



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600 FAX (512) 239-2214

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT**
Texas Water Code Section §11.145
TO BE SUBMITTED PRIOR TO EXPIRATION DATE

1. Applicant Information

Permittee/Owner Name: Palo Pinto County Municipal Water District No. 1 (CN600674303)
Point of Contact name: Maris M. Chambers, Attorney
Mailing Address: Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900, Austin, Texas 78701
Phone Number: (512) 322-5804 Email Address: [REDACTED]

2. Fees or penalties

The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

Does Applicant or Co-Applicant owe any **fees** to the TCEQ?

Yes or No: No.

If yes, provide the following information:

Account number: N/A Amount past due: N/A

Does Applicant or Co-Applicant owe any **penalties** to the TCEQ?

Yes or No: No.

If yes, please provide the following information:

Enforcement order number: N/A Amount past due: N/A

3. Project Data

Certificate of Adjudication No.: 12-4031A or Permit No.: N/A

and,

River Basin: Brazos

4. **Project Dates**

BEGINNING CONSTRUCTION DATE:

Original (Date in water right): October 12, 2017

Current (From last extension granted,
if applicable): October 12, 2021

Proposed: October 12, 2023

COMPLETION DATE:

Original: October 12, 2020

Current: October 12, 2024

Proposed: October 12, 2026

5. **Reason(s) for delay and why the proposed dates requested are necessary**

Under 30 TAC 295.72(b) the applicant must include* why the extension should be granted and why the permit should not be forfeited if the commission finds that sufficient due diligence to begin and/or complete construction of the authorized project has not been demonstrated. Reasonable causes for delay include, but are not limited to, the operation of legal proceedings or other causes which were not within the reasonable control of the permittee and which were reasonably unforeseeable at the time of the appropriation or the last extension. Financial hardship shall not, by itself, constitute sufficient cause for the granting of an extension. Notice of the application, if required, will also indicate that the Commission will consider whether the appropriation shall be forfeited by the applicant, if the extension is denied.

** Please provide a statement setting forth the reasons why construction work could not be commenced or completed in the space below or attach a statement entitled*

"Reasons Why Construction Work Could not be Commenced or Completed."

Please refer to the attached statement entitled "Reasons Why Construction Work Could not be Commenced or Completed."

6. **Application Fees**

(Please make checks payable to the Texas Commission on Environmental Quality or TCEQ)

A. All requests for extension of time require payment of the following fees:

| Type | Description | Amount (\$) | |
|---------------|---|-----------------|------------|
| Filing Fee | Circle fee correlating to the total amount of water requested for any new appropriation and/or impoundment. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> | \$500.00 | |
| | a. Less than 100 | | \$100.00 |
| | b. 100 - 5,000 | | \$250.00 |
| | c. 5,001 - 10,000 | | \$500.00 |
| | d. 10,001 - 250,000 | | \$1,000.00 |
| | e. More than 250,000 | \$2,000.00 | |
| Recording Fee | | \$12.50 | |
| TOTAL | | \$512.50 | |

B. Extensions of time that require mailed and published notice require additional fees. Mailed and published notice of the application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date. If the application requires mailed and published notice, pay the following fees in addition to the fees in section (A) above:

| Type | Description | Amount (\$) |
|---------------|--|-------------------|
| Extension Fee | Pursuant to 30 TAC §295.138, extension fees are equivalent to one-time use fees established under §295.133 not to exceed \$1,000 . Enter corresponding extension fee under Amount (\$). Using the one-time use fees as follows: | \$1,000.00 |
| | Agriculture Use Fee - Only for those with an Irrigation Use. Multiply 50¢ x ____ Number of acres that will be irrigated with State Water. | |
| | Use Fee - Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 x ^{18,500} Maximum annual diversion of State Water in acre-feet. | |
| | Recreational Storage Fee - For those with Recreational storage. Multiply \$1.00 x ____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level. | |
| | Storage Fee - For Storage, excluding Recreational Storage. Multiply 50¢ x ^{49,792} acre-feet of State Water to be stored at normal max operating level. | |
| | Note - if the total extension fees in this column above exceed \$1,000 - enter \$1,000 under Amount (\$). | |
| Mailed Notice | Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense) | \$997.34 |
| TOTAL | | \$1,997.34 |

7. **Applicant Signature**

I, David R. Turk, President, Board of Directors, Palo Pinto County Municipal Water District No. 1
(Typed or printed name) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

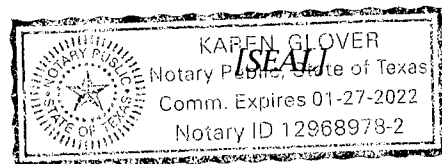
Signature: David R. Turk Date: 10-1-21
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 1 day of October, 2021.

My commission expires on the 27 day of January, 2022.

Karen Glover
Notary Public
Palo Pinto
County, Texas



If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page.

County, Texas

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“Reasons Why Construction Work Could not be Commenced or Completed”

Under Certificate of Adjudication No. 12-4031A (the “Certificate”), the Palo Pinto County Municipal Water District No. 1 (the “District”) is authorized to enlarge Lake Palo Pinto by constructing the new Turkey Peak Dam (the “Project”). The purpose of the Project is to restore and further increase the previously authorized water storage capacity in Lake Palo Pinto by 5,692 acre-feet. The Certificate originally required construction to begin within two (2) years of Certificate issuance and be completed within five (5) years of Certificate issuance. The Texas Commission on Environmental Quality (“TCEQ”) has granted the District’s prior requests for an extension of time, and the current deadline for commencement of construction on the Project is October 12, 2021, with such construction required to be completed no later than October 12, 2024.

Since the TCEQ’s approval of the District’s most recent extension request, issued on May 19, 2020, several issues outside of the District’s control have temporarily impeded its progress on the Project. Specifically, in addition to the ongoing COVID-19 pandemic and Winter Storm Uri, the District also faced the impending failure of critical infrastructure (which is discussed in more detail below). Nevertheless, it has made significant progress and completed essential steps necessary to commence construction of the Project.

First, the final design of the Project is now nearing completion. Even though pandemic-related shutdowns and precautions prevented the District from effectively and efficiently coordinating with its Project engineer, other consultants, and regulators on the Project’s final design, the process to take the final design from 90% to 100% completion is currently underway. The 90% plan set has already been provided to the TCEQ’s Dam Safety Program, which returned comments the District is now working to address in the 100% completion set. The District is also on track to complete an updated construction schedule and opinion of probable construction cost by fall 2021.

In addition to the progress on the final design of the Project facilities, the District has remained diligent in its work to complete the land acquisition necessary for the Project. Landowner negotiations, survey work, and title research have remained ongoing since the Certificate’s issuance, but COVID-19 and Winter Storm Uri significantly limited the District’s ability to complete surveys, inspections, and other critical on-site activities. Nevertheless, only about 15 parcels of land located near or in the inundation area and/or dam site are yet to be purchased by the District, and it has already initiated negotiations to acquire such tracts of land.

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Finally, degradation of certain critical infrastructure forced the District to redirect time and money that would have otherwise been available for the Project. Specifically, the District had to reallocate such resources to replace approximately 1,250 linear feet of water pipeline that enables the District to transport water from Lake Palo Pinto to its Hilltop Water Treatment Plant. That pipeline crosses the Brazos River and was at risk of failing due to sustained exposure to river currents, flood events, and debris jams.

Nevertheless, despite the above-described delays, the District has remained diligent in its efforts to begin construction of the Project, not only making the above-described progress but also completing mandatory mitigation work; managing necessary utility relocations; coordinating with other stakeholders, such as the United States Army Corps of Engineers, Palo Pinto County, and the Texas Department of Transportation; and conducting ongoing cultural resources projects in coordination with the Texas Historical Commission. The District appreciates the TCEQ's consideration of this Application and will continue using its best efforts to timely complete this important Project.