

CONTESTED AGENDA

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PERMIAN TANK AND MANUFACTURING, INC., SWR NO. 39902. (Birch).

Issue Agreed Order JEB/BJW

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF THE CITY OF HOLLAND. (PERMIT NO.10897-01) (CHAFFIN) BELL COUNTY.

Issue Agreed Order JEB/BJW

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF KLEIN UNITED METHODIST CHURCH. (PERMIT NO. 12155-01) (HOOPER) HARRIS COUNTY.

Issue Agreed Order JEB/BJW

Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF TOWN OF OAK RIDGE FOR PERMIT NO. 13514-01 TO AUTHORIZE THE DISCHARGE OF 37,500 gpd OF TREATED DOMESTIC WASTEWATER EFFLUENT IN COOKE COUNTY, TEXAS, AND SEGMENT NO. 0840 OF THE TRINITY RIVER BASIN. Recommendation: Issuance of permit. (Sullivan)

Issue Proposed Order JEB/BJW

Item 5. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF JOHNSON COUNTY RURAL WATER SUPPLY CORPORATION TO INCREASE RETAIL WATER RATES IN ELLIS, JOHNSON, HILL AND TARRANT COUNTIES, TEXAS; DOCKET NO. 8403-W. Applicant provides retail water service to approximately 6,547 customers. Recommendation: Approval of rate increase. (Limes).

Approved, JEB/BJW

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF VIC COOPER DBA ROLLING HILLS WATER AND SEWER SYSTEM IN SHELBY COUNTY, DOCKET NO. 8831-E. (Ligarde).

Cont. to 3/27/91, at 9:00 a.m.

Item 7. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as permitted by TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to

any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

- Item 8. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE CITY OF CORPUS CHRISTI, NUECES RIVER AUTHORITY, AND THE CITY OF THREE RIVERS- CERTIFICATE OF ADJUDICATION NO. 21-3214. THIS MATTER CONCERNS AN INTERLOCUTORY CERTIFIED QUESTION FROM THE OFFICE OF HEARINGS EXAMINERS IN WHICH THE EXAMINER REQUESTS THE COMMISSION TO DETERMINE WHETHER TO EXTEND THE COMMISSION IMPOSED DATES FOR SEQUENTIAL ACTION WITH RESPECT TO ESTABLISHING A FINAL OPERATING PLAN PERTAINING TO CERTIFICATE OF ADJUDICATION NO. 21-3214. (RECOMMENDATION: GRANT EXTENSION OF TIME.) (SULLIVAN)

Cont. to 3/20/91, 9:00 a.m.

DOCKET

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from the Agenda of February 14, 1991.

- Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 91-2E ISSUED ON FEBRUARY 14, 1991 TO PAINT CREEK WATER SUPPLY CORPORATION TO PROVIDE CONTINUOUS AND ADEQUATE SERVICE TO ALL CUSTOMERS AND APPLICANTS FOR SERVICE WITHIN THE AREA OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY.

Cont. to 3/13/91, at 3:00 p.m.

CONTESTED OLD BUSINESS

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of January 30, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E. I. DU PONT de NEMOURS & COMPANY, INC., SABINE RIVER WORKS, PERMIT NO. 00475. (Ligarde)

Cont. 3/27/91, at 9:00 a.m.

Item carried forward from Agenda of November 28, 1990 and February 13, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DAL-TILE CORPORATION, SWR NO. 38369. (Dickman)

Adoption of Agreed Order as modified, JEB/BJW

Item carried forward from Agenda of February 13, 1991

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CELANESE ENGINEERING RESINS, INC., PERMIT NO. 00579. (Culbertson)

Issue Agreed Order JEB/BJW

Item carried forward from Agenda of February 13, 1991

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WILLIAM K. BATES, D/B/A SPRING CREEK TRAILS WATER SYSTEM, DOCKET NO. 8239-E. (Smith, D.)

Cont. to 4/10/91, at 9:00 a.m.

Item carried forward from Agenda of February 6, and February 20, 1991.

- Item 5. CONSIDERATION OF THE MOTION OF THE CITY OF HOUSTON TO VACATE THE NOVEMBER 5, 1990 ORDER OF THE COMMISSION ASSESSING STIPULATED PENALTIES PURSUANT TO THE CITY'S THIRD AMENDED ENFORCEMENT ORDER. (Vay).

Cont. to 3/20/91 at 3:00 p.m.

Item carried forward from March 6, 1991.

- Item 6. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF TAWAKONI WATER UTILITY CORPORATION TO INCREASE RETAIL WATER RATES IN HUNT, KAUFMAN AND VAN ZANDT COUNTIES, TEXAS; DOCKETS NOS. 8127-A AND 7961-R. Applicant provides retail water service to approximately 2,345 customers. Recommendation: Approval of rate increase. (Limes)

Cont. to 3/13/91 at 3:00 p.m.

Item carried forward from March 6, 1991.

- Item 7. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND PROPOSED ORDER CONCERNING THE APPLICATION OF AQUA WATER SUPPLY CORPORATION AND SANDERS ESTATES WATER COMPANY FOR A TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11780 to provide water service in Bastrop County, Texas; Docket No. 8493-S. Recommendation: Issuance. (Parker)

Issue Order as Revised by General Counsel JEB/BJW

WYNNE  
JOHNSON  
BIRDWELL/ABSENT

UNCONTESTED AGENDA

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. APPLICATION BY INTERNATIONAL PAPER COMPANY for a permit (Proposed Permit No. HW-50266, EPA I.D. No. TXD-0088077356) and Compliance Plan CP-50226 to authorize post-closure care at its hazardous industrial solid waste facility. The post-closure care permit would authorize post-closure care of six closed Class I hazardous waste surface impoundments that were used to manage wastes generated during wood preserving operations. The six closed hazardous waste surface impoundments are located at International Paper Company's 89.45-acre facility at Route 6 North, Navasota, Grimes County, Texas.

Approved, CJ/BJW

Item 2. APPLICATION BY GORE'S INC. DBA INDIAN CREEK DAIRY for a permit (Proposed Permit No. 03289) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 600 head in confinement. The dairy is on the north side of State Highway 67 approximately 3.5 miles southeast of the intersection of State Highway 67 and U.S. Highway 377 in Comanche County, Texas.

Approved, CJ/BJW

Item 3. APPLICATION BY RAY JOHNSON for a permit (Proposed Permit No. 03314) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 990 head in confinement. The dairy is approximately 2-1/2 miles northwest of Comanche, approximately 1-3/4 miles west of State Highway 36 on an unnamed county road, in Comanche County, Texas.

Approved, CJ/BJW

Item 4. APPLICATION BY CITY OF LAREDO for a permit (Proposed Permit No. 10681-05) to authorize disposal of treated domestic sewage effluent by irrigation on 20 acres of non-publicly accessible pasture land. The disposal volume is not to exceed an average flow of 125,000 gallons per day. The plant and irrigation sites are approximately nine miles north of the intersection of Interstate Highway 35 and Farm-to-Market Road 1472, approximately 3000 feet east of Interstate Highway 35 and 1000 feet north of the entrance to the Uniroyal Proving Grounds in Webb County, Texas.

Approved, CJ/BJW

Item 5. APPLICATION BY PALO DURO FEEDYARD for an amendment to Permit No. 01546 in order to update the permit to include all feedlot expansion projects. The permit authorizes disposal of waste and wastewater from a cattle feedyard with a maximum of 32,000 in confinement. The cattle feedyard is on the northwest corner of the intersection of State Highway 136 and Farm-to-Market Road 520, approximately 10 miles south of the City of

Gruver in Hansford County, Texas.

Approved, CJ/BJW

Item 6. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 50 for renewal of Permit No. 10243-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 540,000 gallons per day from El Lago Wastewater Treatment Plant. The plant is at 1122 Cedar Lane, northeast of the intersection of Cedar Lane and Hickory Ridge Drive, one mile northwest of the intersection of State Highway 146 (Bayport Boulevard) and State Highway-NASA 1 (NASA Boulevard) in Harris County, Texas.

Approved, CJ/BJW

Item 7. APPLICATION BY LOUISIANA PACIFIC CORPORATION for renewal of Permit No. 01905 which authorizes a discharge of stormwater, boiler blowdown, treated domestic wastewater and once through cooling water at a volume variable with rainfall from its wood products manufacturing facility. The plant site is on the east side of U. S. Highway 75, approximately three (3) miles north of the City of New Waverly, Walker County, Texas.

Approved, CJ/BJW

Item 8. APPLICATION BY NORTH FOREST MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 10905-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day from the wastewater treatment facilities. The facilities are at 16230 Medberry Road, approximately 1.4 miles southwest of the intersection of Interstate Highway 45 and Farm-to-Market Road 1960-West in Harris County, Texas.

Approved, CJ/BJW

Item 9. APPLICATION BY PORT MANSFIELD PUBLIC UTILITY DISTRICT for renewal of Permit No. 10682-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 221,000 gallons per day. The wastewater treatment facilities are adjacent to Four Mile Slough, approximately 2800 feet east of the southwest corner of the Port Mansfield District and east of Farm-to-Market Road 497 in Willacy County, Texas.

Approved, CJ/BJW

Item 10. APPLICATION BY CITY OF QUANAH for renewal of Permit No. 10600-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 465,000 gallons per day. The wastewater treatment facilities are at 1009 East Nelson Street in the City of Quanah in Hardeman County, Texas.

Approved, CJ/BJW

Item 11. APPLICATION BY RED RIVER AUTHORITY OF TEXAS for renewal of Permit No. 11252-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,500 gallons per day from Estelline Wastewater Treatment Plant. The plant is located approximately 0.7 mile east of the intersection of U.S. Highway 287 and State Highway 86, 0.6 mile north-northeast of the intersection of U.S. Highway 87 and Farm-to-Market Road 658 in Hall County, Texas.



Approved, CJ/BJW

Item 12. CONSIDERATION OF A REQUEST BY THE U. S. DEPARTMENT OF ENERGY FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF A WASTEWATER TREATMENT FACILITY PRIOR TO COMMISSION CONSIDERATION OF THE APPLICATION FOR A PERMIT. SUCH AUTHORIZATION WOULD NOT INCLUDE OPERATION OF THE FACILITY OR THE DISPOSAL OF WASTEWATER (PROPOSED PERMIT NO. 13557-001). (McCalla)

Approved, CJ/BJW

Item 13. CONSIDERATION OF THE REQUEST BY EUGENE NORWOOD DBA E. E. NORWOOD DAIRY FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF WASTEWATER STORAGE LAGOONS, PROPOSED PERMIT NO. 03332. (Smith, J.)

Approved, CJ/BJW

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 162 FOR APPROVAL OF \$1,800,000 UNLIMITED TAX BONDS, 8.676% NET EFFECTIVE INTEREST RATE, SECOND ISSUE, SERIES 1991. For Commission consideration and action. Applicant requests approval of the issuance of \$1,800,000 in bonds to finance the District's pro rata share of: wastewater treatment plant expansions, regional water facilities, and SCADA System; and water well modifications, water well repairs, ground storage tank repairs & Sanitary sewer line for twelve (12) equivalent single family connections.

Approved, CJ/BJW

Item 15. APPLICATION BY SOUTHLAND OAKS MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$32,200,000 CITY OF AUSTIN CONTRACT REVENUE BOND ISSUE APPROVED June 26, 1986. For Commission consideration and action. Applicant requests approval of the transfer of \$7,841,550 in surplus construction funds and escrow funds plus earned interest to debt service.

Approved, CJ/BJW

Item 16. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL FOR THE RELEASE OF ESCROWED FUNDS; \$6,400,000 BOND ISSUE APPROVED December 14, 1990. For Commission consideration and action. The District has requested the release of \$660,000 from escrow to finance the North Meter Station and Transmission Main Project.

Approved, CJ/BJW

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDERS CONCERNING THE APPLICATION OF Bammel Forest Utility Company to INCREASE RETAIL WATER RATES IN HARRIS COUNTY, TEXAS (DOCKET NO. 8555-R) AND PETITION OF Bammel Forest Utility Company to DECERTIFY A PORTION OF ITS SERVICE AREA CERTIFICATED UNDER CCN NO. 11597 (DOCKET NO. 8390-Q). Applicant provides retail water service to approximately 325 customers. Recommendation: Adoption of agreement of parties. (PARKER)

Issue Agreed Order, CJ/BJW

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKE FOREST WATER SYSTEM, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN TARRANT, COUNTY, TEXAS. (DOCKET NO. 8633-C) RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (LIMES)

Issue Agreed Order, CJ/BJW

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ROSEHILL RANCHETTES WATER SYSTEM TO INCREASE RETAIL WATER RATES IN HARRIS COUNTY, TEXAS; DOCKET NO. 8597-G. Applicant provides retail water service to approximately 10 customers. Recommendation: Adoption of agreement of parties. (Limes)

Issue Agreed Order, CJ/BJW

Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TRANSCO WATER COMPANY TO INCREASE RETAIL WATER RATES IN ANDERSON COUNTY, TEXAS; DOCKET NO. 8773-G. Applicant provides retail water service to approximately 139 customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

Issue Agreed Order, CJ/BJW

Item 21. APPLICATION OF BERNARD TIMBERS WATER SUPPLY CORPORATION for a Water and Sewer Certificate of Convenience and Necessity in Wharton County. (Application No. 8826-C and 8827-C, Holck)

Approved, CJ/BJW

Item 22. APPLICATION OF CAROLINA COVE WATER SUPPLY for a Water Certificate of Convenience and Necessity in Walker County. (Application No. 8784-C, Holck)

Approved, CJ/BJW

Item 23. APPLICATION OF MORRIS A. HARPER DBA AQUA VISTA UTILITIES for a Water Certificate of Convenience and Necessity in Kerr County. (Application No. 8619-C, Holck)

Approved, CJ/BJW

Item 24. APPLICATION OF NORTH RUNNELS WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 11128 in Runnels and Taylor Counties. (Application No. 8812-C, Holck)

Approved, CJ/BJW

Item 25. APPLICATION OF MCGRAW CHAPEL WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Fannin County. (Application No. 8652-C, Holck)

Approved, CJ/BJW

Item 26. APPLICATION OF KEITH BLAIR DBA LAKE FORK MARINA for a Sewer Certificate of Convenience and Necessity in Wood County. (Application No. 8636-C, Arroyo)

Approved, CJ/BJW

Item 27. APPLICATION OF FRIO COMMUNITY IMPROVEMENT ASSOCIATION, INC. for a Water Certificate of Convenience and Necessity in Real County. (Application No. 8707-C, Mayhew)

Approved, CJ/BJW

Item 28. ADDENDA, APPLICATION OF WOODLAND LAKES CIVIS CLUB, INC. for a Water Certificate of Convenience and Necessity in Montgomery County. (Application No. 8839-C, Fenner)

Approved, CJ/BJW

Item 29. APPLICATION OF CANYON PARK PROPERTY OWNERS ASSOCIATION, INC. for a Water Certificate of Convenience and Necessity (CCN) and to Decertify a Portion of Onalaska Water Supply Corporation's CCN No. 10119, in Polk County. (Application No. 8617-C, Strouse)

Approved, CJ/BJW

Item 30. APPLICATION OF CEDAR SHORES WATER CORPORATION to Transfer Water Certificate of Convenience and Necessity No. 11441 from Ms. Jessie H. Hall Independent Executrix for the William Holloman Estate dba Cedar Shores Estates Water System in Bosque County. (Application No. 8538-S, Schaubhut)

Approved, CJ/BJW

Item 31. APPLICATION OF THE CITY OF SUMMERFIELD to Purchase Facilities and Transfer Water Certificate of Convenience and Necessity No. 11500 from New Summerfield Water Supply Corporation in Cherokee County. (Application No. 8565-S, Schaubhut)

Approved, CJ/BJW

Item 32. APPLICATION OF CONCAN WATER SUPPLY CORPORATION to Acquire Facilities and Transfer Water Certificate of Convenience and Necessity No. 12350 from Canyon Oaks Property Owners Association in Uvalde County. (Application No. 8697-S, Carlson)

Approved, CJ/BJW

Item 33. APPLICATION OF ROGER A. VAN VOORHEES AND NORMAN O. DEIKE, A PARTNERSHIP DBA MAGIC ENTERPRISES for a Water Certificate of Convenience and Necessity in Burnet County. (Application No. 8728-C, Mayhew)

Approved, CJ/BJW

Item 34. APPLICATION NO. 5333 BY HECTOR O. HERRERA AND ANA. M. HERRERA FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicants seek to divert and use 90 acre-feet of water per annum from the San Antonio River to irrigate 45 acres of land in Karnes County, approximately 10 miles northwest of Karnes City, Texas. (JORDAN\lb)

Approved, CJ/BJW

Item 35. APPLICATION NO. 5336 BY HOUSTON COUNTRY CLUB FOR A SECTION 11.121 WATER USE PERMIT. For Commission action. Applicant seeks to divert 175 acre- feet of water per annum from Buffalo Bayou, San Jacinto River Basin, into two existing off-channel reservoirs for in-place recreation use and the subsequent irrigation of 118 acres (golf course) of land, Harris County, approximately 7.5 miles west of the Harris County Courthouse in downtown Houston, Texas. Two on-site water wells will provide make-up water. (JORDAN:rma)

Approved, CJ/BJW

Item 36. APPLICATION NO. 5338 BY BERNARD O. STONE, JR., FOR A TEXAS WATER CODE SECTION 11.121 & 11.143 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks to divert 420 acre-feet of water per annum from West Bernard Creek, Brazos-Colorado Coastal Basin, into an exempt 5 acre-

feet capacity reservoir and dam located on an unnamed tributary of West Bernard Creek. Water will be subsequently diverted from the reservoir for irrigation of 159 acres of land in Wharton County, 8 miles north of Wharton TX. (JORDAN/lb)

Approved, CJ/BJW

Item 37. APPLICATION NO. 18-1967A BY SARAH HICKS BUSS TO AMEND CERT. OF ADJ. 18- 1967. FOR COMMISSION ACTION. Applicant seeks to amend Cert. 18-1967 by increasing the diversion rate from 0.1 cfs (40 gpm) to 0.27 cfs (121 gpm) at the currently authorized diversion point on the Guadalupe River, approximately 11 miles northwest of Kerrville, Kerr County, Texas. (JORDAN/jme)

Approved, CJ/BJW

Item 38. APPLICATION NO. 12-3574A BY KENNETH KEITH AND MAX KEITH TO AMEND CERTIFICATE NO. 12-3574. FOR COMMISSION ACTION. Applicant seeks to amend the term of the permit which is to expire December 31, 1990. Authorization includes the diversion and use of not to exceed 90 acre-feet of water per annum from an exempt dam and reservoir located on unnamed tributary of Copperas (Rush) Creek, Brazos River Basin, to irrigate a maximum of 75 acres of land out of a 436-acre tract in Comanche County, approximately 9.5 miles west DeLeon, Texas. (JORDAN:rma)

Approved, CJ/BJW

Item 39. APPLICATION 12-2943A BY CITY OF KILLEEN AND KILLEEN WILLOWS, INC. TO AMEND CERTIFICATE NO. 12-2943. For Commission action. Applicants seek to amend Certificate No. 12-2943 to (1) divert 200 acre-feet of water from South Nolan Creek into an existing reservoir (No. 3) for irrigation purposes; (2) enlarge Reservoir No. 3 to impound 6.5 acre-feet of water for recreational purposes; (3) impound 3.5 acre-feet of water in an existing reservoir (No.2) for recreational purposes and (4) increase the acres to be irrigated from 65 acres to 140 acres, approximately 4.5 miles southeast of Killeen, Bell County, Texas. (JORDAN:rma)

Cont. 04/03/91 at 3:00 p.m.

Item 40. APPLICATION NO. 5268A BY MARKBOROUGH DEVELOPMENT COMPANY LIMITED, A LIMITED TEXAS PARTNERSHIP, D/B/A MARKBOROUGH TEXAS INC. - AUSTIN DIVISION TO AMEND PERMIT NO. 5268. For Commission action. Applicant seeks to amend Permit No. 5268 by changing the authorized location of Dam No. 2 and reducing the authorized reservoir capacity from 85 acre- feet to 63 acre-feet, Colorado River Basin, Travis County, Texas. (JORDAN:rma)

Approved, CJ/BJW

Item 41. APPLICATION NO. 4079A BY JESSIE M. REED TO AMEND PERMIT NO. 3809 FOR COMMISSION ACTION. Applicant seeks to amend the permit to extend the term of the permit which is to expire December 31, 1990. Authoriza- tion includes the diversion and use of not to exceed 230 acre-feet of water per annum from six exempt dams and reservoirs located on unnamed tributaries of Spring Creek and Spring Creek, Brazos River Basin, to irrigate a maximum of 205 acres of land out of twelve tracts totaling 220.16 acres in Bosque County, approximately 9.5 miles west-southwest of Meridian, Texas. (JORDAN/rma)

Approved, CJ/BJW

Item 42. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE ORDER CONCERNING THE APPLICATION OF THE CITY OF TRINIDAD FOR A TEMPORARY ORDER. (This matter was considered on December 12, 1990.)

See Old Business Item 1

Item 43. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE ORDER CONCERNING THE APPLICATION OF TARRANT COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 AND BETHESDA WATER SUPPLY CORPORATION for an amendment to Certificate of Convenience and Necessity No. 10092 and 11089 to provide water service in Tarrant County, Texas; Dockets Nos. 8380-C and 8543-C. (This matter was considered on January 23, 1991).

Cont. 3/20/91, at 3:00 p.m.

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

- Item 44. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF THE WOODLANDS CORPORATION FOR CREATION OF GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT #30 TO BE LOCATED IN THE CITY OF GALVESTON, GALVESTON COUNTY, TEXAS.  
(RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES.)  
(SULLIVAN)

Approved, CJ/BJW

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 45. THE COMMISSION WILL CONSIDER ACTION PERTAINING TO THE EMERGENCY RULES ADOPTED ON FEBRUARY 7, 1991, REGARDING THE SUSPENSION OF PERMIT PROCESSING FOR COMMERCIAL INDUSTRIAL SOLID WASTE AND MUNICIPAL HAZARDOUS WASTE FACILITIES.

(This emergency is necessary to prevent an imminent and substantial threat to human health and the environment.)

CONT. March 14, 1991 at 9:00 a.m. Rm 118

UNCONTESTED OLD BUSINESS

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of December 12, 1990 and  
January 30, 1991.

- Item 1. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE ORDER  
CONCERNING THE APPLICATION OF THE CITY OF TRINIDAD FOR A  
TEMPORARY ORDER. (This matter was considered on December 12,  
1990.)

Cont. to 3/20/91, 3:00 p.m.



ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of March 13, 1991, at 9:00 a.m.

- Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF TAWAKONI WATER UTILITY CORPORATION TO INCREASE RETAIL WATER RATES IN HUNT, KAUFMAN AND VAN ZANDT COUNTIES, TEXAS; DOCKETS NOS. 8127-A AND 7961-R. Applicant provides retail water service to approximately 2,345 customers. Recommendation: Approval of rate increase. (Limes)

Issue Order as Amended, CJ/BJW

Item carried forward from Agenda of March 13, 1991 at 9:00 a.m.

- Item 3. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 91-2E ISSUED ON FEBRUARY 14, 1991 TO PAINT CREEK WATER SUPPLY CORPORATION TO PROVIDE CONTINUOUS AND ADEQUATE SERVICE TO ALL CUSTOMERS AND APPLICANTS FOR SERVICE WITHIN THE AREA OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY.

Modify, CJ/BJW

OLD BUSINESS DOCKET

Wednesday, March 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from the Agenda of February 14, 1991.

- Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 91-2E ISSUED ON FEBRUARY 14, 1991 TO PAINT CREEK WATER SUPPLY CORPORATION TO PROVIDE CONTINUOUS AND ADEQUATE SERVICE TO ALL CUSTOMERS AND APPLICANTS FOR SERVICE WITHIN THE AREA OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY.

Modify, CJ/BJW