

**TCEQ DOCKET NO. 2022-1653-DIS**

<b>APPLICATION FOR CREATION OF</b>	<b>^</b>	<b>BEFORE THE TEXAS</b>
<b>LAMPASAS COUNTY MUNICIPAL</b>	<b>^</b>	<b>COMMISSION ON</b>
<b>UTILITY DISTRICT NO. 1</b>	<b>^</b>	<b>ENVIRONMENTAL QUALITY</b>

**REPLY OF LAMPASAS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #1 TO  
THE EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS**

As noted by the Executive Director in his response, Paul Wilborn submitted a timely request as President of the Lampasas County Water Control and Improvement District No. 1 hereinafter referred to as LCWCID.

As indicated by Mr. Wilborn, the requested hearing concerns the runoff of storm water into a flood control dam referred to as site number 2. This dam and its detention levels are to the East and contiguous to the proposed Municipal Utility District No. 1. The LCWCID, pursuant to The Texas Water Code Sec. 49.211, has the authority to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all land, works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation or the purposes authorized by this code or any other law. LCWCID has a public right and duty under Art. 3, Section 59 of the Texas Constitution to oversee and maintain this flood control dam described as Site "#2.

The Department of Agriculture, operating through the Soil Conservation Service, entered into a binding agreement with LCWCID on December 9<sup>th</sup>, 1957 for the operation and maintenance of sites 1 through 5 on the Sulphur Creek Watershed Project.

An easement appears of record signed in January of 1957 from the then owners (Walter Wessman and his wife, Anne) of this subject property now referred to as MUD #1. This easement was granted to Lampasas County WCID #1 and language therein indicates that approximately 43 acres of the detention pool area would extend into the Wessman's East boundary line.

A topographical map attached as "Exhibit A" prepared by the U. S. Department of Agriculture's engineer dated in May of 1958, shows an extended topographical boundary line designated as "Emergency Spillway Crest El. 1212.0" which extends North where Pitt Creek flows into the holding pool and then extends South turning West into the Pitt Creek Subdivision. Inside that topographical line is another topo line indicating the elevation of the main spillway draw down tube at 1190.0 (shown as "top of Inlet" on the exhibit).

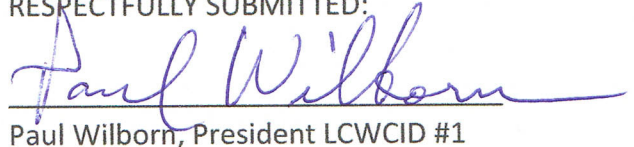
The distances marked by feet under the heading "General Plan of Reservoir" are 660, 1320, 1980 and 2640. This indicates that the emergency spillway elevation extends into the subdivision more than 1980 feet. The emergency spillway is drawn in and marked at the North side of the dam by the initials "ES".

The applicant herein, Pitt Creek Ranch, LLC, states that no disputed issues are raised by WCID and the District will comply with the requirements of the County regarding design of a drainage system. The Lampasas County Subdivision Ordinance states (B11.1) that "storm water management controls shall be designed, constructed and maintained to restrict the rate of drainage from the platted area to the rate of drainage of the land in its existing condition". Therefore, the drainage study for the District, as built out, must be developed by professional engineers showing all data to determine storm water runoff by volume and rate. Furthermore, in that the potentially effected flood control dam (TX00982) was designed and constructed with funds from the USDA Soil Conservation Service (now NRCS) it must be required that said drainage study be reviewed and approved by the Dam Safety Engineering Staff of the NRCS.

LCWCID would urge The Commission along with the Director to find that LCWCID is in fact an "affected person" as defined by statute. We believe we have a fully vested interest in the MUD project and the need to address storm water runoff issues and the safety of the dam and persons and property that could be affected down stream should the dam structure be compromised.

Thanks for your time and interest.

RESPECTFULLY SUBMITTED:



Paul Wilborn, President LCWCID #1



**MAILING LIST**  
**LAMPASAS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**  
**DOCKET NO. 2022-1653-DIS; INTERNAL CONTROL NO. D-07062022-010**

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REQUESTER(S)/INTERESTED PERSON(S):

See attached list.

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Concerned Citizen  
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Mary Joyce & Randel C Taylor  
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Granvil D & Judith Gail Treece  
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Jane Tull & Thomas M Watson Iii  
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Thomas M Watson Iii  
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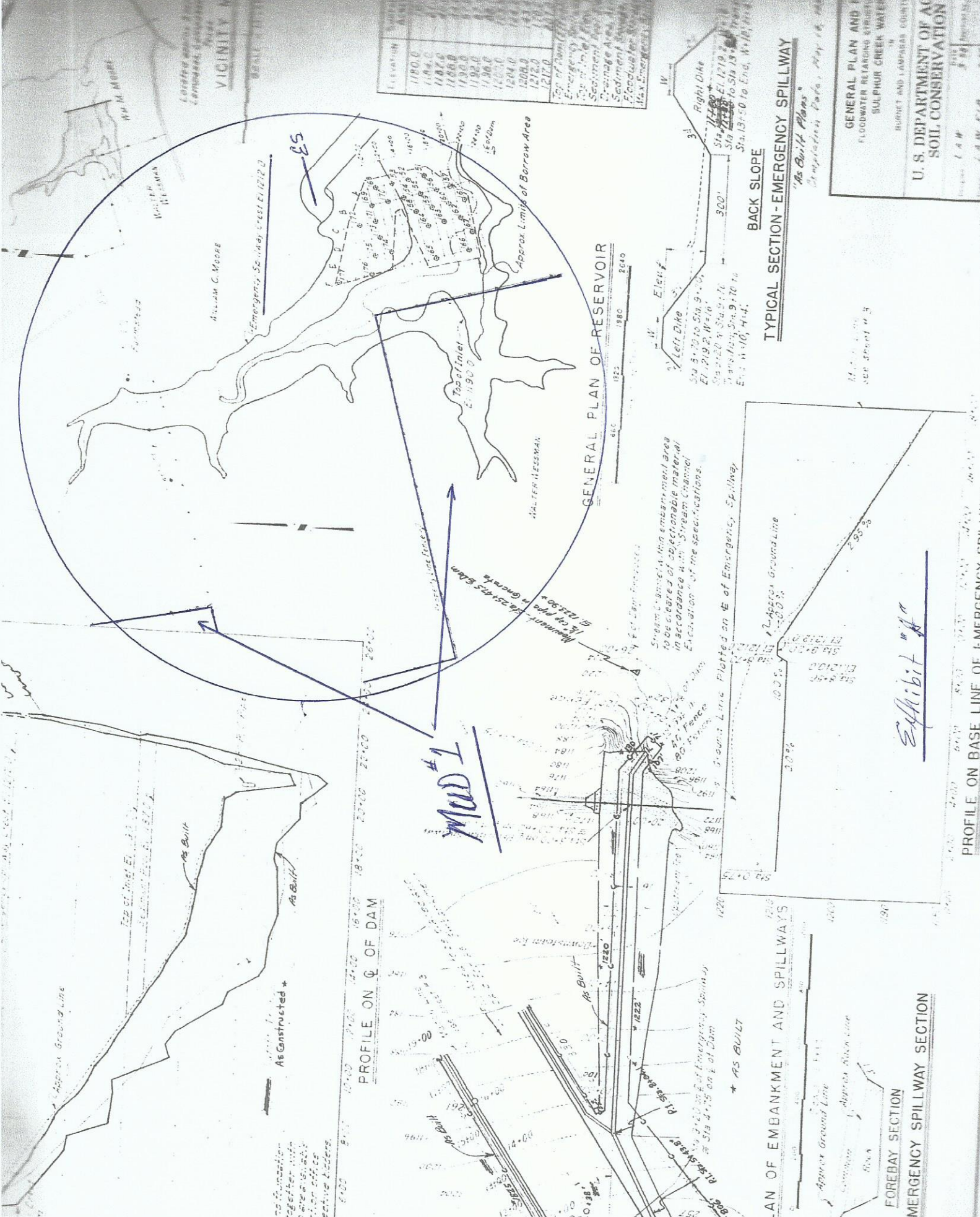
Paul Wilborn  
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Burton William Rawson Goen  
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**INTERESTED PERSON(S)**

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Lampasas, TX 76550-2957





ELEVATION	POINT
1180.0	Top of Dam
1184.0	Emergency Spillway Crest
1188.0	Top of Inlet
1192.0	Top of Inlet
1196.0	Top of Inlet
1200.0	Top of Inlet
1204.0	Top of Inlet
1208.0	Top of Inlet
1212.0	Top of Inlet

GENERAL PLAN AND PROFILE OF EMERGENCY SPILLWAY  
 SULPHUR CREEK WATER  
 BURNETT AND LAMAR COUNTY  
 U. S. DEPARTMENT OF AGRICULTURE  
 SOIL CONSERVATION SERVICE  
 PROJECT NO. 1-4-4  
 DRAWING NO. 1-4-4-1-1

**GENERAL PLAN OF RESERVOIR**

**TYPICAL SECTION - EMERGENCY SPILLWAY**

**MUD #1**

*Exhibit #1*

**PROFILE ON Q OF DAM**

**FOREBAY SECTION EMERGENCY SPILLWAY SECTION**

PROFILE ON BASE LINE OF EMERGENCY SPILLWAY

As Constructed \*

As Built

VICINITY MAP  
 Located about 1/2 mile  
 southeast of  
 Sulphur Creek  
 Burnett and Lamar Counties  
 Missouri

See sheet # 3

Approximate Ground Line  
 Top of Inlet El. 1192.0  
 Emergency Spillway Crest El. 1188.0

Approximate Ground Line  
 Approximate Spillway  
 Approximate Spillway

Stream Channel which embankment area  
 to be cleared of objectionable material  
 in accordance with Stream Channel  
 Excavation of the specifications.

Approximate Ground Line  
 Approximate Spillway  
 Approximate Spillway

Approximate Ground Line  
 Top of Inlet El. 1192.0  
 Emergency Spillway Crest El. 1188.0

VICINITY MAP  
 Located about 1/2 mile  
 southeast of  
 Sulphur Creek  
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