

Franz Agriculture J.V.
905 CR 108
Bay City, TX 77414
979-241-2256 cell
979-245-1101 office & fax

January 8, 2011

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

WR
72454

H OPA
JAN 25 2011
BY *bf*
2011 JAN 24 AM 10:53
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Popek and Son, Application No. 12496

As owner and operator of Franz Agriculture J.V., at the address above, I request a contested case hearing for Application No. 12496.

Franz Agriculture leases the Six Bar Ranch owned by Minze Land Investments L.P. for crop and livestock production. The farm is located a few miles southeast and downstream of the Application diversion point. My lease includes the right to pump water for irrigation from Hardeman Slough under the Water Right held by Minze Land Investments L.P. The Applicant's reservoir area and diversion point are in public ditches that drain into Hardeman Slough. Previous owners of this property as well as the Applicant in recent years have pumped water at this location without a permit. I have met with TCEQ inspectors and have shown them the problem and objected to the water being used before it reaches my pump. This is especially a problem in extended dry periods when water flow is limited.

I object to this Applicant:

- (1) Taking water ahead of the permitted Water Right of the land I lease. The Water Right is vital to irrigation of my rice crop and the stream flow should not be slowed or possibly reduced by this diversion. Even if he claims to be using groundwater from a well pumped into the ditch and then pumped out again, how can TCEQ possibly monitor that with any accuracy? How would I know what he is doing?
- (2) Using public ditches for irrigation to save investing in a private canal or pipeline system to serve his land and crops.
- (3) Leaving an unpermitted dam in a public ditch which can cause drainage delays or water to back up onto adjacent property owners. This does not affect my farm because I am downstream, but should not be a policy TCEQ should promote, especially for an applicant that has blatantly defied TCEQ rules previously.

The above referenced Applicant should be denied the bed and bank permit. He should be required to deliver his irrigation groundwater by canal or pipeline on his property. TCEQ would have no responsibility to monitor the irrigation. The Water Right I use would be protected and adjacent landowners would be further protected from flooding.

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Office of the Chief Clerk, MC 105

TCEQ

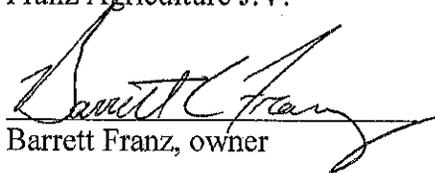
January 8, 2011

Page 2

I urge you to grant a contested case hearing so that all concerns can be brought to light. If possible, TCEQ should just deny the application. In my opinion, this should never have been allowed to reach the status of an application that requires a public hearing.

Sincerely,

Franz Agriculture J.V.

A handwritten signature in black ink, appearing to read "Barrett Franz", written over a horizontal line.

Barrett Franz, owner

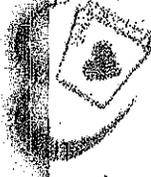
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905 CR 108
Bay City TX 77414

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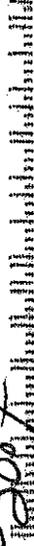
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Minze Land Investments L.P.
21350 Provincial Blvd.
Katy, TX 77450
281-398-1953 office
281-578-0758 fax

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72454

December 28, 2010

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

H OPA
JAN 04 2011
BY KJ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
JAN 04 3 30 PM '11
CHIEF CLERKS OFFICE

RE: Popek and Son, Application No. 12496

I, David Minze, general partner of Minze Land Investments L.P. (contact information above), request a contested case hearing for Application No. 12496.

Minze Land Investments L.P. (MLI) is the owner of 2200 acres of farmland 2.4 miles southeast and downstream of the proposed diversion point as referenced in the notice. MLI holds Water Right No. 4217 to divert water from Hardeman Slough for irrigation of crops. The Applicant's reservoir area and diversion point are in the tributary ditches of Hardeman Slough. The Applicant and previous owners of this property have diverted water at this location for many years without a permit. MLI has filed complaints or called TCEQ several times to request enforcement, especially in dry periods when the stream flow is reduced.

My concerns are:

- (1) Verification and enforcement that the Applicant is in fact using groundwater as the only source of water that is diverted and not inflows to the tributary ditch. Without numerous meters and intensive record keeping it will not be practical to verify that groundwater is the only water source and that the MLI water rights will not be subordinated by reduction of normal stream flow from upstream.
- (2) Allowing an unpermitted dam and diversion point to remain in place and granting a permit after the fact.
- (3) Allowing Applicant to use public ditches as a private irrigation system.

To satisfy these concerns Applicant should be denied the bed and bank permit and be required to supply groundwater directly to the irrigation system by pipeline or canal located on Applicant's property or by acquired easement. Public drainage ditches should not be used for irrigation conveyance.

A contested case hearing should be granted to obtain all the facts required to make a decision on this application.

Minze Land Investments L.P

David Minze
David Minze, general partner

MC

Minze Land Investments L.P.
21350 Provincial Blvd.
Katy, TX 77450

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2010 DEC 30 PM 2:39
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December 21, 2010

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H **DEC 23 2010**
BY *DL*

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DEC 22 PM 2:46

TEXAS
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Chief Clerk:

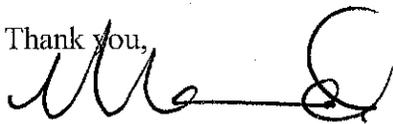
I am requesting a case hearing on the following water use permit to use the bed and banks of a tributary of Hardeman Slough, Matagorda County, Texas.

Contesting party: John S. Runnells, III
Runnells Pasture Company, LTD. d/b/a
Runnells Pierce Ranch
121 PR 503
Bay City, Texas 77414
(979) 245-4881
(979) 245-0959 fax

Applicant: Popek & Son
2501 Marguerite St.
Bay City, Texas 77414
Permit Application #12496

I request a case hearing as this permit would allow the existing dams and water control system to remain in a County drainage easement restricting my drainage upstream. The property affected is immediately west, adjacent to the location described in the permit application.

Thank you,



John S. Runnells, III

CMW

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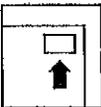
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▲ Complete address information or place label here ▲

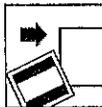
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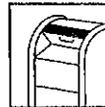
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