

TCEQ Interoffice Memorandum

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

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

From: Brent Rougeau, Project Manager
Water Rights Permitting Team

Date: August 21, 2018

Subject: Kenneth D. Harvick & Vickie Harvick
ADJ 3662
CN604254292, CN604254300, RN106582687
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Mercer Creek, Brazos River Basin
Comanche County

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2018 AUG 21 AM 8:59
CHIEF CLERKS OFFICE

The application was received on March 28, 2013. Additional information and fees were received on April 2, April 25, May 13, and July 3, 2013; June 13, 2014; April 20, 2017; and May 29, 2018. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 21, 2018. Mailed and published notice to the water right holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158 (b), and is being mailed to the Middle Trinity Groundwater Conservation District pursuant to TWC § 11.132 (c).

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

OCC Mailed Notice Required ☒ YES

☐ NO

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Jon Niemann, *Commissioner*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 21, 2018

Mr. Richard George
Enviro-Ag Engineering Inc.
3404 Airway Blvd.
Amarillo, TX 79118

RE: Kenneth D. Harvick & Vickie Harvick
ADJ 3662
CN604254292, CN604254300, RN106582687
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Mercer Creek, Brazos River Basin
Comanche County

Dear Mr. George:

This acknowledges receipt of additional information for the referenced application on May 29, 2018.

The application was declared administratively complete and filed with the Office of the Chief Clerk on August 21, 2018. 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,

A handwritten signature in black ink, appearing to read "Brent Rougeau".

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

Brent Rougeau

From: Richard George [REDACTED]
Sent: Tuesday, May 29, 2018 2:41 PM
To: Brent Rougeau
Cc: Corey Mullin
Subject: RE: Harvick 12-3662B RFI4
Attachments: Well #3 Permit.pdf; Well #4 Permit.pdf; Well #5 Permit.pdf; Well #6 Permit.pdf; Well #7 Info..pdf; Well #1 Permit.pdf; Well #2 Permit.pdf

Mr. Rougeau, attached please find copies of the Grandfather Permits for Wells 1-6 in the application for Mr. Harvick. A pdf is attached for Well #7 with the info. from the MTGCD's website showing that it is exempt from having a permit because it produces less than 25,000 gallons/day. Please let me know if this email is sufficient or if I need to mail the hard copy of the permits to you.

Thanks,
Richard George

From: Brent Rougeau [mailto:Brent.Rougeau@Tceq.Texas.Gov]
Sent: Monday, May 21, 2018 9:16 AM
To: Richard George [REDACTED]
Subject: Harvick 12-3662B RFI4

Good Morning Mr. George,

Please find an RFI attached for the Kenneth Harvick application. Please respond by 6/20/18.

Thank you,
Brent

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in reliance on the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd, an innovator in Software as a Service (SaaS) for business. Providing a safer and more useful place for your human generated data. Specializing in Security, archiving and compliance. To find out more [Click Here](#)

APPLICATION FOR WELL REGISTRATION

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745 mtgcd@our-town.com

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Reg. No. 15439

Well No. _____

RULE 5.1 REGISTRATION:

All water wells, existing and new, must be registered with the District and are required to comply with the District's registration requirements in these rules.

RULE 5.2 GENERAL REGISTRATION POLICIES AND PROCEDURES:

- No person or entity shall drill, modify, complete, change type of use, plug, abandon, or substantially alter the size of a well within the District without first registering the well with the District, except as set forth under Rule 6.1, even though the well may be exempt from the requirement of a permit under District Rule 5.3.
- The District staff will review the application for registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 5.3. Providing the preliminary determination is that the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration.
- If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further applications and information required to permit the well under these rules.
- If the preliminary determination is that the well is not exempt, no person may drill, equip, complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.
- A violation of this rule occurs on the first day the drilling, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

Application Date: 4/29/05

-This form may be faxed or mailed.

Part I - Well Owner and Driller Information:

Well Owner: Kenneth Harvick Phone: 325-356-2066

Mailing Address: 300 Fox Creek Drive Fax: _____

City: Comanche State: Tex ZIP: 76442

Physical Address (if different than above): 1 mile S FM 3200, Comanche

Registrant (if other than owner): _____ Phone: _____

Mailing Address: _____ Fax: _____

City: _____ State: _____ ZIP: _____

Physical Address (if different than above): _____

If Registrant is other than the owner of the property where the existing or proposed well is or will be located, include documentation establishing the applicable authority to operate the existing well or to construct and operate a well for the proposed use.

Drilling Company (if known): Bobby Davis Phone: _____

Contact: _____ License #: _____ Fax: _____

City: _____ State: Tex ZIP: 76442

Part II – Well Location:

Well Site Address: _____

City: Comanche State: TX ZIP: _____

Latitude: 31-50-29.8 Longitude: 98-35-15.5

If Latitude and Longitude is not known, will you grant MTGCD staff access to obtain such information after proper notice?
____ Yes ____ No

Legal Description:

Survey Name (if known): _____ Survey No. (if known): _____ Abstract No (if known): _____

Attach a map adequate to locate the well and provide: 400 feet from the E property line and
(N, S, E, W, etc.)
2500 feet from the S property line and
(Use perpendicular lines)

Alternate Well Location (for new wells):

Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

Will the groundwater withdrawn from the well be used on a different property than the property where the well is located?
☒ No ____ If yes, explain: _____

Please identify the total number of acres of land contiguous in ownership with the land where the well(s) is/are located:
476

Will the groundwater produced be transported out of Comanche or Erath Counties? ☒ No ____ If yes, explain: _____

Part III – Purpose for Water Use:

Mark (x) all appropriate spaces regarding the purpose of existing use of the well or the proposed use for new wells:

____ Public Water Supply

Domestic

____ Commercial

____ Solely one single-family house (includes lawn irrigation)
If not built, when will construction begin? _____

____ Industrial

____ Multi-family

☒ Irrigation (Agricultural) (other than lawn watering)

____ Livestock Watering

____ Hydrocarbon production (explain): _____

____ Other (explain): _____

State the estimated amount of water used or to be used for each identified purpose (other than domestic and livestock):

Public Water Supply _____
Commercial _____
Industrial _____
Irrigation (Agricultural) 50 GPM
Hydrocarbon Production _____
Other _____

Part IV - Well Information:

Water well closure plan attached? Yes ☒ No. If no, sign below as a declaration that the applicant will comply with state and MTGCD well capping and plugging rules and report closure to the District:

Duru Harun (Owners signature)

Method of Withdrawal (submersible pump, windmill, etc.): Submersible

Estimated maximum pumping capacity of well: 50 GPM gpm

Estimated depth of well: 120 ft

Size of well: 5" (diameter of the well casing)

2" (inside diameter of the pump [discharge] column pipe.)

Size of well pump: 5 HP

For existing wells, please state if any water was produced prior to May 11, 2004: No ☒ Yes

Part V - Certification:

Applicant agrees that water produced/withdrawn from the existing/proposed well will be put to beneficial use at all times:
No ☒ Yes

Applicant agrees to abide by the Rules of the District: No ☒ Yes.

I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.

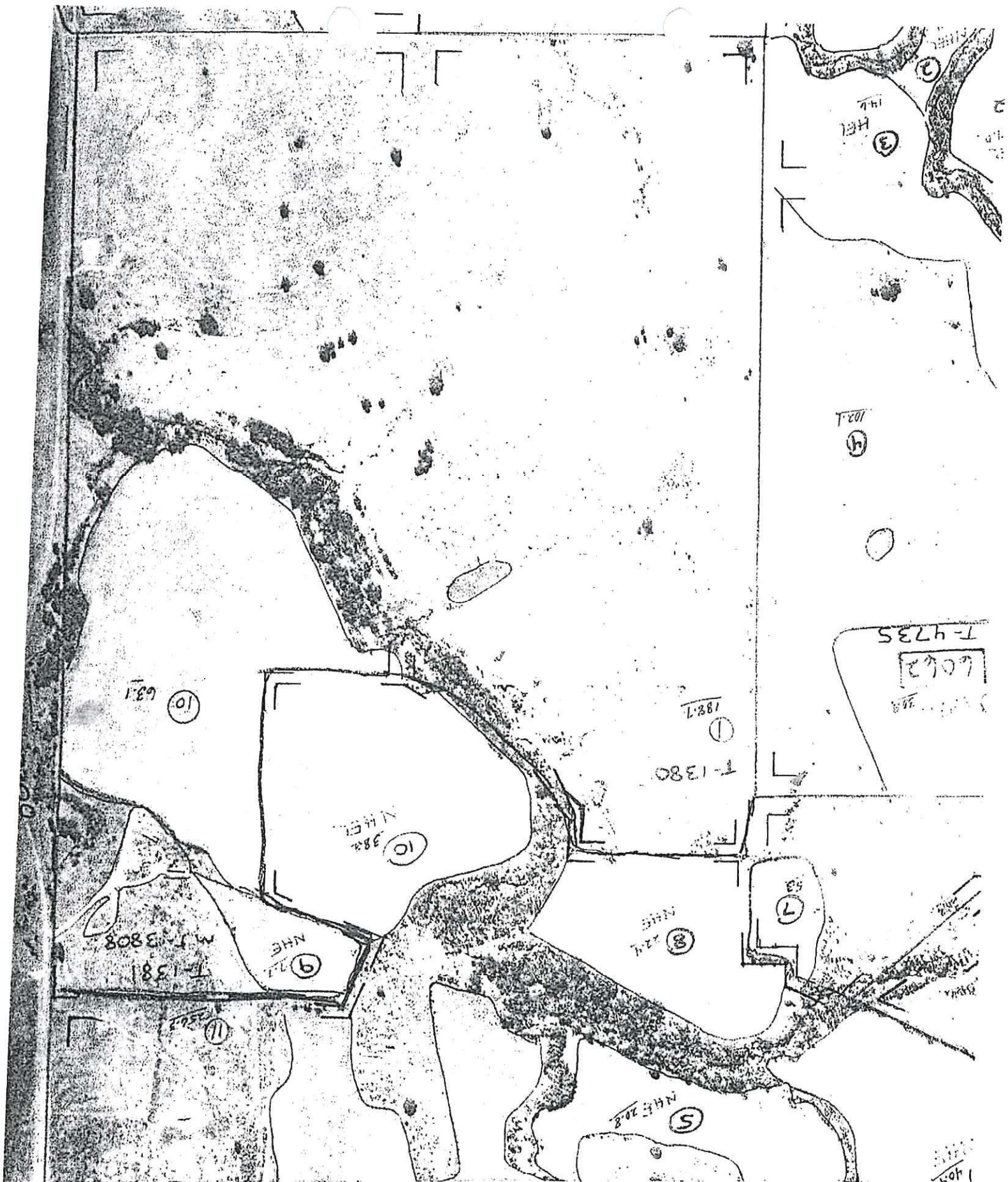
Print Name

Signature

Date

DISTRICT USE ONLY

Drilling approved _____ No. _____
Permit required before drilling _____ Date _____



APPLICATION FOR GRANDFATHER PERMIT

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745 mtgcd@our-town.com

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Permit No. _____

MTGCD Well No. _____

State Well No. _____

IMPORTANT NOTE: PERMIT APPLICANT MUST SUBMIT AN APPLICATION FOR WELL REGISTRISTRATION PRIOR TO OR IN CONJUNCTION WITH THE SUBMITTAL OF THIS PERMIT APPLICATION.

Instructions: Fill out this form for each well (type or print). Submit permit application form for each well to the Erath County office at the address listed above. Additional information or explanation may be attached.

In accordance with District Rule 5.11(e), the information provided by the permit applicant in the spaces below will be incorporated into the permit if a permit is issued. The permit will be granted on the basis of, and contingent upon, the accuracy of the information supplied in this application. A finding that false information has been supplied is grounds for immediate revocation of the permit. In addition, the information given in this permit application will be supplemented by the information provided by the permit applicant in the well registration application that is submitted to the District for the existing well.

Date of permit application: 4/29/05

Had the existing well that is the subject of this permit application been completed and produced groundwater on or before May 11, 2004? ☒ Yes ☐ No

Was the existing well that is the subject of this permit application operational (see note below) on May 11, 2004? ☒ Yes ☐ No

(Note: Per District Rule 1.1, "operational" with respect to a water well means a non-deteriorated well which contains the casing, pump, and pump column in good condition and is capable of producing groundwater without being further equipped.)

If the existing well was not operational on May 11, 2004, please answer the following questions:

Was the existing well capped? ☐ Yes ☐ No

Other? (explain) _____

Well Location Information – Location Map

Please attach a 7.5 minute United States Department of Interior Topographic Map showing the location of the existing well, and showing all wells in existence on the date of application within a quarter (1/4) mile radius of the location(s) of the existing well. Copies of such maps for use by an applicant may be obtained from the District Office. Alternatively, instead of providing a map, the applicant may provide latitude and longitude coordinates as measured by a calibrated GPS instrument for the existing well(s) and such nearby wells.

Well Information

Estimated rate at which water will be withdrawn from proposed well: _____

Water Conservation Plan attached? ____ Yes ☒ No. If no, sign below as a declaration that the applicant will comply with the District's Management Plan.

Dulu Howard (applicant's signature)

Drought Contingency Plan attached? ____ Yes ☒ No. If applicant is a wholesale or retail public water supplier, or an irrigation district, a copy of its drought contingency plan must be attached to this application.

Is the applicant a retail public utility as defined by Section 13.002 of the Texas Water Code? ____ Yes ☒ No.

List subdivision(s) or service area existing well will service, if applicable: _____

Will the groundwater withdrawn under this permit be used in conjunction with another Operating or Grandfather Permit?
☒ Yes ____ No

If yes, explain: Pumped to the main

Will this well be placed in aggregate with other wells? ☒ Yes ____ No. If yes, with how many? 6 Are they permitted:
☒ Yes ____ No

Will the groundwater withdrawn from the well be resold, leased, or otherwise transferred to others? ____ Yes ☒ No. If yes, please provide the location to which the groundwater will be delivered: _____

If the answer was yes to the question above, please provide the purpose for which the groundwater will be used: _____

If the answer was yes to the question above, please attach to this application a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for the sale, lease, or transfer of groundwater.

Please submit signed application along with any attachments to MT GCD, 150 N. Harbin St., Suite 434, Stephenville, Texas 76401.

Note: Pursuant to Section 9 of the District's Rules, the District is required to hold permit hearings on permit applications, permit revocations or suspensions, and certain permit renewals or amendments. Public notice of permit hearings before the District's Board of Directors on the permit applications submitted to the District will be posted at a place convenient to the public in the District Office and by the county clerk of Comanche and Erath Counties on a bulletin board at a place convenient to the public in the county courthouse.

Amendment of Permits: Rule 5.13 of the District's Rules establishes that a substantial change to a permit may be made only after application to and approval by the District. A substantial change to a permit includes a change that would substantially alter the size or capacity of a well, an increase in the annual quantity of groundwater authorized to be withdrawn, a change in type of use or location of use of the water produced, a change of location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.

CERTIFICATION:

Applicant agrees to comply with the District's Rules, plans established pursuant to the District's Rules, and the terms of the permit. ☒ Yes ☐ No

I hereby certify that the information in this permit application and in the associated well registration application is true and accurate to the best of my knowledge and belief.

Print Name _____

Vickie Harvick
Signature of Well Owner or Agent

Date

STATE OF TEXAS §§

COUNTY OF Comanche

Before me, the undersigned notary public, on this day personally appeared Vickie Harvick, who being by me duly sworn upon his oath depose and said that he has read the above and foregoing application and that every statement contained therein is within his/her personal knowledge and true and correct.

Vickie Harvick
Signature of Permit Applicant

SUBSCRIBED and SWORN to before me on this 10 day of May, 2005, to certify which witness my hand and official seal of office.



Tracey McMillian
Notary Public, State of Texas

My Commission Expires: 6-25-08

District Use Only

Permit No. _____

MTGCD Well No. _____

State Well No. _____

Aggregate Well No. _____

Qty. of Wells in Aggregation: _____

Part II - Well Location:

Well Site Address: 1 mile E of FF 1300, Comanche Co

City: La State: Tex ZIP: 76

Latitude: _____ Longitude: 95 45

If Latitude and Longitude is not known, will you grant MTGCD staff access to obtain such information after proper notice?
_____ Yes _____ No

Legal Description:

Survey Name (if known): _____ Survey No. (if known): _____ Abstract No (if known): _____

Attach a map adequate to locate the well and provide: 4 feet from the E property line and
(N, S, E, W, etc.)
1000 feet from the N property line and
(Use perpendicular lines)

Alternate Well Location (for new wells):

Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

Will the groundwater withdrawn from the well be used on a different property than the property where the well is located?
X No _____ If yes, explain: _____

Please identify the total number of acres of land contiguous in ownership with the land where the well(s) is/are located:
42.6

Will the groundwater produced be transported out of Comanche or Erath Counties? X No _____ If yes, explain: _____

Part III - Purpose for Water Use:

Mark (x) all appropriate spaces regarding the purpose of existing use of the well or the proposed use for new wells:

_____ Public Water Supply

Domestic

_____ Commercial

_____ Solely one single-family house (includes lawn irrigation)
If not built, when will construction begin? _____

_____ Industrial

_____ Multi-family

X Irrigation (Agricultural) (other than lawn watering)

_____ Livestock Watering

_____ Hydrocarbon production (explain): _____

_____ Other (explain): _____

State the estimated amount of water used or to be used for each identified purpose (other than domestic and livestock):

Public Water Supply _____
Commercial _____
Industrial _____
Irrigation (Agricultural) 50 GPM
Hydrocarbon Production _____
Other _____

Part IV – Well Information:

Water well closure plan attached? _____ Yes ☒ No. If no, sign below as a declaration that the applicant will comply with state and MTGCD well capping and plugging rules and report closure to the District:

Udu Howah (Owners signature)

Method of Withdrawal (submersible pump, windmill, etc.): Submersible
Estimated maximum pumping capacity of well: 50 gpm

Estimated depth of well: 120

Size of well: 5" (diameter of the well casing)

1" (inside diameter of the pump [discharge] column pipe.)

Size of well pump: 3 HP

For existing wells, please state if any water was produced prior to May 11, 2004: _____ No ☒ Yes

Part V – Certification:

Applicant agrees that water produced/withdrawn from the existing/proposed well will be put to beneficial use at all times:
_____ No ☒ Yes

Applicant agrees to abide by the Rules of the District: _____ No ☒ Yes.

I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.

Print Name

Signature

Date

DISTRICT USE ONLY

Drilling approved _____ No. _____
Permit required before drilling _____ Date _____

APPLICATION FOR GRANDFATHER PERMIT

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745 mtgcd@our-town.com

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Permit No. _____

MTGCD Well No. _____

State Well No. _____

IMPORTANT NOTE: PERMIT APPLICANT MUST SUBMIT AN APPLICATION FOR WELL REGISTRISTRATION PRIOR TO OR IN CONJUNCTION WITH THE SUBMITTAL OF THIS PERMIT APPLICATION.

Instructions: Fill out this form for each well (type or print). Submit permit application form for each well to the Erath County office at the address listed above. Additional information or explanation may be attached.

In accordance with District Rule 5.11(e), the information provided by the permit applicant in the spaces below will be incorporated into the permit if a permit is issued. The permit will be granted on the basis of, and contingent upon, the accuracy of the information supplied in this application. A finding that false information has been supplied is grounds for immediate revocation of the permit. In addition, the information given in this permit application will be supplemented by the information provided by the permit applicant in the well registration application that is submitted to the District for the existing well.

Date of permit application: 7/29/05

Had the existing well that is the subject of this permit application been completed and produced groundwater on or before May 11, 2004? ☒ Yes ☐ No

Was the existing well that is the subject of this permit application operational (see note below) on May 11, 2004? ☒ Yes ☐ No

(Note: Per District Rule 1.1, "operational" with respect to a water well means a non-deteriorated well which contains the casing, pump, and pump column in good condition and is capable of producing groundwater without being further equipped.)

If the existing well was not operational on May 11, 2004, please answer the following questions:

Was the existing well capped? ☐ Yes ☐ No

Other? (explain) _____

Well Location Information – Location Map

Please attach a 7.5 minute United States Department of Interior Topographic Map showing the location of the existing well, and showing all wells in existence on the date of application within a quarter (1/4) mile radius of the location(s) of the existing well. Copies of such maps for use by an applicant may be obtained from the District Office. Alternatively, instead of providing a map, the applicant may provide latitude and longitude coordinates as measured by a calibrated GPS instrument for the existing well(s) and such nearby wells.

Well Information

Estimated rate at which water will be withdrawn from proposed well: 50 GPM

Water Conservation Plan attached? ☐ Yes ☒ No. If no, sign below as a declaration that the applicant will comply with the District's Management Plan.

Duke Harrah (applicant's signature)

Drought Contingency Plan attached? ☐ Yes ☒ No. If applicant is a wholesale or retail public water supplier, or an irrigation district, a copy of its drought contingency plan must be attached to this application.

Is the applicant a retail public utility as defined by Section 13.002 of the Texas Water Code? ☐ Yes ☒ No.

List subdivision(s) or service area existing well will service, if applicable: _____

Will the groundwater withdrawn under this permit be used in conjunction with another Operating or Grandfather Permit?
☒ Yes ☐ No

If yes, explain: Pumped to storage 50000 gal

Will this well be placed in aggregate with other wells? ☒ Yes ☐ No. If yes, with how many? 6 Are they permitted:
☒ Yes ☐ No

Will the groundwater withdrawn from the well be resold, leased, or otherwise transferred to others? ☐ Yes ☒ No. If yes, please provide the location to which the groundwater will be delivered: _____

If the answer was yes to the question above, please provide the purpose for which the groundwater will be used: _____

If the answer was yes to the question above, please attach to this application a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for the sale, lease, or transfer of groundwater.

Please submit signed application along with any attachments to MT GCD, 150 N. Harbin St., Suite 434, Stephenville, Texas 76401.

Note: Pursuant to Section 9 of the District's Rules, the District is required to hold permit hearings on permit applications, permit revocations or suspensions, and certain permit renewals or amendments. Public notice of permit hearings before the District's Board of Directors on the permit applications submitted to the District will be posted at a place convenient to the public in the District Office and by the county clerk of Comanche and Erath Counties on a bulletin board at a place convenient to the public in the county courthouse.

Amendment of Permits: Rule 5.13 of the District's Rules establishes that a substantial change to a permit may be made only after application to and approval by the District. A substantial change to a permit includes a change that would substantially alter the size or capacity of a well, an increase in the annual quantity of groundwater authorized to be withdrawn, a change in type of use or location of use of the water produced, a change of location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.

CERTIFICATION:

Applicant agrees to comply with the District's Rules, plans established pursuant to the District's Rules, and the terms of the permit. ☒ Yes ☐ No

I hereby certify that the information in this permit application and in the associated well registration application is true and accurate to the best of my knowledge and belief.

Print Name _____

Dale Horvath
Signature of Well Owner or Agent

_____ Date

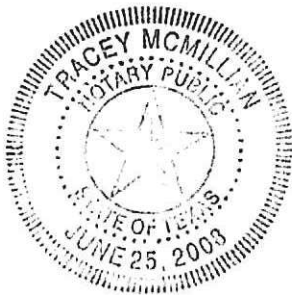
STATE OF TEXAS §§

COUNTY OF Comanche s

Before me, the undersigned notary public, on this day personally appeared _____, who being by me duly sworn upon his oath depose and said that he has read the above and foregoing application and that every statement contained therein is within his/her personal knowledge and true and correct.

Dale Horvath
Signature of Permit Applicant

SUBSCRIBED and SWORN to before me on this 10 day of May, 2005, to certify which witness my hand and official seal of office.



Tracey McMillan
Notary Public, State of Texas
My Commission Expires: 6-25-08

District Use Only

Permit No. _____ MTGCD Well No. _____
State Well No. _____ Aggregate Well No. _____
Qty. of Wells in Aggregation: _____

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705

Fax: 254/965-6745

mtgcd@our-town.com

Comanche County

119 West Grand

Comanche, TX 76442

325/356-9200

Fax: 325/356-9700

mtgcd@comanchetx.com

GRANDFATHER PERMIT

PERMIT NO.: #GP-6783

- I. **PERMITTEE:** Kenneth and Vickie Harvick
- II. **STATUS OF PERMIT:** Active (Active Well or Inactive Well GP)
- III. **NUMBER OF WELLS COVERED BY PERMIT:** 1
FM 3200
Comanche, TX 76442

V. **WELL REGISTRATION NUMBER(S):**

VI. **PERMIT TERM:**

Date of Issue: June 2nd, 2005

* Active Well Grandfather Permits and Inactive Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, or to achieve the goals and objectives of the District's Management Plan. In addition, Inactive Well Grandfather Permits may be retired in accordance with the District Rule 5.15.

VII. **PURPOSE OF USE:** Irrigation

VIII. **AUTHORIZED WITHDRAWAL:**

If this permit has Active Well Grandfather Permit status, then the permittee listed above may withdraw groundwater from each well covered by this permit in an amount that the well was capable of producing prior to May 11, 2004 (the date of adoption of the District's Rules) and applying to a beneficial use, so long as the well is not substantially altered.

If this permit has Inactive Well Grandfather Permit status, then the permittee listed above may not withdraw groundwater from any well covered by this permit until the Inactive Well Grandfather Permit has been amended pursuant to District Rule 5.13(d) to reflect Active Well Grandfather Permit status.

An Inactive Well Grandfather Permit may be amended to Active Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

IX. **RETIREMENT PROGRAM FOR INACTIVE WELL GRANDFATHER PERMITS:**

In accordance with District Rule 5.15, the Board of the District, after notice and hearing, may establish by order a date designated as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board determines that there is insufficient groundwater available in the District for issuance of new Operating Permits. On the Date of Permit Retirement, the District shall retire Inactive Well Grandfather Permits so that no permittee may amend an Inactive Well Grandfather Permit to Active Well Grandfather Permit status. The owner of a well for which an Inactive Well Grandfather Permit

is retired under the District's Rules who fails to timely apply for and obtain an Operating Permit, if available, is subject to the well plugging requirements of District Rule 10.5.

The Retirement Program only applies to the following categories of Inactive Well Grandfather Permits:

- (a) Inactive Well Grandfather Permits for wells that have never had Active Well Grandfather permit status prior to the Date of Permit Retirement; and
- (b) Any well that has been issued an Inactive Well Grandfather Permit and has never had Active Well Grandfather Permit status prior to the date that notice is published of a hearing specified in District Rule 5.15, but whose owner has not filed an administratively complete application with the District to convert the well from Inactive to Active Well Grandfather Permit status after the date of such publication of notice and prior to the Date of Permit Retirement and the well did not begin producing water for a beneficial use in accordance with the terms of the permit within one calendar year of the Date of Permit Retirement. Failure to comply with the above-mentioned terms of District Rule 5.15(f) shall subject such a well described by Subsection (f) and its Grandfather Permit(s) to being retired by the District as if the Active Well Grandfather Permit had never been issued for the well. A hearing to retire a Grandfather Permit under District Rule 5.15(f) may be initiated by the District after notice to the permittee. The burden of proof at such a hearing that the well produced groundwater for a beneficial use during the year following the Date of Permit Retirement shall be on the permittee.

X. GROUNDWATER WELL STATUS REPORT:

A person or entity who has been granted an Active Well Grandfather Permit or an Inactive Well Grandfather Permit by the District is required to complete and return to the District a Groundwater Well Status Report distributed on a form provided by the District every two (2) years on a schedule to be established by the Board by resolution. Failure of a permittee to complete the Groundwater Well Status Report may subject the permittee to enforcement under Section 10 of the District's Rules. Upon receipt of a Groundwater Well Status Report completed pursuant to the District's Rules, the General Manager may amend an Active Well Grandfather Permit or an Inactive Well Grandfather Permit to reflect any changes in the permit described by the Groundwater Well Status Report.

XI. PROVISIONS:

1. This permit must be amended by application to the District before the permit holder may make a substantial change to the permit including changes that would substantially alter the size or capacity of a well, increase the annual quantity of groundwater authorized to be withdrawn, change the type of use or location of use of the water produced, or change the location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.
2. This permit is issued in accordance with the provisions of the District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that the permittee will comply with the Rules of the District. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit. Such acknowledgement and agreement by the permittee is a condition precedent to the granting and issuance of this permit.
3. This permit confers only the right to operate under the terms and conditions of the permit, and its terms may be modified or amended pursuant to the District Rules or Chapter 36 of the Texas Water Code, as they exist or may be amended, and the directives of the Texas Legislature, or if necessary to achieve the goals and objectives of the District Management Plan. The issuance of this permit does not grant to the permittee the right to use private property, or public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of federal, state, or local laws, or any regulations.
4. Permits issued by the District for permitted wells may be subject to conditions and restrictions placed on the rate and amount of withdrawal, the rules promulgated by the District, and terms and provisions with reference to the equipping of wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells. This permit is also issued subject to: (1) exempt uses; (2) the District's management plan; (3) the District's Rules as they exist now or as they may be amended in the future; and (4) the continuing right of the District

- to supervise and regulate groundwater production from the aquifers within the District's boundaries, as authorized by Chapter 36, Texas Water Code, as amended.
5. Within 60 calendar days after the date of sale, the Grandfather Permit holder must notify the District in writing of the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 60 days from the date of change in ownership, file an application for a permit amendment to effect a transfer of the permit.
 6. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
 7. All water withdrawn under this permit must be put to beneficial use at all times.
 8. The permitted well site must be accessible to District representatives for inspection or to perform water level monitoring, water quality testing, and well investigations in accordance with Section 10 of the District's Rules, and the permittee agrees to cooperate fully in any reasonable inspection of the well and/or well site by the District representatives.
 9. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of this permit.
 10. Violation of a permit's terms, conditions, requirements, or special provisions is punishable by permit revocation, civil penalties, and other enforcement as provided by Section 10 of the District's Rules. It is a violation of the District's Rules to produce any amount of water in excess of the authorized amount in this permit.
 11. All other matters requested in the application, which are not specifically granted by this permit, are denied.
 12. The District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.
 13. Pursuant to District Rule 6.1, a well owner may apply to re-equip, re-drill, or replace a currently permitted well by filing an application to amend this permit on a form provided by the District upon request.
 14. The right to produce groundwater from a well under a grandfather permit may not be transferred to any other well in the District, except to a replacement well under Rule 6.1.

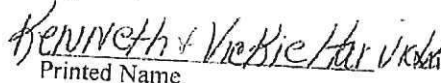
SPECIAL CONDITIONS: None

DATED, ISSUED, EXECUTED AND EFFECTIVE THIS 2nd day
of June 2005.

PERMITTEE:

DISTRICT:


Signature


Printed Name


Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

GROUNDWATER WELL STATUS REPORT
Middle Trinity Groundwater Conservation District

930 Wolfe Nursery Rd., Stephenville, TX 76401

Ph: 254/965-6705 or 1-877-965-6705

Fax: 254/965-6745

Erath County

Comanche County

Bosque County

Coryell County

MTGCD Rules require all Permit holders to complete and return this form to the MTGCD. The purpose of this form is to help the MTGCD maintain current and accurate information for all wells that operate under a Permit within MTGCD's boundaries. If any changes have occurred in the status of the permitted well, please mark though the incorrect information and provide the updated information.

1. Well ownership information:

The owner of the well(s) is listed as:

Kenneth Harvick
300 Foxcreek Drive
Comanche, TX 76442

Has ownership of the permitted well(s) changed? Yes _____ No ☒

If you marked "Yes", please list the **current** owner's name and address in the space below (*If no change in ownership then leave blank*):

If you marked "No", please make any address corrections for the original well owner in space below (*If no change in address then leave blank*):

2. Well information as provided in permit application form on file with MTGCD:

The information listed below was provided in the original permit application form filed with MTGCD. Please review the information below, mark through any incorrect information that needs to be updated, and provide the updated information where necessary. If the information below is blank, then please update it by filling in the correct information. Please attach a separate piece of paper if needed.

Well Site Location

FM 3200

Comanche 76442

MTGCD Permit # (now the same as Registration #)

15440

Latitude:

31.50.343 N

Longitude:

98.35.454 W

Gallons Per Minute (GPM):

50

Purpose of Use of the Water:

Irrigation

Is the well currently in operation?

Yes ☒

No _____

If you marked "No", has the well been capped, plugged, or sealed? Yes _____ No _____

Is the groundwater withdrawn from the well now sold to others, leased, or otherwise transferred for use by others? Yes _____ No ☒

If you marked "Yes", please provide the location to which the groundwater is delivered and the purpose for which it is now used: _____

Certification:

I hereby certify that the information in this/these Groundwater Well Status Report(s) is/are true and accurate to the best of my knowledge and belief.

Nokie Harvick
Print Name

Nokie Harvick
Signature of Well Owner or Agent

12/14/12
Date

Please submit signed form along with any attachments to:

Middle Trinity Groundwater Conservation District
930 Wolfe Nursery Rd.
Stephenville, Texas 76401

For questions or more information, please contact MTGCD staff

Phone: (254) 965-6705 or 1-877-965-6705

Email: 

*If you have any questions -
Please call Kenneth
@ 254-842-7635*

Thanks
—

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705

Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

325/356-9200

Fax: 325/356-9700

GRANDFATHER PERMIT

PERMIT NO.: #GP-6782

- I. PERMITTEE: Kenneth and Vickie Harvick
- II. STATUS OF PERMIT: Active (Active Well or Inactive Well GP)
- III. NUMBER OF WELLS COVERED BY PERMIT: 1
FM 3200
Comanche, TX 76442

V. WELL REGISTRATION NUMBER(S):

VI. PERMIT TERM:

Date of Issue: June 2nd, 2005

* Active Well Grandfather Permits and Inactive Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, or to achieve the goals and objectives of the District's Management Plan. In addition, Inactive Well Grandfather Permits may be retired in accordance with the District Rule 5.15.

VII. PURPOSE OF USE: Irrigation

VIII. AUTHORIZED WITHDRAWAL:

If this permit has Active Well Grandfather Permit status, then the permittee listed above may withdraw groundwater from each well covered by this permit in an amount that the well was capable of producing prior to May 11, 2004 (the date of adoption of the District's Rules) and applying to a beneficial use, so long as the well is not substantially altered.

If this permit has Inactive Well Grandfather Permit status, then the permittee listed above may not withdraw groundwater from any well covered by this permit until the Inactive Well Grandfather Permit has been amended pursuant to District Rule 5.13(d) to reflect Active Well Grandfather Permit status.

An Inactive Well Grandfather Permit may be amended to Active Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

IX. RETIREMENT PROGRAM FOR INACTIVE WELL GRANDFATHER PERMITS:

In accordance with District Rule 5.15, the Board of the District, after notice and hearing, may establish by order a date designated as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board determines that there is insufficient groundwater available in the District for issuance of new Operating Permits. On the Date of Permit Retirement, the District shall retire Inactive Well Grandfather Permits so that no permittee may amend an Inactive Well Grandfather Permit to Active Well Grandfather Permit status. The owner of a well for which an Inactive Well Grandfather Permit

is retired under the District's Rules who fails to timely apply for and obtain an Operating Permit, if available, is subject to the well plugging requirements of District Rule 10.5.

The Retirement Program only applies to the following categories of Inactive Well Grandfather Permits:

- (a) Inactive Well Grandfather Permits for wells that have never had Active Well Grandfather permit status prior to the Date of Permit Retirement; and
- (b) Any well that has been issued an Inactive Well Grandfather Permit and has never had Active Well Grandfather Permit status prior to the date that notice is published of a hearing specified in District Rule 5.15, but whose owner has not filed an administratively complete application with the District to convert the well from Inactive to Active Well Grandfather Permit status after the date of such publication of notice and prior to the Date of Permit Retirement and the well did not begin producing water for a beneficial use in accordance with the terms of the permit within one calendar year of the Date of Permit Retirement. Failure to comply with the above-mentioned terms of District Rule 5.15(f) shall subject such a well described by Subsection (f) and its Grandfather Permit(s) to being retired by the District as if the Active Well Grandfather Permit had never been issued for the well. A hearing to retire a Grandfather Permit under District Rule 5.15(f) may be initiated by the District after notice to the permittee. The burden of proof at such a hearing that the well produced groundwater for a beneficial use during the year following the Date of Permit Retirement shall be on the permittee.

X. GROUNDWATER WELL STATUS REPORT:

A person or entity who has been granted an Active Well Grandfather Permit or an Inactive Well Grandfather Permit by the District is required to complete and return to the District a Groundwater Well Status Report distributed on a form provided by the District every two (2) years on a schedule to be established by the Board by resolution. Failure of a permittee to complete the Groundwater Well Status Report may subject the permittee to enforcement under Section 10 of the District's Rules. Upon receipt of a Groundwater Well Status Report completed pursuant to the District's Rules, the General Manager may amend an Active Well Grandfather Permit or an Inactive Well Grandfather Permit to reflect any changes in the permit described by the Groundwater Well Status Report.

XI. PROVISIONS:

1. This permit must be amended by application to the District before the permit holder may make a substantial change to the permit including changes that would substantially alter the size or capacity of a well, increase the annual quantity of groundwater authorized to be withdrawn, change the type of use or location of use of the water produced, or change the location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.
2. This permit is issued in accordance with the provisions of the District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that the permittee will comply with the Rules of the District. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit. Such acknowledgment and agreement by the permittee is a condition precedent to the granting and issuance of this permit.
3. This permit confers only the right to operate under the terms and conditions of the permit, and its terms may be modified or amended pursuant to the District Rules or Chapter 36 of the Texas Water Code, as they exist or may be amended, and the directives of the Texas Legislature, or if necessary to achieve the goals and objectives of the District Management Plan. The issuance of this permit does not grant to the permittee the right to use private property, or public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of federal, state, or local laws, or any regulations.
4. Permits issued by the District for permitted wells may be subject to conditions and restrictions placed on the rate and amount of withdrawal, the rules promulgated by the District, and terms and provisions with reference to the equipping of wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells. This permit is also issued subject to: (1) exempt uses; (2) the District's management plan; (3) the District's Rules as they exist now or as they may be amended in the future; and (4) the continuing right of the District

- to supervise and regulate groundwater production from the aquifers within the District's boundaries, as authorized by Chapter 36, Texas Water Code, as amended.
5. Within 60 calendar days after the date of sale, the Grandfather Permit holder must notify the District in writing of the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 60 days from the date of change in ownership, file an application for a permit amendment to effect a transfer of the permit.
 6. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
 7. All water withdrawn under this permit must be put to beneficial use at all times.
 8. The permitted well site must be accessible to District representatives for inspection or to perform water level monitoring, water quality testing, and well investigations in accordance with Section 10 of the District's Rules, and the permittee agrees to cooperate fully in any reasonable inspection of the well and or well site by the District representatives.
 9. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of this permit.
 10. Violation of a permit's terms, conditions, requirements, or special provisions is punishable by permit revocation, civil penalties, and other enforcement as provided by Section 10 of the District's Rules. It is a violation of the District's Rules to produce any amount of water in excess of the authorized amount in this permit.
 11. All other matters requested in the application, which are not specifically granted by this permit, are denied.
 12. The District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.
 13. Pursuant to District Rule 6.1, a well owner may apply to re-equip, re-drill, or replace a currently permitted well by filing an application to amend this permit on a form provided by the District upon request.
 14. The right to produce groundwater from a well under a grandfather permit may not be transferred to any other well in the District, except to a replacement well under Rule 6.1.

SPECIAL CONDITIONS: None

DATED, ISSUED, EXECUTED AND EFFECTIVE THIS 2nd day
of June 2005.

PERMITTEE:

DISTRICT:


Signature


Printed Name


Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

GROUNDWATER WELL STATUS REPORT
Middle Trinity Groundwater Conservation District

930 Wolfe Nursery Rd., Stephenville, TX 76401

Ph: 254/965-6705 or 1-877-965-6705 Fax: 254/965-6745

Erath County

Comanche County

Bosque County

Corvell County

MTGCD Rules require all Permit holders to complete and return this form to the MTGCD. The purpose of this form is to help the MTGCD maintain current and accurate information for all wells that operate under a Permit within MTGCD's boundaries. If any changes have occurred in the status of the permitted well, please mark though the incorrect information and provide the updated information.

1. Well ownership information:

The owner of the well(s) is listed as:

Kenneth Harvick
300 Foxcreek Drive
Comanche, TX 76442

Has ownership of the permitted well(s) changed? Yes _____ No ✓

If you marked "Yes", please list the current owner's name and address in the space below (If no change in ownership then leave blank):

If you marked "No", please make any address corrections for the original well owner in space below (If no change in address then leave blank):

2. Well information as provided in permit application form on file with MTGCD:

The information listed below was provided in the original permit application form filed with MTGCD. Please review the information below, mark through any incorrect information that needs to be updated, and provide the updated information where necessary. If the information below is blank, then please update it by filling in the correct information. Please attach a separate piece of paper if needed.

Well Site Location MTGCD Permit # (now the same as Registration #)
FM 3200 15439
Comanche 76442

Latitude: Longitude:
31.50.298 N 98.35.455 W

Gallons Per Minute (GPM): Purpose of Use of the Water:

50 Irrigation

Is the well currently in operation? Yes ✓ No _____

If you marked "No", has the well been capped, plugged, or sealed? Yes _____ No _____

Is the groundwater withdrawn from the well now sold to others, leased, or otherwise transferred for use by others? Yes _____ No ✓

If you marked "Yes", please provide the location to which the groundwater is delivered and the purpose for which it is now used: _____

APPLICATION FOR WELL REGISTRATION

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Reg. No. 15440

Well No.

RULE 5.1 REGISTRATION:

All water wells, existing and new, must be registered with the District and are required to comply with the District's registration requirements in these rules.

RULE 5.2 GENERAL REGISTRATION POLICIES AND PROCEDURES:

- No person or entity shall drill, modify, complete, change type of use, plug, abandon, or substantially alter the size of a well within the District without first registering the well with the District, except as set forth under Rule 6.1, even though the well may be exempt from the requirement of a permit under District Rule 5.3.
- The District staff will review the application for registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 5.3. Providing the preliminary determination is that the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration.
- If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further applications and information required to permit the well under these rules.
- If the preliminary determination is that the well is not exempt, no person may drill, equip, complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.
- A violation of this rule occurs on the first day the drilling, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

Application Date: 4/25/05

-This form may be faxed or mailed.

Part I - Well Owner and Driller Information:

Well Owner: Kenneth H. Phone: 325-356-2566

Mailing Address: Fax:

City: State: TX ZIP: 76442

Physical Address (if different than above): 1 mile S FM

Registrant (if other than owner): Phone:

Mailing Address: Fax:

City: State: ZIP:

Physical Address (if different than above):

If Registrant is other than the owner of the property where the existing or proposed well is or will be located, include documentation establishing the applicable authority to operate the existing well or to construct and operate a well for the proposed use.

Drilling Company (if known): Bobby L. Phone:

Contact: License #: Fax:

City: TX State: TX ZIP: 76442

APPLICATION FOR WELL REGISTRATION

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Reg. No. 15438

Well No.

RULE 5.1 REGISTRATION:

All water wells, existing and new, must be registered with the District and are required to comply with the District's registration requirements in these rules.

RULE 5.2 GENERAL REGISTRATION POLICIES AND PROCEDURES:

- No person or entity shall drill, modify, complete, change type of use, plug, abandon, or substantially alter the size of a well within the District without first registering the well with the District, except as set forth under Rule 6.1, even though the well may be exempt from the requirement of a permit under District Rule 5.3.
- The District staff will review the application for registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 5.3. Providing the preliminary determination is that the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration.
- If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further applications and information required to permit the well under these rules.
- If the preliminary determination is that the well is not exempt, no person may drill, equip, complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.
- A violation of this rule occurs on the first day the drilling, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

Application Date: 4/29/05

-This form may be faxed or mailed.

Part I - Well Owner and Driller Information:

Well Owner: Kenneth Harbin Phone: 325-356-2566

Mailing Address: 300 Fox Creek Drive Fax:

City: State: Tex ZIP: 2

Physical Address (if different than above): 1 mile S FM 3200, Ark

Registrant (if other than owner): Phone:

Mailing Address: Fax:

City: State: ZIP:

Physical Address (if different than above):

If Registrant is other than the owner of the property where the existing or proposed well is or will be located, include documentation establishing the applicable authority to operate the existing well or to construct and operate a well for the proposed use.

Drilling Company (if known): Bobby Dads Phone:

Contact: License #: Fax:

City: Comanche State: Tex ZIP: 76442

Part II - Well Location:

Well Site Address: 1 mile S FM 3200

City: Comanche State: _____ ZIP: _____

Latitude: 31° - 23.3 Longitude: 98° 35' 49.3

If Latitude and Longitude is not known, will you grant MTGCD staff access to obtain such information after proper notice?
_____ Yes _____ No

Legal Description:

Survey Name (if known): _____ Survey No. (if known): _____ Abstract No (if known): _____

Attach a map adequate to locate the well and provide: _____ feet from the E property line and
(N, S, E, W, etc.)

2100 feet from the S property line and
(Use perpendicular lines)

Alternate Well Location (for new wells):

Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

Will the groundwater withdrawn from the well be used on a different property than the property where the well is located?
☒ No _____ If yes, explain: _____

Please identify the total number of acres of land contiguous in ownership with the land where the well(s) is/are located:
426

Will the groundwater produced be transported out of Comanche or Erath Counties? ☒ No _____ If yes, explain: _____

Part III - Purpose for Water Use:

Mark (x) all appropriate spaces regarding the purpose of existing use of the well or the proposed use for new wells:

_____ Public Water Supply

Domestic

_____ Commercial

_____ Solely one single-family house (includes lawn irrigation)
If not built, when will construction begin? _____

_____ Industrial

_____ Multi-family

☒ Irrigation (Agricultural) (other than lawn watering)

_____ Livestock Watering

_____ Hydrocarbon production (explain): _____

_____ Other (explain): _____

State the estimated amount of water used or to be used for each identified purpose (other than domestic and livestock):

Public Water Supply _____
Commercial _____
Industrial _____
Irrigation (Agricultural) 40 GPM
Hydrocarbon Production _____
Other _____

Part IV – Well Information:

Water well closure plan attached? _____ Yes ☒ No. If no, sign below as a declaration that the applicant will comply with state and MTGCD well capping and plugging rules and report closure to the District:

Walter Harwell (Owners signature)

Method of Withdrawal (submersible pump, windmill, etc.): Submersible

Estimated maximum pumping capacity of well: 40 gpm

Estimated depth of well: 120 ft

Size of well: 5" (diameter of the well casing)

1 1/2 (inside diameter of the pump [discharge] column pipe.)

Size of well pump: 3 HP

For existing wells, please state if any water was produced prior to May 11, 2004: _____ No ☒ Yes

Part V – Certification:

Applicant agrees that water produced/withdrawn from the existing/proposed well will be put to beneficial use at all times:
_____ No ☒ Yes

Applicant agrees to abide by the Rules of the District: _____ No ☒ Yes.

I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.

Print Name _____

Walter Harwell
Signature

5/01/05
Date

DISTRICT USE ONLY

Drilling approved _____

No. _____

Permit required before drilling _____

Date _____



#4

APPLICATION FOR GRANDFATHER PERMIT

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Permit No. _____

MTGCD Well No. _____

State Well No. _____

IMPORTANT NOTE: PERMIT APPLICANT MUST SUBMIT AN APPLICATION FOR WELL REGISTRISTRATION PRIOR TO OR IN CONJUNCTION WITH THE SUBMITTAL OF THIS PERMIT APPLICATION.

Instructions: Fill out this form for each well (type or print). Submit permit application form for each well to the Erath County office at the address listed above. Additional information or explanation may be attached.

In accordance with District Rule 5.11(e), the information provided by the permit applicant in the spaces below will be incorporated into the permit if a permit is issued. The permit will be granted on the basis of, and contingent upon, the accuracy of the information supplied in this application. A finding that false information has been supplied is grounds for immediate revocation of the permit. In addition, the information given in this permit application will be supplemented by the information provided by the permit applicant in the well registration application that is submitted to the District for the existing well.

Date of permit application: 4/29/05

Had the existing well that is the subject of this permit application been completed and produced groundwater on or before May 11, 2004? ☒ Yes ☐ No

Was the existing well that is the subject of this permit application operational (see note below) on May 11, 2004? ☒ Yes ☐ No

(Note: Per District Rule 1.1, "operational" with respect to a water well means a non-deteriorated well which contains the casing, pump, and pump column in good condition and is capable of producing groundwater without being further equipped.)

If the existing well was not operational on May 11, 2004, please answer the following questions:

Was the existing well capped? ☐ Yes ☐ No

Other? (explain) _____

Well Location Information - Location Map

Please attach a 7.5 minute United States Department of Interior Topographic Map showing the location of the existing well, and showing all wells in existence on the date of application within a quarter (1/4) mile radius of the location(s) of the existing well. Copies of such maps for use by an applicant may be obtained from the District Office. Alternatively, instead of providing a map, the applicant may provide latitude and longitude coordinates as measured by a calibrated GPS instrument for the existing well(s) and such nearby wells.

Well Information

Estimated rate at which water will be withdrawn from proposed well: _____

Water Conservation Plan attached? ____ Yes ☒ No. If no, sign below as a declaration that the applicant will comply with the District's Management Plan.

Derek Harvick (applicant's signature)

Drought Contingency Plan attached? ____ Yes ☒ No. If applicant is a wholesale or retail public water supplier, or an irrigation district, a copy of its drought contingency plan must be attached to this application.

Is the applicant a retail public utility as defined by Section 13.002 of the Texas Water Code? ____ Yes ☒ No.

List subdivision(s) or service area existing well will service, if applicable: _____

Will the groundwater withdrawn under this permit be used in conjunction with another Operating or Grandfather Permit?
☒ Yes ____ No

If yes, explain: Pumped to a common storage

Will this well be placed in aggregate with other wells? ☒ Yes ____ No. If yes, with how many? 6 Are they permitted:
☒ Yes ____ No

Will the groundwater withdrawn from the well be resold, leased, or otherwise transferred to others? ____ Yes ☒ No. If yes, please provide the location to which the groundwater will be delivered: _____

If the answer was yes to the question above, please provide the purpose for which the groundwater will be used: _____

If the answer was yes to the question above, please attach to this application a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for the sale, lease, or transfer of groundwater.

Please submit signed application along with any attachments to MT GCD, 150 N. Harbin St., Suite 434, Stephenville, Texas 76401.

Note: Pursuant to Section 9 of the District's Rules, the District is required to hold permit hearings on permit applications, permit revocations or suspensions, and certain permit renewals or amendments. Public notice of permit hearings before the District's Board of Directors on the permit applications submitted to the District will be posted at a place convenient to the public in the District Office and by the county clerk of Comanche and Erath Counties on a bulletin board at a place convenient to the public in the county courthouse.

Amendment of Permits: Rule 5.13 of the District's Rules establishes that a substantial change to a permit may be made only after application to and approval by the District. A substantial change to a permit includes a change that would substantially alter the size or capacity of a well, an increase in the annual quantity of groundwater authorized to be withdrawn, a change in type of use or location of use of the water produced, a change of location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.

CERTIFICATION:

Applicant agrees to comply with the District's Rules, plans established pursuant to the District's Rules, and the terms of the permit. ✓ Yes No

I hereby certify that the information in this permit application and in the associated well registration application is true and accurate to the best of my knowledge and belief.

Print Name _____

Vickie Harvick
Signature of Well Owner or Agent

Date 5/10/05

STATE OF TEXAS §§

COUNTY OF Comanche

Before me, the undersigned notary public, on this day personally appeared Vickie Harvick, who being by me duly sworn upon his oath deposed and said that he has read the above and foregoing application and that every statement contained therein is within his/her personal knowledge and true and correct.

Vickie Harvick
Signature of Permit Applicant

SUBSCRIBED and SWORN to before me on this 10 day of May, 2005, to certify which witness my hand and official seal of office.



Tracey M. McMillian
Notary Public, State of Texas

My Commission Expires: 6-25-08

District Use Only

Permit No. _____ MTGCD Well No. _____
State Well No. _____ Aggregate Well No. _____
Qty. of Wells in Aggregation: _____

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705

Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

325/356-9200

Fax: 325/356-9700

GRANDFATHER PERMIT

PERMIT NO.: #GP-6781

- I. PERMITTEE: Kenneth and Vickie Harvick
- II. STATUS OF PERMIT: Active (Active Well or Inactive Well GP)
- III. NUMBER OF WELLS COVERED BY PERMIT: 1
FM 3200
Comanche, TX 76442
- V. WELL REGISTRATION NUMBER(S):
- VI. PERMIT TERM:

Date of Issue: June 2nd, 2005

* Active Well Grandfather Permits and Inactive Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, or to achieve the goals and objectives of the District's Management Plan. In addition, Inactive Well Grandfather Permits may be retired in accordance with the District Rule 5.15.

- VII. PURPOSE OF USE: Irrigation
- VIII. AUTHORIZED WITHDRAWAL:

If this permit has Active Well Grandfather Permit status, then the permittee listed above may withdraw groundwater from each well covered by this permit in an amount that the well was capable of producing prior to May 11, 2004 (the date of adoption of the District's Rules) and applying to a beneficial use, so long as the well is not substantially altered.

If this permit has Inactive Well Grandfather Permit status, then the permittee listed above may not withdraw groundwater from any well covered by this permit until the Inactive Well Grandfather Permit has been amended pursuant to District Rule 5.13(d) to reflect Active Well Grandfather Permit status.

An Inactive Well Grandfather Permit may be amended to Active Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

- IX. RETIREMENT PROGRAM FOR INACTIVE WELL GRANDFATHER PERMITS:

In accordance with District Rule 5.15, the Board of the District, after notice and hearing, may establish by order a date designated as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board determines that there is insufficient groundwater available in the District for issuance of new Operating Permits. On the Date of Permit Retirement, the District shall retire Inactive Well Grandfather Permits so that no permittee may amend an Inactive Well Grandfather Permit to Active Well Grandfather Permit status. The owner of a well for which an Inactive Well Grandfather Permit

is retired under the District's Rules who fails to timely apply for and obtain an Operating Permit, if available, is subject to the well plugging requirements of District Rule 10.5.

The Retirement Program only applies to the following categories of Inactive Well Grandfather Permits:

- (a) Inactive Well Grandfather Permits for wells that have never had Active Well Grandfather permit status prior to the Date of Permit Retirement; and
- (b) Any well that has been issued an Inactive Well Grandfather Permit and has never had Active Well Grandfather Permit status prior to the date that notice is published of a hearing specified in District Rule 5.15, but whose owner has not filed an administratively complete application with the District to convert the well from Inactive to Active Well Grandfather Permit status after the date of such publication of notice and prior to the Date of Permit Retirement and the well did not begin producing water for a beneficial use in accordance with the terms of the permit within one calendar year of the Date of Permit Retirement. Failure to comply with the above-mentioned terms of District Rule 5.15(f) shall subject such a well described by Subsection (f) and its Grandfather Permit(s) to being retired by the District as if the Active Well Grandfather Permit had never been issued for the well. A hearing to retire a Grandfather Permit under District Rule 5.15(f) may be initiated by the District after notice to the permittee. The burden of proof at such a hearing that the well produced groundwater for a beneficial use during the year following the Date of Permit Retirement shall be on the permittee.

X. GROUNDWATER WELL STATUS REPORT:

A person or entity who has been granted an Active Well Grandfather Permit or an Inactive Well Grandfather Permit by the District is required to complete and return to the District a Groundwater Well Status Report distributed on a form provided by the District every two (2) years on a schedule to be established by the Board by resolution. Failure of a permittee to complete the Groundwater Well Status Report may subject the permittee to enforcement under Section 10 of the District's Rules. Upon receipt of a Groundwater Well Status Report completed pursuant to the District's Rules, the General Manager may amend an Active Well Grandfather Permit or an Inactive Well Grandfather Permit to reflect any changes in the permit described by the Groundwater Well Status Report.

XI. PROVISIONS:

1. This permit must be amended by application to the District before the permit holder may make a substantial change to the permit including changes that would substantially alter the size or capacity of a well, increase the annual quantity of groundwater authorized to be withdrawn, change the type of use or location of use of the water produced, or change the location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.
2. This permit is issued in accordance with the provisions of the District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that the permittee will comply with the Rules of the District. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit. Such acknowledgement and agreement by the permittee is a condition precedent to the granting and issuance of this permit.
3. This permit confers only the right to operate under the terms and conditions of the permit, and its terms may be modified or amended pursuant to the District Rules or Chapter 36 of the Texas Water Code, as they exist or may be amended, and the directives of the Texas Legislature, or if necessary to achieve the goals and objectives of the District Management Plan. The issuance of this permit does not grant to the permittee the right to use private property, or public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of federal, state, or local laws, or any regulations.
4. Permits issued by the District for permitted wells may be subject to conditions and restrictions placed on the rate and amount of withdrawal, the rules promulgated by the District, and terms and provisions with reference to the equipping of wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells. This permit is also issued subject to: (1) exempt uses; (2) the District's management plan; (3) the District's Rules as they exist now or as they may be amended in the future; and (4) the continuing right of the District

- to supervise and regulate groundwater production from the aquifers within the District's boundaries, as authorized by Chapter 36, Texas Water Code, as amended.
5. Within 60 calendar days after the date of sale, the Grandfather Permit holder must notify the District in writing of the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 60 days from the date of change in ownership, file an application for a permit amendment to effect a transfer of the permit.
 6. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
 7. All water withdrawn under this permit must be put to beneficial use at all times.
 8. The permitted well site must be accessible to District representatives for inspection or to perform water level monitoring, water quality testing, and well investigations in accordance with Section 10 of the District's Rules, and the permittee agrees to cooperate fully in any reasonable inspection of the well and or well site by the District representatives.
 9. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of this permit.
 10. Violation of a permit's terms, conditions, requirements, or special provisions is punishable by permit revocation, civil penalties, and other enforcement as provided by Section 10 of the District's Rules. It is a violation of the District's Rules to produce any amount of water in excess of the authorized amount in this permit.
 11. All other matters requested in the application, which are not specifically granted by this permit, are denied.
 12. The District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.
 13. Pursuant to District Rule 6.1, a well owner may apply to re-equip, re-drill, or replace a currently permitted well by filing an application to amend this permit on a form provided by the District upon request.
 14. The right to produce groundwater from a well under a grandfather permit may not be transferred to any other well in the District, except to a replacement well under Rule 6.1.

SPECIAL CONDITIONS: None

DATED, ISSUED, EXECUTED AND EFFECTIVE THIS 2nd day
of June 2005.

PERMITTEE:

DISTRICT:


Signature


Printed Name


Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

GROUNDWATER WELL STATUS REPORT
Middle Trinity Groundwater Conservation District

930 Wolfe Nursery Rd., Stephenville, TX 76401
Ph: 254/965-6705 or 1-877-965-6705 Fax: 254/965-6745
Erath County Comanche County Bosque County [REDACTED] Coryell County

MTGCD Rules require all Permit holders to complete and return this form to the MTGCD. The purpose of this form is to help the MTGCD maintain current and accurate information for all wells that operate under a Permit within MTGCD's boundaries. If any changes have occurred in the status of the permitted well, please mark though the incorrect information and provide the updated information.

1. Well ownership information:

The owner of the well(s) is listed as:

Kenneth Harvick
300 Foxcreek Drive
Comanche, TX 76442

Has ownership of the permitted well(s) changed? Yes _____ No ☒

If you marked "Yes", please list the current owner's name and address in the space below (If no change in ownership then leave blank):

If you marked "No", please make any address corrections for the original well owner in space below (If no change in address then leave blank):

2. Well information as provided in permit application form on file with MTGCD:

The information listed below was provided in the original permit application form filed with MTGCD. Please review the information below, mark through any incorrect information that needs to be updated, and provide the updated information where necessary. If the information below is blank, then please update it by filling in the correct information. Please attach a separate piece of paper if needed.

Well Site Location MTGCD Permit # (now the same as Registration #)
FM 3200 15438
Comanche 76442

Latitude: Longitude:
31.50.233 N 98.35.493 W

Gallons Per Minute (GPM): Purpose of Use of the Water:

40 Irrigation

Is the well currently in operation? Yes ☒ No _____

If you marked "No", has the well been capped, plugged, or sealed? Yes _____ No _____

Is the groundwater withdrawn from the well now sold to others, leased, or otherwise transferred for use by others? Yes _____ No ☒

If you marked "Yes", please provide the location to which the groundwater is delivered and the purpose for which it is now used: _____

APPLICATION FOR WELL REGISTRATION

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Reg. No. 15436

Well No.

RULE 5.1 REGISTRATION:

All water wells, existing and new, must be registered with the District and are required to comply with the District's registration requirements in these rules.

RULE 5.2 GENERAL REGISTRATION POLICIES AND PROCEDURES:

- No person or entity shall drill, modify, complete, change type of use, plug, abandon, or substantially alter the size of a well within the District without first registering the well with the District, except as set forth under Rule 6.1, even though the well may be exempt from the requirement of a permit under District Rule 5.3.
- The District staff will review the application for registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 5.3. Providing the preliminary determination is that the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration.
- If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further applications and information required to permit the well under these rules.
- If the preliminary determination is that the well is not exempt, no person may drill, equip, complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.
- A violation of this rule occurs on the first day the drilling, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

Application Date: 4/26/05

-This form may be faxed or mailed.

Part I - Well Owner and Driller Information:

Well Owner: Kenneth Maudick

Phone: 325-356-2566

Mailing Address: 200 FOX

Fax:

City: Comanche

State: Tex

ZIP: 76442

Physical Address (if different than above): 1000 FM 32

Registrant (if other than owner):

Phone:

Mailing Address:

Fax:

City:

State:

ZIP:

Physical Address (if different than above):

If Registrant is other than the owner of the property where the existing or proposed well is or will be located, include documentation establishing the applicable authority to operate the existing well or to construct and operate a well for the proposed use.

Drilling Company (if known): Bobby D. 45

Phone:

Contact:

License #:

Fax:

City: PO

State:

Tex

Part II – Well Location:

Well Site Address: _____

City: _____ State: Tex ZIP: 76902

Latitude: 31-50-25.1 Longitude: 98-35-59.5

If Latitude and Longitude is not known, will you grant MTGCD staff access to obtain such information after proper notice?
_____ Yes _____ No

Legal Description:

Survey Name (if known): _____ Survey No. (if known): _____ Abstract No (if known): _____

Attach a map adequate to locate the well and provide: 1500 feet from the E property line and
(N, S, E, W, etc.)
3000 feet from the S property line and
(Use perpendicular lines)

Alternate Well Location (for new wells):

Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

Will the groundwater withdrawn from the well be used on a different property than the property where the well is located?
☒ No _____ If yes, explain: _____

Please identify the total number of acres of land contiguous in ownership with the land where the well(s) is/are located:
426

Will the groundwater produced be transported out of Comanche or Erath Counties? ☒ No _____ If yes, explain: _____

Part III – Purpose for Water Use:

Mark (x) all appropriate spaces regarding the purpose of existing use of the well or the proposed use for new wells:

_____ Public Water Supply

Domestic

_____ Commercial

_____ Solely one single-family house (includes lawn irrigation)
If not built, when will construction begin? _____

_____ Industrial

_____ Multi-family

☒ Irrigation (Agricultural) (other than lawn watering)

_____ Livestock Watering

_____ Hydrocarbon production (explain): _____

_____ Other (explain): _____

State the estimated amount of water used or to be used for each identified purpose (other than domestic and livestock):

Public Water Supply _____
Commercial _____
Industrial _____
Irrigation (Agricultural) 50 GPM
Hydrocarbon Production _____
Other _____

Part IV – Well Information:

Water well closure plan attached? Yes ☒ No. If no, sign below as a declaration that the applicant will comply with state and MTGCD well capping and plugging rules and report closure to the District:

Daryl Houch (Owners signature)

Method of Withdrawal (submersible pump, windmill, etc.): Submersible

Estimated maximum pumping capacity of well: 50 gpm

Estimated depth of well: 120

Size of well: 5" (diameter of the well casing)

" (inside diameter of the pump [discharge] column pipe.)

Size of well pump: 5 HP

For existing wells, please state if any water was produced prior to May 11, 2004: _____ No ☒ Yes

Part V – Certification:

Applicant agrees that water produced/withdrawn from the existing/proposed well will be put to beneficial use at all times:
_____ No ☒ Yes

Applicant agrees to abide by the Rules of the District: _____ No ☒ Yes.

I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.

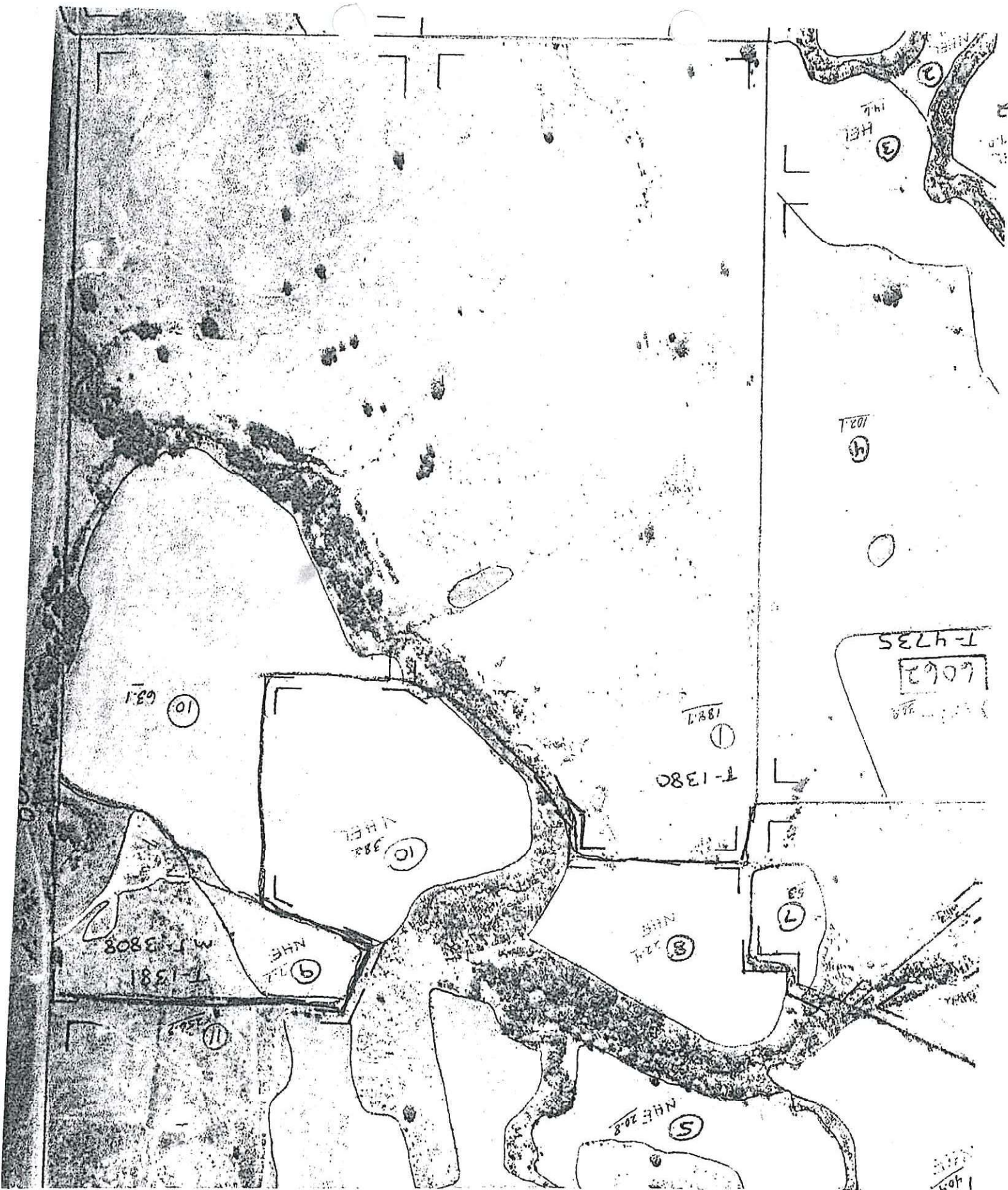
Print Name

Signature

Date

DISTRICT USE ONLY

Drilling approved _____ No. _____
Permit required before drilling _____ Date _____



APPLICATION FOR GRANDFATHER PERMIT

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Permit No. _____

MTGCD Well No. _____

State Well No. _____

IMPORTANT NOTE: PERMIT APPLICANT MUST SUBMIT AN APPLICATION FOR WELL REGISTRISTRATION PRIOR TO OR IN CONJUNCTION WITH THE SUBMITTAL OF THIS PERMIT APPLICATION.

Instructions: Fill out this form for each well (type or print). Submit permit application form for each well to the Erath County office at the address listed above. Additional information or explanation may be attached.

In accordance with District Rule 5.11(e), the information provided by the permit applicant in the spaces below will be incorporated into the permit if a permit is issued. The permit will be granted on the basis of, and contingent upon, the accuracy of the information supplied in this application. A finding that false information has been supplied is grounds for immediate revocation of the permit. In addition, the information given in this permit application will be supplemented by the information provided by the permit applicant in the well registration application that is submitted to the District for the existing well.

Date of permit application: 4/22/10

Had the existing well that is the subject of this permit application been completed and produced groundwater on or before May 11, 2004? ☒ Yes ☐ No

Was the existing well that is the subject of this permit application operational (see note below) on May 11, 2004? ☒ Yes ☐ No

(Note: Per District Rule 1.1, "operational" with respect to a water well means a non-deteriorated well which contains the casing, pump, and pump column in good condition and is capable of producing groundwater without being further equipped.)

If the existing well was not operational on May 11, 2004, please answer the following questions:

Was the existing well capped? ☐ Yes ☐ No

Other? (explain) _____

Well Location Information – Location Map

Please attach a 7.5 minute United States Department of Interior Topographic Map showing the location of the existing well, and showing all wells in existence on the date of application within a quarter (1/4) mile radius of the location(s) of the existing well. Copies of such maps for use by an applicant may be obtained from the District Office. Alternatively, instead of providing a map, the applicant may provide latitude and longitude coordinates as measured by a calibrated GPS instrument for the existing well(s) and such nearby wells.

Well Information

Estimated rate at which water will be withdrawn from proposed well: _____

Water Conservation Plan attached? ____ Yes ☒ No. If no, sign below as a declaration that the applicant will comply with the District's Management Plan.

[Signature] (applicant's signature)

Drought Contingency Plan attached? ____ Yes ☒ No. If applicant is a wholesale or retail public water supplier, or an irrigation district, a copy of its drought contingency plan must be attached to this application.

Is the applicant a retail public utility as defined by Section 13.002 of the Texas Water Code? ____ Yes ☒ No.

List subdivision(s) or service area existing well will service, if applicable: _____

Will the groundwater withdrawn under this permit be used in conjunction with another Operating or Grandfather Permit?
☒ Yes ____ No

If yes, explain: Pumped to a common storage

Will this well be placed in aggregate with other wells? ☒ Yes ____ No. If yes, with how many? 6 Are they permitted:
☒ Yes ____ No

Will the groundwater withdrawn from the well be resold, leased, or otherwise transferred to others? ____ Yes ☒ No. If yes, please provide the location to which the groundwater will be delivered: _____

If the answer was yes to the question above, please provide the purpose for which the groundwater will be used: _____

If the answer was yes to the question above, please attach to this application a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for the sale, lease, or transfer of groundwater.

Please submit signed application along with any attachments to MT GCD, 150 N. Harbin St., Suite 434, Stephenville, Texas 76401.

Note: Pursuant to Section 9 of the District's Rules, the District is required to hold permit hearings on permit applications, permit revocations or suspensions, and certain permit renewals or amendments. Public notice of permit hearings before the District's Board of Directors on the permit applications submitted to the District will be posted at a place convenient to the public in the District Office and by the county clerk of Comanche and Erath Counties on a bulletin board at a place convenient to the public in the county courthouse.

Amendment of Permits: Rule 5.13 of the District's Rules establishes that a substantial change to a permit may be made only after application to and approval by the District. A substantial change to a permit includes a change that would substantially alter the size or capacity of a well, an increase in the annual quantity of groundwater authorized to be withdrawn, a change in type of use or location of use of the water produced, a change of location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.

CERTIFICATION:

Applicant agrees to comply with the District's Rules, plans established pursuant to the District's Rules, and the terms of the permit. ☒ Yes ☐ No

I hereby certify that the information in this permit application and in the associated well registration application is true and accurate to the best of my knowledge and belief.

Print Name _____

Walter Howard
Signature of Well Owner or Agent

5/10/05
Date

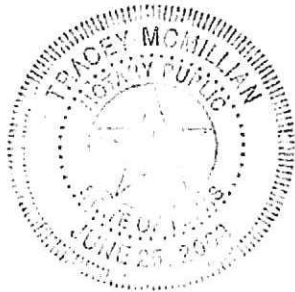
STATE OF TEXAS §§

COUNTY OF Comanche

Before me, the undersigned notary public, on this day personally appeared Vickie Howard, who being by me duly sworn upon his oath deposed and said that he has read the above and foregoing application and that every statement contained therein is within his/her personal knowledge and true and correct.

Walter Howard
Signature of Permit Applicant

SUBSCRIBED and SWORN to before me on this 10 day of May, 2005, to certify which witness my hand and official seal of office.



Tracey McMillan
Notary Public, State of Texas
My Commission Expires: 6-25-08

District Use Only

Permit No. _____ MTGCD Well No. _____
State Well No. _____ Aggregate Well No. _____
Qty. of Wells in Aggregation: _____

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434
Stephenville, TX 76401
254/965-6705
Fax: 254/965-6745

Comanche County

119 West Grand
Comanche, TX 76442
325/356-9200
Fax: 325/356-9700

GRANDFATHER PERMIT

PERMIT NO.: #GP-6779

- I. **PERMITTEE:** Kenneth and Vickie Harvick
- II. **STATUS OF PERMIT:** Active (Active Well or Inactive Well GP)
- III. **NUMBER OF WELLS COVERED BY PERMIT:** 1
FM 3200
Comanche, TX 76442

V. **WELL REGISTRATION NUMBER(S):**

VI. **PERMIT TERM:**

Date of Issue: June 2nd, 2005

* Active Well Grandfather Permits and Inactive Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, or to achieve the goals and objectives of the District's Management Plan. In addition, Inactive Well Grandfather Permits may be retired in accordance with the District Rule 5.15.

- VII. **PURPOSE OF USE:** Irrigation
- VIII. **AUTHORIZED WITHDRAWAL:**

If this permit has Active Well Grandfather Permit status, then the permittee listed above may withdraw groundwater from each well covered by this permit in an amount that the well was capable of producing prior to May 11, 2004 (the date of adoption of the District's Rules) and applying to a beneficial use, so long as the well is not substantially altered.

If this permit has Inactive Well Grandfather Permit status, then the permittee listed above may not withdraw groundwater from any well covered by this permit until the Inactive Well Grandfather Permit has been amended pursuant to District Rule 5.13(d) to reflect Active Well Grandfather Permit status.

An Inactive Well Grandfather Permit may be amended to Active Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

- IX. **RETIREMENT PROGRAM FOR INACTIVE WELL GRANDFATHER PERMITS:**

In accordance with District Rule 5.15, the Board of the District, after notice and hearing, may establish by order a date designated as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board determines that there is insufficient groundwater available in the District for issuance of new Operating Permits. On the Date of Permit Retirement, the District shall retire Inactive Well Grandfather Permits so that no permittee may amend an Inactive Well Grandfather Permit to Active Well Grandfather Permit status. The owner of a well for which an Inactive Well Grandfather Permit

is retired under the District's Rules who fails to timely apply for and obtain an Operating Permit, if available, is subject to the well plugging requirements of District Rule 10.5.

The Retirement Program only applies to the following categories of Inactive Well Grandfather Permits:

- (a) Inactive Well Grandfather Permits for wells that have never had Active Well Grandfather permit status prior to the Date of Permit Retirement; and
- (b) Any well that has been issued an Inactive Well Grandfather Permit and has never had Active Well Grandfather Permit status prior to the date that notice is published of a hearing specified in District Rule 5.15, but whose owner has not filed an administratively complete application with the District to convert the well from Inactive to Active Well Grandfather Permit status after the date of such publication of notice and prior to the Date of Permit Retirement and the well did not begin producing water for a beneficial use in accordance with the terms of the permit within one calendar year of the Date of Permit Retirement. Failure to comply with the above-mentioned terms of District Rule 5.15(f) shall subject such a well described by Subsection (f) and its Grandfather Permit(s) to being retired by the District as if the Active Well Grandfather Permit had never been issued for the well. A hearing to retire a Grandfather Permit under District Rule 5.15(f) may be initiated by the District after notice to the permittee. The burden of proof at such a hearing that the well produced groundwater for a beneficial use during the year following the Date of Permit Retirement shall be on the permittee.

X. GROUNDWATER WELL STATUS REPORT:

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1. This permit must be amended by application to the District before the permit holder may make a substantial change to the permit including changes that would substantially alter the size or capacity of a well, increase the annual quantity of groundwater authorized to be withdrawn, change the type of use or location of use of the water produced, or change the location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.
2. This permit is issued in accordance with the provisions of the District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that the permittee will comply with the Rules of the District. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit. Such acknowledgement and agreement by the permittee is a condition precedent to the granting and issuance of this permit.
3. This permit confers only the right to operate under the terms and conditions of the permit, and its terms may be modified or amended pursuant to the District Rules or Chapter 36 of the Texas Water Code, as they exist or may be amended, and the directives of the Texas Legislature, or if necessary to achieve the goals and objectives of the District Management Plan. The issuance of this permit does not grant to the permittee the right to use private property, or public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of federal, state, or local laws, or any regulations.
4. Permits issued by the District for permitted wells may be subject to conditions and restrictions placed on the rate and amount of withdrawal, the rules promulgated by the District, and terms and provisions with reference to the equipping of wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells. This permit is also issued subject to: (1) exempt uses; (2) the District's management plan; (3) the District's Rules as they exist now or as they may be amended in the future; and (4) the continuing right of the District

- to supervise and regulate groundwater production from the aquifers within the District's boundaries, as authorized by Chapter 36, Texas Water Code, as amended.
5. Within 60 calendar days after the date of sale, the Grandfather Permit holder must notify the District in writing of the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 60 days from the date of change in ownership, file an application for a permit amendment to effect a transfer of the permit.
 6. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
 7. All water withdrawn under this permit must be put to beneficial use at all times.
 8. The permitted well site must be accessible to District representatives for inspection or to perform water level monitoring, water quality testing, and well investigations in accordance with Section 10 of the District's Rules, and the permittee agrees to cooperate fully in any reasonable inspection of the well and or well site by the District representatives.
 9. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of this permit.
 10. Violation of a permit's terms, conditions, requirements, or special provisions is punishable by permit revocation, civil penalties, and other enforcement as provided by Section 10 of the District's Rules. It is a violation of the District's Rules to produce any amount of water in excess of the authorized amount in this permit.
 11. All other matters requested in the application, which are not specifically granted by this permit, are denied.
 12. The District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.
 13. Pursuant to District Rule 6.1, a well owner may apply to re-equip, re-drill, or replace a currently permitted well by filing an application to amend this permit on a form provided by the District upon request.
 14. The right to produce groundwater from a well under a grandfather permit may not be transferred to any other well in the District, except to a replacement well under Rule 6.1.

SPECIAL CONDITIONS: None

DATED, ISSUED, EXECUTED AND EFFECTIVE THIS 2nd day
of June 2005.

PERMITTEE:

DISTRICT:


Signature


Printed Name


Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

Well Information

Estimated rate at which water will be withdrawn from proposed well: 50 GPM

Water Conservation Plan attached? Yes ☒ No. If no, sign below as a declaration that the applicant will comply with the District's Management Plan.

Duke Harvick (applicant's signature)

Drought Contingency Plan attached? Yes ☒ No. If applicant is a wholesale or retail public water supplier, or an irrigation district, a copy of its drought contingency plan must be attached to this application.

Is the applicant a retail public utility as defined by Section 13.002 of the Texas Water Code? Yes ☒ No.

List subdivision(s) or service area existing well will service, if applicable: _____

Will the groundwater withdrawn under this permit be used in conjunction with another Operating or Grandfather Permit? Yes ☒ No

If yes, explain: _____

Will this well be placed in aggregate with other wells? Yes ☒ No. If yes, with how many? 6 Are they permitted: Yes ☒ No

Will the groundwater withdrawn from the well be resold, leased, or otherwise transferred to others? Yes ☒ No. If yes, please provide the location to which the groundwater will be delivered: _____

If the answer was yes to the question above, please provide the purpose for which the groundwater will be used: _____

If the answer was yes to the question above, please attach to this application a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for the sale, lease, or transfer of groundwater.

Please submit signed application along with any attachments to MT GCD, 150 N. Harbin St., Suite 434, Stephenville, Texas 76401.

Note: Pursuant to Section 9 of the District's Rules, the District is required to hold permit hearings on permit applications, permit revocations or suspensions, and certain permit renewals or amendments. Public notice of permit hearings before the District's Board of Directors on the permit applications submitted to the District will be posted at a place convenient to the public in the District Office and by the county clerk of Comanche and Erath Counties on a bulletin board at a place convenient to the public in the county courthouse.

Amendment of Permits: Rule 5.13 of the District's Rules establishes that a substantial change to a permit may be made only after application to and approval by the District. A substantial change to a permit includes a change that would substantially alter the size or capacity of a well, an increase in the annual quantity of groundwater authorized to be withdrawn, a change in type of use or location of use of the water produced, a change of location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.

CERTIFICATION:

Applicant agrees to comply with the District's Rules, plans established pursuant to the District's Rules, and the terms of the permit. ☒ Yes ☐ No

I hereby certify that the information in this permit application and in the associated well registration application is true and accurate to the best of my knowledge and belief.

Print Name _____

Vickie Harvick
Signature of Well Owner or Agent

5/10/05
Date

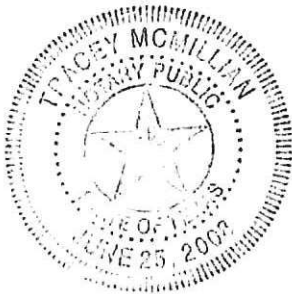
STATE OF TEXAS §§

COUNTY OF Comanche

Before me, the undersigned notary public, on this day personally appeared Vickie Harvick, who being by me duly sworn upon his oath deposed and said that he has read the above and foregoing application and that every statement contained therein is within his/her personal knowledge and true and correct.

Vickie Harvick
Signature of Permit Applicant

SUBSCRIBED and SWORN to before me on this 10 day of May, 2005, to certify which witness my hand and official seal of office.



Tracey McMillan
Notary Public, State of Texas
My Commission Expires: 6-25-08

District Use Only

Permit No. _____ MTGCD Well No. _____
State Well No. _____ Aggregate Well No. _____
Qty. of Wells in Aggregation: _____

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705

Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

325/356-9200

Fax: 325/356-9700

GRANDFATHER PERMIT

PERMIT NO.: #GP-6778

- I. **PERMITTEE:** Kenneth and Vickie Harvick
- II. **STATUS OF PERMIT:** Active (Active Well or Inactive Well GP)
- III. **NUMBER OF WELLS COVERED BY PERMIT:** 1
FM 3200
Comanche, TX 76442

V. **WELL REGISTRATION NUMBER(S):**

VI. **PERMIT TERM:**

Date of Issue: June 2nd, 2005

* Active Well Grandfather Permits and Inactive Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, or to achieve the goals and objectives of the District's Management Plan. In addition, Inactive Well Grandfather Permits may be retired in accordance with the District Rule 5.15.

VII. **PURPOSE OF USE:** Irrigation

VIII. **AUTHORIZED WITHDRAWAL:**

If this permit has Active Well Grandfather Permit status, then the permittee listed above may withdraw groundwater from each well covered by this permit in an amount that the well was capable of producing prior to May 11, 2004 (the date of adoption of the District's Rules) and applying to a beneficial use, so long as the well is not substantially altered.

If this permit has Inactive Well Grandfather Permit status, then the permittee listed above may not withdraw groundwater from any well covered by this permit until the Inactive Well Grandfather Permit has been amended pursuant to District Rule 5.13(d) to reflect Active Well Grandfather Permit status.

An Inactive Well Grandfather Permit may be amended to Active Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

IX. **RETIREMENT PROGRAM FOR INACTIVE WELL GRANDFATHER PERMITS:**

In accordance with District Rule 5.15, the Board of the District, after notice and hearing, may establish by order a date designated as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board determines that there is insufficient groundwater available in the District for issuance of new Operating Permits. On the Date of Permit Retirement, the District shall retire Inactive Well Grandfather Permits so that no permittee may amend an Inactive Well Grandfather Permit to Active Well Grandfather Permit status. The owner of a well for which an Inactive Well Grandfather Permit

is retired under the District's Rules who fails to timely apply for and obtain an Operating Permit, if available, is subject to the well plugging requirements of District Rule 10.5.

The Retirement Program only applies to the following categories of Inactive Well Grandfather Permits:

- (a) Inactive Well Grandfather Permits for wells that have never had Active Well Grandfather permit status prior to the Date of Permit Retirement; and
- (b) Any well that has been issued an Inactive Well Grandfather Permit and has never had Active Well Grandfather Permit status prior to the date that notice is published of a hearing specified in District Rule 5.15, but whose owner has not filed an administratively complete application with the District to convert the well from Inactive to Active Well Grandfather Permit status after the date of such publication of notice and prior to the Date of Permit Retirement and the well did not begin producing water for a beneficial use in accordance with the terms of the permit within one calendar year of the Date of Permit Retirement. Failure to comply with the above-mentioned terms of District Rule 5.15(f) shall subject such a well described by Subsection (f) and its Grandfather Permit(s) to being retired by the District as if the Active Well Grandfather Permit had never been issued for the well. A hearing to retire a Grandfather Permit under District Rule 5.15(f) may be initiated by the District after notice to the permittee. The burden of proof at such a hearing that the well produced groundwater for a beneficial use during the year following the Date of Permit Retirement shall be on the permittee.

X. GROUNDWATER WELL STATUS REPORT:

A person or entity who has been granted an Active Well Grandfather Permit or an Inactive Well Grandfather Permit by the District is required to complete and return to the District a Groundwater Well Status Report distributed on a form provided by the District every two (2) years on a schedule to be established by the Board by resolution. Failure of a permittee to complete the Groundwater Well Status Report may subject the permittee to enforcement under Section 10 of the District's Rules. Upon receipt of a Groundwater Well Status Report completed pursuant to the District's Rules, the General Manager may amend an Active Well Grandfather Permit or an Inactive Well Grandfather Permit to reflect any changes in the permit described by the Groundwater Well Status Report.

XI. PROVISIONS:

1. This permit must be amended by application to the District before the permit holder may make a substantial change to the permit including changes that would substantially alter the size or capacity of a well, increase the annual quantity of groundwater authorized to be withdrawn, change the type of use or location of use of the water produced, or change the location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.
2. This permit is issued in accordance with the provisions of the District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that the permittee will comply with the Rules of the District. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions contained in the permit. Such acknowledgement and agreement by the permittee is a condition precedent to the granting and issuance of this permit.
3. This permit confers only the right to operate under the terms and conditions of the permit, and its terms may be modified or amended pursuant to the District Rules or Chapter 36 of the Texas Water Code, as they exist or may be amended, and the directives of the Texas Legislature, or if necessary to achieve the goals and objectives of the District Management Plan. The issuance of this permit does not grant to the permittee the right to use private property, or public property, for the production or conveyance of water. Neither does this permit authorize the invasion of any personal rights nor the violation of federal, state, or local laws, or any regulations.
4. Permits issued by the District for permitted wells may be subject to conditions and restrictions placed on the rate and amount of withdrawal, the rules promulgated by the District, and terms and provisions with reference to the equipping of wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, or lessen interference between wells. This permit is also issued subject to: (1) exempt uses; (2) the District's management plan; (3) the District's Rules as they exist now or as they may be amended in the future; and (4) the continuing right of the District


- to supervise and regulate groundwater production from the aquifers within the District's boundaries, as authorized by Chapter 36, Texas Water Code, as amended.
5. Within 60 calendar days after the date of sale, the Grandfather Permit holder must notify the District in writing of the name of the new owner of a permitted well. Any person who becomes the owner of a currently permitted well must, within 60 days from the date of change in ownership, file an application for a permit amendment to effect a transfer of the permit.
 6. The operation of the well for the authorized withdrawal must be conducted in a non-wasteful manner.
 7. All water withdrawn under this permit must be put to beneficial use at all times.
 8. The permitted well site must be accessible to District representatives for inspection or to perform water level monitoring, water quality testing, and well investigations in accordance with Section 10 of the District's Rules, and the permittee agrees to cooperate fully in any reasonable inspection of the well and or well site by the District representatives.
 9. The application pursuant to which this permit has been issued is incorporated in this permit, and this permit is granted on the basis of, and contingent upon, the accuracy of the information supplied in that application. A finding that false information has been supplied is grounds for immediate revocation of this permit.
 10. Violation of a permit's terms, conditions, requirements, or special provisions is punishable by permit revocation, civil penalties, and other enforcement as provided by Section 10 of the District's Rules. It is a violation of the District's Rules to produce any amount of water in excess of the authorized amount in this permit.
 11. All other matters requested in the application, which are not specifically granted by this permit, are denied.
 12. The District makes no representations and shall have no responsibility with respect to the availability or quality of water authorized to be produced under this permit.
 13. Pursuant to District Rule 6.1, a well owner may apply to re-equip, re-drill, or replace a currently permitted well by filing an application to amend this permit on a form provided by the District upon request.
 14. The right to produce groundwater from a well under a grandfather permit may not be transferred to any other well in the District, except to a replacement well under Rule 6.1.

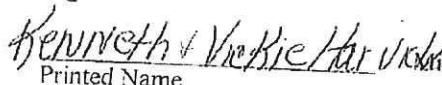
SPECIAL CONDITIONS: None

DATED, ISSUED, EXECUTED AND EFFECTIVE THIS 2nd day
of June 2005.

PERMITTEE:

DISTRICT:


Signature


Printed Name


Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

GROUNDWATER WELL STATUS REPORT
Middle Trinity Groundwater Conservation District

930 Wolfe Nursery Rd., Stephenville, TX 76401

Ph: 254/965-6705 or 1-877-965-6705 Fax: 254/965-6745

Erath County

Comanche County

Bosque County

Corvell County

MTGCD Rules require all Permit holders to complete and return this form to the MTGCD. The purpose of this form is to help the MTGCD maintain current and accurate information for all wells that operate under a Permit within MTGCD's boundaries. If any changes have occurred in the status of the permitted well, please mark though the incorrect information and provide the updated information.

1. Well ownership information:

The owner of the well(s) is listed as:

Kenneth Harvick
300 Foxcreek Drive
Comanche, TX 76442

Has ownership of the permitted well(s) changed? Yes _____ No ☒

If you marked "Yes", please list the **current** owner's name and address in the space below (*If no change in ownership then leave blank*):

If you marked "No", please make any address corrections for the original well owner in space below (*If no change in address then leave blank*):

2. Well information as provided in permit application form on file with MTGCD:

The information listed below was provided in the original permit application form filed with MTGCD. Please review the information below, mark through any incorrect information that needs to be updated, and provide the updated information where necessary. If the information below is blank, then please update it by filling in the correct information. Please attach a separate piece of paper if needed.

Well Site Location	MTGCD Permit # (now the same as Registration #)
FM 3200	15435
Comanche 76442	

Latitude:	Longitude:
31.50.774 N	98.35.453 W

Gallons Per Minute (GPM):	Purpose of Use of the Water:
----------------------------------	-------------------------------------

50	Irrigation
-----------	-------------------

Is the well currently in operation? Yes ☒ No _____

If you marked "No", has the well been capped, plugged, or sealed? Yes _____ No _____

Is the groundwater withdrawn from the well now sold to others, leased, or otherwise transferred for use by others? Yes _____ No ☒

If you marked "Yes", please provide the location to which the groundwater is delivered and the purpose for which it is now used: _____

State the estimated amount of water used or to be used for each identified purpose (other than domestic and livestock):

Public Water Supply _____
Commercial _____
Industrial _____
Irrigation (Agricultural) 50 GPM
Hydrocarbon Production _____
Other _____

Part IV – Well Information:

Water well closure plan attached? Yes ☐ No ☒ If no, sign below as a declaration that the applicant will comply with state and MTGCD well capping and plugging rules and report closure to the District:

[Signature] (Owners signature)

Method of Withdrawal (submersible pump, windmill, etc.): Submersible

Estimated maximum pumping capacity of well: 50 gpm

Estimated depth of well: 120

Size of well: 5" (diameter of the well casing)

2" (inside diameter of the pump [discharge] column pipe.)

Size of well pump: 5 HP

For existing wells, please state if any water was produced prior to May 11, 2004: _____ No ☒ Yes

Part V – Certification:

Applicant agrees that water produced/withdrawn from the existing/proposed well will be put to beneficial use at all times:
_____ No ☒ Yes

Applicant agrees to abide by the Rules of the District: _____ No ☒ Yes.

I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.

Print Name _____

Signature _____

Date _____

DISTRICT USE ONLY

Drilling approved _____ No. _____
Permit required before drilling _____ Date _____



APPLICATION FOR GRANDFATHER PERMIT

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Permit No. _____

MTGCD Well No. _____

State Well No. _____

IMPORTANT NOTE: PERMIT APPLICANT MUST SUBMIT AN APPLICATION FOR WELL REGISTRATION PRIOR TO OR IN CONJUNCTION WITH THE SUBMITTAL OF THIS PERMIT APPLICATION.

Instructions: Fill out this form for each well (type or print). Submit permit application form for each well to the Erath County office at the address listed above. Additional information or explanation may be attached.

In accordance with District Rule 5.11(e), the information provided by the permit applicant in the spaces below will be incorporated into the permit if a permit is issued. The permit will be granted on the basis of, and contingent upon, the accuracy of the information supplied in this application. A finding that false information has been supplied is grounds for immediate revocation of the permit. In addition, the information given in this permit application will be supplemented by the information provided by the permit applicant in the well registration application that is submitted to the District for the existing well.

Date of permit application: 4/16

Had the existing well that is the subject of this permit application been completed and produced groundwater on or before May 11, 2004? ☒ Yes ☐ No

Was the existing well that is the subject of this permit application operational (see note below) on May 11, 2004? ☒ Yes ☐ No

(Note: Per District Rule 1.1, "operational" with respect to a water well means a non-deteriorated well which contains the casing, pump, and pump column in good condition and is capable of producing groundwater without being further equipped.)

If the existing well was not operational on May 11, 2004, please answer the following questions:

Was the existing well capped? ☐ Yes ☐ No

Other? (explain) _____

Well Location Information – Location Map

Please attach a 7.5 minute United States Department of Interior Topographic Map showing the location of the existing well, and showing all wells in existence on the date of application within a quarter (1/4) mile radius of the location(s) of the existing well. Copies of such maps for use by an applicant may be obtained from the District Office. Alternatively, instead of providing a map, the applicant may provide latitude and longitude coordinates as measured by a calibrated GPS instrument for the existing well(s) and such nearby wells.

APPLICATION FOR GRANDFATHER PERMIT

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Permit No. _____

MTGCD Well No. _____

State Well No. _____

IMPORTANT NOTE: PERMIT APPLICANT MUST SUBMIT AN APPLICATION FOR WELL REGISTRATION PRIOR TO OR IN CONJUNCTION WITH THE SUBMITTAL OF THIS PERMIT APPLICATION.

Instructions: Fill out this form for each well (type or print). Submit permit application form for each well to the Erath County office at the address listed above. Additional information or explanation may be attached.

In accordance with District Rule 5.11(e), the information provided by the permit applicant in the spaces below will be incorporated into the permit if a permit is issued. The permit will be granted on the basis of, and contingent upon, the accuracy of the information supplied in this application. A finding that false information has been supplied is grounds for immediate revocation of the permit. In addition, the information given in this permit application will be supplemented by the information provided by the permit applicant in the well registration application that is submitted to the District for the existing well.

Date of permit application: 2/22/05

Had the existing well that is the subject of this permit application been completed and produced groundwater on or before May 11, 2004? ☒ Yes ☐ No

Was the existing well that is the subject of this permit application operational (see note below) on May 11, 2004? ☒ Yes ☐ No

(Note: Per District Rule 1.1, "operational" with respect to a water well means a non-deteriorated well which contains the casing, pump, and pump column in good condition and is capable of producing groundwater without being further equipped.)

If the existing well was not operational on May 11, 2004, please answer the following questions:

Was the existing well capped? ☐ Yes ☐ No

Other? (explain) _____

Well Location Information – Location Map

Please attach a 7.5 minute United States Department of Interior Topographic Map showing the location of the existing well, and showing all wells in existence on the date of application within a quarter (1/4) mile radius of the location(s) of the existing well. Copies of such maps for use by an applicant may be obtained from the District Office. Alternatively, instead of providing a map, the applicant may provide latitude and longitude coordinates as measured by a calibrated GPS instrument for the existing well(s) and such nearby wells.

Well Information

Estimated rate at which water will be withdrawn from proposed well: 50 GPM

Water Conservation Plan attached? Yes ☒ No. If no, sign below as a declaration that the applicant will comply with the District's Management Plan.

Dusty Howard (applicant's signature)

Drought Contingency Plan attached? Yes ☒ No. If applicant is a wholesale or retail public water supplier, or an irrigation district, a copy of its drought contingency plan must be attached to this application.

Is the applicant a retail public utility as defined by Section 13.002 of the Texas Water Code? Yes ☒ No.

List subdivision(s) or service area existing well will service, if applicable: _____

Will the groundwater withdrawn under this permit be used in conjunction with another Operating or Grandfather Permit?
☒ Yes ☐ No

If yes, explain: Pumped to a common storage tank

Will this well be placed in aggregate with other wells? ☒ Yes ☐ No. If yes, with how many? 6 Are they permitted: Yes

Will the groundwater withdrawn from the well be resold, leased, or otherwise transferred to others? Yes ☒ No. If yes, please provide the location to which the groundwater will be delivered: _____

If the answer was yes to the question above, please provide the purpose for which the groundwater will be used: _____

If the answer was yes to the question above, please attach to this application a copy of the legal documents establishing the right for the groundwater to be sold, leased, or otherwise transferred, including but not limited to any contract for the sale, lease, or transfer of groundwater.

Please submit signed application along with any attachments to MT GCD, 150 N. Harbin St., Suite 434, Stephenville, Texas 76401.

Note: Pursuant to Section 9 of the District's Rules, the District is required to hold permit hearings on permit applications, permit revocations or suspensions, and certain permit renewals or amendments. Public notice of permit hearings before the District's Board of Directors on the permit applications submitted to the District will be posted at a place convenient to the public in the District Office and by the county clerk of Comanche and Frath Counties on a bulletin board at a place convenient to the public in the county courthouse.

Amendment of Permits: Rule 5.13 of the District's Rules establishes that a substantial change to a permit may be made only after application to and approval by the District. A substantial change to a permit includes a change that would substantially alter the size or capacity of a well, an increase in the annual quantity of groundwater authorized to be withdrawn, a change in type of use or location of use of the water produced, a change of location of groundwater withdrawal except as provided in Section 6 of the District's Rules for replacement wells, or the addition of a new well to be included in an already permitted aggregate system.

CERTIFICATION:

Applicant agrees to comply with the District's Rules, plans established pursuant to the District's Rules, and the terms of the permit. ☒ Yes ☐ No

I hereby certify that the information in this permit application and in the associated well registration application is true and accurate to the best of my knowledge and belief.

Print Name _____

Nulu Harvick
Signature of Well Owner or Agent

_____ Date

STATE OF TEXAS §§

COUNTY OF Comanches

Before me, the undersigned notary public, on this day personally appeared Vickie Harkick, who being by me duly sworn upon his oath depose and said that he has read the above and foregoing application and that every statement contained therein is within his/her personal knowledge and true and correct.

Nulu Harvick
Signature of Permit Applicant

SUBSCRIBED and SWORN to before me on this 10 day of May, 2005, to certify which witness my hand and official seal of office.



Tracey McMillan
Notary Public, State of Texas
My Commission Expires: 6-25-08

District Use Only

Permit No. _____ MTGCD Well No. _____
State Well No. _____ Aggregate Well No. _____
Qty. of Wells in Aggregation: _____



Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705

Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

325/356-9200

Fax: 325/356-9700

GRANDFATHER PERMIT

PERMIT NO.: #GP-6777

- I. PERMITTEE: Kenneth and Vickie Harvick
- II. STATUS OF PERMIT: Active (Active Well or Inactive Well GP)
- III. NUMBER OF WELLS COVERED BY PERMIT: 1
FM 3200
Comanche, TX 76442

V. WELL REGISTRATION NUMBER(S):

VI. PERMIT TERM:

Date of Issue: June 2nd, 2005

* Active Well Grandfather Permits and Inactive Well Grandfather Permits are effective as of the date of issuance by the District and are perpetual in nature, subject to being modified in the future in accordance with Chapter 36 of the Texas Water Code, the directives of the Texas Legislature, or to achieve the goals and objectives of the District's Management Plan. In addition, Inactive Well Grandfather Permits may be retired in accordance with the District Rule 5.15.

VII. PURPOSE OF USE: Irrigation

VIII. AUTHORIZED WITHDRAWAL:

If this permit has Active Well Grandfather Permit status, then the permittee listed above may withdraw groundwater from each well covered by this permit in an amount that the well was capable of producing prior to May 11, 2004 (the date of adoption of the District's Rules) and applying to a beneficial use, so long as the well is not substantially altered.

If this permit has Inactive Well Grandfather Permit status, then the permittee listed above may not withdraw groundwater from any well covered by this permit until the Inactive Well Grandfather Permit has been amended pursuant to District Rule 5.13(d) to reflect Active Well Grandfather Permit status.

An Inactive Well Grandfather Permit may be amended to Active Well Grandfather Permit status by the General Manager upon proper application by the permittee for such a permit amendment.

IX. RETIREMENT PROGRAM FOR INACTIVE WELL GRANDFATHER PERMITS:

In accordance with District Rule 5.15, the Board of the District, after notice and hearing, may establish by order a date designated as the Date of Permit Retirement. The Date of Permit Retirement may be designated by the Board when the Board determines that there is insufficient groundwater available in the District for issuance of new Operating Permits. On the Date of Permit Retirement, the District shall retire Inactive Well Grandfather Permits so that no permittee may amend an Inactive Well Grandfather Permit to Active Well Grandfather Permit status. The owner of a well for which an Inactive Well Grandfather Permit

GROUNDWATER WELL STATUS REPORT
Middle Trinity Groundwater Conservation District

930 Wolfe Nursery Rd., Stephenville, TX 76401

Ph: 254/965-6705 or 1-877-965-6705 Fax: 254/965-6745

Erath County

Comanche County

Bosque County

Corvell County

MTGCD Rules require all Permit holders to complete and return this form to the MTGCD. The purpose of this form is to help the MTGCD maintain current and accurate information for all wells that operate under a Permit within MTGCD's boundaries. If any changes have occurred in the status of the permitted well, please mark though the incorrect information and provide the updated information.

1. Well ownership information:

The owner of the well(s) is listed as:

Kenneth Harvick
300 Foxcreek Drive
Comanche, TX 76442

Has ownership of the permitted well(s) changed? Yes _____ No ☒

If you marked "Yes", please list the current owner's name and address in the space below (*If no change in ownership then leave blank*):

If you marked "No", please make any address corrections for the original well owner in space below (*If no change in address then leave blank*):

2. Well information as provided in permit application form on file with MTGCD:

The information listed below was provided in the original permit application form filed with MTGCD. Please review the information below, mark through any incorrect information that needs to be updated, and provide the updated information where necessary. If the information below is blank, then please update it by filling in the correct information. Please attach a separate piece of paper if needed.

<u>Well Site Location</u>	<u>MTGCD Permit # (now the same as Registration #)</u>
FM 3200	15434
Comanche 76442	

<u>Latitude:</u>	<u>Longitude:</u>
31.50.244 N	98.35.452 W

<u>Gallons Per Minute (GPM):</u>	<u>Purpose of Use of the Water:</u>
----------------------------------	-------------------------------------

50	Irrigation
----	------------

Is the well currently in operation? Yes ☒ No _____

If you marked "No", has the well been capped, plugged, or sealed? Yes _____ No _____

Is the groundwater withdrawn from the well now sold to others, leased, or otherwise transferred for use by others? Yes _____ No ☒

If you marked "Yes", please provide the location to which the groundwater is delivered and the purpose for which it is now used: _____

APPLICATION FOR WELL REGISTRATION

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Reg. No. 16435

Well No. _____

RULE 5.1 REGISTRATION:

All water wells, existing and new, must be registered with the District and are required to comply with the District's registration requirements in these rules.

RULE 5.2 GENERAL REGISTRATION POLICIES AND PROCEDURES:

- No person or entity shall drill, modify, complete, change type of use, plug, abandon, or substantially alter the size of a well within the District without first registering the well with the District, except as set forth under Rule 6.1, even though the well may be exempt from the requirement of a permit under District Rule 5.3.
- The District staff will review the application for registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 5.3. Providing the preliminary determination is that the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration.
- If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further applications and information required to permit the well under these rules.
- If the preliminary determination is that the well is not exempt, no person may drill, equip, complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.
- A violation of this rule occurs on the first day the drilling, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

Application Date: 4/29/05

-This form may be faxed or mailed.

Part I - Well Owner and Driller Information:

Well Owner: Kenneth Harvick Phone: 325-356-2566

Mailing Address: 300 K DRIVE Fax: _____

City: COMMANCHE State: TX ZIP: 76442

Physical Address (if different than above): Route 2 FM 3200, Comanche

Registrant (if other than owner): _____ Phone: _____

Mailing Address: _____ Fax: _____

City: _____ State: _____ ZIP: _____

Physical Address (if different than above): _____

If Registrant is other than the owner of the property where the existing or proposed well is or will be located, include documentation establishing the applicable authority to operate the existing well or to construct and operate a well for the proposed use.

Drilling Company (if known): Bobby Davis Phone: _____

Contact: _____ License #: _____ Fax: _____

City: COMMANCHE State: TX ZIP: 76442

Part II – Well Location:

Well Site Address: _____

City: Comanche State: TX ZIP: _____

Latitude: 31-50-27.4 Longitude: 98-45.3

If Latitude and Longitude is not known, will you grant MTGCD staff access to obtain such information after proper notice?
_____ Yes _____ No

Legal Description:

Survey Name (if known): _____ Survey No. (if known): _____ Abstract No (if known): _____

Attach a map adequate to locate the well and provide: _____ feet from the E property line and
(N, S, E, W, etc.)
3500 feet from the S property line and
(Use perpendicular lines)

Alternate Well Location (for new wells):

Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

Will the groundwater withdrawn from the well be used on a different property than the property where the well is located?
☒ No _____ If yes, explain: _____

Please identify the total number of acres of land contiguous in ownership with the land where the well(s) is/are located:
4.6

Will the groundwater produced be transported out of Comanche or Erath Counties? ☒ No _____ If yes, explain: _____

Part III – Purpose for Water Use:

Mark (x) all appropriate spaces regarding the purpose of existing use of the well or the proposed use for new wells:

_____ Public Water Supply

Domestic

_____ Commercial

_____ Solely one single-family house (includes lawn irrigation)
If not built, when will construction begin? _____

_____ Industrial

_____ Multi-family

☒ Irrigation (Agricultural) (other than lawn watering)

_____ Livestock Watering

_____ Hydrocarbon production (explain): _____

_____ Other (explain): _____

Zoom to

APPLICATION FOR WELL REGISTRATION

Middle Trinity Groundwater Conservation District

Erath County

150 N. Harbin St., Suite 434

Stephenville, TX 76401

254/965-6705 Fax: 254/965-6745

Comanche County

119 West Grand

Comanche, TX 76442

District Use Only

Reg. No. 15434

Well No. _____

RULE 5.1 REGISTRATION:

All water wells, existing and new, must be registered with the District and are required to comply with the District's registration requirements in these rules.

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- No person or entity shall drill, modify, complete, change type of use, plug, abandon, or substantially alter the size of a well within the District without first registering the well with the District, except as set forth under Rule 6.1, even though the well may be exempt from the requirement of a permit under District Rule 5.3.
- The District staff will review the application for registration and make a preliminary determination on whether the well meets the exclusions or exemptions provided in Rule 5.3. Providing the preliminary determination is that the well is excluded or exempt, the registrant may begin drilling immediately upon receiving the approved registration.
- If the preliminary determination is that the well is not exempt, the District staff will inform the registrant of any further applications and information required to permit the well under these rules.
- If the preliminary determination is that the well is not exempt, no person may drill, equip, complete, or substantially alter the well without first obtaining the appropriate permit or amendment thereto from the District.
- A violation of this rule occurs on the first day the drilling, equipping, completion, or alteration without the appropriate registration or permit begins and continues each day thereafter until the appropriate registration or permit is issued.

Application Date: 4/29/05

-This form may be faxed or mailed.

Part I - Well Owner and Driller Information:

Well Owner: Reine Th Nardick

Phone: 325-386-2566

Mailing Address: 300 Foxwood Drive

Fax: _____

City: He

State: TEX

ZIP: 76442

Physical Address (if different than above): 100 Foxwood Drive

Registrant (if other than owner): _____

Phone: _____

Mailing Address: _____

Fax: _____

City: _____

State: _____

ZIP: _____

Physical Address (if different than above): _____

If Registrant is other than the owner of the property where the existing or proposed well is or will be located, include documentation establishing the applicable authority to operate the existing well or to construct and operate a well for the proposed use.

Drilling Company (if known): Bosley Davis

Phone: _____

Contact: _____

License #: _____

Fax: _____

City: Comanche

State: TEX

ZIP: 76442

Part II - Well Location:

Well Site Address: 1 Mile S FM 3200

City: _____ State: Texas ZIP: 76401

Latitude: 31-50-24.4 Longitude: 98-35-45.2

If Latitude and Longitude is not known, will you grant MTGCD staff access to obtain such information after proper notice?
_____ Yes _____ No

Legal Description:

Survey Name (if known): _____ Survey No. (if known): _____ Abstract No (if known): _____

Attach a map adequate to locate the well and provide: _____ feet from the E property line and
(N, S, E, W, etc.)
3000 feet from the S property line and
(Use perpendicular lines)

Alternate Well Location (for new wells):

Latitude: _____ Longitude: _____

Latitude: _____ Longitude: _____

Will the groundwater withdrawn from the well be used on a different property than the property where the well is located?
☒ No _____ If yes, explain: _____

Please identify the total number of acres of land contiguous in ownership with the land where the well(s) is/are located:
4.6

Will the groundwater produced be transported out of Comanche or Erath Counties? ☒ No _____ If yes, explain: _____

Part III - Purpose for Water Use:

Mark (x) all appropriate spaces regarding the purpose of existing use of the well or the proposed use for new wells:

_____ Public Water Supply

Domestic

_____ Commercial

_____ Solely one single-family house (includes lawn irrigation)
If not built, when will construction begin? _____

_____ Industrial

_____ Multi-family

☒ Irrigation (Agricultural) (other than lawn watering)

_____ Livestock Watering

_____ Hydrocarbon production (explain): _____

_____ Other (explain): _____

State the estimated amount of water used or to be used for each identified purpose (other than domestic and livestock):

Public Water Supply _____
Commercial _____
Industrial _____
Irrigation (Agricultural) 50 GPM
Hydrocarbon Production _____
Other _____

Part IV – Well Information:

Water well closure plan attached? Yes ✓ No. If no, sign below as a declaration that the applicant will comply with state and MTGCD well capping and plugging rules and report closure to the District:

Nulu Hamul (Owners signature)

Method of Withdrawal (submersible pump, windmill, etc.): See Annex. 66

Estimated maximum pumping capacity of well: 50 gpm

Estimated depth of well: 120

Size of well: 5" (diameter of the well casing)

1 1/2 (inside diameter of the pump [discharge] column pipe.)

Size of well pump: 3 HP

For existing wells, please state if any water was produced prior to May 11, 2004: _____ No ✓ Yes

Part V – Certification:

Applicant agrees that water produced/withdrawn from the existing/proposed well will be put to beneficial use at all times;
_____ No ✓ Yes

Applicant agrees to abide by the Rules of the District: _____ No ✓ Yes.

I hereby certify that the information given herewith is true and accurate to the best of my knowledge and belief.

Print Name _____ Signature _____ Date _____

DISTRICT USE ONLY

Drilling approved _____ No. _____
Permit required before drilling _____ Date _____

GROUNDWATER WELL STATUS REPORT
Middle Trinity Groundwater Conservation District

930 Wolfe Nursery Rd., Stephenville, TX 76401

Ph: 254/965-6705 or 1-877-965-6705

Fax: 254/965-6745

Erath County

Comanche County

Bosque County

Coryell County

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1. Well ownership information:

The owner of the well(s) is listed as:

Kenneth Harvick

300 Foxcreek Drive

Comanche, TX 76442

Has ownership of the permitted well(s) changed?

Yes _____ No ☒

If you marked "Yes", please list the current owner's name and address in the space below (If no change in ownership then leave blank):

If you marked "No", please make any address corrections for the original well owner in space below (If no change in address then leave blank):

2. Well information as provided in permit application form on file with MTGCD:

The information listed below was provided in the original permit application form filed with MTGCD. Please review the information below, mark through any incorrect information that needs to be updated, and provide the updated information where necessary. If the information below is blank, then please update it by filling in the correct information. Please attach a separate piece of paper if needed.

Well Site Location

MTGCD Permit # (now the same as Registration #)

FM 3200

15436

Comanche 76442

Latitude:

Longitude:

31.50.252 N

98.35.595 W

Gallons Per Minute (GPM):

Purpose of Use of the Water:

50

Irrigation

Is the well currently in operation?

Yes ☒ No _____

If you marked "No", has the well been capped, plugged, or sealed? Yes _____ No _____

Is the groundwater withdrawn from the well now sold to others, leased, or otherwise transferred for use by others? Yes _____ No ☒

If you marked "Yes", please provide the location to which the groundwater is delivered and the purpose for which it is now used: _____

Well #7

District ID	21158
Well Owner	Kenneth Harvick
Well Operator	
Land Owner	
TWDB SWN	
State Grid Cell	41-12-1
Well Name	
Exempt	Yes
Monitored	No
Well Type	
Well Status	Active
Driller	
PumpInstaller	
Plugger	
Aquifer	Trinity
County	Comanche
Primary Use	Irrigation
Latitude (dd)	31.842306
Longitude (dd)	-98.601000
Elevation (ft)	
Elevation Source	
Coordinate Source	Owner
Well Address	FM 3200, Comanche, 76442

Parcel ID	
Property Area (ac)	426.00
Distance to Nearest Property Line (ft)	
Well Depth (ft)	120.00
Casing Diameter (in)	5.00
Pump Depth (ft)	
Production Rate (gpm)	
Production Rate Equipped (gpm)	
MeterId	
Pump Size (hp)	0.50
Date Entered	4/29/2005
Drilling Start Date	
Drilling Completion Date	
Legacy ID	15442EC
Application Type	
Max. Capacity (gpm)	
Casing Height (ft)	
State Well Report	
PumpType	Submersible
Completion Static Level (ft)	
Pump Capacity (gpm)	10.00
Plugging Date	
Construction Notes	
Plugging Report	

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niemann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 21, 2018

Mr. Richard George
Enviro-Ag Engineering Inc.
3404 Airway Blvd.
Amarillo, TX 79118

CERTIFIED MAIL

9489 0090 0027 6009 4091 78

RE: Kenneth D. Harvick & Vickie Harvick
ADJ 3662
CN604254292, CN604254300, RN106582687
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Mercer Creek, Brazos River Basin
Comanche County

Dear Mr. George:

This acknowledges receipt, on April 20, 2017 of additional information and fees in the amount of \$3.74 (Receipt No. M726427, enclosed).

Before the application can be declared administratively complete, provide a copy of any permit from the Middle Trinity Groundwater Conservation District or documentation that a permit is not required for any wells that will be used as an alternative source for the application.

Please provide the requested information by June 20, 2018 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 black ink, appearing to read "Brent R".

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

Enclosure



01-MAY-17 10:24 AM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u>	<u>Account#</u>	<u>Ref#1</u>	<u>Ref#2</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
		<u>Account Name</u>	<u>Paid In By</u>		<u>User Data</u>		<u>Rec Code</u>					
WTR USE PERMITS	WUP		M726427		1859							
	WUP		123662B		042817	N			BS00057547		01-MAY-17	-\$3.74
		WATER USE PERMITS	CHATTO		SPREDEAU	CK			D7805343			
			CREEK RANCH									
			LLC									

Total (Fee Code):

-\$3.74

Grand Total:

-\$3.74

RECEIVED

2017 MAY -2 A 10:27

WATER AVAILABILITY DIV.



April 17, 2017

COPY

TCEQ
Attn: Brent Rougeau
Water Rights Permitting Team
Water Availability Division, MC-160
P.O. Box 13087
Austin, TX 78711-3087

Re: Kenneth D. Harvick & Vickie Harvick
App. No. 12-3662B
CN604254292, CN604254300, RN106582687

Dear Mr. Rougeau,

Attached please find the response to all items listed in the certified letter dated March 20, 2017 for the above referenced application.

Please call or email me if you have any questions or require any additional information.

Sincerely,

Richard George
Environmental Consultant

enc. Certified Letter Response

cc: TCEQ Region 3, Abilene
Client File
EAE File

CORPORATE OFFICE
3404 AIRWAY BLVD
AMARILLO, TEXAS 79118
800.753.6525

CENTRAL TEXAS OFFICE
9855 FM 847
DUBLIN, TEXAS 76446
800.753.6525

NEW MEXICO OFFICE
203 EAST MAIN STREET
ARTESIA, NEW MEXICO 88210
800.753.6525

www.enviroag.com

RECEIVED
2017 APR 20 P 3:49
WATER AVAILABILITY DIV.

Certified Letter Response:

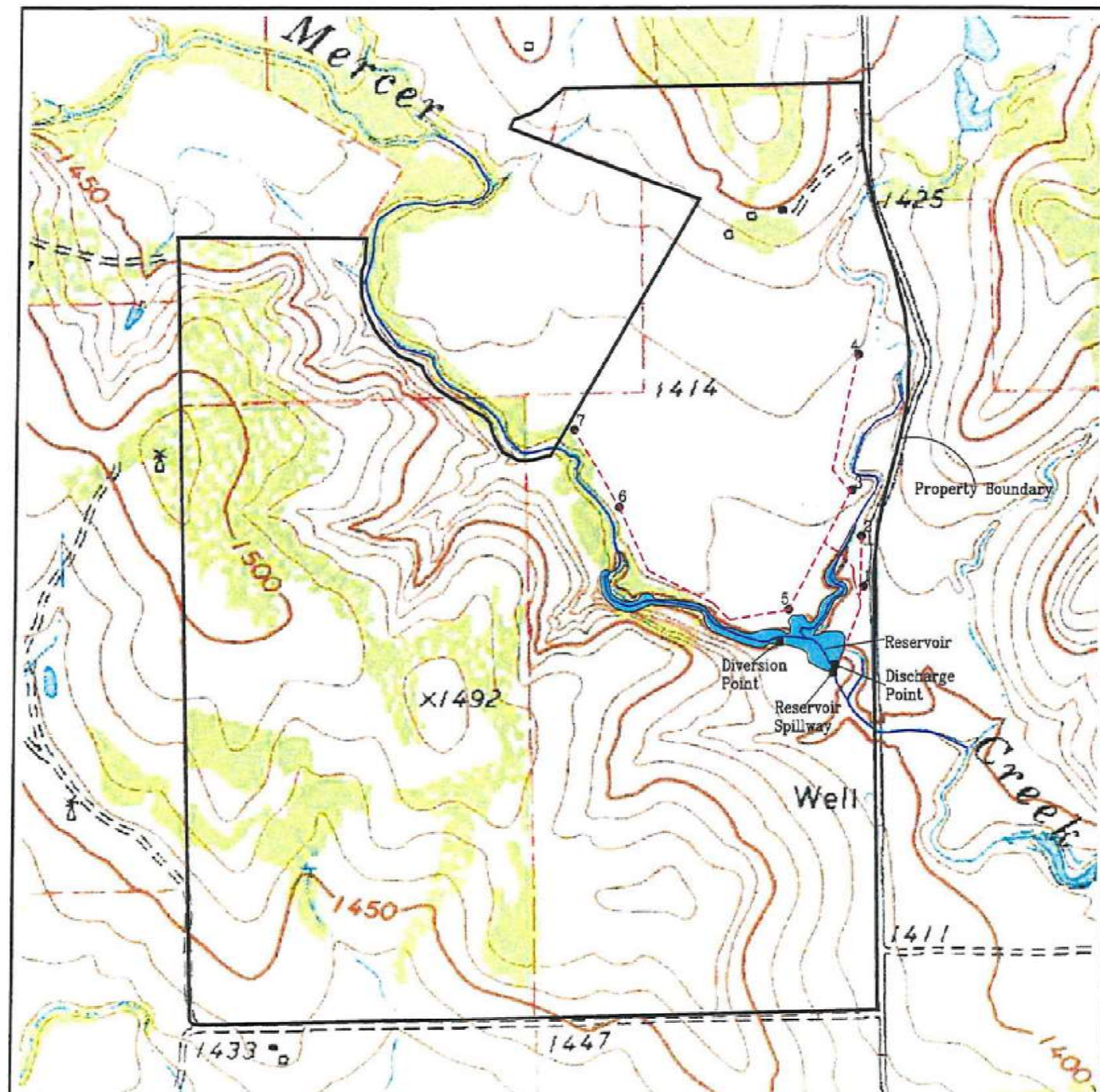
- Regarding the application as previously submitted, the applicant has changed the configuration of the supply water wells. Previously, each of the 7 supply wells discharged into the reservoir in separate locations. The 7 supply wells have since been piped together and are discharged into the reservoir in a single discharge point. An updated USGS map is attached (Attachment A) which depicts the well locations, reservoir location, pipeline location and single discharge location. The response below to the RFI letter dated March 20, 2017 reflects these changes.
 - The applicant would also like to withdraw the proposed expansion of the existing on-channel reservoir. Please use the information submitted (omitting the reservoir expansion) to process the application for this permit with the existing reservoir data (i.e. reservoir capacity, evaporation loss estimates, etc...)
1. Attachment B is the correspondence from the well driller regarding the cumulative 24 hour pump test data for all 7 proposed supply wells that discharge into the reservoir in a single discharge point. The pump test was performed by Hadley Drilling as follows:
- A flow meter was installed on the discharge pipe at the discharge point on the reservoir.
 - All 7 wells were turned on and an initial cumulative GPM reading was taken. 296 GPM
 - All wells were run for a period of 24 hours.
 - A final GPM reading was taken at the end of the 24 hour period. 258 GPM
 - A cumulative production volume was logged for the 24 hour period. 394,560 Gallons

Based on the final GPM log in the pump test data, the wells have an estimated annual production rate of 416.157 acre feet. The wells have sufficient production capability to make up for evaporation losses (which need to be re-calculated based on the withdrawal of the proposed reservoir expansion). The applicant would like to have the remainder of the annual production minus evaporation losses approved for diversion.

2. A Supplemental Discharge Point Information Sheet is attached (Attachment C) for the revised well supply pipeline system/discharge point.
3. An updated USGS 7.5 minute topographic map is attached (Attachment A) with the reservoir, diversion and discharge points clearly marked.
4. We confirm that the bearing and distance is as calculated by TCEQ staff being S 20° W, 1,580 feet from the Northeast corner of the James E. Moore Survey, Abstract 654.
5. A check in the amount of \$3.45 is attached.

Additional information requirement:

1. The applicant is withdrawing the proposal to expand the existing reservoir. The reservoir will be used in its current state.



LEGEND:

- Denotes Water Well
- - - Denotes Well Supply Pipeline

Updated 4/13/17



SCALED AS SHOWN

Source: USDA-NRCS. Geospatial Data Gateway. Available at:
<http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic
 County Mosaic by NRCS - Accessed December, 2011.

Kenneth Harvick
 Comanche, Texas
 Comanche County

Attachment A
 Site Map



Enviro-Ag Engineering, Inc.
 ENGINEERING CONSULTANTS
 3404 Airway Blvd
 AMARILLO, TEXAS 79118
 TEL (806) 353-4123 FAX (806) 353-4132

Attachment B

From: Kenneth Harvick [REDACTED]
Sent: Wednesday, April 12, 2017 11:48 AM
To: Richard George
Subject: Fwd: Wells

Sent from my iPhone

Begin forwarded message:

From: HAD DRILLING [REDACTED]
Date: April 12, 2017, 10:39:19 AM CDT
To: [REDACTED]
Subject: Wells

Well Production Kenneth Harvick Place Near Lake Comanche:

Initial Production 296 GPM

Production after 24 Hrs. 258 GPM

Cumulative Production for 24 Hrs 394,560 Gal

7 wells 6 1 ½ Hp. 1 2 Hp. 2" and 1 ½ Column Pipe

Average static water level 38 ft.

Hadley Scott

254-893-5255

Attachment C

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: #1 (Where all 7 wells discharge into the reservoir)

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will is at Latitude 31.838818° N, Longitude 98.596378°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 4.10 miles in a southeast direction from Comanche,
Comanche County, Texas. (Distance measured from County Courthouse.)

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.57 cfs (258 gpm).

7) The maximum amount of water that will be discharged is 416.157 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for Crop Irrigation/Livestock Water.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis was previously submitted for all 7 wells. 24 hour pump test data is attached (Attachment B).

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attachment B)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District. GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

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

March 20, 2017

Mr. Richard George
Enviro-Ag Engineering Inc.
3404 Airway Blvd.
Amarillo, TX 79118

CERTIFIED MAIL

9489 0090 0027 6009 4090 55

RE: Kenneth D. Harvick & Vickie Harvick
ADJ 3662
CN604254292, CN604254300, RN106582687
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Mercer Creek, Brazos River Basin
Comanche County

Dear Mr. George:

This acknowledges receipt, on June 13, 2014 of additional information and fees in the amount of \$1,098.59 (Receipt No. R429413, enclosed).

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

1. Provide an adequate alternate source of water to compensate for evaporative losses associated with the reservoir. Staff calculated the maximum annual evaporative loss from the reservoir to be 21.88 acre-feet per year based on the proposed increased capacity of the reservoir as provided in the June 9, 2014 response letter. Staff notes that the June 9, 2014 response letter does not include the 24-hour pump test data for wells to be used. Staff cannot confirm that the amount of groundwater available can adequately compensate for the maximum evaporative losses without such tests.
2. Provide a completed *Supplemental Discharge Point Information Sheet* (enclosed) for all requested discharge points. Indicate the latitude and longitude in decimal degrees, to at least six decimal places. Specify the method used to calculate the coordinates. Staff notes that the information provided in the June 9, 2014 response letter shows well locations, not the discharge location(s), where the groundwater will be discharged into a state watercourse.
3. Provide an updated USGS 7.5 minute topographic map (or equivalent) with the locations of the proposed reservoir, diversion, and discharge points clearly marked.

Kenneth D. Harvick & Vickie Harvick
Application No. 12-3662B
March 20, 2017
Page 2 of 2

4. Confirm the bearing and distance from an original survey corner to the proposed diversion point. Staff has calculated bearing and distance as S 20° W, 1,580 feet from the Northeast corner of the James E. Moore Survey, Abstract 654.
5. Remit fees in the amount of **\$3.45**. Please make check payable to TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$	100.00
Recording Fees (\$1.25 x 1 Page)	\$	1.25
Notice Fees (Brazos Basin)	\$	997.34
<u>Storage Fee (\$0.50 x 6.9 acre-feet)</u>	<u>\$</u>	<u>3.45</u>
TOTAL FEES	\$	1,102.04
<u>FEES RECEIVED</u>	<u>\$</u>	<u>1,098.59</u>
TOTAL FEES DUE	\$	3.45

Please provide the requested information and fees by **April 19, 2017** or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Additional information will be required prior to completion of technical review.

1. Indicate if the US Army Corps of Engineers (USACE) has been contacted about the project. If the USACE determines that a 404 permit is required, provide the project number and name of the USACE project manager. In addition, the applicant should contact the Texas Parks and Wildlife Department (TPWD) to determine whether a sand and gravel permit is required.

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



16-JUN-14 10:59 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>Card Auth.</u>	<u>User Data</u>	<u>CC Type</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			R429413			4399								16-JUN-14	
WATER USE PERM	PTGU			ADJ123662B			061314			N						
				CHATTO			RCROWDER			CR						
NOTICE FEES WUP WATER USE																
PERMITS				CREEK RANCH												

Total (Fee Code):

Grand Total:

-\$1,098.59
-\$46,667.31

2014 JUN 17 AM 10 45

RECEIVED
TCEQ
WATER SUPPLY DIV.



June 9, 2014

Via USPS Certified Mail
7012 2210 0002 0782 1531

R. Joseph Nicosia,
Project Manager MC 160
Water Rights Permitting Section
Water Availability Division
PO Box 13087
Austin TX 78711-3087

Re: Kenneth Harvick & Vickie Harvick
Application No. 12-3662B
Itemized Response to Certified Letter (April 8, 2014)

Mr. Nicosia,

Enclosed are the responses to items 1-10 for Mr. Kenneth Harvick in regard to the certified letter he received dated April 8, 2014 (CM# 91 7199 9991 7033 2822 2085), as well as a check in the amount of \$1,098.59 for filing fees, recording, and Brazos Basin notification.

In regard to permitting the existing reservoir, Mr. Harvick would like to clean out sediment build-up around the north end of the reservoir (depicted in attached maps) to increase the reservoir storage volume. Supplemental information pertaining to this reservoir expansion is enclosed detailing existing and proposed reservoir information (surface area, volume, etc...).

If you have any questions or require additional information, please give me a call.

Respectfully Submitted,

Richard George
Environmental Consultant
Enviro-Ag Engineering, Inc.

encl: Itemized Letter Response
Payment

cc: Client file
EAE file

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TO:EO
WATER SUPPLY DIV.
2014 JUN 13 AM 10:47

Certified Letter Response:

1. The diversion pump is located on the south side of Mercer Creek at the following coordinates:
Lat: 31.839101° N
Long: 98.597529° W
2. A Supplemental Dam/Reservoir Information Sheet is attached for the existing reservoir (Attachment A), as well as for the proposed reservoir expansion (Attachment B).
3. An Existing Dam Information Sheet is included (Attachment C).
4. We confirm that the drainage area for the diversion point is 16.4061 square miles and the drainage area for the dam of the reservoir is 17.2095 square miles.
5. The diversion pump is located at:
Lat: 31.839101° N
Long: 98.597529° W
The end of the diversion pipe in Mercer Creek where the water is pumped out is located at:
Lat: 31.839207° N
Long: 98.597451° W
6. The reservoir will be maintained at maximum capacity with alternate water sources (water wells 1-7) to allow inflows of state water to pass through the reservoir. All wells are identified on the attached site maps (Attachments D & E).
 - Supplemental Discharge Point Information Sheets are included for wells 1-7 (Attachment F).
 - Neither the current land owner nor the Middle Trinity Groundwater Conservation District had any well data that correlated with any of the on-site wells. No drilling reports or well logs could be obtained for these wells.
 - Groundwater samples were taken on site and water quality analysis is attached for all seven wells (Attachment G). pH and temperature were measured in the field when the samples were taken and are included (Attachment H).
7. The reservoir will be maintained at maximum capacity with the alternate water sources listed above on response 6, (wells 1-7), to account for annual evaporation losses.
8. A copy of the Warranty Deed is included (Attachment I).
9. Tract 3 is no longer owned by Aaron and Doris Massingill. Attached is a land lease between Mr. & Mrs. Kenneth Harvick and the new land owner of Tract 3. (Attachment J)
10. A check in the amount of \$1,098.59 is enclosed for fees itemized in the letter.

2014 JUN 13 PM 10 46
WATER SUPPLY DIV.
TODD
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(Attachment A)

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: Constructed prior to Mr. Harvick's purchase of the property.

- B. Location of Structure No. 1.

1) Watercourse: Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

2) Location from County Seat: 4.06 miles in a southeast direction from Comanche, Comanche County, Texas.

3) Zip Code: 76442

4) The dam is located in the J.E. Moore Original Survey, Abstract No. 654, in Comanche County, Texas

5) Structure No. 1 center point is located at:
Latitude 31.838872° N, Longitude 98.596188° W

All coordinates taken/verified using Texas Topo!GPS Software.

- C. Reservoir: **Existing Reservoir Capacity**

1) Acre-feet of water impounded by structure at normal maximum operating level: ~5.2

2) Surface area in acres of reservoir at normal maximum operating level: ~3.7

- D. The drainage area above the dam could not be determined.

- 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 N/A

2) Do you request authorization to close the "ports" or "windows" in the service spillway?
☐ Yes ☒ No

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(Attachment B)

Supplemental Dam/Reservoir Information Sheet

Proposed Reservoir Expansion Information to Existing Reservoir

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: Proposed expansion to be completed upon authorization from TCEQ.

B. Location of Structure No. 1.

1) Watercourse: Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

2) Location from County Seat: 4.06 miles in a southeast direction from Comanche,
Comanche County, Texas.

3) Zip Code: 76442

4) The dam is located in the J.E. Moore Original Survey, Abstract No. 654, in Comanche
County, Texas.

5) Structure No. 1 center point is located at:
Latitude 31.838872° N, Longitude 98.596188° W

All coordinates taken/verified using Texas Topo!GPS Software.

C. Reservoir: **Includes Existing Reservoir Capacity Plus Proposed Expansion Capacity.**

1) Acre-feet of water impounded by structure at normal maximum operating level: ~6.9

2) Surface area in acres of reservoir at normal maximum operating level: ~4.4

D. The drainage area above the dam could not be determined.

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 N/A

2) Do you request authorization to close the "ports" or "windows" in the service spillway?
 Yes ✓ No

Note: The proposed expansion area in the reservoir has an approximate surface area of 0.7 acres and will add approximately 1.7 acre feet of holding capacity to the reservoir.



Texas Dam Safety Program, MC 174
 Field Operations Support Division, Office of Compliance and Enforcement
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, TX 78711

INFORMATION SHEET: EXISTING DAM

(PLEASE PRINT OR TYPE)

Reference 30 Texas Administrative Code, Chapter 299, Dams and Reservoirs

SECTION 1: OWNER INFORMATION

Owner's Name Kenneth & Vickie Harvick Title Owner

Organization _____

Kenneth & Vickie Harvick 6-9-14
 (Signature of Owner) (Date)

Owner's Address 950 FM 3200

City Comanche State Texas Zip Code 76442

Phone Number (254) 842-7635 Emergency Contact Phone () _____

Fax Number () _____ E-mail _____

Owner Code (Please check one): ☐ Federal (F) ☐ Local Government (L) ☐ Utility (U) ☒ Private (P) ☐ State (S)
☐ Other (O) please specify: _____

Year Built Unknown Year Modified _____

Dam and Reservoir Use (Please check one): ☐ Augmentation ☐ Diversion ☐ Domestic ☐ Erosion Control
☐ Evaporation ☐ Flood Control ☐ Fire Control ☐ Fish ☐ Hydroelectric ☐ Industrial
☒ Irrigation ☐ Mining ☐ Municipal ☐ Pollution Control ☐ Recreation ☒ Stock Water
☐ Settling Ponds ☐ Tailings ☐ Waste Disposal ☐ Other, please specify: _____

Engineering Firm Unknown

Project Engineer N/A Texas P.E. License Number N/A

Engineering Firm Address N/A

City N/A State N/A Zip Code N/A

Phone () _____ Fax () _____

E-mail N/A

SECTION 2: GENERAL INFORMATION

Name of Dam N/A

Other Name(s) of Dam _____

Reservoir Name N/A

Location _____ Latitude 31.838872 N Longitude 98.596188 W

County Comanche Stream Name Mercer Creek

River Basin Brazos River Basin Topographic Map No. Unknown

Distance & Direction from Nearest City or Town 4.06 miles southeast from Comanche, Texas

Last Inspection Date Unknown Inspected by (name of company or agency) Unknown

TX Number Unknown Water Rights Number COA # 12-3662 A

Date of Emergency Action Plan (EAP), if one exists N/A

Describe the current operating condition of dam In tact and fully functional.

If you have questions on how to fill out this form or about the Dam Safety Program, please contact us at 512-239-5195. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

Classification Unknown

Hazard Classification: ☐ High ☐ Significant ☐ Low

Number of People at Risk _____ Study Year _____

Type of Dam: ☐ Concrete ☐ Gravity ☒ Earthfill ☐ Rockfill ☐ Masonry ☐ Other (specify) _____

Dam Structure (dimensions to nearest tenth of foot, volume to nearest acre-foot or cubic yard, areas to nearest acre):

Spillway Height ~10 ft (natural surface of ground to bottom of emergency spillway at longitudinal centerline)

Embankment Height ~14 ft (*natural surface of ground to crest of dam at centerline*)

Structural Height Unknown ft (bottom of cutoff trench to crest of dam at centerline)

Length of Dam ~300 ft Crest Width ~60 ft

Normal Pool Elevation Unknown ft-MSL Principal Spillway Elevation Unknown ft-MSL

Emergency Spillway Elevation Unknown ft-MSL Top of Dam Elevation Unknown ft-MSL

Embankment Volume Unknown cu yd

Maximum Impoundment Capacity 5.2 ac-ft (at top of dam)

Normal Reservoir Capacity _____ ac-ft (at normal or conservation pool)

Reservoir Surface Area 3.7 acres (at normal or conservation pool)

Outlet Diameter: _____ ☐ in ☐ ft (check one)

Type: The spillway is the only outlet.

Type: ☒ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other

Width (Diam.): ~20'-30' ft Capacity: Unknown cfs

Type: ☐ Natural ☐ Riprap ☐ Concrete ☐ CMP ☐ RCP ☐ Other

Width (Diam.): _____ ft Capacity: _____ cfs

Total Spillway Capacity: _____ cfs (crest of the dam)

Required Hydrologic Criteria (% PMF) _____ % PMF Passing _____

PMF Study Year _____

Drainage Area: _____ acres, or _____ sq mi

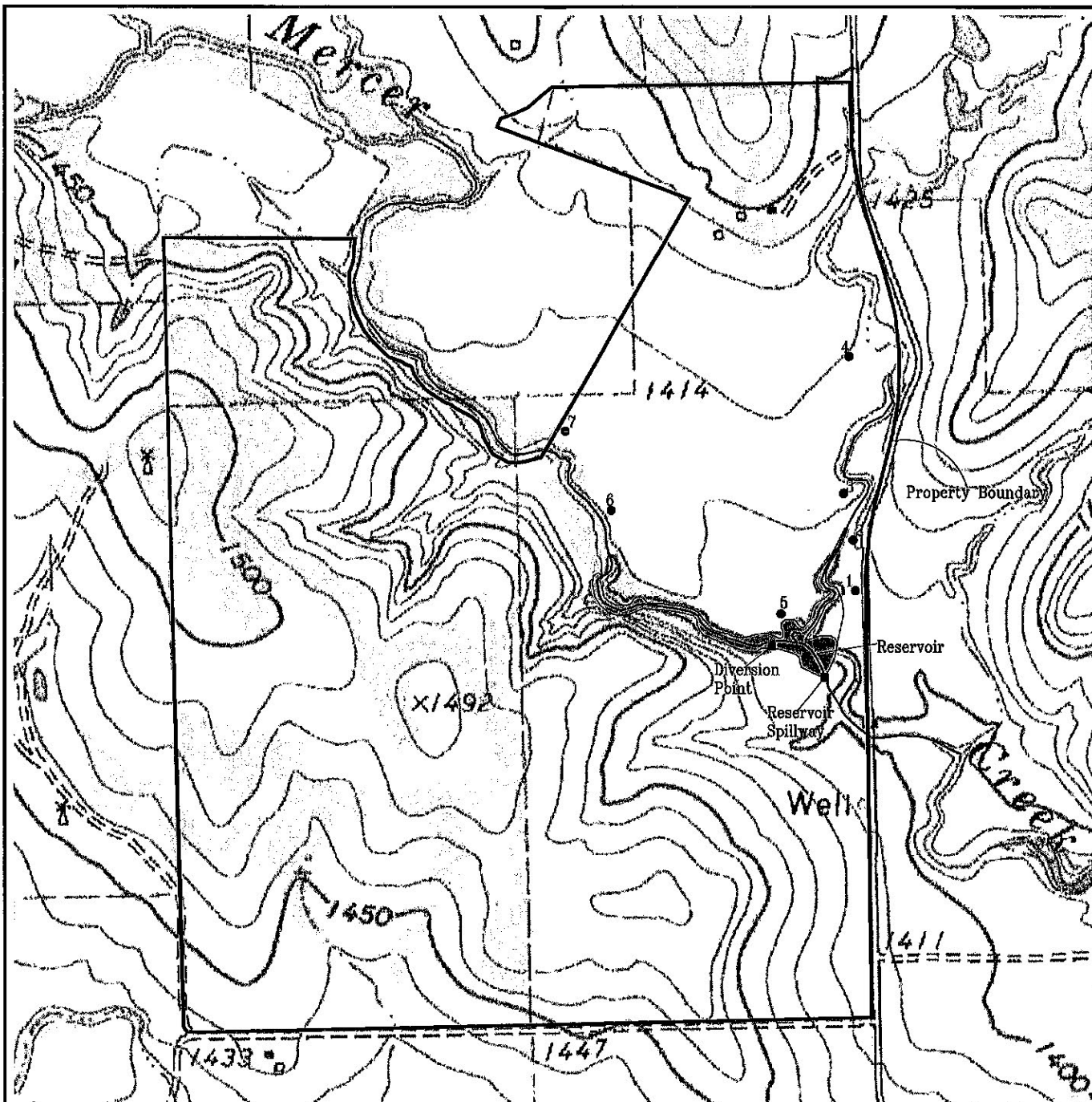
Curve Number (AMC III condition) _____

Time of Concentration hr

Peak Discharge _____ cfs

Peak Stage _____ ft-MSL

Storm Duration Causing Peak Stage _____ hr



LEGEND:

- Denotes Water Well



SCALED AS SHOWN

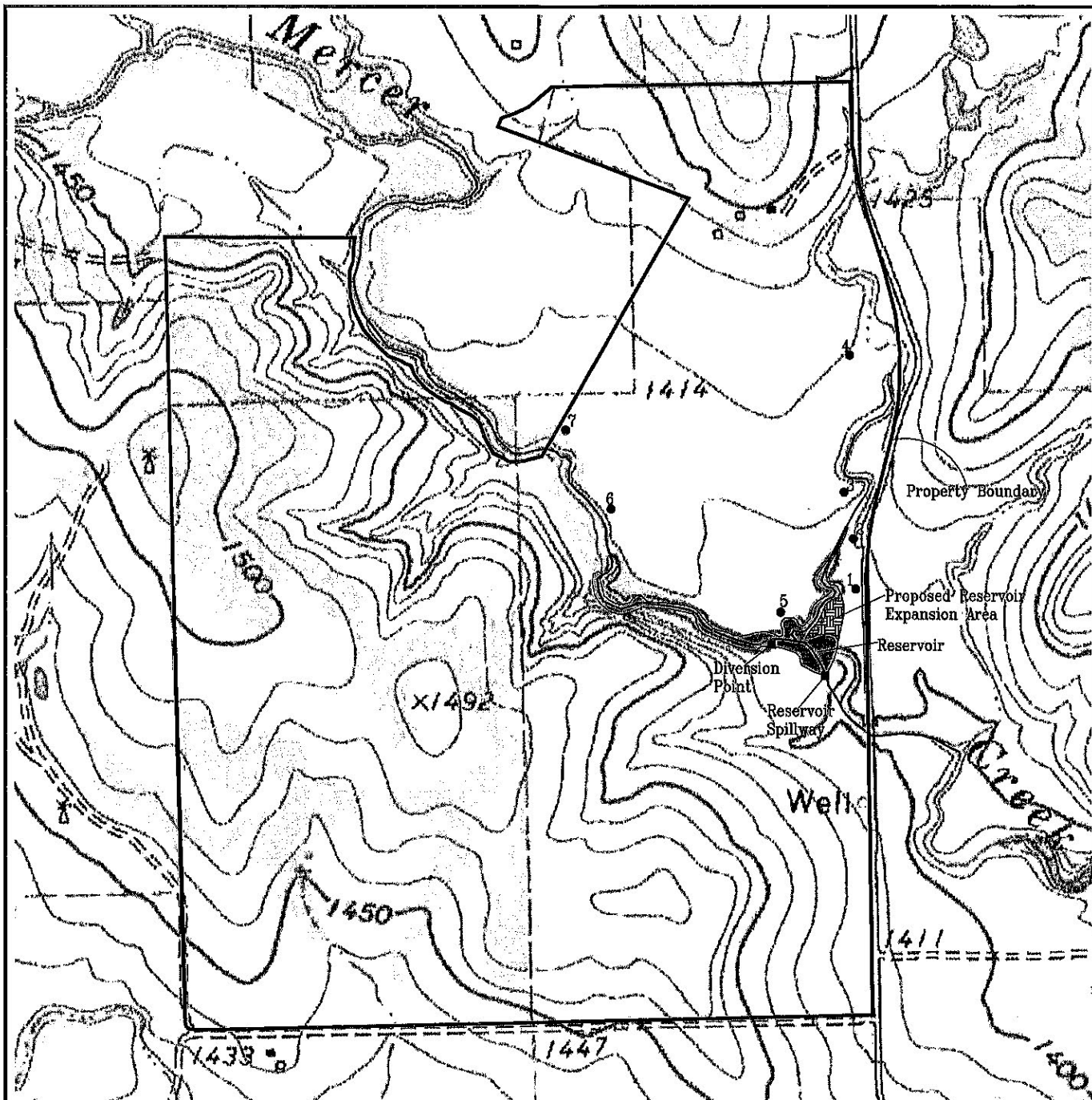
Source: USDA-NRCS. Geospatial Data Gateway. Available at:
<http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic
 County Mosaic by NRCS - Accessed December, 2011.

Kenneth Harvick
 Comanche, Texas
 Comanche County

Attachment D
 Site Map

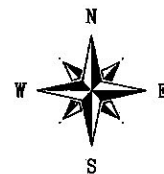


Enviro-Ag Engineering, Inc.
 ENGINEERING CONSULTANTS
 3404 Airway Blvd.
 AMARILLO, TEXAS 79118
 TEL (806) 353-6123 FAX (806) 353-4132



LEGEND:

- Denotes Water Well



SCALED AS SHOWN

Source: USDA-NRCS. Geospatial Data Gateway. Available at:
<http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic
 County Mosaic by NRCS - Accessed December, 2011.

Kenneth Harvick
 Comanche, Texas
 Comanche County

Attachment E
 Proposed Site Map
 (Reservoir Expansion)



Enviro-Ag Engineering, Inc.
 ENGINEERING CONSULTANTS
 3404 Alrway Blvd.
 AMARILLO, TEXAS 79118
 TEL (806) 353-6123 FAX (806) 353-4132

Attachment F

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Well 1

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will is at Latitude 31.840133° N, Longitude 98.595916°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 4.02 miles in a southeast direction from Comanche,
Comanche County, Texas.

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.067 cfs (30 gpm).

7) The maximum amount of water that will be discharged is 48.39 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for Crop Irrigation/Livestock Water.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis is attached. No pump test records could be located.

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attached)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

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Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Well 2

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will is at Latitude 31.840966° N, Longitude 98.595783°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 3.96 miles in a southeast direction from Comanche,
Comanche County, Texas.

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.078 cfs (35 gpm).

7) The maximum amount of water that will be discharged is 56.45 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for crop irrigation/livestock watering purposes.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis is attached. No pump test records could be located.

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attached)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Well 3

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will is at Latitude 31.841600° N, Longitude 98.596000°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 3.91 miles in a southeast direction from Comanche,
Comanche County, Texas.

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.067 cfs (30 gpm).

7) The maximum amount of water that will be discharged is 48.39 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for crop irrigation/livestock watering purposes.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis is attached. No pump test records could be located.

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attached)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Well 4

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will is at Latitude 31.842900° N, Longitude 98.595950°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 3.83 miles in a southeast direction from Comanche,
Comanche County, Texas.

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.033 cfs (15 gpm).

7) The maximum amount of water that will be discharged is 24.19 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for crop irrigation/livestock watering purposes.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis is attached. No pump test records could be located.

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attached)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Well 5

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will is at Latitude 31.839900° N, Longitude 98.596966°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 4.03 miles in a southeast direction from Comanche,
Comanche County, Texas.

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.067 cfs (30 gpm).

7) The maximum amount of water that will be discharged is 48.39 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for crop irrigation/livestock watering purposes.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis is attached. No pump test records could be located.

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attached)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Well 6

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will be at Latitude 31.840433° N, Longitude 98.599833°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 3.97 miles in a southeast direction from Comanche,
Comanche County, Texas.

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.036 cfs (16 gpm).

7) The maximum amount of water that will be discharged is 25.81 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for crop irrigation/livestock watering purposes.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis is attached. No pump test records could be located.

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attached)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: Well 7

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

☐ Treated effluent

☒ Groundwater

☐ Other _____

2) Location of discharge point will is at Latitude 31.842350° N, Longitude 98.600966°W

Coordinates calculated using Texas Topo!GPS Software.

3) Location from County Seat: 3.83 miles in a southeast direction from Comanche,
Comanche County, Texas.

4) Zip Code: 76442

5) Water will be discharged into an existing reservoir on Mercer Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River Basin.

6) Water will be discharged at a maximum rate of 0.049 cfs (22 gpm).

7) The maximum amount of water that will be discharged is 35.49 acre-feet per year.

8) The purpose of use for the water being discharged will be impoundment in river "bed and banks" for crop irrigation/livestock watering purposes.

9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.

Water quality analysis is attached. No pump test records could be located.

2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map (Attached)

3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
GPS coordinates did not correlate with any wells on file with the Middle Trinity Groundwater Conservation District.

4. What aquifer the water is being pumped from? Trinity

Phone: 806.677.0093

800.557.7509


Fax: 806.677.0329



Servi-Tech Laboratories

6921 S. Bell • Amarillo, TX 79109

www.servitechlabs.com

Lab #:	A-2014NL002186		LABORATORY REPORT		Report Date: 05/20/2014 09:53 AM
Send To: 6224	ENVIRO-AG ENGINEERING INC 3404 AIRWAY BLVD AMARILLO, TX 79118				 Todd Whatley Laboratory Manager
Project ID:			Date/Time Received:	05/12/2014 04:15 PM	
Project Title:	KENNETH HARVICK		Name of Submitter:	Lynn Atchley	
Sample ID:	WELL #1		Date/Time Sampled:	05/08/2014	
Client Name:	KENNETH HARVICK		Name of Sampler:	RICHARD GEORGE	
Subject:	Irrigation Water Lab Analysis		Invoice No:	407664	
Location:			P.O. #:		
Depth:					

Analysis	Result	Unit
Chloride, Cl	37	ppm
Sulfate, SO ₄	51	ppm
Sulfate-Sulfur, SO ₄ -S	17	ppm
Total Dissolved Solids, TDS	400	ppm
pH, at 21°C	7.7	units

Result Notes

- The sample was received and analyzed outside the regulatory holding time for this analyte.

94 01 09 01 00 00 00

WATER SUPPLY DIV.

TOE

Servi-Tech Laboratories

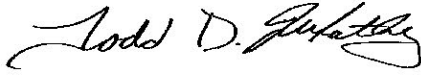
6921 S. Bell • Amarillo, TX 79109

www.servitechlabs.com

Phone: 806.677.0093

800.557.7509

Fax: 806.677.0329

Lab #: A-2014NL002187		LABORATORY REPORT		Report Date: 05/20/2014 09:53 AM																			
Send To: 6224		ENVIRO-AG ENGINEERING INC 3404 AIRWAY BLVD AMARILLO, TX 79118		 Todd Whatley Laboratory Manager																			
Project ID:		Date/Time Received:		05/12/2014 04:15 PM																			
Project Title:		Name of Submitter:		Lynn Atchley																			
Sample ID:		Date/Time Sampled:		05/08/2014																			
Client Name:		Name of Sampler:		RICHARD GEORGE																			
Subject:		Invoice No:		407664																			
Location:		P.O. #:																					
Depth:																							
<table><thead><tr><th>Analysis</th><th>Result</th><th>Unit</th></tr></thead><tbody><tr><td>Chloride, Cl</td><td>39</td><td>ppm</td></tr><tr><td>Sulfate, SO4</td><td>57</td><td>ppm</td></tr><tr><td>Sulfate-Sulfur, SO4-S</td><td>19</td><td>ppm</td></tr><tr><td>Total Dissolved Solids, TDS</td><td>580</td><td>ppm</td></tr><tr><td>pH, at 21°C</td><td>7.6</td><td>units</td></tr></tbody></table>						Analysis	Result	Unit	Chloride, Cl	39	ppm	Sulfate, SO4	57	ppm	Sulfate-Sulfur, SO4-S	19	ppm	Total Dissolved Solids, TDS	580	ppm	pH, at 21°C	7.6	units
Analysis	Result	Unit																					
Chloride, Cl	39	ppm																					
Sulfate, SO4	57	ppm																					
Sulfate-Sulfur, SO4-S	19	ppm																					
Total Dissolved Solids, TDS	580	ppm																					
pH, at 21°C	7.6	units																					
Result Notes																							
1 The sample was received and analyzed outside the regulatory holding time for this analyte.																							
Report formatted for regulatory compliance available upon request.																							


Servi-Tech Laboratories

6921 S. Bell • Amarillo, TX 79109
www.servitechlabs.com

Phone: 806.677.0093

800.557.7509

Fax: 806.677.0329

Lab #:	A-2014NL002188	LABORATORY REPORT		Report Date:	05/20/2014 09:53 AM
Send To: 6224	ENVIRO-AG ENGINEERING INC 3404 AIRWAY BLVD AMARILLO, TX 79118			 Todd Whatley Laboratory Manager	
Project ID:		Date/Time Received:	05/12/2014 04:15 PM		
Project Title:	KENNETH HARVICK	Name of Submitter:	Lynn Atchley		
Sample ID:	WELL #3	Date/Time Sampled:	05/08/2014		
Client Name:	KENNETH HARVICK	Name of Sampler:	RICHARD GEORGE		
Subject:	Irrigation Water Lab Analysis	Invoice No:	407664		
Location:		P.O. #:			
Depth:					

Analysis	Result	Unit
Chloride, Cl	28	ppm
Sulfate, SO4	60	ppm
Sulfate-Sulfur, SO4-S	20	ppm
Total Dissolved Solids, TDS	580	ppm
pH, at 21°C	7.5	units

Result Notes

- 1 The sample was received and analyzed outside the regulatory holding time for this analyte.

Servi-Tech Laboratories

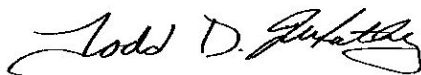
6921 S. Bell • Amarillo, TX 79109

www.servitechlabs.com

Phone: 806.677.0093

800.557.7509

Fax: 806.677.0329

Lab #: A-2014NL002189		LABORATORY REPORT		Report Date: 05/20/2014 09:53 AM	
Send To: 6224		ENVIRO-AG ENGINEERING INC 3404 AIRWAY BLVD AMARILLO, TX 79118		 Todd Whatley Laboratory Manager	
Project ID:		Date/Time Received:		05/12/2014 04:15 PM	
Project Title:		Name of Submitter:		Lynn Atchley	
Sample ID:		Date/Time Sampled:		05/08/2014	
Client Name:		Name of Sampler:		RICHARD GEORGE	
Subject:		Invoice No:		407664	
Location:		P.O. #:			
Depth:					

Analysis	Result	Unit
Chloride, Cl	38	ppm
Sulfate, SO4	120	ppm
Sulfate-Sulfur, SO4-S	41	ppm
Total Dissolved Solids, TDS	640	ppm
1 pH, at 21°C	7.4	units

Result Notes

- 1 The sample was received and analyzed outside the regulatory holding time for this analyte.


Servi-Tech Laboratories

6921 S. Bell • Amarillo, TX 79109
www.servitechlabs.com

Phone: 806.677.0093

800.557.7509

Fax: 806.677.0329

Lab #: A-2014NL002190		LABORATORY REPORT		Report Date: 05/20/2014 09:53 AM	
Send To: 6224		ENVIRO-AG ENGINEERING INC 3404 AIRWAY BLVD AMARILLO, TX 79118		 Todd Whatley Laboratory Manager	
Project ID:		Date/Time Received:		05/12/2014 04:15 PM	
Project Title:		Name of Submitter:		Lynn Atchley	
Sample ID:		Date/Time Sampled:		05/08/2014	
Client Name:		Name of Sampler:		RICHARD GEORGE	
Subject:		Invoice No:		407664	
Location:		P.O. #:			
Depth:					

Analysis

Result Unit

Chloride, Cl	28	ppm
Sulfate, SO ₄	45	ppm
Sulfate-Sulfur, SO ₄ -S	15	ppm
Total Dissolved Solids, TDS	500	ppm
pH, at 21°C	7.4	units

Result Notes

- 1 The sample was received and analyzed outside the regulatory holding time for this analyte.

Servi-Tech Laboratories


6921 S. Bell • Amarillo, TX 79109

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Phone: 806.677.0093

800.557.7509

Fax: 806.677.0329

Lab #:	A-2014NL002191	LABORATORY REPORT		Report Date:	05/20/2014 09:53 AM
Send To: 6224	ENVIRO-AG ENGINEERING INC 3404 AIRWAY BLVD AMARILLO, TX 79118			 Todd Whatley Laboratory Manager	
Project ID:		Date/Time Received:	05/12/2014 04:15 PM		
Project Title:	KENNETH HARVICK	Name of Submitter:	Lynn Atchley		
Sample ID:	WELL #6	Date/Time Sampled:	05/08/2014		
Client Name:	KENNETH HARVICK	Name of Sampler:	RICHARD GEORGE		
Subject:	Irrigation Water Lab Analysis	Invoice No:	407664		
Location:		P.O. #:			
Depth:					

Analysis	Result	Unit
Chloride, Cl	28	ppm
Sulfate, SO4	63	ppm
Sulfate-Sulfur, SO4-S	21	ppm
Total Dissolved Solids, TDS	500	ppm
pH, at 21°C	7.6	units

Result Notes

- 1 The sample was received and analyzed outside the regulatory holding time for this analyte.



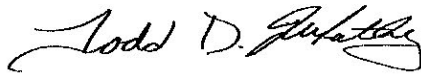
Servi-Tech Laboratories

6921 S. Bell • Amarillo, TX 79109
www.servitechlabs.com

Phone: 806.677.0093

800.557.7509

Fax: 806.677.0329

Lab #: A-2014NL002192		LABORATORY REPORT		Report Date: 05/20/2014 09:53 AM	
Send To: 6224		ENVIRO-AG ENGINEERING INC 3404 AIRWAY BLVD AMARILLO, TX 79118		 Todd Whatley Laboratory Manager	
Project ID:		Date/Time Received:		05/12/2014 04:15 PM	
Project Title:		Name of Submitter:		Lynn Atchley	
Sample ID:		Date/Time Sampled:		05/08/2014	
Client Name:		Name of Sampler:		RICHARD GEORGE	
Subject:		Invoice No:		407664	
Location:		P.O. #:			
Depth:					

Analysis		Result	Unit
Chloride, Cl		1.8	ppm
Sulfate, SO ₄		7.5	ppm
Sulfate-Sulfur, SO ₄ -S		2.5	ppm
Total Dissolved Solids, TDS		460	ppm
1 pH, at 21°C		7.6	units

Result Notes

1 The sample was received and analyzed outside the regulatory holding time for this analyte.

Report formatted for regulatory compliance available upon request.

Page 1 of 1

Attachment H

Groundwater Sample Field Analysis

Well #	Field Measured pH	Field Measured Temp. (°C)
1	7.80	20.5
2	7.92	20.2
3	8.23	20.3
4	8.10	20.4
5	8.18	20.2
6	8.16	20.4
7	7.20	20.6

All analysis taken in the field when the groundwater samples were taken.

2019 JUN 13 AM 10 46
WATER SUPPLY DIV.
TOEG
RECEIVED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

Date: March 4, 2009

Grantor: Kerry Harvick, an unmarried person, and Charles David Kersh, an unmarried person,

Grantor's Mailing Address (including county):

300 Lauderdale Rd., Nashville, Tennessee 37205

300 Lauderdale Rd., Nashville, Tennessee 37205

Grantee: Kenneth D. Harvick and wife, Vickie Harvick

Grantee's Mailing Address (including county):

300 Fox Creek Drive, Comanche, Comanche County, Texas 76442

Consideration: TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration;

Property (including any improvements):

ALL OUR UNDIVIDED INTEREST IN AND TO THE FOLLOWING:

All that certain 426.15 acre lot, tract or parcel of land, situated in Comanche County, Texas, out of the J. E. Moore Survey, Abstract No. 654, the Jarrett Stilts Survey, Abstract No. 866 and the BBB & C RR Co. Survey, Abstract No. 1536, and being the former 224 acre tract of land described in a deed from D. F. Clayton to J. M. Clayton and recorded in Volume 175, Page 545, Deed Records of Comanche County, Texas, the former 194 acre tract that is recorded in Volume 211, Page 312, said Deed Records, from John D. Waring to Mattie Carson and the former 8.1 acre tract of land that is described in a deed from Tom Beene to J. M. Clayton and recorded in Volume 217, Page 473, said Deed Records and further described as follows:

BEGINNING, at an iron rod set in the center of a rock pile found in place in an old fence corner, at a point 558.2 feet South of the Northeast corner of the Ashbel Smith Survey, in the East line of the Francis Waring tract, for the Northwest corner of said former 194 acre tract, and the Northwest corner of this tract;

THENCE S 88 deg. 21' E 1057.3 feet with fence to an iron rod and 6" Elm tree in fence corner;

THENCE S 40 deg. 50' E 93.1 feet with fence to a 12" Pecan tree;

THENCE S 71 deg. 34' E 82.9 feet crossing Mercers Creek and with fence to a 12" Live Oak tree;

THENCE S 34 deg. 09' E 69.8 feet with fence to a 24" Pecan tree;

THENCE S 2 deg. 42' W 266.6 feet with fence to an iron rod set in fence corner;

THENCE S 44 deg. 31' E 685.2 feet with fence to an iron rod in bend in fence;

THENCE S 53 deg. 14 1/2' E 78.4 feet with fence to an iron rod set in a stone mound found on the South side of a rock wall;
 THENCE N 89 deg. 53 1/2' E 219 feet with fence and wall to an iron rod set in a fence corner, for the Northeast corner of said former 194 acre tract and for the Northwest corner of said former 224.25 acre tract;
 THENCE S 89 deg. 16' E 708.1 feet with fence to iron rod set in a stone mound found in place at a fence corner;
 THENCE N 0 deg. 22' E 1285.8 feet with fence to an iron rod set in an old fence corner;
 THENCE N 68 deg. 28 1/2' W 533.8 feet with fence to an iron rod set in a old fence corner;
 THENCE N 20 deg. 23' E 336.7 feet with fence to an iron rod set in an old fence corner;
 THENCE S 89 deg. 11' E 1684.4 feet with fence to an iron rod set in the West Right of Way of FM Highway 3200 for the Northeast corner of this tract;
 THENCE S 0 deg. 02' W 203 feet with highway to the beginning of a curve to the left;
 THENCE in a Southerly direction with a curve that has a radius of 2341.83 feet, an arc distance of 689.45 feet, a long chord of 686.96 feet S 8 deg. 24' E to th end of said curve;
 THENCE S 16 deg. 50' E 194.3 feet with highway to the beginning of a curve to the right;
 THENCE in a Southerly direction with said curve that has a radius of 1859.86 feet, an arc distance of 1072.31 feet, a long chord of 1057.52 feet, S 0 deg. 19' E to the end of said curve;
 THENCE S 16 deg. 12' W 289.9 feet with highway to the beginning of a curve to the left;
 THENCE in a Southerly direction with said curve that has a radius of 1959.86 feet an arc distance of 545.61', a long chord of 543.85 feet, S 8 deg. 13' 28" W to the end of said curve;
 THENCE S 0 deg. 15' W 2023.1 feet with said highway to the beginning of a curve to the left;
 THENCE in a Southerly direction with said curve that has a radius of 1959.86 feet an arc distance of 429.45 feet, a long chord of 428.59 feet S 5 deg. 54' E to an iron rod on the North line of a county road to the Southeast corner of this tract;
 THENCE N 89 deg. 41' W 2038.4 feet with the North side of said county road to a fence corner for the Southwest corner of said former 224.25 acre tract and for the Southeast corner of said former 194 acre tract;
 THENCE N 89 deg. 50' W 1972 feet with fence and said road to an iron rod set in a bend in the fence;
 THENCE N 25 deg. 37' W 61.2 feet with fence to another fence bend;
 THENCE N 0 deg 08' E 744.6 feet with fence and the East side of said road to a slight bend in fence and the end of said road;
 THENCE N 0 deg. 16' E 816.3 feet with fence to a bend in fence;
 THENCE N 2 deg. 04 1/2' E 150.1 feet with fence to an iron rod in a fence corner;
 THENCE N 69 deg. 02' W 21.1 feet with fence to an iron rod set in a fence corner and on the East line of said Smith Survey;
 THENCE N 0 deg. 23' E 2816.3 feet with fence and said survey lines to the point of beginning and calculated to contain 426.15 acres of land, of which 333.71 acres is in the J E Moore Survey, 4.36 acres is in the BBB & C RR Co. Survey and the remaining 58.19 acres and 29.89 acres are in the said Stilts Survey.

Reservations from and Exceptions to Conveyance and Warranty:

Pipeline Right of Way Easement dated August 30, 1948, from J. M. Clayton, et ux to the City of Comanche in Volume 275, Page 535, Deed Records of Comanche County, Texas.

Right of Way Easement dated July 8, 1948, from J. M. Clayton to Texas Power & Light Co., recorded in Volume 246, Page 194, Deed Records of Comanche County, Texas.

Right of Way Easement dated February 26, 1970, from John F. Clayton, et ux to The State of Texas, recorded in Volume 374, Page 46 of the Deed Records of Comanche County, Texas.


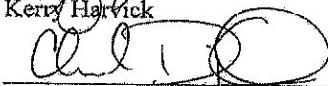
An undivided 1/2 royalty interest in and to all oil, gas and other minerals, as reserved in Warranty Deed dated July 17, 1981, executed by John F. Clayton, et ux, to Jimmy E. Gore and Walter Jack Gore, recorded in Volume 527, Page 306, Deed Records of Comanche County, Texas.

Right of Way Easement from Jimmy E. Gore, et ux, et al, to Comanche County, Texas, in instrument dated March 22, 1985, recorded in Volume 594, Page 25, Deed Records of Comanche County, Texas.

And being subject to all other mineral reservations, easements and restrictions properly of record in Comanche County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors, and assigns, to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

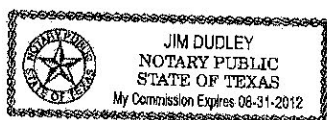
When the context requires, singular nouns and pronouns include the plural.

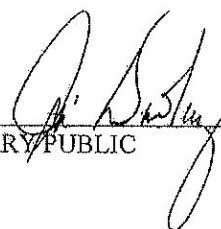

Kerry Harvick

Charles David Kersh

THE STATE OF TEXAS ()

COUNTY OF COMANCHE ()

This instrument was acknowledged before me this 4th day of March, 2009, by Kerry Harvick.

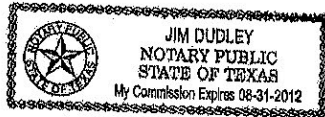


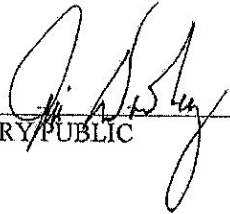

NOTARY PUBLIC

THE STATE OF TEXAS 0

COUNTY OF COMANCHE 0

This instrument was acknowledged before me this 4th day of March, 2009, by Charles David Kersh.




NOTARY PUBLIC

④ 23⁰⁰ ck
Jim Dudley

FILED FOR RECORD
AT 9:15 O'CLOCK AM

MAR 9 2009

Ruby Lesley
Clerk, County Court Comanche Co., Texas

Jim Dudley

FILED

AT 9:15 O'CLOCK AM
ON THE 9 DAY OF March
A.D., 2009.

Ruby Lesley
COUNTY CLERK, COMANCHE CO. TEXAS
BY Jim Dudley
DEPUTY

STATE OF TEXAS
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED
on the date and at the time stamped hereon by
me and was duly RECORDED in the Volume and
Page of the 2300
Records of Comanche County, Texas.



Ruby Lesley
County Clerk, Comanche Co., Texas

VOL. 911 PAGE 408
RECORDED 3-10-2009

Attachment J

RECEIVED
TOEO
WATER SUPPLY DIV.
TOEO
WASHINGTON
JUN 13 8 10 47
2019

THE STATE OF TEXAS

COUNTY OF COMANCHE

This agreement is made on the 9 day of June 2014 for land owner Diana Whitehead to lease a parcel of land to Mr. & Mrs. Kenneth Harvick for the purposes of irrigation/production and livestock grazing.

Land owner Diana Whitehead assumes no liability for any environmental damages, penalties, or enforcement actions resulting from any activity related to the farming practices, crop production, or agricultural activity on the part of Mr. Kenneth Harvick throughout the term of this lease agreement.

This lease agreement shall remain in effect until the ownership of the land changes or either party gives written notice that they wish to terminate this agreement.

Kenneth Harvick & Vicki Lawrence

Mr. & Mrs. Kenneth Harvick

Diana Whitehead

Authorized Representative

2014 JUN 13 PM 10 47
WATER SUPPLY DIV.
TOE
RECEIVED

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 8, 2014

Mr. Kenneth & Vickie Harvick
950 FM 3200
Comanche, TX 76442

CERTIFIED MAIL

RE: Kenneth Harvick & Vickie Harvick
ADJ 3662
CN604254292, CN604254300, RN106582687
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code §11.122, Requiring Mailed and Published Notice
Mercer Creek, Brazos River Basin
Comanche County

Dear Mr. Harvick:

This acknowledges receipt, on July 3 and November 15, 2013 of additional information.

This area is considered to have limited to no water available for appropriation for either a term or perpetual right. Authorization of an existing on-channel reservoir is considered a new appropriation of water and TCEQ would probably be unable to recommend granting the application without an alternate source of water. TCEQ adopted environmental flow standards for the Brazos River Basin on February 12, 2014. Applications for a new appropriation are subject to these standards. In addition, this application requests authorization to change a storage based water right to a run of the river right, which may result in additional limitations to protect other water rights.

If an alternate source will be included in the application, please provide documentation for the alternate source such as a signed water supply contract, a contract for re-use of effluent, or groundwater. If groundwater will be used, the following information will be needed: 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: chlorides, sulfates, 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. However, please note that on-site data may still be required when it becomes available.

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

1. Confirm the location of the proposed diversion point. Based on the information provided, the proposed point does not appear to be located on Mercer Creek. Staff used the coordinates provided to locate the point, and included coordinates for a point representing the end of the diversion pipe located at the reservoir (see enclosed map).
 2. Provide a *Supplemental Dam/Reservoir Information Sheet* (enclosed) for the on-channel reservoir. Since water from an existing on-channel reservoir will be diverted for irrigation use, the reservoir must be authorized. Provide the latitude and longitude of a point on the centerline of the dam expressed in decimal degrees to six decimal places. Include the surface area and capacity of the reservoir at normal operating level. Staff determined the surface area to be 1.5 acres and the coordinates of a point on the dam to be latitude 31.838904°N, and longitude 98.596282°W (see enclosed map).
 3. Provide a completed *Existing Dam Information Sheet* (enclosed).
 4. Confirm the drainage areas above the proposed diversion point and above the dam of the reservoir. Staff determined a drainage area for the diversion point of 16.4061 square miles, and a drainage area for the dam of the reservoir to be 17.2095 square miles.
 5. Confirm the bearing and distance from an original survey corner to the proposed diversion point. Staff has determined the bearing and distance to be S 25° W, 1700 feet from the northeast corner of the James E. Moore Survey, Abstract No. 654.
 6. Confirm that inflows of state water can be passed through the reservoir should they be required to satisfy downstream senior and superior water rights.
 7. Provide an adequate alternate source of water to compensate for evaporative losses associated with the reservoir. Using the Brazos Water Availability Model evaporation data for Quad 609, staff calculated the maximum annual evaporative loss from the reservoir to be 7.46 acre-feet per year.
 8. Provide a recorded copy of the deed(s) for the property where the proposed diversion point, reservoirs, and land to be irrigated are located. Please note that the application must be in the name(s) of all landowners as shown on the deeds; otherwise, proper consent of the application must be provided pursuant to Title 30 Texas Administrative Code §§295.10, 295.11, 295.12 and 295.31.
 9. Confirm whether a valid contract still exists for the irrigation of Tract 3. The authorization to irrigate is contingent upon a lease agreement with Arron and Doris Massingill.
-

Kenneth Harvick & Vickie Harvick
Application No. 12-3662B
April 8, 2014
Page 3 of 3

10. Remit fees in the amount of **\$1,098.59**. Please make check payable to TCEQ or Texas Commission on Environmental Quality.

Filing (amendment)	\$ 100.00
Recording (\$1.25 x 1 page)	\$ 1.25
Notice (Brazos Basin)	\$ 997.35
Storage (\$0.50 X acre-foot)	\$ TBD*
Total Fees	\$ 1,098.59
<u>Fees received</u>	<u>\$ 0.00</u>
Fees Due	\$ 1,098.59

*Additional storage fees will be assessed based upon the capacity information provided in question #2.

Please submit the requested information and fees by **May 8, 2014** or the application will 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 joe.nicosia@tceq.texas.gov or by telephone at (512)-239-1644.

Sincerely,



R. Joseph Nicosia,
Project Manager MC 160
Water Rights Permitting Section
Water Availability Division

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Ken Harvick

Call from: J. Nicolas & T. Dannelley

Date of call: 11/15/13

File no.: ADJ 12-3662

Phone no.: (254) 842-7635

Subject: Notice update from
interjacent to Full Basin Notice

Information for file: Staff explained the notice requirements for
this application have changed to full basin notice. Applicant
inquired about pending change of ownership in Review. Applicant
agreed to a site visit next week.

Signed 



RECEIVED

TCEQ Use Only

TCEQ Core Data Form

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 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 type="checkbox"/> Yes <input type="checkbox"/> No		
3. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	4. Regulated Entity Reference Number (if issued)
CN		RN

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)		6/15/2013	
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 checked="" type="checkbox"/> Owner	<input type="checkbox"/> Operator	<input type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee	<input type="checkbox"/> Responsible Party	<input type="checkbox"/> Voluntary Cleanup Applicant	<input type="checkbox"/> Other:
7. General Customer Information			
<input type="checkbox"/> New Customer	<input type="checkbox"/> Update to Customer Information	<input type="checkbox"/> Change in Regulated Entity Ownership	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State)	<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 checked="" type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship- D.B.A.
<input type="checkbox"/> City Government	<input type="checkbox"/> County Government	<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other:
9. Customer Legal Name (If an individual, print last name first: ex: Doe, John)		If new Customer, enter previous Customer below	
Harvick Kenneth; Harvick Vickie		End Date:	
10. Mailing Address:	950 Hwy 3200		
City	State	ZIP	ZIP + 4
Comanche	TX	76442	
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)	
(254) 842-7635		() -	
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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> New Regulated Entity	<input checked="" 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)			
Harvick Kenneth + Vickie			

24. Street Address of the Regulated Entity: (No P.O. Boxes)	950 Hiway 3200				
City	Comanche	State	TX	ZIP	76442
25. Mailing Address:	950 Hiway 3200				
City	Comanche	State	TX	ZIP	76442
26. E-Mail Address:	[REDACTED]				
27. Telephone Number	0	28. Extension or Code		29. Fax Number (if applicable)	
(254) 842-7635				() -	
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (5 or 6 digits)	33. Secondary NAICS Code (5 or 6 digits)		
NA	NA	NA	NA		
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)					
Farming & Ranching					

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

35. Description to Physical Location:	Located on the west side of Hiway 3200 3 mi. South of Comanche		
36. Nearest City	County	State	Nearest ZIP Code
Comanche	Comanche	TX	76442
37. Latitude (N) In Decimal:	38. Longitude (W) In Decimal:		
Degrees Minutes Seconds	Degrees Minutes Seconds		
31.84602	98.59721		

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:	Kenneth Harvick	41. Title:	owner
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(254) 842 7635		() -	[REDACTED]

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:	owner
Name (In Print):	Kenneth Harvick	Phone:	(254) 842 7635
Signature:	Kenneth Harvick	Date:	6-15-13

Supplemental Diversion Point Information Sheet

Diversion Point No. 1. (Provide a completed Supplemental Diversion Point Information Sheet for additional diversions)

- ✓ 1) Watercourse: Mercer Creek
- 2) Location of point of diversion at Latitude 31.83892 °N, Longitude 98.59786 °W, also, bearing _____ ° _____, _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas. Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.
- ✓ 3) Location from County Seat: 3 miles in a South direction from Comanche, Comanche 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: 76442
- 5) The diversion will be (check (✓) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Directly from stream	Existing	Proposed
✓	From an on-channel reservoir	✓	
	From 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:

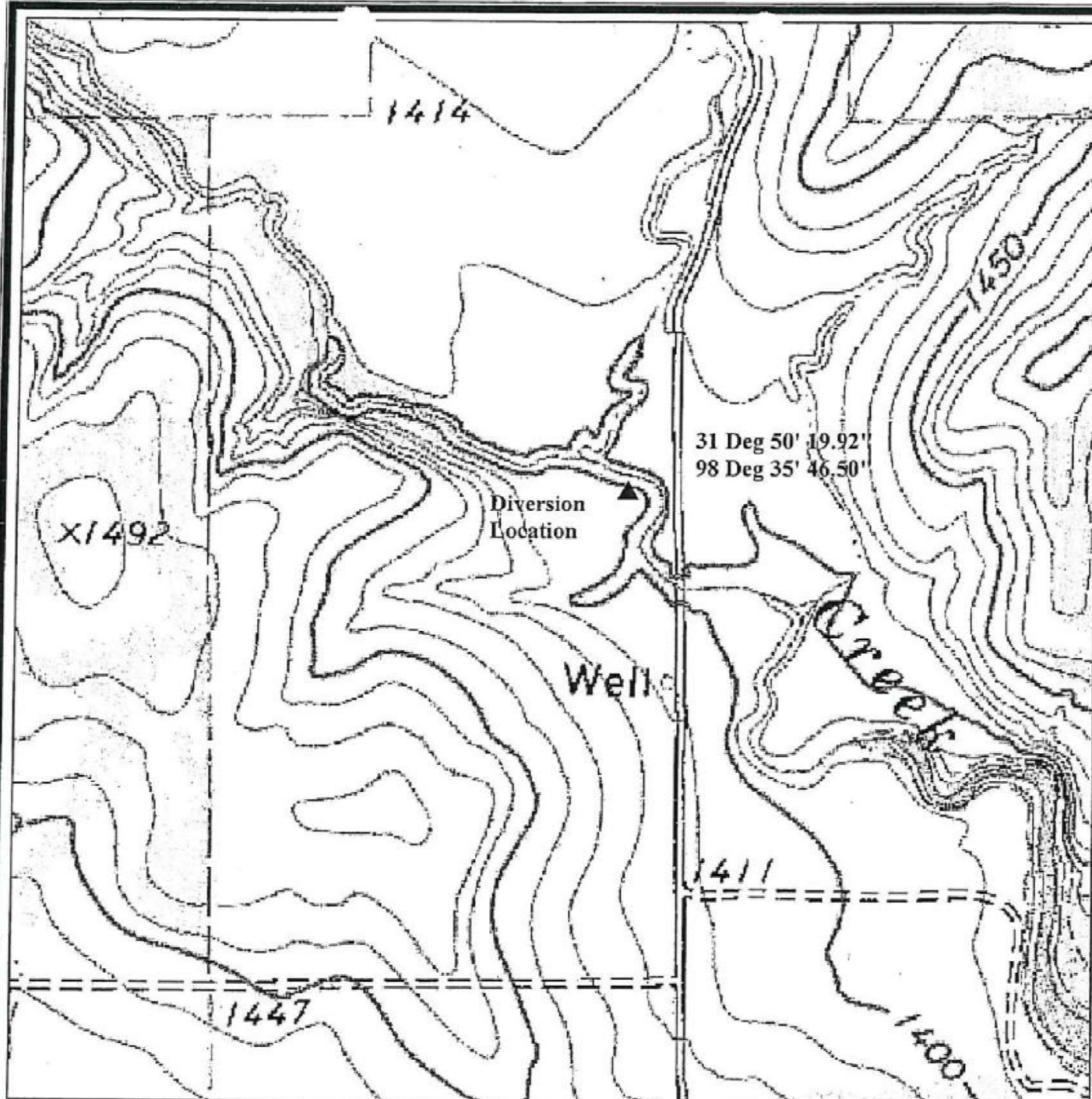
- A. 400 Maximum gpm (gallons per minute)
- 1) 1 Number of pumps
 - 2) Backley Type of pump
 - 3) 400 gpm, Pump capacity of each pump
 - 4) Portable pump ✓ Yes or No

___ 2. If by gravity: NA

- 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.

- 7a. Pump at diversion point has a screen on intake side of .25 mesh. (KN)
- b. diversions will not exceed 1000 gpm at this diversion site (KN)



Legend

▲ Take Out Point



0 0.0350.07 0.14 0.21 0.28 Miles

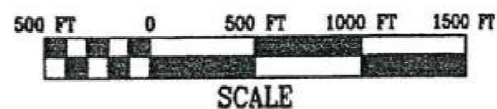
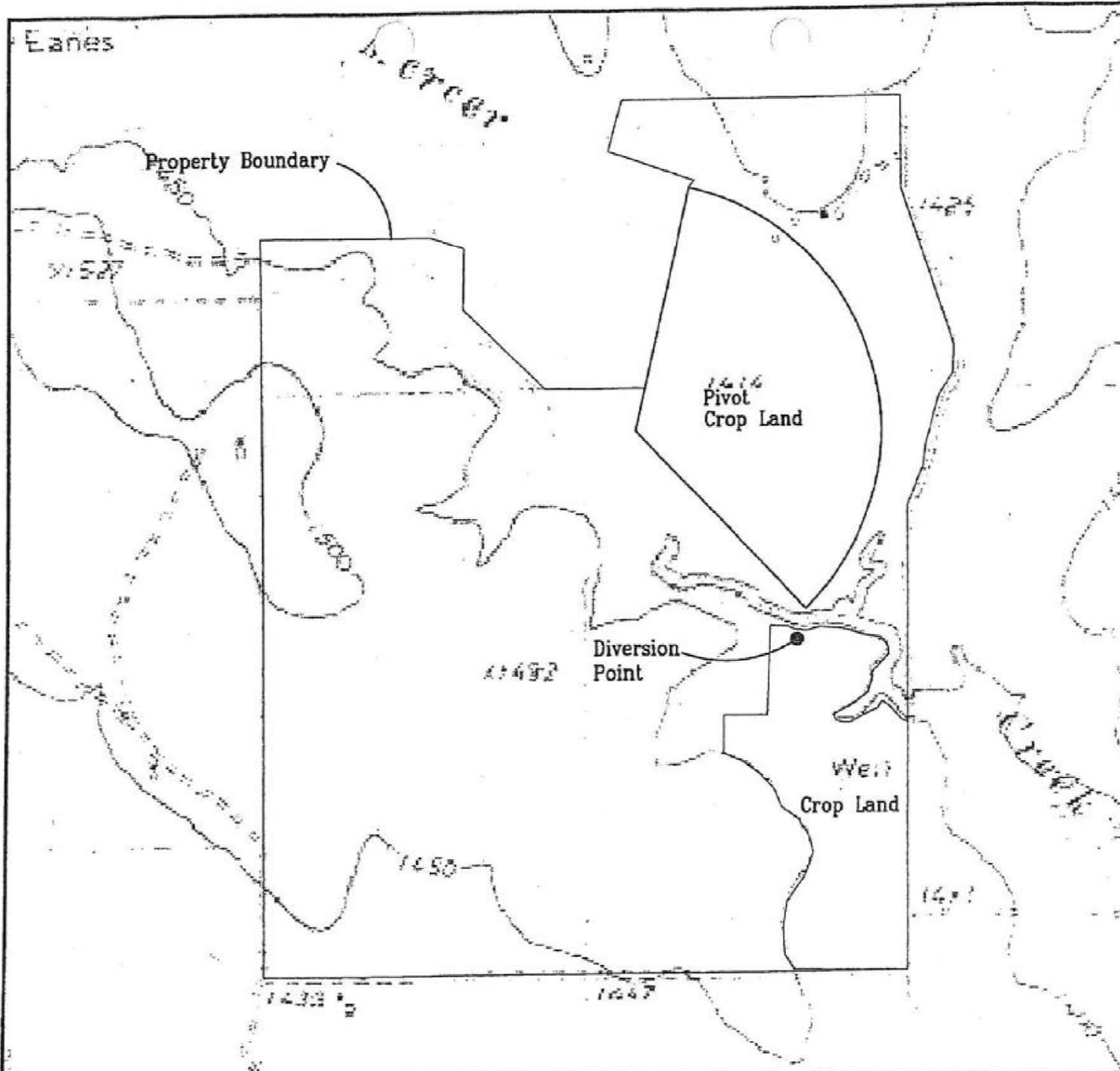
A horizontal scale bar with markings at 0, 0.03, 0.07, 0.14, 0.21, and 0.28 miles.

Kenneth Harvick
ComancheTX
Comanche County

Diversion Point Location
Map

ENVIRO-AG
EAE
ENGINEERING, INC.

Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3404 Airway Blvd.
Amarillo, Texas 79118
806-353-6123; FAX 806-353-4132



Harvick Ranch
Comanchie
Comanchie County, Texas

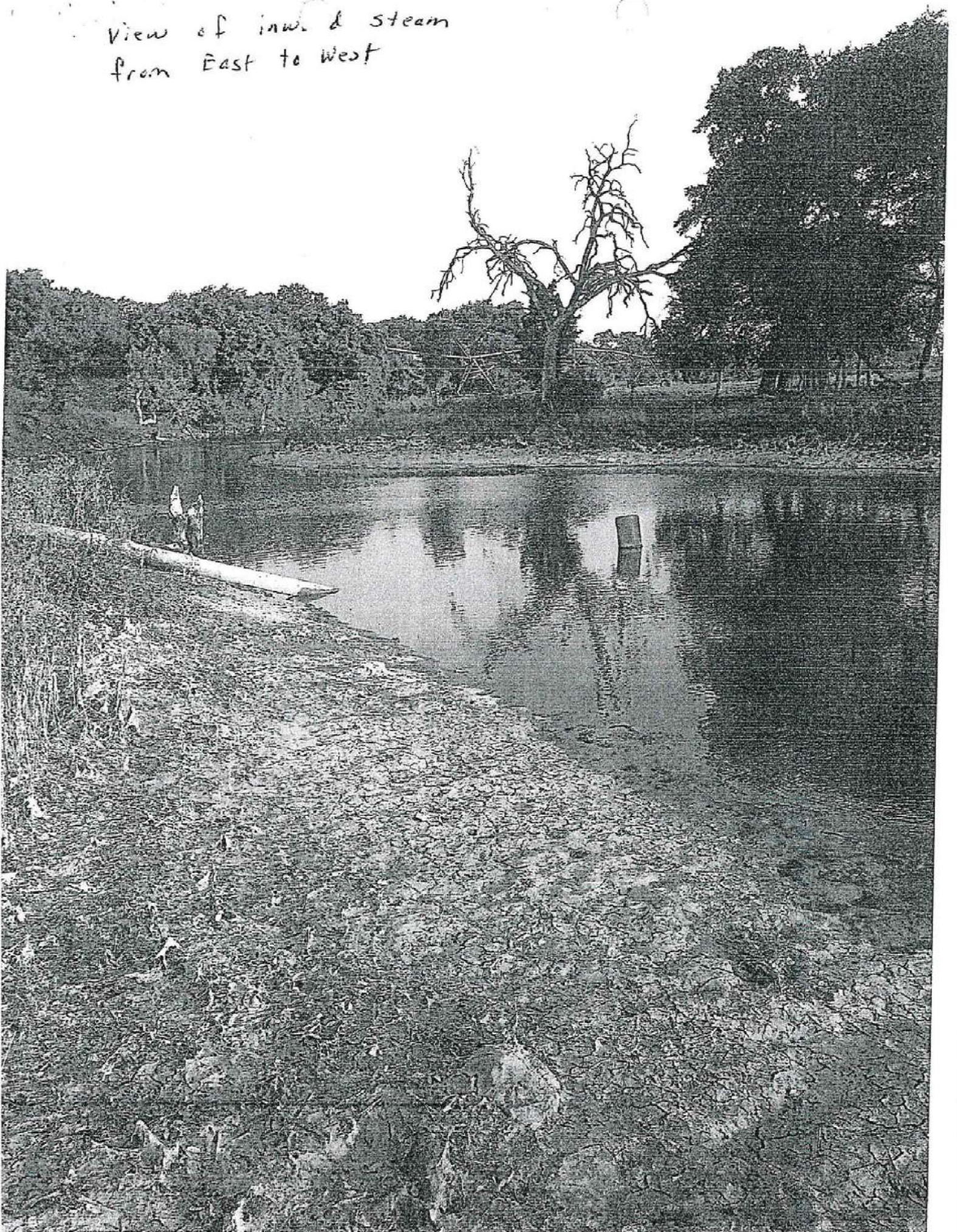
Property Boundary Map



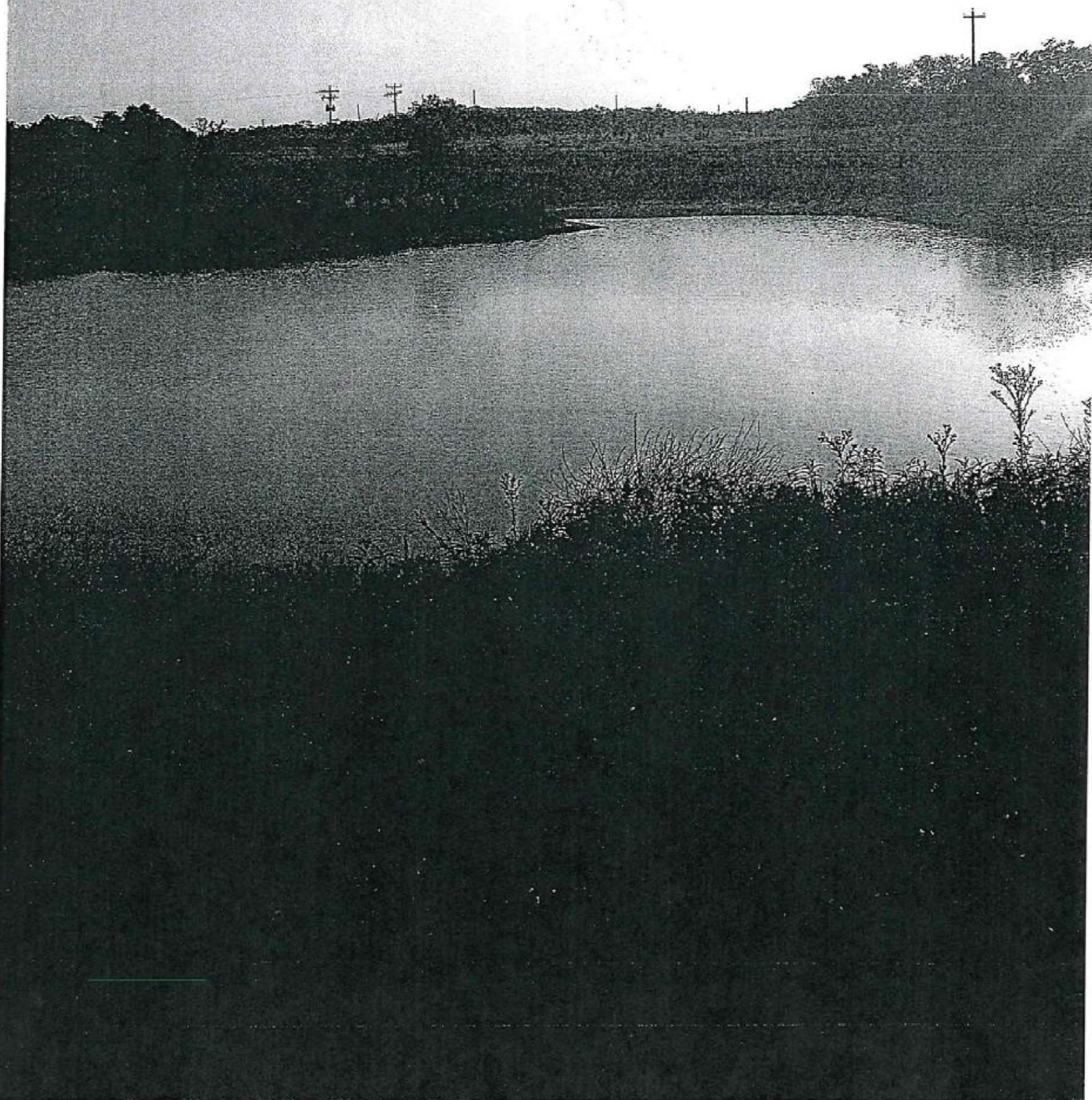
Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3404 Alhway Blvd.
AMARILLO, TEXAS 79118
TEL (806) 353-8123 FAX (806) 353-4132



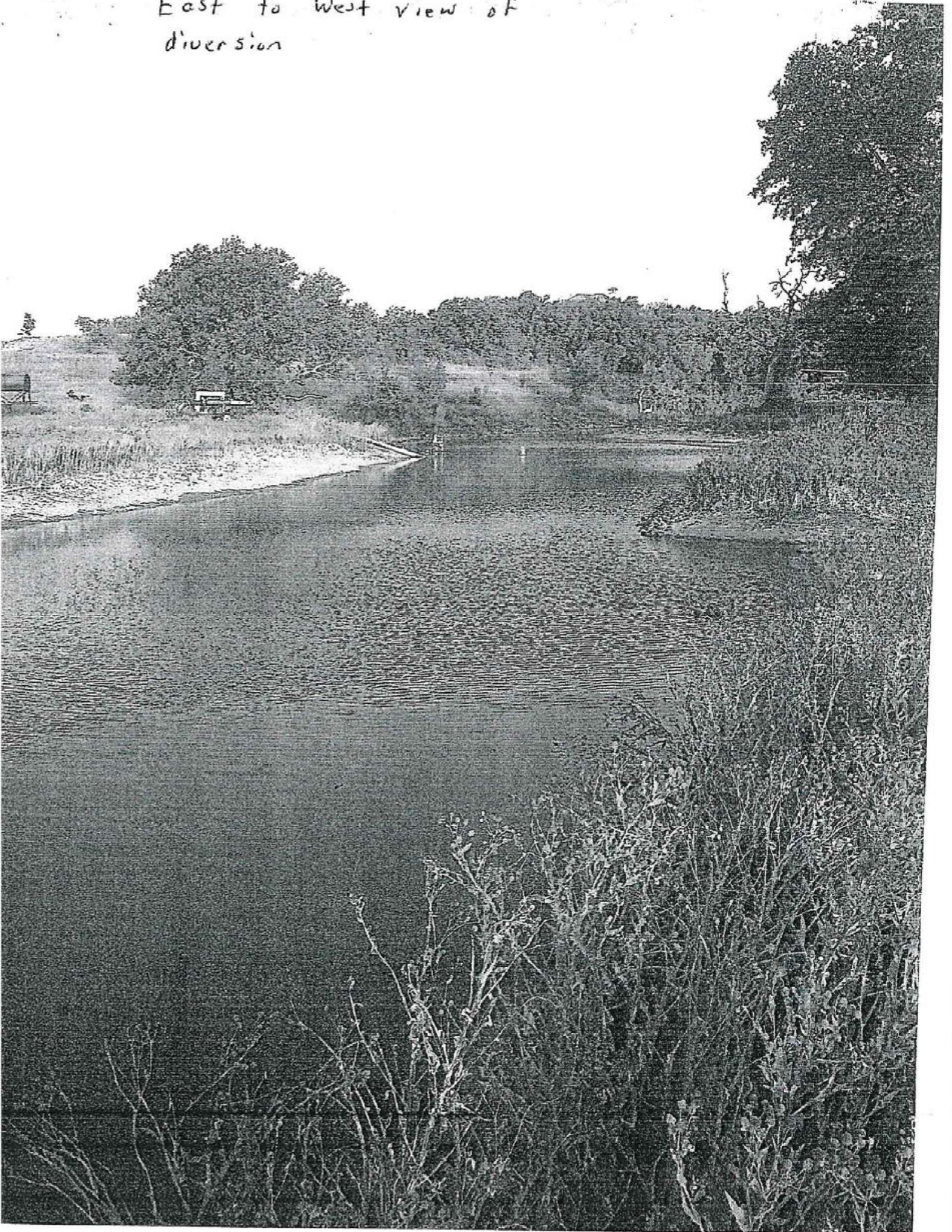
View of inlet & stream
from East to West



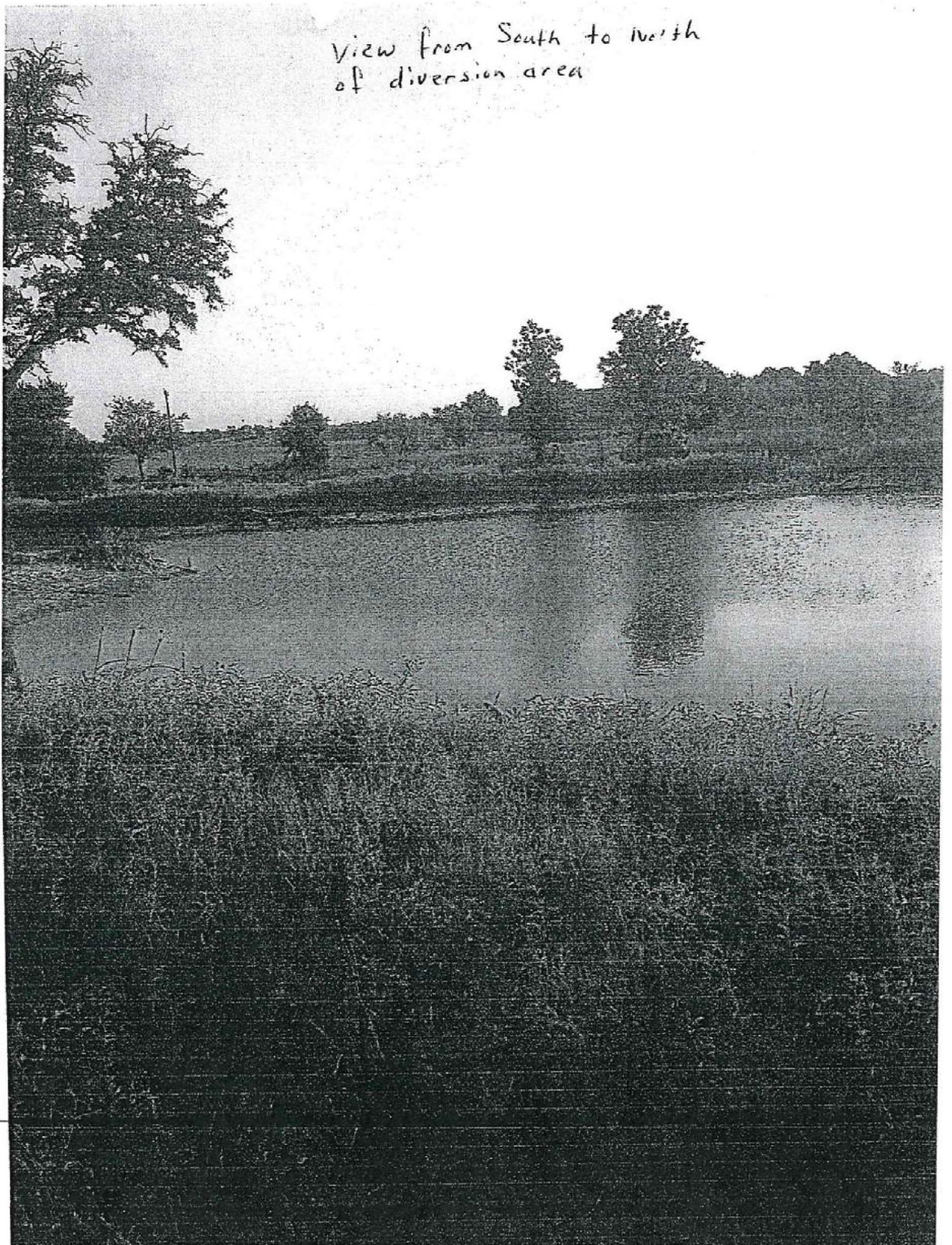
view from West to East
with diversion dam in background



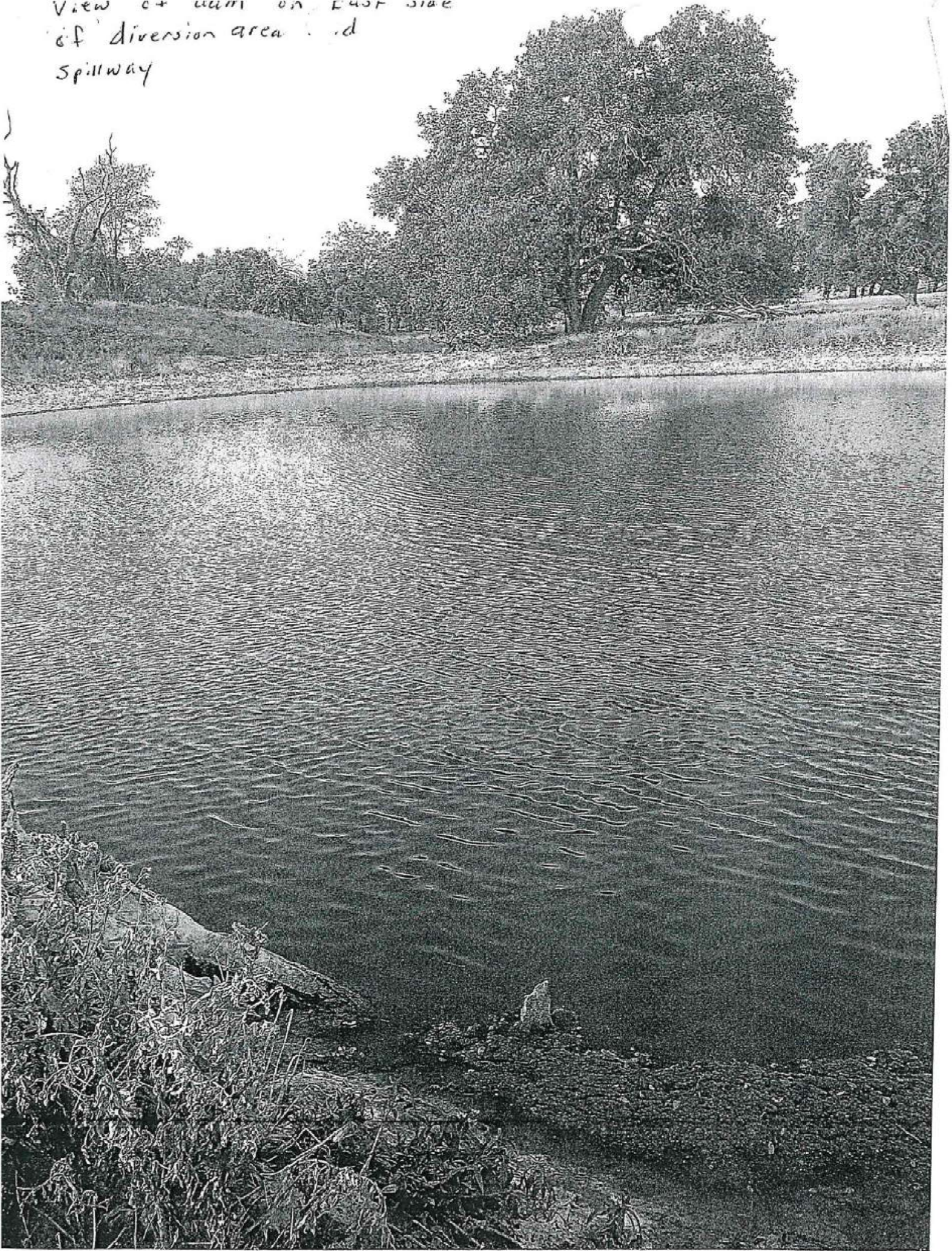
East to West view of
diversion



view from South to North
of diversion area



View of dam on east side
of diversion area and
spillway





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 30, 2013

Kenneth Harvick
950 FM 3200
Comanche, TX 76442

CERTIFIED MAIL

91 7199 9991 7031 8206 1684

RE: Kenneth Harvick & Vickie Harvick
ADJ 3662
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code §11.122, Requiring Limited Mailed Notice
Mercer Creek, Brazos River Basin
Comanche County

Dear Mr. Harvick:

This acknowledges receipt, on March 28, 2013 of the referenced application.

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

1. Provide completed *Core Data Forms* for Kenneth Harvick and Vickie Harvick (enclosed).
2. Provide a completed *Supplemental Diversion Point Information Sheet* (enclosed).
3. Provide on-ground color photos of the proposed project area, including but not limited to the following: location of diversion site, diversion structure, as well as several photographs of the stream and riparian area. Each photograph should include a description of what is depicted as well as be referenced to a USGS 7.5 minute topographic map indicating the location and direction of the shot.
4. Indicate if screens will be utilized on the diversion structure to minimize entrainment and impingement of aquatic life. Staff recommends a screen mesh size of 0.25 inches and a maximum flow-through velocity of 0.5 feet per second.
5. Confirm that the diversions at this location in combination with all other points will not exceed 2.23 cfs (1,000 gpm), the maximum authorized diversion rate.

- Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Ken Harvick

Call from: Joe Nicosia

Date of call: 5/13/13

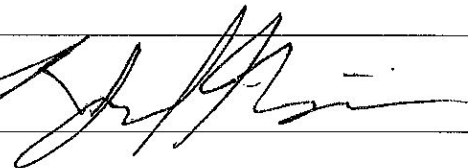
File no.: 12-3662

Phone no.: (254) 842-7635

Subject: Clarify use of Supplemental
Discharge Point information Sheet

Information for file: Applicant clarified that he will be using surface water
from Mercer Creek to irrigate. Applicant also indicated that he would be using
groundwater for irrigation also. Applicant indicated that this ground water
sometimes runs back to the creek. Applicant is not requesting a Bed and
Banks. JN

Signed





Texas Commission on Environmental Quality

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

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: Kenneth Harvick
Address: ~~Miller~~ 950 Highway 3200
Comanche TX 76442
Phone Number: 254-242-7635 Fax Number: 325-885-3293
Email Address: [REDACTED]
2. Applicant owes fees or penalties?
☐ Yes ☒ No
If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

3. ☐ Permit No. 1442 AB ☐ Certificate of Adjudication No. 12-3662A
Stream: Mercer Creek Watershed: Brazos River Basin
Reservoir (present condition, if one exists): Good
County: Comanche TX.
4. Proposed Changes To Water Right Authorizations:
Amendment to diversion point

(Attach additional page as necessary, attach map/plot 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.

Kenneth Harvick
Name (sign)

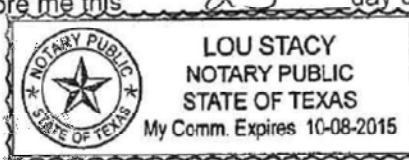
Kenneth Harvick
Name (print)

Vicki Harvick
Name (sign)

Vicki Harvick
Name (print)

Subscribed and sworn to me as being true and correct before me this 25 day of

March, 2013



Notary Public, State of Texas

RECEIVED
TCEQ
WATER SUPPLY DIV
3 MAR 28 PM 2

Supplemental Diversion Point Information Sheet

Diversion Point No. 1.

1) Watercourse: Mercer Creek

Location of point of diversion at Latitude 31.83892 °N, Longitude 98.59786 °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: 3 1/2 miles in a S direction from Comanche, Comanche 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):

	Directly from stream	Existing	Proposed
✓	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. 400 Maximum gpm (gallons per minute)

1) 1 Number of pumps

2) Berkley 3B Type of pump

3) 400 gpm, Pump capacity of each pump

4) Portable pump ✓ Yes or No

___ 2. If by gravity: NA

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 Unknown

B. Location of Structure No. 1

1) Watercourse: Mercer Creek Upper Leon River

2) Location from County Seat: 3 miles in a S direction from Comanche
Comanche County, Texas.

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

3) Zip Code: 76442

4) The dam will be/is located in the Existing Original Survey
No. _____, Abstract No. _____ in _____ County, Texas.

5) Station _____ on the centerline of the dam is _____° _____ (bearing), _____ feet
(distance) from the _____ corner of _____ Original
Survey No. _____, Abstract No. _____, in _____ County, Texas, also
being at Latitude _____°N, Longitude _____°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).

C. Reservoir:

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

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

D. The drainage area above the dam is _____ acres or _____ 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 _____

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: Spill

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 31.83892 ° N, Longitude 98.59786 °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: 3.5 miles in a S direction from Comanche,
Comanche 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: 76442

5) Water will be discharged into Mercer Creek stream/reservoir,

(tributaries) _____,

Brazos River Basin.

6) Water will be discharged at a maximum rate of _____ cfs (400 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 Irrigation.

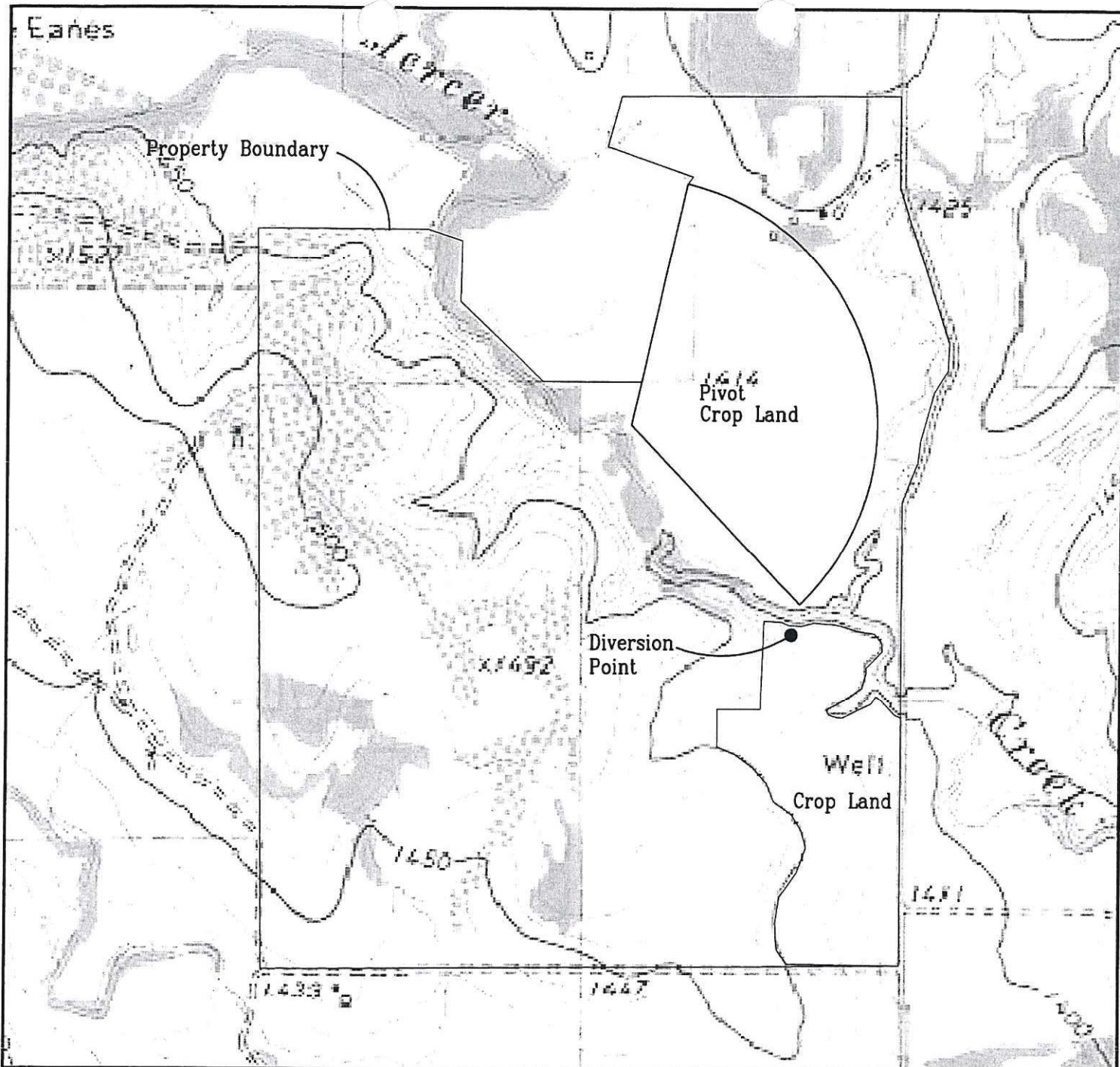
9) Additional information required:

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.



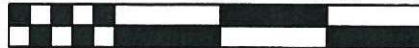
RECEIVED

MAY 30 2007

WATER RIGHTS PERMITTING



500 FT 0 500 FT 1000 FT 1500 FT



SCALE

Harvick Ranch
Comanchie
Comanchie County, Texas

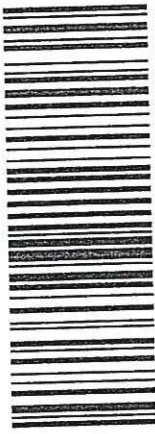
Property Boundary Map

ENVIRO-AG
EAE
ENGINEERING, INC.

Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3404 Airway Blvd.
AMARILLO, TEXAS 79118
TEL (806) 353-6123 FAX (806) 353-4132

*Attn: 930 Hwy 3200
Comanche, Texas 76442*

CERTIFIED MAIL™



7012 1010 0002 9916 3873



1000 78711



U.S. POSTAGE
PAID
COMANCHE, TX
MAR 25 13
AMOUNT
\$6.11
00101277-04

**RETURN RECEIPT
REQUESTED**
RECEIVED

MAR 28 2013

TCEQ MAIL ~~CEQA~~ AR

*Attention: Shea Feltman
P.O. Box 13087
ME-160
Austin, Texas 78711-3087*

Commission on Environmental Justice