



STATE OFFICE OF ADMINISTRATIVE HEARINGS  
PUBLIC HEARING REGISTRATION

ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY

Date: January 5, 2011

Name: Chris Evans Occupation: Engineer

Mailing Address: 321 Ed Schmidt Boulevard, Ste. 100 Hutto, TX 78634  
Street or P.O. Box City State Zip

Daytime Phone: (512) 642-3292 Fax #: (512) 642-4230

E-Mail address (if available): hlaine@austin.rr.com

Representing: ☐ Self ☒ Other (specify): City of Thrall

Title of matter being considered:

SOAH Docket No. (if known): 2010-1674-UCR

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☐ Undecided ☐ Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS  
PUBLIC HEARING REGISTRATION

ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY

Date: JANUARY 5, 2011

Name: RALPH BACHMEYER Occupation: FARM & GINNER

Mailing Address: 12105 FM 619 COUPLAND TX 78615  
Street or P.O. Box City State Zip

Daytime Phone: (512) 352 - 3313 Fax #: (512) 352 - 3313

E-Mail address (if available): ~~NORCK WSC~~

Representing: ☐ Self ☐ Other (specify): NORCK WSC

Title of matter being considered:

SOAH Docket No. (if known): THRAU Docket # 582-11-1316

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☐ Undecided ☐ Observer

LAW FIRM OF TED W. HEJL

ATTORNEYS AT LAW

311 TALBOT STREET

P. O. Box 192

TAYLOR, TEXAS 76574

TED W. HEJL

MARK J. SCHROEDER

RECEIVED  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

2012 OCT 15 AM 9:00

(512) 365-6348

(512) 365-2226 FAX

October 11, 2012

Mr. Travis Vickery, Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15th Street Suite 502  
Austin, Texas 78701

Re: SOAH Docket No. 582-11-1316  
TCEQ Docket No. 2010-1674-UCR

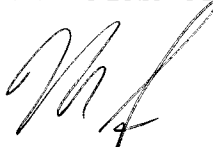
Dear Mr. Vickery:

Regarding the reference above, enclosed is a Motion to Remand Case Per Settlement Agreement Of The Parties to be filed with the Court.

Thank you for your help in this matter.

Very truly yours,

LAW FIRM OF TED W. HEJL



Mark J. Schroeder

MJS:dr

cc: Blas J. Coy, Jr., TCEQ Public Interest Counsel  
Leland R. Enochs, Attorney for Noack WSC  
Troy Marx, Mayor, City of Thrall, Texas  
Archie Abrameit, Stiles Farm Foundation

SOAH DOCKET NO. 582-11-1316  
TCEQ DOCKET NO. 2010-1674-UCR

RECEIVED  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
2012 OCT 15 AM 9:00

APPLICATION OF CITY OF	§	BEFORE THE STATE OFFICE
THRALL	§	
TO AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	OF
NO.13063, IN WILLIAMSON	§	
COUNTY;	§	
APPLICATION NO. 36627-C;	§	ADMINISTRATIVE HEARINGS

**MOTION TO REMAND CASE PER SETTLEMENT AGREEMENT OF THE PARTIES**

COMES NOW The City of Thrall and files this Motion to Remand Case Per Settlement Agreement of the Parties.

**I.**

1. The City of Thrall (hereinafter "Thrall") filed an Application to Obtain or Amend Water Certificate of Convenience and Necessity Application No. 36627-C (hereinafter "Application"). Noack Water Supply Corporation (hereinafter "Noack") filed a response in protest of Thrall's Application. Stiles Farm Foundation was included as a party because it is the owner of property contained in the CCN.

2. Noack, Stiles Farm Foundation, and Thrall have reached a settlement in this matter. Noack and Thrall have agreed some of the tracts contained in the Application will be not opposed by Noack and other tracts will be removed from the Application. The Settlement Agreement is attached as Exhibit "A" to this

Motion.

**II.**

3. The Parties now ask that this case be remanded so that an Amended Application can be filed by the City of Thrall consistent with the Settlement Agreement.

Respectfully submitted,



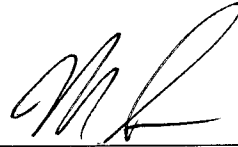
---

TED W. HEJL  
State Bar No. 09387000  
MARK J. SCHROEDER  
State Bar No. 24037453

LAW FIRM TED W. HEJL  
311 Talbot Street  
P. O. Box 192  
Taylor, Texas 76574  
(512) 365-6348  
(512) 365-2226 (FAX)  
[ted@hejllawfirm.com](mailto:ted@hejllawfirm.com)  
[mark@hejllawfirm.com](mailto:mark@hejllawfirm.com)  
Attorneys for City of  
Thrall, Texas

## CERTIFICATE OF SERVICE

I certify that a copy of the Motion to Remand Per the Settlement Agreement has been filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk and provided to the persons listed on the attached Mailing List via facsimile transmission, first class mail, interoffice mail, hand delivery, and or electronic submission on October 11, 2012.



---

TED W. HEJL  
State Bar No. 09387000  
MARK J. SCHROEDER  
State Bar No. 24037453

LAW FIRM TED W. HEJL  
311 Talbot Street  
P. O. Box 192  
Taylor, Texas 76574  
(512) 365-6348  
(512) 365-2226 (FAX)  
ted@hejllawfirm.com  
mark@hejllawfirm.com  
Attorneys for City of  
Thrall, Texas

**CITY OF THRALL**  
**SOAH DOCKET NO. 582-11-1316**  
**TCEQ DOCKET NO. 2010-1674-UCR**

**FOR THE PUBLIC INTEREST COUNSEL:**

Blas J. Coy, Jr.  
TCEQ Public Interest Counsel  
Texas Commission on Environmental Quality,  
P.O. Box 13087, MC 103  
Austin, Texas 78753  
Facsimile: (512) 239-6377  
[bcoy@tceq.state.tx.us](mailto:bcoy@tceq.state.tx.us)

**FOR THE PROTESTANTS:**

NOACK WATER SUPPLY CORP.  
Leland R. Enochs  
Attorney At Law  
700 North Main Street  
P.O. Box 751  
Taylor, Texas 76574  
Tele: (512) 352-3626  
[lelandenochs@gmail.com](mailto:lelandenochs@gmail.com)

**THE STILES FARM FOUNDATION:**

Archie Abrameit  
Farm Manager  
Stiles Farm Foundation  
P.O. Box 405  
Thrall, Texas 76578  
Tele: (512) 898-2214  
Fax: (512) 898-2834

**EXHIBIT "A"**



**AGREEMENT REGARDING  
WATER CERTIFICATES OF CONVENIENCE AND NECESSITY SERVICE AREAS BETWEEN THE  
CITY OF THRALL AND THE NOACK WATER SUPPLY CORPORATION**

**THE STATE OF TEXAS**

§

§

**COUNTY OF WILLIAMSON**

§

§

**KNOW ALL BY THESE PRESENTS**

That this Agreement Regarding the Water Certificates of Convenience and Necessity Service Areas ("Agreement"), made to be effective as of November 1, 2011, is by and between the City of Thrall, Texas ("Thrall"), a home-rule municipality located in Williamson County, Texas, the Noack Water Supply Corporation ("Noack"), a water supply corporation located in Williamson County, Texas, and the Stiles Farm Foundation.

WHEREAS, an Application to Obtain or Amend Water Certificate of Convenience and Necessity, application No. 36627-C, was filed on July 12, 2010, by the City of Thrall with the Texas Commission for Environmental Quality; and

WHEREAS, the City of Thrall in the Application sought to amend its Certificate of Convenience and Necessity by including the real property in Exhibit "1" labeled as "A", "B", "C", and "D" in the service area of the City of Thrall; and

WHEREAS, the City of Thrall maintained the real property in Exhibit "1" labeled as "A," "B," "C," and "D" was not included in the Water CCN service area of any municipality or water district.

WHEREAS, Noack and Stiles Farm Foundation filed a response opposing the City of Thrall's Application; and

WHEREAS, Thrall, Texas and Noack now wish to establish an agreement between the Parties regarding the disputed Water Certificates of Convenience and Necessity ("CCN") service areas; and

**NOW, THEREFORE, in consideration of the mutual covenants and agreements hereafter set forth, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:**

**I.**

That the City of Thrall, Stiles Farm Foundation, and Noack hereby agree that all of the real property contained in areas labeled "B" and "C" in Exhibit "1," which is attached hereto and made part hereof for all intents and purposes, shall, upon approval by the Texas Commission for Environmental Quality, belong with the Water CCN service area of the City of Thrall. By so doing, Noack hereby relinquishes all Water CCN service rights to the City of Thrall in areas labeled "B" and "C" in Exhibit "1", Stiles Farm Foundation relinquishes any right to oppose the City of Thrall's Application to Obtain or Amend Water Certificate of Convenience and Necessity as to the areas labeled "B" and "C" in Exhibit "1."

## II.

That the City of Thrall, Stiles Farm Foundation, and Noack hereby agree that all of the real property described in areas labeled "A" and "D" in Exhibit "1" is not currently contained in the current Water CCN service area of either the City of Thrall or Noack. The City of Thrall and Noack agree that both Parties will withdraw any application or request to include the real property in their Water CCN service area at this time. If either Party wishes to include the areas labeled "A" and "D" in its Water CCN service area in the future, that Party must file a new Application to Obtain or Amend Water Certificate of Convenience and Necessity with the TCEQ. Nothing in this Agreement shall prevent any party from filing such application at any time in the future.

## III.

That Noack Water Supply Corporation hereby agrees that the effect of this agreement is to reduce or expand the future Water CCN service area of the Noack Water Supply Corporation. Further, the governing board of the Noack Water Supply Corporation has given it required written consent by board approval in accordance with its bylaws or other governing documents.

## IV.

That Stiles Farm Foundation hereby agrees that the effect of this agreement is to reduce or expand the future Water CCN service area of the Noack Water Supply Corporation and the City of Thrall. Further, the governing board of the Stiles Farm Foundation has given it required written consent by board approval in accordance with its bylaws or other governing documents.

## V.

That the City of Thrall hereby agrees that the effect of this agreement is to reduce or expand the future Water CCN service area of the City of Thrall. Further, the governing body of the City of Thrall has given it required written consent by Resolution No. \_\_\_\_.

## VI.

That both parties hereby agree that this agreement is privy only between the parties herein and in no way affects, gains, or gives up any right or interest which may now or hereafter exist between the parties herein and any municipality, individual or water supply corporation not a party to this agreement.


## VII.

That this agreement shall become binding November 1, 2011, upon the proper execution thereof by the City of Thrall and Noack Water Supply Corporation.

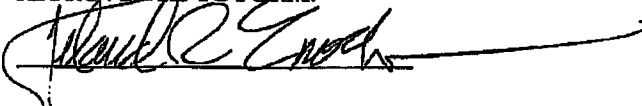
DATED on this the 11<sup>th</sup> day of ~~October, 2011~~ October, 2012

NOACK WATER SUPPLY CORPORATION

By:

  
Ralph Bachmayer, President

APPROVED AS TO FORM:




Leland Enochs, Attorney for Noack

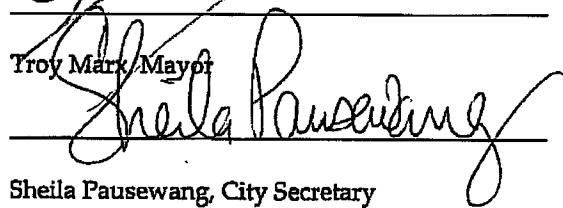
Water Supply Corporation

CITY OF THRALL, TEXAS

By:

  
Troy Mark Maynor

Attest:

  
Sheila Pausewang, City Secretary

APPROVED AS TO FORM:

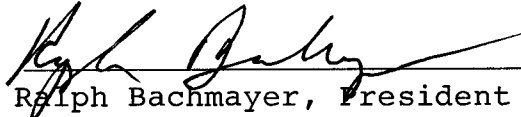


Ted Hejl, City Attorney

DATED on this the \_\_\_\_\_ day of ~~October, 2011~~ \_\_\_\_\_, 2012

**NOACK WATER SUPPLY CORPORATION**

By: \_\_\_\_\_

  
Ralph Bachmayer, President  
\_\_\_\_\_/\_\_\_\_/\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_/\_\_\_\_/\_\_\_\_

Leland Enochs, Attorney for Noack  
Water Supply Corporation

**CITY OF THRALL, TEXAS**

By: \_\_\_\_\_

Troy Marx, Mayor

Attest: \_\_\_\_\_

Sheila Pausewang, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_/\_\_\_\_/\_\_\_\_

Ted Hejl, City Attorney

OCT/OCT. 10. 2012 12:39AM

STILES FARM FDT

FAX No.

NO. 405

IP. 25/006

STILES FARM FOUNDATION

By:

*Julia Pruitt*  
\_\_\_\_\_

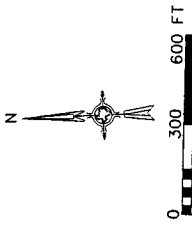
APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_, Attorney for

Stiles Farm Foundation

# CITY OF THRALL PROPOSED WATER CCN



TO THORNDALE

## LEGEND

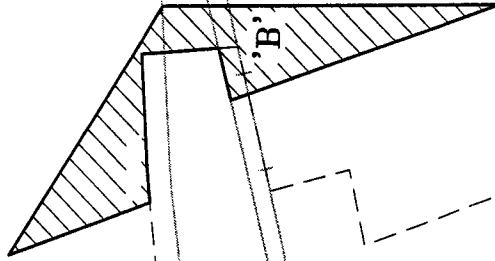
- EXIST CITY LIMITS
- ▨ PROP. WATER CCN

NOTE(S):  
SEE ATTACHED SPREADSHEET FOR  
COORDINATES OF PROPOSED CCN AREAS.

PREPARED BY:

HEJL, LEE & ASSOCIATES, INC.  
ENGINEERING - SURVEYING - PLANNING  
321 ED SCHMIDT BLVD. STE. 100, HUITO, TX 78634  
PH (512) 642-3292 FAX (512) 642-4230  
TYPE FIRM REGISTRATION NO. F-755

PREPARED: 07/06/11 FILE NO. THRALL\_PROP\_CCN4.DWG PROJECT NO. 10958 CJE



WATER PLANT

WATER WORKS ST.

FREDERICK ST.  
DOUGLASS ST.

PROSPECT ST.

U.S. HWY 79

TAYLOR ST.

TAYLOR ST.

18CH RAILROAD AVE.

RAILROAD AVE.

THRALL I.S.D.

BOUND ST.

SHeldon AVE.

EAST ST.

STILES ST.

VERNON ST.

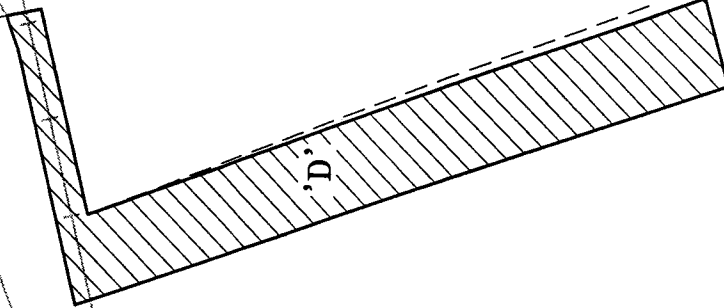
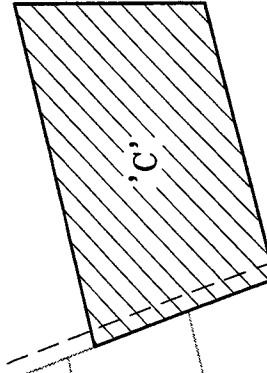
ELECTRA AVE.

ALVA ST.

BEAUMONT AVE.

EXHART AVE.

NEILL ST.



TO TAYLOR

LAW FIRM OF TED W. HEJL

ATTORNEYS AT LAW

311 TALBOT STREET

P. O. Box 192

TAYLOR, TEXAS 76574

RECEIVED  
STATE OFFICE OF  
ADMIN. HEARINGS

TV

2012 MAY 18 PM 1:19

TED W. HEJL  
MARK J. SCHROEDER

(512) 365-6348  
(512) 365-2226 FAX

May 16, 2012

Mr. Travis Vickery, Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15th Street Suite 502  
Austin, Texas 78701

Re: SOAH Docket No. 582-11-1316  
TCEQ Docket No. 2010-1674-UCR

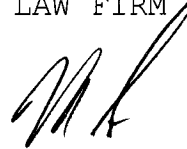
Dear Mr. Vickery:

We have been unable to resolve the above referenced matter. Therefore, a docket control order is enclosed requesting this matter be set for final hearing.

Thank you for your help in this matter.

Very truly yours,

LAW FIRM OF TED W. HEJL



Mark J. Schroeder

MJS:dr

cc: Troy Marx, Mayor, City of Thrall, Texas  
Leland R. Enochs, Attorney for Noack WSC  
Archie Abrameit, Stiles Farm Foundation

SOAH DOCKET NO. 582-11-1316  
TCEQ DOCKET NO. 2010-1674-UCR

2012 MAY 18 PM 1:20

APPLICATION OF CITY OF THRALL	\$	BEFORE THE STATE OFFICE
TO AMEND ITS CERTIFICATE OF	\$	
CONVENIENCE AND NECESSITY NO.	\$	OF
13063, IN WILLIAMSON COUNTY;	\$	
APPLICATION NO. 36627-C;	\$	
DOCKET NO. 2010-1674-UCR	\$	ADMINISTRATIVE HEARINGS

**REQUEST FOR DOCKET CONTROL ORDER AND FINAL HEARING**

We have been unable to resolve the above referenced matter. Therefore, I am requesting a Docket Control Order be entered and this matter be set for final hearing.

Respectfully submitted,



---

TED W. HEJL  
State Bar No. 09387000  
MARK J. SCHROEDER  
State Bar No. 24037453

LAW FIRM TED W. HEJL  
311 Talbot Street  
P. O. Box 192  
Taylor, Texas 76574  
(512) 365-6348  
(512) 365-2226 (FAX)  
[ted@hejllawfirm.com](mailto:ted@hejllawfirm.com)  
[mark@hejllawfirm.com](mailto:mark@hejllawfirm.com)  
Attorneys for City of  
Thrall, Texas



**SOAH DOCKET NO. 582-11-1116**  
**TCEQ DOCKET NO. 2010-1674-UCR**

**APPLICATION OF CITY OF THRALL § BEFORE THE STATE OFFICE**  
**TO AMEND ITS CERTIFICATE OF §**  
**CONVENIENCE AND NECESSITY § OF**  
**NO. 13063 WILLIAMSON COUNTY, §**  
**APPLICATION NO. 36627-C § ADMINISTRATIVE HEARINGS**

**EXECUTIVE DIRECTOR'S**  
**STATUS REPORT**

COMES NOW the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) and files this Status Report. The above referenced matter is nearing settlement, but the parties involved request further abatement to finalize an agreement. I have conferred with all the parties, and none object to this motion.


THEREFORE, the ED request that the Court order the abatement of this case continued for 60 days.

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G.  
Executive Director

Robert Martinez, Director  
Environmental Law Division

By   
Douglas M. Brown, Staff Attorney  
Environmental Law Division  
State Bar of Texas No. 24048366  
MC-173, P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (512) 239-2253  
Fax: (512) 239-0606

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2011, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, electronic mail, or hand-delivered to the following:

Travis Vickery  
Administrative Law Judge  
300 West 15th Street, Suite 502  
PO Box 13025  
Austin, Texas 78711-3025  
Fax: 512-322-2061

Blas Coy, Attorney  
Office of Public Interest Counsel  
TCEQ-MC 103  
PO Box 13087  
Austin, Texas 78711-3087  
Fax: 512-239-6377

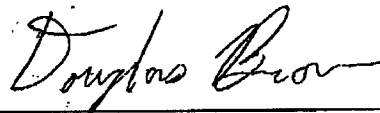
Hon. Troy Marx  
Mayor of Thrall  
P.O. Box 346  
Thrall, TX 76578  
Fax: 512-898-5306

Mark J. Schroeder  
Attorney at Law  
P.O. Box 192  
Taylor, TX 76574  
Fax: 512 365-2226

Leland R. Enochs  
Attorney for Noack WSC  
700 North Main Street PO Box 751  
Taylor, TX 76574  
Fax: 512-365-5556

Archie Abrameit  
Farm Manager  
Stiles Farm Foundation  
P.O. Box 405  
Thrall, TX 76578  
Fax: 512-898-2834

Docket Clerk  
Office of Chief Clerk - MC 105  
Texas Commission on Environmental  
Quality  
PO Box 13087  
Austin, Texas 78711-3087  
Fax: 512-239-3311



Douglas M. Brown

582-11-1316

1/5/11

289

Record

Appearances

Douglas Brown - ED

Mark Schroeder - City of Thrall (Schroeder)

Leland Enochs - Noack Water Supply

Archie Abramert - Stiles Farm Foundation

Notice/Terms

ED A ☒ - Notice

ED B ☒ - Notice

ED C ☒ - Pub. Affid

ED D ☒ - Clerk's Notice

Parties

Schedule