

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, Texas 76068-0387, Applicant/Owner, 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 authorized 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 two orders to commence and complete the construction of Turkey Peak Dam. The current order issued on May 13, 2020 required commencement of construction of Turkey Peak Dam by October 12, 2021 and completion of construction by October 12, 2024.

Applicant seeks authorization for an additional extension of time to commence construction of Turkey Peak Dam by October 12, 2023 and complete construction by October 12, 2026.

The application and fees were received on October 12, 2021. The application was declared administratively complete and filed with office of the Chief Clerk on November 1, 2021.

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

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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: January 28, 2022

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, authorized by Certificate of Adjudication No. 12-4031A. Applicant has previously been granted two orders extending the time to commence and complete the construction of Turkey Peak Dam. The current order issued on May 13, 2020 states that the Applicant shall commence construction of Turkey Peak Dam by October 12, 2021 and shall complete construction by October 12, 2024.

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 shall commence 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, by October 12, 2023 and complete construction by October 12, 2026.

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:

Natalia Ponebshek

From: Maris Chambers <[REDACTED]>
Sent: Thursday, January 20, 2022 2:32 PM
To: Natalia Ponebshek
Cc: David Klein; Chris Kozlowski
Subject: RE: Palo Pinto County MWD 1 App No. 12-4031A Draft Order

Natalia,

Understood. Thank you for following up.

Is my next step is to wait for a letter with publication instructions?

From: Natalia Ponebshek [mailto:Natalia.Ponebshek@tceq.texas.gov]
Sent: Thursday, January 20, 2022 2:19 PM
To: Maris Chambers <[REDACTED]>
Cc: David Klein <[REDACTED]>; Chris Kozlowski <chris.kozlowski@tceq.texas.gov>
Subject: RE: Palo Pinto County MWD 1 App No. 12-4031A Draft Order

Hello,

Typically ZIP codes are included in the notice. I obtained these three ZIP codes from the notice written for amendment A issued on March 25, 2015. We will go ahead and proceed with the notice for this application. Please let me know if you have any further questions.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

From: Maris Chambers <[REDACTED]>
Sent: Tuesday, January 18, 2022 9:32 AM
To: Natalia Ponebshek <Natalia.Ponebshek@tceq.texas.gov>
Cc: David Klein <[REDACTED]>
Subject: RE: Palo Pinto County MWD 1 App No. 12-4031A Draft Order

Natalia,

Thank you for incorporating the District's proposed revisions.

Did you have an opportunity to look into my question about the ZIP codes referenced in the draft notice? Specifically, is there a requirement to include them? I ask because I don't believe that any portion of the lake extends into ZIP code 76472. Additionally, no ZIP codes were referenced in the previous extension order granted to the District (that issued on May 13, 2020). To be clear, the District is not opposed to including the ZIP code(s). We simply want to be sure that any ZIP code(s) referenced are the right ones.

Thanks again,

Maris

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Natalia Ponebshek

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Sent: Tuesday, January 18, 2022 9:32 AM
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Cc: David Klein
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Thanks again,

Maris

MARIS M. CHAMBERS

Attorney
512-322-5804 Direct
214-663-6792 Cell
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900, Austin, TX 78701
www.lglawfirm.com | 512-322-5800
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From: Maris Chambers
Sent: Friday, January 14, 2022 11:11 AM
To: 'Natalia Ponebshek' <Natalia.Ponebshek@tceq.texas.gov>
Subject: RE: Palo Pinto County MWD 1 App No. 12-4031A Draft Order

Thank you, Natalia. Will do.

From: Natalia Ponebshek [<mailto:Natalia.Ponebshek@tceq.texas.gov>]
Sent: Tuesday, January 11, 2022 6:04 PM
To: Maris Chambers <[REDACTED]>
Subject: Palo Pinto County MWD 1 App No. 12-4031A Draft Order

Hello,

Please find the redlined draft order and notice for the abovementioned application. Please provide any comments you may have by close of business on January 18, 2022.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

****ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT ****

A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO LEGAL COUNSEL.

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Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, January 11, 2022 6:04 PM
To: Maris Chambers
Subject: Palo Pinto County MWD 1 App No. 12-4031A Draft Order
Attachments: Palo_Pinto_County_Municipal_Water_District_12-4031A_Draft_Redline_1.11.2022.pdf

Hello,

Please find the redlined draft order and notice for the abovementioned application. Please provide any comments you may have by close of business on January 18, 2022.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

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 enlargement of Lake Palo Pinto and~~ 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 ~~related to the construction~~ of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, Palo Pinto County, authorized by Certificate of Adjudication No. 12-4031A. ~~Owner-Applicant~~ has previously been granted two orders extending the time to commence and complete the construction of Turkey Peak Dam. The current order issued on May 13, 2020 states that the Applicant shall commence construction of Turkey Peak Dam by October 12, 2021 and shall complete construction by October 12, 2024.

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 shall commence 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, by October 12, 2023 and complete construction by October 12, 2026.

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



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, Texas 76068-0387, Applicant/Owner, 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 authorized 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.

~~Owner~~ **Applicant** has been previously granted two orders to commence and complete the construction of Turkey Peak Dam. The current order issued on May 13~~9~~, 2020 required commencement of construction of Turkey Peak Dam by October 12, 2021 and completion of construction by October 12, 2024.

Applicant seeks authorization for an additional extension of time to commence construction of Turkey Peak Dam by October 12, 2023 and complete construction by October 12, 2026.

The application and fees were received on October 12, 2021. The application was declared administratively complete and filed with office of the Chief Clerk on November 1, 2021.

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
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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

Natalia Ponebshek

From: Maris Chambers <[REDACTED]>
Sent: Monday, November 29, 2021 4:43 PM
To: Natalia Ponebshek
Cc: David Klein; Kenneth Martin - Palo Pinto County Municipal Water District No. 1
[REDACTED] 'Richard Ritchie'
Subject: RE: Palo Pinto County MWD 1 App No. 12-4031A Draft Order
Attachments: 2021.11.29 Comments re_ Draft Order and Notice (COA No. 12-4031A).pdf

Natalia,

Attached is a PDF showing some proposed revisions to the draft order and notice. Please let me know if you have any questions. As you'll see, the attached also includes a question for you. Specifically, I'm interested to know whether the ZIP codes for Lake Palo Pinto need to be listed. I ask because I don't think the lake extends into ZIP code 76472.

Thank you,

Maris

MARIS M. CHAMBERS

Attorney

512-322-5804 Direct

214-663-6792 Cell

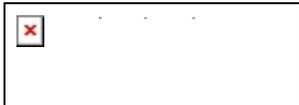
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816 Congress Ave., Suite 1900, Austin, TX 78701

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From: Maris Chambers
Sent: Monday, November 22, 2021 7:58 AM
To: 'Natalia Ponebshek' <Natalia.Ponebshek@tceq.texas.gov>
Subject: RE: Palo Pinto County MWD 1 App No. 12-4031A Draft Order

Thank you, Natalia. Will do!

From: Natalia Ponebshek [<mailto:Natalia.Ponebshek@tceq.texas.gov>]
Sent: Tuesday, November 16, 2021 5:46 PM
To: Maris Chambers <[REDACTED]>
Subject: Palo Pinto County MWD 1 App No. 12-4031A Draft Order

Hello,

Please find the attached draft order and notice for the abovementioned application. Please provide any comments you may have by close of business on November 30, 2021.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Not included elsewhere in the Order or notice.

AN ORDER extending the time for Palo Pinto County Municipal Water District No. 1 to commence and complete construction related to ~~the enlargement of Lake Palo Pinto and 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 ~~related to the construction~~ of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, Palo Pinto County, authorized by Certificate of Adjudication No. 12-4031A. **Owner** has previously been granted two orders to commence and complete the construction of Turkey Peak Dam. The current order, issued on May 13, 2020, states that the Applicant shall commence construction of Turkey Peak Dam by October 12, 2021 and shall complete construction by October 12, 2024.

Insert: "extending the time"

"Applicant" is used elsewhere in the Order.

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 shall commence 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, by October 12, 2023 and complete construction by October 12, 2026.

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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May 13, 2020

Applicant seeks authorization for an additional extension of time to commence construction of Turkey Peak Dam by October 12, 2023 and complete construction by October 12, 2026.

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Out of curiosity, why was this changed from "Palo Pinto County," as used in the previous extension order? Is there a requirement to list the ZIP codes? I ask because I'm not certain whether any portion of the lake extends into ZIP code 76472.

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.

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Issued:

Natalia Ponebshek

From: Natalia Ponebshek
Sent: Tuesday, November 16, 2021 5:46 PM
To: 'Maris Chambers'
Subject: Palo Pinto County MWD 1 App No. 12-4031A Draft Order
Attachments: Palo_Pinto_County_Municipal_Water_District_12-4031_Draft Order sent_11.16.2021.pdf

Hello,

Please find the attached draft order and notice for the abovementioned application. Please provide any comments you may have by close of business on November 30, 2021.

Thank you,

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
(512) 239-4641

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 16, 2021

Ms. Maris Chambers
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

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 Ms. Chambers:

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 30, 2021 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 natalia.ponebshek@tceq.texas.gov or by telephone at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachments

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 enlargement of Lake Palo Pinto and 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 related to the construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, Palo Pinto County, authorized by Certificate of Adjudication No. 12-4031A. Owner has previously been granted two orders to commence and complete the construction of Turkey Peak Dam. The current order issued on May 13, 2020 states that the Applicant shall commence construction of Turkey Peak Dam by October 12, 2021 and shall complete construction by October 12, 2024.

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 shall commence 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, by October 12, 2023 and complete construction by October 12, 2026.

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



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, Texas 76068-0387, Applicant/Owner, 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 authorized 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.

Owner has been previously granted two orders to commence and complete the construction of Turkey Peak Dam. The current order issued on May 19, 2020 required commencement of construction of Turkey Peak Dam by October 12, 2021 and completion of construction by October 12, 2024.

Applicant seeks authorization for an additional extension of time to commence construction of Turkey Peak Dam by October 12, 2023 and complete construction by October 12, 2026.

The application and fees were received on October 12, 2021. The application was declared administratively complete and filed with office of the Chief Clerk on November 1, 2021.

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
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. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Natalia Ponebshek
Water Rights Permitting Team

Date: October 22, 2021

Thru:

From: Warren D. Samuelson, P. E.
Manager, 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 (October 12, 2021 and complete (October 12, 2024) construction of a new dam (Turkey Peak Dam). The applicant has not started work due completing mandatory mitigation work; managing necessary utility relocations; purchasing land acquisition; 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. COV19 and Winter Storm Uri and failure of critical infrastructure (pipelines) have also delayed the project. 90% construction plans and specifications were submitted to TCEQ for review, and 100% plans are being developed.

The applicant requests that construction start by October 12, 2023 and be completed by October 12, 2026.

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



Warren D. Samuelson, P. E., Manager
Dam Safety Section

RECEIVED

OCT 25 2021

Water Availability Division

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Natalia Ponebshek, Project Manager
Water Rights Permitting Team

DATE: November 1, 2021

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, Mailed and Published Notice Required
Palo Pinto Creek, Brazos River Basin
Palo Pinto County

The application and fees were received on October 12, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on November 1, 2021. Published and mailed notice to water right holders 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.

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required **YES** **NO**

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 1, 2021

Ms. Maris Chambers
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

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 Ms. Chambers:

This acknowledges receipt on October 12, 2021 of the referenced application and fees in the amount of \$2,509.84 (Receipt No. M201299, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on November 1, 2021. 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 natalia.ponebshek@tceq.texas.gov or at (512) 239-4641.

Sincerely,

Natalia Ponebshek

Natalia Ponebshek, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality

Attachment



Basis2 Receipt Report by Endorsement Number

NOV-01-21 04:05 PM

Acct. #: WPC

Account Name: WATER USE PERMITS-CONSTRUCTION DELAY

<u>Paid For</u>	<u>Endors. #</u>	<u>Ref #2</u>	<u>Paid In By</u>	<u>PayTyp</u>	<u>Chk #</u>	<u>Card#</u>	<u>Bank Slip</u>	<u>Tran.Date</u>	<u>Receipt Amnt.</u>
	M201299	ADJ124031	PALO PINTO COUNTY MUNICIPAL WATER DISTRICT 1	CK	7617		BS00089333	13-OCT-21	\$2509.84



816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532
www.lglawfirm.com

Ms. Chambers' Direct Line: (512) 322-5804
Email: [REDACTED]

October 11, 2021

Water Rights Availability Division, MC 160
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F
Austin, Texas 78753

VIA UPS DELIVERY

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; Certificate of Adjudication No. 12-4031, as amended (2445-1)

Dear Sir or Madam:

Please find enclosed one (1) original and six (6) copies of the above-referenced application (the "Application") filed on behalf of the Palo Pinto County Municipal Water District No. 1. Also attached is "A Resolution of the Board of Directors of Palo Pinto County Municipal Water District No. 1 Authorizing the Filing and Prosecution of an Application with 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."

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

Please consider me your contact for this Application, and if you have any questions, please do not hesitate to contact me at (512) 322-5804 or [REDACTED]

Sincerely,

Maris M. Chambers

MMC/dsr
Enclosures

cc: Kenneth Martin, for the District
Richard Ritchie, General Counsel for the District
David Klein, *of the Firm*

RECEIVED

OCT 12 2021

Water Availability Division

8315898

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) 239-4600 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.

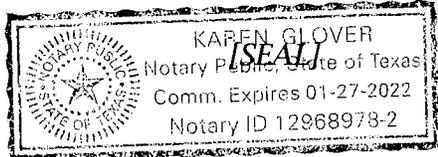
Signature: David R. Turk Date: 10-1-21
(Use blue ink)

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

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, 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.

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**

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.

PALO PINTO COUNTY MUNICIPAL WATER DISTRICT NO. 1

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
PALO PINTO COUNTY MUNICIPAL WATER DISTRICT NO. 1
AUTHORIZING THE FILING AND PROSECUTION OF AN APPLICATION WITH
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**

WHEREAS, Palo Pinto County Municipal Water District No. 1 (the “*District*”) owns Certification 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 an extension of time to commence and complete construction related to the enlargement of Lake Palo Pinto and 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 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, since the Second Extension Application was approved, the District has continued to move forward with the Project, namely: (i) working with local landowners to obtain the needed 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 resources projects in coordination with the Texas Historical Commission; and (iv) coordinating with other stakeholders, such as the United States Army Corps of Engineers, Palo Pinto County, and the Texas Department of Transportation;

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 Commission requesting an extension of time for beginning construction of a reservoir; and

WHEREAS, the District now desires to file the Application and to authorize its President, 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.

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 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.

(signature page follows)

PASSED, ADOPTED, AND APPROVED this 1ST day of OCTOBER
2021.

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

ATTEST:

Howard Huffman
Howard Huffman, Secretary,
Palo Pinto County Municipal Water District No. 1

(SEAL)

