

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO. 13631		TYPE §§ 11.121, 11.042, 11.143
Permittee: RR 417, LLC	Address:	9 South Cheska Lane Houston, TX 77024
Filed: October 8, 2019	Granted:	
Purposes: Recreational & Agricultural	County:	Bandera
Watercourse: Commissioners Creek, tributary of Hondo Creek, tributary of the Frio River	Watershed:	Nueces River Basin

WHEREAS, RR 417, LLC., (Applicant) seeks a Water Use Permit to maintain two existing dams and reservoirs on Commissioners Creek, tributary of Hondo Creek, tributary of the Frio River, Nueces River Basin with a combined normal operating capacity of 29 acre-feet of water for recreational purposes in Bandera County; and

WHEREAS, Reservoir No. 1 (Waterfront Pond) has a point on the centerline of the dam located at Latitude 29.667189° N, Longitude 99.231489° W in Bandera County; and

WHEREAS, Reservoir No. 2 (Canoe Pond) has a point on the centerline of the dam located at Latitude 29.668342° N, Longitude 99.229550° W in Bandera County; and

WHEREAS, Applicant provided evidence of an alternate source to maintain the reservoirs being groundwater from the Trinity Aquifer; and

WHEREAS, Applicant also seeks authorization to use the bed and banks of Commissioners Creek to convey not to exceed 40 acre-feet of groundwater; and

WHEREAS, Applicant seeks to discharge the 40 acre-feet per year of groundwater at a maximum rate of 0.089 cfs (40 gpm) into the reservoirs and subsequently divert 10 acre-feet of the discharged groundwater from the reservoirs at a maximum diversion rate of 0.133 cfs (50 gpm) for agricultural purposes to irrigate 10 acres of land in Bandera County and for recreational purposes; and

WHEREAS, the ownership of the lands to be inundated and irrigated is evidenced by *Special Warranty Deeds* recorded as Document No. 00217978, Vol. 1068, pp. 176-184 in the official records of Bandera County; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this permit, if granted is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in the permit; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this permit;

NOW, THEREFORE, this permit, designated as Water Use Permit No. 13631, is issued to RR 417, LLC subject to the following terms and conditions:

1. IMPOUNDMENT

- A. Permittee is authorized to maintain two existing dams and reservoirs on Commissioners Creek, tributary of Hondo Creek, tributary of the Frio River, Nueces River Basin, with a combined normal operating capacity of 29 acre-feet of water for recreational purposes in Bandera County as follows:
1. Reservoir No. 1 has a point on the centerline of the dam located at Latitude 29.667189° N, Longitude 99.231489° W, having a normal operating capacity of 21.97 acre-feet.
  2. Reservoir No. 2 has a point on the centerline of the dam located at Latitude 29.668342° N, Longitude 99.229550° W, having a normal operating capacity of 7.03 acre-feet.
- B. Ownership of the lands to be inundated is evidenced by *Special Warranty Deeds* recorded as Document No. 00217978, Vol. 1068, pp. 176-184 in the official records of Bandera County.

2. USE

- A. Permittee is authorized to maintain the reservoirs described in PARAGRAPH 1. IMPOUNDMENT with groundwater for recreational purposes.
- B. Permittee is also authorized to use the bed and banks of Commissioners Creek to convey not to exceed 40 acre-feet of groundwater for subsequent diversion and use for agricultural purposes to irrigate 10 acres of land in Bandera County and for recreational purposes.
- C. Ownership of the lands to be irrigated is evidenced by *Special Warranty Deeds* recorded as Document No. 00217978, Vol. 1068, pp. 176-184 in the official records of Bandera County.

3. DISCHARGE

Groundwater will be discharged anywhere along the perimeter of the reservoirs at a maximum combined discharge rate of 0.089 cfs (40 gpm).

4. DIVERSION

Permittee is authorized to divert the discharged groundwater from anywhere along the perimeter of the reservoirs, at a maximum combined diversion rate of 0.133 cfs (50 gpm).

5. TIME PRIORITY

- A. The time priority for the right to maintain the impoundment is October 8, 2019.
- B. The groundwater authorized to be conveyed via the bed and banks of a State watercourse in this permit does not have a priority date and is not subject to priority calls from senior water rights.

6. SPECIAL CONDITIONS

- A. In order to minimize entrainment and impingement of aquatic organisms, Permittee shall install intake screens on any diversion structure(s).
- B. Permittee is not authorized to impound state water. Permittee shall maintain the reservoirs full at the uncontrolled spillway level of the authorized reservoirs at all times with an alternate source of water. Permittee shall operate and maintain a flotation device, or other equally effective device approved by the South Texas Watermaster, to detect a drop in reservoir elevation. Permittee shall automatically activate the alternate source of water should a drop in reservoir elevation occur.
- C. Permittee shall provide and maintain a pump, siphon, or other device acceptable to the South Texas Watermaster to ensure that all state water inflows are passed downstream of the reservoirs.
- D. Permittee shall maintain and operate an alternate source of water with sufficient production to ensure that no state water is impounded and used. Permittee will utilize groundwater from the Trinity Aquifer as the alternative source of water for this permit. In the event the groundwater well will no longer be used as the alternate source, Permittee shall immediately cease impoundment and diversion of water and either apply to amend the permit with a new alternate source, or voluntarily forfeit the permit.
- E. Permittee shall install and maintain measuring device(s), at the discharge point(s) and any authorized diversion point(s), capable of measuring within plus or minus 5% accuracy the volume of groundwater discharged and diverted. Permittee shall maintain records of the amount of groundwater discharged into the reservoirs and subsequently diverted on a daily basis and provide those records to the South Texas Watermaster upon request.
- F. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior and senior water rights in the Nueces River Basin.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State resources exercised by the Commission.

ISSUED:

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For the Commission

DRAFT