

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF PUBLIC MEETING ON AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 13631

RR 417, LLC, has applied for a water use permit to authorize the maintenance of two existing reservoirs on Commissioners Creek, Nueces River Basin for recreational purposes in Bandera County. RR 417, LLC also seeks authorization to use the bed and banks of Commissioners Creek to convey 40 acre-feet of groundwater per year for subsequent diversion of 10 acre-feet of groundwater for agricultural and recreational purposes in Bandera County and to maintain the reservoirs with groundwater. The application does not request a new appropriation of water. More information on the application and how to participate in the permitting process is given below.

APPLICATION. RR 417, LLC., 9 South Cheska Lane, Houston, Texas 77024, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) §§ 11.121, 11.042, 11.143 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Notice is being published and mailed to the water rights holders of record in the Nueces River Basin pursuant to 30 TAC § 295.151, and mailed to the Bandera County River Authority & Groundwater District pursuant to 30 TAC § 295.153(b)(3).

RR 417, LLC., seeks a water use permit to maintain two existing dams and reservoirs on Commissioners Creek, tributary of Hondo Creek, tributary of the Frio River, Nueces River Basin with a combined normal operating capacity of 29 acre-feet of water for recreational purposes in Bandera County.

Reservoir No. 1 (Waterfront Pond) has a point on the centerline of the dam located at Latitude 29.667189° N, Longitude 99.231489° W, and Reservoir No. 2 (Canoe Pond) has a point on the centerline of the dam located at Latitude 29.668342° N, Longitude 99.229550° W in Bandera County.

Applicant provided evidence of an alternate source to maintain the reservoirs being groundwater from the Trinity Aquifer.

Applicant also seeks authorization to use the bed and banks of Commissioners Creek to convey 40 acre-feet of groundwater.

Applicant seeks to discharge the 40 acre-feet per year of groundwater at a maximum rate of 0.089 cfs (40 gpm) into the reservoirs and subsequently divert 10 acre-feet of the discharged groundwater from the reservoirs at a maximum diversion rate of 0.133 cfs (50 gpm) for agricultural purposes to irrigate 10 acres of land in Bandera County and for recreational purposes.

Ownership of the lands to be inundated and irrigated is evidenced by *Special Warranty Deeds* recorded as Document No. 00217978, Vol. 1068, pp. 176-184 in the official records of Bandera

County.

The Applicant indicates all reservoirs, diversion points, and discharge points are located within ZIP code 78883.

The application and partial fees were received on September 5, 2019. Additional information and fees were received on September 17, and October 7, 2019. The application was declared administratively complete and filed with the Office of the Chief Clerk on October 8, 2019.

The Executive Director 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. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, TX 78753.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the permit application and the Executive Director's recommendations, but the comments and questions submitted orally during the Informal Discussion Period will not be considered by the Commissioners and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period, members of the public may state their formal comments orally into the official record. The Executive Director will subsequently summarize the formal comments and prepare a written response which will be considered by the Commissioners before they reach a decision on the application. The Executive Director's written response will be available to the public online or upon request. The public comment period on this application concludes at the close of the public meeting.

The Public Meeting is to be held:

Thursday, September 3, 2020 at 7:00 PM

Members of the public who would like to ask questions or provide comments during the meeting may access the meeting via webcast by following this link: <https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 610-648-323. It is recommended that you join the webinar and register for the public meeting at least 15 minutes before the meeting begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

Those without internet access may call (512) 239-1201 at least one day prior to the meeting for assistance in accessing the meeting and participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (914) 614-3221 and enter access code 822-638-021.

Additional information will be available on the agency calendar of events at the following link: <https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

INFORMATION. Citizens are encouraged to submit written comments anytime during the public meeting. Citizens may mail their comments to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or submit them electronically at <http://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 13631 in the search field

before the public comment period closes. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en Español, puede llamar al 1-800-687-4040.*

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Issued: July 31, 2020