

DEBRA L. MARKWARDT (Representing Self)
P.O. BOX 1323
1241 E. WYATT RD.
MIDLOTHIAN, TX 76065
972-775-2562

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OCT 26 2009
BY EB

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COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 OCT 26 AM 10:10
CHIEF CLERKS OFFICE

October 21, 2009

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

Re: Application No. 12452
Applicant Name: Robert D. Rogers, Jr.

I Debra L. Markwardt hereby request a contested case hearing on this Application. The address of 223 Miller is less than 1/2 mile from my property. Cottonwood Creek runs through my property down to 223 Miller. I and my neighbors have livestock on our property that use this creek for their water. This is the ONLY supply for water. The creek in the summer time is very close to drying up. If this permit was approved our livestock would not have any water supply.

As, I understand from the TCEQ Mr. Rogers already has a 1960 water right to impound 327 acre feet of water. To increase this to 900 acre feet will include property with the creek. This is a substantial increase for such a small creek with limited amount of water. There is a small lake next to this property. I suggest that Mr. Rogers such get his water from this lake instead of our small creek.

The purpose of this application is for mining purposes. Mr. Rogers will be benefiting greatly by drilling for gas. All the other gas wells that have been drilled in this area have had wells drilled and holding tanks dug. My proposed conditions would be for Mr. Rogers to have a well drilled. The other proposed condition would be for Mr. Rogers to have a tank dug out on my property to divert enough water from the creek to supply my livestock their water supply.

Sincerely,
Debra L. Markwardt

Debra L. Markwardt

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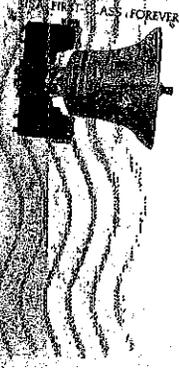
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Debra L Markwardt
P.O. Box 1323
Midlothian, TX 76065

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