

# Titus County Fresh Water Supply District No. 1

Lake Bob Sandlin / Fort Sherman Dam

P.O. Box 650, Mt. Pleasant, TX 75456-0650

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www.tcfreshwater.com

## Shoreline Management Residential Water Use Permit

Approved February 20, 2012

Amended August 17, 2015

This Residential Water Use Permit (Permit) is entered into by and between the Titus County Fresh Water Supply District No. 1 (District) and \_\_\_\_\_ (Permittee) to become effective on \_\_\_\_\_ (Effective Date).

- 1. Water Use.** Property owners with waterfront property only (Permittee) may divert water from Lake Bob Sandlin (Lake), at the location described in Application for Residential Water Use Permit (Exhibit A), attached hereto and incorporated by reference herein. Permittee agrees to observe all applicable rules and regulations or other requirements of the District with regard to the maintenance and use of all pipelines, pumping equipment, electrical lines and all other facilities (Facilities) necessary for transporting the water, including specifically the conditions set forth in this Permit.

The water made available pursuant to this Permit is provided year to year on an "as available" basis. The District shall not be responsible for availability, purity, quality, quantity or regularity of flow at anytime, it being expressly recognized that this raw water use is subordinate to present and future municipal use.

Water users shall hold the District harmless from any direct or indirect damages, injuries, or illnesses that might occur from the use of such raw water. The water in the Lake is not potable. It is expressly agreed that the water is not suitable for drinking. Water withdrawals shall be solely for the purpose of supplying domestic water for irrigation purposes only to lake front property of the Permittee at the residence located at the address of the Permittee, and in no event shall such water be used for filling ponds, commercial use or by any other person or entity other than Permittee.

In the event the drought contingency plan is amended at any time during this permit, any new restrictions shall become a part of the permit and Permittee shall reduce its water diversion accordingly.

The normal pool elevation of the Lake is 337.50' MSL. If the District invokes water conservation measures under its currently approved drought contingency plan, every holder of a water pumping permit shall curtail such water usage as follows:

- Stage 1 – Voluntary - 10% Voluntary Reduction – 8' below pool elevation (329.50' MSL)
- Stage 2 – Mandatory – Watering Schedule – 13' below pool elevation (324.50' MSL)
- Stage 3 – No Outdoor Watering – 18' below pool elevation (319.50' MSL)

### NOTICE TO PERMITEE

**The District shall only have available 1,000 acre feet of water on an annual basis for all Permittees. The District is limited to this amount of water due to its existing contracts for the sale of water. Should, at any time during the existence of this permit, a party to a water supply contract exercise its option to take additional amounts of water from Lake Bob Sandlin, the District, in its sole discretion, may reduce or completely curtail the use of water under this permit, thereby causing the Permittee and all other Permittees to reduce their water consumption accordingly. In addition, after examination of water usage under this and other permit holders, the District may, in its sole discretion, reduce the amount of water available based on the usage by Permittees. If at any time the District determines that supplying water under this permit shall be in conflict with any existing water supply contract, or shall receive notice from any party to a water supply contract that the District is in violation of such water supply contract, the District may, in its absolute discretion, discontinue the availability of water under this permit and Permittee shall promptly remove all equipment used in the diversion of water from Lake Bob Sandlin.**

- 2. Land Rights and Easement.** This Permit does not grant Permittee permission to place Facilities upon or across land owned or leased by anyone other than the Permittee and does not grant Permittee any easement into Lake Bob Sandlin for the purpose of installing equipment necessary to divert water.
- 3. Term.** This Permit is issued upon proper application (Exhibit A) and payment of the appropriate fees associated with this Permit. This Permit shall commence upon the Effective Date and shall continue until terminated by the Permittee or at the discretion of the District. The Board of Directors of the District reserves the right, in its sole discretion, to change or discontinue this Permit at any time.
- 4. Fees.** Permittee shall be subject to the following fees:
  - **Application Fee.** A one-time, non-refundable Application Fee of \$50.00 upon submission of Exhibit A for consideration. The Application Fee may be adjusted in the future by the District, at its sole discretion.
  - **Annual Permit Fee.** The Annual Permit Fee for the privilege of installing and maintaining the Facilities and the right to divert water will be \$150.00. The Annual Permit Fee may be adjusted in the future by the District, at its sole discretion.

- **Payment. Payment of the Application Fee and the Annual Permit Fee must accompany this Agreement.** This Permit may be continued from year to year by paying annually in advance an annual permit fee set by the Board of Directors of the District. **Fees must be paid by the last day of January of each succeeding year in order to avoid past due penalties and/or termination of this Permit.** Fees will be considered past due after January 31 and will have a \$50.00 late fee assessed if paid in February or a \$100.00 late fee assessed if paid in March. If payment has not been received within this 60 day past due period, the District may remove the equipment at owner's expense. All permits currently issued to the property owner may be terminated at this time and may not be re-issued until restitution has been made. Payment of the required annual fee is due regardless of whether Permittee actually diverts water during the term of this Permit. Fees are non-refundable. If you decide at a later date not to renew the permit, **all** equipment, including pumps, must be removed from the lake. There will be a \$100.00 reconnect fee and another application for a new facility will be required prior to reinstalling the equipment.
  - **Default, Cure, and Cancellation.** Permittee shall be considered in default of this Permit if for any reason 1) Permittee violates any provisions of any applicable rules, regulations and/or guidelines of the District, or 2) Permittee violates the terms of this permit, including, but not limited to, the failure to pay permit fees when due and any violations regarding the installations, maintenance and use of the requested Facilities. In the event of default, other than failure to pay permit fees, the District shall provide Permittee with written notice of such default and Permittee shall have 30 days to cure such default other than failure to pay permit fees. If Permittee fails to cure such default in such 30 days, the District may, in its sole discretion, cancel this permit and terminate this permit. All permits currently issued to the property owner may be terminated at this time and may not be re-issued until default is resolved.
5. **Removal of Water Facilities.** In the event that District cancels this permit and terminates this Permit, the District may, in its sole discretion, require the Facilities (pump, piping, electrical lines, and all Facilities necessary for the transporting water) to be removed. If Permittee fails to remove the Facilities after such a request by the District, the District may remove the Facilities and Permittee shall be liable for any and all costs incurred by the District related to the removal of the Facilities.
  6. **Assignment.** This Permit may not be assigned by Permittee, and any such assignment shall be void.
  7. **Water Level.** The water level in Lake Bob Sandlin (the Lake) will not be constant. While it is the desire of the District to keep the Lake as full as possible, the level of the water will vary, depending on the amount of water used, evaporation rates, amounts of rainfall and runoff, and other factors. The District will not credit, prorate, refund or provide any form of compensation for the inability of Permittee to divert water as permitted.
  8. **Facilities.** Permittee shall install and maintain, at Permittee's expense, the appropriate intake and pump equipment as required by District to divert water from the lake. Intake and pump equipment may not be placed in or on Lake without an approved Residential Water Use Permit. The District shall have access to and the right to inspect equipment at all times. Submersible pumps for residential irrigation **shall not** be placed in the Lake. **Only existing operational submersible pumps installed prior to this Permit may remain in the lake without any further modifications. PVC pipes must be limited to no larger than a 2" inside diameter restriction.**
  9. **Additional Requirements Regarding Residential Water Use Permits.** This Permit must be approved and signed by the District before installation of the Facilities is initiated.
    - The electrical services shall be installed in accordance with the National Electric Code as amended and revised. The District performs cursory electrical inspections for general compliance only. **Property owners with permitted submersible pumps shall have a licensed electrician inspect all electrical components to ensure that the installation meets all requirements specified in the National Electric Code and provide a dated and signed written statement from said electrician as to that effect to submit with application.**
    - The requested Facilities shall be installed and maintained only in the location specifically authorized by the District.
    - Facilities may be required to be removed or modified if, in the opinion of the Executive Director or Code Enforcement Officer, or their designee, it or its operation is an inconvenience to others or if it constitutes a hazard to navigation, public health, safety, welfare, or a hazard to anyone occupying or utilizing the Lake or adjacent land.
    - This water shall be used on Permittee's premises and **is not** for resale to others.
    - Permittee agrees that the District may enter onto Permittee's property for the purposes of inspecting the Facilities.
    - At this time the District does not require that an individual meter be installed at the diversion point but the District, in its sole discretion, may require that such a device be installed at Permittee's expense as a condition of a future Permit.
    - Permittee agrees to observe and abide by all applicable Federal, State and local laws, ordinances and regulations pertaining to the activities herein permitted and nothing contained herein shall be construed as alleviating the Permittee of any responsibility to obtain any permit, license or other approval required by any agency in connection with the activities herein permitted.
    - The Permittee shall indemnify and hold harmless the District for any damages, costs and charges to which Permittee may be subject or which Permittee may have to pay by reason of any injury to any person or property, or loss of life or property, suffered or sustained by any person whatsoever arising out of the activities here permitted; Permittee shall, at his own expense, assume the defense of all claims and actions for damages arising out of any such injuries by third persons, and shall pay all judgments that may be rendered on such actions.

Permit approved and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of Representative of District

**EXHIBIT A**  
**Application for Residential Water Use Permit**

**Permittee Information**

Permit to be issued in the name of: \_\_\_\_\_  
The requesting party's name and address (as it will be stated on the Permit)

Mailing Address: \_\_\_\_\_ Telephone: (home) \_\_\_\_\_  
\_\_\_\_\_  
(Cell or other) \_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_

If the permit is to be issued in a business name, please enter the name and job title of the person authorized to sign the contract and responsible for the permit:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Facility and Residence Location on Bob Sandlin Lake**

Physical Address of property where facility will be located: \_\_\_\_\_  
\_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Lot Size: \_\_\_\_\_ Block/Phase: \_\_\_\_\_  
(if known)

Acreage: \_\_\_\_\_ County: \_\_\_\_\_  
(if known)

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

Payment Enclosed: Application Fee: \_\_\_\_\_  
Reconnect Fee: \_\_\_\_\_  
Annual Permit Fee: \_\_\_\_\_  
Total: \_\_\_\_\_

***Do Not Write Below This Line***  
***For District Use Only***

**Titus County Fresh Water Supply District No.1**

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Account No. \_\_\_\_\_