

# TCEQ Interoffice Memorandum

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

THRU: Iliana Delgado, Team Leader  
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager  
Water Rights Permitting Team

DATE: May 20, 2016

SUBJECT: TCEQ Docket No. 2013-2114-WR  
Covered Bridge Canyon Home Owners Association, Inc.  
WRPERM 12479, CN603487166, RN105737019  
Application No. 12479 for a Water Use Permit  
Texas Water Code § 11.121, Requiring Mailed and Published Notice  
Unnamed tributaries of Silver Creek, Trinity River Basin  
Parker County

The Executive Director received an application from Covered Bridge Canyon Home Owners Association, Inc. seeking a Water Use Permit pursuant to Texas Water Code § 11.121 and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code §§ 295.1, *et seq.*

The application was received on July 16, 2009. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 28, 2010. The notice of the application was filed with the Chief Clerk on January 24, 2011, and notice was subsequently published and mailed to the water right holders in the Trinity River Basin. Three requests for a contested case hearing were received.

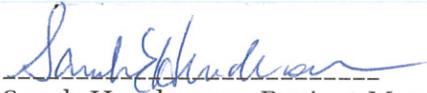
Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Section 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 35 days prior to the agenda setting. Applicants, the public interest counsel, and the executive director shall file a response no later than 23 days before agenda, and the hearing requestors shall reply no later than nine days before agenda.

The application is now technically complete and the staff has recommended that the application be granted based on the analysis in the technical review memos.

Below is the caption for this application:

Consideration of the application by Covered Bridge Canyon Home Owners Association, Inc. for Water Use Permit No. 12479 seeking to maintain seven dams and reservoirs with a combined capacity of 29.55 acre-feet for recreation purposes on unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin in Parker County, Texas. The

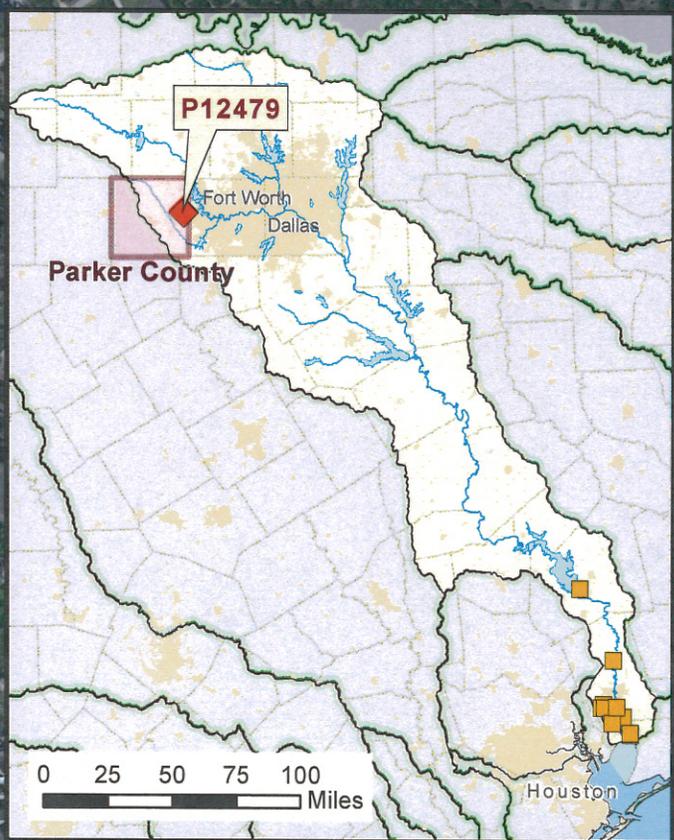
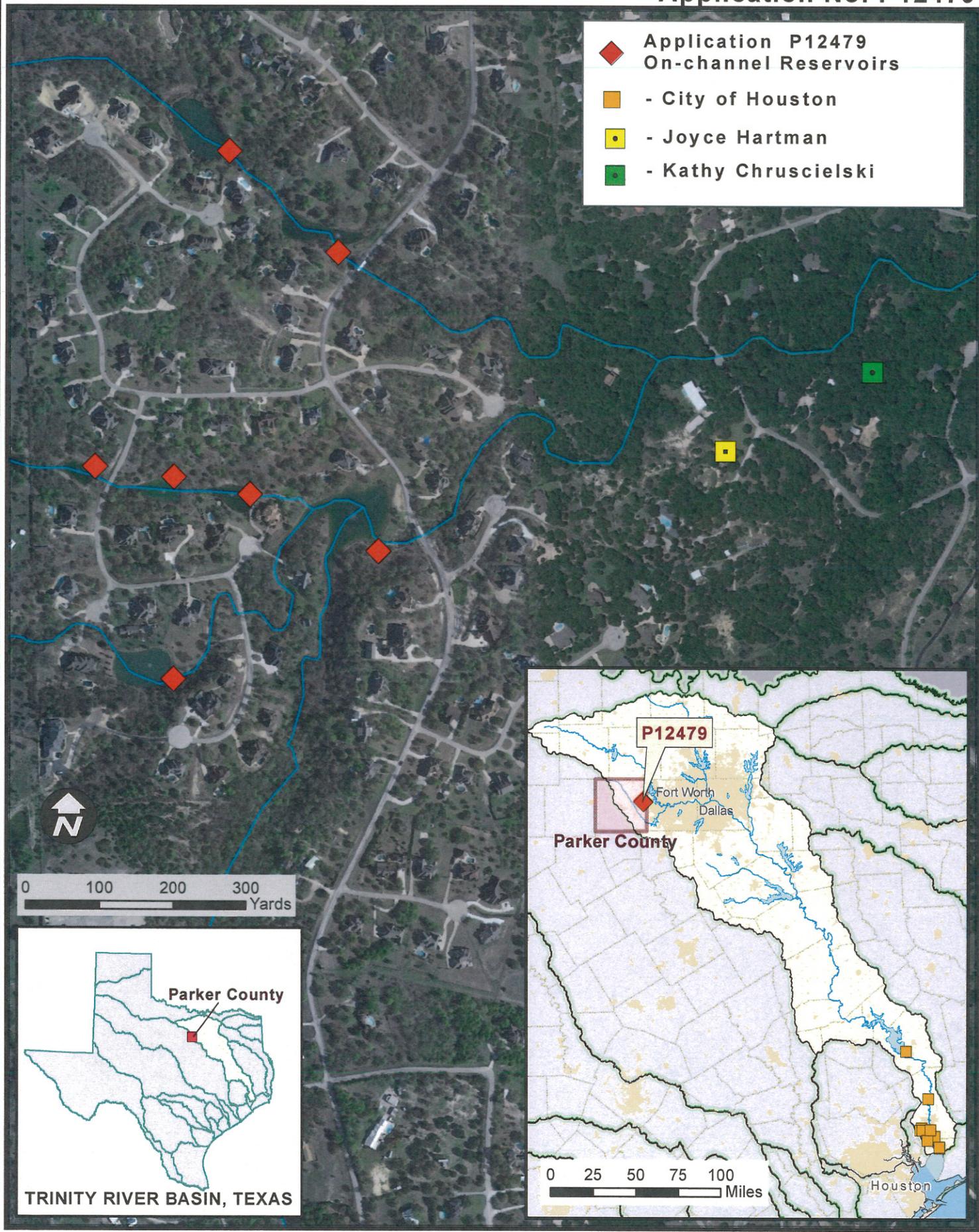
Applicant proposes to maintain all seven reservoirs full with groundwater. The Commission will consider all timely filed hearing requests and related responses and replies. (Sarah Henderson, Dinniah Tadema)

A handwritten signature in blue ink, appearing to read "Sarah Henderson", written over a horizontal dashed line.

Sarah Henderson, Project Manager  
Water Rights Permitting Team

Enclosure

-  Application P12479 On-channel Reservoirs
-  - City of Houston
-  - Joyce Hartman
-  - Kathy Chruscielski



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 12479

Covered Bridge Canyon Home Owners Association, Inc. has applied for a Water Use Permit to maintain seven existing dams and reservoirs on unnamed tributaries of Silver Creek, Trinity River Basin, for recreational purposes in Parker County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Covered Bridge Canyon Home Owners Association, Inc., 108 Covered Bridge Drive, Fort Worth, Texas 76108, Applicant, seeks a Water Use Permit pursuant to Texas Water Code § 11.121 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Published and mailed notice of the application is being given to all of the water right holders of record in the Trinity River Basin pursuant to 30 TAC §295.151.

The applicant has applied for a Water Use Permit to maintain seven existing dams and reservoirs, located on unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for recreational purposes in Parker County, approximately 10 miles east northeast of Weatherford, Texas. The dams and reservoirs are all located within the T & P RR Original Survey No. 5, Abstract No. 1506 and are described as follows:

Reservoir 1 has a surface area of 1.15 acres and a normal capacity of 5.75 acre-feet. A point on the centerline of the dam is located at N 38° E, 5,800 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.811850° N, Longitude 97.579933° W.

Reservoir 2 has a surface area of 0.65 acre and a normal capacity of 3.25 acre-feet. A point on the centerline of the dam is located at N 47° E, 5,500 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.810683° N, Longitude 97.578500° W.

Reservoir 3 has a surface area of 0.29 acre and a normal capacity of 1.45 acre-feet. A point on the centerline of the dam is located at N 26° E, 3,000 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.808333° N, Longitude 97.581817° W.

Reservoir 4 has a surface area of 0.31 acre and a normal capacity of 1.55 acre-feet. A point on the centerline of the dam is located at N 39° E, 3,300 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.808200° N, Longitude 97.580767° W.

Reservoir 5 has a surface area of 0.36 acre and a normal capacity of 1.8 acre-feet. A point on the centerline of the dam is located at N 52° E, 3,600 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.807983° N, Longitude 97.579750° W.

Reservoir 6 has a surface area of 1.15 acres and a normal capacity of 5.75 acre-feet. A point on the centerline of the dam is located at N 64° E, 3,200 feet from the southwest corner of the T & P PR Survey, also being at Latitude 32.805933° N, Longitude 97.580833° W.

Reservoir 7 has a surface area of 2.0 acres and a normal capacity of 10.0 acre-feet. A point on the centerline of the dam is located at N 64° E, 4,200 feet from the southwest corner of the T & P PR Survey, also being at Latitude 32.807317° N, Longitude 97.578050° W.

The applicant has provided evidence of an alternate source of water, being groundwater from the Paluxy Formation of the Trinity Aquifer, to maintain the reservoirs at a constant level. The applicant indicates evaporation losses to be 27.6 acre-feet per year while the five existing groundwater wells are capable of producing a combined total of 90.33 acre-feet of water per year at a maximum combined rate of 0.1114 cfs (50 gpm). Groundwater will be discharged into five of the seven reservoirs, approximately 10 miles east northeast of Weatherford, Texas.

The five discharge points are described as follows:

Discharge Point 1 will discharge into Reservoir 1 at a point bearing N 38° E, 5,800 feet from the southwest corner of the T & P PR Survey, also being at Latitude 32.811850° N, Longitude 97.579933° W.

Discharge Point 2 will discharge into Reservoir 2 at a point bearing N 47° E, 5,500 feet from the southwest corner of the T & P PR Survey, also being at Latitude 32.810683° N, Longitude 97.578500° W.

Discharge Point 3 will discharge into Reservoir 3 at a point bearing N 26° E, 3,000 feet from the southwest corner of the T & P PR Survey, also being at Latitude 32.808333° N, Longitude 97.581817° W.

Discharge Point 6 will discharge into Reservoir 6 at a point bearing N 64° E, 3,200 feet from the southwest corner of the T & P PR Survey, also being at Latitude 32.805933° N, Longitude 97.580833° W.

Discharge Point 7 will discharge into Reservoir 7 at a point bearing N 64° E, 4,200 feet from the southwest corner of the T & P PR Survey, also being at Latitude 32.807317° N, Longitude 97.578050° W.

The applicant indicates water discharged into Reservoir 3 will be sufficient to maintain Reservoirs 3, 4, and 5 full and to allow all inflows to pass downstream.

The applicant indicates that all reservoirs and discharge point are located in zip code 78108.

The seven reservoirs partially inundate 24 land owners. Each land owner has provided written consent and the deeds to their land. Ownership of the lands to be inundated is evidenced with Document Nos. 631690, 672537, 495535, 519893, 699473, 534334, 480974, 473241, 549906, 645666, 691315, 578237, 570813, 488720, 626960, 636995, 481189, 597585, 600434, 620690, 524222, 560153, 652860, and 669289 as recorded in the Official Records of Parker County.

The application and partial fees were received on July 16, 2009, and additional information and fees were received on October 19, December 18, 2009 and January 12, January 14, and January 15, 2010. The application was declared administratively complete and filed with the Office of the Chief Clerk on January 28, 2010.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions, including but not limited to, maintaining an alternate source of water so that no state water is used, requiring the permittee to pass inflows of state water required to satisfy senior water rights, and ensuring that any discharged commingled groundwater is of sufficient water quality. The application and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building. F., Austin, TX 78753.

**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://www.tceq.state.tx.us/about/comments.html>. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.state.tx.us>.

Issued: January 28, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



WATER USE PERMIT

PERMIT NO. 12479

TYPE: §11.121

Permittee: Covered Bridge Canyon Home Owners Association, Inc. Address: 108 Covered Bridge Drive Ft. Worth, Texas 76108

Filed: January 28, 2010 Granted:

Purpose: Recreation County: Parker

Watercourse: Unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River Watershed: Trinity River Basin

WHEREAS, Covered Bridge Canyon Home Owners Association, Inc. (Applicant) has applied for a Water Use Permit to maintain seven dams and reservoirs (known as Reservoirs 1-7) on unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin with a combined normal capacity of 29.55 acre-feet for recreation purposes in Parker County; and

WHEREAS, Applicant has provided evidence of an alternate source of water, groundwater from the Paluxy Formation of the Trinity Aquifer, to provide makeup water for evaporation losses, 27.6 acre-feet per year, and to maintain the reservoirs at a constant level. The five existing groundwater wells are capable of producing a combined total of 90.33 acre-feet of water per year at a maximum combined rate of 0.1114 cfs (50 gpm); and

WHEREAS, Applicant indicates that the groundwater will be discharged directly into five of the seven existing reservoirs, being reservoirs 1,2,3,6, and 7; and

WHEREAS, Applicant indicates water discharged into Reservoir 3 will be sufficient to maintain Reservoirs 3, 4, and 5 full and to allow all inflows to pass downstream; and

WHEREAS, the seven reservoirs partially inundate 24 land owners. Each land owner has provided written consent and the deeds to their land. Ownership of the

lands to be inundated are evidenced as follows; Document No's. 631690, 672537, 495535, 519893, 699473, 534334, 480974, 473241, 549906, 645666, 691315, 578237, 570813, 488720, 626960, 636995, 481189, 597585, 600434, 620690, 524222, 560153, 652860, and 669289 as recorded in the Official Records of Parker County; and

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

WHEREAS, four requests for a contested case hearing were received; and

WHEREAS, the Executive Director recommends special conditions be included; 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 permit;

NOW, THEREFORE, Water Use Permit No. 12479 is issued to Covered Bridge Canyon Home Owners Association, Inc., subject to the following terms and conditions:

1. IMPOUNDMENT

Permittee is authorized to maintain seven dams and reservoirs located on unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Parker County, approximately 10 miles east northeast of Weatherford, Texas. The dams and reservoirs are all located within the T & P RR Original Survey No. 5, Abstract No. 1506 and are described as follows:

- A. Reservoir 1 has a normal capacity of 5.75 acre-feet. A point on the centerline of the dam is located at N 38° E, 5,800 feet from the southwest corner of the T & P RR Original Survey No. 5, Abstract No. 1506, also being at Latitude 32.811850° N, Longitude 97.579933° W.
- B. Reservoir 2 has a normal capacity of 3.25 acre-feet. A point on the centerline of the dam is located at N 47° E, 5,500 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.810683° N, Longitude 97.578500° W.
- C. Reservoir 3 has a normal capacity of 1.45 acre-feet. A point on the centerline of the dam is located at N 26° E, 3,000 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.808333° N, Longitude 97.581817° W.
- D. Reservoir 4 has a normal capacity of 1.55 acre-feet. A point on the centerline of the dam is located at N 39° E, 3,300 feet from the southwest

corner of the T & P RR Survey, also being at Latitude 32.808200° N, Longitude 97.580767° W.

- E. Reservoir 5 has a normal capacity of 1.8 acre-feet. A point on the centerline of the dam is located at N 52° E, 3,600 feet from the southwest

corner of the T & P RR Survey, also being at Latitude 32.807983° N, Longitude 97.579750° W.

- F. Reservoir 6 has a normal capacity of 5.75 acre-feet. A point on the centerline of the dam is located at N 64° E, 3,200 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.805933° N, Longitude 97.580833° W.

- G. Reservoir 7 has a normal capacity of 10.0 acre-feet. A point on the centerline of the dam is located at N 64° E, 4,200 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.807317° N, Longitude 97.578050° W.

Ownership of the lands to be inundated is evidenced with Document No's. 631690, 672537, 495535, 519893, 609473, 534334, 480974, 473241, 549906, 645666, 691315, 578237, 570813, 488720, 626960, 636995, 481189, 597585, 600434, 620690, 524222, 560153, 652860, and 669289 as recorded in the Official Records of Parker County.

## 2. USE

Permittee is authorized to use the reservoir for recreation purposes with no right of diversion.

## 3. DISCHARGE

Permittee is authorized to discharge groundwater directly into five of the seven reservoirs, described as follows:

- A. Discharge Point 1 will discharge into Reservoir 1 at a point bearing N 38° E, 5,800 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.811850° N, Longitude 97.579933° W.
- B. Discharge Point 2 will discharge into Reservoir 2 at a point bearing N 47° E, 5,500 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.810683° N, Longitude 97.578500° W.
- C. Discharge Point 3 will discharge into Reservoir 3 at a point bearing N 26° E, 3,000 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.808333° N, Longitude 97.581817° W.

- D. Discharge Point 6 will discharge into Reservoir 6 at a point bearing N 64° E, 3,200 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.805933° N, Longitude 97.580833° W.
- E. Discharge Point 7 will discharge into Reservoir 7 at a point bearing N 64° E, 4,200 feet from the southwest corner of the T & P RR Survey, also being at Latitude 32.807317° N, Longitude 97.57805° W.

4. PRIORITY

The time priority for this right is January 28, 2010.

5. TIME LIMITATIONS

- A. Modification of the dam for Reservoir 7 must be in accordance with the plans and specifications approved by the Executive Director. Modification of the dam for Reservoir 7 without final approval of the plans and specifications is a violation of this authorization.
- B. Modification shall begin within two years of issuance of this permit and be completed within three years of issuance of this permit, unless Permittee applies for and is subsequently granted an extension of time before the expiration of these time limitations.
- C. Failure to commence modification of the dam within the period stated above shall subject all rights to this permit to forfeiture, subject to notice and hearing. After beginning modification, failure to timely modify the dam and reservoir stated above shall subject this permit to cancellation in whole or in part, subject to notice and hearing, and removal of the dam.

6. SPECIAL CONDITIONS

- A. This permit does not allow Permittee to impound state water. Permittee shall provide and maintain suitable outlets in good working condition in the reservoirs to pass all inflows of state water downstream and maintain the reservoirs full. Upon termination of this permit, Permittee shall activate the outlets such that no state water is impounded in the reservoirs.
- B. Permittee shall maintain and operate an alternate source of water with sufficient production to ensure no state water is used. Permittee has identified groundwater from the Trinity Aquifer as the alternate source of water for this project. Permittee shall maintain records of the amount of groundwater produced and utilized. Permittee shall provide

documentation of same for review during normal business hours upon requests by either the Executive Director or members of the general public.

- C. This permit is issued contingent upon the Permittee's maintenance of the alternate source of water identified in Special Condition Paragraph 6B. In

the event the groundwater wells will not be used as the alternate source, Permittee shall immediately cease impoundment of water under this permit and either apply to amend this permit with documentation of the new alternate source of water, or voluntarily forfeit the permit. Permittee shall immediately notify the Executive Director if the groundwater wells will not be used as the alternate source of water for this permit. If Permittee does not amend or forfeit the permit, the Commission may begin proceedings to cancel this permit.

- D. In order to protect the water quality of the existing reservoirs and the ecosystem of the water body downstream of the reservoirs, the owner shall maintain the existing riparian buffer zone of permanent vegetation around the perimeter of the reservoirs averaging 50 feet in width with the exception of reasonable access areas.

- E. Discharge of commingled groundwater from the reservoir should be of sufficient quality to meet the Surface Water Quality Standards for Segment No. 0807.

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

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

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

This permit 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.

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For the Commission

ISSUED:

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Sarah Henderson  
Water Rights Permitting Team

**Date:** November 16, 2010

**Thru:**

**From:** Warren D. Samuelson, P. E., Manager  
Dam Safety Section MC-174

**Subject:** Supplemental Dam Safety Memorandum, Covered Bridge Canyon HOA, Application (No. 12479) to maintain seven reservoirs, Silver Creek, Trinity River Basin, Parker County.

The applicant seeks authorization to maintain seven existing reservoirs in Parker County. Reservoir No. 1 has a capacity of 5.75 acre-feet with a surface area of 1.15 acres. Reservoir No. 2 has a capacity of 3.25 acre-feet with a surface area of 0.65 acres. Reservoir No. 3 has a capacity of 1.45 acre-feet with a surface area of 0.29 acres. Reservoir No. 4 has a capacity of 1.55 acre-feet and a surface area of 0.31 acres. Reservoir No. 5 has a capacity of 1.8 acre-feet and a surface area of 0.36 acres. Reservoir No. 6 has a capacity of 5.75 acre-feet and a surface area of 1.15 acres. Reservoir No. 7 has a capacity of 10.0 acre-feet and a surface area of 2.0 acres.

The applicant does not seek authorization to modify the dams; however, based on an electronic mail on October 26, 2009, modifications are needed for the dam for Reservoir No. 7. Since the dam for Pond No. 7 is greater than 6 feet high, and according to §299.21, plans for modification of the dam will be required.

As a result, it is recommended that the permit include the following language:

### TIME LIMITATIONS

- A. Modification of the dam for Reservoir No. 7 must be in accordance with the plans and specifications approved by the Executive Director. Modification of the dam for Reservoir No. 7 without final approval of the plans and specifications is a violation of this authorization.
- B. Modification shall begin within two years of issuance of this permit and be completed within three years of issuance of the permit, unless Permittee applies for and is subsequently granted an extension of time before the expiration of these time limitations.
- C. Failure to commence modification of the dam within the period stated above shall subject all rights to this permit to forfeiture, subject to notice

and hearing. After beginning modification, failure to timely modify the dam and reservoir stated above shall subject this permit to cancellation in whole or in part, subject to notice and hearing, and removal of the dam.



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

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Sarah Henderson, Application Manager  
Water Rights Permitting Team  
Water Rights Permitting & Availability Section

**Date:** July 26, 2010

**Through:** *CL* Chris Loft, Team Leader  
*7/26/10* Resource Protection Team  
Water Rights Permitting & Availability Section

*GE* Gregg Easley, Aquatic Scientist  
*7/26/10* Resource Protection Team  
Water Rights Permitting & Availability Section

**From:** Kaci Myrick, Aquatic Scientist  
*KM* Resource Protection Team  
*7/26/10* Water Rights Permitting & Availability Section

**Subject:** Covered Bridge Canyon Home Owners Association  
WRPERM 12479  
CN603487166  
Unnamed tributary of Silver Creek, Trinity River Basin  
Parker County

Environmental reviews of water right applications are conducted in accordance with §11.042, §11.147, §11.1491, §11.150, and §11.152 of the Texas Water Code and with TCEQ administrative rules which include 30 TAC §297.53 through §297.56. These statutes and rules require the TCEQ to consider the possible impacts of the granting of a water right on fish and wildlife habitat, water quality, and instream uses associated with the affected body of water. Possible impacts to bays and estuaries are also addressed.

### ENVIRONMENTAL ANALYSIS

**Application Summary:** The Applicant seeks authorization to maintain seven existing dams and reservoirs on unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin for recreation purposes in Parker County, Texas.

Reservoir one has a capacity of approximately 5.75 acre-feet (AF) with a surface area of 1.15 acres, reservoir two has a capacity of approximately 3.25 AF and a surface area of 0.65 acres. Reservoir three has a capacity of approximately 1.45 AF with a surface area of 0.29 acres. Reservoir four has a capacity of approximately 1.55 AF with a surface area of 0.31 acres. Reservoir five has a capacity of approximately 1.8 AF with a surface area of 0.36 acres. Reservoir six has a capacity of approximately 5.75 AF with a surface area of 1.15 acres and reservoir seven has a capacity of approximately 10.00 AF with a surface area of 2.0 acres.

The Applicant proposes to maintain all seven reservoirs at a constant level by using existing groundwater wells.

### INSTREAM USES

**Aquatic and Riparian Habitats:** The seven reservoirs were constructed in 2003 on an unnamed tributary approximately 2.7 miles from the confluence with Silver Creek in Parker County. According to the *Handbook of Texas Online*, Parker County covers 902 square miles of undulating to hilly land; elevations range from 700 to 1,200 feet above sea level. The county's gently rolling plains, situated mostly in the Rolling Timbers vegetation region, are covered by tall grasses, mesquite (*Prosopis glandulosa*), and oak (*Quercus sp.*). Along rivers and streams common tree species found are elm (*Ulmus sp.*), walnut (*Juglans sp.*), and pecan (*Carya sp.*). Silver Creek runs southeast for 12.5 miles over nearly level, grassy land surfaced with shallow to deep clay and loam soils (*Handbook of Texas Online*).

Riparian zones are an integral part of aquatic ecosystems and a landscape component that has to function well if rivers are to maintain their ecological vitality in the long term (Nilsson and Svedmark 2002). Riparian areas are transitional zones between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect water bodies to their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (NRC 2002). Riparian areas provide many important functions including streamflow maintenance, nutrient cycling, chemical and other pollutant filtering, sediment trapping and redistribution, floodwater absorption and detention, fish and wildlife habitat, and food provision for a wide range of biota (Naiman and Decamps 1997, Fischenich and Allen 2000, NRC 2002). Riparian buffer zones function most effectively when the following conditions are met:

- Minimum width of fifty (50) feet (Walsh et al. 1997, Fischenich and Allen 2000, EPA 2005)
- Gentle slope (5 %; maximum slope 15%) to allow sheet flow (Walsh et al. 1997, NRC 2002, EPA 2005)
- Dense vegetation (Nilsson and Svedmark 2002, NRC 2002)
- Vegetation composed of native species (EPA 2005)

The Applicant indicated that since the reservoirs have been in place for seven years the majority of ponds have vegetation surrounding them. Photographs of the seven reservoirs provided by the Applicant depict the vegetation to primarily consist of manicured grasses and landscaped ornamental plant species. Resource Protection staff recommends the permittee maintain the riparian buffer zones that exist around the reservoirs to protect the water quality of the reservoirs and the ecosystem of the water body downstream of the reservoirs.

**Recreational Uses:** There are no known recreational uses of the unnamed tributary or of Silver Creek. The ponds are surrounded by a residential development and are used primarily as scenic amenity ponds. No additional impacts to recreational uses of the unnamed tributary of Silver Creek are expected.

**Water Quality:** There is no water quality information available for the unnamed tributary of Silver

Creek. The nearest downstream classified segment to Silver Creek is Lake Worth, designated as Segment No. 0807 in the state surface water quality standards (30 TAC 307.10(1) and (3)). The designated uses for this segment as listed in 30 TAC 307.10(1) are contact recreation, high aquatic life use, and public water supply. The 2008 *Texas Water Quality Inventory and 303(d) List* indicated concern for screening levels of chlorophyll-*a* under a general use category, and fish consumption is not supported due to the presence of PCBs in fish tissue. A TMDL has been approved and completed for the fish consumption use (TCEQ 2008).

The Applicant indicates that groundwater from the Paluxy Aquifer will be used to maintain the seven reservoirs at full capacity. Water quality data was provided by the Applicant for one of the five wells that is to be used. Table 1 includes values of the groundwater quality data submitted and the Texas Surface Water Quality Standards (TSWQS) for Segment No. 0807 (Lake Worth) according to 30 TAC 307.10(1). Segment No. 0807 is located greater than six stream miles downstream of the Applicant's reservoirs.

Based on the water quality data shown in Table 1, groundwater from the Paluxy Aquifer in this area meets the allowable TSWQS for Segment No. 0807. Resource Protection staff recommend that the applicant ensure that all discharges of commingled groundwater from the reservoirs are of sufficient quality to meet the TSWQS for Segment No. 0807.

Table 1. Water quality data from the Paluxy Aquifer and Texas Surface Water Quality Standards for Segment No. 0807 (Lake Worth)

Parameter	Groundwater chemistry for one well in the vicinity of the Applicant's reservoirs	TSWQS for Segment No. 0807
pH	6.79	6.5-9.0
Chloride (mg/L)	39	100
Sulfate (mg/L)	46	100
TDS (mg/L)	494	500

**Bay and Estuary 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. As an individual event, the use of ground water to maintain the impoundments will minimally impact the Trinity River Basin.

#### SUMMARY

The Applicant seeks authorization to maintain seven existing dams and reservoirs on an unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin for recreation purposes in Parker County, Texas.

The Applicant proposes to maintain all seven reservoirs at a constant level by using existing groundwater wells.

**Resource Protection staff recommend the following special conditions be adopted in the permit, if granted:**

1. In order to protect the water quality of the existing reservoirs and the ecosystem of the water body downstream of the reservoirs, the owner shall maintain the existing riparian buffer zone of permanent vegetation around the perimeter of the reservoirs averaging 50 feet in width with the exception of reasonable access areas.

2. Discharge of commingled groundwater from the reservoir should be of sufficient quality to meet the Surface Water Quality Standards for Segment No. 0807.

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. Authorizations granted to the permittee by the water rights permit shall comply with all rules of the Texas Commission on Environmental Quality, and other applicable State and Federal authorizations.

#### LITERATURE CITED

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**Texas Commission on Environmental Quality**  
INTEROFFICE MEMORANDUM

To: Sarah Henderson, Application Manager  
Water Rights Permitting Team

June 21, 2010

Through:  Kathy Alexander, Technical Specialist  
Water Rights Permitting and Availability Section

 Steve Densmore, Team Leader  
Surface Water Availability & Interstate Compacts Team

From: Fayyaz Mughal, Hydrologist  
Surface Water Availability & Interstate Compacts Team

Subject: Covered Bridge Canyon HOA Reservoir Complex  
WRPERM 12479  
CN603487166  
Unnamed tributaries of Silver Creek, Trinity River Basin  
Parker County

**WATER AVAILABILITY REVIEW**

**Application Summary**

The Applicant seeks authorization to maintain seven existing dams and reservoirs on unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin for recreation purposes in Parker County, Texas.

Reservoir No.1 has a capacity of approximately 5.75 acre-feet with a surface area of 1.15 acres, Reservoir No.2 has a capacity of approximately 3.25 acre-feet and a surface area of 0.65 acres, Reservoir No.3 has a capacity of approximately 1.45 acre-feet with a surface area of 0.29 acres, Reservoir No.4 has a capacity of approximately 1.55 acre-feet with a surface area of 0.31 acres, Reservoir No.5 has a capacity of approximately 1.8 acre-feet with a surface area of 0.36 acres, Reservoir No.6 has a capacity of approximately 5.75 acre-feet with a surface area of 1.15 acres, and Reservoir No.7 has a capacity of approximately 10.00 acre-feet with a surface area of 2.0 acres.

The applicant intends to maintain the reservoirs full using groundwater from five existing wells capable of producing between 10 and 12 gpm per well from the Paluxy Formation of the Trinity Aquifer. Applicant will use PVC pipe to convey the water to the reservoirs.

The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 28, 2010.

## Water Availability Review

The applicant does not request a new appropriation of water therefore a water availability analysis is not necessary. However, the application must be reviewed to ensure that no water rights are affected by the request. Resource Protection staff did not recommend instream flow requirements for this application.

The application was evaluated to determine if the alternate source provided is adequate to keep all reservoirs full and compensate for evaporative losses. Based on evaporation data from the TCEQ's Water Availability Model (WAM) for the Trinity River Basin, Quadrangle 510, staff determined the combined maximum annual and monthly evaporation from the seven reservoirs will be 27.60 acre-feet and 6.62 acre-feet, respectively. The applicant indicates that the groundwater wells will produce approximately 90.33 acre-feet per year.

## Conclusion

Because the applicant indicates that groundwater will be used as an alternate source to maintain all seven reservoirs, staff can recommend granting this application if the permit contains the following special conditions:

1. This permit does not allow permittee to impound state water. Permittee shall provide and maintain suitable outlets in good working condition in the reservoirs to pass all inflows of state water downstream and maintain the reservoirs full. Upon termination of this permit, permittee shall activate the outlets such that no state water is impounded in the reservoirs.
2. Permittee shall maintain and operate an alternate source of water with sufficient production to ensure that no state water is used. Permittee has identified groundwater from the Trinity Aquifer as the alternate source of water for this project. Permittee shall maintain a record of the amount of groundwater produced and utilized. Permittee shall provide documentation of same for review during normal business hours upon request by either the Executive Director or members of the general public.
3. This permit is issued contingent upon Permittee's maintenance of the alternate source of water identified in Special Conditions paragraph. In the event the groundwater well will not be used as the alternate source, Permittee shall immediately cease impoundment of water under this permit and either apply to amend this permit with documentation of the new alternate source of water, or voluntarily forfeit the permit. Permittee shall immediately notify the Executive Director if the groundwater well will not be used as the alternate source of water for this permit. If Permittee does not amend or forfeit the permit, the Commission may begin proceedings to cancel this permit.



Fayyaz Mughal, Hydrologist

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Supply Division

**Date:** August 7, 2009

**Thru:** *OK* Christopher Loft, Team Leader  
*8/9/09* Resource Protection Team  
Water Supply Division

**From:** Kristin Wang, Senior Water Conservation Specialist *8/7/09*  
Resource Protection Team *KW*  
Water Supply Division

**Subject:** Covered Bridge Canyon HOA Reservoir Complex  
WRPERM 12479  
CN603487166  
Administrative Completeness Review

Applicant seeks authorization to maintain seven existing dams and reservoirs on Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin for recreation purposes in Parker County, Texas.

Reservoir one has a capacity of approximately 5.75 acre-feet with a surface area of 1.15 acre. Reservoir two has a capacity of approximately 3.25 acre-feet and a surface area of 0.65 acre. Reservoir three has a capacity of approximately 1.45 acre-feet with a surface area of 0.290 acre. Reservoir four has a capacity of approximately 1.55 acre-feet with a surface area of 0.310 acre. Reservoir five has a capacity of approximately 1.8 acre-feet with a surface area of 0.360 acre. Reservoir six has a capacity of approximately 5.75 acre-feet with a surface area of 1.150 acres. Reservoir seven has a capacity of approximately 10.00 acre-feet with a surface area of 2.0 acres.

Applicant proposes to maintain all seven reservoirs at a constant level by using existing groundwater wells.

A water conservation and drought contingency plan is required to be submitted with an application for the consumptive use of state water per 30 Texas Administrative Code Section 295.9(3). Because there is no consumptive use associated with this requested appropriation, the water conservation and drought contingency plan requirement is not applicable for this application.

The application is consistent with the approved January 2006 Region C Water Plan and the 2007 State Water Plan because the plans do not address this application and because there is nothing in the plans that conflict with issuing this permit.

A further technical review is not required by the Water Conservation Staff of the Resource Protection Team because no appropriation of state water or inter-basin transfer was requested.