

Control Number: 43990



## Item Number: 57

## Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup> Legislature, Regular Session, transferred the functions relating to the economic regulation of water and sewer utilities from the TCEQ to the PUC effective September 1, 2014



216 MARKET AVENUE, SUITE 105 BOERNE, TEXAS 78006

2014 DEC 19 AM 8: 31

FILE COPY

(830) 816-2504 Fax (830) 816-2607 FUBLIC UTILITY COMMISSION FILING CLERK

## APPLICATION FOR AN OPERATING PERMIT FOR AN EXISTING WELL **OR TO SUBSTANTIALLY ALTER A WELL**

(Wells >25,000 gpd or use other than domestic or livestock)

## A. WELL OWNER INFORMATION (any person who has the right to produce groundwater from the land, either by ownership, contract, lease, ement of any other estate in the land.)

7	Tapatio Springs Service Co., Inc.				Mai IC- ∧dd	ling ress	Post	Offic	e Box 1	.335	-
City	Boerne			State	TX	Zip Code	7800	~ I	Phone Number	(830) 537 <del>-</del> 5	755
Alternal Phone	le	Pager (210)613-7950.	Fax		(830) 537-	-5756	Email	kcu	cegvtc	.com	

## **B. WELL INFORMATION**

Well # or Reference	Well 7
Previous or Other Names Identifying the Tract of Land	
Location of Well (911 Address)	Latitude 294710 Longtitude 984826 / Blue Heron Blvd. by our Hote
Legal Property Description of Well Location	
Describe the Use of the Well	Retail Water Utility

## C. WELL REGISTRATION

District Well Number	State Well Number	RB 68 - 10 - 8A1
Attach a copy of the Well Registration/Drillin	g Permit Application	······································
Attach a copy of the Well Log (if applicable)		
Attach a copy of a location map or property live location of other existing wells, the locat	on of any existing of proposed washewerer.	s the well site, the property lines, systems, and the location of any
the obtained to the existing when a start of the with	9929 229 028	SENINGS DITAGAT-JUDA: MONT

Application for an Operation Permit or to Substantially Alter a Well Page 2 of 3

### D. PURPOSE OF WELL (check all that apply)

Agricultural (The use of groundwater for: (1) Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers; (2) Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soll media, by a nursery grower; (3) Raising, feeding, or keeping animals for breading purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value; (4) Planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure; (5) Engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and, (6) Raising or keeping equine animals.)

Commercial (The use of groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business establishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering).)

Domestic (use of groundwater by a residence (not a business or other commercial structure) to support essential domestic activity, including but not limited to: uses inside the residence; irrigation of lawns, flower beds, shrubs, trees shading the residence, or of a garden or orchard that produces vegetables and fruit for consumption within the residence and not for sale; protection of foundations; and non-commercial recreation associated with the residence.)

**Industrial** (Use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to wash, cleanse, cool, or heat such goods or products.)

Irrigation (use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or trees, other than for domestic use or purpose.)

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Public Water System (a system as defined in 30 Texas Administrative Code Chapter 290 for providing water for human consumption to the public.)

**Retail Water Utility** (as defined by Texas Water Code Section 13,002 and 30 Texas Administrative Code Section 291.3, any person, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, maintaining, or controlling within the District facilities for providing potable water service for compensation.)

Other (If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)

### E. ANNUAL PRODUCTION

Annual maximum production requested in galloris per year

or acre feet per year \_\_\_\_40\_

Please allach:

#### F. WATER AVAILABILITY

Attach a copy of the water availability study required by Kendall County, if any.

#### G. WATER CONSERVATION PLAN

Attach a Water Conservation Plan

#### H. DROUGHT CONTIGENCY PLAN

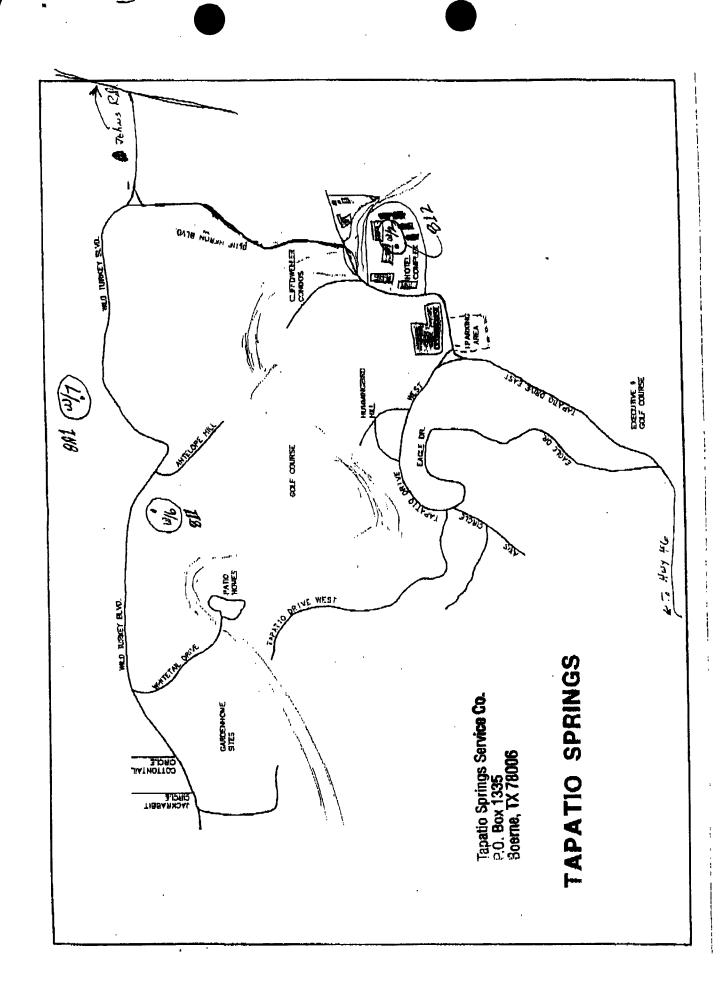
Attach a Drought Contingency Plan

FROM : KCUC-TAPATIO SPRINGS

Application for an Operation Permit or to Substantially Aller a Well Page 3 of 3

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L SIGNATURE	its were prepared under my direction or supervision. The
information submitted is, to the best of my knowledge and benef, a penalties for submitting false information. I agree to operate to Conservation District Rules and all permit provisions. I further s applicant.	he well in apportance with the Cow Creek Groundwater
Signature of Well Owner or Authorized Agent:	
Prinled Name:Stan_Scott	Dale: <u>April 5, 2006</u>
Contact Information (if different from Section A):	State
Address:	City:Cours
Zip Code:	
Telephone Number:	th
NOTARY PUBLIC'S CERTIFICATE Subscribed and sworn to before me, by the saidSta	n. Scott, this 5 day of
Subscribed and sworn to before me, by the sald	n_Scott this 5_ day of seal of office.
DONNA RAY MOREAU	Notary Public Signature
Notary Public, State of Texas My Commission Expires	
May 05, 2006	Downa Kay Moreou
Notary Public in and for Kendau County, 7	172.10
My Commission Expires 5-6-06	
FOR DISTRICT	USE ONLY
Attach copies of all Notice of Def	iciencies (NOD) and responses
A multication is	xpiration Date (180 days after receipt):
Date Received,	Revised Expiration Date:
Date of First NOD:	Revised Expiration Date:
Date of Third NOD:	Revised Expiration Date:
Date Administratively Complete:	
and a second a se	administratively complete):
the first of the second s	e and no later than the next regenting concerns
a stine that would allow sufficient time for 10 day notice to A	
Notice to Applicant of Hearing Date (at least 10 days before h	earing):
Decision Date (within 35 days of hearing):	<u> </u>



## COW CREEK GROUNDWATER CONSERVATION DISTRICT 216 Market Avenue, Suite 105 BOERNE, TEXAS 78006 (830) 816-2504 Fax (830) 816-2607

FILE COPY

## APPLICATION FOR AN OPERATING PERMIT FOR AN EXISTING WELL OR TO SUBSTANTIALLY ALTER A WELL

(Wells >25,000 gpd or use other than domestic or livestock)

A. WELL OWNER INFORMATION (any person who has the right to produce groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land.)

Name	Tapatio	o Springs Serv	vice Co	o., Inc	Mai Add	ling Iress	Post	t Office Box	1335
City	Boerne			State	TX	Zip Code	780	06 Phone Number	(830) 537 - 5755
Alternat Phone N		Pager (210)613-7950	Fax	(83	0) 537-!	5756	Email	kcuc@gvt	c.com

### **B. WELL INFORMATION**

Well # or Reference	Well 2
Previous or Other Names Identifying the Tract of Land	
Location of Well (911 Address)	Latitude 294637; Longtitude 984823 / Wild Turkey Blvd.
Legal Property Description of Well Location	
Describe the Use of the Well	Retail Water Utility
	•

### C. WELL REGISTRATION

Number	RB 68 - 10 - 812
ation	
-	Te well site, the property lines,

### Application for an Operation Permit or to Substantially Alter a Well Page 2 of 3

## D. PURPOSE OF WELL (check all that apply)

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Other (If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)

## **E. ANNUAL PRODUCTION**

Annual maximum production requested in gallons per year

or acre feet per year \_\_\_\_

ear <u>40</u>

Please attach:

#### F. WATER AVAILABILITY

Attach a copy of the water availability study required by Kendall County, if any.

### G. WATER CONSERVATION PLAN

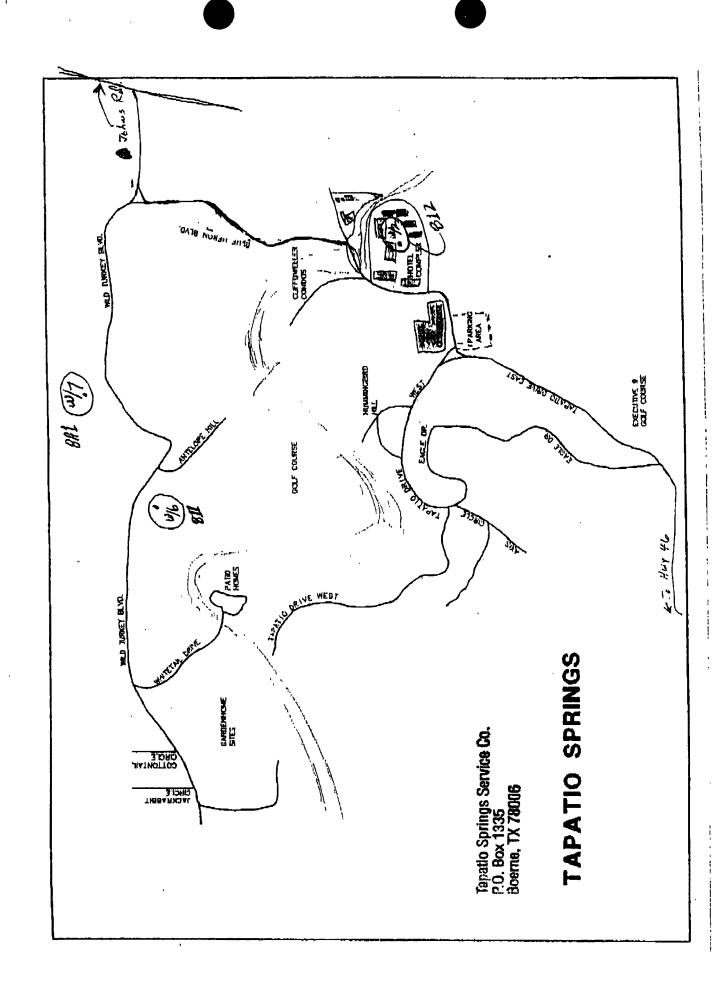
Attach a Water Conservation Plan

### H. DROUGHT CONTIGENCY PLAN

Attach a Drought Contingency Plan

Application for an Operation Permit or to Substantially Alter a Well Page 3 of 3

I. SIGNATURE	to word propaged under ruy direction or supervision. The
I. SIGNATURE I certify under penalty of law that this document and all attachment information submitted is, to the best of my knowledge and belief, tru penalties for submitting false information. I agree to operate the Conservation District Rules and all permit provisions. I further stra applicant.	will be negotidated will the Cow Creek Groundwater
	Operations Manager
Signature of Well Owner or Authorized Agent:	
Printed Name: Stan Scott	Dale: <u>April 5, 2006</u>
Contact Information (if different from Section A):	
Address:	City:State:
Zip Code:	
Telephone Number:	th
NOTARY PUBLIC'S CERTIFICATE	this 5 day of
	seal of office.
Subscribed and sworn to before me, by the said But and and But and and	1 a martine la
DONNA RAY MOREAU	Notary Public Signature
Notary Public, State of Texas My Commission Expires	
May 08, 2006	DONNA RAY MORENIL
	Nolary Public Printed Name
Notary Public in and for KONDALL County, Te	X715
51.0	
My Commission Expires 5-6-06	
FOR DISTRICT	
FOR DISTRICT	
Attach copies of all Notice of Defi	Selicies (NOD) and real-selections
Date Received: Application Ex	piration Date (180 days after receipt):
	Revised Expiration Date:
Date of First NOD:	Revised Expiration Date:
Dale of Second NOD:	Revised Expitation Date:
Date of Third NOD:	
Date Administratively Complete:	·
	administratively complete).
the size Date (within 65 days of date administratively complete	and no later than the next of the start
meeting that would allow sufficient time for 10 day notice to Ap	plicant):
meeting that would allow sumplement time for H5 day therefore he Notice to Applicant of Hearing Date (at least 10 days before he	aring):
Notice to Applicant of Hearing Date (at least to days before it	
Decision Date (within 35 days of heating):	



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FILE COPY

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Name	Tapatio Springs Service Co., Inc.				Se Mai Add	ling Iress	Pos	t Office Box	1335
City	Boe			State	TX	Zip Code	7800	6 Phone Number	(830) 537 - 5755
Alternat Phone I		Pager (210)613-7950	Fax	(83	80) <u>537-</u> 5	5756	Email	kcuc@gvto	C. Côm

### **B. WELL INFORMATION**

Well # or Reference	Well 6
Previous or Other Names Identifying the Tract of Land	
Location of Well (911 Address)	Latitude 294700 Longtitude 984852 / Wild Turkey Blvd.
Legal Property Description of Well Location	
Describe the Use of the Well	Retail Water Utility
	· · · ·

#### C. WELL REGISTRATION

District Well Number		State Well Number	RB 68 - 10 - 811
Attach a copy of the Well Registra	ation/Drilling Permit	Application	δ. ο
Altach a copy of the Well Log (if a	pplicable)		
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Application for an Operation Permit or to Substantially Alter a Well Page 2 of 3

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Other (If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)

## E. ANNUAL PRODUCTION

Annual maximum production requested in gallons per year

or acre feet per year 49

Please atlach:

## F. WATER AVAILABILITY

Attach a copy of the water availability study required by Kendall County, if any,

### G. WATER CONSERVATION PLAN

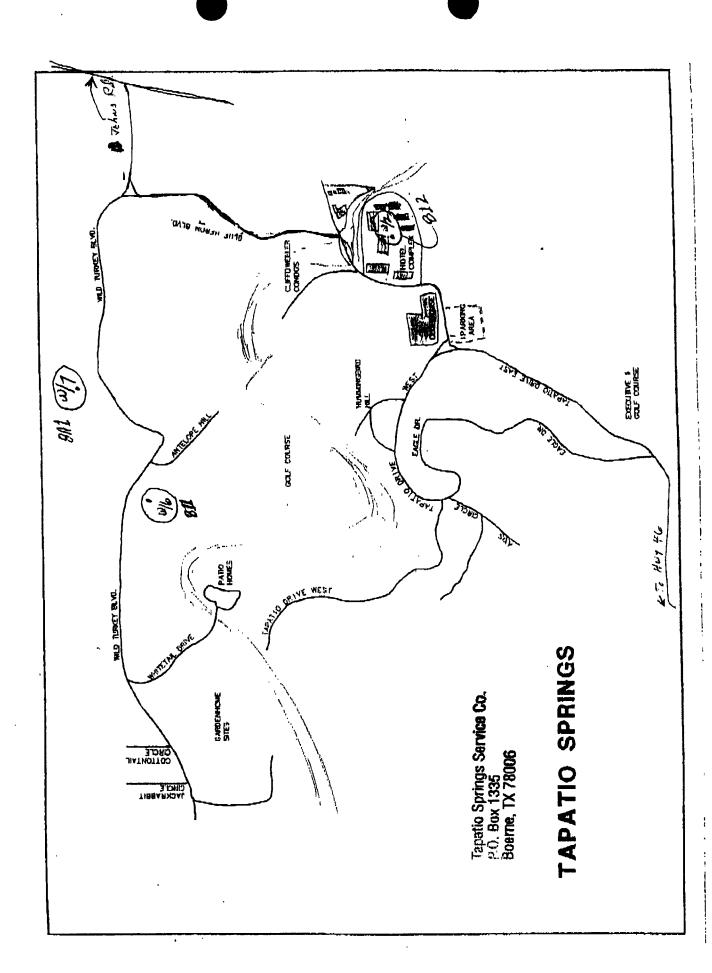
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## H. DROUGHT CONTIGENCY PLAN

Application for an Operation Permit or to Substantially Alter a Well Page 3 of 3

## I. SIGNATURE

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I. SIGNATURE I certify under penalty of law that this document and all attachm information submitted is, to the best of my knowledge and belief penalties for submitting false information. I agree to operate Conservation District Rules and all permit provisions. I further applicant.	a the well in accordance with the Cow Creek Groundwater state that I am the applicant or am authorized to act for the
Signature of Well Owner or Authorized Agent:	Operations Manager
Printed Name:Stan_Scott	Dale: A <u>oril 5, 2006</u>
Contact Information (if different from Section A):	
Audress:	Cily:State
Telephone Number:	
NOTARY PUBLIC'S CERTIFICATE Subscribed and sworn to before me, by the said <u>St</u> <u>April</u> , 20 <u>06</u> , to certify which wilness my hand a	an Scott
DONNA RAY MOREAU Notary Public, state of Texas My Commission Expites May 06, 2006	Notary Public Signature DONNA RAY MORDAU Notary Public Printed Name
FOR DISTRIC	T USE ONLY
Attach copies of all Notice of De	efficiencies (NOD) and responses
	Expiration Date (180 days after receipt):
Date of First NOD:	Revised Expiration Date:
Date of Second NOD:	Revised Expiration Date:
Date of Third NOD:	Revised Expiration Date:
Date Administratively Complete:	ale administratively complete):
Hearing Date (within 65 days of date administratively comple	
meeting that would allow sufficient time for 10 day notice to	
Notice to Applicant of Hearing Date (at least 10 days before	nearing):
Decision Date (within 35 days of hearing):	



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IN9	me Kendal	1 County Utility Co.	., Inc.	Äde	Address Post Office Box 1335			
City	<u> </u>	Boerne		TX	Zip Code	7800	6 Phone Number	(830) 537-5755
1	ernate one Number	Pager (210)613-7950	(83	0) 537-	5756	Email	kcuc@gvtc	c.com

## **B. WELL INFORMATION**

Well # or Reference	Well 2						
Previous or Other Names Identifying the Tract of Land							
Location of Well (911 Address)	111 Deer Trail						
Legal Property Description of Well Location	Ranger Creek - Unit 2 - block 3 - between Lots 35 & 36						
Describe the Use of the Well	Retail Water Utility						

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## C. WELL REGISTRATION

District Well Number		State Well Number	RB 68	10 - 620	)
Attach a copy of the W	ell Registration/Drilling Permit Application				i ja ta na si
Attach a copy of the W			gelete solation of the second solation of the second solation of the second solation of the second solation of t		: بيد فر المحمد و
Attach a copy of a loca	tion map or property plat drawn on a scale that a	dequately detai	ils the well site	, the property I	ines

2006,04-26 9325 225 028 TE: 53 #457 6°74\33

FROM : KCUC-TAPATIO SPRINGS

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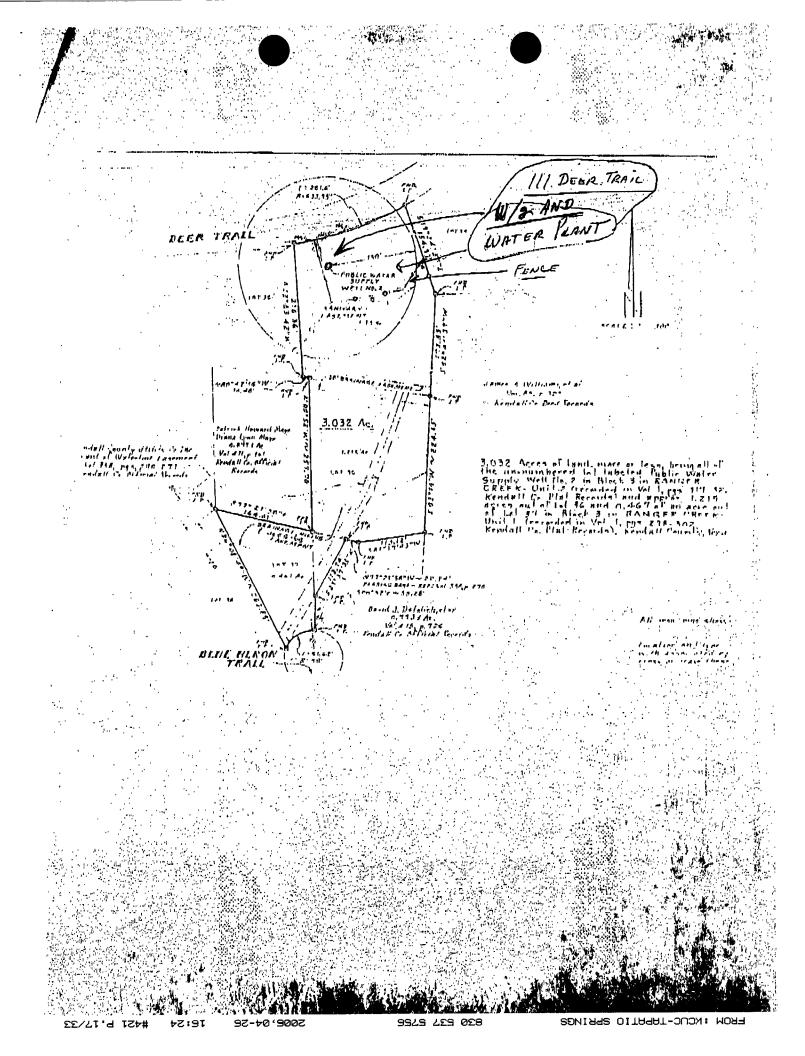
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SIGNATURE pertify under penalty of law that the	•				
rentify under penalty of law that the formation submitted is, to the best enalties for submitting false info onservation District Rules and al oplicant. Ignature of Well Owner or Author stan Scot	rmation. Tagree to o I permit provisions. Tf	urther slale lhat I ar	Operations	m authorized lo ad	
rinted Name: Stan Scot	:t	Da	te: <u>April 5,</u>	2006	
ontact Information (if different fro	om Section A):				
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ddress: ip Code:			· · ·		•••••
elephone Number:					
OTARY PUBLIC'S CERTIFICAT				th	
L Selfar	May 06, 2006	Notary Pul	Jic Printed Name		
	None ca	Notary Pul	Jie Printed Name		
Iotary Public in and for KD	None ca	Notary Pul wunty, Texas	Jie Printed Name		
	NDML Ca	Notary Pul auniy, Texas	Jie Printed Name		
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Ay Commission Expires	FOR DI	Notary Pul Junly, Texas STRICT USE ONLY of Deficiencies (N	olic Printed Name		
Ay Commission Expires	FOR DI h copies of all Notice	Notary Pul only, Texas STRICT USE ONLY of Deficiencies (N	olic Printed Name OD) and response e (130 days aller re	:ceipt):	
Ay Commission Expires Attac	FOR DI h copies of all Notice Applic	Notary Put anily, Texas STRICT USE ONLY of Deficiencies (N sation Expiration Da	OD) and response e (130 days aller re	ceipl): Dale:	
Ay Commission Expires Attac Date Received: Date of First NOD:	FOR DIS h copies of all Notice Applic	Notary Put anity, Texas STRICT USE ONLY of Deficiencies (N alion Expiration Da	olic Printed Name OD) and response le (130 days alter re levised Expiration 1	ceipl): Dale:	
Ay Commission Expires Attac Date Received: Date of First NOD:	FOR DIS h copies of all Notice Applic	Notary Put anity, Texas STRICT USE ONLY of Deficiencies (N alion Expiration Da	DD) and response (130 days aller re levised Expiration 1	ceipl): Dale:	
Ay Commission Expires Attac	FOR DIS h copies of all Notice Applic	Notary Put anity, Texas STRICT USE ONLY of Deficiencies (N alion Expiration Da	DD) and response (130 days aller re levised Expiration 1	ceipl): Dale:	
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## COW CREEK GROUNDWATER CONSERVATION DISTRICT 216 Market Avenue, Suite 105 BOERNE, TEXAS 78006 (830) 816-2504 Fax (830) 816-2607

FILE COPY

## APPLICATION FOR AN OPERATING PERMIT FOR AN EXISTING WELL OR TO SUBSTANTIALLY ALTER A WELL

(Wells >25,000 gpd or use other than domestic or livestock)

A. WELL OWNER INFORMATION (any person who has the right to produce groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land.)

Name	ame . Kendall County Utility Co., J					iling tress	P.	0. Box 1335
City	Boerr	1¢		State	TX	Zip Code	780	06 Phone Number (830) 537 - 5755
Alternal Phone I		Pager 210)613-7950	Fax	- (83	0)5373	wl	Email	kcuc@gvtc.com

## **B. WELL INFORMATION**

Well # or Reference	Well 4	1994
Previous or Other Names Identifying the Tract of Land		
Location of Well (911 Address)	88 Doeskin Drive	
Legal Property Description of Well Location	Unit 3-B - Lot 1	
Describe the Use of the Well	Retail Water Utility	

### C. WELL REGISTRATION

District Well Number	State Well Number	RB 68 - 10 - 616
Attach a copy of the Well Registration/Drilling Permit	Application	
Attach a copy of the Well Log (if applicable)	· · · · · · · · · · · · · · · · · · ·	
Attach a copy of a location map or property plat drawn	n on a scale that adequately details	S the well site, the property lines

Application for an	Operation P	ermit or to	Substantially	Alter a	Wall
Page 2 of 3					<b>7 C</b>

## D. PURPOSE OF WELL (check all that apply)

Agricultural (The use of groundwater for. (1) Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers; (2) Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower; (3) Raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value; (4) Planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure; (5) Engaging in wildlife management as defined in Texas Tax Code Section 23.51(7); and, (6) Raising or keeping equine animals.)

Commercial (The use of groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business tablishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering).)

Domestic (use of groundwater by a residence (not a business or other commercial structure) to support essential domestic activity, including but not limited to: uses inside the residence; irrigation of lawns, flower beds, shrubs, trees shading the residence, or of a garden or orchard that produces vegetables and fruit for consumption within the residence and not for sale; protection of foundations; and non-commercial recreation associated with the residence.)

Industrial (Use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to wash, cleanse, cool, or heat such goods or products.)

Irrigation (use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or irrees, other than for domestic use or purpose.)

Livestock (use of groundwater to provide water to domesticated horses, callle, goats, sheep, swine, poultry, ostriches, ernus, rheas, exotic deer and antelope, and other similar animals involved in farming or ranching operations. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock-type animals kept as pets or in a pet-like environment are not considered livestock although providing water to such pets may be considered domestic use when associated with a residence.)

**Public Water System** (a system as defined in 30 Texas Administrative Code Chapter 290 for providing water for human consumption to the public.)

Retail Water Utility (as defined by Texas Water Code Section 13.002 and 30 Texas Administrative Code Section 291.3, any person, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, maintaining, or controlling within the District facilities for providing polable water service for compensation.)

Other (If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)

## **E. ANNUAL PRODUCTION**

Annual maximum production requested in gallons per year

\_ or acre feet per year

Please atlach:

#### F. WATER AVAILABILITY

Attach a copy of the water availability study required by Kendall County, if any.

## G. WATER CONSERVATION PLAN

Attach a Water Conservation Plan

## H. DROUGHT CONTIGENCY PLAN

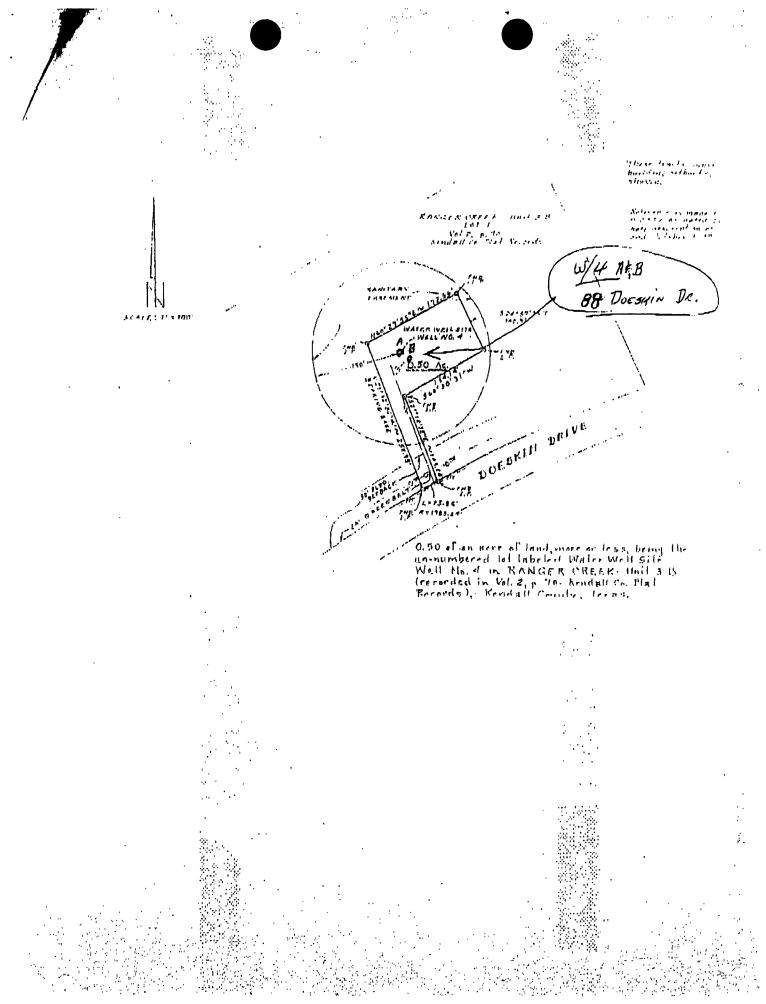
88

Application for an Operation Permit or to Substantially Aller a Well Page 3 of 3

I. SIGNATURE

information submitted is, to the best of my knowle penalties for submitting false information. I ag Conservation District Rules and all permit provis applicant.	and all attachments were prepared under my direction or supervision. The edge and belief, true, accurate, and complete. I am aware there are significant gree to operate the well in accordance with the Cow Creek Groundwater sions. I further state that I am the applicant or am authorized to act for the
Signature of Well Owner or Authorized Agent	An Arth Operations Manager
Prinled Name: Stan_Scott	Dale: <u>April 5, 2006</u>
Contact Information (if different from Section A):	
Address:	Cily: State,
Zip Code:	
Telephone Number:	
NOTARY PUBLIC'S CERTIFICATE Subscribed and swom to before me, by the said April 20 06, to certify which wither DONNA RAY MORI Notary Public, State of May 06, 2008 Notary Public in and for Kenter	Stan Scott Stan Scott Unis 54 day of day of Dense Notary Public Signature Notary Public Signature Notary Public Printed Name
My Commission Expires 56-06	FOR DISTRICT USE ONLY
Attach copies of al	Notice of Deficiencies (NOD) and responses
Dale Received:	Application Expiration Date (180 days after receipt):
Date of First NOD:	Revised Expitation Date:
Date of Second NOD:	Revised Expiration Date:
	Revised Expiration Date:
Date of Third NOD:	
Date Administratively Complete:	
Deadline for setting on BOD agenda (within 30	days from date administratively complete):
Hearing Date (within 65 days of date administra	alively complete and no later than the next regularly scheduled Board
meeting that would allow sufficient time for 10	day notice to Applicant):
Notion to Applicant of Masting Date (201025) 10	) days before hearing):
Decision Date (within 35 days of hearing):	
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2006,04-26

## COW CREEK GROUNDWATER CONSERVATION DISTRICT 216 Market Avenue, Suite 105

FILE COPY

BOERNE, TEXAS 78006 (830) 816-2504 Fax (830) 816-2607

## APPLICATION FOR AN OPERATING PERMIT FOR AN EXISTING WELL OR TO SUBSTANTIALLY ALTER A WELL

(Wells >25,000 gpd or use other than domestic or livestock)

A. WELL OWNER INFORMATION (any person who has the right to produce groundwater from the land, either by ownership, contract, lease, essement, or any other estate in the land.)

Name	me Kendall County Utility Co., Inc.					iling. dress	P	ost Office Bo	x 1335	
Cily	Boern	e		State	TX	Zip Code	780	06 Phone Number	(830) 537–5755	
Alternal Phone I		Pager (210)613-7950	Fax	(8	30) 537 <del>-</del>	-5756	Email	kcuclgvt	c.com	

#### **B: WELL INFORMATION**

Well # or Reference	Well 5	
Previous or Other Names Identifying the Tract of Land		
Location of Well (911 Address)	126-A Doeskin Drive	
Legal Property Description of Well Location	Unit 2 - Block 1 - Between Lots 7 & 8	
Describe the Use of the Well	Petail Water Utility	
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#### C. WELL REGISTRATION

District Vvell Number			State Well Number	RB 68 - 10 -	- 617	
Attach a copy of the Well Registration/	Drilling Permit App	plication	• •			
Attach a copy of the Well Log (if applic	able)	· · · · · · ·	r '''		,	
Nora to dem distand e la vana e daetha 04-50 IC:50 #t5I b'55/33		e32 e22e		LAPATIO SPRINGS		H

Application for an Operation Permit or to Substantially Alter a Well Page 2 of 3
D. PURPOSE OF WELL (check all that apply)
Agricultural (The use of groundwater for: (1) Cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers; (2) Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of for the production of food or fiber, leather, pelts, or other tangible products having a commercial value; (4) Planting cover crops, program or normal crop or livestock rotation procedure; (5) Engaging in wildlife management as defined in Texas Tax Code
Commercial (The use of groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business establishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering).)
Domestic (use of groundwater by a residence (not a business or other commercial structure) to support essential domestic activity, including but not limited to: uses inside the residence; irrigation of lawns, flower beds, shrubs, trees shading the residence, or of a garden or orchard that produces vegetables and fruit for consumption within the residence and not for sale; protection of foundations; and non-commercial recreation associated with the residence.)
<b>Industrial</b> (Use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to wash, cleanse, cool, or heat such goods or products.)
Lirrigation (use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or trees, other than for domestic use or purpose.)
Livestock (use of groundwater to provide water to domesticated horses, callie, goals, sheep, swinc, poultry, ostriches, ernus, rheas, exotic deer and antelope, and other similar animals involved in farming or ranching operations. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock-type animals kept as pets or in a pet-like environment are not considered livestock although providing water to such pets may be considered domestic use when associated with a residence.)
Public Water System (a system as defined in 30 Texas Administrative Code Chapter 290 for providing water for human consumption to the public.)
Retail Water Utility (as defined by Texas Water Code Section 13.002 and 30 Texas Administrative Code Section 291.3, any person, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, maintaining, or controlling within the District facilities for providing polable water service for compensation.
Other (If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)
E. ANNUAL PRODUCTION
Annual maximum production requested in gallons per year or acre feet per year12

Please atlach:

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## F. WATER AVAILABILITY

Attach a copy of the water availability study required by Kendall County, if any.

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## G. WATER CONSERVATION PLAN

Attach a Water Conservation Plan

## H. DROUGHT CONTIGENCY PLAN Altach a Drought Contingency Plan

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Application for an Operation Permit or to Substantially Alter a Well Page 3 of 3

## I. SIGNATURE

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. 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. I agree to operate the well in accordance with the Cow Creek Groundwater Conservation District Rules and all permit provisions. I further state that I am the applicant or am authorized to act for the applicant.

\_\_\_\_\_ Cily: \_\_\_\_\_ State:

Signature of Well Owner or Authorized Agent:

Operations Manager

Dale: April 5, 2006

Printed Name: \_\_\_\_\_Stan Scott

Contact Information (if different from Section A):

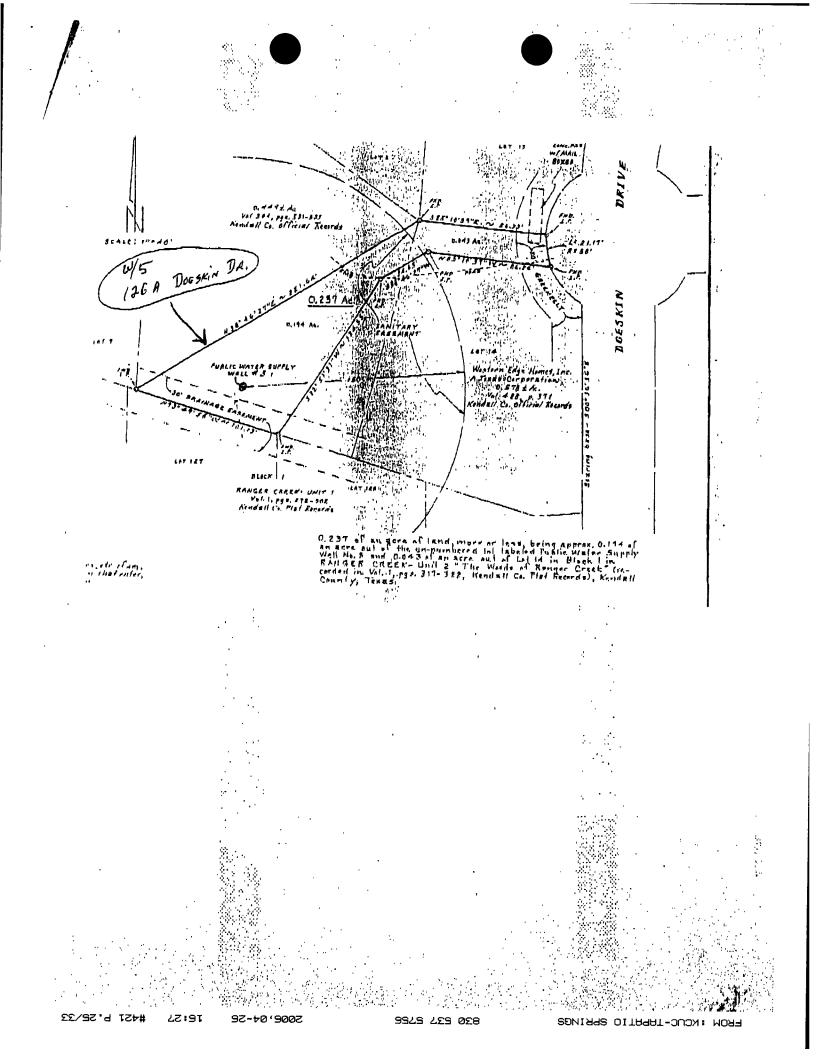
Address:

Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_

NOTARY PUBLIC'S CERTIFICATE Subscribed and sworn to before me, by the said	Stan Scott, Unis 51 Jay of
April , 20 06, to certify which witness my h	and and seal of office.
DONNA RAY MOREAU Notory Public, State of Texas My Commission Expires May 06, 2006	Notary Public Signature Donna Ray Moreau Notary Public Printed Name
Notary Public in and for KONDALL Co	unity, Texas
My Commission Expires 560	

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Date Received:	Application Expiration Date (180 days after receipt):
Date of First NOD: Date of Second NOD:	- Deviced Expiration Data:
Date of Third NOD:	Revised Expiration Date:
Hearing Date (within 65 days of date adm meeting that would allow sufficient time fo Notice to Applicant of Hearing Date (at lea Decision Date (within 35 days of hearing)	in 30 days from date administratively complete): inistratively complete and no later than the next regularly scheduled Board or 10 day notice to Applicant): ast 10 days before hearing):



## COW CREEK GROUNDWATER CONSERVATION DISTRICT 216 Market Avenue, Suite 105 BOERNE, TEXAS 78006 (830) 816-2504 Fax (830) 816-2607

FILE COPY

## APPLICATION FOR AN OPERATING PERMIT FOR AN EXISTING WELL OR TO SUBSTANTIALLY ALTER A WELL

(Wells >25,000 gpd or use other than domestic or livestock)

## A. WELL OWNER INFORMATION (any person who has the right to produce groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land.)

Name	Name Kendall County Utility Co., Inc.					lling Iress	Post	Office Box 13	35
City	Boerne		State	TX	Zip Code	· 78006 Phone (830) 537 - 575			
Alternat Phone I		Pager (210)613-7950	Fax	(8)	30) 537-5		Email	kcuclgvtc.	com

## **B. WELL INFORMATION**

Well # or Reference	Well 7	
Previous or Other Names Identifying the Tract of Land		
Location of Well (911 Address)	106-A North View Drive	() #7(A
Legal Property Description of Well Location	Unit 3E - between Lots 5 & 6	
Describe the Use of the Well	Retail Water Utility	

### C. WELL REGISTRATION

District Well Number		State Well Number	RB 68 - 10 - 615
Attach a copy of the Well Registration/Dr	ng Permit Application		
Attach a copy of the Well Log (if applicab	· · ···	· · · · · · · · · · · · · · · · · · ·	
Attach a conv of a location man or proper	plat drawn on a scale that ar	fermately details i	the well site the property lines
5,04-26 16:27 #421 P.26/33			SONIAGS OITAPATTO SPRINGS

Application for an Operation Permit or to Substantially Alter a Well Page 2 of 3

## D. PURPOSE OF WELL (check all that apply)

	Agricultural (The use of groundwater for: (1) Cultivating the soil to produce crops for human food, animal feed, or plantin seed or for the production of fibers; (2) Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation plants in containers or non-soil media, by a nursery grower; (3) Raising, feeding, or keeping animals for breeding purposes for the production of food or fiber, leather, pelts, or other tangible products having a commercial value; (4) Planting cover crop including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any government program or normal crop or livestock rotation procedure; (5) Engaging in wildlife management as defined in Texas Tax Cod Section 23.51(7); and, (6) Raising or keeping equine animals.)	of
	<b>Commercial</b> (The use of groundwater to supply water to properties or establishments that are in business to build, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to the busines establishment primarily for employee and customer conveniences (i.e. flushing of toilets, sanitary purposes, or limited landscape watering).)	ly Is d
	Domestic (use of groundwater by a residence (not a business or other commercial structure) to support essential domestic activity, including but not limited to: uses inside the residence; irrigation of lawns, flower beds, shrubs, trees shading the residence, or of a garden or orchard that produces vegetables and fruit for consumption within the residence and not for sale protection of foundations; and non-commercial recreation associated with the residence.)	
	Industrial (Use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to wash, cleanse, cool, or heat such goods or products.)	,
	Irrigation (use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or trees, other than for domestic use or purpose.)	
	Livestock (use of groundwater to provide water to domesticated horses, callle, goats, sheep, swine, poultry, ostriches, ernus, rheas, exotic deer and antelope, and other similar animals involved in farming or ranching operations. Dogs, cats, birds, fish, reptiles, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock- type animals kept as pets or in a pet-like environment are not considered livestock although providing water to such pets may be considered domestic use when associated with a residence.)	
[ c	<b>Public Water System</b> (a system as defined in 30 Texas Administrative Code Chapter 290 for providing water for human consumption to the public.)	
12 a n	Retail Water Utility (as defined by Texas Water Code Section 13.002 and 30 Texas Administrative Code Section 291.3, ny person, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, paintaining, or controlling within the District facilities for providing polable water service for compensation.)	

Other (If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)

## E. ANNUAL PRODUCTION

Annual maximum production requested in gallons per year

\_\_\_\_ or acle feet per year \_\_\_\_ 102

Please attach:

## F. WATER AVAILABILITY

Attach a copy of the water availability study required by Kendall County, if any.

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## G. WATER CONSERVATION PLAN

Attach a Water Conservation Plan

## H. DROUGHT CONTIGENCY PLAN

Allach a Drought Contingency Plan

2006,04-26 16:28 #421 P.27/33

FROM : KCUC-TAPATIO SPRINGS

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Application for an Operation Permit or (	to Substantially Aller a Well		
Page 3 of 3	to Substantiany Alter & Well		
			· · ·
I. SIGNATURE			
I certify under penalty of law that this docu information submitted is, to the best of my le penalties for submitting false information. Conservation District Rules and all permit applicant.	knowledge and belief, true, accurate the well provisions. I further state the	urate, and complete. La in accordance with th t Lam the applicant or	am aware there are significant he Cow Creek Groundwater am authorized to act for the
Signature of Well Owner or Authorized Ag	ent:	Operation	ns Manager
Prinled Name: Stan Scott		Dale: April 5,	_2006
Contect Information (if different from Secti	ion A);		
Address:	City:	م ا 1966 میلید. ماریخ این	State.
Zip Code:			
Telephone Number:			
NOTARY PUBLIC'S CERTIFICATE Subscribed and sworn to before me, by the April , 20 06 to certify which	e said <u>Stan S</u> n wilness my hand and seal of	cott	_, this 54 day of
DONNA RAY Notary Public, St My Commissi May 06,	lon Explues	Public Signature	) IDREAU
Notary Public in and for ACNUCAL	County, Texas		
	د و من منها المحمد مع المحمد الله ( ) و المحمد محمد منه من منه منه المحمد مع المحمد معمل المحمد معمل المحمد ال		ر ۱۹۹۵ - ۲۰۰۵ میلید میکور در ۱۹۹۵ - ۲۰۰۵ میلید میکور در این این از این
است المحمد ا المحمد المحمد المحمد المحمد المحمد	FOR DISTRICT USE OF	ILY	
Attach copies	; of all Notice of Deficiencies	(NOD) and response	25
Dale Received:	Application Expiration	Dale (180 days aller u	eceipt):
Date of First NOD:	, 	Revised Expiration I	)ale:
Date of Second NOD:		Revised Expiration I	Date:
Date of Third NOD:		Revised Expiration I	Dale:

Date Administratively Complete:
Deadline for setting on BOD agenda (within 30 days from date administratively complete):
Hearing Date (within 65 days of date administratively complete and no later than the next regularly scheduled Board
meeting that would allow sufficient time for 10 day notice to Applicant);
Notice to Applicant of Hearing Date (at least 10 days before hearing):
Decision Date (wilhin 35 days of hearing):

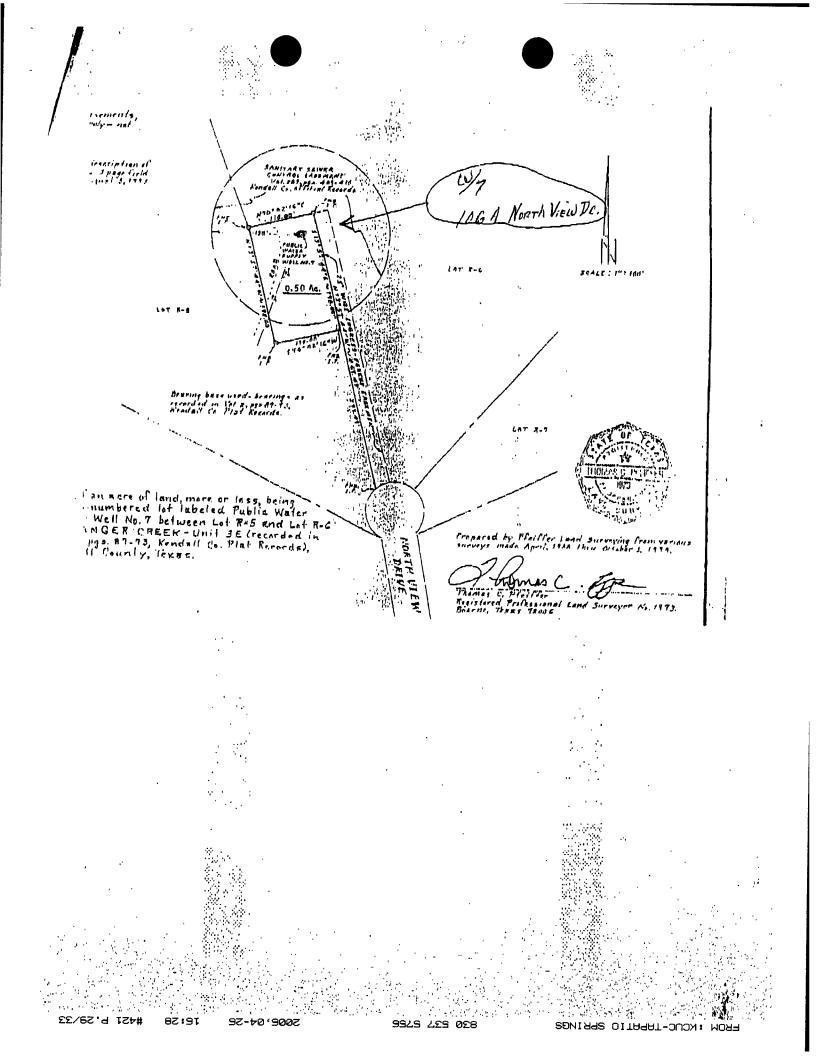
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## COW CREEK GROUNDWATER CONSERVATION DISTRICT

216 MARKET AVENUE, SUITE 105

FILE COPY

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BOERNE, TEXAS 78006 (830) 816-2504 Fax (830) 816-2607

## APPLICATION FOR AN OPERATING PERMIT FOR AN EXISTING WELL OR TO SUBSTANTIALLY ALTER A WELL

(Wells >25,000 gpd or use other than domestic or livestock)

A. WELL OWNER INFORMATION (any person who has the right to produce groundwater from the land, either by ownership, contract, lease, easement, or any other estate in the land.)

Name Kendall County Utility Co., Inc.						ling Iress	Post	Offic	e Box 13	335	
City Boerne			State	TX	Zip Code	78006 Phone (830) 537 - 5			537 - 5755		
Alternate Pager Phone Number (210) 613-7950 Fax				Email		cegvtc.c					

## **B. WELL INFORMATION**

Well # or Reference	Well 87
Previous or Other Names Identifying the Tract of Land	
Location of Well (911 Address)	3 Pfeiffer Road
Legal Property Description of Well Location	Townsend Crossing - Lot 1
Describe the Use of the Well	Retail Water Utility
	• •
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## C. WELL REGISTRATION

District Well Number	State Well Number	RB 68 - 10 - 0	523
Attach a copy of the Well Registration/Drilling Pe	rmit Application	**************************************	·
Attach a copy of the Well Log (if applicable)		and the second sec	
5008'0+-5e IE:53 #45I b'30\33	9925 229 028	SONIAS OITR	WDI : KCNC-TH





## Application for an Operation Permit or to Substantially Alter a Well Page 2 of 3

D. PURPOSE OF WELL (check all that apply)

<u> </u>	(under apply)
for the includ progra Sectio	Agricultural (The use of groundwater for: (1) Cultivating the soil to produce crops for human food, animal feed, or planting or for the production of fibers; (2) Practicing floriculture, viticulture, silviculture, and horticulture, including the cultivation of s in containers or non-soil media, by a nursery grower; (3) Raising, feeding, or keeping animals for breeding purposes or production of food or fiber, leather, pelts, or other tangible products having a commercial value; (4) Planting cover crops, ing cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental am or normal crop or livestock rotation procedure; (5) Engaging in wildlife management as defined in Texas Tax Code in 23.51(7); and, (6) Raising or keeping equine animals.)
landsci	products, or provide goods, services or repairs and that use water in those processes, or to supply water to the business to build, supply shment primarily for employee and customer conveniences (i.e. flushing of tollets, sanitary purposes, or limited ape watering).)
protecti	mestic (use of groundwater by a residence (not a business or other commercial structure) to support essential domestic including but not limited to: uses inside the residence; irrigation of lawns, flower beds, shrubs, trees shading the ce, or of a garden or orchard that produces vegetables and fruit for consumption within the residence and not for sale; on of foundations; and non-commercial recreation associated with the residence.)
wash, cl	ustrial (Use of groundwater primarily in the building, production, manufacturing, or alteration of a product or goods, or to leanse, cool, or heat such goods or products.)
trees, ot	ation (use of groundwater to supply water for application to plants or land in order to promote growth of plants, turf, or her than for domestic use or purpose.)
type anin	stock (use of groundwater to provide water to domesticated horses, callle, goats, sheep, swine, poultry, ostriches, eas, exotic deer and antelope, and other similar animals involved in farming or ranching operations. Dogs, cats, birds, lies, small mammals, potbellied pigs, and other animals typically kept as pets are not considered livestock. Livestock- nals kept as pets or in a pet-like environment are not considered livestock although providing water to such pets may dered domestic use when associated with a residence.)
	ic Water System (a system as defined in 30 Texas Administrative Code Chapter 290 for providing water for human
XI Retai any perso maintainin	Water Utility (as defined by Texas Water Code Section 13.002 and 30 Texas Administrative Code Section 291.3, on, corporation, public utility, water supply corporation, municipality, political subdivision or agency operating, or controlling within the District facilities for providing polable water service for compensation.
U Other	(If the purpose of the well is other than described above, determine use based on definitions in District Rule 2.)
E. ANNUA	LPRODUCTION

Annual maximum production requested in gallons per year

Please atlach:

## F. WATER AVAILABILITY

Attach a copy of the water availability study required by Kendall County, if any.

## G. WATER CONSERVATION PLAN

Attach a Water Conservation Plan

## H. DROUGHT CONTIGENCY PLAN

or acre feet per year

n 18.

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Application for an Operation Permit or to Substantially Aller a Well 

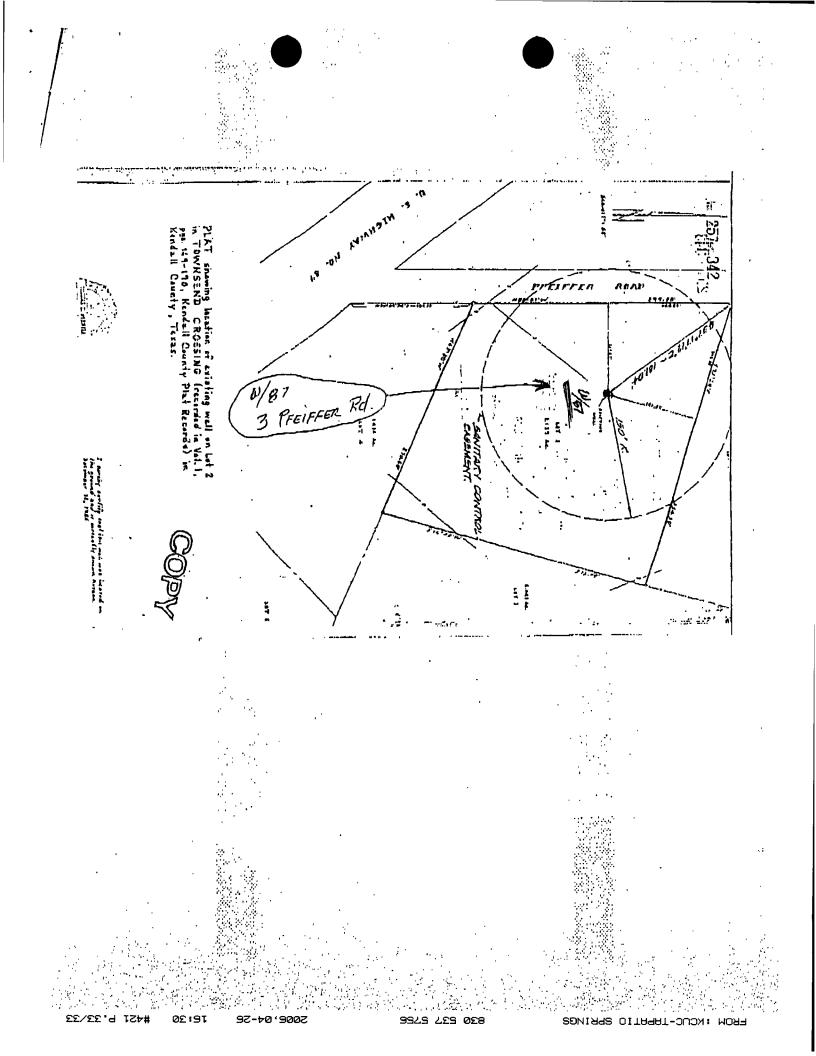
Page 3 of 3 ••••

## I. SIGNATURE

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information submitted is, to the best of my knowledge and believe penalties for submitting false information. I agree to operal Conservation District Rules and all permit provisions. I further applicant.	er state that I am the applicant or am authorized to act for the	
Signature of Well Owner or Authorized Agent:	The Operations Manager	
Prinled Name:Stan_Scott	Dale:April_5, 2006	
Contact Information (if different from Section A):		
Address:Zip Code:	Cily: State,	
Telephone Number:		
NOTARY PUBLIC'S CERTIFICATE Subscribed and sworn to before me, by Use said	Notary Public Signature Donna Ray Moreau Notary Public Printed Name	
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FOR DISTR	CT USE ONLY	
Attach copies of all Notice of D	eficiencies (NOD) and responses	
Dale Received: Application	Expiration Date (180 days after receipt):	
Date of First NOD:	Revised Expiration Date:	
Date of Second NOD:	Revised Expiration Date:	
Date of Third NOD:	Revised Expiration Date:	
Date Administratively Complete:	,	
Deadling for cotting on ROD agenda (within 30 days from day	ile administratively complete):	
Hearing Date (within 65 days of date administratively complete and no later than the next regularly scheduled board		
meeting that would allow sufficient time for 10 day notice to	Applicant):	
Notice to Applicant of Hearing Date (at least 10 days before		
Decision Date (within 35 days of hearing):		

8 - **1** - 1



JOHN W. DAVIDSON ARTHUR TROLLO TERRY TOPHAM CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER PATRICK W. LINDNER IRWIN D. ZUCKER RICHARD D. O'NEIL J. MARK CRAUN



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919 CONGRESS, SUITE 810, 78701 512/469-6006 · FAX 512/473-2159

LEA A. REAM FRANK J. GARZA JAMES C. WOO RICHARD L. CROZIER R. JO RESER MARIA S. SANCHEZ DALBY FLEMING LISA M. GONZALES RENEE R. HOLLANDER

SAN ANTONIO OFFICE 7550 W IH-10, SUITE 800, 78229-5815 210/349-6484 \* FAX: 210/349-0041

April 27, 2006

Mike Rogan, ALJ State Office of Administrative Hearings 300 West 15<sup>th</sup> Street, 5<sup>th</sup> Floor Austin, Texas 78711-3025

HAND DELIVERED

### SOAH Docket No. 582-06-0425; TCEQ Docket No. 2005-1516-UCR; Re: Application of Tapatio Springs Service Company to Amend Certificates of Convenience and Necessity Nos. 12122 and 20698 in Kendall County, Texas

Dear Judge Rogan:

Enclosed please find copies of Tapatio Springs Service Company's Pre-filed Direct Testimony and exhibits. Tapatio Springs Service Company's Pre-filed Direct Testimony consists of the following testimonies:

- 1. Pre-filed Direct Testimony and exhibits of John J. Parker, Jr., President of Tapatio Springs Service Company, Inc.;
- 2. Pre-filed Direct Testimony and exhibits of Darrell W. Nichols, consulting engineer for Tapatio Springs Service Company, Inc.; and
- 3. Pre-filed Direct Testimony and exhibits of John-Mark Matkin, consulting engineer for CDS International and Tapatio Springs Service Company, Inc.

The originals will be provided to the court reporter before the hearing. Sincerely, Mathin Actually

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Enclosure (3) cc: Service List

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## SOAH DOCKET NO. 582-06-0425 TCEQ DOCKET NO. 2005-1516-UCR

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APPLICATION OF TAPATIO SPRINGS SERVICE COMPANY, INC., TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 12122 AND 20698 IN KENDALL COUNTY, TEXAS

**BEFORE THE STATE OFFICE** 

OF

**ADMINISTRATIVE HEARINGS** 

**Pre-Filed Testimony of** 

John J. Parker, Jr.

April 27, 2006



- Q. Please state your name and address.
- A. John J. Parker, Jr., my business address is P.O. Box 550, Boerne, Texas 78006.
- Q. Do you understand that the purpose of this proceeding is to determine whether or not the Texas Commission on Environmental Quality should approve the application by Tapatio Springs Service Company to amend its water and wastewater CCNs in Kendall County?
- A. Yes.

## Q. What is the purpose of your testimony today?

- A. I will describe my responsibilities relating to Tapatio Springs Service Company, the applicant, and describe the financial, technical, and managerial ability of Tapatio Springs Service Company to provide retail water and wastewater service to the territory that will be added to the CCNs if the application is approved.
- Q. Could you summarize the nature of your business?
- A. I invest in and develop real estate for residential and commercial purposes and have been doing so for about twenty-five years.

## Q. Could you describe your affiliation with Tapatio Springs Service Company, the applicant?

A. I serve as president for Tapatio Springs Service Company, Inc. I purchased shares of stock of Tapatio Springs Service Company on February 26, 1993, as part of my acquisition of the real estate and other assets making up the Tapatio Springs Resort. I have been personally involved and responsible for the daily operation of the Tapatio Springs Service Company since February 26, 1993.

## Q. What type of business or benefit does Tapatio Springs Service Company provide?

- A. Currently, Tapatio Springs Service Company owns the water production and distribution system and the wastewater collection and treatment system serving the Tapatio Springs Resort and the surrounding residential areas.

Could you briefly describe the Tapatio Springs Resort community? 2 3 Tapatio Springs is the name of a residential subdivision centered around a resort Α. 4 created in 1981. The subdivision provides single-family homes, town homes, and 5 condominiums. The resort provides a country club, hotel, and 27 holes of golf. 6 7 8 Is it located in or near a city? Q. 9 It is located about five miles west of Boerne, in Kendall County, but is not located 10 Α. within the corporate limits or extraterritorial jurisdiction of any city. 11 12 13 Does Tapatio Springs Service Company hold certificates of convenience 14 Q. 15 and necessity, sometimes referred to as CCNs? 16 Yes, Tapatio Springs Service Company holds a CCN to provide retail water 17 Α. service, and a CCN to provide retail wastewater service. 18 19 20 21 Q. Do the existing water and wastewater CCNs cover the resort? 22 Yes, the existing CCN covers the currently developed portions of the property 23 Α. 24 and areas reserved for future development. 25 26 27 Are you responsible for any other water utility company? Q. 28 Yes, I serve as president for Kendall County Utility Company. 29 Α. 30 31 Do you own shares of stock in any other water utility company and if so, 32 Q. 33 when did you purchase those shares? 34 Yes, I own shares of stock in Kendall County Utility Company and I purchased 35 Α. 36 those shares in 1996. 37 38 Why did you cause Tapatio Springs Service Company to file the pending 39 Q. 40 application? 41 42 Tapatio Springs Service Company agreed to do so as part of the agreement with Α. CDS, the owner of the land to be added to the CCN. 43 44 45 Why did you make such an agreement? 46 Q.

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Q.

A. I considered the agreement with CDS to be very favorable to the shareholders and to the existing and future customers of Tapatio Springs Service Company.

## Q. Could you identify the document attached to your testimony as Exhibit 1?

A. Exhibit 1 is a true and correct copy of the contract between Tapatio Springs Service Company and CDS.

## Q. Has the contract been amended?

A. No.

## Q. Why do you consider the contract, Exhibit 1, favorable to Tapatio Springs Service Company?

A. Under the agreement, Tapatio Springs Service Company will receive a minimum of \$1.5 million towards the cost of constructing an off-site water main that Tapatio Springs Service Company needs, plus additional surface water rights from GBRA, plus on-site water and wastewater systems at little or no cost, and additional customers to help pay the cost of operating and maintaining the system.

## Q. Could you elaborate on your answer regarding the off-site water main extension?

Tapatio Springs Service Company must construct a water line to deliver the Α. water purchased from GBRA to supplement the supply of water produced from the existing wells. This surface water supply is necessary to provide an alternate source for the groundwater supply currently relied upon to serve the existing customers and satisfy the projected demand for the build-out of the remaining portion of the Tapatio Springs Service Company's service area under its existing CCN. Tapatio Springs Service Company did not have the cash funds to finance the construction on its own, so I was either going to have to infuse equity into the utility company, loan the money to the utility company, or guarantee a loan by the utility company to a third party and probably make the debt service payments on the loan until the company could make the payments, or a combination of all three. I was ready to proceed with the financing for the line construction costs when CDS approached me. We made an arrangement by which they would participate financially in the line that could benefit all of the ultimate purchasers of the CDS property, as well as Tapatio Springs. If we participated jointly in the 

line, the ultimate consumers will save money because the costs of two separate lines would not be necessary.

#### Does the contract protect the existing customers of Tapatio Springs Q. Service Company?

- It does. For example, CDS had to get a contract amendment for 250 acre-feet of Α. water from GBRA to provide a water supply for its project. The contract plainly states that Tapatio Springs Service Company has no obligation to use its existing wells to supply water to the CDS property.
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#### How does this protect the existing customers? Q.

- 16 Mr. Calvert and Mr. Haas raise concerns about the ability to get permits for Α. additional wells. I disagree with their opinions, but if the worst-case scenario 17 occurs, and no permits for additional wells can be obtained, then the 250 A.F. 18 supply from GBRA would need to be used for both base supply and peaking 19 purposes. CDS may be able to acquire a commitment from GBRA for additional 20 water supply, and if the additional water supply could not be obtained from GBRA or other sources, the density of the CDS property may need to be reduced.
- 25 Q. Are there other benefits? 26
- 27 Yes, CDS must finance and build the infrastructure and donate it to Tapatio Α. 28 Springs Service Company. 29

#### What are the other benefits to the contract? 31 Q. 32

33 Tapatio will have an opportunity to significantly increase the number of Α. 34 customers, which will help stabilize rates. 35

#### Does the contract with CDS obligate Tapatio Springs Service Company to 37 Q. amend the contract with GBRA to increase the supply of water from 38 39 **GBRA?** 40

- 41 Α. Yes.
- 42 43
- Has that amendment to the GBRA contract been obtained? 44 Q. 45
  - 5

A. Yes. Exhibit 2, attached to my testimony is a true and correct copy of the GBRA contract and Exhibit 3 is a true and correct copy of the first amendment to the GBRA contract.

## Q. Do you have any experience that suggests that Tapatio Springs Service Company has the managerial experience to provide retail water and wastewater service within the CDS property?

- A. Yes. As previously stated, I have been responsible for Tapatio Springs Service Company since 1991.
- Q. Could you describe that experience?

A. Sure. During the past 16 years, I have been directly involved in Tapatio Springs Service Company extending water and wastewater service to several projects within its existing service area. These projects include the Ridge at Tapatio Springs consisting of approximately 100 lots, the Gardens at Tapatio, which has 175 lots in the first two phases, and a 70,000 square foot condominium complex. Tapatio Springs Service Company is currently working on extending service to a new area with 135 lots.

# Q. How does that experience relate to your ability to provide the managerial skills needed to make sure that CDS installs the necessary facilities in order to provide retail water and wastewater service?

- A. All of these projects that I described were multi-million dollar projects that are comparable in cost and complexity to installing the water and wastewater systems in the requested service area. As part of these projects, I arranged for the necessary financing, hired the technical experts needed for assistance, obtained federal, state, and local permits and approvals, paid the bills, and responded to the day-to-day construction-related matters.
- Q. Could you describe some of the improvements to the Tapatio Springs Service Company System that have been accomplished since you became responsible for operating the company?
- A. I am quite proud of the significant improvements to the system that have been
   finished. These improvements enhanced the reliability of the service provided by
   the utility. These improvements include:
  - 1. Construction of additional storage facilities to provide 1,065,000 gallons of storage. This storage allows us to continue to provide service, and provide

pressure for fire fighting services, during a power outage of up to three days.

- 2. Installation of elevated storage so that no hydro pneumatic pressure tanks are used in the system.
- 3. Installation of a 12-inch main connection the ground storage tank at Johns Road to the water system at Tapatio so that the water system in the Ranger Creek subdivision is pressurized by gravity and does not have to rely upon hydro pneumatic pressure tanks.
- 4. Installed a SCADA system that allows our operator to continuously monitor the level of water in the wells above the well pumps, the amount of water in each storage tank, and the flow rates at the several pumps. This system keeps a record of this data and alerts the operator when any facility experiences an unusual event.
- 5. Interconnected the wells at Hwy 87 to increase the amount of groundwater available for use to serve the existing customers.
- 6. Sized the lines, pumps, and storage tanks so that capacity can be increased without building redundant lines or other facilities.
- 7. Replaced water lines that experienced repeated failures.

## Q. Are you familiar with the financial capability of the Applicant?

A. Yes.

# Q. Where does Tapatio Springs Service Company plan to obtain the funds necessary to construct and operate the retail system within the requested service area?

A. As described in the contract, CDS will construct the required utility systems and donate those systems to Tapatio Springs Service Company.

## Q. Will Tapatio Springs Service Company be responsible for contributing money towards the construction of the required water line?

A. Yes, Tapatio Springs Service Company will need to pay the incremental costs of
 the larger diameter pipe needed to meet the demands of the system in excess of
 the CDS property, which is expected to be a relatively small proportionate share
 of the total cost.

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2 3	Q.	Does Tapatio Springs Service Company have access to the funds that it
4		needs to contribute towards the cost of constructing the off-site water
5		main?
6		
7	Α.	Yes.
8 9		
9 10	Q.	Did CDS request Tenetic Service of the
11	ч.	Did CDS request Tapatio Springs Service Company to serve CDS' property?
12		
13	Α.	Yes.
14		
15		
16	Q.	Is CDS responsible for the infrastructure to serve its property?
17		
18	Α.	Yes.
19 20		
20	Q.	le Tanatio Springe Service Componente de la
22	<b>.</b>	Is Tapatio Springs Service Company an experienced utility?
23	A.	Yes.
24		
25		
26	Q.	Does this conclude your testimony?
27		
28	Α.	Yes.

## **EXHIBITS**

- Exhibit 1: True and correct copy of the contract between Tapatio Springs Service Company and CDS International
- Exhibit 2: True and correct copy of the Agreement Between Kendall County Utility Company and Tapatio Springs Service Company and Guadalupe-Blanco River Authority
- Exhibit 3: True and correct copy of the First Amendment to Agreement Between Kendall County Utility Company and Tapatio Springs Service Company and Guadalupe-Blanco River Authority

## AFFIDAVIT OF JOHN J. PARKER JR.

STATE OF TEXAS §

COUNTY OF KENDALL §

BEFORE ME, the undersigned authority, John J. Prever JR. being first duly sworn, deposes and states:

"My name is John J. Parker I am over the age of twenty-one and am competent to make the following affidavit:

The foregoing testimony offered by me is true and correct."

PARKER, JR.

SUBSCRIBED AND SWORN TO BEFORE ME this day of April, 2006.



NOTARY PUBLIC, STATE OF TEXAS UOHN W. DAVIDSON ARTHUR TROILO TERRY TOPHAM CHEREE TULL KINZIE R. GAINES GRIFFIN RICHARD E. HETTINGER PATRICK W. LINDNER IRWIN D. ZUCKER RICHARD D O'NEIL J. MARK CRAUN



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April 26, 2006

Elizabeth Robison Martin P.O. Box 1764 Boerne, Texas 78006



Re: SOAH Docket No. 582-06-0425; TCEQ Docket No. 2005-1516-UCR; Application of Tapatio Springs Service Company, Inc., to Amend Certificates of Convenience and Necessity Nos. 12122 and 20698 in Kendall County, Texas

Dear Ms. Martin:

Enclosed please find copies of the applications filed by Tapatio Springs Service Company, Inc. and Kendall County Utility Company, Inc. with the Cow Creek Groundwater Conservation District. These documents are being provided to supplement Tapatio Springs Service Company, Inc.'s Responses to the Ratepayers' Requests for Production in the above-referenced matter. Please call me if you have any questions.

Sincerely, Maria Sánchez

Enclosure

cc: Service List

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