

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF AN APPLICATION FOR AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

### APPLICATION NO. 14-2472B

O.P. Leonard, Jr. and Nancy Leonard seek an amendment to Certificate of Adjudication No. 14-2472 to authorize a channel dam and reservoir on the Colorado River, Colorado River Basin in Mills and San Saba Counties. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** O.P. Leonard, Jr. and Nancy Leonard, P.O. Box 1718, Fort Worth, Texas 76101, Applicants, have applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122, and TCEQ Rules Title 30 Texas Administrative Code (TAC) §295.1, *et seq.* Mailed and published notice to the water right holders of record within the Colorado River Basin is required pursuant to Title 30 TAC §295.158(b).

O.P. Leonard, Jr. and Nancy Leonard own Certificate of Adjudication No. 14-2472 (Certificate) which authorizes the diversion and use of not to exceed 1,460 acre-feet of water per year, at a maximum combined diversion rate of 4.46 cfs (2,000 gpm), from 11 points along the Colorado River for agricultural purposes to irrigate 365 acres of land out of two tracts totaling 3,089.46 acres in Mills and San Saba Counties. The time priority of this right is December 31, 1961, but is junior in priority to those existing interjacent water right holders named in Certificate of Adjudication No. 14-2472A.

The Applicants seek to amend Certificate of Adjudication No. 14-2472 to construct and maintain a channel dam and reservoir, with a normal maximum capacity of 1,000 acre-feet of water, on the Colorado River, Colorado River Basin in Mills and San Saba Counties.

The proposed channel dam will be located approximately 9.5 miles southwest from the City of Goldthwaite with a point on the centerline of the dam bearing N 50° E, 1,075 feet from the southwest corner of the Garcia, Montez and Duran Original Survey, Abstract No. 509, also being at latitude 31.348310°N and longitude 98.637846°W in Mills and San Saba Counties.

A portion of the property inundated by the proposed channel dam and reservoir, owned by the Applicants, is evidenced by *Special Warranty Deed* dated July 29, 1988, Vol. 286, page 679 filed with the Official Public Records of Mills County.

Ownership of the remaining property inundated by the proposed channel dam and reservoir is evidenced by warranty deeds filed with the Official Public Records of Mills and San Saba Counties and those landowners have provided consent to the application.

The Applicants indicate the appropriation for the proposed reservoir may be accounted for with water currently authorized under Certificate of Adjudication Nos. 14-2472, 14-2549, 14-2550, and 14-2563, owned by the Applicants.

The application was received on October 24, 2011. Additional information and fees were received on June 18, July 12, August 17, October 16, and December 14, 2012 and February 25, May 2, July 26, and September 10, 2013. The application was declared administratively complete and filed with the Office of the Chief Clerk on September 12, 2013.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions including, but not limited to, streamflow restrictions. The application, technical memoranda, and Executive Director's draft amendment are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, TX 78753.

**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 <http://www.tceq.texas.gov/about/comments.html> by entering ADJ 2472 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>.

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