

# TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

FROM: Joshua Schauer, Project Manager  
Water Rights Permitting Team

DATE: April 11, 2024

SUBJECT: Jeff Franklin Kent and Dana Marie Kent  
ADJ 2136  
CN604707737, CN604707745, RN101293942  
Application to Abandon Certificate of Adjudication No.  
19-2136  
Texas Water Code § 5.122, Not Requiring Notice  
San Geronimo Creek, San Antonio River Basin  
Bandera and Medina counties

The application was received on December 5, 2023. Additional information was received on April 7, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 11, 2024. No notice is required pursuant to Title 30 Texas Administrative Code § 295.175.

No fees are applicable, and the application is sufficient for filing.



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Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality

**OCC Mailed Notice Required**    **YES**                       **NO**

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 11, 2024

Mr. Jeff Kent and Mrs. Dana Kent  
5513 Foxfield Ln.  
Bee Cave, TX 78738-7702

**VIA EMAIL**

RE: Jeff Franklin Kent and Dana Marie Kent  
ADJ 2136  
CN604707737, CN604707745, RN101293942  
Application to Abandon Certificate of Adjudication No. 19-2136  
Texas Water Code § 5.122, Not Requiring Notice  
San Geronimo Creek, San Antonio River Basin  
Bandera and Medina counties

Dear Mr. and Mrs. Kent:

This acknowledges receipt of additional information on April 7, 2024.

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 11, 2024. 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 via email at [Joshua.schauer@tceq.texas.gov](mailto:Joshua.schauer@tceq.texas.gov) or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

**From:** [JEFF KENT](#)  
**To:** [Joshua Schauer](#)  
**Cc:** [Chris Kozlowski](#); [Humberto Galvan](#)  
**Subject:** Re: Jeff Franklin Kent and Dana Marie Kent; ADJ 19-2135 & 19-2136  
**Date:** Sunday, April 7, 2024 1:45:35 PM  
**Attachments:** [Jeff and Dana Kent\\_19\\_2135\\_RFI 4.3.24.pdf](#)  
[Jeff and Dana Kent\\_19\\_2136\\_RFI 4.3.24.pdf](#)

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Thank you for the attached email.

This returned email is to Confirm our request to abandon .41 acre-feet of water via Adjudication No. 19-2135 and 10 acre-feet of water for Adjudication No. 19-2136.

It is understood by us that any water will be used solely for domestic, livestock, or other exempt purposes.

Any concerns with this request please let me know.

Thanks

Jeff and Dana Kent

On Apr 3, 2024, at 3:00 PM, Joshua Schauer <[Joshua.Schauer@Tceq.Texas.Gov](mailto:Joshua.Schauer@Tceq.Texas.Gov)> wrote:

Dear Mr. and Mrs. Kent:

This acknowledges receipt, on December 5, 2023, of application to abandon Certificate of Adjudication No. 19-2136.

Additional information is required before the referenced application can be declared administratively complete. Please provide a response to the attached letters by May 5, 2024.

Thanks,  
Josh

*Joshua Schauer*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-1371 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)

<Jeff and Dana Kent\_19\_2136\_RFI 4.3.24.pdf><Jeff and Dana Kent\_19\_2135\_RFI 4.3.24.pdf>

**From:** [Joshua Schauer](#)  
**To:** [REDACTED]  
**Cc:** [Chris Kozlowski](#); [Humberto Galvan](#)  
**Subject:** Jeff Franklin Kent and Dana Marie Kent; ADJ 19-2135 & 19-2136  
**Date:** Wednesday, April 3, 2024 3:00:37 PM  
**Attachments:** [Jeff and Dana Kent\\_19\\_2136\\_RFI 4.3.24.pdf](#)  
[Jeff and Dana Kent\\_19\\_2135\\_RFI 4.3.24.pdf](#)

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Dear Mr. and Mrs. Kent:

This acknowledges receipt, on December 5, 2023, of application to abandon Certificate of Adjudication No. 19-2136.

Additional information is required before the referenced application can be declared administratively complete. Please provide a response to the attached letters by May 5, 2024.

Thanks,  
Josh

*Joshua Schauer*  
*Project Manager*  
*Water Rights Permitting Team, Water Availability Division*  
*Texas Commission on Environmental Quality*  
512-239-1371 [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov)

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 3, 2024

Mr. Jeff Kent and Mrs. Dana Kent  
5513 Foxfield Ln.  
Bee Cave, TX 78738-7702

**CERTIFIED MAIL**

9489 0090 0027 6002 7264 32

RE: Jeff Franklin Kent and Dana Marie Kent  
ADJ 2136  
CN604707737, CN604707745, RN101293942  
Application to Abandon Certificate of Adjudication No. 19-2136  
Texas Water Code § 5.122, Not Requiring Notice  
Unnamed tributary of San Geronimo Creek, San Antonio River Basin  
Bandera and Medina counties

Dear Mr. and Mrs. Kent:

This acknowledges receipt, on December 5, 2023, of the referenced application.

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

Confirm that the existing 10 acre-foot capacity reservoir will remain and will be used solely for domestic, livestock, or other exempt purposes pursuant to Texas Water Code § 11.142 (copy enclosed). Please note that if Certificate of Adjudication 19-2136 is abandoned, use of the reservoir for any purpose other than domestic, livestock, or other exempt purposes could be a violation and subject to enforcement.

Please provide the requested information by May 3, 2024 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 e-mail at [Joshua.Schauer@tceq.texas.gov](mailto:Joshua.Schauer@tceq.texas.gov) or by telephone at (512) 239-1371.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Schauer".

Joshua Schauer, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087, Austin, Texas 78711-3087
Telephone No. (512) 239-4600 FAX (512) 239-4770

ABANDONMENT OF 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.

Please note that this action to voluntarily abandon, and the subsequent cancellation of, your water right may not be reversed and obtaining a water right in the future will require a new application for water. New applications require application/notice fees and may or may not be granted, subject to water availability. Additionally, water rights in the State of Texas may add value to the property they are associated with and/or may have a monetary value of their own. Please consider all of this in determining whether you wish to proceed with abandoning your water right.

BEFORE ME, the undersigned authority, on this day personally appeared Jeff and Dana Kent known to me to be the person whose signature appears below, who being sworn by me did state that the following facts are true and correct in his/her personal knowledge:

1. My name is Jeff and Dana Kent

2. My address is 5513 Foxfield Ln Austin, TX 78738

RECEIVED

By Eddie Valencia at 2:27 pm, Dec 05, 2023

3. I owe fees or penalties to the TCEQ: [ ] Yes [x] No

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

4. I own the following described water right:

Permit No. Certificate of Adjudication No. 19-2136

County: Bandera/Medina River Basin: San Geronimo Creek

Authorized Use:

Portion to be Abandoned: Entire

5. It is my intent, by signing and filing this instrument, to voluntarily and intentionally waive and relinquish the above described portion of Permit/Certificate No. 19-2136 and to tender it to the Texas Commission on Environmental Quality for cancellation. It is also my intent to waive notice of public hearing, as well as the public hearing itself, to consider this matter at any future date.

6. I understand that the Texas Commission on Environmental Quality will cancel the above described portion of Permit/Certificate No. 19-2136. I also understand that any outstanding indebtedness to the commission is not waived by this form.

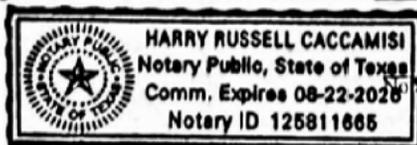
Name (Sign)

Name (Printed)

Name (Sign)

Name (Printed)

Subscribed and sworn to as being true and correct before me this 30 day of Nov, 2023



CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 19-2136

OWNER: Kittie Nelson Ferguson  
Star Route, Box 117  
Helotes, TX 78023

COUNTIES: Bandera and Medina

PRIORITY DATE: 1963

WATERCOURSE: Unnamed tributary of  
San Geronimo Creek, tributary  
of Medina River

BASIN: San Antonio River

WHEREAS, by final decree of the 224th District Court of Bexar County, Texas, in Cause No. 78-CI-16903, In Re: The Adjudication of Water Rights in the Medina River of the San Antonio Basin (Exceptions of Edward Walsh, Harry Walsh, Frank Walsh, Bessie Walsh, Anita Walsh and Mary Walsh), dated November 12, 1980, a right was recognized under Claim 2663 authorizing Kittie Nelson Ferguson to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Antonio River Basin is issued to Kittie Nelson Ferguson, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on an unnamed tributary of San Geronimo Creek and impound therein not to exceed 10 acre-feet of water. Point on the dam at the center of the stream is S 23°30'W, 3220 feet from the northeast corner of the Georgetown R. R. Co. Survey 255, Abstract 2503 in Bandera County and Abstract 1132 in Medina County, Texas.

2. USE

Owner is authorized to divert and use not to exceed 6 acre-feet of water per annum from the perimeter of reservoir on unnamed tributary to San Geronimo Creek to irrigate a maximum of 3 acres of land out of a 536.5 acre tract located in the Georgetown R. R. Co. Survey 255, Abstract 2503 in Bandera County and Abstract 1132 in Medina County, and the J. L. Shane Survey 244.1, Abstract 624 in Bandera County and Abstract 1967 in Medina County, Texas, said 536.5 acre tract being described as follows:

- (1) BEGINNING at a fence corner, the northwest corner of the Manuel Leal Survey 244;
- (2) THENCE S 00°15'W, 700.2 varas to a corner, the southernmost southeast corner of the Georgetown R. R. Co. Survey 255;
- (3) THENCE N 88°15'W, 717.1 varas to a stake in the northeast right-of-way line of State Highway 16;
- (4) THENCE N 37°15'W, 117.0 varas with said right-of-way line to a corner;
- (5) THENCE N 41°W, 97.5 varas with said right-of-way line to a corner;
- (6) THENCE N 46°W, 625.6 varas with said right-of-way line to a corner;
- (7) THENCE N 43°30'W, 56.8 varas with said right-of-way line to a corner;
- (8) THENCE N 35°30'W, 81.3 varas with said right-of-way line to a corner;
- (9) THENCE N 31°W, 234.3 varas with said right-of-way line to a corner;
- (10) THENCE N 35°30'W, 47.1 varas with said right-of-way line to a corner;
- (11) THENCE N 40°30'W, 25.5 varas with said right-of-way line to a corner;

- (12) THENCE N 44°W, 262.8 varas with said right-of-way line to a corner;
- (13) THENCE N 22°E, 19.4 varas with fence line to a corner;
- (14) THENCE N 52°E, 434.5 varas with fence line to a corner;
- (15) THENCE N 57°E, 270.0 varas with fence line to a corner;
- (16) THENCE N 89°40'E, 210.6 varas with fence line to a corner;
- (17) THENCE N 87°15'E, 987.8 varas to a fence corner in the east line of Survey 244.1;
- (18) THENCE north, 152.6 varas to a corner, the southwest corner of Survey 435;
- (19) THENCE S 89°30'E, 885.6 varas with south line of said Survey 435 to a corner;
- (20) THENCE S 09°W, 520.5 varas with fence line to a corner;
- (21) THENCE S 21°30'W, 110.9 varas with fence to a corner;
- (22) THENCE S 18°45'E, 48.9 varas crossing Geronimo Creek at 27.7 varas to a corner;
- (23) THENCE S 01°52'E, 436.3 varas to a rock mound on the south line of Survey 255;
- (24) THENCE west, 829.0 varas to the place of beginning.

3. DIVERSION

A. Location:

At the perimeter of the aforesaid reservoir on unnamed tributary to San Geronimo Creek.

B. Maximum Rate: 0.8 cfs (350 gpm).

4. PRIORITY

The time priority of owner's right is 1963.

The locations of pertinent features related to this certificate are shown on Page 6 of the Medina River Watershed Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions provided for in the final decree of the 224th District Court of Bexar County, Texas, in Cause No. 78-CI-16903, In Re: The Adjudication of Water Rights in the Medina River of the San Antonio Basin (Exceptions of Edward Walsh, Harry Walsh, Frank Walsh, Bessie Walsh, Anita Walsh and Mary Walsh), dated November 12, 1980, and supersedes all rights of the owner asserted in that cause.

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

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

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

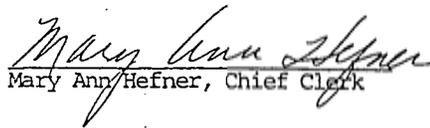
TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

DATE ISSUED:

AUG 28 1981

ATTEST:

  
Mary Ann Hefner, Chief Clerk