JUDICIAL NOTICE BY AFFIDAVIT

Comes now Glen Heiskell, the Affiant and Protestant, by special appearance, as being of lawful age, sound mind, and able to make this Affidavit of Judicial Notice by his own knowledge of the facts and evidence, and herein after will be known as the Affiant, and with the relevant facts and evidence at hand makes the Affidavit to the best of his knowledge and belief to be true and correct.

The Affiant makes the Judicial Notice by Affidavit to: Bryan W. Shaw, Ph.D, Chairman; Buddy Garcia, Commissioner; Carlos Rubinstein, Commissioner; Mark R. Vickery, P.C., Executive Director; and the Texas Commission on Environmental Quality.

The Texas Commission of Environmental Quality sent the following notice on December 22, 2009.

"To: Persons on the attached mailing list (by mail and facsimile as indicated).

" Re: Creation of a Groundwater Conservation District for Priority Groundwater Management Area in Dallam County: SOAH Docket No. 582-09-2350; TCEQ Docket No. 2008-1940-WR.

"This letter is in response to the request filed on December 21, 2009 by Douglas Caroom and Susan Maxwell on behalf of Clifford A. Skiles, Jr, DVM, Poole Leasing Co, Inc, and Entrania Springs LP (Protestants) in the above-referenced matter. That motion requests an extension of time to file exceptions to the Administrative Law Judge's Proposal for Decision until January 11, 2010 and of the time to file replies to exceptions until January 21, 2010. The motion represents that counsel for the Protestants has contracted the other parties to that proceeding and that they are in agreement with the request.

"Pursuant to 30 Texas Administrative Code [Sec.] 80.257 (b), this letter hereby extends the time for filing exceptions to the Administrative Law Judge's Proposal for Decision until 5:00 p.m. on Monday, January 11, 2010. Any replies to those exceptions may be filed no later than 5:00 p.m. on Thursday, January 21, 2010. Any exceptions or replies must be filed with the Chief Clerk of the TCEQ electronically at http://www.10.tceq.state.tx.us/epic/efilings/ or by filing an original and seven copies at: Office of the Chief Clerk , ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711 [Fax(512) 239-3311]. Exceptions and replies should be served on those persons contained on the attached mailing list on the same day the document is filed with the Chief Clerk."

The affiant by and through his Judicial Notice by Affidavit is adamantly objecting to the Administrative Laws Judge's proposal to make a decision concerning the creation of a Groundwater Conservation District for Priority Groundwater Management area in Dallam county. It is apparent to the affiant that the administrative law judge is attempting to control and unlawfully take the affiant's irrigation water, which is the life blood of his

farming operations as well as all of his friends and neighbors'.

The Affiant believes that the Administrative Law Judge lacks subject matter jurisdiction to make the decision for the creation of a Groundwater Conservation District for Priority Groundwater Management area in Dallam county Texas. This violation of the Affiant's and his friend's and neighbor's constitutional rights, under the United States Constitution at Article VII Amendment IV and V, is unlawful taking without just compensation.

The Affiant believes that the creation of a Groundwater Conservation District for Priority Groundwater Management area in Dallam County Texas could result in a petition filed with the United States Court of Federal Claims for redress. See Hage v. U.S on Wayne Hage's website, in the United States Court of Federal Claims, case no 91-1470 (filed June 6, 2008, 43 USC section 1752 (G) taking, Fifth Amendment, just compensation, cattle vested water rights.)

The Affiant retains his rights to amend this Judicial Notice by Affidavit should any unforeseen clerical errors become known.

The Affiant gives his permission to anyone to duplicate this document if they so desire.

The Affiant further sayeth naught.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 JAN 11 PM 12: 59
CHIEF CLERKS OFFICE

Signature

Glen Heiskell

Glen Heiskell
P.O. Box 45
Dalhart, Texas 79022

Sworn to and subscribed before me on the 11th day of January, 2010 by Glen Heiskell.

Billie Harruff

BILLIE HARRUFF
NOTARY PUBLIC,
STATE OF TEXAS
My Commission Expires 05-08-2012

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the affiant Glen Heiskell's Judicial Notice by affidavit, along with the attachment was sent by first class mail to the persons on the attached mailing list (by) mail and facsimile as indicated.

Glen Heiskell affiant
P.O. Box 45
Dalhart, Texas 79022
Ph. (806) 384-2367

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 JAN 11 PM 12: 59
CHIEF CLERKS OFFICE

Mailing List
Groundwater Conservation District for
Priority Groundwater Management Area in Dallam County
TCEQ Docket No. 2008-1940-WR
SOAH Docket No. 582-09-2350

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The Honorable Richard R. Wilfong
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
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F A C S I M I L E

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FROM: Glen Heiskell

January 11, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 JAN 11 PM 12: 59
CHIEF CLERKS OFFICE