

# Lynn Forrest • Forrest Ranch

12019 E CR 7300, Slaton, TX 79364

(806)842-3575

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 5, 2011

Texas Commission on Environmental Quality  
Public Interest Counsel, MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: CITY OF LUBBOCK  
TCEQ DOCKET NO. 2010-0837-WR

To whom it may concern:

I have received a letter dated December 30, 2010 written by the Public Interest Counsel that states that I have no right to a contested case hearing in the matter of Application No. 4340A of the City of Lubbock to amend Water Rights Permit No. WRPERM 3985 (TCEQ Docket No 2010-0837-WR), because I am not an affected person. I write in response to said letter and argue that I do in fact have a right to be included in a contested case hearing for the reasons that follow. I also would like to state again my concerns about the above mentioned permit.

As owner/operator and resident of the Forrest Ranch, I own or lease land that runs for 7 miles along the North Fork of the Double Mountain Fork of the Brazos River. The diversion point of which I have not seen the exact location will have to be on my property or very close to it depending on the location. My property begins where the North Fork crosses CR 7300. My family's use of the water from the North Fork is for personal and livestock purposes. The river supplies 95% of all cattle water on the ranch. It is also a source of personal enjoyment to the members of my family. A steady flow in the stream is absolutely necessary for the livelihood of livestock and wildlife on the ranch. I have already seen a decline in the fish population in the stream due to effluent water along with unsteady and ever changing flow in the stream. Our concern is that the City of Lubbock's diversion of water will disrupt the normal flow of the river rendering it an unreliable source of drinking water for cattle and wildlife on the ranch. I am also concerned about the decline in other personal and domestic uses of the water that have been a way of life in the Forrest family since the 1920's. I believe this more than establishes riparian water rights for domestic and livestock purposes. I believe that the historic uses of the

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North Fork for these purposes by this family entitle us to these rights. The land we lease for our operation is owned by other members of the Forrest family which include members of the Forrest Family Partnership, Martha Jean Forrest McNeely, and Marianne Forrest Loveless. The North Fork runs through portions of the all of these landowners property as well as my own.

The wording of the permit states that the City of Lubbock seeks to divert and use "historic and future return flows". This wording allows the City to take more than they are putting in on any given day and therefore disrupt the normal flow of the river. I maintain that the historic return flows are gone and cannot be recovered for future use because that water has already traveled past the diversion point. Giving the City such powers is ensuring that the North Fork will be without water during the driest times of the year when we need it most on the ranch. This will totally disrupt our agricultural and personal activities on the ranch.

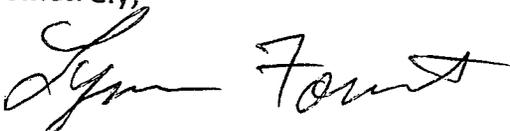
My family should not be considered part of the general public in this matter. As owner of the land adjacent to the North Fork and cattle that use the river as their sole water source we have a considerable interest in making sure that water source remains available and reliable in the years to come. It is important to my family that the Forrest Ranch remains a reliable resource for ranching in the years to come. My daughter, who is the 5<sup>th</sup> generation of Forrests at the ranch, also works at the ranch now. I have every intention of keeping this ranch in working condition for her and the future generations of my family.

I hereby request that I am entitled to a contested case hearing and that the permit for the City of Lubbock be denied.

I am no longer represented by counsel; therefore I respectfully request that I be added to the requestors list for future information on this application. Please send this information to Lynn Forrest, 12019 E CR 7300, Slaton, Texas, 79364.

I am also available for any questions you may have concerning this matter at 806-842-3575 or 806-549-3576 (cell).

Sincerely,

A handwritten signature in black ink that reads "Lynn Forrest". The signature is written in a cursive style with a large initial "L" and "F".

Lynn Forrest  
Land Owner & Operator  
Forrest Ranch

cc: LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality