

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Complaint from Johnson County Power, LLC concerning the denial of water by the City of Cleburne, SOAH Docket No. 582-25-17419, TCEQ Docket No. 2025-0521-WR, was mailed on May 21, 2025.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 21st day of May 2025.

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

SEAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

Complaint from Johnson County Power, LLC, concerning the denial of water by the City of Cleburne under Texas Water Code Section 11.041

SOAH Docket No. 582-25-17419

TCEQ Docket No. 2025-0521-WR

PETITION.

Johnson County Power, LLC (Johnson County Power) filed a petition under Tex. Water Code Section 11.041, alleging that the City of Cleburne (Cleburne) fails or refuses to supply water which Johnson County Power is entitled to receive at rates that are reasonable and just. The water at issue is described as reclaimed, non-potable, stored or conserved cooling water; and in the petition, the water is referred to as “reuse” water. TCEQ received the petition on March 21, 2025.

In its petition, Johnson County Power alleges that Cleburne’s primary source of water is a reservoir, Lake Pat Cleburne, in which Cleburne holds water rights under Certificate of Adjudication No. 12-4106 (Certificate). As amended, the Certificate authorizes Cleburne to impound state water for diversion and use, to discharge treated effluent (return flows) from outfalls authorized under its TPDES permit into a state watercourse, to convey the return flows via the bed and banks of the watercourse, and to divert the return flows from a downstream diversion point for agricultural, industrial, and municipal purposes of use.

The Executive Director finds that Johnson County Power’s petition meets the requirements of 30 Tex. Admin. Code § 291.129. The petition is referred to the State Office of Administrative Hearings (SOAH) for a hearing on the issues addressed by Tex. Water Code § 11.041.

CONTESTED CASE HEARING.

Considering directives to protect public health, the SOAH will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – June 20, 2025

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 314 4471

Password: WR74U9

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 314 4471

Password: 064064

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the issues addressed by Tex. Water Code § 11.041.

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 Texas Administrative Code (TAC) Chapter 80 and 1 TAC Chapter 155.

To request to be a party, you must attend the hearing and show you would be adversely affected by the petition in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.


In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: May 21, 2025



Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
City of Cleburne
TCEQ Docket No. 2025-0521-WR; SOAH Docket No. 582-25-17419

FOR THE CITY OF CLEBURNE:

Ashley D. Dierker, Cleburne City Attorney
Taylor, Olson, Adkins, Sralla & Elam
6000 Western Place, Suite 200
Fort Worth, Texas 76107

Ivy Peterson, Cleburne City Secretary
City of Cleburne
10 North Robinson Street
P.O. Box 677
Cleburne, Texas 76033

Lauren J. Kalisek
Kathryn B. Bibby
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

FOR JOHNSON COUNTY POWER, LLC:

Marisa Secco Giles
Winston Skinner
Ethan Nutter
Kristopher Hildebrand
Vinson & Elkins, LLP
200 West 6th Street, Suite 2500
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Ruth Takeda, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Kathy Alexander, Technical Staff
Texas Commission on Environmental
Quality
Water Availability Division, MC-160
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Sheldon P. Wayne, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK:
via eFilings:

Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
<https://www.tceq.texas.gov/goto/efilings>

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Complaint from Johnson County Power, LLC concerning the denial of water by the City of Cleburne, SOAH Docket No. 582-25-17419, TCEQ Docket No. 2025-0521-WR, was mailed on May 21, 2025.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 21st day of May 2025.

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

SEAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

Complaint from Johnson County Power, LLC, concerning the denial of water by the City of Cleburne under Texas Water Code Section 11.041

SOAH Docket No. 582-25-17419

TCEQ Docket No. 2025-0521-WR

PETITION.

Johnson County Power, LLC (Johnson County Power) filed a petition under Tex. Water Code Section 11.041, alleging that the City of Cleburne (Cleburne) fails or refuses to supply water which Johnson County Power is entitled to receive at rates that are reasonable and just. The water at issue is described as reclaimed, non-potable, stored or conserved cooling water; and in the petition, the water is referred to as “reuse” water. TCEQ received the petition on March 21, 2025.

In its petition, Johnson County Power alleges that Cleburne’s primary source of water is a reservoir, Lake Pat Cleburne, in which Cleburne holds water rights under Certificate of Adjudication No. 12-4106 (Certificate). As amended, the Certificate authorizes Cleburne to impound state water for diversion and use, to discharge treated effluent (return flows) from outfalls authorized under its TPDES permit into a state watercourse, to convey the return flows via the bed and banks of the watercourse, and to divert the return flows from a downstream diversion point for agricultural, industrial, and municipal purposes of use.

The Executive Director finds that Johnson County Power’s petition meets the requirements of 30 Tex. Admin. Code § 291.129. The petition is referred to the State Office of Administrative Hearings (SOAH) for a hearing on the issues addressed by Tex. Water Code § 11.041.

CONTESTED CASE HEARING.

Considering directives to protect public health, the SOAH will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – June 20, 2025

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 314 4471

Password: WR74U9

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 314 4471

Password: 064064

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the issues addressed by Tex. Water Code § 11.041.

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 Texas Administrative Code (TAC) Chapter 80 and 1 TAC Chapter 155.

To request to be a party, you must attend the hearing and show you would be adversely affected by the petition in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.


In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: May 21, 2025



Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
City of Cleburne
TCEQ Docket No. 2025-0521-WR; SOAH Docket No. 582-25-17419

FOR THE CITY OF CLEBURNE:

Ashley D. Dierker, Cleburne City Attorney
Taylor, Olson, Adkins, Sralla & Elam
6000 Western Place, Suite 200
Fort Worth, Texas 76107

Ivy Peterson, Cleburne City Secretary
City of Cleburne
10 North Robinson Street
P.O. Box 677
Cleburne, Texas 76033

Lauren J. Kalisek
Kathryn B. Bibby
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

FOR JOHNSON COUNTY POWER, LLC:

Marisa Secco Giles
Winston Skinner
Ethan Nutter
Kristopher Hildebrand
Vinson & Elkins, LLP
200 West 6th Street, Suite 2500
Austin, Texas 78701

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Ruth Takeda, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Kathy Alexander, Technical Staff
Texas Commission on Environmental
Quality
Water Availability Division, MC-160
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Sheldon P. Wayne, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK:
via eFilings:

Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
<https://www.tceq.texas.gov/goto/efilings>