

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-3662B

Kenneth D. and Vickie Harvick seek to amend Certificate of Adjudication No. 12-3662 to authorize the maintenance of a dam and reservoir on Mercer Creek, Brazos River Basin for agricultural purposes and to add a diversion point on the reservoir in Comanche County. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Kenneth D. and Vickie Harvick, 950 Highway 3200, Comanche, Texas 76442, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 12-3662 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Brazos River Basin pursuant to Title 30 Texas Administrative Code § 295.158(b).

A portion of Certificate of Adjudication No. 12-3662 authorizes Kenneth D. and Vickie Harvick to divert and use not to exceed 139.32 acre-feet of water per year from the perimeter of a 4,800 acre-foot reservoir on Mercer Creek, tributary of the Leon River, Brazos River Basin for agricultural purposes to irrigate 104.5 acres out of 426.15 acres of land in Comanche County with a time priority of December 18, 1947.

Applicants seek to amend their portion of Certificate of Adjudication No. 12-3662 to authorize the maintenance of a dam and reservoir on Mercer Creek, Brazos River Basin, with a maximum capacity of 5.2 acre-feet of water for agricultural purposes. A point on the centerline of the dam is located at Latitude 31.838872° N, Longitude 98.596188° W in Comanche County, ZIP code 76442.

Applicants indicate water authorized for diversion by Certificate of Adjudication No. 12-3662 will be used to maintain the reservoir.

Applicants also seek to add a diversion point on Mercer Creek located on the reservoir being at Latitude 31.839207° N, Longitude 98.597451° W in Comanche County, ZIP code 76442, at a maximum combined diversion rate of 2.23 cfs (1,000 gpm) with the co-owners of the certificate.

Ownership of the land inundated by the reservoir is evidenced by a *Warranty Deed*, dated March 4, 2009, recorded as Volume No. 911, Page No. 408, in the official public records of Comanche County.

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. The application was amended by the applicant on July 9, 2020 and declared administratively complete and filed with the Office of the Chief Clerk on September 9, 2020.

The Executive Director completed the technical review of the application and prepared a draft amendment. The amendment, if granted, would contain special conditions including, but not limited to maintaining the alternate source to support the reservoir and streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 3662 in the search

field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: November 24, 2021

Sarah Henderson

From: Richard George [REDACTED]
Sent: Thursday, October 21, 2021 3:08 PM
To: Sarah Henderson
Cc: Corey Mullin
Subject: RE: Kenneth D. Harvick and Vickie Harvick ADJ No. 12-3662B

Sarah, sounds good as long as there's no chance of it being misinterpreted and him permanently losing that portion of the water if he changes to a different alternate source of water to maintain the reservoir in the future sometime.

Thanks,
Richard

From: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Sent: Thursday, October 21, 2021 12:54 PM
To: Richard George [REDACTED]
Subject: RE: Kenneth D. Harvick and Vickie Harvick ADJ No. 12-3662B

Mr. George,

In response to your questions below, yes, the 18.4 acre-feet of water is to compensate for evaporative losses to maintain the reservoir.

However, the draft permit states that 139.32 acre-feet of water is authorized at December 18, 1947 (Paragraph 4), that a portion of this amount is identified to support the reservoir (Paragraph 5.A) and that the remaining 120.92 acre-feet of water can be diverted (Paragraph 5.B). Therefore, staff does not think a change in the draft special condition language is needed.

Please provide any further comments or questions to me by October 28, 2021.
If no response is received, I will proceed with issuing public notice.

Sincerely,
Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

From: Richard George [REDACTED]
Sent: Wednesday, October 13, 2021 10:51 AM
To: Sarah Henderson <Sarah.Henderson@tceq.texas.gov>
Cc: Corey Mullin [REDACTED]
Subject: RE: Kenneth D. Harvick and Vickie Harvick ADJ No. 12-3662B

Sarah, I have reviewed the draft. I have one question. In Section 5-Special Conditions, the reduced diversion amount is due to evaporation losses from the reservoir correct? Can we add the reason they can only divert 120.92 acre-feet is

due to 18.4 acre-feet being deducted to make up for evaporation losses maintaining the reservoir? The way it is written it just sounds like they are losing 18.4 acre-feet of water--I'm trying to avoid any problems down the road if they amend the permit again and possibly add well water to make up for evaporation or something like that.

Thanks,
Richard

From: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Sent: Thursday, September 30, 2021 2:26 PM
To: Richard George [REDACTED]
Subject: Kenneth D. Harvick and Vickie Harvick ADJ No. 12-3662B

CAUTION: This email originated from outside of Enviro-Ag Engineering. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Mr. George,
Regarding the referenced water use amendment application, please find the attached draft amendment and public notice for your review.
Comments are requested by October 14, 2021.

Feel free to contact me with any questions.

Sincerely,
Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

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Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 30, 2021

Mr. Richard George
Enviro-Ag Engineering Inc.
9855 FM 847
Dublin, Texas 76446

VIA E-MAIL

RE: Kenneth D. Harvick and Vickie Harvick
ADJ 3662
CN604254292, CN604254300, RN106582687
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code § 11.121, Requiring Mailed and Published Notice
Mercer Creek, Brazos River Basin
Comanche County

Dear Mr. George:

Amended drafts, subject to revision, of the public notice, the proposed amendment to Certificate of Adjudication No. 12-3662, and the related technical addenda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached amended drafts. Please review the drafts and contact me no later than October 14, 2021 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 30-day comment period and once the comment period has closed, the proposed Certificate of Adjudication No. 12-3662 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah E Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-3662B

TYPE § 11.122

Owners: Kenneth D. Harvick
Vickie Harvick

Address: 950 Highway 3200
Comanche, TX 76442

Filed: September 9, 2020

Granted:

Purpose: Agriculture

County: Comanche

Watercourse: Mercer Creek, tributary of
the Leon River

Watershed: Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-3662 authorizes Kenneth D. and Vickie Harvick (Owners/Applicants) to divert and use not to exceed 139.32 acre-feet of water per year from the perimeter of a 4,800 acre-foot reservoir on Mercer Creek, tributary of the Leon River, Brazos River Basin for agricultural purposes to irrigate 104.5 acres out of 426.15 acres of land in Comanche County; and

WHEREAS, the time priority for diversion and use of the 139.32 acre-feet of water per year is December 18, 1947; and

WHEREAS, Applicants seek to amend their portion of Certificate of Adjudication No. 12-3662 to authorize the maintenance of a dam and reservoir on Mercer Creek, Brazos River Basin with a maximum capacity of 5.2 acre-feet of water for agricultural purposes; and

WHEREAS, A point on the centerline of the dam is located at Latitude 31.838872° N, Longitude 98.596188° W in Comanche County; and

WHEREAS, Applicants indicate water authorized for diversion by Certificate of Adjudication No. 12-3662 will be used to maintain the reservoir; and

WHEREAS, Applicants also seek to add a diversion point on Mercer Creek located on the reservoir being at Latitude 31.839207° N, Longitude 98.597451° W in

Comanche County, at a maximum combined diversion rate of 2.23 cfs (1,000 gpm), with the co-owners of the certificate; and

WHEREAS, ownership of the land inundated by the reservoir is evidenced by a *Warranty Deed*, dated March 4, 2009, recorded as Volume No. 911, Page No. 408, in the official public records of Comanche County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-3662, designated Certificate of Adjudication No. 12-3662B, is issued to Kenneth D. and Vickie Harvick subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain a dam and reservoir on Mercer Creek, tributary of the Leon River, Brazos River Basin and impound not to exceed 5.2 acre-feet of water. A point on the centerline of the dam is located at Latitude 31.838872° N, Longitude 98.596188° W in Comanche County.

Ownership of the land inundated by the reservoir is evidenced by a *Warranty Deed*, dated March 4, 2009, recorded as Volume No. 911, Page No. 408, in the official public records of Comanche County.

2. USE

In addition to previous authorizations, Owners are authorized to maintain the reservoir for agricultural purposes.

3. DIVERSION

A. In addition to previous authorizations, Owners are authorized to divert from a point on Mercer Creek being at Latitude 31.839207° N, Longitude 98.597451° W in Comanche County.

- B. Owners are authorized to divert water at a maximum combined diversion rate of 2.23 cfs (1,000 gpm), with the co-owners of the certificate.
4. PRIORITY
- A. The time priority for the right to maintain the impoundment is September 9, 2020.
 - B. The time priority of the 139.32 acre-feet of water per year is December 18, 1947.
5. SPECIAL CONDITIONS
- A. Owners shall maintain and operate an alternate source of water that is sufficient to maintain the reservoir. Owner has identified a portion of the diversion rights under this certificate as an alternate source of water to maintain the reservoir.
 - B. Owners shall only divert 120.92 acre-feet out of the 139.32 acre-feet of water authorized under this certificate.
 - C. Owner shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
 - D. Owners shall not divert surface water at the additional diversion point authorized in this amendment if the average adjusted streamflow at USGS Gage No. 08100500 - Leon River at Gatesville, TX is less than or equal to the 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owners. Unless informed otherwise by the Brazos Watermaster, Owners may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owners under this water right equals adjusted streamflow.
 - E. Owners shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
 - F. Owners shall contact the Brazos Texas Watermaster prior to diversion of water authorized by this amendment.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Certificate of Adjudication by the owners or seller at the time of the transaction.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-3662, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Owners agree to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of state water resources exercised by the Commission.

For the Commission

Date Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-3662B

Kenneth D. and Vickie Harvick seek to amend Certificate of Adjudication No. 12-3662 to authorize the maintenance of a dam and reservoir on Mercer Creek, Brazos River Basin for agricultural purposes and to add a diversion point on the reservoir in Comanche County. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Kenneth D. and Vickie Harvick, 950 Highway 3200, Comanche, Texas 76442, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 12-3662 pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Brazos River Basin pursuant to Title 30 Texas Administrative Code § 295.158(b).

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consideration at a scheduled Commission meeting.

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Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager Date: June 18, 2021
Water Rights Permitting Team

Through: Jason Godeaux, Team Leader
 Resource Protection Team

From: George Gable, Aquatic Scientist
 Resource Protection Team

Subject: Kenneth D. Harvick and Vickie Harvick
ADJ 3662
CN604254292 and CN604254300
Mercer Creek, Brazos River Basin
Comanche County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

ENVIRONMENTAL ANALYSIS ADDENDUM

Resource Protection staff completed its environmental analysis memorandum on February 18, 2020, and a draft permit was provided to Kenneth D. Harvick and Vickie Harvick (Applicants) on June 18, 2020. On July 9, 2020, the Applicants requested to amend the application to withdraw the bed and banks request, remove the groundwater alternate source, and to use a portion of water authorized by Certificate of Adjudication No. 3662 as an alternate source to maintain the reservoir.

The changes to the draft permit do not affect the analyses and recommendations in the February 18, 2020, environmental analysis memorandum. Resource Protection staff has no further recommendations for the application.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: June 18, 2021

Through: Jason Godeaux, Team Leader
Resource Protection Team

 Jennifer Allis, Senior Water Conservation Specialist
Resource Protection Team

 Trent Jennings, Water Conservation Specialist
Resource Protection Team

From: Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: Kenneth D. Harvick and Vickie Harvick
ADJ 3662B
CN604254292 and CN604254300
Mercer Creek, Brazos River Basin
Comanche County

ADDENDUM TO WATER CONSERVATION REVIEW

Resource Protection staff completed its water conservation review memorandum on February 18, 2020, and a draft permit was provided to Kenneth D. Harvick and Vickie Harvick (Applicants) on June 18, 2020. On July 9, 2020, the Applicants requested to amend the application to withdraw the bed and banks request, to remove the groundwater alternate source, and to use a portion of water authorized by Certificate of Adjudication No. 3662 as an alternate source to maintain the reservoir.

The changes to the draft permit do not affect the analyses and recommendations in the February 18, 2020, water conservation review memorandum. Resource Protection staff has no further recommendations for the application.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: July 22, 2021

Through:  Kathy Alexander, Ph.D., Policy and Technical Analyst
Water Availability Division

 Cheryl Covone, Team Leader
Surface Water Availability Team

From: Steven Mahr, Hydrologist
Surface Water Availability Team

Subject: Kenneth and Vickie Harvick
ADJ 3662
CN604254292, CN604254300
Mercer Creek, Brazos River Basin
Comanche County

WATER AVAILABILITY REVIEW – ADDENDUM

Staff completed the initial Water Availability Review on May 13, 2020, and a draft permit was provided to the applicant on June 18, 2020. On July 9, 2020 Kenneth D. Harvick and Vickie Harvick (Owners) requested to amend the application to withdraw the bed and banks request, to remove the groundwater alternate source, and to use a portion of the water authorized by Certificate of Adjudication No. 12-3662 (Certificate) as an alternate source to maintain the reservoir.

The amended application was declared administratively complete on September 9, 2020.

Water Availability Review

Resource Protection Staff recommended that the application be subject to instream flow requirements. See the Resource Protection Memo dated February 18, 2020.

The amended application does not require a water availability analysis because the request is not for a new appropriation of water. The application indicates that the diversion right under the Certificate will be used to support the reservoir. However, the application must be reviewed to ensure that no water rights are affected by the request.

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit

applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

Staff used the Full Authorization simulation of the Brazos WAM to evaluate impacts on other water rights as a result of the application. The period of record for the Brazos WAM is 1940 through 1997. Staff first compared the pre- and post-application volume reliability for all basin water rights if the diversion right (139.32 acre-feet with a priority date of December 18, 1947) was moved to the location of the reservoir. Staff found that no water rights were affected as a result of moving the 139.32 acre-feet to the location of the reservoir.

Next, staff compared the pre-and post- application volume reliability for all basin water rights if the diversion rights were converted to a storage based right for the reservoir. Resource Protection staff's recommended environmental flow requirements were applied during this simulation.

Staff performed an iterative simulation to determine the volume of diversion rights that would be needed to support the reservoir. Staff determined that at least 18.4 acre-feet of the 1947 water would be needed to support the reservoir. Staff then compared the pre- and post- application volume reliability for all basin water rights if 18.4 acre-feet of the diversion right was converted to reservoir storage. Staff found that no water rights were affected as a result of converting the diversion right to storage.

Conclusion

Staff can support granting the application provided the amendment includes the following special conditions in lieu of Paragraphs 6.B, 6.C, 6.D and 6.E of the draft permit:

1. Owners shall maintain and operate an alternate source of water that is sufficient to maintain the reservoir. Owner has identified a portion of the diversion rights under this certificate as an alternate source of water to maintain the reservoir.
2. Owners shall only divert 120.92 acre-feet out of the 139.32 acre-feet of water authorized under this certificate.

Steven Mahr

Steven Mahr
Hydrologist

TCEQ Interoffice Memorandum

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

Thru: Chris Kozlowski, Team Leader
Water Rights Permitting Team

From: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: September 9, 2020

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

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.

The application was amended by the applicant on July 9, 2020. The amended application was declared administratively complete and accepted for filing with the Office of Chief Clerk on September 9, 2020. Notice is required to be published and mailed to the water right holders of record in Brazos River Basin pursuant to Texas Administrative Code §295.158(b).

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

Sarah Henderson

Sarah Henderson, 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 Niermann, *Commissioner*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 9, 2020

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

VIA-EMAIL

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 July 9, 2020, of the applicants request to amend the current application.

The revised application was declared administratively complete and filed with the Office of the Chief Clerk on September 9, 2020. 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 sarah.henderson@tceq.texas.gov or by phone at (512) 239-2535.

Sincerely,

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Sarah Henderson

From: Richard George [REDACTED]
Sent: Thursday, July 9, 2020 2:26 PM
To: Sarah Henderson
Cc: Corey Mullin; Kenneth Harvick
Subject: RE: Kenneth and Lesley Harvick ADJ No. 12-3662B

Ms. Henderson, after consulting with Mr. Harvick, we would like to make the following changes to the pending application:

1. Withdraw the Bed & Banks portion of the amendment application.
2. Replace the proposed alternate source of water to maintain the reservoir from well water and instead, use a portion of the 139.32 acre feet of adjudicated water authorized in the permit to account for evaporation losses. (Mr. Harvick understands that the evaporation loss total will be deducted from the total amount he is allowed to divert for the year.) Mr. Harvick wishes to leave the rest of the application as it is and continue with authorization of the 5.2 acre foot reservoir and proposed diversion point in said reservoir. He understands that the application will have to go through technical review again due to the changes.

Please let me know if this email is sufficient for TCEQ to proceed with the changes or if I need to submit a formal document.

Thank You,
Richard George

e. To find out more [Click Here](#).

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 18, 2020

Mr. Richard George
Enviro-Ag Engineering Inc.
9855 FM 847
Dublin, Texas 76446

VIA E-MAIL

RE: Kenneth D. and Vicki Harvick
ADJ 3662
CN604254292, CN604254300, RN106582687
Application No. 12-3662B to Amend Certificate of Adjudication No. 12-3662
Texas Water Code §§ 11.121, 11.042, Requiring Mailed and Published Notice
Mercer Creek, Brazos River Basin
Comanche County

Dear Mr. George:

Drafts, subject to revision, of the public notice, the proposed amendment to Certificate of Adjudication No. 12-3662, and the related technical memoranda are enclosed.

Staff is recommending that the referenced application be granted in accordance with the enclosed drafts. Please review the drafts and contact me no later than July 2, 2020 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a 30-day comment period and once the comment period has closed, the proposed Certificate of Adjudication No. 12-3662 may be issued as drafted given no hearing requests are received.

If you have any questions concerning this matter please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-3662B

TYPE §§ 11.122, 11.042

Owners: Kenneth D. Harvick
Vickie Harvick

Address: 950 Highway 3200
Comanche, TX 76442

Filed: August 21, 2018

Granted:

Purpose: Agriculture

County: Comanche

Watercourse: Mercer Creek, tributary of
the Leon River

Watershed: Brazos River Basin

WHEREAS, a portion of Certificate of Adjudication No. 12-3662 authorizes Kenneth D. and Vickie Harvick (Owners/Applicants) to divert and use not to exceed 139.32 acre-feet of water per year from the perimeter of an existing dam and reservoir on Mercer Creek, tributary of the Leon River, Brazos River Basin for agricultural purposes to irrigate 104.5 acres out of 426.15 acres of land in Comanche County; and

WHEREAS, the time priority for diversion and use of 139.32 acre-feet of water per year is December 18, 1947; and

WHEREAS, Applicants seek authorization to maintain a dam and reservoir on Mercer Creek, Brazos River Basin, located at Latitude 31.838872° N and Longitude 98.596188° W in Comanche County and impounding not to exceed 5.2 acre-feet of water; and

WHEREAS, Applicants further seek authorization to use the bed and banks of Mercer Creek to convey 416.157 acre-feet of groundwater per year from the Trinity Aquifer to maintain the reservoir and for subsequent diversion and use for agricultural purposes, including irrigation of 104.50 acres of land out of a 426.15-acre tract in Comanche County; and

WHEREAS, groundwater will be discharged at a point on Mercer Creek located on the reservoir at Latitude 31.838818° N and Longitude 98.596378° W, at a maximum discharge rate of 0.57 cfs (258 gpm), in Comanche County; and

WHEREAS, Applicants also seek to divert authorized surface water and conveyed groundwater from a point on Mercer Creek located on the reservoir at Latitude 31.839207° N and Longitude 98.597451° W, at a maximum combined diversion rate, with the other owners of the certificate, of 2.23 cfs (1,000 gpm), in Comanche County; and

WHEREAS, ownership of the lands to be inundated and irrigated are evidenced by a *Warranty Deed*, dated March 4, 2009, recorded as Volume No. 911, Page No. 408, in the official public records of Comanche County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this amendment, if granted, is subject to the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-3662, designated Certificate of Adjudication No. 12-3662B, is issued to Kenneth D. and Vickie Harvick subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain a dam and reservoir on Mercer Creek, tributary of the Leon River, Brazos River Basin, Comanche County, and impound not to exceed 5.2 acre-feet of water. A point on the centerline of the dam is located at Latitude 31.838872° N and Longitude 98.596188° W in Comanche County.

Ownership of the lands inundated by the reservoir are evidenced by a *Warranty Deed*, dated March 3, 2009, recorded as Volume No. 911, Page No. 408, in the official public records of Comanche County.

2. USE

In addition to previous authorizations Owners are authorized to use the bed and banks of Mercer Creek to convey 416.157 acre-feet of groundwater per year to maintain the reservoir and for subsequent diversion and use for agricultural purposes, including irrigation of 104.50 acres of land out of a 426.15-acre tract in Comanche County.

Ownership of the lands to be irrigated is evidenced by a *Warranty Deed*, dated March 4, 2009, recorded as Volume No. 911, Page No. 408, in the official public records of Comanche County.

3. DISCHARGE

Groundwater will be discharged at a point on Mercer Creek located on the reservoir authorized in this amendment at Latitude 31.838818° N and Longitude 98.596378° W, at a maximum discharge rate of 0.57 cfs (258 gpm), in Comanche County.

4. DIVERSION

In addition to previous authorizations Owners are authorized to divert surface water authorized under the certificate, as amended, and discharged groundwater from a point on Mercer Creek located on the reservoir authorized in this amendment at Latitude 31.839207° N and Longitude 98.597451° W, at a maximum combined diversion rate, with the other owners of the certificate, of 2.23 cfs (1,000 gpm), in Comanche County.

5. PRIORITY

- A. The time priority for the amendment is August 21, 2018.
- B. The time priority for diversion and use of 139.32 acre-feet per year of surface water remains December 18, 1947.
- C. The groundwater authorized to be conveyed in the bed and banks of a State watercourse in this amendment does not have a priority date and is not subject to priority calls from senior water rights.

6. SPECIAL CONDITIONS

- A. Owners are not authorized to impound state water in the reservoir authorized in Paragraph 1. and must pass all state water inflows downstream. Owners shall maintain the reservoir full and spilling at all times with an alternate source of water so that all inflows pass downstream of the reservoir. Owners shall provide and maintain a pump siphon or other acceptable device capable of passing all inflows to the reservoir to ensure that all inflows of state water are passed downstream.
- B. Owners shall operate and maintain a float sensor or other equally effective device approved by the Executive Director to measure and record daily lake elevation readings for purposes of ensuring that the automatic groundwater pump is operating to maintain the reservoir.
- C. Owners shall maintain and operate an alternate source of water with sufficient production to ensure that no state water is impounded in the

reservoir. Owners will utilize groundwater from the Trinity Aquifer as the alternate source of water to maintain the reservoir. In the event groundwater from the Trinity Aquifer will no longer be used as the alternate source of water to maintain the reservoir, Owners shall immediately cease impoundment of water, and either apply to amend the certificate with a new alternate source, or voluntarily forfeit the amendment.

- D. Diversion of groundwater shall not occur at rates or in amounts higher than the actual daily amount of groundwater discharged into Mercer Creek less the amount of discharged groundwater needed to maintain the reservoir full and spilling.
- E. Owners shall install and maintain measuring devices(s), at the discharge point and any authorized diversion point(s), capable of measuring within plus or minus 5% accuracy the volume of water discharged and diverted and maintain measurement records.
- F. In order to minimize entrainment and impingement of aquatic organisms, Owners shall install intake screens with a mesh size of 0.25 inches on any new diversion structure(s).
- G. Owners shall not divert surface water at the additional diversion point authorized in this amendment if the average adjusted streamflow at USGS Gage No. 08100500 - Leon River at Gatesville, TX is less than or equal to the 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owners. Unless informed otherwise by the Brazos Watermaster, Owners may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owners under this water right equals adjusted streamflow.
- H. Owners shall allow representatives of the Brazos Watermaster reasonable access to the property to inspect the measuring device and records.
- I. Owners shall contact the Brazos Texas Watermaster prior to diversion of water authorized by this amendment.

The surface water portion of the water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the land described includes, unless otherwise specified, a proportionate amount of the Certificate of Adjudication by the owners or seller at the time of the transaction.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-3662, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Owners agree to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of state water resources exercised by the Commission.

For the Commission

Date Issued:

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 12-3662B

Kenneth D. and Vickie Harvick seek to amend Certificate of Adjudication No. 12-3662 to authorize the maintenance of a dam and reservoir on Mercer Creek, Brazos River Basin in Comanche County. The applicants also seek to authorize the use of the bed and banks of Mercer Creek to convey groundwater to maintain the reservoir and for subsequent diversion and use for agricultural purposes, including irrigation of land in Comanche County. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Kenneth D. and Vickie Harvick, 950 Highway 3200, Comanche, Texas 76442, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Adjudication No. 12-3662 pursuant to Texas Water Code (TWC) §§ 11.122 and 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Brazos River Basin 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).

A portion of Certificate of Adjudication No. 12-3662 authorizes Kenneth D. and Vickie Harvick to divert and use not to exceed 139.32 acre-feet of water per year from the perimeter of an existing dam and reservoir on Mercer Creek, tributary of the Leon River, Brazos River Basin for agricultural purposes to irrigate 104.5 acres out of 426.15 acres of land in Comanche County at a time priority of December 18, 1947.

Applicants seek authorization to maintain a dam and reservoir on Mercer Creek, Brazos River Basin, located at Latitude 31.838872° N and Longitude 98.596188° W in Comanche County impounding not to exceed 5.2 acre-feet of water.

Applicants further seeks authorization to use the bed and banks of Mercer Creek to convey 416.157 acre-feet of groundwater per year from the Trinity Aquifer to maintain the reservoir and for subsequent diversion and use for agricultural purposes, including irrigation of 104.50 acres of land out of a 426.15-acre tract in Comanche County.

Groundwater will be discharged at a point on Mercer Creek located on the reservoir at Latitude 31.838818° N and Longitude 98.596378° W, at a maximum discharge rate of 0.57 T cfs (258 gpm), in Comanche County, ZIP code 76442.

Applicants also seek to divert authorized surface water and conveyed groundwater from a point on Mercer Creek located on the reservoir at Latitude 31.839207° N and Longitude 98.597451° W, at a maximum combined diversion rate of 2.23 cfs (1,000 gpm) with the co-owners of the certificate, in Comanche County, ZIP code 76442.

Ownership of the lands to be inundated and irrigated are evidenced by a *Warranty Deed*, dated March 4, 2009, recorded as Volume No. 911, Page No. 408, in the official public records of Comanche County.

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.

The Executive Director completed the technical review of the application and prepared a draft amendment. The amendment, if granted, would contain special conditions including, but not limited to maintaining an alternate source to support the reservoir and streamflow restrictions for surface water diversions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed

activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 3662 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: February 18, 2020

Through:  Jason Godeaux, Team Leader
Resource Protection Team

From:  George Gable, Aquatic Scientist
Resource Protection Team

Subject: Kenneth D. Harvick and Vickie Harvick
ADJ 3662
CN604254292 and CN604254300
Mercer Creek, Brazos River Basin
Comanche County

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

APPLICATION SUMMARY

Certificate of Adjudication No. 12-3662 (Certificate) authorizes Kenneth D. Harvick and Vickie Harvick (Applicants) to, among other things, divert a total of 139.32 acre-feet of water per year from the perimeter of Lake Comanche, Brazos River Basin, at a maximum combined diversion rate of 2.23 cfs (1,000 gpm), for agricultural purposes in Comanche County.

Applicants request to amend their portion of the Certificate to add a diversion point, authorize a reservoir on Mercer Creek, and use the bed and banks of Mercer Creek to convey groundwater from the Trinity Aquifer for subsequent diversion for agricultural purposes. Applicants also request to maintain the reservoir with groundwater from the Trinity Aquifer.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: The Applicants reservoir is located on Mercer Creek. Mercer Creek is perennial and located in the Limestone Cut Plain of the Cross Timbers Ecoregion. (Griffith *et al.* 2007).

The checklist for the Brazos River basin identified 19 species of ichthyofauna occurring within Comanche County (Hendrickson and Cohen 2015). The Interior Least Tern (*Sternula antillarum athalassos*), a federally-listed endangered aquatic dependent species, and the alligator gar (*Atractosteus spatula*), American eel (*Anguilla rostrata*), blue sucker (*Cycleptus elongatus*), chub shiner (*Notropis potteri*), headwater catfish (*Ictalurus lupus*), silverband shiner (*Notropis shumardi*), smooth pimple back (*Quadrula houstonensis*), and smooth softshell (*Apalone mutica*), high interest aquatic species, has been determined to occur in Comanche County (TPWD 2015). This amendment is not expected to have an effect on any federally listed or high interest aquatic species because Resource Protection staff is recommending that diversions be subject to a streamflow restriction and no additional state water will be taken.

The Applicants have agreed to install screens with a mesh size of 0.25 inches on any new diversion structures in order to minimize entrainment and impingement of aquatic organisms. The Applicants request is not expected to adversely impact aquatic and riparian habitats in the area.

On February 12, 2014, the TCEQ adopted environmental flow standards for the Brazos River and its associated bay and estuary system (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter G). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC §298.460). The Applicants do not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted. Resource Protection staff recommend a streamflow restriction for the addition of an upstream diversion point. Resource Protection staff utilized the subsistence environmental flow standards (Title 30 TAC §298.480) established at United States Geological Survey (USGS) Gage No. 08100500 – Leon River at Gatesville, Texas for the streamflow restriction as shown in Table 1.

Table 1. Environmental Flow Values at USGS Gage No. 08100500 – Leon River at Gatesville, TX.

Season	Subsistence
Winter	1 cfs
Spring	1 cfs
Summer	1 cfs

cfs = cubic feet per second

The applicable subsistence flow values depend on the seasons. Seasons are defined in Title 30 TAC §298.455 as follows: Winter (November through February), Spring (March through June), and Summer (July through October). Resource

Protection staff recommend that diversion of water under this proposed amendment should be limited to comply with the applicable subsistence flow values.

Recreational Uses: Mercer Creek and the Applicants reservoir have a presumed primary contact recreation 1 use (TCEQ 2018). The Applicants request should not adversely impact recreational uses.

Water Quality: Mercer Creek and the Applicants reservoir have a presumed high aquatic life use (TCEQ 2018). The Applicants request should not adversely impact water quality.

The Applicant indicates that the reservoir will be maintained with groundwater from 7 wells in the Trinity Aquifer. Resource Protection staff have reviewed the Applicant's groundwater quality information, and the groundwater to be used is of sufficient quality that it should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project is located more than 200 river miles from the Gulf of Mexico. The application does not request a new appropriation of water. Therefore, the Applicant's request should not have any impact on the Brazos River's Estuary system.

RECOMMENDATIONS

Resource Protection staff recommend the following Special Conditions be included in the amendment, if granted:

1. In order to minimize entrainment and impingement of aquatic organisms, Owner shall install intake screens with a mesh size of 0.25 inches on any new diversion structure(s).
2. Owner shall not divert water if the average adjusted streamflow at USGS Gage No. 08100500 – Leon River at Gatesville, TX is less than or equal to the 1 cfs. The "average adjusted streamflow" at the gage is the average of adjusted streamflows measured at the gage for the previous 24 hours. The "adjusted streamflow" at the gage at any time is the measured streamflow that would occur at the gage at that time in the absence of any diversions by Owner. Unless informed otherwise by the Brazos Watermaster, Owner may assume that under all conditions, measured streamflow plus the rate at which water is being diverted at that time by Owner under this water right equals adjusted streamflow.

LITERATURE CITED

Griffith, G.E., S.A. Bryce, J.M. Omernik, J.A. Comstock, A.C. Rogers, B. Harrison, S.L. Hatch, and D. Bezanson. 2004. Ecoregions of Texas. (2-sided color poster with

map, descriptive text, and photographs). U.S. Geological Survey, Reston, VA. Scale 1:2,500,000.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [2019 July 8]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

TCEQ. 2018. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2015. TPWD County Lists of Texas Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Collin County, revised April 18, 2019. [2019 July 8]. Available from <http://tpwd.texas.gov/gis/rtest/>.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Martha Todd
Water Rights Permitting Team

Date: October 16, 2018

Thru:

From: Warren D. Samuelson, P. E., Manager
Dam Safety Section MC-177

Subject: Kenneth D. Harvick and Vickie Harvick, Application to amend Certificate of Adjudication No. 12-3662 to maintain an existing reservoir, Mercer Creek, Brazos River Basin, Comanche County.

The applicant seeks authorization to maintain an existing reservoir and dam in Comanche County. The dam impounds 5.2 acre-feet and has a surface area of 3.7 acres.

The dam for the reservoir is not within the jurisdiction of 30 Texas Administrative Code, Chapter 299, §299.1.

Therefore, there are no dam safety requirements that need to be met.



Warren D. Samuelson, P. E., Manager
Dam Safety Section

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager **Date:** February 18, 2020
Water Rights Permitting Team

Through:  Jason Godeaux, Team Leader
Resource Protection Team

 Jennifer Allis, Senior Water Conservation Specialist
Resource Protection Team

From:  Trent Jennings, Water Conservation Specialist
Resource Protection Team

Subject: Kenneth D. Harvick & Vickie Harvick
ADJ 3662B
CN604254292, CN604254300
Mercer Creek, Brazos River Basin
Comanche County

APPLICATION SUMMARY

Certificate of Adjudication No. 12-3662 (Certificate) authorizes Kenneth D. Harvick and Vickie Harvick (Applicants) to, among other things, divert 139.32 acre-feet of water per year from the perimeter of Lake Comanche, Brazos River Basin, at a maximum combined diversion rate of 2.23 cfs (1000 gpm), for agricultural purposes to irrigate 104.50 acres of land out of a 426.15-acre tract in Comanche County.

Applicants request to amend their portion of the Certificate to add a diversion point, authorize a reservoir on Mercer Creek, and use the bed and banks of Mercer Creek to convey groundwater from the Trinity aquifer for subsequent diversion for agricultural purposes. Applicants also request to maintain the reservoir with groundwater from the Trinity aquifer.

WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code §295.9, a water conservation plan is not required to be submitted for this application.

The application is consistent with the 2016 Region G Water Plan and the 2017 State Water Plan because there is nothing in the water plans that conflicts with issuing this amendment.

RECOMMENDATIONS

Resource Protection Staff have no recommendations regarding the proposed amendment, if granted.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: May 13, 2020

Through: *KA* Kathy Alexander, Ph.D., Technical Specialist
Water Availability Division

CP Christine Peters, Team Leader
Surface Water Availability Team

From: Andrew Garcia, Hydrologist
Surface Water Availability Team

Subject: Kenneth and Vickie Harvick
ADJ 3662
CN604254292 CN604254300
Mercer Creek, Brazos River Basin
Comanche County

WATER AVAILABILITY REVIEW

Application Summary

Certificate of Adjudication No. 12-3662 (Certificate) authorizes Kenneth D. Harvick and Vickie Harvick (Applicants) to, among other things, divert a total of 139.32 acre-feet of water per year from the perimeter of Lake Comanche, Brazos River Basin, at a maximum combined diversion rate of 2.23 cfs (1,000 gpm), for agricultural purposes in Comanche County.

Applicants request to amend their portion of the Certificate to add a diversion point, authorize a reservoir on Mercer Creek and use the bed and banks of Mercer Creek to convey groundwater from the Trinity Aquifer for subsequent diversion for agricultural purposes. Applicants also request to maintain the reservoir with groundwater from the Trinity Aquifer.

The application was declared administratively complete on August 21, 2018.

Water Availability Review

Resource Protection Staff recommended that the application be subject to instream flow requirements. Specific instream flow requirements are included in Resource Protection Staff's memorandum dated February 18, 2020.

The application does not request a new appropriation of water; therefore, a water availability analysis is not necessary. However, the request must be reviewed to ensure that it does not affect other water rights. Regarding the request to use the bed and banks of Mercer Creek to convey groundwater, the application included the information required in 30 TAC 295.113.

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. TCEQ uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

The application was first evaluated to determine if the alternate source is adequate to compensate for evaporative losses from the reservoir. Based on evaporation data from the TCEQ Water Availability Model (WAM) for the Brazos River Basin, Quadrangle 609, staff determined the annual maximum evaporation from the reservoir is 18.4 acre-feet per year with a monthly maximum evaporation of 3.9 acre-feet. Staff reviewed the method used to calculate the conveyance losses associated with the use of the bed and banks of Mercer Creek and found the estimate of 0% to be acceptable because of the short distance.

The applicant indicated that the maximum amount of groundwater is 416.16 acre-feet per year. Staff determined that the alternate source is adequate to compensate for the annual maximum evaporative losses from the reservoir (18.4 acre-feet) and diversion of up to 397.76 acre-feet of water. Therefore, staff's opinion is that the alternate source is adequate to ensure no state water is used when only discharged groundwater is being diverted.

Staff then used the Full Authorization simulation of the Brazos River WAM to evaluate impacts on other water rights as a result of diverting the authorized water at the requested upstream diversion point. The period of record for the Brazos River WAM is 1940 to 1997. Staff compared the pre- and post-application volume reliabilities of all water rights in the Brazos River Basin and found no impacts to other basin water rights. Therefore, staff's opinion is that other water rights would not be affected by moving the diversion point.

In addition, the application is subject to the requirements and orders of the Brazos Watermaster. The Watermaster actively manages water rights on a daily basis and protects senior water rights in times of shortage. Therefore, existing water rights should not be affected by the application.

Conclusion

Hydrology staff can support granting the application as requested provided the amendment includes the following special conditions:

1. Owner is not authorized to impound state water in the reservoir authorized in Paragraph 1. and must pass all state water inflows downstream. Owner shall maintain the reservoir full and spilling at all times with an alternate source of water so that all inflows pass downstream of the reservoir. Owner shall provide and maintain a pump, siphon or other acceptable device capable of passing all inflows to the reservoir to ensure that all inflows of state water are passed downstream.
2. Owner shall operate and maintain a float sensor or other equally effective device approved by the Executive Director to measure and record daily lake elevation readings for purposes of ensuring that the automatic groundwater pump is operating to maintain the reservoir.
3. Owner shall maintain and operate an alternate source of water with sufficient production to ensure that no state water is impounded in the reservoir. Owner will utilize groundwater from the Trinity Aquifer as the alternate source of water to maintain the reservoir. In the event groundwater from the Trinity Aquifer will no longer be used as the alternate source of water to maintain the reservoir, Owner shall immediately cease impoundment of water, and either apply to amend the certificate with a new alternate source, or voluntarily forfeit the amendment.
4. Diversion of groundwater shall not occur at rates or in amounts higher than the actual daily amount of groundwater discharged into Mercer Creek less the amount of discharged groundwater needed to maintain the reservoir full and spilling.
5. Owner shall install and maintain measuring device(s), at the discharge point and any authorized diversion point(s), capable of measuring within plus or minus 5% accuracy the volume of water discharged and diverted.

Note that the application is subject to the requirements and orders of the Brazos Watermaster.



Andrew Garcia, Hydrologist

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

CHIEF CLERKS OFFICE

2018 AUG 21 AM 8:59

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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 Niermann, *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 cursive script that reads "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

#6

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: 325-356-2866

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:

Nuru Howard (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

Nuru Howard
Signature

5/10/08
Date

DISTRICT USE ONLY

Drilling approved _____ No. _____

Permit required before drilling _____ Date _____



3

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 irrigation

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 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 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 FF from Comanche

City: la State: Tex ZIP: 76

Latitude: _____ Longitude: 9 5 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.)
S 200 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?
 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 2.6

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:

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 Udu Howah Date 5/01/05

DISTRICT USE ONLY	
Drilling approved _____	No. _____
Permit required before drilling _____	Date _____



72

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.

Duku Harwah (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 irrigation 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 _____

Dulu Harvick
Signature of Well Owner or Agent

_____ Date

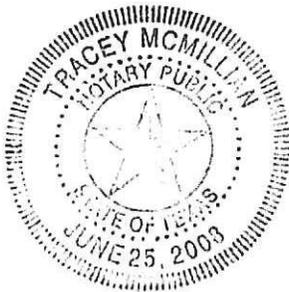
STATE OF TEXAS §§

COUNTY OF Comanche s

Before me, the undersigned notary public, on this day personally appeared _____, who being by me duly sworn upon his oath 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.

Dulu 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: _____	

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.

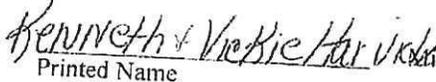
SPECIAL CONDITIONS: None

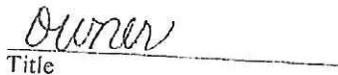
DATED, ISSUED, EXECUTED AND EFFECTIVE THIS 2nd day
of June 2005.

PERMITTEE:

DISTRICT:


Signature


Printed Name


Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

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 Hamrick Nokie Hamrick 12/14/12
Print Name Signature of Well Owner or Agent 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: [REDACTED]

*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 5.15(f) 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:

[Handwritten Signature]
Signature

Kenneth & Vickie Harvick
Printed Name

Owner
Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

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

#7
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: Ge State: TX 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 Co

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 _____



1031
④

T-4735

6062

1881
①
T-1380

1031
⑩

NHE 388
⑩

M T-3808
T-1381

NHE
⑨

NHE 208
⑧

ES
⑦

NHE 208
⑤

1031
⑪

#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 Harwick (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 _____

W. R. Rowland
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.

W. R. Rowland
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: _____	

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:

Dula Harwick
Signature

Kenneth & Vickie Harwick
Printed Name

Owner
Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

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

#3

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: 4/21/05

-This form may be faxed or mailed.

Part I - Well Owner and Driller Information:

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

Mailing Address: 200 FOX Fax: _____

City: Comanche State: TEX ZIP: 76442

Physical Address (if different than above): 1000 FM 22

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's Phone: _____

Contact: _____ License #: _____ Fax: _____

City: PO State: TEX

Part II – Well Location:

Well Site Address: _____

City: _____ State: Tex ZIP: 79002

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:

Duru Howard (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

Duru Howard
Signature

5/10/05
Date

DISTRICT USE ONLY

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

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: Permitted 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 _____

Wubie Howard
Signature of Well Owner or Agent

5/10/05
Date

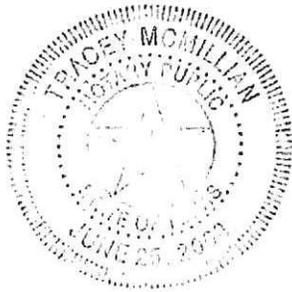
STATE OF TEXAS §§
COUNTY OF Comanche

Before me, the undersigned notary public, on this day personally appeared Vickie 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.

Wubie 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:

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

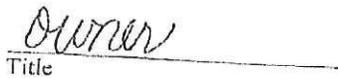
DATED, ISSUED, EXECUTED AND EFFECTIVE THIS 2nd day
of June 2005.

PERMITTEE:

DISTRICT:


Signature


Printed Name


Title

Joe B. Cooper
General Manager
Middle Trinity Groundwater Conservation District

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 _____

Vulu Kuruk
Signature of Well Owner or Agent

Date

5/10/05

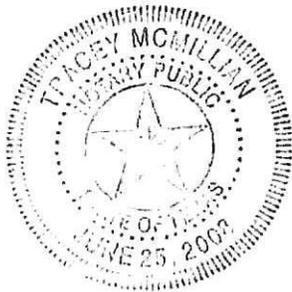
STATE OF TEXAS §§

COUNTY OF Comanches

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.

Vulu Kuruk
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

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:

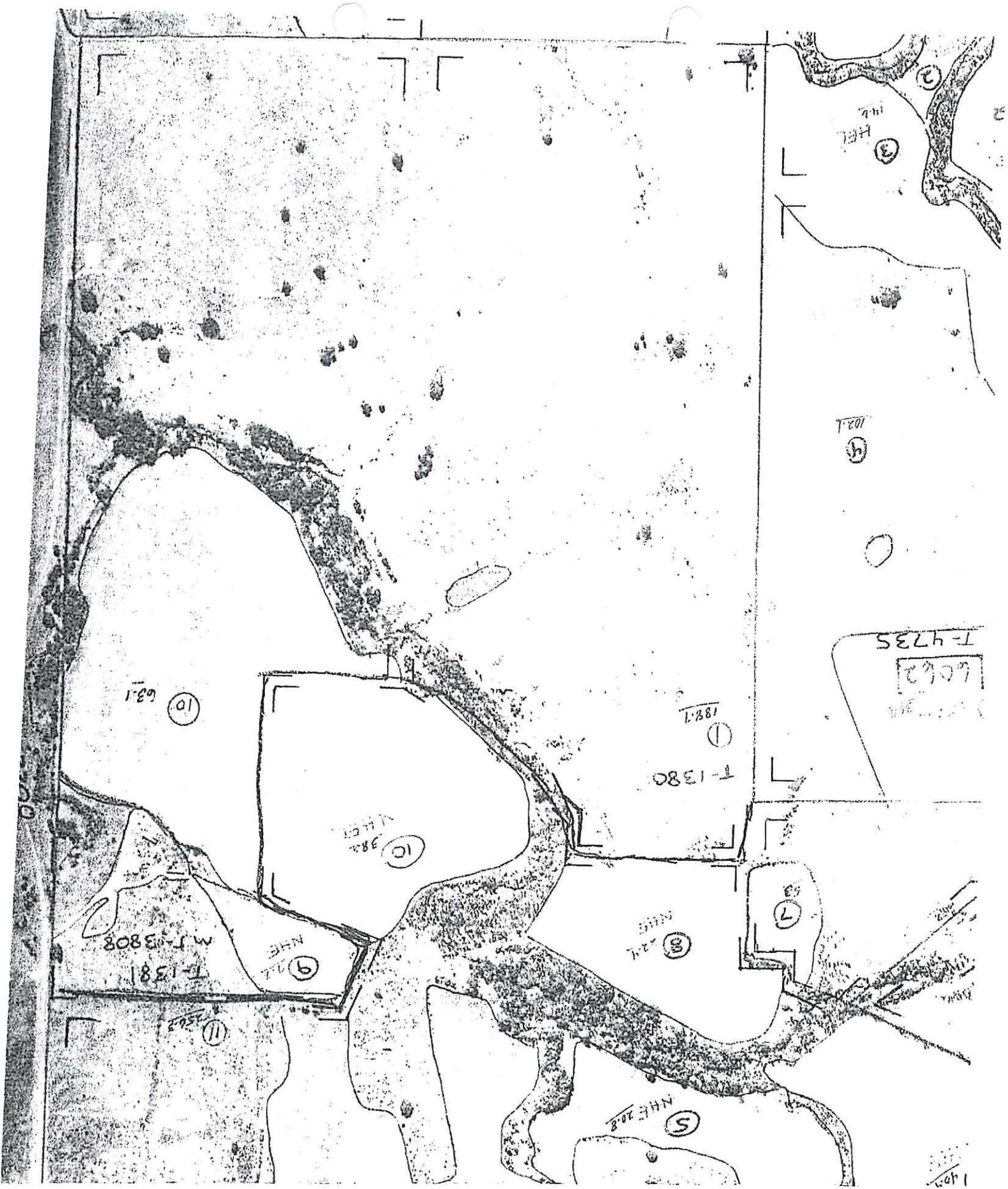
Applicant agrees that water produced/withdrawn from the existing/proposed well will be put to beneficial use at all times:
_____ No Yes

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: 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.

Duly 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 ___ 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 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 Harwick
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 Harwick, 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 Harwick
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

Part II – Well Location:

Well Site Address: _____

City: Comanche State: Tx ZIP: _____

Latitude: 31-50-77.4 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 Comanche County
150 N. Harbin St., Suite 434 119 West Grand
Stephenville, TX 76401 Comanche, TX 76442
254/965-6705 Fax: 254/965-6745

#1
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.

RULE 5.2 GENERAL REGISTRATION POLICIES AND PROCEDURES:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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: TX ZIP: 76442

Physical Address (if different than above): 1117 3200

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: Comanche State: TX 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:

Nuku Hamuli (Owners signature)

Method of Withdrawal (submersible pump, windmill, etc.): See Annex 6 to

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 _____

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 Niermann, *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 Rougeau".

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

Enclosure



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:

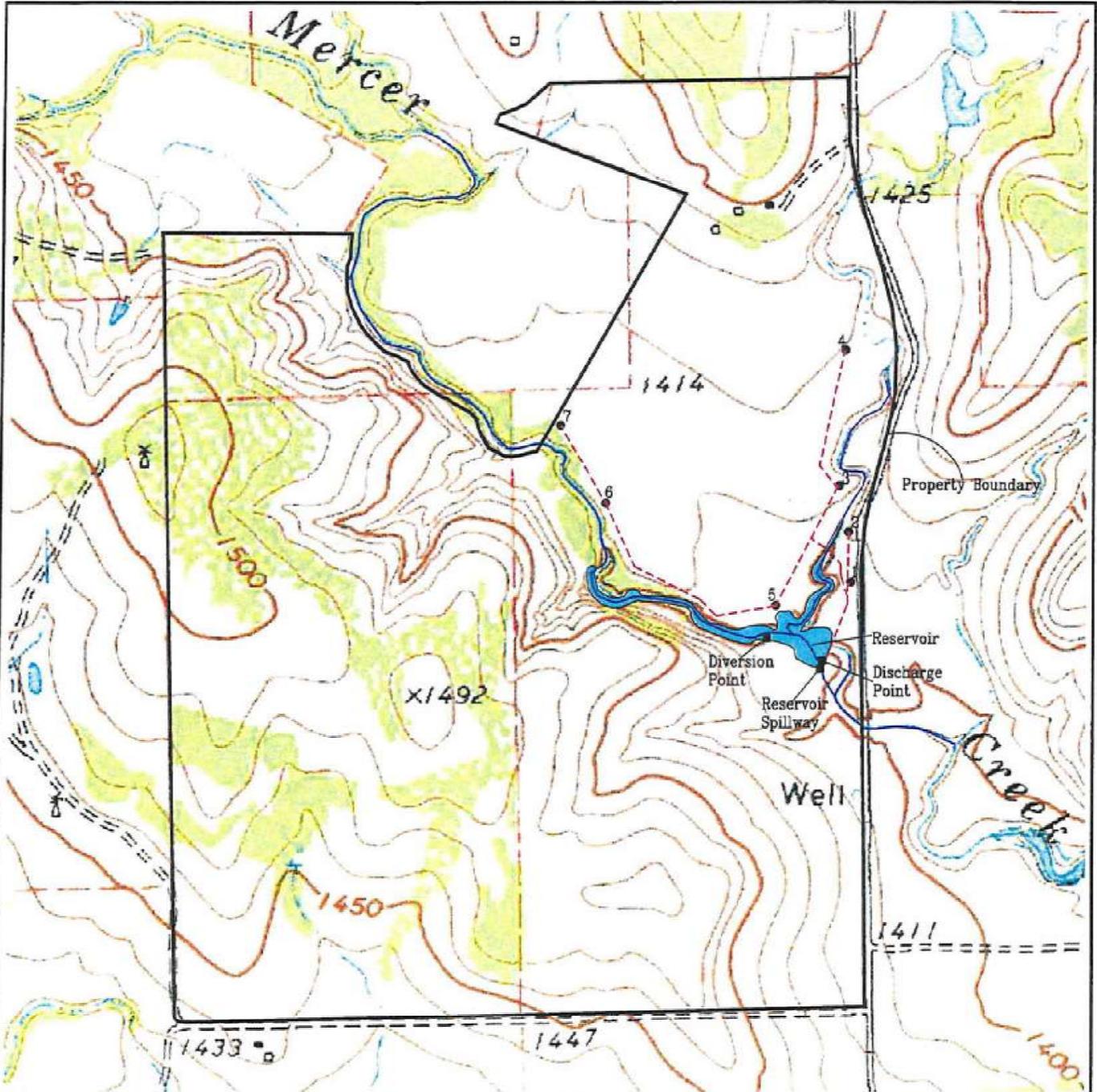
- A flow meter was installed on the discharge pipe at the discharge point on the reservoir.
- All 7 wells were turned on and an initial cumulative GPM reading was taken. 296 GPM
- All wells were run for a period of 24 hours.
- A final GPM reading was taken at the end of the 24 hour period. 258 GPM
- 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
EAE
ENGINEERING, INC.

Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3406 Airway Blvd
AMARILLO, TEXAS 79118
TEL (806) 353-6123 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 1/2 Hp. 1 2 Hp. 2" and 1 1/2 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.

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
Storage Fee (\$0.50 x 6.9 acre-feet)	\$	3.45
TOTAL FEES	\$	1,102.04
FEES RECEIVED	\$	1,098.59
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>Card Number</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- WATER USE PERM	PTGU			R429413		4399		N		B500035760		16-JUN-14	-\$1,098.59
	PTGU			ADJ123662B		061314				D4804912			
NOTICE FEES WUP WATER USE PERMITS				CHATTO		RCROWDER		CR					
				CREEK RANCH									

Total (Fee Code):

Grand Total: -\$1,098.59

2014 JUN 17 AM 10 45
 RECEIVED
 TCEQ
 WATER SUPPLY DIV.
 -\$1,098.59



June 9, 2014

Via USPS Certified Mail
7012 2210 0002 0782 1531

RECEIVED
TOEQ
WATER SUPPLY DIV.
2014 JUN 13 AM 10:47

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,

A handwritten signature in black ink, appearing to read 'Richard George', is written over a horizontal line.

Richard George
Environmental Consultant
Enviro-Ag Engineering, Inc.

encl: Itemized Letter Response
Payment

cc: Client file
EAE file

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 AM 10 46
WATER SUPPLY DIV.
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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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WATER SUPPLY DIV.
JUN 13 6M 10 48

(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

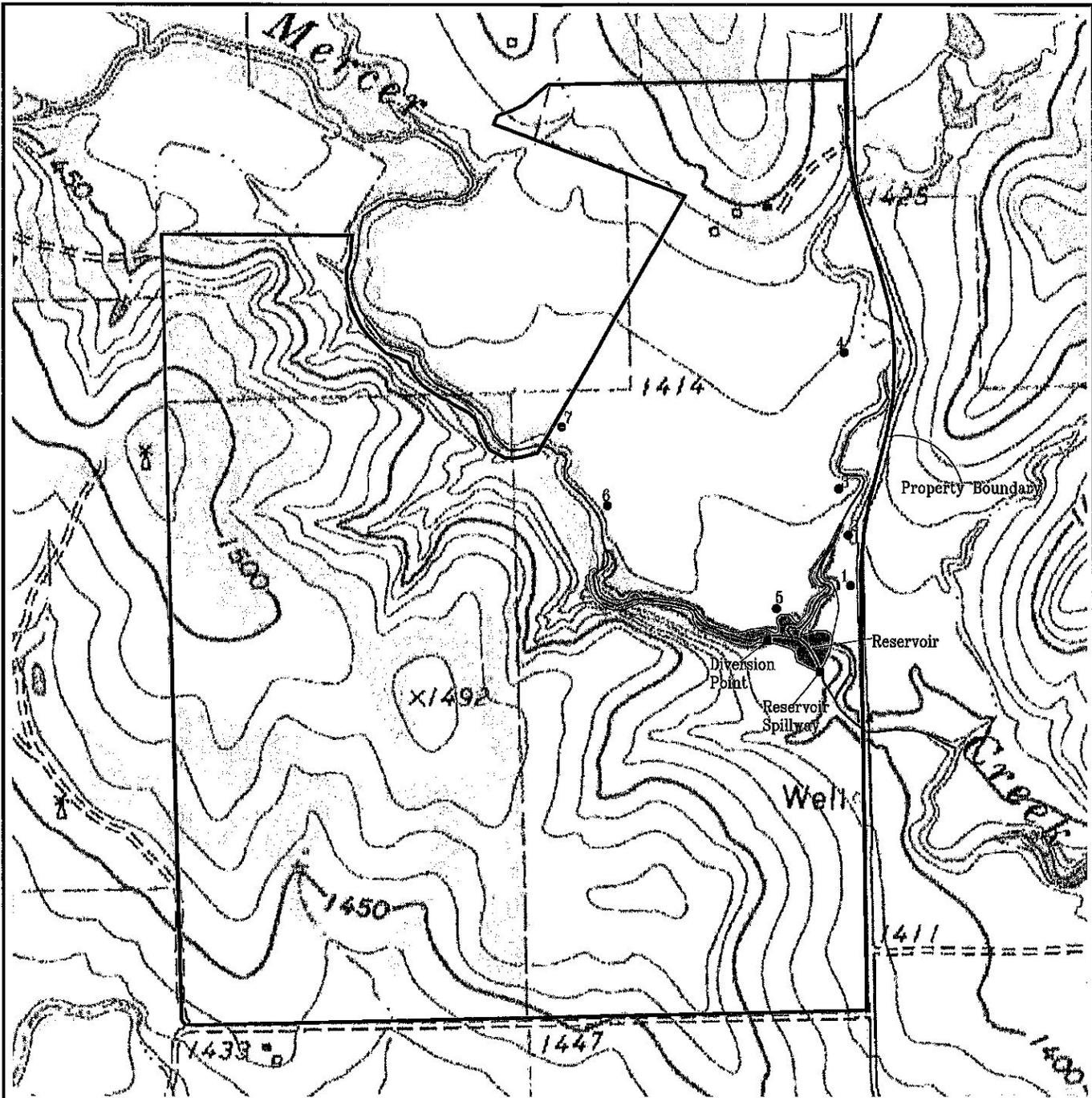
Last Inspection Date Unknown Inspected by (name of company or agency) Unknown

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

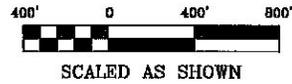
Date of Emergency Action Plan (EAP), if one exists N/A

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.



LEGEND:
 ● Denotes Water Well



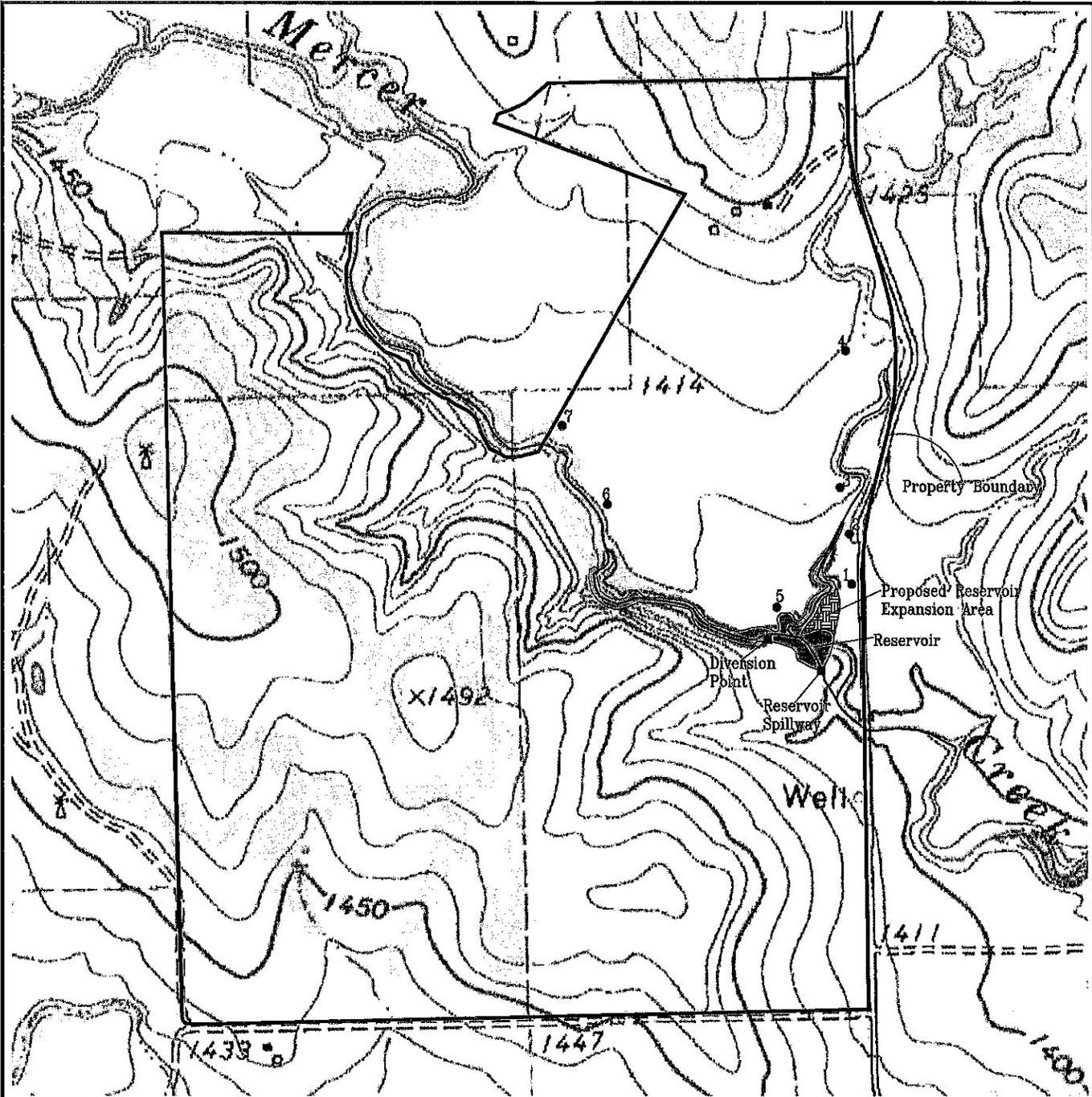
Source: USDA-NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS - Accessed December, 2011.

Kenneth Harvick
 Comanche, Texas
 Comanche County

Attachment D
 Site Map

ENVIRO-AG

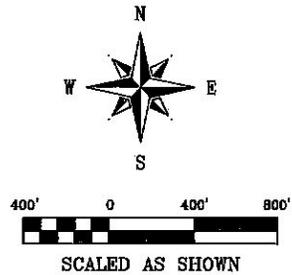
ENGINEERING, INC.
 Enviro-Ag Engineering, Inc.
 ENGINEERING CONSULTANTS
 3404 Airway Blvd.
 AMARILLO, TEXAS 79118
 TEL (806) 353-6123 FAX (806) 353-4132



LEGEND:

● Denotes Water Well

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 Alway 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

2019 JUN 13 PM 10:56
MIDDLE TRINITY WATER SUPPLY DISTRICT
RECEIVED

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.

2014 JUN 13 AM 10 46

WATER SUPPLY DIV.

TOD

STATION



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:	KENNETH HARVICK	Name of Submitter:	Lynn Atchley	
Sample ID:	WELL #2	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	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.

Phone: 806.677.0093
800.557.7509
Fax: 806.677.0329

Servi-Tech Laboratories

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www.servitechlabs.com

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:					

<u>Analysis</u>	<u>Result</u>	<u>Unit</u>
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.

Report formatted for regulatory compliance available upon request.

Page 1 of 1

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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:	KENNETH HARVICK	Name of Submitter:	Lynn Atchley		
Sample ID:	WELL #4	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:					

<u>Analysis</u>	<u>Result</u>	<u>Unit</u>
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.

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-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:	KENNETH HARVICK	Name of Submitter:	Lynn Atchley
Sample ID:	WELL #5	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:			

<u>Analysis</u>	<u>Result</u>	<u>Unit</u>
Chloride, Cl	28	ppm
Sulfate, SO4	45	ppm
Sulfate-Sulfur, SO4-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

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www.servitechlabs.com

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:					
Project Title:	KENNETH HARVICK	Date/Time Received:	05/12/2014 04:15 PM		
Sample ID:	WELL #6	Name of Submitter:	Lynn Atchley		
Client Name:	KENNETH HARVICK	Date/Time Sampled:	05/08/2014		
Subject:	Irrigation Water Lab Analysis	Name of Sampler:	RICHARD GEORGE		
Location:		Invoice No:	407664		
Depth:		P.O. #:			

<u>Analysis</u>	<u>Result</u>	<u>Unit</u>
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.



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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:	KENNETH HARVICK	Name of Submitter:	Lynn Atchley	
Sample ID:	WELL #7	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	1.8	ppm
Sulfate, SO4	7.5	ppm
Sulfate-Sulfur, SO4-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.

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 49
WATER SUPPLY DIV.
TODD
REMOVED

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:

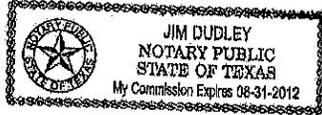
Pipeline Right of Way Easement dated August 30, 1948, from J. M. Clayton, et ux to the City of Comanche in Volume 275, Page 535, Deed Records of Comanche County, Texas.

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.

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.



Jim Dudley

NOTARY PUBLIC

④ 23⁰⁰ ck
Jim Dudley

FILED FOR RECORD
AT 9:15 O'CLOCK AM

MAR 9 2009

Ruby Lasley
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 Lasley
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 Lasley
County Clerk, Comanche Co., Texas

VOL. 911 PAGE 408
RECORDED 3-10-2009

Attachment J

RECEIVED
T.O.E.O.
WATKINS COUNTY DIV.
T.O.E.O.
2019 JUN 13 09 10 47
WATKINS COUNTY DIV.
T.O.E.O.
2019 JUN 13 09 10 47

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

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

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
Fees received	\$	0.00
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

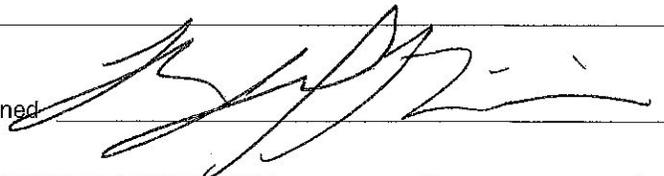
Please complete with typewriter or black pen.

Call to: Ken Horvick
Date of call: 11/15/13
Phone no.: (254) 842-7635

Call from: J. Nicolas & T. Dannelley
File no.: ADJ 12-3662
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 Core Data Form

TCEQ Use Only

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

SECTION I: General Information

2013 JUL 3 PM 3 56

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 End Date:	
Harvick Kenneth; Harvick Vickie			
10. Mailing Address:			
950 Hiway 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	ZIP + 4
25. Mailing Address:	950 Hiway 3200						
	City	Comanche	State	TX	ZIP	76442	ZIP + 4
26. E-Mail Address:	[REDACTED]						
27. Telephone Number	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):

	Existing	Proposed
Directly from stream		
✓ 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:

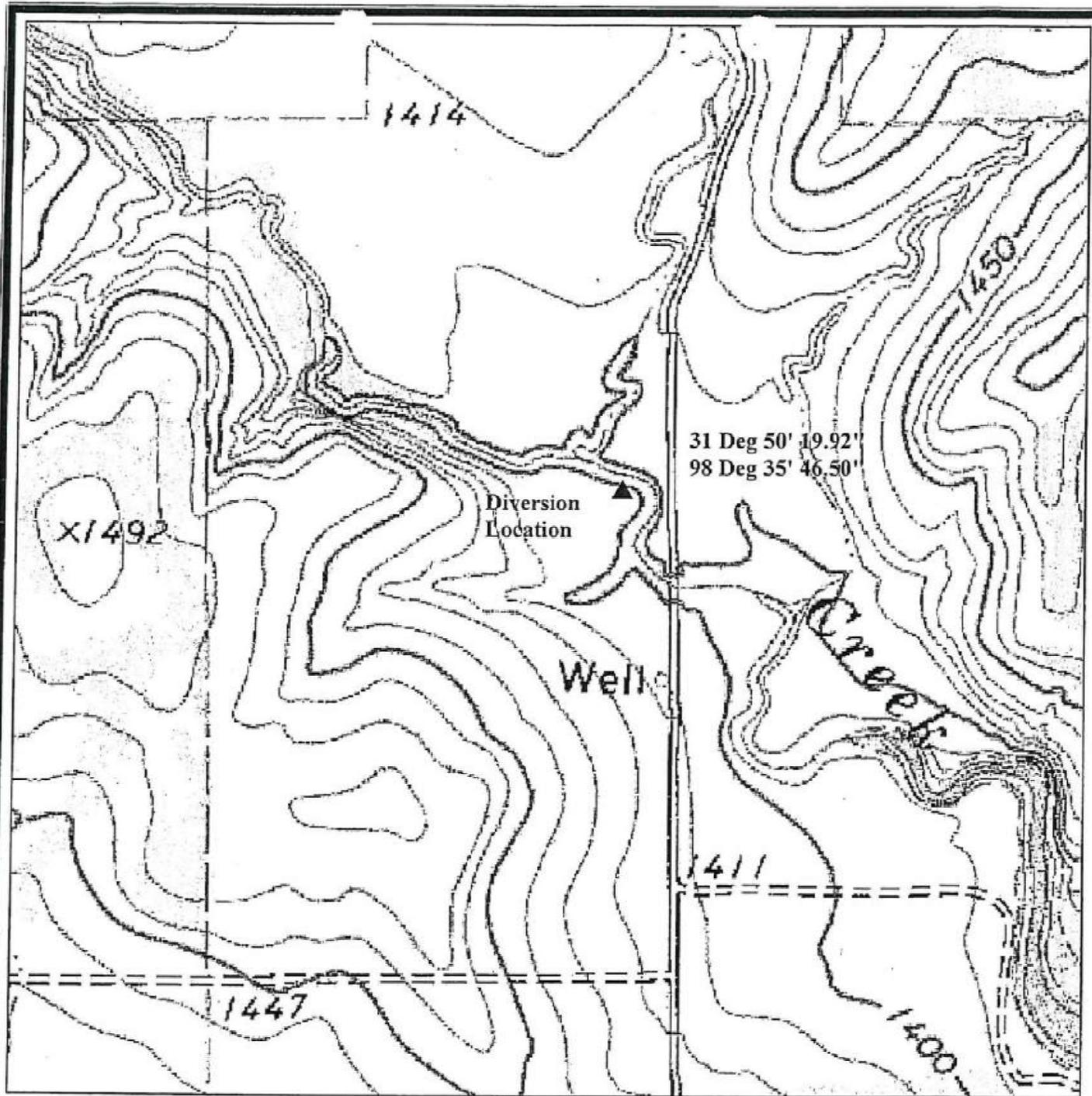
- A. 400 Maximum gpm (gallons per minute)
 - 1) 1 Number of pumps
 - 2) Backley Type of pump
 - 3) 400 gpm, Pump capacity of each pump
 - 4) Portable pump Yes or No

___ 2. If by gravity: NA

- A. _____ Headgate _____ Diversion Dam _____ Maximum gpm
- B. _____ Other method (explain fully - use additional sheets if necessary)

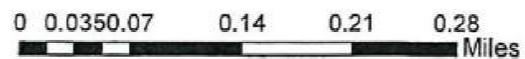
7) The drainage area above the diversion point is _____ acres or _____ square miles.

- 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

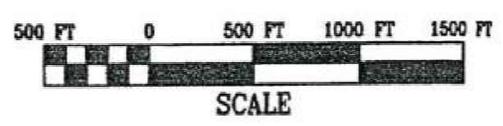
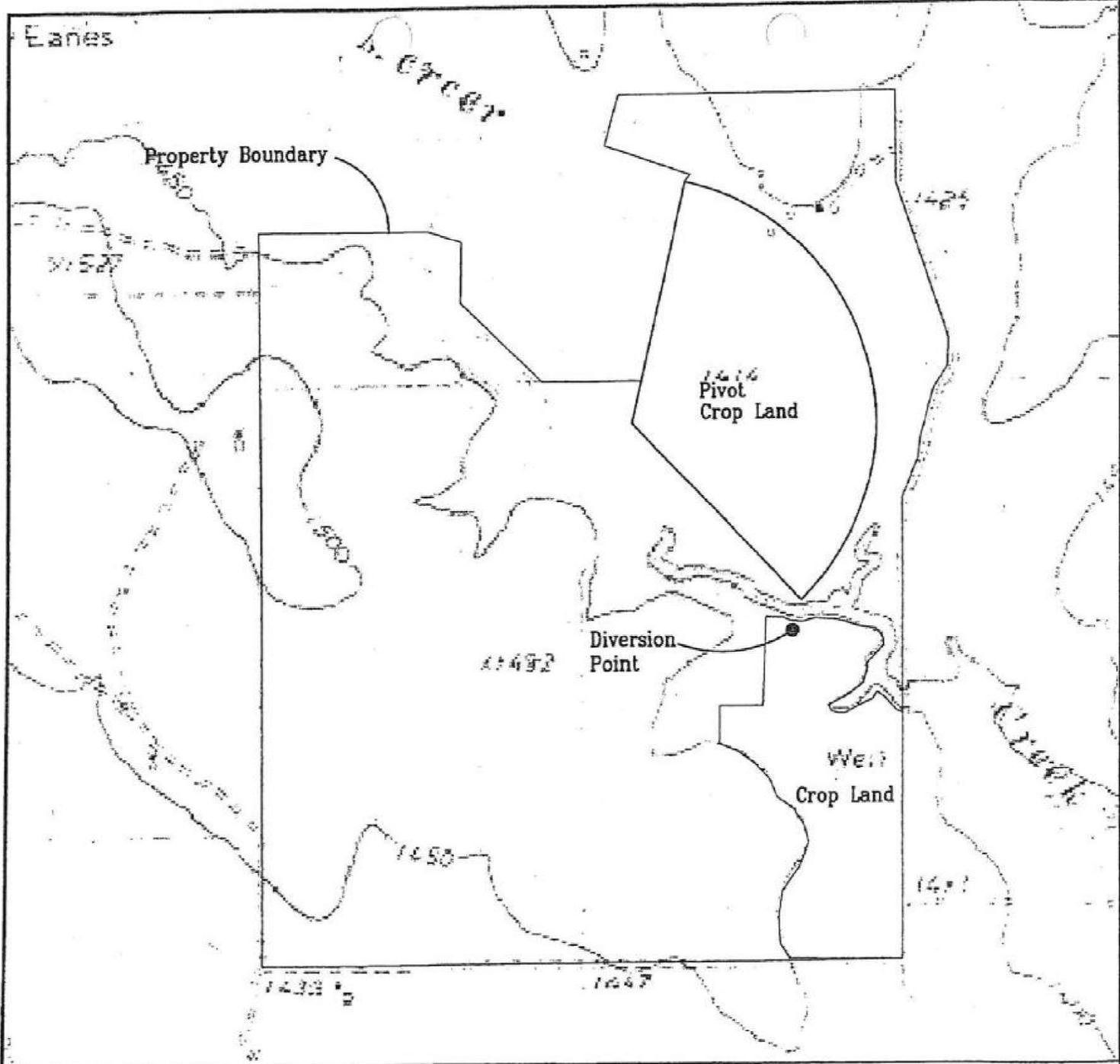


Kenneth Harvick
ComancheTX
Comanche County

Diversion Point Location
Map



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

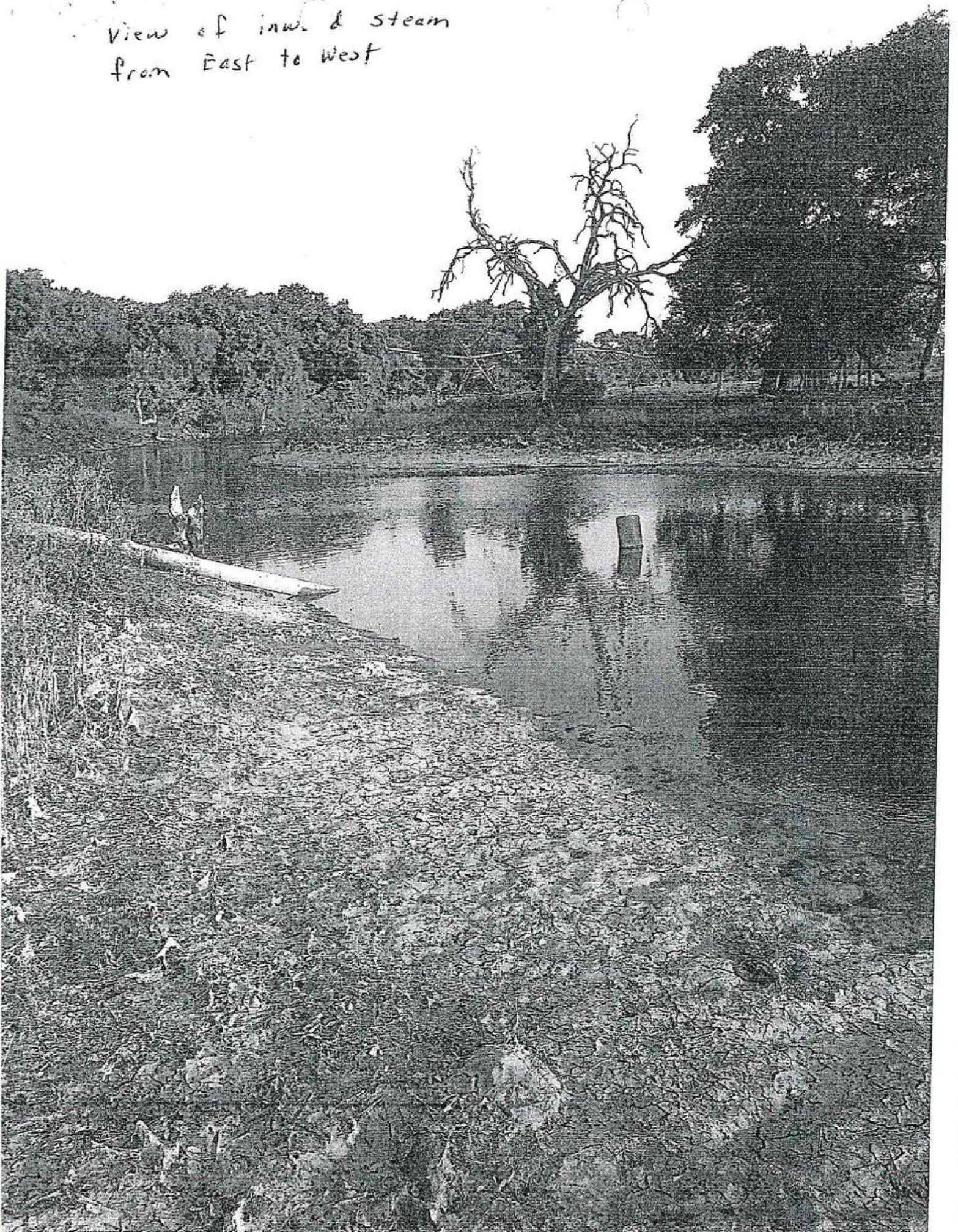


Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3404 Alhway Blvd.
AMARILLO, TEXAS 79116
TEL (806) 353-8123 FAX (806) 353-4132

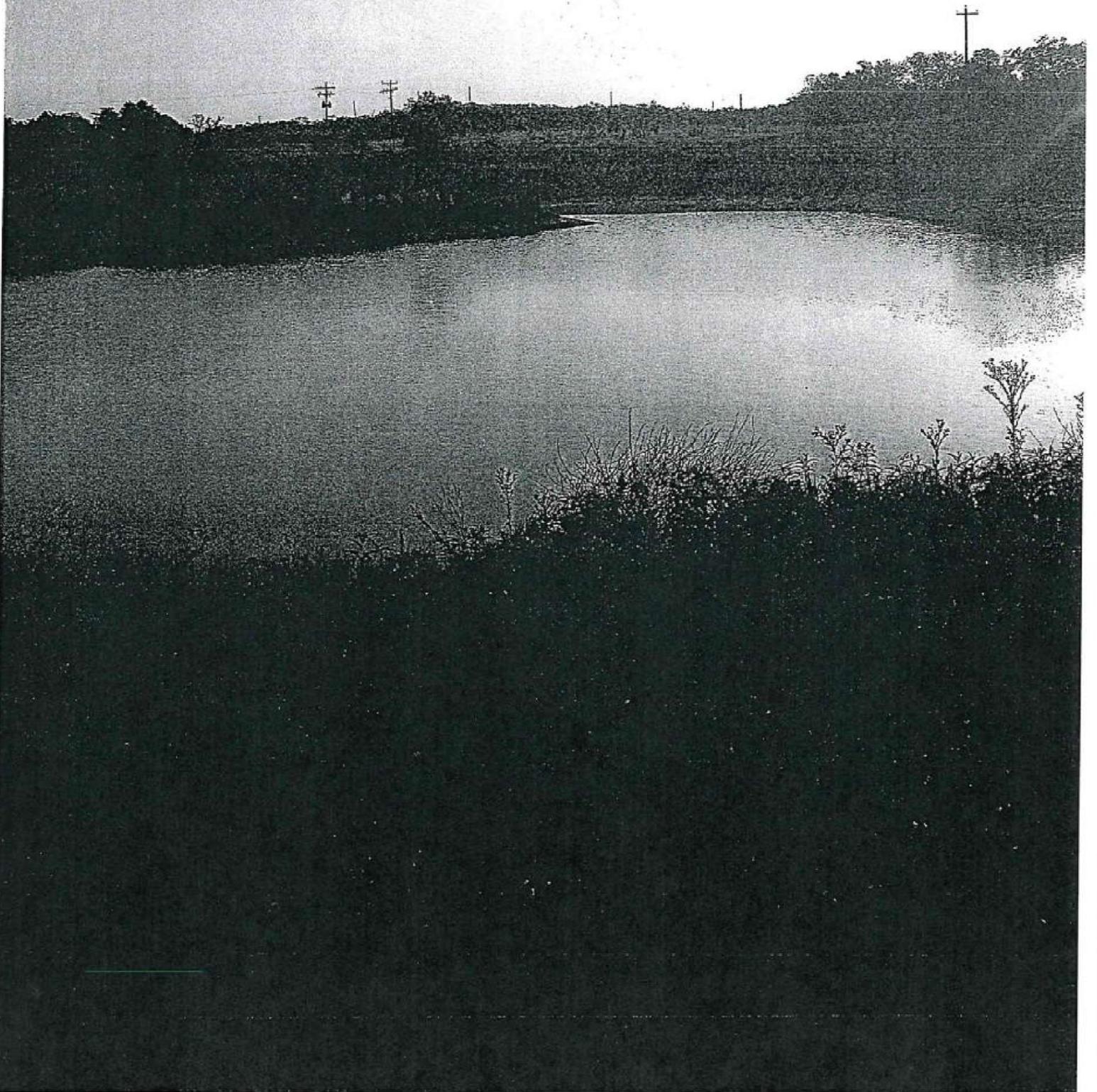


©2013 Google

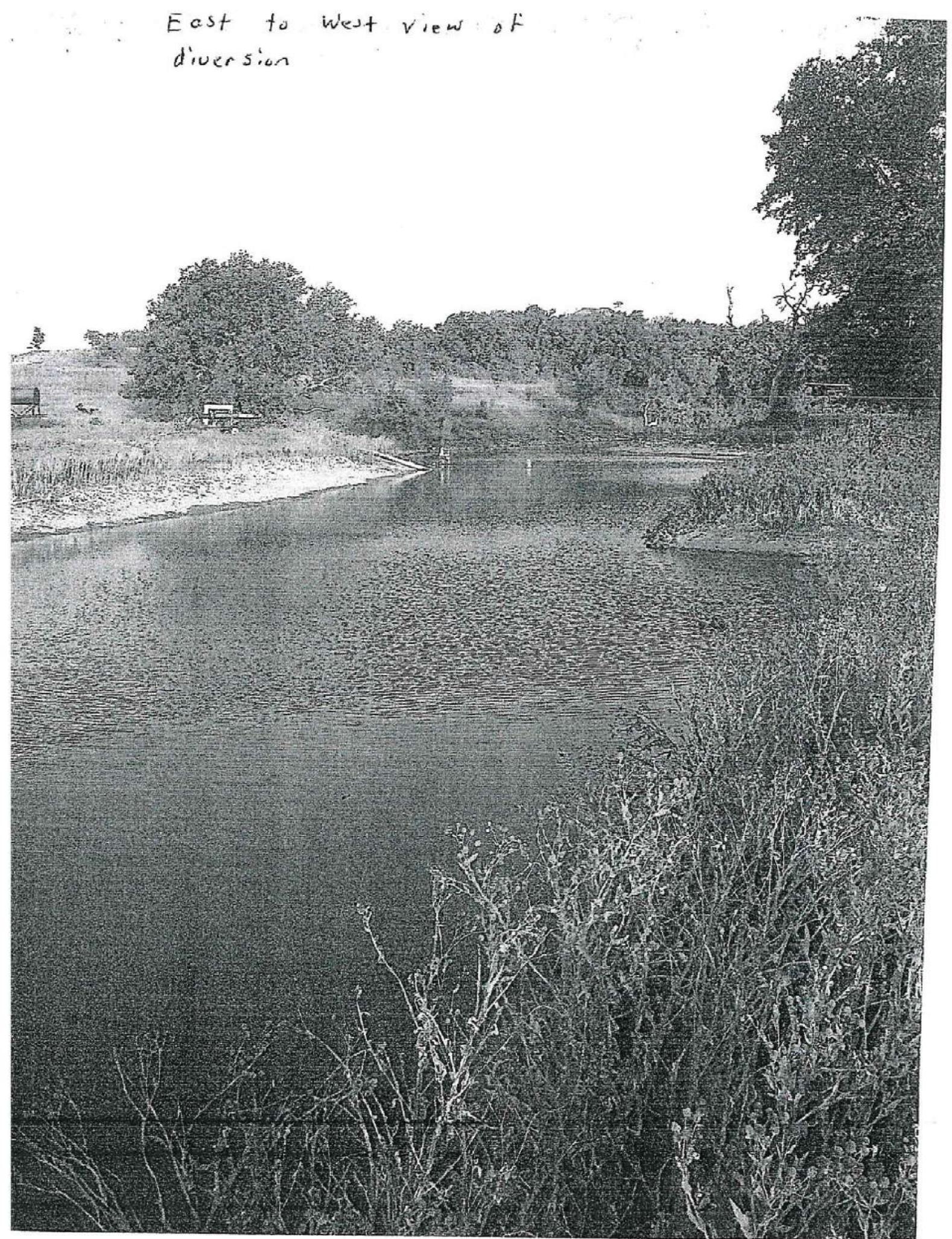
View of inw. & steam
from East to West



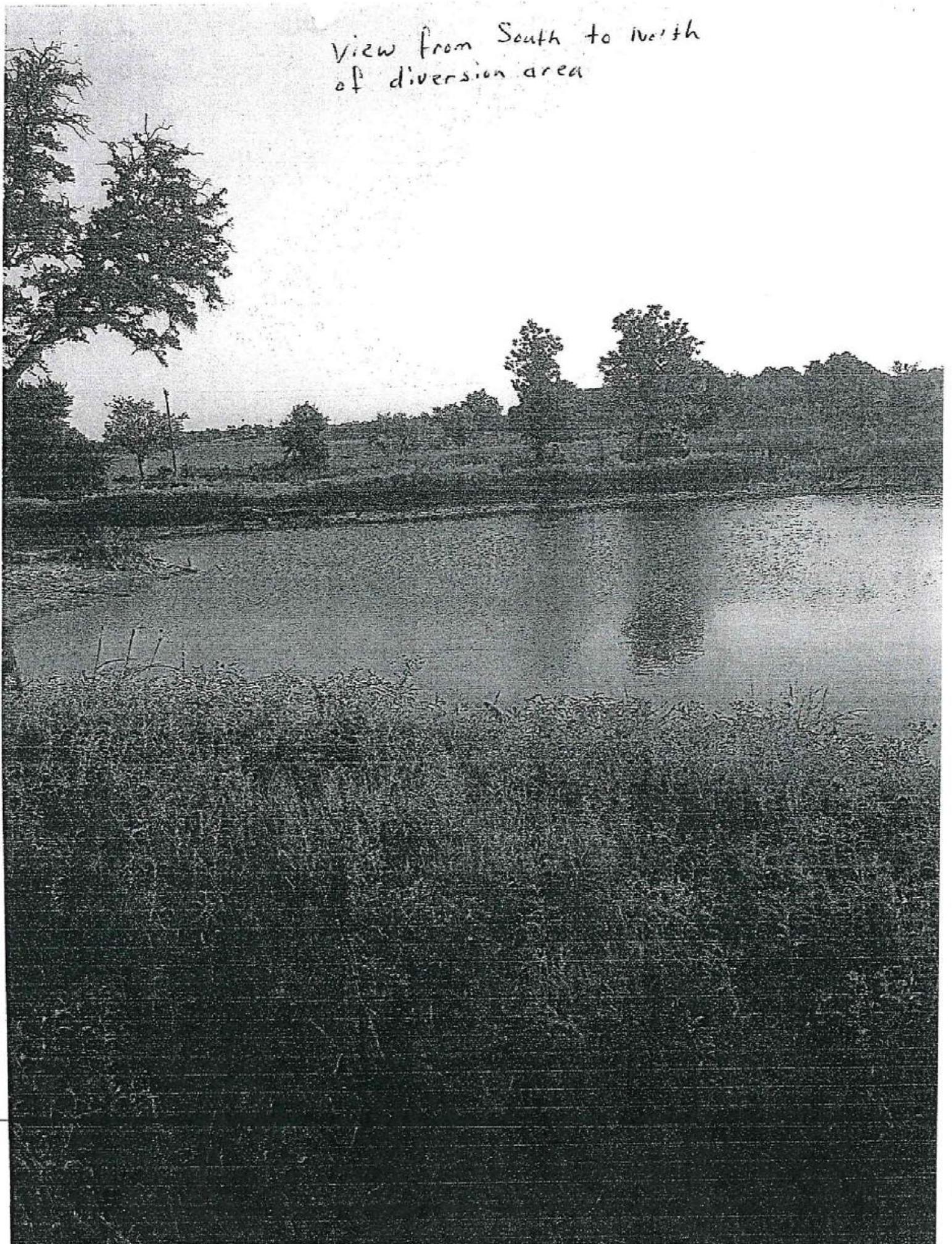
view from West to East
with diversion dam in background



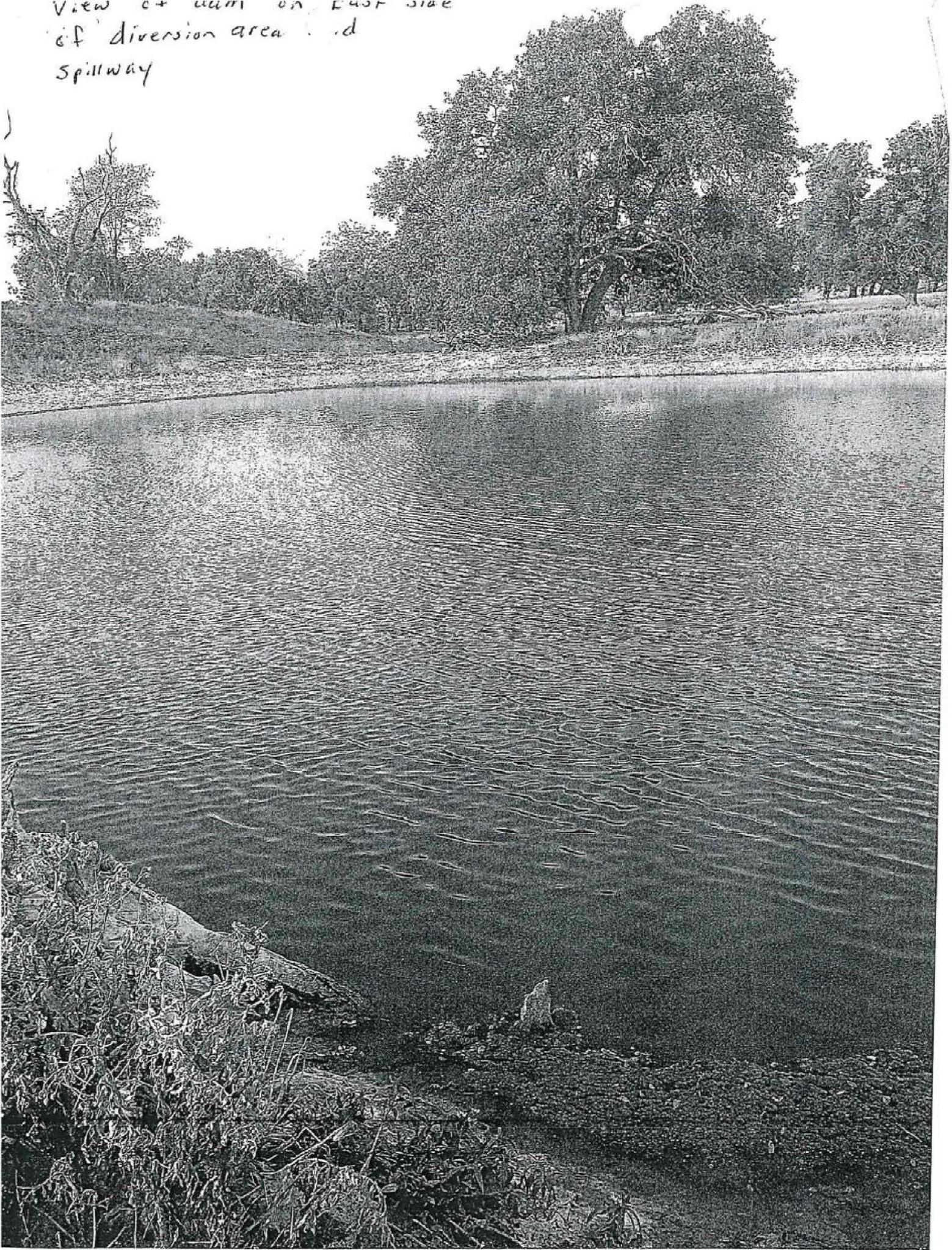
East to West view of
diversion



View from South to North
of diversion area



View of water 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.



6. Remit fees in the amount of **\$110.07**. Please make check payable to TCEQ or Texas Commission on Environmental Quality.

Filing	\$	100.00
Recording (\$1.25 x 1 page)	\$	1.25
<u>Notice (3 Water Right Holder X \$2.94)</u>	<u>\$</u>	<u>8.82</u>
FEES DUE	\$	110.07

Please provide the requested information and fees by July 1, 2013, 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 by email at Joe.Nicosia@tceq.texas.gov or by phone at (512) 239-1644.

Sincerely,

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

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: <u>Ken Harvick</u>	Call from: <u>Joe Nicosia</u>
Date of call: <u>5/13/13</u>	File no.: <u>12-3662</u>
Phone no.: <u>(254) 842-7635</u>	Subject: <u>Clarify use of Supplemental Discharge Point information Sheet</u>

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.

JV

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. 442 AB Certificate of Adjudication No. 12-3662 A
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.

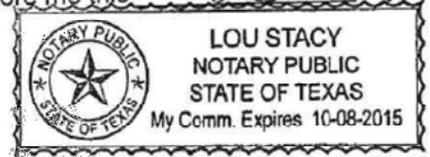
Kenneth Harvick
Name (sign)

Vicki Harvick
Name (sign)

Kenneth Harvick
Name (print)

Vicki Harvick
Name (print)

Subscribed and sworn to me as being true and correct before me this 25 day of March, 2013



Lou Stacy
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.

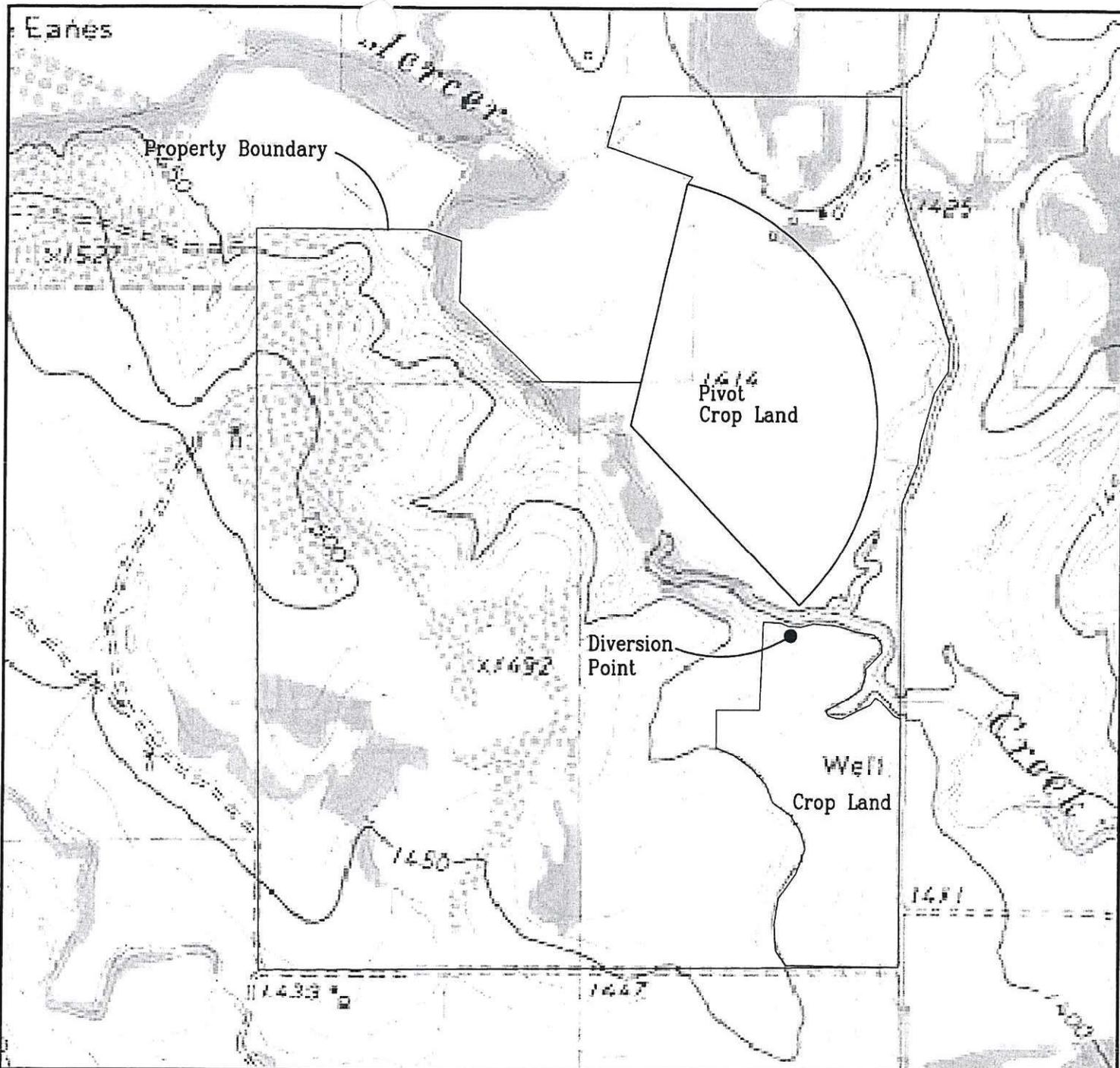
9) Additional information required:

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

COURTESY RIGHTS PERMITTING



500 FT 0 500 FT 1000 FT 1500 FT



SCALE

Harvick Ranch
Comanchie
Comanchie County, Texas

Property Boundary Map

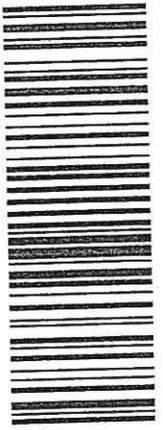


Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3404 Airway Blvd.
AMARILLO, TEXAS 79118
TEL (806) 353-6123 FAX (806) 353-4132

Atorwick
950 Hwy 3200
Comanche, Texas 76442

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7012 1010 0002 9916 3873



U.S. POSTAGE
PAID
COMANCHE, TX
76442
MAR 25 13
AMOUNT
\$6.11
00101277-04

**RETURN RECEIPT
REQUESTED**
RECEIVED

MAR 28 2013
TCEQ MAIL
AR

Attention: Shea Peterson

Atorwick
Commission on Environmental Quality
P.O. Box 13087
MCE-160
Austin, Texas 78711-3087

