

Ms. Daniels' Direct Line: (512) 322-5814  
[REDACTED]

October 4, 2023

Texas Commission on Environmental Quality  
Water Availability Division, MC 160  
P.O. Box 13087  
Austin, Texas 78711-3088

**VIA HAND DELIVERY  
AND ELECTRONIC MAIL**

Re: Application for an Extension of Time to Begin and/or Complete Construction of an Authorized Project; Palo Pinto County Municipal Water District No. 1 (CN600674303); Certificate of Adjudication No. 12-4031, as amended

Dear Sir or Madam:

Please find enclosed one (1) copy of the above-referenced Application for an Extension of Time to Begin and/or Complete Construction of an Authorized Project ("***Application***"), filed on behalf of the Palo Pinto County Municipal Water District No. 1.

A check in the amount of \$2,509.84 for the filing, recording, and extension fees, as well as the costs of mailed notice associated with the Application has been delivered to the Financial Administration Division Cashier's Office.

If you have any questions, please do not hesitate to contact me at (512) 322-5814 or [REDACTED] or David Klein at (512) 322-5818 or [REDACTED]

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CXD/smb

Enclosures

cc: Howard Huffman, General Manager of Palo Pinto County Municipal Water District No. 1  
David Klein, Lloyd Gosselink Rochelle & Townsend, P.C.

Sincerely,

*Chloe A. Daniels*

Chloe Daniels



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: David J. Klein, Attorney for the District

Mailing Address: Lloyd Gosselink Rochelle & Townsend, P. C.  
816 Congress Avenue, Suite 1900, Austin, TX 78701

Phone Number: (512) 322-5818 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

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4. **Project Dates**

**BEGINNING CONSTRUCTION DATE:**

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

Current (From last extension granted,  
if applicable): October 12, 2023

Proposed: October 12, 2025

**COMPLETION DATE:**

Original: October 12, 2020

Current: October 12, 2026

Proposed: October 12, 2028

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 document entitled, "Reasons Why Construction Work Could not be Commenced or Completed," attached hereto as Attachment 1.

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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 (\$).	\$500.00
	<u>In Acre-Feet</u>	
	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
	<b>Agriculture Use Fee</b> - Only for those with an Irrigation Use. Multiply 50¢ x ____ Number of acres that will be irrigated with State Water.	
	<b>Use Fee</b> - Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 x $\frac{18,500}{\text{Maximum annual diversion of State Water in acre-feet}}$	
	<b>Recreational Storage Fee</b> - 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.	
	<b>Storage Fee</b> - For Storage, excluding Recreational Storage. Multiply 50¢ x $\frac{49,792}{\text{acre-feet of State Water to be stored at normal max operating level}}$	
	<b>Note</b> - 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, Dr. David Turk President of the Board of Directors of the District  
(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: 10-3-23  
(Use blue ink)

Subscribed and Sworn to before me by the said

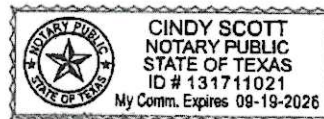
on this 3rd day of October, 2023.

My commission expires on the 19th day of September, 2026.

Notary Public

[SEAL]

County, Texas



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

County, Texas



ATTACHMENT 1

Palo Pinto County Municipal Water District No. 1 (CN600674303)

APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR COMPLETE  
CONSTRUCTION OF AN AUTHORIZED PROJECT

Texas Water Code § 11.145

**“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, 2023, with such construction required to be completed no later than October 12, 2026.

While the District has not yet commenced construction of the Project, the District’s efforts in these past two years demonstrate that it has been advancing this project with more than sufficient due diligence and that the reasonable cause exists for such delay in commencing construction, as required under 30 Texas Administrative Code § 297.72(b). Per TCEQ regulations, proving “reasonable diligence does not require unusual or extraordinary effort, but it does require a steady application of effort that is usual, ordinary, and reasonable under the circumstances and evidences prosecution of such efforts in good faith.” Here, since TCEQ approval of the District’s most recent extension request, issued on March 31, 2022, the District has continuously been taking meaningful steps and making significant progress toward commencing construction of the Project, despite issues outside of the District’s control. After substantial delays caused by COVID-19 and Winter Storm Uri, the District is now on schedule to begin construction of the Project in 2025.

The District has and is engaged in activities critical to the commencement of construction of the Project. Such activities include acquisition of land necessary for the Project, completion of final design activities, implementation of a mitigation plan, and conducting a cultural resources investigation. In addition to these activities, the District has coordinated with multiple stakeholders regarding the Project, including the Texas Department of Transportation and Palo Pinto County officials. The District has also made significant strides toward securing funding for the Project, and most recently, the City of Mineral Wells has approved a budget to finance the Project. Each of these activities is a usual, ordinary, and reasonable aspect of a new dam/reservoir project, and all of these steps are necessary prerequisites to breaking ground on the construction of the dam itself. These accomplishments demonstrate a good

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**ATTACHMENT 1**

**Palo Pinto County Municipal Water District No. 1 (CN600674303)**

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR COMPLETE  
CONSTRUCTION OF AN AUTHORIZED PROJECT  
Texas Water Code § 11.145**

faith effort by the District to construct this much-needed Project in this drought-stricken regional area. The District appreciates the TCEQ's consideration of this Application and will continue using its best efforts to timely complete this critical Project within the requested deadlines.

Form TCEQ-10203b (revised 06/2018)

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Application  
TURKEY PEAK DAM

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