

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **NOTICE OF AN APPLICATION FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF A PROJECT AUTHORIZED BY CERTIFICATE OF ADJUDICATION No. 12-4031A**

Palo Pinto County Municipal Water District No. 1 seeks authorization to extend the time to commence and complete construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Palo Pinto County Municipal Water District No. 1, P.O. Box 387, Mineral Wells, TX 76068-0387, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an extension of time pursuant to Texas Water Code § 11.145, 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 Brazos River Basin pursuant to Title 30 TAC § 295.159(a).

Certificate of Adjudication No. 12-4031 authorizes Palo Pinto County Municipal Water District No. 1 to maintain Lake Palo Pinto, impounding 44,100 acre-feet of water, on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, in ZIP codes 76472, 76453, and 76484.

The Certificate, as amended, authorizes the construction and maintenance of a new dam (Turkey Peak Dam) which increases the storage capacity of Lake Palo Pinto to 49,792 acre-feet of water. Multiple special conditions and time limitations apply.

Applicant has been previously granted four orders to commence and complete the construction of Turkey Peak Dam. The current order issued on May 9, 2024 required commencement of construction of Turkey Peak Dam by October 12, 2025 and completion of construction by October 12, 2028.

Applicant seeks authorization for an additional extension of time to commence construction of Turkey Peak Dam by October 12, 2026 and complete construction by October 12, 2029.

Fees were received on September 15, 2025, the application was received on September 22, 2025, and additional information was received on September 26, 2025. The application was declared administratively complete and filed with office of the Chief Clerk on October 8, 2025.

The Executive Director has determined that the applicant has shown due diligence and justification for delay. In the event a hearing is held on this application, the Commission shall also consider whether the authorization for the additional storage capacity shall be forfeited for failure to demonstrate sufficient due diligence and justification for delay.

The Executive Director has completed the technical review of the application and prepared a draft Order. The draft Order, if granted, would authorize the extension of time to commence and complete construction of Turkey Peak Dam. The application, technical memoranda and Executive Director's draft Order are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 4031 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: November 26, 2025

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER extending the time for Palo Pinto County Municipal Water District No. 1 to commence and complete construction related to the construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, as authorized by Certificate of Adjudication No. 12-4031A.

An application by Palo Pinto County Municipal Water District No. 1 was presented to the Executive Director of the Texas Commission on Environmental Quality for consideration of approval. The Applicant requests authorization to extend the time to commence and complete construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, Palo Pinto County, as authorized by Certificate of Adjudication No. 12-4031A. Applicant has previously been granted four orders extending the time to commence and complete the construction of Turkey Peak Dam. The current order issued on May 9, 2024 states that the Applicant shall commence construction of Turkey Peak Dam by October 12, 2025 and shall complete construction by October 12, 2028.

After considering the application and matters thereto related, the Executive Director has determined that the Applicant has shown reasonable diligence and there is reasonable cause for delay.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that Palo Pinto County Municipal Water District No. 1, as authorized by Certificate of Adjudication No. 12-4031A, shall commence construction of Turkey Peak Dam located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin by October 12, 2026 and complete construction by October 12, 2029.

All other terms and conditions contained in Certificate of Adjudication No. 12-4031A, which are not specifically contrary to the terms of this Order, shall remain in full force and effect.

-----  
For the Commission

DATE ISSUED:

**From:** [David Klein](#)  
**To:** [Sarah Henderson](#)  
**Cc:** [Chris Kozlowski](#); [Humberto Galvan](#); [Samantha Tweet](#)  
**Subject:** RE: Palo Pinto County Municipal Water District No. 1 ADJ No. 12-4031A  
**Date:** Thursday, November 13, 2025 2:24:54 PM  
**Attachments:** [image348800.png](#)  
[image696309.png](#)  
[image913383.png](#)  
[image883708.png](#)  
[image493439.png](#)  
[Palo Pinto C MWD 1 12-4031A Applicant Drafts.pdf](#)

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Sarah,

Thank you for you and your team's efforts with this Application, and the District certainly supports Staff's findings and recommendation that the application be approved.

We have shared the proposed notice and order with our client, and we do not have any questions, concerns, or edits to either document. So, we fully support moving forward with the next steps with this application.

Also, for your records, I am cc'ing my co-counsel, Samantha Tweet, on this email. Please include her in your future correspondence, and if you cannot reach me, then don't hesitate to reach out to her. Sam's direct line is 512-322-5894.

Thanks,  
David



**DAVID KLEIN**

Principal

512-322-5818 Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[www.lglawfirm.com](http://www.lglawfirm.com) | 512-322-5800

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---

**From:** Sarah Henderson <sarah.henderson@tceq.texas.gov>

**Sent:** Wednesday, November 12, 2025 5:16 PM

**To:** David Klein <[REDACTED]>

**Cc:** Chris Kozlowski <chris.kozlowski@tceq.texas.gov>; Humberto Galvan <Humberto.Galvan@tceq.texas.gov>

**Subject:** Palo Pinto County Municipal Water District No. 1 ADJ No. 12-4031A

Mr. Klein,

Please find the attached for your review.

A response is requested by November 26, 2025.

Thank you,

Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

Brooke T. Paup, *Chairwoman*  
Catarina R. Gonzales, *Commissioner*  
Tonya R. Miller, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 12, 2025

Mr. David J. Klein, Attorney  
Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Avenue, Suite 1900  
Austin, TX 78701-2442

VIA E-MAIL

RE: Palo Pinto County Municipal Water District No. 1  
ADJ 4031  
CN600674303, RN105808471  
Application for an Extension of Time to Commence and Complete  
Construction for Certificate of Adjudication No. 12-4031A  
Texas Water Code § 11.145, Mailed and Published Notice Required  
Palo Pinto Creek, Brazos River Basin  
Palo Pinto County

Dear Mr. Klein:

Drafts, subject to revision, of the order, notice, and the related technical memorandum are attached.

Staff is recommending that the referenced application be granted in accordance with the enclosed drafts. Please review the drafts and contact me no later than November 26, 2025 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

This application requires a 30-day comment period and once the comment period has closed, the proposed order may be issued as drafted given no hearing requests are received.

If you have any questions concerning the application, please contact me via email at [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

A handwritten signature in dark ink that reads "Sarah Henderson".

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section  
Texas Commission on Environmental Quality

Attachments



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF A PROJECT AUTHORIZED BY CERTIFICATE OF ADJUDICATION No. 12-4031A

Palo Pinto County Municipal Water District No. 1 seeks authorization to extend the time to commence and complete construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Palo Pinto County Municipal Water District No. 1, P.O. Box 387, Mineral Wells, TX 76068-0387, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an extension of time pursuant to Texas Water Code § 11.145, 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 Brazos River Basin pursuant to Title 30 TAC § 295.159(a).

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The Executive Director has completed the technical review of the application and prepared a draft Order. The draft Order, if granted, would authorize the extension of time to commence and complete construction of Turkey Peak Dam. The application, technical memoranda and Executive Director's draft Order are available for viewing on the TCEQ web page at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps)

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Issued:



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER extending the time for Palo Pinto County Municipal Water District No. 1 to commence and complete construction related to the construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, as authorized by Certificate of Adjudication No. 12-4031A.

An application by Palo Pinto County Municipal Water District No. 1 was presented to the Executive Director of the Texas Commission on Environmental Quality for consideration of approval. The Applicant requests authorization to extend the time to commence and complete construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, Palo Pinto County, as authorized by Certificate of Adjudication No. 12-4031A. Applicant has previously been granted four orders extending the time to commence and complete the construction of Turkey Peak Dam. The current order issued on May 9, 2024 states that the Applicant shall commence construction of Turkey Peak Dam by October 12, 2025 and shall complete construction by October 12, 2028.

After considering the application and matters thereto related, the Executive Director has determined that the Applicant has shown reasonable diligence and there is reasonable cause for delay.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that Palo Pinto County Municipal Water District No. 1, as authorized by Certificate of Adjudication No. 12-4031A, shall commence construction of Turkey Peak Dam located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin by October 12, 2026 and complete construction by October 12, 2029.

All other terms and conditions contained in Certificate of Adjudication No. 12-4031A, which are not specifically contrary to the terms of this Order, shall remain in full force and effect.

-----  
For the Commission

DATE ISSUED:

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Sarah Henderson  
Water Rights Permitting Team

**Date:** October 24, 2025

**From:**  Trina Lancaster, P. E., Manager  
10/24/2025 Dam Safety Section MC-177

**Subject:** Palo Pinto County Municipal Water District No. 1, Request for Extension of Time to start and complete construction of a new dam and reservoir, Certificate of Adjudication No 12-4031A, Palo Pinto Creek, Brazos River Basin, Palo Pinto County.

The applicant seeks an extension of time to start and complete construction of a new dam (Turkey Peak Dam). The applicant has not started work but stated that they have made significant progress by acquiring the necessary land, completing final design activities, and soliciting bids. Additionally, the applicant has continued implementation activities for the Clean Water Act Section 404 Mitigation Plan and conducted Phase II Cultural Resources Investigation activities. TCEQ reviewed and approved the plans and specifications.

The applicant requests that construction start by October 12, 2026 and be completed by October 12, 2029.

The Dam Safety Program requires no additional information at this time and has no objections to the extension request.

**From:** [Sarah Henderson](#)  
**To:** [David Klein](#) [REDACTED]  
**Cc:** [Chris Kozłowski](#); [Humberto Galvan](#)  
**Subject:** Palo Pinto County Municipal Water District No. 1 - Certificate of Adjudication No. 12-4031A  
**Date:** Wednesday, October 8, 2025 4:14:00 PM  
**Attachments:** [Palo Pinto County Municipal Water District No. 1 12-4031A ADC Letter.pdf](#)

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Mr. Klein,

The referenced application is administratively complete.

Please find the attached for your records.

Sincerely,

Sarah

Sarah Henderson  
Water Rights Permitting Team  
Water Availability Division  
Texas Commission on Environmental Quality  
P.O. Box 13087/MC-160  
Austin, TX 78711-3087  
(P) 512.239.2535  
(F) 512.239.4770

# TCEQ Interoffice Memorandum

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TO: Office of the Chief Clerk  
Texas Commission on Environmental Quality

THRU: Chris Kozlowski, Team Leader  
Water Rights Permitting Team

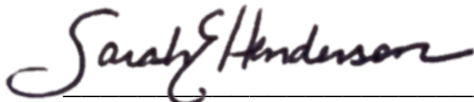
FROM: Sarah Henderson, Project Manager  
Water Rights Permitting Team

DATE: October 8, 2025

SUBJECT: Palo Pinto County Municipal Water District No. 1  
ADJ 4031  
CN600674303, RN105808471  
Application for an Extension of Time to Commence and Complete  
Construction for Certificate of Adjudication No. 12-4031A  
Texas Water Code § 11.145, Published and Mailed Notice Required  
Palo Pinto Creek, Brazos River Basin  
Palo Pinto County

Fees were received on September 15, 2025, the application was received on September 22, 2025, and additional information was received on September 26, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 8, 2025. Published and mailed notice to the water rights holders of record in the Brazos River Basin is required pursuant to Title 30 Texas Administrative Code § 295.159(a).

All fees have been paid and the application is sufficient for filing.



---

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

**OCC Mailed Notice Required**    ☒ **YES**                      ☐ **NO**

Brooke T. Paup, *Chairwoman*  
Catarina R. Gonzales, *Commissioner*  
Tonya R. Miller, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 8, 2025

Mr. David J. Klein, Attorney  
Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Avenue, Suite 1900  
Austin, TX 78701-2442

**VIA E-MAIL**

RE: Palo Pinto County Municipal Water District No. 1  
ADJ 4031  
CN600674303, RN105808471  
Application for an Extension of Time to Commence and Complete Construction for  
Certificate of Adjudication No. 12-4031A  
Texas Water Code § 11.145, Published and Mailed Notice Required  
Palo Pinto Creek, Brazos River Basin  
Palo Pinto County

Dear Mr. Klein:

This acknowledges receipt, on September 15, 2025, of fees in the amount of \$2,685.62 (Receipt No. M640298, copy attached), on September 22, 2025, of the referenced application, and on September 26, 2025, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on October 8, 2025. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

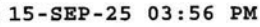
If you have any questions concerning the application, please contact me via email at [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Henderson".

Sarah Henderson, Project Manager  
Water Rights Permitting Team  
Water Rights Permitting and Availability Section

Attachment



## TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

	<u>Fee Code</u>	<u>Check#1</u>	<u>Check Number</u>	<u>CC Type</u>			
	<u>Account#</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</u>		
<u>Fee Description</u>	<u>Account Name</u>	<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP	M640298	42605		BS00116864	15-SEP-25	-\$2,685.62
	WUP		091525	N	D6800071		
	WATER USE PERMITS	LLOYD	VTORREZ	CK			
		GOSSELINK					
		ROCHELLE &					
		TOWNSEND PC					
					Total (Fee Code):		-\$2,685.62
					Grand Total:		-\$14,730.71

RECEIVED  
SEP 17 2025  
Water Availability Division

**From:** [Andria Lira](#)  
**To:** [Sarah Henderson](#)  
**Cc:** [David Klein](#); [Samantha Tweet](#); [ppcmwd](#)  
**Subject:** Supplement to Application for Extension of Time - Palo Pinto County MWD No. 1 (CN600674303); Certificate of Adjudication No. 12-4031A  
**Date:** Friday, September 26, 2025 9:33:35 AM  
**Attachments:** [image707803.png](#)  
[image147607.png](#)  
[image111057.png](#)  
[image928683.png](#)  
[image413079.png](#)  
[2025.09.26 Cover Letter to Supplement PPCMWD 1 Application for Extension of Time App with PIP Form.pdf](#)

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Good morning,

Attached please find the Supplement to Application for Extension of Time to Begin and/or Complete Construction of an Authorized Project for Palo Pinto County Municipal Water District No. 1.

Thank you,



**ANDRIA LIRA**

Paralegal

512-322-5869 Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave., Suite 1900, Austin, TX 78701

[www.lglawfirm.com](http://www.lglawfirm.com) | 512-322-5800

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Mr. Klein's Direct Line: (512) 322-5818  
Email: [REDACTED]

September 26, 2025

Sarah Henderson  
Texas Commission on Environmental Quality  
Water Availability Division, MC 160  
P.O. Box 13087  
Austin, Texas 78711-3088  
[sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov)

**VIA ELECTRONIC MAIL**

Re: Supplement to Application for 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. 12-4031A

Dear Ms. Henderson:

As requested during the September 22, 2025 pre-application meeting between Texas Commission on Environmental Quality ("TCEQ") Staff and Palo Pinto County Municipal Water District No. 1 (the "District") representatives, please find enclosed one (1) copy of the Public Involvement Plan Form for Permit and Registration Applications, submitted on behalf of the District to supplement the above-referenced Application.

If you have any questions, please do not hesitate to contact me at (512) 322-5818 or [REDACTED], or Samantha Tweet at (512) 322-5894 or [REDACTED]

Sincerely,



David J. Klein

DJK/ajl

Enclosures

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



Texas Commission on Environmental Quality

## Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

### Section 1. Preliminary Screening

- ☐ New Permit or Registration Application  
☒ New Activity - modification, registration, amendment, facility, etc. (see instructions)

**If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.**

### Section 2. Secondary Screening

- ☒ Requires public notice,  
☐ Considered to have significant public interest, and  
☐ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

**If all the above boxes are not checked, a Public Involvement Plan is not necessary.  
Stop after Section 2 and submit the form.**

- ☒ Public Involvement Plan not applicable to this application. Provide **brief** explanation.

### Section 3. Application Information

#### Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V  
Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire  
☐ Radioactive Material Licensing ☐ Underground Injection Control

#### Water Quality

☐ Texas Pollutant Discharge Elimination System (TPDES)  
☐ Texas Land Application Permit (TLAP)  
☐ State Only Concentrated Animal Feeding Operation (CAFO)  
☐ Water Treatment Plant Residuals Disposal Permit  
☐ Class B Biosolids Land Application Permit  
☐ Domestic Septage Land Application Registration

#### Water Rights New Permit

☐ New Appropriation of Water  
☐ New or existing reservoir

#### Amendment to an Existing Water Right

☐ Add a New Appropriation of Water  
☐ Add a New or Existing Reservoir  
☐ Major Amendment that could affect other water rights or the environment

### Section 4. Plain Language Summary

Provide a brief description of planned activities.

## Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

**Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.**

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

☐

City

☐

County

☐

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

## Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

If Yes, please describe.

**If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.**

(c) Will you provide notice of this application in alternative languages?

☐ Yes ☐ No

**Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.**

If yes, how will you provide notice in alternative languages?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

☐ Yes ☐ No

(e) If a public meeting is held, will a translator be provided if requested?

☐ Yes ☐ No

(f) Hard copies of the application will be available at the following (check all that apply):

- ☐ TCEQ Regional Office ☐ TCEQ Central Office
- ☐ Public Place (specify)

## Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

☐ Yes ☐ No

What types of notice will be provided?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

Mr. Klein's Direct Line: (512) 322-5818  
Email: [REDACTED]

September 12, 2025

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 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. 12-4031A

Dear Sir or Madam:

My firm represents the Palo Pinto County Municipal Water District No. 1 (the "District"). 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 District, and a copy of the Resolution authorizing the filing of this Application.

A check in the amount of \$2,685.62 for the filing, recording, and extension fees, as well as the cost of mailed notice associated with the Application has been delivered to the Financial Administration Division Cashier's Office simultaneously with the filing of this Application (\$512.50 for the filing and recording fee, \$1,000.00 for the extension fee, and \$1,173.12 for the cost of mailed notice).

If you have any questions, please do not hesitate to contact me at (512) 322-5818 or [REDACTED], or Samantha Tweet at (512) 322-5894 or [REDACTED]

Sincerely,



David J. Klein

DJK/ajl

Enclosures

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



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087  
Telephone (512) 239-4691, 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) 239-4691, 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, 2025

Proposed: October 12, 2026

**COMPLETION DATE:**

Original: October 12, 2020

Current: October 12, 2028

Proposed: October 12, 2029

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 titled, "Reason Why Construction Work Could Not be Commenced or Completed", attached hereto as Attachment 1.

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 <b>not to exceed \$1,000</b> . 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 $\frac{18,500}{\text{Maximum annual diversion of State Water in acre-feet}}$	
	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 $\frac{49,792}{\text{acre-feet of State Water to be stored at normal max operating level}}$	
	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) 239-4691. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense)	\$1,173.12
TOTAL		\$2,173.12

7. **Applicant Signature**

I, **Howard Huffman, General Manager**

(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: \_\_\_\_\_

*[Handwritten Signature]*  
(Use blue ink)

Date: September 11, 2025

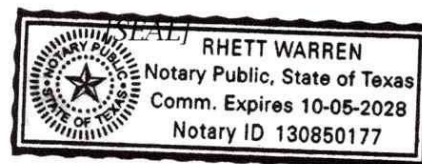
Subscribed and Sworn to before me by the said

on this 12<sup>th</sup> day of September, 20 25.

My commission expires on the 5<sup>th</sup> day of October, 20 28.

*[Handwritten Signature]*  
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

## ATTACHMENT 1

### Supplement to Application, Section 5 – Basis for Request for Extension of Deadlines for Commencing and Completing Construction of Reservoir Project under Certificate of Adjudication No. 12-4031(A)

#### “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, for a new total of 49,792 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, 2025, with such construction required to be completed no later than October 12, 2028.

While the District has not yet commenced construction, the District’s actions in these past two years demonstrate that it has been advancing the Project with more than sufficient due diligence and that reasonable cause exists for such delay in commencing construction, as required under 30 Texas Administrative Code § 295.72(b). Per TCEQ regulations, “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, the District has been continuously taking critical, meaningful steps and making significant progress toward commencing construction of the Project, which is imminent.

Specifically, 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 from both private and public landowners, completion of final design activities, implementation of a mitigation plan, conducting a cultural resources investigation, advertising the Project, and soliciting bids for construction. Since TCEQ approval of the last extension request, the District has continued implementation activities for the Clean Water Act Section 404 Mitigation Plan (“Mitigation Plan”), including conservation easement planning on downstream Palo Pinto Creek and upstream habitat management, monitoring, and coordination. The District has also engaged in (i) pre-construction aquatic life monitoring and water quality sampling in Palo Pinto Creek for fulfillment of Section 404 permit requirements, (ii) performed

pre-construction golden-cheeked warbler surveys and coordinated results with the U.S. Army Corps of Engineers (“USACE”) and U.S. Fish and Wildlife Service to obtain a biological opinion and subsequent Section 404 permit modification letter dated June 9, 2025, and (iii) advanced hydraulic and hydrologic analyses and design for the low-head dam modification, as specified in the final Mitigation Plan. With regard to cultural resources, the District has coordinated revised research design for eligibility testing with USACE and the Texas Historical Commission and conducted Phase II Cultural Resources Investigation activities, including geoarchaeological investigations, hand excavations for eligibility testing, artifact analysis, and updates to site forms and draft reports on the eligibility testing investigations. In addition to these activities, the District has coordinated with multiple other stakeholders regarding the Project, including the Texas Department of Transportation, Texas Water Development Board, and Palo Pinto County and State officials. The District has also secured the significant, necessary funding to undertake the construction of 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 commencing construction of the dam itself. These accomplishments demonstrate a good faith effort by the District to construct this much-needed Project in this often drought-stricken regional area, as contemplated by the Texas Water Development Board’s Regional Water Plan for Region G. Documents demonstrating these accomplishments can be provided upon request. 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.

**RESOLUTION NO. 2025.07.18 A**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF PALO PINTO COUNTY  
MUNICIPAL WATER DISTRICT NO. 1 AUTHORIZING THE FILING AND  
PROSECUTION OF AN APPLICATION AT THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY FOR AN EXTENSION OF TIME TO COMMENCE  
AND COMPLETE CONSTRUCTION RELATED TO THE ENLARGEMENT OF LAKE  
PALO PINTO AND TURKEY PEAK DAM**

<b>THE STATE OF TEXAS</b>	<b>§</b>
<b>COUNTY OF PALO PINTO</b>	<b>§</b>
<b>PALO PINTO COUNTY MUNICIPAL WATER DISTRICT NO. 1</b>	<b>§</b>

**WHEREAS**, Palo Pinto County Municipal Water District No. 1 (the "*District*") owns Certificate of Adjudication ("*COA*") 12-4031A, issued by the Texas Commission on Environmental Quality ("*TCEQ*") on October 12, 2015, authorizing the District to enlarge Lake Palo Pinto (so as to restore its authorized capacity) and to construct the new Turkey Peak Dam and Reservoir (the "*Project*");

**WHEREAS**, COA 12-4031A includes provisions that require the District to commence construction on the Project within two (2) years of issuance and to complete construction within five (5) years of issuance;

**WHEREAS**, in 2017, the District filed an application at the TCEQ for extension of time to commence and complete construction related to the enlargement of Lake Palo Pinto and the Turkey Peak Dam ("*First Extension Application*");

**WHEREAS**, on February 6, 2018, the TCEQ granted the First Extension Application, setting the deadline to commence construction to October 12, 2019 and the deadline to complete construction to October 12, 2022;

**WHEREAS**, in 2019, the District filed an application at the TCEQ for a second extension of time to commence and complete construction related to the enlargement of Lake Palo Pinto and the Turkey Peak Dam ("*Second Extension Application*");

**WHEREAS**, on May 19, 2020, the TCEQ granted the Second Extension Application, setting the deadline to commence construction to October 12, 2021 and the deadline to complete construction to October 12, 2024;

**WHEREAS**, in 2021, the District filed an application at the TCEQ for a third extension of time to commence and complete construction related to the enlargement of Lake Palo Pinto and the Turkey Peak Dam ("*Third Extension Application*");

**WHEREAS**, on March 31, 2022, the TCEQ granted the Third Extension Application, setting the deadline to commence construction to October 12, 2023, and the deadline to complete construction to October 12, 2026;

**WHEREAS**, in 2023, the District filed an application at the TCEQ for a fourth extension of time to commence and complete construction related to the enlargement of Lake Palo Pinto and the Turkey Peak Dam ("*Fourth Extension Application*");

**WHEREAS**, on May 9, 2024, the TCEQ granted the Fourth Extension Application, setting the deadline to commence construction to October 12, 2025, and the deadline to complete construction to October 12, 2028;

**WHEREAS**, since the Fourth Extension Application was approved, the District has continued to move forward with the Project, namely: (i) acquiring all the necessary real property interests for the implementation of the Project and the District's associated mitigation plan; (ii) performing the final design necessary for the Project; (iii) conducting ongoing cultural resource investigations; (iv) coordinating with stakeholders, such as the Texas Department of Transportation; (v) advertising the Project and soliciting bids for construction; and (vi) securing the next allotment of funding in part for construction of Turkey Peak Dam;

**WHEREAS**, under Texas Water Code § 11.145 and 30 Texas Administrative Code § 295.184, the District may file and prosecute an application (the "*Application*") with the TCEQ requesting an extension of time for beginning construction of a reservoir and completing construction of such reservoir; and

**WHEREAS**, the District now desires to file the Application and to authorize its President and/or General Manager, on behalf of the District, to prepare and execute such Application to extend the time for commencement of the construction of the Project by two (2) years and completion of the construction by two (2) years.

#### **ROLL CALL**

Dr. David Turk	( <input checked="" type="checkbox"/> ) In Favor, (    ) Against, (    ) Abstain, (    ) Absent
Eugene Waddy	( <input checked="" type="checkbox"/> ) In Favor, (    ) Against, (    ) Abstain, (    ) Absent
Don Crawford	( <input checked="" type="checkbox"/> ) In Favor, (    ) Against, (    ) Abstain, (    ) Absent
Rich Kidwell	( <input checked="" type="checkbox"/> ) In Favor, (    ) Against, (    ) Abstain, (    ) Absent
Kelly Rawlings	( <input checked="" type="checkbox"/> ) In Favor, (    ) Against, (    ) Abstain, (    ) Absent

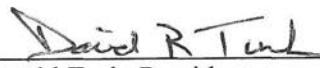
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF PALO PINTO COUNTY MUNICIPAL WATER DISTRICT NO. 1 THAT:**

1. The recitals set forth above are true and correct and incorporated herein for all purposes.
2. The Board of the District hereby authorizes and directs its President and/or General Manager to prepare and file the Application and any other documents as are necessary to secure authorization from the TCEQ for an extension of time to commence and complete construction of the Project.



3. The Board of the District hereby authorizes and directs Lloyd Gosselink Rochelle & Townsend, P.C., to: (i) prepare and file the Application as well as appear and arrange for the appearances of persons representing the District at hearings and other proceedings on the Application before the TCEQ and other governmental entities; (ii) prosecute the Application on behalf of the District; and (iii) assist the President and Secretary with the preparation and filing of future Applications, if necessary.
4. This resolution shall take effect and be in full force and effect from and after the date of its adoption, and it is so resolved that all resolutions of the Board of Directors of the District in conflict herewith are hereby amended or repealed to the extent of such conflict.
5. The District's President and/or Secretary, and their delegates are hereby directed and authorized on behalf of the Board of Directors to implement and to take further actions as necessary that are consistent with the purposes of this resolution.

**PASSED, ADOPTED, AND APPROVED** this 18<sup>th</sup> day of July, 2025.

  
\_\_\_\_\_  
David Turk, President,  
Palo Pinto County Municipal Water District No. 1

ATTEST:

  
\_\_\_\_\_  
Howard Huffman, General Manager,  
Palo Pinto County Municipal Water District No. 1

(SEAL)