

Bryan W. Shaw, Ph.D, *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

January 18, 2012

**TO: Persons on Attached Mailing List**  
**RE: Docket No. 2012-0065-WR**  
**Upper Trinity Regional Water District**  
**Hearing Requests filed on Water Rights Permit No. 5821**

The above-referenced application and all timely filed hearing requests filed on the application will be considered by the Commissioners of the Texas Commission on Environmental Quality during the public meeting on **February 22, 2012**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with Commission rules, copies of the hearing request(s) have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. They may file written responses to these hearing requests on or before 5:00 p.m. on **January 30, 2012**. Persons who filed hearing requests (hearing requesters) may file a written reply to responses on or before 5:00 p.m. on **February 13, 2012**. All responses and replies must be filed with the Chief Clerk of the TCEQ, and sent on the same day to all individuals on the attached mailing list. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The address of the Chief Clerk's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax 512/239-3311). The procedures for evaluating hearing requests and for filing and serving responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (§§55.250-55.256) and 30 TAC §§1.10-1.11. The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h).

The Commissioners will not take oral argument or additional public comment on this matter, but may wish to ask questions of the applicant, hearing requesters or staff. The Commissioners will make their decision based on the hearing requests, written responses to the hearing requests, any written replies to those responses, and any response to questions.

Copies of all public comment and hearing requests have also been referred to the Alternative Dispute Resolution Office, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute. Individual members of the public may seek further information concerning the application, public participation, the processing of hearing requests, copies of Commission rules, or the attachment, by calling the TCEQ Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive, flowing style.

Bridget C. Bohac  
Chief Clerk

**MAILING LIST**  
**UPPER TRINITY REGIONAL WATER DISTRICT**  
**DOCKET NO. 2012-0065-WR; WRPERM 5821**

**FOR THE APPLICANT:**

Larry Patterson, Chief Engineer  
Upper Trinity Regional Water District  
P.O. Box 305  
Lewisville, Texas 75067-0305  
Tel: (972) 219-1228  
Fax: (972) 219-7521

Martin Rochelle  
Lloyd Gosselink Blevins Rochelle &  
Townsend, P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701-2478  
Tel: (512) 322-5800  
Fax: (512) 472-0532

**FOR THE EXECUTIVE DIRECTOR:**  
via electronic mail:

Robin Smith, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606

Tracie Donnelly, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Availability Division, MC-160  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0083  
Fax: (512) 239-2214

Brian Christian, Director  
Texas Commission on Environmental  
Quality  
Small Business and Environmental  
Assistance Division  
Public Education Program, MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4000  
Fax: (512) 239-5678

**FOR PUBLIC INTEREST COUNSEL:**  
via electronic mail:

Mr. Blas J. Coy, Jr., Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-6363  
Fax: (512) 239-6377

**FOR ALTERNATIVE DISPUTE  
RESOLUTION**  
via electronic mail:

Mr. Kyle Lucas  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution, MC-222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4010  
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. Bridget C. Bohac  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-3300  
Fax: (512) 239-3311

Please see attached list of requesters and  
interested persons.

**REQUESTER(S)**

JOHN S ADAMS  
PO BOX 174  
LADONIA TX 75449-0174

L COLLEY  
10012 FM 895  
LAKE CREEK TX 75450-3406

MRS LESLIE A ADAMS  
PO BOX 174  
LADONIA TX 75449-0174

RICHARD COOK  
MAYOR, TOWN OF DOUBLE OAK  
320 WAKETON RD  
DOUBLE OAK TX 75077-3020

JEFF BARNETT  
14812 E FM 1550  
HONEY GROVE TX 75446-7618

CHESTER DEBORD  
2941 COUNTY ROAD 3640  
LADONIA TX 75449-4422

EDDIE BELCHER  
4122 FARM ROAD 1487  
BOGATA TX 75417-6601

JOHN DONDREA  
TOWN OF DOUBLE OAK  
320 WAKETON RD  
DOUBLE OAK TX 75077-3020

LINDA BELCHER  
4122 FARM ROAD 1487  
BOGATA TX 75417-6601

MICHELLE DOWELL  
PO BOX 52  
GOBER TX 75443-0052

PEGGY BELCHER  
4163 FARM ROAD 1487  
BOGATA TX 75417-6602

MIKE FLESHER  
2853 FM 2990  
LADONIA TX 75449-3410

PETE BELCHER  
4163 FARM ROAD 1487  
BOGATA TX 75417-6602

SARAH HEMBREE-ASHCRAFT-PETERSEN  
325 CR 3360  
LADONIA TX 75449

JANICE BEZANSAN  
EXECUTIVE DIRECTOR, TCONR  
3532 BEE CAVE RD STE 110  
WEST LAKE HILLS TX 78746-5467

SARAH HEMBREE-PETERSEN  
325 CR 3360  
LADONIA TX 75449

JANICE BEZANSON  
TCA - TEXAS CONSERVATION ALLIANCE  
1605 MISSION TRL  
SALADO TX 76571-6107

NINA HOLT  
365 COUNTY ROAD 4615  
BOGATA TX 75417-7146

CHRISTOPHER BROWN  
NATIONAL WILDLIFE FEDERATION  
44 EAST AVE STE 200  
AUSTIN TX 78701-4385

ROBERT HOLT  
365 COUNTY ROAD 4615  
BOGATA TX 75417-7146

GAIL & TOMMY BROWN  
586 COUNTY ROAD 3345  
LADONIA TX 75449-3403

DEBBIE & RONAL KENNEMER  
1001 COUNTY ROAD 1300  
LAKE CREEK TX 75450-3412

RICHARD LOWERRE  
LOWERRE FREDERICK PERALES ALLMON & ROCKWELL  
707 RIO GRANDE ST STE 200  
AUSTIN TX 78701-2719

JOHN D MCCONNELL  
19764 TEXAS HIGHWAY 37 S  
BOGATA TX 75417-4648

WILLIAM MCKINNEY  
1185 COUNTY ROAD 3640  
LADONIA TX 75449-4412

DAVID & SHARRON NABORS  
1822 E POLK ST  
PARIS TX 75460-7597

DAVID NABORS  
1822 E POLK ST  
PARIS TX 75460-7597

MELISSA D NORTHERN  
2121 CROSS TIMBERS RD  
FLOWER MOUND TX 75028-2602

DALE & KAREN POPE  
1628 COUNTY ROAD 3365  
LADONIA TX 75449-3603

ANGELA J SCOTT  
985 COUNTY ROAD 3635  
LADONIA TX 75449-4402

FLOYD SESSUMS  
PO BOX 195  
BOGATA TX 75417-0195

HELEN SESSUMS  
PO BOX 195  
BOGATA TX 75417-0195

MAX SHUMAKE  
PRESIDENT, SULPHUR RIVER OVERSIGHT SOCIETY  
157 COUNTY ROAD 4291  
DE KALB TX 75559-5642

CRYSTAL COOPER & JOHN SMITH  
3011 COUNTY ROAD 3640  
LADONIA TX 75449-4411

CRYSTAL COOPER SMITH  
3011 COUNTY ROAD 3640  
LADONIA TX 75449-4411

JODY A SMITH  
2121 CROSS TIMBERS RD  
FLOWER MOUND TX 75028-2602

TOMMY SUTHERLAND  
5843 FM 68  
WOLFE CITY TX 75496-4845

CAROL A WEISS  
8200 FM 68  
WOLFE CITY TX 75496-4857

DOUG WICKS  
10012 FM 895  
LAKE CREEK TX 75450-3406

KRISTI WICKS  
10012 FM 895  
LAKE CREEK TX 75450-3406

PATSY WICKS  
10647 FM 895  
LAKE CREEK TX 75450-3415

RANDY D WICKS  
10477 FM RD 895  
LAKE CREEK TX 75450

ANNIE F WOODSON  
PO BOX 75  
GOBER TX 75443-0075

LARRY WOODSON  
OWNER, WOODSON HEREFORD RANCH  
5995 FM 68  
WOLFE CITY TX 75496-4847

## **WITHDRAW OF REQUEST(S)**

JAMES P ALLISON  
402 W 12TH ST  
AUSTIN TX 78701-1817

LYNDAL BURNETT  
206 E MAIN ST  
LADONIA TX 75449-1003

GEORGE E HENDERSON  
'BUTCH'  
101 E SAM RAYBURN DR STE 101  
BONHAM TX 75418-4347

GREG BUSH  
PO BOX 348  
REDWATER TX 75573-0348

JOE MAX MCKELVEY  
4905 COUNTY ROAD 1412  
BOGATA TX 75417-7164

MARY CALL  
203 BONHAM ST  
LADONIA TX 75449-1304

PATRICIA MCKELVEY  
4905 COUNTY ROAD 1412  
BOGATA TX 75417-7164

W P CAMERON  
679 SISTER GROVE RD  
VAN ALSTYNE TX 75495-2429

## **PUBLIC OFFICIALS - INTERESTED PERSON(S)**

THE HONORABLE DERRELL HALL  
COUNTY JUDGE, FANNIN COUNTY  
101 E SAM RAYBURN DR STE 101  
BONHAM TX 75418-4347

GENE CAREY  
MAYOR  
PO BOX 299002  
LEWISVILLE TX 75029-9002

## **INTERESTED PERSON(S)**

JAN HART BLACK  
PRESIDENT, GREATER DALLAS CHAMBER  
700 N PEARL ST STE 1200  
DALLAS TX 75201-2824

JANICE & MIKE CAYLOR  
PO BOX 152  
LADONIA TX 75449-0152

VIRGINIA BLEVINS  
PO BOX 129  
JUSTIN TX 76247-0129

GARY W CHEATWOOD  
3705 FARM ROAD 1487  
BOGATA TX 75417-6156

JOHNNY BRALEY  
406 OAK ST  
HONEY GROVE TX 75446-2152

RANDEL CHUMBLEY  
504 REDNER ST  
LADONIA TX 75449-1117

TOMMY BROWN  
586 COUNTY ROAD 3345  
LADONIA TX 75449-3403

LYN CLANCY  
ASSOC GEN COUNSEL, LCRA  
PO BOX 220 H429  
AUSTIN TX 78767-0220

DAVID BRUNE  
RR 1 BOX 154B  
CROWELL TX 79227-9750

BRENDA & LARRY COOK  
3648 FM 2990  
LADONIA TX 75449-3411

SAM BULLOCK  
785 COUNTY ROAD 2670  
TELEPHONE TX 75488-6833

GARY & LORRAINE COTA  
415 N BUSINESS HIGHWAY 78  
BLUE RIDGE TX 75424-9728

DAVID COTHREN  
1312 2ND ST  
QUEEN CITY TX 75572-2349

MICKEY DUNCAN  
PO BOX 31  
LADONIA TX 75449-0031

JEAN COTHREN  
1312 2ND ST  
QUEEN CITY TX 75572-2349

BLAKE ENGLISH  
110 W HICKORY ST  
DENTON TX 76201-4116

DAVID CUNNINGHAM  
627 COUNTY ROAD 3475  
HONEY GROVE TX 75446-6600

GARY DON ERWIN  
2981 FM 904 N  
PECAN GAP TX 75469-4017

DICKIE DALBY  
3143 COUNTY ROAD 4315  
DE KALB TX 75559-2815

RICHARD FIELDS  
5698 FM 2990  
LADONIA TX 75449-3415

CHERYL DAVENPORT  
TOWN OF FLOWER MOUND  
2121 CROSS TIMBERS RD  
FLOWER MOUND TX 75028-2602

TIM FISHER  
ASSISTANT DIRECTOR OF WATER UTILITIES, CITY OF  
DENTON  
901 TEXAS ST STE A  
DENTON TX 76209-4354

CHERYL DAVENPORT  
2020 SAULS LN  
DENTON TX 76209-2117

DOUG FRANKLIN  
100 OAK LN  
LADONIA TX 75449-1454

ROBERT S DAVIS  
505 W MAIN ST  
LADONIA TX 75449-1333

LARRY D FRANKLIN  
15924 E FM 1396  
WINDOM TX 75492-3625

DONNA SCOTT DOCKERY  
310 STONE RIDGE DR  
SUNNYVALE TX 75182-2627

GEORGE FROST  
408 WARD ST  
MAUD TX 75567-4432

DONNA DOCKERY  
310 STONE RIDGE DR  
SUNNYVALE TX 75182-2627

DON GAINES  
561 COUNTY ROAD 4621  
ANNONA TX 75550-4609

JIMMY DOWELL  
PO BOX 52  
GOBER TX 75443-0052

PETE GANIS  
4053 FOREST LN  
GARLAND TX 75042-6934

RIC DUNBAR  
1113 S STATE HIGHWAY 78  
BONHAM TX 75418-9124

DAVE GEHALO  
10101 E FM 1396  
TELEPHONE TX 75488-6039

TOMMY GILBERT  
835 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4204

GILBERT GOSSETT  
661 COUNTY ROAD 2670  
TELEPHONE TX 75488-6817

CYNDEE & PHIL HALEY  
1596 COUNTY ROAD 4215  
BONHAM TX 75418-9378

TOM HARPOOL  
2222 HOUSTON PL  
DENTON TX 76201-3700

MARY HARRIS  
2317 APPLETON DR  
DALLAS TX 75216-7417

DIANNE HELMS  
4401 N INTERSTATE 35 UNIT 202  
DENTON TX 76207-3432

DAVID M HEMBREE  
9412 TIMBERCREEK DR  
BONHAM TX 75418-5138

ROBERT HOFFMAN  
PO BOX 116  
LADONIA TX 75449-0116

JOAN HOLLAND  
522 S EDMONDS LN STE 200  
LEWISVILLE TX 75067-3524

MABEL HOLMES  
15924 E FM 1396  
WINDOM TX 75492-3625

MARY HORN  
DENTON COUNTY JUDGE, DENTON COUNTY  
110 W HICKORY ST  
DENTON TX 76201-4116

LEON HURSE  
MAYOR, CITY OF LADONIA  
PO BOX 5  
LADONIA TX 75449-0005

LEON HURSE  
PO BOX 121  
LADONIA TX 75449-0121

JANET E JONES  
3054 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4211

KENNETH JONES  
3054 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4211

REBECCA KNIGHT  
317 COUNTY ROAD 2950  
DODD CITY TX 75438-3209

DEL KNOWLER  
739 SEALS RD  
BARTONVILLE TX 76226-6353

JERRY LANE  
4517 CROWN RIDGE DR  
PLANO TX 75024-5221

JIM LANG  
2220 LOCKESLEY DR  
FLOWER MOUND TX 75028-3571

MARGARET LAWS  
5001 COUNTY ROAD 4806  
LADONIA TX 75449-6006

LAURIE LONG  
2708 LAKE FLOWER DR  
FLOWER MOUND TX 75022-4380

LISA LYON  
522 S EDMONDS LN STE 200  
LEWISVILLE TX 75067-3524

MICHAEL MANN  
2551 COUNTY ROAD 3640  
LADONIA TX 75449-4410

KERRY D MARONEY  
2500 BROOK AVE  
WICHITA FALLS TX 76301-6105

DAVID MENDEZ  
5530 FM 2990  
LADONIA TX 75449-3414

KEVIN MERCER  
1190 BONHAM PKWY  
LANTANA TX 76226-6431

ERIC METZGER  
904 HILLSIDE DR  
COPPER CANYON TX 75077-8529

LAWRENCE MILLETT  
PO BOX 37  
GOBER TX 75443-0037

BLAKE MOORE  
STATE REP LARRY PHILIPS OFFICE  
421 N CROCKETT ST  
SHERMAN TX 75090-0019

MARK NEWHOUSE  
BOIS D'ARC MUNICIPAL UTILITY DISTRICT  
14101 E FM RD 1396  
HONEY GROVE TX 75446

CHIP NICHOLSON  
1416 HOUSTON ST  
SULPHUR SPRINGS TX 75482-2314

STACEY NICHOLSON  
NORTH HUNT WSC  
PO BOX 1170  
COMMERCE TX 75429-1170

KENNETH D PARR  
DIR OF PUBLIC WORKS, TOWN OF FLOWER MOUND  
2121 CROSS TIMBERS RD  
FLOWER MOUND TX 75028-2602

LORRIE PHEE  
WEEKLY GAZETTE  
PO BOX 165  
HONEY GROVE TX 75446-0165

AVIE RABURN  
STATE REPRESENTATIVE MARY DENNY  
1001 CROSS TIMBERS RD STE 1245  
FLOWER MOUND TX 75028-1371

GENE RAIDEN  
125 E 5TH ST  
BONHAM TX 75418-4310

DAVID RYBORN  
333 VALLEY VIEW LN  
IRVING TX 75061-6024

WAYNE RYSER  
16909 E FM 1396  
WINDOM TX 75492-3627

CECILE SATIN  
THE MESSENGER  
1721 E SOUTHLAKE BLVD  
SOUTHLAKE TX 76092-6440

ANGELA SCOTT  
PO BOX 2886  
SAINT LOUIS MO 63111-0086

EZRA & MARILYN SCOTT  
985 COUNTY ROAD 3635  
LADONIA TX 75449-4402

MARILYN J SCOTT  
985 COUNTY ROAD 3635  
LADONIA TX 75449-4402

MITCHELL WAYNE SCOTT  
1213 ARP ST  
COMMERCE TX 75428-2503

CHERYL SEILHAN  
505 PARIS ST  
LADONIA TX 75449-1027

SHIRLEY SHUMAKE  
2012 COUNTY ROAD 4303  
DE KALB TX 75559-5625

T JERVIS UNDERWOOD  
930 CRYSTAL CV  
OAK POINT TX 75068-2288

PAUL A SMITH  
1246 COUNTY ROAD 3343  
LADONIA TX 75449-3439

THOMAS VELIS  
798 COUNTY ROAD 3245  
WINDOM TX 75492-4402

TRICIA STOLTENBERG  
519 COUNTY ROAD 3370  
LADONIA TX 75449-3608

HAPPY WALLACE  
5920 FM 68  
WOLFE CITY TX 75496-4846

PAUL STONE  
709 LAKE BLUFF DR  
FLOWER MOUND TX 75028-7219

HAPPY & JOETTA WALLACE  
5920 FM 68  
WOLFE CITY TX 75496-4846

JACK STRICKLAND  
907 RUSH CREEK DR  
ALLEN TX 75002-2310

SHANE WALLACE  
PO BOX 32  
GOBER TX 75443-0032

THOMAS E TAYLOR  
EXECUTIVE DIRECTOR, UPPER TRINITY WATER DISTRICT  
PO BOX 305  
LEWISVILLE TX 75067-0305

CLYDE WATERS  
1010 SOUTHLAKE ST  
COOPER TX 75432-3706

MICHAEL TEELING  
716 CAMBRIDGE DR  
RICHARDSON TX 75080-3106

JEANNIE WEEKS  
2500 STONEWALL ST STE 805  
GREENVILLE TX 75401-4209

SUE TEJML  
400 WOODLAND DR  
COPPER CANYON TX 75077-8501

JOHN W WELCH  
1588 COUNTY ROAD 2655  
TELEPHONE TX 75488-6804

JIM THOMPSON  
PO BOX 1107  
ATLANTA TX 75551-1107

JOE WISHARD  
10972 E FM 1550  
LADONIA TX 75449-3618

CHRIS TORLEY  
6618 RAINTREE PL  
FLOWER MOUND TX 75022-6112

H D WITCHER, JR  
972 COUNTY ROAD 2705  
TELEPHONE TX 75488-6066

LARRY TRAYLOR  
3053 COUNTY ROAD 4315  
DE KALB TX 75559-2814

STEPHEN WRIGHT  
675 COUNTY ROAD 3395  
LADONIA TX 75449-4200

JOHN YARBROUGH  
3576 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5215

MIKE YARBROUGH  
2325 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5210

ROD ZIELKE  
4265 KELLWAY CIR  
ADDISON TX 75001-4233

## **REQUIREMENTS FOR WATER RIGHTS HEARING REQUESTS**

Commission Rules in 30 TAC Section 55.251 (b) and (c) require a hearing request to:

- (1) be in writing and be filed with the Office of the Chief Clerk during the public comment period;
- (2) give the name, address, and daytime telephone number of the person who files the request;
- (3) identify the person's personal justiciable interest affected by the application including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public; and (4) request a contested case hearing.

A hearing request must comply with requirement (1) above and "substantially comply" with requirements (2) through (4). In addition, a group or association may request a contested case hearing only if the group or association meets all of the following requirements:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right,
- (2) the interests the group or association seeks to protect are germane to the organization's purpose,
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

A request for a contested case hearing must be granted if the request is made by an affected person and the request: (A) complies with the requirements of 30 TAC Section 55.251; (B) is timely filed; and (C) is pursuant to a right to hearing authorized by law.

An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to the general public does not constitute a justiciable interest. To determine whether a person is an affected person, all relevant factors must be considered, including but not limited to:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) the likely impact of the regulated activity on the health, safety, and use of property of the person; and
- (5) the likely impact of the regulated activity on the use of the impacted natural resource by the person.
- (6) 30 TAC Section 55.256(c).