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WATER SUPPLY DIV.

2011 JUN 27 AM 10 49

June 24, 2011

Via Email and U.S. Mail

Ms. Kellye Rila, Manager
Texas Commission on Environmental Quality
Water Rights Permitting Section
Water Supply Division
P.O. Box 13087, MC-160
Austin, Texas 78711-3087

CHIEF CLERKS OFFICE

2012 FEB 23 PM 1:36

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application No. 5852 for a Water Use Permit by The Golf Club at Circle C, L.P.

Dear Ms. Rila:

LCRA has reviewed the revised draft permit for the above-referenced application that was enclosed with your letter dated May 25, 2011. As recognized in the revised draft permit, LCRA has entered into a raw water contract with the applicant that addresses impacts of the applicant's use of state water on LCRA's water rights.

LCRA intends to withdraw its request for a contested case hearing if no other hearing requests are granted on this application. However, to the extent that a contested case hearing is granted on this permit due to other requests, LCRA may seek to participate in such hearing to ensure that the rights and obligations it has under the contract are not unreasonably affected. Although LCRA has resolved its differences with this particular applicant, it is important to note that LCRA continues to be concerned with the potential implications of some of the theories underlying the Applicant's original request related to 'private water.' To the extent that diffuse water that becomes concentrated in drainage channels or storm sewer pipes prior to discharge into a storage pond is characterized as "private water" not subject to normal water rights permitting processes, this could have significant impacts on how water availability is estimated. By withdrawing its request, LCRA does not intend to waive any rights it may have to raise these concerns in protests of similar existing or future water rights proceedings.

Thank you for the opportunity to review the proposed draft permit and provide these comments. If you have any questions or require further clarification, please call me at (512) 473-3378.

Sincerely,

Lyn Clancy
Managing Associate General Counsel

TCRA
ENERGY • WATER • COMMUNITY SERVICES
P.O. BOX 220
AUSTIN, TX 78767-0220

H429

LOWER COLORADO RIVER AUTHORITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2012 FEB 23 PM 1:36

CHIEF CLERKS OFFICE

Ms. Kellye Rila, Manager
Texas Commission on Environmental Quality
Water Rights Permitting Section
Water Supply Division
P.O. Box 13087, MC-160
Austin, Texas 78711-3087



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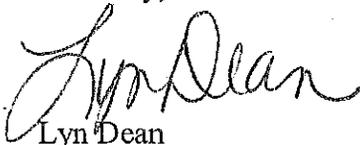
Ms. LaDonna Castañuela
July 7, 2005
Page 2

tributary of Danz Creek and Danz Creek, which is a tributary of the Colorado River, because it appears that any such permit could adversely affect LCRA's senior water rights, as more specifically described below.

LCRA is still in the process of reviewing the materials provided by the Applicant and has identified at least two concerns that warrant a hearing, although additional issues may be identified before any hearing is held. First, although Applicant's request states that there will be no consumptive use of "state water," the use of stormwaters that have drained into natural watercourses seems to fall squarely within the definition of "state water." See Texas Water Code § 11.021. That the Applicant has estimated the volume of the stormwater entering these watercourses is irrelevant to the character of the water itself as "state water." To the extent that Applicant is seeking to use state water, LCRA is adversely affected because it holds downstream senior water rights entitled to inflows from Danz Creek that would otherwise enter the Colorado River and because diversion of those inflows could also affect LCRA's obligation to maintain certain instream flows in the lower Colorado River basin. Further, even if the stormwater is somehow characterized as something other than "state water," Applicant admits that some state water will be passed through the same system of reservoirs as Applicant intends to use to irrigate its golf course. As a downstream water right holder, LCRA is entitled to a contested case hearing to ensure that appropriate conditions are included in the permit to protect LCRA from potentially adverse impacts of Applicant's management of state water. Specifically, while the notice states that the Applicant has submitted accounting procedures to ensure that no state water will be appropriated, LCRA is entitled to a hearing on the sufficiency of those accounting procedures.

I represent LCRA in this matter, so please forward any notices and correspondence to my attention. If you have any questions, please call me at (512) 473-3378.

Sincerely,



Lyn Dean
Associate General Counsel
Lower Colorado River Authority

cc: Ed McHorse (by U.S. Mail)
Attorney for The Golf Club at Circle C, LP

Ms. LaDonna Castañuela

July 7, 2005

Page 3

bcc: Paul Thornhill
Suzanne Zarling
Karen Bondy
Mark Jordan
Becky Motal
Henry Eby

John Grant (CRMWD) (by facsimile)



City of Austin Law Department

City Hall, 301 West 2nd Street, P.O. Box 1088
Austin, Texas 78767-8828
(512) 974-2268

Writer's Direct Line
(512) 974-2179

Writer's Fax Line
(512) 974-6490

WR
47813

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 OCT -1 PM 4: 58
CHIEF CLERKS OFFICE

October 1, 2007

Ms. LaDonna Castenuela
Chief Clerk's Office (MC-105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

VIA FACSIMILE

H
OPA

OCT 02 2007

BY *D*

Ms. Kathy C. Hopkins
Project Manager
MC-160
Water Rights Permitting Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

VIA FACSIMILE

Re: Draft Water Use Permit No. 5852 for the Golf Club at Circle C

Dear Ms. Hopkins:

The City of Austin has concerns regarding the draft permit as written and would like to clarify that our concerns expressed through previous correspondence and public meetings are not withdrawn and that a contested case hearing would be the best forum for examining these concerns. Please note our comments below that reiterate concerns raised in our July 11, 2005 comment letter:

- 1) Waste:
The use of approximately 262 acre-feet per year and as much as 639 acre-feet per year of primarily groundwater for the purpose of irrigating a golf course constitutes a waste of the limited Trinity Aquifer. The Texas Water Development Board (TWDB) estimated that the entire year 2000 pumpage from the Middle and Upper Trinity Aquifer in Travis County to be about 3,250 acre-feet per year. The amount of expected withdrawal is therefore about 8% of the total Travis County Trinity Aquifer usage. A considerable amount of this precious groundwater would be wasted through evaporation in the ponds and golf course irrigation areas. Groundwater models by the TWDB of the Middle and Upper Trinity Aquifer suggest future usage will greatly surpass natural recharge and that portions of the Trinity Aquifer would dry from overuse. We have observed Trinity Aquifer wells in the vicinity of the

MW

Ms. Kathy C. Hopkins
Draft Water Use Permit No. 5852 for the Golf Club at Circle C
Page 2

subject golf course where water levels have declined such that the well could no longer support the users. Although the decision to disallow diversion from Danz Creek was sound, it is unclear how the Texas Commission on Environmental Quality (TCEQ) can authorize and require use of such a large supply of groundwater that is obviously not sustainable.

2) Surface Water Quality:

The proposed water rights permit, if granted, will inadvertently result in degradation of the downstream water quality. Water quality in Danz Creek would be adversely affected by highly mineralized groundwater discharges unless significantly diluted to Texas Surface Water Quality Standards (TSWQS) as mentioned in the water quality review of the permit. The method or demonstration of meeting these standards and/or the proposed dilution source besides stormwater capture immediately around the impoundments is not specified. With sulfate levels of 677 to 1270 mg/l estimated from a single water-quality sample from each of two wells, at least a 13 to 25 fold dilution is required at all times to meet TSWQS. The water allocation as proposed is insufficient to both replace diverted and evaporated surface water and dilute the groundwater quality sufficiently to meet minimum standards. A significant portion of the downstream flows recharge the Barton Springs Edwards Aquifer, which is a federally-protected sole source aquifer that maintains about 45,000 individual users. This aquifer directly supplies municipalities such as the City of Sunset Valley. Further, the City of Austin owns Water-Quality Protection Lands a short distance east and downstream of the subject golf course whose surface and subsurface waters are likely to be impacted by this poor-quality discharge. In addition, this aquifer discharges at Barton Springs which contains the federally-listed endangered Barton Springs salamander (*Eurycea sosorum*) and represent an important economic and recreational resource for the City of Austin. The discharge as proposed in the draft water rights permit constitutes a prohibited intentional mixing of surface and groundwaters for dilution purposes.

3) Legal authority for water storage:

At least one of the impoundments referenced as holding for groundwater pumped under this permit is also covered under the 2002 Development Agreement between the City of Austin and Circle C Land Corp. (CCLC) which was recorded as Document No. 2002151984 of the Official Public Records of Travis County, Texas and as Document No. 02022402 of the Official Records of Hays County, Texas. Therefore, ownership and rights of use are uncertain and should be proven in the hearing before granting usage under TCEQ permit.

4) Legal authority for water usage in draft permit:

The City of Austin was assigned groundwater interests by a Groundwater Deed and Agreement as part of Bradley Agreement, which was recorded as Document No. 2000062856 of the Official Public Records of Travis County, Texas and as Document No. 00009382 of the Official Records of Hays County, Texas. In addition, the CCLC Agreement at Section 7.1J Water Wells references two existing wells authorized to refill wet pond features on Parcel 115 and no new wells as long as the City of Austin provides water for other uses (City of Austin Water Utility has responded affirmatively to every request for

Ms. Kathy C. Hopkins
Draft Water Use Permit No. 5852 for the Golf Club at Circle C
Page 3

water service from this applicant). The CCLC Agreement does not authorize use to refill ponds on any other properties or use of wells for maintaining flow downstream. Although wells referenced in permit appear to be immediately adjacent to the land covered by the CCLC Agreement, if any water from these wells is to be used for the future Bear Creek Golf Course in addition to the existing Circle C golf course, the limitations in the Agreement would apply. Pumping limitations in Attachment O, Section VIII F. of the CCLC Agreement are less than the proposed maximum pumping in the TCEQ permit. Therefore, sufficient and appropriate limitations must be demonstrated in the hearing before approval of the permit.

5) Daily accounting plan:

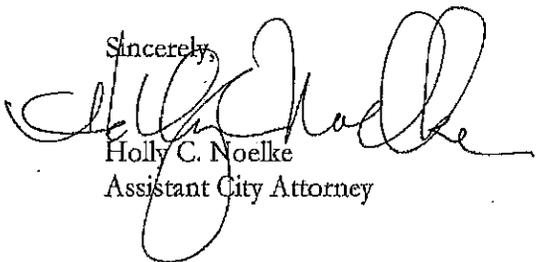
The draft permit references future daily accounting plan changes in Special Condition A that TCEQ will review and approve. The City of Austin can not determine consistency of this permit with the CCLC Agreement without seeing the final daily accounting plan. Any accounting plan should be submitted and evaluated prior to permit issuance and should be provided to the City of Austin to determine if the City will be adversely affected. The application materials are insufficient to determine whether the draft groundwater pumping limitations exceed what is legally available pursuant to CCLC's Agreement with City of Austin.

6) Best management practices:

Best management practices (BMPs) are included in the draft permit for both water quality and conservation; however, without an implementation plan it is impossible to determine if these BMPs will be adequate to prevent adverse effects on the City's interest in and right to quality and quantity of recharge guaranteed in the CCLC Agreement.

As discussed above, the City of Austin has many concerns which should be addressed in the contested case hearing. If you have any questions or comments regarding our concerns, please contact me at (512) 974-2179.

Sincerely,



Holly C. Noelke
Assistant City Attorney

CITY OF AUSTIN LAW DEPARTMENT

301 West 2nd Street, Fourth Floor
P.O. Box 1088
Austin, Texas 78701
Fax: 512-974-2268

2007 OCT -1 PM 4: 58
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

FAX TRANSMISSION COVER SHEET

Date: *October 1, 2007*

To: *Ms. LaDonna Castenuela*

Fax: *239-3311*

Subject: *Draft Water Use Permit No. 5852 for the Golf Club at Circle C*

Sender: *Holly C. Noelke*

Comment:

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL.

FACSIMILE INFORMATION

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee. Persons responsible for delivering this communication to the intended recipient are hereby notified not to read the attached and that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and please return the original message to us at our address shown above via the U.S. Postal Service

Ms. Kathy C. Hopkins
Draft Water Use Permit No. 5852 for the Golf Club at Circle C
Page 2

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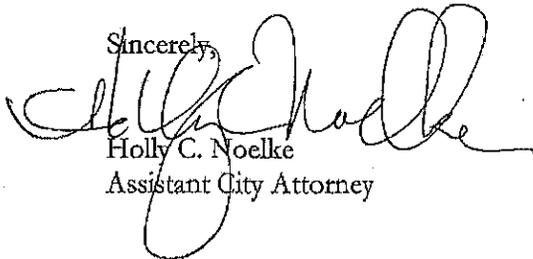
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Sincerely,



Holly C. Noelke
Assistant City Attorney

CITY OF AUSTIN LAW DEPARTMENT

301 West 2nd Street, Fourth Floor
P.O. Box 1088
Austin, Texas 78701
Fax: 512-974-2268

CHIEF CLERKS OFFICE
2007 OCT -1 PM 4:55
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

FAX TRANSMISSION COVER SHEET

Date: *October 1, 2007*
To: *Ms. LaDonna Castenuela*
Fax: *239-3311*
Subject: *Draft Water Use Permit No. 5852 for the Golf Club at Circle C*
Sender: *Holly C. Noelke*
Comment:

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL.

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TCEQ Public Participation Form
The Golf Club at Circle C
Public Meeting
Proposed Water Use Permit No. 5852
November, 29, 2005

PLEASE PRINT: *Hawwert*
Name: Nico Hawwert
Address: 505 Barber Spr Rd Ste 11000
City/State: Austin TX Zip: 78704
Phone: (512) 974-2170

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? City of Austin

TEXAS
COMMISSION ON
GROWTH
2005 DEC -5 PM 3:10
CHIEF CLERK'S OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting.)

Please give this to the person at the information table. Thank you.

Ranch golf course, the City of Austin agreement estimated that as much as 239 acre-feet would be required annually for irrigation alone over 95 acres that by agreement could be pumped from the lesser-used lower Trinity aquifer. The Golf Club application references that a similar area of 115 acres that would require irrigation. As acknowledged in the application, a significantly higher portion of the groundwater would be required by a golf course during dry periods when local groundwater-levels are relatively low. The TCEQ permit will therefore require the Golf Club to pump a portion of Trinity aquifer groundwater that compares to about 7 to 20% of the entire year 2000 pumpage from the Middle and Upper Trinity aquifer in Travis County, in order to replace waters of the state. The application fails to acknowledge the effect that required groundwater pumpage will have on the Trinity aquifer.

- 4) The Danz Creek tributary and main channel of Slaughter Creek are important sources of natural recharge to the Edwards Aquifer. By capturing and impounding a relatively large portion of the Danz Creek watershed, rainfall that would naturally recharge in the creek channels quickly is then subject to large evapotranspiration losses in the impoundment. According to the permit, the evapotranspiration losses would be made up by pumping from the Trinity aquifer, which also likely provides some recharge to the Edwards Aquifer. Therefore, the permit will result in a net loss of recharge to the federally-designated sole source Edwards aquifer.
- 5) Slaughter Creek is listed on Texas Water Quality Inventory 303(d) as impaired for macrobenthos community designated use. The use of groundwater and private storm water to compensate any State water captured within Reservoirs 2, 3, and 4 may have potential to impact the already impaired macrobenthos community within the watershed. The impact of releasing Trinity groundwater and private storm water on macrobenthos community needs to be determined to prevent further stream degradation.

If you have any questions or comments, please contact me at (512) 974-2722 or Nico Hauwert at (512) 974-2148.

Sincerely,

Nico Hauwert for Tom Ennis

Thomas E. Ennis, P.E., LEED AP
Division Manager Environment Resource Management
City of Austin Watershed Protection and Development Review Department
(Mailing address) PO Box 1088
Austin, Texas 78767
(office) 505 Barton Springs Road, 11th Floor, Austin, Texas 78704
(512) 974-2722
tom.ennis@ci.austin.tx.us

TEE: nmh

Cc: Kirk Holland, BSEACD
Beckie Morris, HTGWD



City of Austin

Founded by Congress, Republic of Texas, 1839
Municipal Building, Eighth at Colorado, P.O. Box 1088, Austin, Texas 78767 Telephone 512/974-2000

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 JUL 13 AM 10:17

July 11, 2005

CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

WR
47813

PM

JUL 13 2005

OPA

BY

Re: Water Rights Application No. 5852 for the Golf Club at Circle C; Request For Public Meeting

The City of Austin Watershed Protection and Development Review Department has reviewed the submitted water rights application for the Golf Club at Circle C. The following comments are provided for your consideration:

- 1) The City of Austin has participated in water level monitoring of wells near the Golf Club at Circle C as part of our commitment to help identify possible water-quantity impacts associated with the adjacent Spillar Ranch Golf Course. Although we have not conducted an investigation to ascertain the impacts of the Golf Club at Circle C, a number of wells we investigated had dried or were nearly dried on some occasions, and some well owners surveyed believed the golf course wells were depleting their wells. In the spirit of sensitivity to well owners who rely on the Trinity aquifer near the Golf Club, it would seem obvious that an investigation of the current and future groundwater depletion associated with this permit should be conducted, although this information was not contained in the permit application. It appears that this permit, if granted would require proposed groundwater discharge amount ("greater than less than 93 acre-ft/yr dependent on rainfall" but less than the maximum pumping capacity of 639 acre-feet) to irrigate and replenish water of the state. To put this withdrawal amount in perspective, the Texas Water Development Board estimates the entire 2000 pumping from the Middle and Upper Trinity in Travis County to be about 3,250 acre-feet/year (by R. Mace, A. Chowdhury, R. Anaya, and T. Way, 2000, Groundwater Availability of the Trinity Aquifer, Hill Country Area, Texas: Numerical Simulations through 2050. TWDB Report 353). Future demand of the Trinity aquifer in the eleven county region that includes the Golf Club at Circle C is expected to greatly surpass natural recharge.

- 2) Slaughter Creek is list on Texas Water Quality Inventory 303(d) as impaired for macrobenthos community designated use. The use of groundwater and private storm water to compensate any State water captured within Reservoirs 2, 3, and 4 may have potential to impact the already impaired macrobenthos community within the watershed. The impact of releasing Trinity groundwater and private storm water on macrobenthos community needs to be determined to prevent further stream degradation.

MW



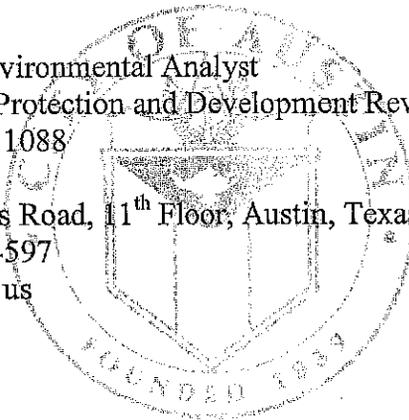
City of Austin

- 3) The impoundment of surface water can be expected to reduce potential downstream recharge to the Barton Springs segment of the Edwards Aquifer, through the creekbed of Danz and Slaughter Creeks. Through impoundment and irrigation, much of the stored water will be inefficiently lost through evapotranspiration.

The City is requesting a public meeting so that these and other issues can be addressed in greater detail. If you have any questions or comments, please contact me at (512) 974-2148.

Sincerely,

Nico M. Hauwert, P.G.
Hydrogeologist, Senior Environmental Analyst
City of Austin Watershed Protection and Development Review Department
(Mailing address) PO Box 1088
Austin, Texas 78767
(office) 505 Barton Springs Road, 11th Floor, Austin, Texas 78704
(512) 974-2148; cell 695-4597
nico.hauwert@ci.austin.tx.us



CITY OF AUSTIN
WATERSHED PROTECTION &
DEVELOPMENT REVIEW DEPT
ENVIRONMENTAL RESOURCE
MANAGEMENT DIVISION
P.O. BOX 1088
AUSTIN, TEXAS 78767

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JUL 13 2005

Office of the Chief Clerk
MC 105
TCEQ
P.O. Box 13087

Austin, TX 78711-3087

ct



City of Austin

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Municipal Building, Eighth at Colorado, P.O. Box 1088, Austin, Texas 78767 Telephone 512/974-2000

July 11, 2005

2005 JUL 11 PM 4:56

Office of the Chief Clerk
MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

WR
47813

CHIEF CLERKS OFFICE
OPA

PM JUL 12 2005

BY De

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City of Austin

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Sincerely,

Nico M. Hauwert, P.G.
Hydrogeologist, Senior Environmental Analyst
City of Austin Watershed Protection and Development Review Department
(Mailing address) PO Box 1088
Austin, Texas 78767
(office) 505 Barton Springs Road, 11th Floor, Austin, Texas 78704
(512) 974-2148; cell 695-4597
nico.hauwert@ci.austin.tx.us

*The City of Austin is committed to compliance with the Americans with Disabilities Act
Reasonable modifications and equal access to communications will be provided upon request.*

Ira Jon Yates
Yates Cattle & Conservation
5711 St. Hwy 45
Austin, Texas 78739
512-282-1370 Ranch Phone/Fax
512-970-2589 Cellular
Yatespct3@aol.com ✓

H OPA
APR 14 2011
By KY

April 12, 2011

Office of the Chief Clerk
Chief Clerk, MC 105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

WR
47813

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 APR 13 PM 3:05
CHIEF CLERKS OFFICE

Re: Notice of Water Rights Application No. 5852
Golf Club at Circle C, LP

Written Comments and Request for a Contested Case Hearing

Dear Executive Director,

I am Ira Yates of 5711 Hwy 45 Austin Texas, 78739. My phone number and fax is 512-282-1370. The applicants name is The Golf Club at Circle C, LP and the application is Water Rights Application No. 5852. I request a contested case hearing on this matter. I will be affected by a way not common to the general public because I am the immediate contiguous downstream owner of agricultural land. Diversion of water from the associated tributaries will further reduce the natural flows of water and therefore reduce the available moisture for the natural rangeland grasses that support my agricultural operation. In addition, I believe that the natural recharge process will be affected which in turn may affect the two wells that I have. These ponds are within a few hundred feet of my property. I also question the integrity of the ponds.

General Comments

I have had high regard for the owners of the Golf Club. However, this proposal and subsequent approval as presently presented will demonstrate that the TECQ does not have the ability or intention of protecting the States water or the Edwards Aquifer.

MW

In a letter dated July 1, 2005, Mr. James Isensee states "TCEQ staff has determined that the Regional Pond is not located on a watercourse and does not require a Water Use Permit." This South Austin Regional Irrigation Storage Pond is just upstream from my property. The streambed crosses my driveway where I have two 12 inch culverts. On heavier rainfall events, prior to the Pond, the water would exceed the capacity of the two pipes and flow over the driveway. After construction of the Pond and after it was full, the valve at the bottom of the dam was opened to drain the pond. The water flowed over my drive for 7 days. I believe the Pond is on a "watercourse" and that the TCEQ staff erred in their determination otherwise.

A development application filed at the City of Austin for the property adjacent to me between the South Austin Regional Irrigation Storage Pond and my property notes a "critical environmental feature" in the streambed below the Pond and on my property. This is the streambed that the TCEQ staff erred on in its determination that this is not a streambed. This leads me to the conclusion that recharge to the Edwards Aquifer is already being affected.

A representative of the applicant could not explain the operations required of this proposed application. Chip Gist, general manager for the Golf Club could not on Friday April 12th 2011 explain to me how the system functions and works. If, after 5 years of working on this permit, the manager of the Golf Club cannot explain it and no one at the TCEQ can explain it to an audience, how can we expect anyone to actually do what is required under this permit? The application and its description of State water and private water and the commingling thereof and proposed metering and management is mind boggling. Who is really going to do this? Is it the watering crew hired to mow and water? Or is it a series of computers and sensors that are vulnerable to fire ants and other mechanical problems. Who at TECQ is going to check up on all of this? Will anyone review the data sent in periodically and if they do will they know what they are looking at and understand it? I know water has already been diverted from my land and the aquifer and I am being harmed. I know no one at the TCEQ will be paying attention to the management of this integrated system of ponds and the associated metering, pumping and releases of water to equate for the original natural runoff and recharge. Now comes the applicant in 2011 with an LCRA water contract that theoretically protects the Colorado River flows but does nothing to mitigate the loss of water recharge or runoff onto my land. The LCRA water contract does not protect the integrity of the natural water system in Danz Creek and downstream to the confluence of Onion Creek and the Colorado River.

Therefore, I strongly recommend a hearing on this matter so these issues can be properly addressed in a public forum before the full commission where a diagram of this elaborate operation can be presented by the applicant or TCEQ staff and show and explain to the affected parties, Ira Yates and the State of Texas, how the system works. This type of application for water rights immediately above the recharge zone of the Edwards Aquifer is setting an important precedent. This is an important State wide policy matter.

In conclusion, although the owners of the Golf Club are nice folks, approval of this application will have a negative effect on my land and water resources and far reaching implications and deserves a hearing.

Sincerely,

Ira Jon Yates

Cc: City of Austin

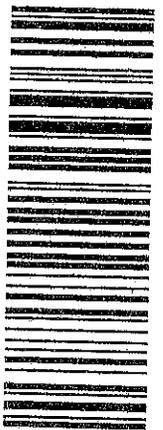
Barton Springs Edwards Conservation Aquifer District



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P.O. Box 13087

Austin TEXAS

78711-3087

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APR 13 2011

TECO MAIL CENTER
JR

787113087

YATES
5711 St Hwy 45
Austin TEXAS
78739

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CLERKS OFFICE
REQUESTED RECEIPT

Vertical barcode on the right edge of the envelope

2012

Two years ago a TCEQ representative told the Dripping Springs Regional Planning Group that a policy of the TCEQ is for natural recharge to the Edwards not to be diverted. This project does not comply with that statement.

As part of this project, the natural overland sheet flow of storm water is not only diverted but so is the actual stream flow. Small agricultural stock tanks built in the 1950's have now been enlarged and converted into golf course amenities. They are no longer small insignificant agricultural features but are part of an elaborate plan to scalp water from the natural stream flow and use it for private purposes.

The TCEQ erred when it determined that the regional irrigation pond was not on a waterway and did not need a permit. Whether a permit was required or not, the pond stops stream flow of water onto my property where there has been acknowledged recharge in the past. Therefore, the project is already negatively affecting the Edwards Aquifer and its recharge.

This project may set a dangerous precedent. There will be a significant decrease in recharge if all hill country projects capture and reuse water as this project contemplates.

TCEQ is woefully under funded and is not able to enforce current regulations properly. This project proposes an elaborate scheme of pumping, calculating and monitoring to determine when water needs to be pumped from one aquifer to another. Who is actually responsible for protecting Mother Nature? Who do I look to for proof that recharge and overland flow of water to my property has not been diverted? Where are the calculations and records kept? What meaningful enforcement procedure is there available for me?

We are currently in a serious drought. I am, at my house, 10 inches behind my normal rainfall for the year. Who would I go to at the TCEQ or the Circle C Golf Club to see if the proper amount of stream flow and recharge had been released for the year? Who determines when the Trinity aquifer irrigation wells should be turned on to supplement the water scalped back in June during the last significant rain event?

This proposal will cause harm. Parts of this project already constructed without TCEQ permits cause harm today.

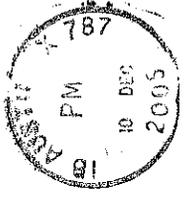
I urge the administrative staff and the commissioners to deny this request. If you cannot deny it, then there needs to be a one stop location for a citizen to check the material water balance calculations and determine if the employees of the responsible party is doing their job and releasing enough water to equate for the water scalped during the year.

I specifically request an administrative hearing on this matter.

Sincerely,

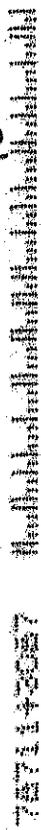
Ara Yates

IRA YATES
5711 Hungary
Austin Texas 78739



Office of The Clerk
MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin TX 78711-3077

RECEIVED
DEC 12 2005
TCEQ MAIL CENTER



47863

Ira Jon Yates
5711 Hwy 45
Austin, Texas 78739
512-282-1370

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 JUL 18 AM 10:27

CHIEF CLERKS OFFICE

July 11, 2005

La Donna Castanuela
Chief Clerk, MC 105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

WJR
47813

FAxed

7/11/05
4:30 PM

Austin time

HR OPA
JUL 18 2005
BY KY

Re: Notice of Water Rights Application No. 5852
Golf Club at Circle C, LP

Written Comments and Request for a Contested Case Hearing

Dear Executive Director,

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General Comments

I have high regard for the owners of the Golf Club. However, this proposal and subsequent approval will indicate that the TECQ does not have the ability or intention of protecting the States water or the Edwards Aquifer.

In a letter dated July 1, 2005, Mr. James Isensee states "TCEQ staff has determined that the Regional Pond is not located on a watercourse and does not require a Water Use Permit." This Regional Pond is just up stream from my property. The streambed crosses my driveway where I have two 12 inch culverts. On heavier rainfall events, prior to the Pond, the water would exceed the capacity of the two pipes and flow over the driveway. After construction of the Pond and after it was full, the valve at the bottom of the dam was opened to drain the pond. The water flowed over my drive for 7 days. I believe the Pond is on a "watercourse" and that the TCEQ staff erred in their determination.

MW

Recently there has been a development application filed at the City of Austin for the property adjacent to me between the Pond and my property. On that application, the applicant indicates a "critical environmental feature" in the streambed below the Pond and on my property. This leads me to the conclusion that recharge to the Edwards Aquifer is already being affected.

The application and its description of State water and private water and the commingling thereof and proposed metering and management is mind boggling. Who is really going to do this? Is it the watering crew hired to mow and water? Who at TECQ is going to check up on all of this? Will anyone review the data sent in periodically and if they do will they know what they are looking at and understand it? I know water has already been diverted from my land and the aquifer. I know no one at the TCEQ will be paying attention to the management of this integrated system of ponds and the associated metering, pumping and releases of water to equate for the original natural runoff and recharge.

Therefore, I strongly recommend a hearing on this matter so these issues can be properly addressed in a public forum before the full commission. This type of application for water rights immediately above the recharge zone of the Edwards Aquifer may set an important precedent that will be regretted later. This matter is an important policy matter.

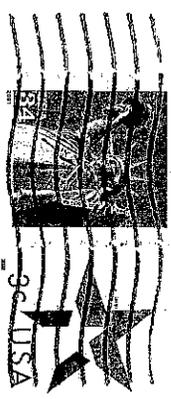
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Sincerely,


Ira Jon Yates

Cc: City of Austin
Barton Springs Edwards Conservation Aquifer District

Ira Yates
5711 Hwy 45
Austin, Texas 78739



Office of the Chief Clerk
MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3077

RECEIVED
JUL 18 2005

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TCEQ MAIL CENTER

OPA

JUL 12 2005

BY DL

Ira Jon Yates
5711 Hwy 45
Austin, Texas 78739
512-282-1370

*WR
47813*

July 11, 2005

La Donna Castanuela
Chief Clerk, MC 105
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

*FAXed 7/11/05
4:30 PM Austin time*

2005 JUL 11 PM 4:27
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Notice of Water Rights Application No. 5852
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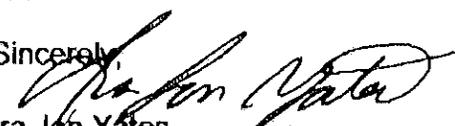
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Sincerely,


Ira Jon Yates

Cc: City of Austin
Barton Springs Edwards Conservation Aquifer District

3

TCEQ Public Participation Form
The Golf Club at Circle C
Public Meeting
Proposed Water Use Permit No. 5852
November, 29, 2005

2005 EPC - 5 PM 3:18
CHIEF CLERKS OFFICE
TARRANT COUNTY
CLERK OF COUNTY COURTS

PLEASE PRINT:

Name: IRA YATES

Address: 5711 Hwy 45

City/State: Austin TX Zip: 78739

Phone: (512) 2821370

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting.)

Please give this to the person at the information table. Thank you.

AY