

Ms. Bridge C. Bohac, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105
Austin, TX 78711-3087

Re: TCEQ Docket No. 2013-2114WR, Covered Bridge Canyon Homeowners Association, Inc. ("Applicant"); Water Rights Permit No. 12479 and Application (collectively "Permit")

Dear Ms. Bohac:

In protest of the above referenced permit, I offer the following brief observations:

- 1) The Applicant's dams and reservoirs were built to create water features for a luxury home development without a permit. Impounding the state's water by creating artificial ponds increased the property value in upscale Covered Bridge Canyon (home values up to \$1,500,000 according to www.coveredbridgecanyon.com) at the expense of the native creek that once flowed across the back of my property and into the Lake Worth watershed.
- 2) The TCEQ's recommendation that the alternative source of water for the Reservoirs, i.e. water wells to the Paluxy Formation of the Trinity River be maintained so that inflows of state water be passed through is damaging to the aquifer already under stress from overdevelopment. The Upper Trinity Groundwater Conservation District, under whose jurisdiction we reside, requires at least two acres for spacing water wells. Most Covered Bridge Canyon residential lots are less than an acre which is more than double the current well spacing requirement.
- 3) Groundwater that is pumped into the reservoirs comingles with the rain water collection and runoff and spills into the creek appears to be a violation of Texas Statutes. According to the Water Code under Title 2. Water Administration, Subtitle E. Groundwater Management, Chapter 36. Groundwater Conservation Districts Subchapter A. General Provisions 36.001. DEFINITIONS. (8) "Waste" means any one or more of the following:

(E) willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;

The proposed "solution" to the impounding of State Water is (by definition) a statutory "waste" of water: filling reservoirs with groundwater that will comingle with rainwater and runoff to flow downstream.

- 4) The Applicant falsely claims that "At no time has this drainage or runoff "channel" ever been used for fishing, observing turtles, or enjoyment of any other kind." I have evidence in the form of photos in a March 2000 album which shows our family relaxing by the creek.

When my family purchased our property in July of 1999, there was an old fishing pier on the bank overlooking the stream. The creek was definitely a factor in our decision to purchase the property. My husband restored the planks on the pier to make an observation deck (later swept away by a hundred year flood). We installed an iron gate, a garden arch and a stair stepped path from the bank down to the water so that our children could enjoy the native riparian ecosystem. Our daughter caught fish from the creek and kept them as pets. We moved a large log along the bank to use as a bench and the creek became our "thoughtful spot."

The creek that once provided so much enjoyment for our family changed after the water was impounded by the Applicant. The sound of our babbling brook was replaced by the buzzing of mosquitoes breeding in the stagnant water. Our children became too afraid of the bugs and algae growth to visit the standing water that was once our creek.

- 5) The current stagnation of the creek is a health and safety hazard and affects our use and enjoyment of the surrounding property as well as the creek.

The Applicant willfully broke the rules by impounding the State's water without a permit and the TCEQ would reward this developer's bad behavior by suggesting that Texas Water Statutes be broken in order to grant a belated permit. Granting this permit not only hurts my family and the dozens of other families in my neighborhood that live along this creek, it sets a dangerous precedence for other developers who might "build dams now, get a permit later (if we get caught)."

Kathy Chruscielski