

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

COVERED BRIDGE CANYON HOME OWNERS ASSOCIATION, INC.

SOAH Docket No. 582-16-5121

TCEQ Docket No. 2013-2114-WR

Application No. 12479

APPLICATION.

Covered Bridge Canyon Home Owners Association, Inc., 108 Covered Bridge Drive, Fort Worth, Texas 76108, 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.

Covered Bridge Canyon Home Owners Association, Inc. (Applicant) 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.

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 (T & P RR Survey) 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 acres 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 acres 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 acres 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 acres 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 RR 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 RR Survey, also being at Latitude 32.807317°N, Longitude 97.578050°W.

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. 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). Applicant proposes that groundwater from these five wells will be discharged into five of the seven reservoirs.

The five groundwater 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 RR 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 RR 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 RR 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 RR 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 RR Survey, also being at Latitude 32.807317°N, Longitude 97.57805°W.

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.

Applicant indicates that all reservoirs and discharge points 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 Executive Director has prepared a draft permit, which, if approved, 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, Texas 78753.

CONTESTED CASE HEARING.

SOAH will conduct a preliminary hearing on this application at:

**10:00 a.m. – September 22, 2016
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and any person may request to be a party. Only persons named as parties may participate at the hearing.

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at <http://www.tceq.texas.gov/>.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: August 2, 2016

A handwritten signature in black ink that reads "Bridget C. Bohac". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality