



Control Number: 43572



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43572

cc

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SHELLI L. BAKER

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August 31, 2005

Honorable Cassandra J. Church
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street
Austin, Texas 78701

Via Fax 512/475-4992

Total Pages: 6

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2014 OCT 28 AM 8:16
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RE: SOAH Docket No. 582-03-3275; TCEQ Docket No. 2003-0664-UCR, *In Re: The Application of Bexar Metropolitan Water District To Amend Water CCN No. 10675 in Bexar County*, Before the State Office of Administrative Hearings

Dear Judge Church:

Please find enclosed supplemental exhibits "C" and "D" to BexarMet's Response in Opposition to SAWS' Motion to Intervene and Remand/Abate. Pursuant to your Order No. 10, these documents, which were received today, are being circulated to counsel for all parties.

Sincerely,

LAW OFFICES OF LOUIS T. ROSENBERG, P.C.

[Signature]

Robert L. Wilson III

RLW:slb

Enclosures: **Supplemental Exhibit "C"** - August 31, 2005 letter to Gilbert Olivares, from David L. Mann, CEO Mann Development, Ltd.

Supplemental Exhibit "D" - August 31, 2005 letter to Gil Olivares from Randy Dym.

Cc: Service List

F. Gilbert Olivares, Esq., General Manager
Adolfo Ruiz, In-House Counsel
Bexar Metropolitan Water District

**SOAH SERVICE LIST
FOR
SOAH Docket Number 582-03-3725
TCEQ Docket No. 2003-0664-UCR.**

Todd Galiga, Esq.
Texas Commission on Environmental Quality
Fax: 512/239-3434 or 0606

Blas Coy, Jr., Esq.
Office of the Public Interest Counsel
Texas Commission on Environmental Quality
Fax: 512/239-6377

David L. Earl
Law Offices of Earl & Brown
Fax: 210-222-9100

Janessa Glenn, Esq.
Fax: 512/404-3520
*For BSR Water Company
(Sneckner Partners, Ltd.)*

Seagal V. Wheatley, Esq.
Jenkins & Gilchrist
Fax: 246-5999

Jim Mathews, Esq.
Mathews & Freeland, LLP
Fax: 512/703-2785

THIS FAX TRANSMISSION IS CONFIDENTIAL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, OR IF YOU HAVE ANY PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL (210) 225-5454. THANK YOU.

De Mazieres Building, 322 Martinez Street, San Antonio, Texas 78205
Phone (210) 225-5454 ♦ Fax (210) 225-5450 ♦ E-Mail: firm@ltrlaw.com ♦ Website: www.ltrlaw.com

AUG-31-2005-WED 01:21 PM MANN HOLDING CO.

FAX No. 2104910540



August 31, 2005

To: Mr. S. Gilbert Olivares
General Manager
Bexar Met Water District
2047 W. Malone
San Antonio, Texas 78225

Re: Water and Sewer Availability to a 50 Acre Tract, located at Borgfeld/Blanco Rd.

Dear Mr. Olivares;

Mann Development is in the process of developing a 50 acre tract located on the north side of Borgfeld Rd. near the intersection of Blanco Road, called Venado Creek. Our company has been working with your staff for over a year on this project. Recently I have been made aware through the media that there is controversy over who exactly has the right to provide sewer and more importantly water to the area north of Borgfeld which is bounded by Blanco Rd. to the west and HWY 281 to the east. As previously mentioned this would include our development.

I am enclosing the instructions from SAWS directing us to work directly with you concerning water. We at Mann Development desire to continue working with Bexar Met to complete the process of providing water to the above captioned site. Please clarify for us where we stand with the water situation. We have been satisfied with the Bexar Met process and feel that it would be damaging to start the process over with SAWS.

Your response to this would be greatly appreciated.

A handwritten signature in black ink, appearing to read 'David L. Mann', is written over a horizontal line.

David L. Mann
CEO Mann Development, Ltd.

EXHIBIT C

AUG-31-2005-WED 01:21 PM MANN HOLDING CO.

FAX No. 2104910540



October 4, 2004

Arnulfo (Arnie) Gonzalez, P.E.
e-Sol Engineered Solutions
P.O. Box 690964
San Antonio, Texas 78269

Re: Water and Sewer Availability to a 56-Acre Tract, located at Borgfeld Drive.

Dear Mr. Gonzalez:

This is in response to your request for the availability of water and sewer service to the above referenced property, located at Borgfeld Drive, east of the intersection of Blanco Road.

Water Availability

The San Antonio Water System does not have water service near the vicinity of the property. The property for which you are requesting water service is situated within the Bexar Metropolitan Water District jurisdiction for water service. Therefore, should you have any questions regarding this inquiry, please contact Rose Abrego, with the Bexar Metropolitan Water District at (210) 354-6563.

Sanitary Sewer Availability

The property is located inside the San Antonio Water System's (SAWS) Outer Service Area (OSA) and lies within the Cibola Creek Watershed. There are no accessible sewer mains within 300 feet of the vicinity of the property. Since a sewer main extension cannot be established the San Antonio Water System will not object to the installation of an individual septic tank system to serve the property, provided that the property owner meets all requirements set forth by the Bexar County Public Works Department. For additional information and requirements regarding septic tank systems please call (210) 335-6700 and contact Ms. Renee Green at Bexar County Public Works.

If the developer chooses to extend the nearest sewer main to the proposed site, he/she must do so at his cost. All tie-ins into the San Antonio Water System's collection system must be based on fieldwork and in conformance with the San Antonio Water System's Utility Service Regulations, which were passed on February 18, 2003 and became effective on February 19, 2003. The developer/property owner may be required to construct additional sanitary sewer main extensions (on-site and/or off-site), right-of-way acquisitions, private sewer service laterals required to serve the property, lift stations and force main systems, lift station upgrades, lift station maintenance fees (per lift station), along with payment of all applicable fees in effect at time of plat recordation or the latest date allowable by law for properties within the San Antonio Water System's OSA.

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FAX No. 2104910540

This letter does not constitute a commitment by the SAWS to provide water and sewer service to the subject property. As your development plans progress, it will be necessary for you to provide us with more specific information regarding the proposed development. The actual availability of water and/or wastewater service to the property will be dependent upon the site-specific requirements such as site elevation, pressure requirements, and estimated demand and discharge. Your engineer should assess the site-specific requirements prior to requesting connection to SAWS infrastructure.

If additional information is required, please feel free to contact me at (210) 704-7114 or fax me at (210) 704-7028.

Sincerely,



Sandra L. Gomez, Engineer II
Development Engineering Division
Infrastructure Development

RANDY DYM**11815 IH-10 WEST, SUITE 107****SAN ANTONIO, TEXAS 78230****TELEPHONE: 210 699-3227 FAX 210 696-6518****Email: randyrd@abcglobal.net**

August 31, 2005

Mr. Gil Olivares
General Manager
Bexar Metropolitan Water District
2047 W. Malone
San Antonio, Texas 78225

Dear Mr. Olivares,

I am the owner of a tract of land situated in north Bexar County, Texas west of Hwy 281 North and east of Camp Bullis. This tract is generally referred to as the "Dym" tract. I understand that my property is located within the area for which both BexarMet and SAWS have applied for permission to provide water service.

I am writing to express my preference for receiving service from BexarMet. BexarMet is the logical provider for this area because it provides service to contiguous area to the south and west of the proposed area. SAWS has no facilities in the area, and I believe that they will take substantially longer to deliver water to my property, for which I have plans to develop with residential units. Delay in receiving the water as a result of SAWS' construction will cause me financial harm.

Thank you,

Randy Dym

EXHIBIT D