:
- (1) the name and physical address of the owner of each property that is located, in whole or in part, within the applicable minimum spacing distance, as established by Section 4 of the District's Rules, from the proposed well location;
  - (2) the name and physical address of the owner of each well registered within the District that is located, in whole or in part, within the applicable minimum spacing distance, as established by Section 4 of the District's Rules, from the proposed well location, as well as the District Well Registration Number for each applicable well; and
  - (3) each signed waiver indicating the consent of each applicable land and well owner to the spacing exception I am seeking with this application.
- I propose by this application to locate the well on a tract of land that was platted, meets an exception to platting, or was otherwise lawfully configured—before January 1, 2009—as a tract that is too small to comply with the minimum tract size and spacing requirements set forth under District Rule 4.3, and:
- (1) the proposed well will be used solely for domestic, livestock, or poultry watering use, as those terms are defined in the District's Rules;

**Part IV – Waiver of Public Hearing Requirement (Continued)**

- (2) the well, as equipped, will be incapable of producing more than 17.36 gallons of water per minute;
- (3) the tract will not be further subdivided into smaller tracts of land after the January 1, 2009, prior to the drilling, completion or equipping of the well; and
- (4) I have included information with this application that demonstrates the date that the tract of land was platted or otherwise lawfully configured.

*If you have checked one of the two boxes under this part of the application, then the Board may grant this application, after it has been determined by the General Manager to be administratively complete, without the requirement of the public hearing described by District Rule 4.5(d)(3). Accordingly, if you have checked either box under this part, then you are not required to complete Part V of this application.*

**Part V – Notice of Public Hearing**

*Unless you qualify for a hearing / notice waiver under Part IV, please include with this application a proposed written notice (on a form provided by the District) that, upon the General Manager’s written determination that this application is administratively complete, you will submit to each landowner and well owner within the minimum spacing distances from the proposed well location under Rule 4 no less than 10 days before the date of the public hearing on the application.*

**Part VI – Certification**

*The facts stated in this application are within my personal knowledge and are true and correct to the best of my knowledge and belief. If this application is approved, I hereby commit to recording the spacing exception in the real property records of the county in which the well will be located and providing the District with a true and correct copy of the recordation within 60 days of the date this application is approved.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of Applicant

DISTRICT TO COMPLETE		
App. Date: ____/____/____	<input type="checkbox"/> Hearing / Pub. Notice waived	<input type="checkbox"/> Approved by Board on: ____/____/____
<input type="checkbox"/> Admin. Complete	Public hearing date: ____/____/____	<input type="checkbox"/> Approved by GM on: ____/____/____
A.C. written notice: ____/____/____	Latest date of public notice: ____/____/____	<input type="checkbox"/> Denied on: ____/____/____