

 Share  Copy link  Download  Delete  Copy to  Version history   Previous 8

From: Brent Rougeau
Sent on: Thursday, October 12, 2017 7:04:39 PM
To: [REDACTED]
Subject: GARDNER FAMILY TRUST 14-1496
Attachments: Admin Complete Letter Gardner 14-1496A.pdf (79.17 KB)

Good Afternoon Caroline,

The Gardner Family Trust Application, 14-1496, has been declared administratively complete today.

Thank you
Brent Rougeau
512-239-0321

TCEQ Interoffice Memorandum

To: Office of the Chief Clerk
Texas Commission on Environmental Quality

Thru: *CK* Chris Kozlowski, Team Leader
Water Rights Permitting Team

From: Brent Rougeau, Project Manager
Water Rights Permitting Team

Date: October 12, 2017

Subject: Gardner Family Trust, Jack Garner Gardner, Jr., Gina Gay Gardner and
Lou Zane Gardner Burleson
ADJ 1496
CN604395129, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 14-1496A to Amend Certificate of Adjudication No. 14-1496
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Maynard Creek, Colorado River Basin
Kimble County

The application and partial fees were received on June 9, 2014. Additional information and fees were received on June 11, June 16, July 16, August 20, 2014, July 10, 2015, February 3, February 10, March 9, March 10, 2016 and July 25, 2017. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 12, 2017. Mailed and published notice is required pursuant to Title 30 Texas Administrative Code § 295.158(b)(2).

Gardner Family Trust, Jack Garner Gardner, Jr., Gina Gay Gardner and Lou Zane Gardner Burleson have applied for an amendment to Certificate of Adjudication No. 14-1496 to authorize an additional reservoir on Maynard Creek, Colorado River Basin for recreational purposes in Kimble County.

All fees have been paid and the application is sufficient for filing.

Brent Rougeau

Brent Rougeau, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

CHIEF CLERKS OFFICE

2017 OCT 12 PM 1:44

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OCC Mailed Notice Required YES NO

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 12, 2017

Ms. Caroline Runge
Menard County Water Control and Improvement District No. 1
P.O. Box 1215
Menard, TX 76859

RE: Gardner Family Trust, Jack Garner Gardner, Jr., Gina Gay Gardner and Lou Zane
Gardner Burluson
ADJ 1496
CN604395129, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 14-1496A to Amend Certificate of Adjudication No. 14-1496
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Maynard Creek, Colorado River Basin
Kimble County

Dear Ms. Runge:

This acknowledges receipt of the requested additional information on July 25, 2017.

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 12, 2017. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me at Brent.Rougeau@tceq.texas.gov or by phone at (512) 239-0321.

Sincerely,

Brent Rougeau, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

 Share  Copy link  Download  Delete  Copy to  Version history   Previous 8

From: Brent Rougeau
Sent on: Thursday, October 12, 2017 7:04:39 PM
To: [REDACTED]
Subject: GARDNER FAMILY TRUST 14-1496
Attachments: Admin Complete Letter Gardner 14-1496A.pdf (79.17 KB)

Good Afternoon Caroline,

The Gardner Family Trust Application, 14-1496, has been declared administratively complete today.

Thank you
Brent Rougeau
512-239-0321



16-MAR-16 10:18 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Paid In By</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Card Auth.</u>	<u>User Data</u>	<u>Tran Code</u>	<u>Rec Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP-	PTGU			M623017B			1156				N		B500048735		16-MAR-16	-\$1,154.32
WATER USE PERM	PTGU			141496A			031416						D6804304			
			NOTICE FEES WUP WATER USE PERMITS	GARDNER, JUDY			SPREDEAV				CK					
Total (Fee Code) :																-\$1,154.32



16-MAR-16 10:18 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Paid In By</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Card Auth.</u>	<u>User Data</u>	<u>Tran Code</u>	<u>Rec Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			M623016			5358				N		B800048735		16-MAR-16	-\$100.00
	WUP			ADJ123755			031416				N		D6804304			
	WUP			WINTERROWD			SPREDEAU				CK					
	WUP			FARM												
	WUP			M623017A			1156				N		B800048735		16-MAR-16	-\$107.95
	WUP			141496A			031416				N		D6804304			
	WUP			GARDNER,			SPREDEAU				CK					
	WUP			JUDY												

Total (Fee Code) : -\$207.95

Grand Total : -\$1,962.27

**MENARD COUNTY WATER
CONTROL AND IMPROVEMENT DISTRICT NO. 1
P. O. Box 1215
Menard, Texas 76859**

Menard County Courthouse
2nd Floor
206 E. San Saba Street

Telephone: 325-396-3670
Fax : 325-396-3921
e-mail: [REDACTED]

24 July 2017

Mr. Brent Rougeau, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team- MC 160
P. O. Box 13087
Austin, TX 78711-13087

Re: Judith Ann Gardner, Trustee, Jack Gardner, Jr., Gina Gay Gardner
and Lou Zane Gardner Burlison
ADJ 1496
Application No. 1496A to Amend Certificate of Adjudication No. 1496

Dear Mr. Rougeau:

In response to your letter dated July 7, 2017, requesting additional information concerning the above-referenced application, the landowners confirm the following:

1. That the alternate source of water for the reservoir will be from Certificate of Adjudication No. 14-1496.
2. That there is no alternate source of water for the reservoir from any groundwater wells.

Please let me know if you need any additional information.

Thank you,

Sincerely yours,

Caroline R. Runge
Manager

RECEIVED
2017 JUL 25 A 8:24
WATER AVAILABILITY DIV.

**MENARD COUNTY WATER
CONTROL AND IMPROVEMENT DISTRICT NO. 1
P. O. Box 1215
Menard, Texas 76859**

Menard County Courthouse
2nd Floor
206 E. San Saba Street

Telephone: 325-396-3670
Fax : 325-396-3921
e-mail: [REDACTED]

24 July 2017

Mr. Brent Rougeau, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team- MC 160
P. O. Box 13087
Austin, TX 78711-13087

Re: Judith Ann Gardner, Trustee, Jack Gardner, Jr., Gina Gay Gardner
and Lou Zane Gardner Burluson
ADJ 1496
Application No. 1496A to Amend Certificate of Adjudication No. 1496

Dear Mr. Rougeau:

In response to your letter dated July 7, 2017, requesting additional information concerning the above-referenced application, the landowners confirm the following:

1. That the alternate source of water for the reservoir will be from Certificate of Adjudication No. 14-1496.
2. That there is no alternate source of water for the reservoir from any groundwater wells.

Please let me know if you need any additional information.

Thank you,

Sincerely yours,

Caroline R. Runge
Manager



From: Caroline Runge <[REDACTED]>
Sent on: Monday, July 24, 2017 9:13:51 PM
To: Brent Rougeau <Brent.Rougeau@Tceq.Texas.Gov>
Subject: Re: Gardner 14-1496 Follow Up RFI
Attachments: TCEQ- WR- 14-1496 -Gardner 7-24-2017.doc (29 KB)

Good Afternoon Brent-

I put in the mail today a hard copy of the attached letter regarding the Gardners WR 14-1496 application.

I appreciate your bringing it to my attention - I don't know how I missed responding to your first letter. Apologies.

Thank you,
Caroline

-----Original Message-----

From: Brent Rougeau
Sent: Friday, July 07, 2017 11:27 AM
To: mcuwd [REDACTED]
Subject: Gardner 14-1496 Follow Up RFI

Good Morning Caroline,

Please find a follow up RFI attached for the Gardner 14-1496 application.
Please respond by 7/24/17.

Thank you,
Brent Rougeau
512-239-0321

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 7, 2017

Ms. Caroline Runge
Menard County Water Control and Improvement District No. 1
P.O. Box 1215
Menard, TX 76859

CERTIFIED MAIL

9489 0090 0027 6009 4090 79

RE: Gardner Family Trust, Jack Garner Gardner, Jr., Gina Gay Gardner and Lou Zane
Gardner Burleson
ADJ 1496
CN604395129, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 14-1496A to Amend Certificate of Adjudication No. 14-1496
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Maynard Creek, Colorado River Basin
Kimble County

Dear Ms. Runge:

This is a follow-up to our previous letter dated May 23, 2017 (copy enclosed) requesting additional information for the referenced application. To date, a response has not been received.

Please submit the information requested by **July 24, 2017** or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter please contact me via email at brent.rougeau@tceq.texas.gov or by telephone at (512) 239-0321.

Sincerely,

A handwritten signature in cursive script that reads "Brent Rougeau".

Brent Rougeau, Project Manager
Water Rights Permitting Team
Water Rights Permitting & Availability Section

Enclosure

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 23, 2017

Ms. Caroline Runge
Menard County Water Control and Improvement District No. 1
P.O. Box 1215
Menard, TX 76859

CERTIFIED MAIL

9489 0090 0027 6009 4094 51

RE: Judith Ann Gardner, Trustee, Jack Garner Gardner, Jr., Gina Gay Gardner and
Lou Zane Gardner Burleson
ADJ 1496
CN604368126, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 14-1496A to Amend Certificate of Adjudication No. 14-1496
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Maynard Creek, Colorado River Basin
Kimble County

Dear Ms. Runge:

This acknowledges receipt, on March 8 and March 10, 2016 of additional information and fees in the amount of \$1,262.27 (Receipt Nos. M623017A and M623017B, enclosed).

The March 8, 2016 response requested TCEQ to confirm that seven acre-feet of water would be sufficient to permit the reservoir. Any permit issued for the impoundment would include provisions to protect other water rights and the environment. Texas Water Code 11.122(b) requires that any amendment issued must be conditioned so there is no greater impact on other water rights or the environment than there would be if the impoundment was not there. Any amendment granted by TCEQ would include provisions requiring that water be passed downstream to more senior water rights if needed by those water rights.

Staff notes that the priority date of Certificate of Adjudication 14-1496 is 1898. In general, if a more senior water right is used, the water right would be available more often to compensate for any impacts associated with the impoundment.

Additional information is required before the application can be declared administratively complete.

1. Confirm that the alternate source of water for the reservoir will be from Certificate of Adjudication No. 14-1496. The March 8, 2016 response indicates Certificate of Adjudication 14-1928.

Judith A. Gardner Trustee
Application No. 14-1496A
May 23, 2017
Page 2 of 2

2. Provide the following information on any groundwater well or wells to be used as an alternate source including but not limited to: the depth of well, the name of the aquifer and formation from which the water is withdrawn, a 24-hour pump test, and water quality information. Water quality information should include, but not be limited to, the following: chloride, sulfate, total dissolved solids (TDS), pH, and temperature. Temperature must be measured on site at the time the groundwater sample is collected. If data for on-site wells are unavailable, historical data collected from similar sized wells drawing water from the same aquifer may be provided.

Please provide the requested information and fees by **June 22, 2017** or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter please contact me via email at brent.rougeau@tceq.texas.gov or by telephone at (512) 239-0321.

Sincerely,



Brent Rougeau, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosures

**MENARD COUNTY WATER
CONTROL AND IMPROVEMENT DISTRICT NO. 1
P. O. Box 1215
Menard, Texas 76859**

Menard County Courthouse
2nd Floor
206 E. San Saba Street

Telephone: 325-396-3670
Fax : 325-396-3921
e-mail: [REDACTED]

8 March 2016

Mr. Brent Rogeau, Project Manager
Texas Commission on Environmental Quality
Water Rights Permitting Team- MC 160
P. O. Box 13087
Austin, TX 78711-13087

CERTIFIED MAIL
and e-mail

Re: Judith Ann Gardner, Trustee, Jack Gardner, Jr., Gina Gay Gardner
and Lou Zane Gardner Burleson
ADJ 1496
Application No. 1496A to Amend Certificate of Adjudication No. 1496

Dear Mr. Rogeau:

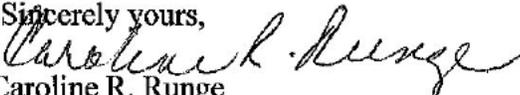
The Gardner family has requested my help with getting their dam permitted and have passed on to me your letter dated January 13, 2016. Their attorney, Keaton Blackburn, has also furnished me with some, but not all, of the documents relating to their application.

It is my understanding that the Gardners are owners of Certificate of Adjudication 1928 authorizing 35 acre-feet of irrigation on Maynard Creek. I have recommended that they apply to amend that COA to add recreational use for the water necessary to permit the dam. Before I file the additional amendment please confirm whether the addition of 7 acre-feet of recreation use will be sufficient.

1. In response to your request for additional information, I have mailed separately a USGS 7.5 minute topographic map with the location of the subject dam marked. There are no other reservoirs on the Gardner property. A copy of a partial section of the Roosevelt, TX USGS topographic map is attached to this letter with the dam site marked.
2. Applicants inform me that the names of all the persons or entities who own the property on which the dam is located are on the application which has been submitted.
3. A check in the amount of \$1262.27 has been mailed with the USGS topo map.

I will call you to determine what additional information you require.

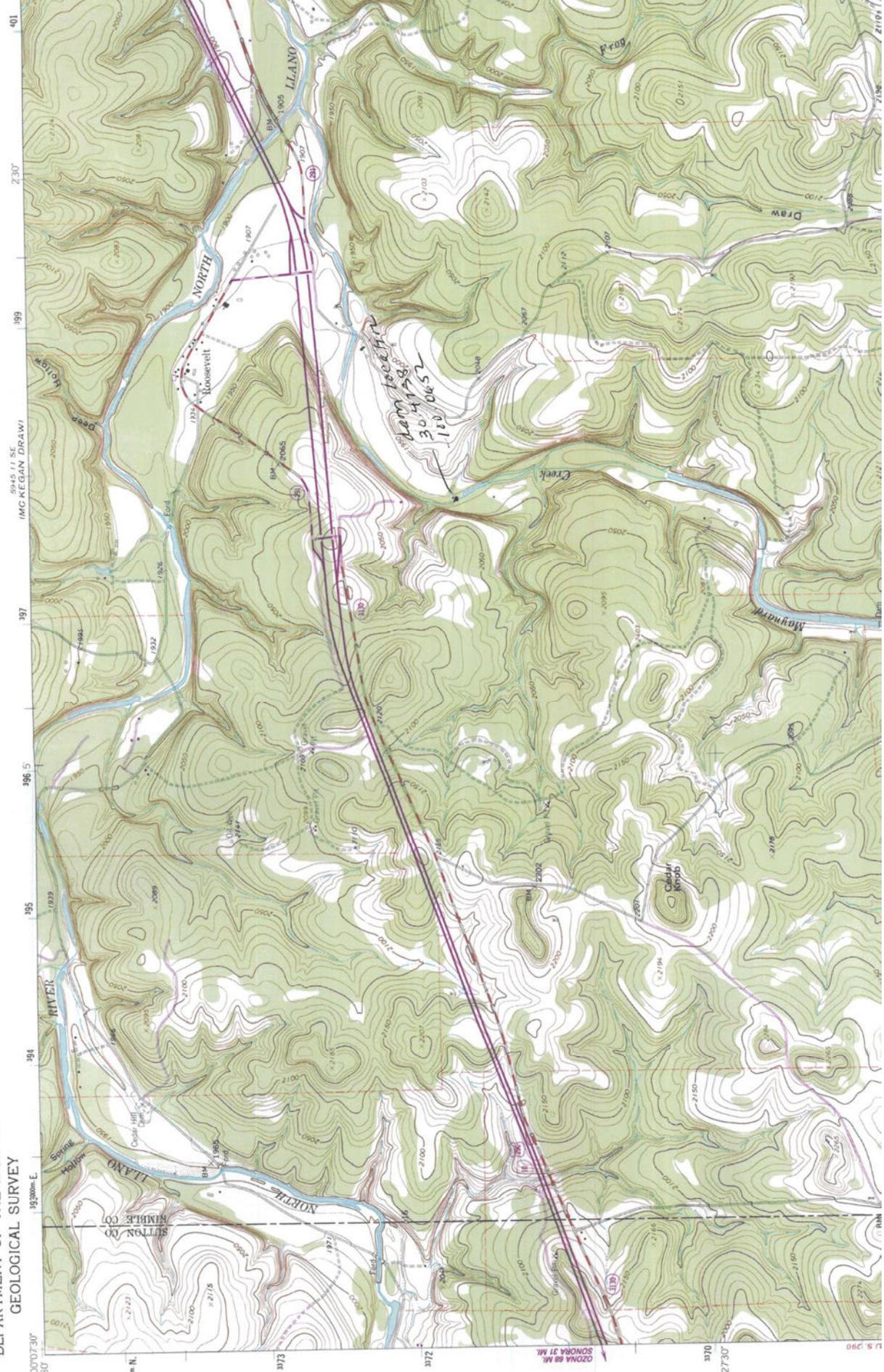
Thank you for your consideration of this application.

Sincerely yours,

Caroline R. Runge
Manager

10-MAR-16 PM 4:01

896 ft SW
(PROKLEG MTN)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



5945 1/2 SE
(MC KEGAN DRAW)

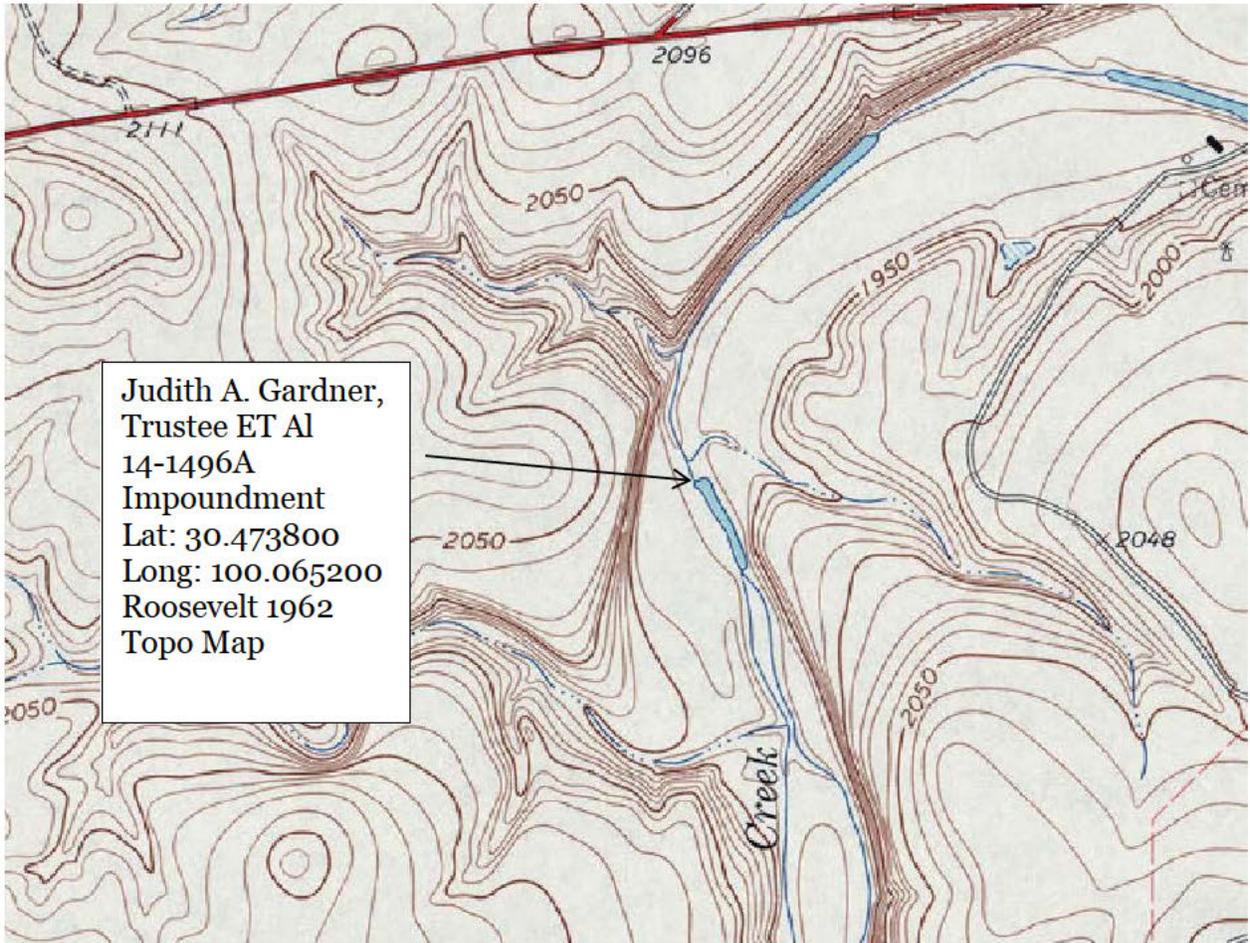
100°07'30"
30' 50"

3174000m N.

SONORA 31 MI

27°30'

U.S. 1990



Judith A. Gardner,
Trustee ET Al
14-1496A
Impoundment
Lat: 30.473800
Long: 100.065200
Roosevelt 1962
Topo Map

 Share  Copy link  Download  Delete  Copy to  Version history   Previous 1

From: Caroline Runge <[REDACTED]>
Sent on: Wednesday, March 9, 2016 12:43:05 AM
To: Brent Rougeau <Brent.Rougeau@Tceq.Texas.Gov>
Subject: Amendment for COA 1496- Gardner
Attachments: TCEQ- WR- 14-1496 -Gardner 3-8-2016.doc (28.5 KB)

Mr. Rougeau:

The attached letter regarding the permit for the Gardner's dam in Kimble County was mailed to you today, together with a check for fees and a USGS topo map.

I will try to contact you by telephone tomorrow.

Thank you,

Caroline Runge

Caroline R. Runge, Manager
Menard County Water Control and Improvement District No. 1
P. O. Box 1215
Menard, TX 76859
Telephone; 325-396-3670
Fax: 325-396-3921
e-mail: [REDACTED]



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 8, 2016

Ms. Judith A. Gardner, Trustee
P.O. Box 207
Junction, Texas 76849

CERTIFIED MAIL

RE: Judith Ann Gardner, Trustee, Jack Garner Gardner, Jr., Gina Gay Gardner and
Lou Zane Gardner Burleson
ADJ 1496
CN604368126, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 1496A to Amend Certificate of Adjudication No. 1496
Texas Water Code §11.122, Requiring Full Basin Mailed and Published Notice
Maynard Creek, Colorado River Basin
Kimble County, Texas

Dear Ms. Gardner:

This acknowledges receipt, on February 8, 2016, of the applicants' request for an extension of time to respond to the Texas Commission on Environmental Quality (TCEQ) request for additional information letter, dated January 13, 2016.

A 30 day extension is granted until March 8, 2016, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code §281.18. No further extensions will be granted associated with this request for information.

If you have any questions concerning the application, please contact Brent Rougeau via e-mail at Brent.Rougeau@tceq.texas.gov or by telephone at (512) 239-0321.

Sincerely,

A handwritten signature in cursive script that reads "Lori Hamilton".

Lori Hamilton, Manager
Water Rights Permitting & Availability Section
Water Availability Division

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 8, 2016

Ms. Judith A. Gardner, Trustee
P.O. Box 207
Junction, Texas 76849

CERTIFIED MAIL

RE: Judith Ann Gardner, Trustee, Jack Garner Gardner, Jr., Gina Gay Gardner and
Lou Zane Gardner Burluson
ADJ 1496
CN604368126, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 1496A to Amend Certificate of Adjudication No. 1496
Texas Water Code §11.122, Requiring Full Basin Mailed and Published Notice
Maynard Creek, Colorado River Basin
Kimble County, Texas

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A 30 day extension is granted until March 8, 2016, and after that date the application may be returned pursuant to Title 30 Texas Administrative Code §281.18. No further extensions will be granted associated with this request for information.

If you have any questions concerning the application, please contact Brent Rougeau via e-mail at Brent.Rougeau@tceq.texas.gov or by telephone at (512) 239-0321.

Sincerely,

Lori Hamilton, Manager
Water Rights Permitting & Availability Section
Water Availability Division

WILLIAM KEATON BLACKBURN
Attorney at Law
101 North 6th Street
Post Office Box 446
Junction, Texas 76849-0446

Telephone No.: 325-446-3336

Telecopier No.: 325-446-3337

Email address: [REDACTED]

February 8, 2016

Mr. Brent Rougeau
Project Manager
Water Rights Permitting Team
Water Availability Division
Texas Commission On Environmental Quality
Post Office Box 13087
Austin, Texas 78711-3087

Re: Judith Ann Gardner, Trustee, Jack Garner Gardner, Jr., Gina Gay Gardner and
Lou Zane Gardner Burleson
ADJ 1496
CN604368126, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 1496A to Amend Certificate of Adjudication No. 1496
Texas Water Code §11.122, Requiring Full Basin Mailed and Published Notice
Maynard Creek, Colorado Basin
Kimble County, Texas

Dear Mr. Rougeau:

My clients, Judith Ann Gardner, Trustee, Jack Garner Gardner, Jr., Gina Gay Gardner and Lou Zane Gardner Burleson, received a letter from T.C.E.Q. dated January 12, 2016, requesting certain additional information and payment of fees by February 10, 2016, in order for the application process to proceed.

The application was filed in December, 2013, was on file with T.C.E.Q. for over two years before my clients received the January 12th letter.

My clients are requesting an extension of 30 days from February 10, 2016, in order to obtain and file the requested information and to pay the stated fees.

This request by applicants **is not** made to delay the application process, but only to allow the applicants sufficient time to obtain and file the requested information.

Judith Ann Gardner, Trustee, is also signing this letter requesting the 30 day extension.

Yours truly,



William Keaton Blackburn



Judith Ann Gardner, Trustee



wkb
enc.

Sent by:

- (1) certified mail, return receipt requested, and
- (2) by email to Brent.Rougeau@tceq.texas.gov

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Kenton Blackburn

Call from: _____

Date of call: 1-21-16

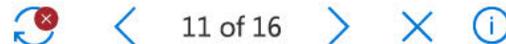
File no.: _____

Phone no.: ([REDACTED]) _____

Subject: _____

Information for file: Kenton Blackburn had several questions for the RFI he received. Second paragraph states he needs an alternate source. He is unsure if this applies to him and his clients. Asked if all information is given what would be next step in process. He also asked what to do if he didn't have enough time to reply to the RFI.

Signed Bart R



11 of 16

From: Brent Rougeau
Sent on: Wednesday, January 13, 2016 7:30:24 PM
To: [REDACTED]
Subject: Gardner 14-1496 RFI
Attachments: Gardner RFI.pdf (101.35 KB), R411477.pdf (18.96 KB)

Good afternoon Keaton,

Please find the attached RFI and receipt that was mailed today. Response is due February 10th. Please let me know if you have any questions or concerns.

Thank you,

Brent Rougeau, Project Manager
Water Rights Permits Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P)512.239.0321
(F)512.239.4770

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 13, 2016

Ms. Judith A. Gardner, Trustee
P.O. Box 207
Junction, Texas 76849

CERTIFIED MAIL

91 7199 9991 7031 8237 2438

RE: Judith Ann Gardner, Trustee, Jack Garner Gardner, Jr., Gina Gay Gardner and
Lou Zane Gardner Burleson
ADJ 1496
CN604368126, CN604395079, CN604395152, CN604395145, RN102708849
Application No. 1496A to Amend Certificate of Adjudication No. 1496
Texas Water Code §11.122, Requiring Full Basin Mailed and Published Notice
Maynard Creek, Colorado River Basin
Kimble County, Texas

Dear Ms. Gardner:

This acknowledges receipt of the *Change of Ownership* form on December 16, 2013, the referenced amendment application on June 9, 2014, and fees in the amount of \$100.00 on December 18, 2013 (Receipt No. R411477, enclosed).

This area is considered to have limited to no water available for appropriation for either a term or perpetual right. The proposed reservoir might require an alternate water supply source to account for evaporative losses and any diversions from the reservoir. TCEQ would probably be unable to recommend granting the application without an alternate source of water. In addition, TCEQ adopted environmental flow standards for the Colorado and Lavaca Rivers and Matagorda and Lavaca Bays on August 8, 2012. All applications for new appropriations are subject to the adopted standards.

If an alternate source will be included in the application, provide documentation for the alternate source such as a signed water supply contract, a contract for reuse of effluent, or groundwater. If groundwater will be used, provide the following information on any well or wells to be used including, but not limited to: the depth of well, the name of the aquifer and formation from which the water is withdrawn, a 24-hour pump test, and water quality information. Water quality information should include, but not be limited to, the following: chloride, sulfate, total dissolved solids (TDS), pH, and temperature. Temperature must be measured on site at the time the groundwater sample is collected.

If data for on-site wells are unavailable, historical data collected from similar sized wells drawing water from the same aquifer may be provided.

Additional information and fees are required before the application can be declared administratively complete.

1. Provide a USGS 7.5 minute topographic map (or equivalent) with the location of all existing reservoirs clearly marked.
2. Provide an application in the names of all entities named on the deeds for the property on which the proposed diversion point, reservoirs, and land to be irrigated are located pursuant to Title 30 Texas Administrative Code (TAC) §295.11, otherwise, provide the following for all landowners not joining the application:
 - a. a list of the names and address of all landowners;
 - b. a copy of a duly acknowledged written easement, consent, or license from the landowners not joining the application or of a written lease or other evidence of agreement between those landowners and the applicant.
3. Remit fees in the amount of **\$1,262.27**, as described below. Please make check payable to TCEQ or the Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Ownership Fee	\$	100.00
Recording Fee (\$1.25 x 1 page)	\$	1.25
Notice Fee (Colorado River Basin)	\$	1,154.32
Storage (\$1.00 x 6.7 acres)	\$	6.70
TOTAL FEES	\$	1,362.27
FEES RECEIVED	\$	100.00
BALANCE DUE	\$	1,262.27

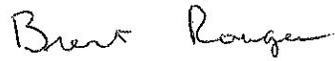
Please submit the requested information and fees by **February 10, 2016** or the application may be returned pursuant to Title 30 TAC §281.18.

Please note that requests to put a dam on and impound water on a navigable stream may require consent from the General Land Office (GLO) pursuant to Title 31 TAC § 13.21. You should contact the GLO to see if they have any requirements that must be met for this project. Please note that this is required because generally the State owns the land beneath navigable streams, and GLO is the state agency that manages state-owned lands. You can contact the GLO at 1.800.998.4GLO (4456) to determine if construction of the dam requires their consent.

Ms. Judith A. Gardner, Trustee
Application No. 14-1496A
January 13, 2016
Page 3 of 3

If you have questions concerning this application, please contact me by e-mail at Brent.Rougeau@tceq.texas.gov or by phone at (512) 239-0321.

Sincerely,



Brent Rougeau, Project Manger
Water Rights Permitting Team
Water Availability Division

Enclosure

cc: William Keaton Blackburn



18-DEC-13 09:36 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Account Name</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Paid In By</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Slip Key</u>	<u>Tran Code</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			R411477			29423		BS00032581		18-DEC-13	-\$100.00
	WUP			ADJ141496			121613	N	D4801885			
			WATER USE PERMITS	R D			RCROWDER	CK				
				KOTHMANN								
				INSURANCE								
				AGENCY								
	WUP			R411478			3287		BS00032581		18-DEC-13	-\$184.69
	WUP						121613	N	D4801885			
			WATER USE PERMITS	JONES HEROY			RCROWDER	CK				
				ASSOCIATES								
				INC								

Total (Fee Code):

-\$284.69

2013 DEC 19 PM 11 18
 RECEIVED
 TCEQ
 WATER SUPPLY DIV.



From: Brent Rougeau
Sent on: Thursday, August 13, 2015 3:40:20 PM
To: [REDACTED]
Subject: Gardner 14-1496
Attachments: Eric Kuehns Maps.pdf (2.63 MB), GLO.PNG (2.85 MB), Google Earth.PNG (2.45 MB), Investigation Report 6-25-2013.pdf (13.67 MB)

Mr. Blackburn,

It appears the TCEQ did an investigation due to a complaint. During the investigation, the investigators found a second impoundment that was not permitted on Maynard Creek. I have attached the Investigative report. I also have attached screenshots from the GLO and Google Earth, in addition a couple of maps from Eric Kuehn. The coordinates for the impoundment under COA 14-1496 are: Lat 30.48022, Long 100.053645. The coordinates for the impoundment not permitted are: Lat 30.473800 and 100.065200.

Please let me know if you need more information.

Brent Rougeau, Project Manager
Water Rights Permitting Team
Water Availability Division
(512) 239-0321
Brent.Rougeau@tceq.texas.gov



From: Russell Bond
Sent on: Wednesday, November 12, 2014 4:52:18 PM
To: James Sallans <[REDACTED]>
Subject: Navigability of Maynard Creek, Kimble County
Attachments: 201410201006.pdf (1.28 MB)

Good morning Jim,

Please see the attached letter from the GLO stating that based upon their review it appears that Maynard Creek in Kimble County is navigable.

If I can be of any other assistance, please let me know.

Thanks,

Russ

Russell Bond
Project Manager
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
(P) 512-239-0321
(F) 512-239-4770

[Share](#) [Copy link](#) [Download](#) [Delete](#) [Copy to](#) [Version history](#) [Refresh](#) [Previous](#) 1

From: Mark Neugebauer <[REDACTED]>
Sent on: Monday, October 20, 2014 3:09:57 PM
To: Russell Bond <Russell.Bond@tceq.texas.gov>
Subject: Fwd: Maynard Creek, Kimble County, Tx, letter
Attachments: 201410201006.pdf (1.28 MB)

Good morning Russell,

I am forwarding you a letter regarding Maynard Creek, Kimble County, Texas. If you have any questions please do not hesitate to contact me.

Thanks,

Mark

Mark J. Neugebauer

RPLS, LSLS

Texas General Land Office

Surveying Division

P.O. Box 12873

Austin, Texas 78711-2873

Off. (512) 475-1437

Fax (512) 475-4619

[\[REDACTED\]](#)

>>> [REDACTED]

This E [REDACTED]

Scan Date: 10.20.2014 10:06:08 (-0500)

Queries to: [REDACTED]

[Share](#) [Copy link](#) [Download](#) [Delete](#) [Copy to](#) [Version history](#) [Refresh](#) [Previous](#) 1

From: Mark Neugebauer <M[REDACTED]>
Sent on: Monday, October 20, 2014 3:09:57 PM
To: Russell Bond <Russell.Bond@tceq.texas.gov>
Subject: Fwd: Maynard Creek, Kimble County, Tx, letter
Attachments: 201410201006.pdf (1.28 MB)

Good morning Russell,

I am forwarding you a letter regarding Maynard Creek, Kimble County, Texas. If you have any questions please do not hesitate to contact me.

Thanks,

Mark

Mark J. Neugebauer

RPLS, LSLS

Texas General Land Office

Surveying Division

P.O. Box 12873

Austin, Texas 78711-2873

Off. (512) 475-1437

Fax (512) 475-4619

[\[REDACTED\]](#)

[REDACTED]



From: Russell Bond
Sent on: Thursday, August 28, 2014 8:03:24 PM
To: [REDACTED]
Subject: Navigability of Maynard Creek, Colorado River Basin

Follow up: Follow up
Start date: Monday, September 8, 2014 12:00:00 AM
Due date: Friday, September 12, 2014 12:00:00 AM

Good afternoon Mark,

Can you please provide a navigability determination for the following point on Maynard Creek, Colorado River Basin: being at Latitude 30.473800°N, Longitude 100.065200°W, in Kimble County, Texas.

If you need any further information, please let me know.

Thanks,

Russ

Russell Bond
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
(P) 512-239-0321
(F) 512-239-4770



From: [REDACTED]
Sent on: Tuesday, August 19, 2014 12:38:05 PM
To: Russell Bond <Russell.Bond@tceq.texas.gov>
Subject: RE: Permit Exemptions for Domestic and Livestock Uses (Recreation)

Follow up: Follow up
Follow up status: Completed
Completed on: Monday, August 25, 2014 6:11:00 PM

Mr. Bond, I have not as of yet received the *Request For Information* letter. Will I be receiving it soon? Thank you, Keaton Blackburn.

From: Russell Bond [mailto:Russell.Bond@tceq.texas.gov]
Sent: Thursday, July 17, 2014 3:31 PM
To: k [REDACTED]
Subject: Permit Exemptions for Domestic and Livestock Uses (Recreation)

Mr. Blackburn,

Per our conference call on July 16, 2014, please find the following links to:

- TWC Chapter §11.142 – Permit Exemptions
 - <http://www.statutes.legis.state.tx.us/Docs/WA/htm/WA.11.htm>
- TAC Chapter §297.21 – Domestic and Livestock and Wildlife Permit Exemptions
 - [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=)
- TAC Chapter §297.1 (18)(28)(33) – Definitions
 - [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=)

Staff will continue preparing a *Request for Information* letter based upon the application and the recently submitted additional information. If you have any questions or concerns, please feel free to contact me via email at Russell.Bond@tceq.texas.gov or by phone at (512) 239-0321.

Regards,

Russell Bond
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: William Keaton Blackburn

Call from: Russell Bond

Date of call: 06/11/2014

File no.: _____

Phone no.: [REDACTED]

Subject: _____

Information for file: 6/16/2014 Mr. Keaton Blackburn returned Mr. Bond's phone call from 06/11/2014

Mr. Blackburn stated he would like to clarify a typo on the cover letter referencing COA 1928. He stated that number was incorrect and verified the correct COA to be 14-1496. Mr. Blackburn further stated the application for amendment to 14-1496 was only for permitting an existing dam for recreational use only. Mr. Blackburn stated this was an additional ^{existing} dam and that it was not the impoundment authorized in 14-1496.

Signed 



[Main Query Page](#) [Program Area Search](#)

Regulated Entity Detail					
Regulated Entity Name:	WR GARDNER SOUTH DAM			RN:	RN106881675
Status:	Active	Status Comment:		Stand Alone:	N
Physical Address:	No physical or street address on file.			County:	KIMBLE
Physical Location:	APPROX 1.3 MI SSW OF THE COMMUNITY OF ROOSEVELT TX				
Nearest City:	JUNCTION	State:	TX	Zip Code:	76849
Latitude:		Longitude:			

1-1 of 1 Records

Affiliated Customers					List All
CN Number	Customer ▲	Role	Begin Date	End Date	RE Comp Hist
CN604368126	GARDNER, JUDITH ANN	OWNER	06/25/2013	12/31/3000	UNCLASSIFIED

1-1 of 1 Records

Program Interests								
Program	RE Type	ID Type	Addn ID	Addn ID Status	Alt RE Name	Role	Customer Name (CN)	Begin Date - End Date
WATER QUALITY NON PERMITTED	SITE	ID NUMBER	R08106881675	ACTIVE		OWNER	GARDNER, JUDITH ANN (CN604368126)	06/25/2013 - 12/31/3000

[Central Registry Glossary](#) [Central Registry Help](#) [Map of Regional Planning Areas](#) [Migrated Systems](#)

For questions or comments regarding this T-Net page contact: [Central Registry](#)
 This site was last modified: August 27, 2010

Possibly same dam as appliztron. Waiting on call back from Gaine N.



[Main Query Page](#) [Program Area Search](#)

Regulated Entity Detail					
Regulated Entity Name:	ADJ 1496			RN:	RN102708849
Status:	Active	Status Comment:		Stand Alone:	N
Physical Address:	No physical or street address on file.			County:	KIMBLE
Physical Location:	NO LOCATION ON FILE				
Nearest City:		State:	TX	Zip Code:	
Latitude:	30° 28 min 54 sec (30.481583)		Longitude:	100° 3 min 33 sec (-100.059212)	

1-8 of 8 Records

Affiliated Customers						List All
CN Number	Customer	Role	Begin Date	End Date	RE Comp Hist	
CN604395145	GARDNER BURLESON, LOU ZANE	OWNER	12/26/2012	12/31/3000	N/A	
CN604395129	GARDNER FAMILY TRUST	OWNER	05/16/2005	12/31/3000	N/A	
CN604395152	GARDNER, GINA GAY	OWNER	12/26/2012	12/31/3000	N/A	
CN604395103	GARDNER, JACK G	OWNER	01/18/1996	12/31/3000	N/A	
CN604395079	GARDNER, JACK GARNER JR	OWNER	12/5/1995	12/31/3000	N/A	
CN604368126	GARDNER, JUDITH ANN	OWNER	05/16/2005	12/31/3000	N/A	
CN604395111	GARDNER, JUDY K	OWNER	01/18/1996	12/31/3000	N/A	
CN601160344	GARDNER, SHANNON	OWNER	06/23/1993	12/31/3000	N/A	

1-15 of 15 Records

Program Interests								
Program	RE Type	ID Type	Addn ID	Addn ID Status	Alt RE Name	Role	Customer Name (CN)	Begin Date - End Date
WATER QUALITY NON PERMITTED	SITE	ID NUMBER	R08102708849	ACTIVE	ADJ 1496	OWNER	GARDNER, JACK G (CN604395103)	01/18/1996 - 12/31/3000
WATER QUALITY NON PERMITTED	SITE	ID NUMBER	R08102708849	ACTIVE	ADJ 1496	OWNER	GARDNER FAMILY TRUST (CN604395129)	05/16/2005 - 12/31/3000
WATER QUALITY NON PERMITTED	SITE	ID NUMBER	R08102708849	ACTIVE	ADJ 1496	OWNER	GARDNER, JUDITH ANN (CN604368126)	05/16/2005 - 12/31/3000
WATER QUALITY NON PERMITTED	SITE	ID NUMBER	R08102708849	ACTIVE	ADJ 1496	OWNER	GARDNER BURLESON, LOU ZANE (CN604395145)	12/26/2012 - 12/31/3000
WATER QUALITY NON PERMITTED	SITE	ID NUMBER	R08102708849	ACTIVE	ADJ 1496	OWNER	GARDNER, GINA GAY (CN604395152)	12/26/2012 - 12/31/3000
WATER QUALITY NON PERMITTED	SITE	ID NUMBER	R08102708849	ACTIVE	ADJ 1496	OWNER	GARDNER, JACK GARNER JR (CN604395079)	12/26/2012 - 12/31/3000
WATER RIGHTS	SITE	WR POINT	61401496301	ACTIVE	ADJ 1496	OWNER	GARDNER, BONNIE B (CN601376189)	08/15/1980 - 06/23/1993
WATER RIGHTS	SITE	WR POINT	61401496001	ACTIVE	ADJ 1496	OWNER	GARDNER, BONNIE B (CN601376189)	08/15/1980 - 06/23/1993
WATER RIGHTS	SITE	ID NUMBER	ADJ 1496	ACTIVE	61401496001 DP FROM RES ADJ 1496	OWNER	GARDNER, BONNIE B (CN601376189)	08/15/1980 - 06/23/1993
WATER RIGHTS	SITE	WR POINT	61401496301	ACTIVE	ADJ 1496	OWNER	GARDNER, SHANNON (CN601160344)	06/23/1993 - 12/31/3000

TEXAS SECRETARY of STATE
NANDITA BERRY

[UCC](#) | [Business Organizations](#) | [Trademarks](#) | [Notary](#) | [Account](#) | [Help/Fees](#) | [Briefcase](#) | [Logout](#)

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 801805983 **Entity Type:** Domestic Limited Liability Company (LLC)
Original Date of Filing: June 24, 2013 **Entity Status:** In existence
Formation Date: N/A
Tax ID: 32051331463 **FEIN:**
Duration: Perpetual
Name: R.D. Kothmann Insurance Agency, L.L.C.
Address: 1701 MAIN ST
 JUNCTION, TX 76849-3519 USA

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATED ENTITIES</u>
Name		Address			Inactive Date
Judith Ann Gardner		1701 Main Street Junction, TX 76849 USA			

[Order](#) [Return to Search](#)

Instructions:

- To place an order for additional information about a filing press the 'Order' button.



Basis 2 A/R Outstanding Past Due Transactions Detail Report By Customer Name

JUN-11-14 06:30 AM

Customer Name: GARDENDALE MEADOWS

Account #: 90680174

Debtcollpath Stage:

Calls:

PHS	SC00055986	LATE FEE - JUN 2011		10-JUN-11	10-JUN-11	\$1.06
PHS	SC00057758	LATE FEE - JUL 2011		11-JUL-11	11-JUL-11	\$1.06
PHS	SC00059541	LATE FEE - AUG 2011		10-AUG-11	10-AUG-11	\$1.06
PHS	SC00061291	LATE FEE - SEP 2011		12-SEP-11	12-SEP-11	\$1.06
PHS	SC00062847	LATE FEE - OCT 2011		10-OCT-11	10-OCT-11	\$1.06
PHS	SC00064598	LATE FEE - NOV 2011		10-NOV-11	10-NOV-11	\$1.06
PHS	SC00066682	LATE FEE - DEC 2011		12-DEC-11	12-DEC-11	\$1.06
PHS	SC00068540	LATE FEE - JAN 2012		10-JAN-12	10-JAN-12	\$1.06
PHS	SC00070650	LATE FEE - FEB 2012		10-FEB-12	10-FEB-12	\$1.06
PHS	SC00073187	LATE FEE - MAR 2012		12-MAR-12	12-MAR-12	\$1.06
PHS	SC00075612	LATE FEE - APR 2012		10-APR-12	10-APR-12	\$1.06
PHS	SC00077702	LATE FEE - MAY 2012		10-MAY-12	10-MAY-12	\$1.06
PHS	SC00079499	LATE FEE - JUN 2012		11-JUN-12	11-JUN-12	\$1.06
PHS	SC00081265	LATE FEE - JUL 2012		10-JUL-12	10-JUL-12	\$1.06
PHS	SC00083017	LATE FEE - AUG 2012		10-AUG-12	10-AUG-12	\$1.06
PHS	SC00084701	LATE FEE - SEP 2012		10-SEP-12	10-SEP-12	\$1.06
PHS	SC00086243	LATE FEE - OCT 2012		10-OCT-12	10-OCT-12	\$1.06
PHS	SC00088116	LATE FEE - NOV 2012		12-NOV-12	12-NOV-12	\$1.06
PHS	SC00090333	LATE FEE - DEC 2012		10-DEC-12	10-DEC-12	\$1.06
PHS	SC00092305	LATE FEE - JAN 2013		10-JAN-13	10-JAN-13	\$1.06
PHS	SC00094923	LATE FEE - FEB 2013		11-FEB-13	11-FEB-13	\$1.06
PHS	SC00097833	LATE FEE - MAR 2013		11-MAR-13	11-MAR-13	\$1.06
PHS	SC00100026	LATE FEE - APR 2013		10-APR-13	10-APR-13	\$1.06
PHS	SC00101900	LATE FEE - MAY 2013		10-MAY-13	10-MAY-13	\$1.06
PHS	SC00103564	LATE FEE - JUN 2013		10-JUN-13	10-JUN-13	\$1.06
PHS	SC00105055	LATE FEE - JUL 2013		10-JUL-13	10-JUL-13	\$1.06
PHS	SC00106578	LATE FEE - AUG 2013		12-AUG-13	12-AUG-13	\$1.06
PHS	SC00108195	LATE FEE - SEP 2013		10-SEP-13	10-SEP-13	\$1.06
PHS	SC00109696	LATE FEE - OCT 2013		10-OCT-13	10-OCT-13	\$1.06
PHS	SC00111408	LATE FEE - NOV 2013		13-NOV-13	13-NOV-13	\$1.06
PHS	SC00113249	LATE FEE - DEC 2013		10-DEC-13	10-DEC-13	\$1.06
PHS	SC00115232	LATE FEE - JAN 2014		10-JAN-14	10-JAN-14	\$1.06
PHS	SC00117767	LATE FEE - FEB 2014		10-FEB-14	10-FEB-14	\$1.06
PHS	SC00120683	LATE FEE - MAR 2014		10-MAR-14	10-MAR-14	\$1.06
PHS	SC00122873	LATE FEE - APR 2014		10-APR-14	10-APR-14	\$1.06
PHS	SC00124765	LATE FEE - MAY 2014		12-MAY-14	12-MAY-14	\$1.06

Total of delinquent transactions (Account): \$431.97
Total of delinquent transactions (Customer): \$431.97

Customer Name: GARDENHIRE OIL CO

Account #: 0017653U

Debtcollpath Stage: WHOLD:REFERRED,UNCOL:EXHAUST

Calls:

UST	UST0206835	REINSTATE INVOICE/APPLY CREDI	37870	11-APR-07	11-MAY-07	\$150.00
-----	------------	-------------------------------	-------	-----------	-----------	----------

Total of delinquent transactions (Account): \$150.00
Total of delinquent transactions (Customer): \$150.00

Customer Name: GARDNER & GARDNER INC

Account #: 0021928A

Debtcollpath Stage: WHOLD:REFERRED,UNCOL:EXHAUST

Calls:

AST	AST0122740	A'GROUND TANK FEE TANKS:FY03	0000052717	30-SEP-03	31-OCT-03	\$150.00
-----	------------	------------------------------	------------	-----------	-----------	----------

Total of delinquent transactions (Account): \$150.00
Total of delinquent transactions (Customer): \$150.00

Customer Name: GARDNER ASPHALT INC

Account #: 20036309

Debtcollpath Stage: WHOLD:REFERRED

Calls: MAIL

GPS	GPS0134925	GEN PMTS STORMWTR	FY09	TXR05W860	31-DEC-08	31-JAN-09	\$125.00
GPS	GPS0142172	GEN PMTS STORMWTR	FY10	TXR05W860	31-DEC-09	31-JAN-10	\$200.00
GPS	GPS0150199	GEN PMTS STORMWTR	FY11	TXR05W860	31-DEC-10	31-JAN-11	\$200.00
GPS	GPS0158251	GEN PMTS STORMWTR	FY12	TXR05W860	31-JAN-12	29-FEB-12	\$200.00

Total of delinquent transactions (Account): \$725.00

**JUDITH ANN GARDNER, TRUSTEE; JACK GARNER GARDNER, JR.; GINA GAY
GARDNER, and LU ZANE GARDNER BURLESON**
Post Office Box 207
Junction, Texas 76849-0446
Telephone Nos.: 325-446-2966 and 325-446-2320

May 13, 2014

Texas Commission On Environmental Quality
Water Permitting MC 160
Post Office Box 13088
Austin, Texas 78711-3088

Re: Application For Amendment To Water Right; Supplemental Dam/Reservoir
Information Sheet
Maynard Creek, Kimble County, Texas

RECEIVED
TCEQ
WATER SUPPLY DIV.
2014 JUN 10 PM 3 34

Dear Sirs:

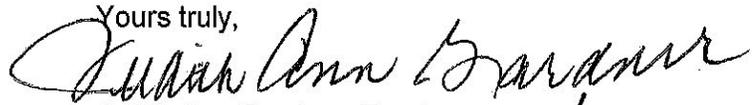
Enclosed are the completed TCEQ Application For Amendment To Water Right and Supplemental Dam/Reservoir Information Sheet.

The existing dam structure on Maynard Creek was built approximately 75 years and has been in the same location since that time.

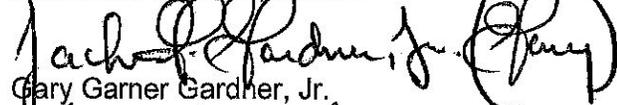
We are requesting the TCEQ issue a permit for the existing dam structure for the impoundment of water on Maynard Creek according to the Application and Supplemental Dam/Reservoir Information Sheet.

We are the owners of Certificate of Adjudication No. 1928 authorizing use to divert and use 35 acre feet of water from Maynard Creek, Kimble County, Texas, for irrigation purposes. Should it necessary to obtain the permit for the dam, we are request you furnish us the necessary forms to complete to apply for transferring a sufficient amount of the irrigation feet of water behind the dam.

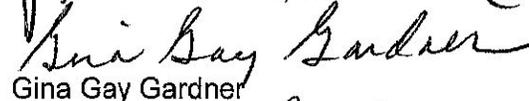
Yours truly,



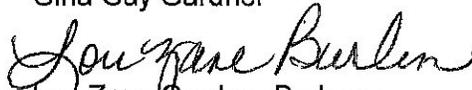
Judith Ann Gardner, Trustee



Gary Garner Gardner, Jr.



Gina Gay Gardner



Lou Zane Gardner Burleson



Texas Commission on Environmental Quality

PO Box 13087, MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-4770

NO MONEY

Received and Original Forward to Dept.

JUN 9 2014

TCEQ/Revenue Section

APPLICATION FOR AMENDMENT TO A WATER RIGHT

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

Customer Reference Number (if issued): CN

Note: If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

1. Name: Judith Ann Gardner, Trustee; Jack Garner Gardner, Jr.; Gina Gay Gardner and
Address: Post Office Box 207 Lou Zane Gardner Burleson
Junction, Texas 76849

Phone Number: 325-446-2966 Fax Number: 325-446-2664

Email Address: [Redacted]

2. Applicant owes fees or penalties?

[] Yes [X] No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number.

3. [] Permit No. [] Certificate of Adjudication No.

Stream: Maynard Watershed: North Llano River

Reservoir (present condition, if one exists):

County: Kimble

4. Proposed Changes To Water Right Authorizations:

(Attach additional page as necessary, attach map/piat depicting project location, diversion point, place of use, and other pertinent data).

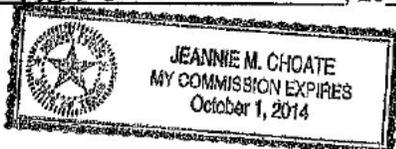
5. I understand the Agency may require additional information in regard to the requested amendment before considering this application.

Judith Ann Gardner (Signature)
Name (sign) Judith Ann Gardner, Trustee
Judith Ann Gardner
Gina Gay Gardner (Signature)
Name (print) Gina Gay Gardner
Gina Gay Gardner

Jack Garner Gardner, Jr. (Signature)
Name (sign) Jack Garner Gardner, Jr.
GARY GARDNER
Lou Zane Burleson (Signature)
Name (print) Lou Zane Gardner Burleson
Lou Zane Burleson

Subscribed and sworn to me as being true and correct before me this 4th day of

June, 2014.



Jeannie M. Choate (Signature)
Notary Public, State of Texas

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TCEQ
WATER SUPPLY DIV.
2014 JUN 10 PM 3 34

Supplemental Diversion Point Information Sheet

Diversion Point No. NOT APPLICABLE

1) Watercourse: _____

Location of point of diversion at Latitude _____°N, Longitude _____°W, also, bearing _____°, _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in

_____ County, Texas. (Provide the latitude and longitude coordinates in decimal degrees, to at least six decimal places. Indicate the method used to calculate the diversion point location).

3) Location from County Seat: _____ miles in a _____ direction from _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

4) Zip Code: _____

5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Existing	Proposed
Directly from stream		
From an on-channel reservoir		
From a stream to an off-channel reservoir		
From a stream to an on-channel reservoir		
From an off-channel reservoir		
Other method (explain fully, use additional sheets if necessary)		

6) Rate of Diversion (Check (√) applicable provision):

___ 1. Diversion Facility:

A. _____ Maximum gpm (gallons per minute)-

- 1) _____ Number of pumps
- 2) _____ Type of pump
- 3) _____ gpm, Pump capacity of each pump
- 4) Portable pump _____ Yes or _____ No

___ 2. If by gravity:

A. _____ Headgate _____ Diversion Dam _____ Maximum gpm

B. _____ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is _____ acres or _____ square miles.

Supplemental Dam/Reservoir Information Sheet

Dam (structure), Reservoir and Watercourse Data

A. Type of Storage Reservoir (indicate by checking (✓) all applicable)

on-channel off-channel existing structure proposed structure* exempt structure**

* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

** TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction _____

B. Location of Structure No. _____

1) Watercourse: Maynard Creek

2) Location from County Seat: 17.9 miles in a S 86° 45' W direction from Junction,
Kimble County, Texas.

Location from nearby town (if other than County Seat): 1.3 miles in a S 23° 18' W direction from
Roosevelt, a nearby town shown on county highway map.

3) Zip Code: 76874

4) The dam will be/is located in the Ernest Francke Original Survey
No. 529, Abstract No. 123 in Kimble County, Texas.

5) ~~Station XXXXXXXX~~ on the centerline of the dam is S 48° 04' W (bearing), 8147 feet
(distance) from the E or NE corner of Ernest Francke Original
Survey No. 529, Abstract No. 123, in Kimble County, Texas, also
being at Latitude 30.473800 °N, Longitude 100.065200 °W. (Provide the latitude and longitude
coordinates in decimal degrees, to at least six decimal places, indicate the method used to calculate the diversion point location).
hand held Garmin "GPS map 76"

C. Reservoir:

1) Acre-feet of water impounded by structure at normal maximum operating level: 6.7

2) Surface area in acres of reservoir at normal maximum operating level: 1.34

D. The drainage area above the dam is 45,242 acres or 70.7 square miles.

E. Other:

1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. _____ and watershed project name Not Applicable

2) Do you request authorization to close the "ports" or "windows" in the service spillway?

Yes No

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Not Applicable

1) Select the appropriate box for the source of water being discharged:

- Treated effluent
- Groundwater
- Other _____

2) Location of discharge point will be/is at Latitude _____° N, Longitude _____°W,
also bearing _____°, _____ feet from the _____ corner of the _____
Original Survey No. _____, Abstract No. _____, in _____ County, Texas.

Provide the latitude and longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location. (i.e., GPS Unit, USGS 7.5 Topographic Map, etc.)

3) Location from County Seat: _____ miles in a _____ direction from _____,
_____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____
direction from _____, a nearby town shown on county highway map.

4) Zip Code: _____

5) Water will be discharged into _____ stream/reservoir,
(tributaries) _____
_____ Basin.

6) Water will be discharged at a maximum rate of _____ cfs (_____ gpm).

7) The amount of water that will be discharged is _____ acre-feet per year.

8) The purpose of use for the water being discharged will be _____.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
4. What aquifer the water is being pumped from?

For treated effluent

1. What is the TPDES Permit Number? Provide a copy of the permit.
2. Provide the monthly discharge data for the past 5 years.
3. What % of treated water was groundwater, surface water?
4. If any original water is surface water, provide the base water right number.



TCEQ Core Data Form

TCEQ Use Only

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided)	
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)	
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other
2. Attachments Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Change of Ownership Form TCEQ-10204
3. Customer Reference Number (if issued)	4. Regulated Entity Reference Number (if issued)
CN	RN

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)	
6. Customer Role (Proposed or Actual) - as it relates to the Regulated Entity listed on this form. Please check only one of the following:	
<input type="checkbox"/> Owner	<input type="checkbox"/> Operator
<input type="checkbox"/> Occupational Licensee	<input type="checkbox"/> Responsible Party
<input type="checkbox"/> Owner & Operator	<input type="checkbox"/> Voluntary Cleanup Applicant
<input type="checkbox"/> Other: _____	
7. General Customer Information	
<input checked="" type="checkbox"/> New Customer	<input type="checkbox"/> Update to Customer Information
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State)	<input type="checkbox"/> Change in Regulated Entity Ownership
	<input type="checkbox"/> No Change**
**If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.	
8. Type of Customer:	
<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> City Government	<input type="checkbox"/> County Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> General Partnership
<input type="checkbox"/> Federal Government	<input type="checkbox"/> Limited Partnership
<input type="checkbox"/> State Government	<input checked="" type="checkbox"/> Other: Trust
9. Customer Legal Name (if an individual, print last name first: ex: Doe, John)	
Judith Ann Gardner, Trustee of the Gardner Family Trust; Jack Garner Gardner, Jr.; Lou Zane Gardner; and Gina Gay Gardner	Shannon Gardner
10. Mailing Address:	
Post Office Box 207	
City	Junction
State	TX
ZIP	76849
ZIP + 4	
11. Country Mailing Information (if outside USA)	
12. E-Mail Address (if applicable)	
13. Telephone Number	
14. Extension or Code	
15. Fax Number (if applicable)	
16. Federal Tax ID (9 digits)	
17. TX State Franchise Tax ID (11 digits)	
18. DUNS Number (if applicable)	
19. TX SOS Filing Number (if applicable)	
20. Number of Employees	
21. Independently Owned and Operated?	
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

SECTION III: Regulated Entity Information

22. General Regulated Entity Information (if 'New Regulated Entity' is selected below this form should be accompanied by a permit application)	
<input type="checkbox"/> New Regulated Entity	<input type="checkbox"/> Update to Regulated Entity Name
<input type="checkbox"/> Update to Regulated Entity Information	<input type="checkbox"/> No Change** (See below)
**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.	
23. Regulated Entity Name (name of the site where the regulated action is taking place)	

24. Street Address of the Regulated Entity: (No P.O. Boxes)						
	City		State		ZIP	ZIP + 4
25. Mailing Address:						
	City		State		ZIP	ZIP + 4
26. E-Mail Address:						
27. Telephone Number	28. Extension or Code		29. Fax Number (if applicable)			
() -			() -			
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (6 or 8 digits)		33. Secondary NAICS Code (5 or 8 digits)		
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)						

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:						
36. Nearest City	County		State		Nearest ZIP Code	
37. Latitude (N) In Decimal:	38. Longitude (W) In Decimal:					
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input type="checkbox"/> Municipal Solid Waste
<input type="checkbox"/> New Source Review - Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input type="checkbox"/> Stormwater	<input type="checkbox"/> Title V - Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input checked="" type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name: William Keaton Blackburn	41. Title: Attorney at Law
42. Telephone Number: (325) 446-3336	43. Ext./Code:
44. Fax Number: (325) 446-3337	45. E-Mail Address:

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

(See the Core Data Form instructions for more information on who should sign this form.)

Company:	Job Title:
Name (In Print): Judith Ann Garnder, Trustee; Jack Garner Gardner, Jr.; Lou Zane Gardner Burleson ; Gina Gay Gardner	Phone: (325) 446-2966

Signature:

Date:

12-4-2013

- x *Brian Gay Gardner -*
- x *Quinn Ann Gardner*
- x *Jack Langer Gardner, Jr.*
- x *Dr. Paul Berlem*

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WILLIAM KEATON BLACKBURN

Attorney-at-Law
Post Office Box 446
Junction, Texas 76849-0446

TO:

Texas Commission On Environmental Quality
Water Permitting MC 106
Post Office Box 13088
Austin, Texas 78711-3088

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-1496 OWNER: Bonnie B. Gardner
(Mrs. Joe M. Gardner)
Fort McKavett Route,
Box 57
Junction, Texas 76849

COUNTY: Kimble PRIORITY DATE: 1898

WATERCOURSE: Maynard Creek, BASIN: Colorado River
tributary of North Llano River,
tributary of Llano River

WHEREAS, by final decree of the 33rd District Court of Llano County, in Cause No. 5,538, In Re: The Adjudication of Water Rights in the Llano River Watershed of the Colorado River Basin, dated September 24, 1979, a right was recognized under Claim 5841 authorizing Mrs. Joe M. Gardner to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to Mrs. Joe M. Gardner, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain a dam and reservoir on Maynard Creek and to impound therein not to exceed 8 acre-feet of water. A point on the dam at the center of the stream is N 65° 30' E, 8100 feet from the west corner of the Ernst Francke Survey 529, Abstract 123, Kimble County, Texas.

2. USE

Owner is authorized to divert and use not to exceed 35 acre-feet of water per annum from the above described reservoir located on Maynard Creek to irrigate a maximum of 53 acres of land out of a 215.7 acre tract in the Ernst Francke Survey 529, Abstract 123, Kimble County, Texas, said 215.7 acre tract being described as follows:

- (1) BEGINNING at a stone mound, the South corner of the E. Francke Survey 529;
- (2) THENCE N 45° E, 2540 varas to a stone mound in South line of Survey 529 on the South bank of Maynard Creek;
- (3) THENCE with the meanderings of said creek as follows:
 - a. N 60° 15' W, 145 varas;
 - b. N 75° 45' W, 102.5 varas;
 - c. S 85° 15' W, 50 varas;
 - d. N 85° W, 71 varas;
 - e. N 79° 30' W, 117 varas;
 - f. S 61° 30' W, 77 varas;
- (4) THENCE N 42° W, 86 varas crossing Maynard Creek to a stone mound under a high bluff;
- (5) THENCE S 45° W, 2201 varas to a stone mound in the Southwest line of Survey 529;

(6) THENCE S 45° E, 511.5 varas to the place of beginning, containing 215.7 acres of land, more or less.

3. DIVERSION

A. Location:

At a point on the east bank of Maynard Creek which is N 58° 15' E, 6750 feet from the west corner of the aforesaid survey.

B. Maximum Rate: 1.34 cfs (600 gpm).

4. PRIORITY

The time priority of the owner's right is 1898.

5. SPECIAL CONDITION

Owner shall maintain a suitable outlet in the dam authorized herein to allow the free passage of water that owner is not entitled to divert or impound.

The locations of pertinent features related to this certificate are shown on Page 2 of the Llano River Watershed Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 33rd District Court of Llano County, in Cause No. 5,538, In Re: The Adjudication of Water Rights in the Llano River Watershed of the Colorado River Basin, dated September 24, 1979, and supersedes all rights of the owner or owners asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Colorado River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

This water right is appurtenant to the above-described land within which irrigation is authorized, unless and until severed from the land. A transfer of any portion of the above-described land includes, unless otherwise specified, that portion of the water right which is appurtenant to the transferred land at the time of the transaction.

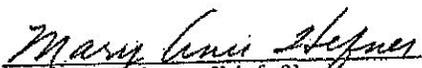
TEXAS WATER COMMISSION


Felix McDonald, Chairman

DATE ISSUED:

AUG 15 1980

ATTEST:


Mary Ann Wehner, Chief Clerk