



COMMONWEALTH of VIRGINIA  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
**PERMIT**

TO WITHDRAW GROUNDWATER  
 (FOR USE IN GROUNDWATER MANAGEMENT AREAS)

Permit Number: GW0069500  
 Effective Date: February 1, 2014  
 Expiration Date: January 31, 2024

Pursuant to Section 62.1-256 of the Ground Water Management Act of 1992 (Chapter 25, Title 62.1 of the Code of Virginia) and the Groundwater Withdrawal Regulation (9 VAC 25-610-10 et seq.), the STATE WATER CONTROL BOARD hereby authorizes

Permittee Dublin Farms, Inc.  
 Address P.O. Box 310  
Horntown, VA 23395  
 Facility Seybolt Farm

to withdraw and use Groundwater in accordance with this permit and the application received June 22, 2011 and subsequently amended.

The permittee is authorized to withdraw 193,282,000 gallons during the 10 year permit term.

The permittee shall comply with all requirements contained on this cover page, Part I - Permit Standards, Limitations, and Conditions, Part II - Special Conditions, the Ground Water Management Act of 1992 (Chapter 25, Title 62.1 of the Code of Virginia), and the Groundwater Withdrawal Regulation (9 VAC 25-610-10 et seq.). Nothing in this permit or this regulation shall be construed to relieve the permittee of the duty to comply with all applicable Federal and State statutes and regulations.

The permitted withdrawal will be used to supply water to a center pivot which will provide irrigation water for various crops. Other beneficial uses are not authorized by this permit.

Any noncompliance with permit conditions, the Groundwater Withdrawal Regulation (9 VAC 25-610-10 et seq.) or the Ground Water Management Act of 1992 (Chapter 25, Title 62.1 of the Code of Virginia) is a violation of the regulation and law, and is grounds for enforcement action, permit termination, revocation, amendment, or denial of a permit renewal application.

By direction of the STATE WATER CONTROL BOARD, this Permit is granted by:

Signed 

Date 1/21/14

For the STATE WATER CONTROL BOARD

Part I  
Permit Standards, Limitations and Conditions

1. The withdrawal of groundwater shall originate from the following withdrawal points:

<u>Owner Well Name</u>	<u>DEQ Well #</u>	<u>Depth</u>	<u>Aquifer</u>	<u>Latitude</u>	<u>Longitude</u>
Well #1	100-01273	105'	Water Table & Upper Yorktown Eastover	<u>37°59'35.99"</u>	<u>75°31'10.66"</u>
Well #2	100-01274	220'	Upper Yorktown Eastover	<u>37°59'36.50"</u>	<u>75°31'08.30"</u>
Well #3	100-01275	220'	Upper & Middle Yorktown Eastover	<u>37°59'36.80"</u>	<u>75°31'05.20"</u>
Well #4	100-01276	220'	Upper & Middle Yorktown Eastover	<u>37°59'37.10"</u>	<u>75°31'02.10"</u>
Well #5	100-01292	232'	Middle Yorktown Eastover	<u>37°59'36.50"</u>	<u>75°31'08.30"</u>

2. Withdrawals from the well system are limited as follows:

In a calendar month: Total pumpage from these wells shall not exceed 21,300,000 gallons. The permittee shall report any amount in excess of the monthly withdrawal limit by the fifth day of the month following the month of over withdrawal.

In a calendar year: Total pumpage from these wells shall not exceed 32,292,000 gallons. The permittee shall report any amount in excess of the annual withdrawal limit by the fifth day of the month following the month of exceeding this limit.

3. Water use from each well and total system water use shall be recorded monthly and reported on forms provided by the Department of Environmental Quality (Department) to the Groundwater Withdrawal Permitting Program by the tenth day of each January, April, July and October for the respective previous standard quarter. Records of water use shall be maintained by the permittee as required in Section 9 VAC 25-610-130(F).
4. Permitted users shall install in-line totalizing flow meters to read gallons, cubic feet or cubic meters on each well prior to beginning the permitted use. Meters shall be tested in accordance with American Water Works Association (AWWA) Manual M-6, "Water Meters - Selection, Installation, Testing, and Maintenance". Such meters shall produce volume determinations within plus or minus 10% of actual flows. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in groundwater withdrawal reports.
5. Each permitted well shall be equipped in a manner such that water levels can be measured during pumping and non-pumping periods without dismantling any equipment. Any opening for tape measurement of water levels shall have an inside diameter of 0.5 inches and be sealed by a removable plug or cap. The permittee shall provide a tap for taking raw water samples from each permitted well.
6. The permittee shall not place a pump or water intake device lower than the top of the uppermost confined aquifer that a well utilizes as a groundwater source or lower than the bottom of an unconfined aquifer that a well utilizes as a groundwater source.

7. Each well that is included in this groundwater withdrawal permit shall have affixed to the well casing, in a prominent place, a permanent well identification plate that records the Department's well identification number, the groundwater withdrawal permit number, the total depth of the well and the screened intervals in the well, at a minimum. Such well identification plates shall be in a format specified by the Department and are available from the Department.
8. The Water Conservation and Management Plan as described in the application received June 22, 2011 and subsequently amended is incorporated into this permit and included as Attachment A. Requirements in the Plan shall have the same effect as any condition contained in this permit and may be enforced as such. Records of activities conducted pursuant to the Plan are to be submitted to Department upon request.
9. This permit may be reopened for the purpose of amending the conditions of the permit to meet new regulatory standards duly adopted by the State Water Control Board (Board).
10. A new permit application must be submitted 270 days before the expiration date of this permit.
11. A new permit application must be submitted 270 days prior to any proposed modification to this permit that will result in an increase of withdrawal above permitted limits or violate the terms and conditions of this permit.
12. This permit may be reopened for amendment, transfer, or revocation as described in Part VI of the Ground Water Withdrawal Regulations (9 VAC 25-610-290 through 9 VAC 25-610-330).
13. The permittee must notify the Department in writing and obtain staff approval of any change in the status, construction or pump setting of wells included in this permit. A revised GW-2 form must be submitted to the Department within 30 days in the event that the physical construction of a well is altered or the pump setting in the well is changed.
14. The permittee must notify the Department in writing of any change of contact person, address, or phone number that is contained in the application received June 22, 2011.
15. Upon presentation of credentials the Board or Department, or any duly authorized agent, shall have the power to enter, at reasonable times and under reasonable circumstances, any establishment or upon any property, public or private, located anywhere in the Commonwealth for the purposes of obtaining information, conducting surveys or inspections, or inspecting wells and springs to ensure compliance with any permits, standards, policies, rules, regulations, rulings and special orders which the Board or Department may adopt, issue or establish to carry out the provisions of the Ground Water Management Act of 1992 and the Ground Water Withdrawal Regulation.

Part II  
Special Conditions

1. **Mitigation Plan**

The Mitigation Plan, as described in the application received June 22, 2011 and subsequently amended, is incorporated into this permit and included as Attachment B. Requirements in the Mitigation Plan and subsequent revisions shall have the same effect as any condition contained in this permit and may be enforced as such.

2. **Additional Wells**

A minor amendment to this permit must be made to include additional wells. Additional wells may be permitted under a minor amendment if the total withdrawal does not exceed the permitted amount contained in this permit, the withdrawal from all additional wells originates from the Upper or Middle Yorktown Eastover Aquifer, and the location of the wells are approved by Department staff prior to construction. Additionally, a complete suite of geophysical logs (Spontaneous Potential, Single Point Resistance, 16/64 Short and Long Normal, Natural Gamma) shall be submitted to the Groundwater Withdrawal Permitting Program prior to setting the pump intake.

3. **Pump Intake Settings**

Pump settings in individual wells are limited as follows:

<u>Owner Well Name (or #)</u>	<u>DEQ Well#</u>	<u>Max Pump Setting</u> (ft below land surface)
1	100-01273	50
2	100-01274	120
3	100-01275	120
4	100-01276	120
5	100-01292	182

The permittee may provide additional information regarding the depth of the top of the Upper or Middle Yorktown Eastover Aquifer to justify pump settings different from those listed above. Any change in the pump settings must receive prior approval by staff of the Department of Environmental Quality and be included in this permit as a minor amendment.

4. **Existing Monitoring Wells to Remain**

There are two observation wells on the site: UYE Obs. Well (100-01291) and MYE Obs. Well (100-01302). Any monitoring data obtained from these wells shall be made available to the DEQ upon request. Should the permittee determine that they no longer need these wells they shall be abandoned in accordance with VDH requirements and concurrence of the DEQ. Abandonment reports shall be submitted to the DEQ within 30 days of abandonment.

5. **Permit Reopener**

This permit may be reopened if the issuance of groundwater withdrawal permits required by the Ground Water Management Act of 1992 for existing permitted or certificated users indicate that the basis used for predicting compliance with regulatory drawdown criteria was inaccurate.



COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Quarter 1 2 3 4

Quarterly Ground Water Withdrawal Report

Name of Facility  
Seybolt Farm  
Owner: Dublin Farms, Inc.  
Address P.O. Box 310  
County/City: Accomack

Name of Operator \_\_\_\_\_  
Position/Title \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Phone \_\_\_\_\_  
Permit # GW0069500 (Expires January 31, 2024)  
Note: New Application Due – May 6, 2023

Meter Readings are in \_\_\_\_\_ (gallons, 100's or 1000's of gallons, cubic feet, etc.)

Month of \_\_\_\_\_ Year of \_\_\_\_\_ Total Year to Date from Previous Quarter

Owner Well Number	DEQ Well Number and VWUDS MPID Number	Present Reading	Previous Reading	Total Gallons
1	100-01273 375936075311001			
2	100-01274 375936075310801			
3	100-01275 375937075310501			
4	100-01276 375937075310201			
5	100-01292 375936075311101			
Total Gallons This Month				
Total Gallons Year to Date				

Month of \_\_\_\_\_ Year of \_\_\_\_\_

Owner Well Number	DEQ Well Number and VWUDS MPID Number	Present Reading	Previous Reading	Total Gallons
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2	100-01274 375936075310801			
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4	100-01276 375937075310201			
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Total Gallons This Month				
Total Gallons Year to Date				



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DEPARTMENT OF ENVIRONMENTAL QUALITY

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Name of Facility

Seybolt Farm

Owner: Dublin Farms, Inc.

Address P.O. Box 310

County/City: Accomack

Name of Operator \_\_\_\_\_

Position/Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Phone \_\_\_\_\_

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4	100-01276 375937075310201			
5	100-01292 375936075311101			
Total Gallons This Month				
Total Gallons Year to Date				

ATTACHMENT A

WATER CONSERVATION AND MANAGEMENT PLAN

ATTACHMENT B

MITIGATION PLAN

**GROUND WATER CONSERVATION AND MANAGEMENT PLAN**

DUBLIN FARMS  
SEYBOLT FARM  
FAIR OAKS ROAD (S.R. 672)  
HORNTOWN, ACCOMACK VIRGINIA

MARCH, 2011

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## 1.0 GENERAL INFORMATION

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The Seybolt Farm, herein referred to as the “facility”, is an agricultural farm primarily used to grow potatoes, corn, snap beans and soy beans. This farm is located within the town of Horntown, Accomack County, Virginia. The facility provides an irrigation water supply to the crops through the use of center pivot irrigation system.

Typical irrigation needs at the facility require consumption of varying amounts of ground water from its four-well system affected by the time of year, amount of precipitation, and the growth stage of the crop. These wells are located on the facility property. Because this property is located within the Eastern Virginia Ground water Management Area – as defined by the Virginia Department of Environmental Quality [VDEQ] – a Water Conservation and Management Plan has been prepared in accordance with the Ground Water Management Act of 1992, Chapter 25 (§62.1-254 et seq.) of Title 62.1 of the Code of Virginia. The purpose of this document is to analyze water supply and demand issues facing the facility and develop a reasoned and justifiable response for water conservation and management. This document is intended to help guide the management of the facility, who are responsible for the operation and policy management decisions. Lastly, this document will meet the Ground Water Withdrawal Permit requirement for a water conservation and management plan.

Water conservation measures are those physical facilities, equipment, or devices utilized with certain methods, techniques, policies, practices, and procedures, which reduce water consumption, improve water use efficiency, reduce water loss or waste, increase water recycling

or reuse and ultimately result in a reduction of water demand. Water management consists of a plan to implement water conservation measures. This Water Conservation and Management Plan, referred to herein as the "Plan" includes identification of water demand and water source and then provide guidance to implement water management and conservation measures.

## ***2.0 WATER DEMAND***

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Water demand at this facility is solely associated with irrigation practices. The facility currently operates 60 acres of irrigated area. Irrigation water is withdrawn directly from the irrigation wells, and applied to the crops through a center pivot irrigation system. A center pivot irrigation system is used because it best met the needs of this particular farm, in that it was the most economical and least wasteful method of irrigating the variety of crops planted on the farm in question. The optimum height and size of the nozzles associated with the center pivot irrigation system have already been installed in order to most efficiently provide water to the crops. Nozzles and other plumbing equipment will be replaced when worn or damaged in order to achieve water savings.

There are limited opportunities to conserve additional water beyond the current practice. Potatoes, corn, snap beans, and soy beans require a precise amount of water. If an improper amount is applied to the crop, either too much or too little, the health will be significantly affected. The amount of water needed is monitored on a daily basis through the use of visual inspections of the crop and knowledge of the crop's water needs at the different growth stages.

### ***3.0 WATER SUPPLY***

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The following section presents a general overview of water resources available to the facility. The facility is not tied to any municipal water supply. There are four (4) wells at the facility that currently supply adequate quality and quantity of ground water.

Although this region receives approximately 42 inches of precipitation per year, the facility does not have the land available to reclaim stormwater runoff nor are other surface water resources rivers or lakes available.

#### 4.0 WATER CONSERVATION MEASURES

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The following conservatory measures will be implemented with regard to the water supply including ground water from the facilities' wells.

- No unnecessary ground water withdrawals will be allowed. Groundwater to be withdrawn for the sole purpose of crop irrigation.
- Facility management will regularly review water use and will implement changes when identified:
- The farm does not distribute water outside of its boundaries.
- Routine and frequent inspections for surface or subsurface leaks will be conducted for all well heads, meters, main lines, and drip lines. Subsurface leaks will be determined where the ground surface is abnormally saturated or where blowouts occur.
- *Water Reuse Evaluation:* Potatoes, corn, snap beans, and soy beans require a precise amount of water. If an improper amount is applied to the crop, either too much or too little, the health will be significantly affected. Since no excess water is applied to the crop there is no opportunity to reuse water.
- *Water Use Education Program:* Dublin Farms Inc. is a small family operated business. All persons responsible for operating the irrigation and well systems will receive instruction as to the importance of efficient water use at the beginning of each growing season.

## 5.0 WATER MANAGEMENT MEASURES

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The following management measures will be implemented with regard to the water supply including ground water from the facilities' wells.

- Water Loss Reduction:
  - a) The facility conducts monthly records review to find excessive usage that may indicate a leak in the system or significant change in operations.
  - b) The facility will conduct routine inspection of all above ground water piping systems for indications of leaks.
  - c) The facility will conduct routine observations along underground water piping systems for indications of leaks. In conjunction with regular collection of monthly meter readings, routine observations along pipelines will also be conducted.
  - d) Any leak discovered in the water supply system will be repaired as soon as is practical or will be bypassed so as to minimize loss of water.
  
- Mandatory water use restrictions will be implemented during water shortage emergencies declared by the local governing body, the Director of DEQ, or the Governor. Non-essential uses of water will be restricted. In addition, facility personnel will be prohibited from general washing of buildings, paved surfaces, or non-essential equipment. The facility will comply with penalties for demonstrated failure to comply with mandatory water use restrictions.
  
- *Water Conservation:* Water conservation efforts as described in section 4.0 of this document shall be followed in order to preserve the resource and right to withdrawal water from the resource.

## MITIGATION PLAN

VDEQ GROUND WATER WITHDRAWAL PERMIT NO. GW0069500

OWNER NAME Dublin Farms (David Hickman)

FACILITY NAME Seybolt Farm

LOCATION Horntown, Accomack County, Virginia

### INTRODUCTION

Dublin Farms (the Permittee) holds a Ground Water Withdrawal Permit from the Virginia Department of Environmental Quality (VDEQ) to withdraw ground water from the regional resource.

Ground water withdrawals associated with this permit will be utilized to provide an irrigation water supply to fields of the Seybolt Farm (the "Facility").

The purpose of this Mitigation Plan is to provide existing ground water users within the defined Area of Impact (AOI) a method to resolve claims that may arise due to a suspected impact of the withdrawal from five (5) wells. Predicted drawdown of water levels (used to determine the AOI) due to the permitted withdrawal from the Columbia, Upper Yorktown-Eastover, and Middle Yorktown-Eastover aquifer is shown in Figure 1 as determined by the Virginia Department of Environmental Quality.

Modeled water level impacts, as shown on the attached maps, extend beyond the boundary of the Facility. Due to these findings, the Permittee recognizes that there will be a rebuttable presumption that water level declines caused adverse impacts to existing ground water users within the AOI may

be due to this withdrawal. Groundwater users outside this area may make claims, however, there is no presumption that the Permittee caused an adverse impact. The Permittee proposes this plan to mitigate impacts to existing users and excludes impacts to wells constructed after the effective date of this permit.

**CLAIMANT REQUIREMENTS**

To initiate a claim, the Claimant must provide written notification of the claim to the following address:

Contact Name        David Hickman  
Title                    Owner  
Permittee Name      Dublin Farms  
Address                6144 Dublin Farm Road  
                              Horntown, VA 23395

The claim must include the following information: (a) a deed or other available evidence that the Claimant is the owner of the well lot and evidence that the impacted well was constructed and operated prior to the effective date of the Facility’s permit; (b) all available information related to well construction, water levels, historic yield, water quality, and the exact location of the well sufficient to allow the Permittee to locate the well on the Claimant's property; (c) the reason the Claimant believes that the Facility’s withdrawal has caused an adverse impact on the Claimant’s well(s).

## **CLAIM RESOLUTION**

The Permittee and/or its Consultants will review any claim within five (5) business days. If the Permittee and/or its Consultants determine that no rebuttal will be made and accepts the claim as valid, then the Permittee and/or its Consultants will so notify the Claimant and the Permittee will implement mitigation within thirty (30) business days. If the claim is not accepted as valid, the Permittee and/or its Consultants will notify the Claimant that (a) the claim is denied or (b) that additional documentation from the Claimant is required in order to evaluate the claim. Within fifteen (15) business days of receiving additional documentation from the Claimant, the Permittee and/or its Consultants will notify the Claimant (a) that the Permittee agrees to mitigate adverse impacts or (b) the claim is denied. If the claim is accepted as valid, the Permittee and/or its Consultants will so notify the Claimant and will implement mitigation within thirty (30) business days. If the claim is denied, the Claimant will be notified and the Claimant may request a three (3) member Claim Committee to evaluate the claim. This Claim Committee will consist of one (1) representative selected by the Permittee, one (1) representative selected by the Claimant, and one (1) representative mutually agreed upon by the Claimant and the Permittee.

Any Claimant requesting that a Claim Committee evaluate a claim should provide the name and address of their representative to the Permittee and/or its Consultants. Within five (5) business days of receipt of such notification, the Permittee and/or its Consultants will notify the Claimant and Claimant's representative of the identity of the Permittee's representative and instruct the representatives to select a third representative within ten (10) business days. Representatives should be a professional engineer or hydrogeologist with experience in the field of groundwater hydrology. The Permittee agrees to reimburse the members of the Claim Committee for reasonable time spent,

at a rate prevailing in the area for experts in the above listed fields, and for direct costs incurred in administering the plan. The Claimant may, at his or her option, choose to provide the reimbursement for the member of the Claim Committee selected by the Claimant and up to half of the reimbursement for the mutual representative.

Within ten (10) business days of selection of the third representative, the Claim Committee will establish a reasonable deadline for submission of all documentation it needs to evaluate the claim. Both the Claimant and the Permittee will abide by this deadline. Within fifteen (15) business days of receipt of documentation, the Claim Committee will evaluate the claim and reach a decision by majority vote. The Claim Committee will notify the Claimant regarding its decision to (a) deny or (b) approve the claim. If the claim is approved, the Permittee will mitigate the adverse impacts within thirty (30) business days of making the decision or as soon as practical. If the claim is denied by the committee, the Permittee may seek reimbursement from the claimant for the claimant's committee representative and one half of the 3rd representative on the committee. The claimant shall not seek reimbursement from the Permittee for expenses for the Claimant's representative and on half of the expenses for the 3rd representative on the Claim Committee if the claim is denied by the Claim Committee. In addition, the Permittee reserves the right to recover costs associated with the claim process if a claim is found to be fraudulent or frivolous.

If a Claimant within the indicated AOI indicates that they are out of water, the Permittee will accept the responsibility of providing water for human consumptive needs within seventy-two (72) hours and that provision will continue throughout the claim review period. The Permittee reserves the right to recover the cost of such emergency supply if the claim is denied by the Permittee and/or its

Committee, the Permittee will continue the emergency water supply at the Claimant's request during the Claim Committee's deliberations but reserves the right to recover the total costs of emergency water supply in the case that the Claim Committee upholds the denial of the claim. In addition, the Permittee reserves the right to recover costs associated with the claim process if a claim is found to be fraudulent or frivolous.

If it is determined by the Claim Committee or shown to the Claim Committee's satisfaction that a well(s) operating under an existing Mitigation Plan, other than those owned and operated by the Permittee subject to the Claim, has contributed to the claimed adverse impact, the Permittee will be responsible for its proportional share of the mitigation costs as it relates to its share of the impact. The Claim Committee shall make such a determination after notification of the third party well owner, giving the third party well owner opportunity to participate in the proceedings of the Claim Committee.

### **PLAN ADMINISTRATION**

Nothing in the Plan shall be construed to prevent the Department of Environmental Quality Staff from providing information needed for resolution of claims by the Claim Committee.