

Control Number: 43990



Item Number: 64

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
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

43998

RECEIVED

2014 DEC 19 AM 8:33

PUBLIC UTILITY COMMISSION
FILING CLERK

Exhibit "F"

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

APPLICATION OF TAPATIO SPRINGS	§	BEFORE THE STATE OFFICE
SERVICE COMPANY, INC.,	§	
TO AMEND CERTIFICATES	§	OF
OF CONVENIENCE AND NECESSITY	§	
NOS. 12122 AND 20698 IN KENDALL	§	ADMINISTRATIVE HEARINGS
COUNTY, TEXAS	§	


RATEPAYERS', REPRESENTED BY MS. MARTIN,
REQUEST FOR ADMISSIONS
TO APPLICANT TAPATIO SPRINGS SERVICE COMPANY, INC.

TO: TAPATIO SPRINGS SERVICE COMPANY, INC., Applicant, by and through Applicant's attorney of record, PATRICK LINDNER.

NOW COMES RATEPAYERS, in the above styled and numbered cause, and pursuant to Rule 198 of the Texas Rules of Civil Procedure, makes the following Requests for Admissions of Fact.

You are notified that RATEPAYERS demand, in accord with the Court's Order, that within 30 days after the service of these requests, Applicant, Tapatio Springs Service Company, Inc., specifically admit or deny the facts requested as set forth on Exhibit "A." A failure to specifically answer any request, or an evasive answer to any request, will be taken as an admission of truth of such request.

Respectfully submitted,

By: 
ELIZABETH R. MARTIN
Texas Bar No. 24027482
P.O. BOX 1764
106 W. BLANCO, STE. 206
BOERNE, TEXAS 78006
Tel. (830)816-8686
Fax. (830)816-8282
Attorney for RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on February 15, 2006, a true and correct copy of Plaintiff's Request for Admissions to Tapatio Springs Service Company, Inc. was served via CERTIFIED MAIL on the following counsel.


ELIZABETH R. MARTIN

PARTIES

Cert. Mail. No. 7005 1820 0002 5752 3120
RATE PAYERS

REPRESENTATIVE / ADDRESS

AL HAMILTON
Attorney at Law
301 Eagle Drive
Boerne, Tx 78006
(830) 537.6001 (Ph)
(830) 537.6041 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3106
RANGER CREEK HOA

ERIC SHERER
Attorney at Law
1124 Wurzbach Rd. Ste. 100
San Antonio, Tx 78130
(210) 696.9730 (Ph)
(210) 696.9675 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3113
TCEQ PUBLIC INTEREST COUNCIL

MARY ALICE BOEHM-MCKAUGHAN
Staff Attorney
Texas Commission on Environmental Quality
Office of Public Interest Counsel
PO Box 13087 MC-175
Austin, Tx 78711-3087
(512) 239.6361 (PH)
(512) 239.6377 (FAX)

Cert. Mail. No. 7005 1820 0002 5752 3137
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

KATHY H. BROWN
Staff Attorney
Texas Comm. on Environmental Quality
Law Division
PO Box 13087 MC1-173
Austin, Tx 78711-3087
(512) 239.3417 (Ph)
(512) 239.0606 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3144
TAPATIO SPRINGS SERVICE CO.

PATRICK LINDNER
Attorney at Law
7550 IH-10 West, Northwest Center
Suite 800
San Antonio, Tx 78229
(210) 349-6484 (Ph)
(210) 349-0041 (Fax)

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "you" and "your" shall mean **TAPATIO SPRINGS SERVICE COMPANY, INC.**, and all attorneys, agents, and other natural persons or business or legal entities acting or purporting to **ACT FOR OR ON BEHALF** of **TAPATIO SPRINGS SERVICE COMPANY, INC.**, whether authorized to do so or not.

2. "Person": The term "person" shall include individuals, associations, partnerships, corporations, and any other type of entity or institution whether formed for business purposes or any other purposes.

3. "Settlement," as used herein, means:

(a) an oral or written, disclosed or undisclosed agreement, bargain, contract, settlement, partial settlement, limited settlement, arrangement, deal, understanding, loan arrangement, credit arrangement, contingent settlement, limitation on the amount of liability or judgment, or a promise by or between plaintiff and any defendants or between any defendants herein whereby plaintiff or defendants have in any way released or compromised, in whole or in part, directly or indirectly, or agreed to do so in the future, any of the matters in controversy in this lawsuit whether before, after or during trial or before or after any jury verdict is returned herein or a judgment is entered or rendered herein;

(b) any resolution of the differences between the plaintiff and defendants by loan to the plaintiff or any other device which is repayable in whole or in part out of any judgement the plaintiff may recover against defendants;

(c) "Mary Carter Agreements" as that term is used under Texas Law.

4. Unless a specific date or dates is set forth in any specific question herein, you are directed that each question shall be answered for the period of time from January 1, 2001, up to and including the present date.

5. "CCN," as used herein, means the Certificate of Convenience and Necessity as defined by the Texas Commission of Environmental Quality.

6. "TCEQ," is the abbreviation for the Texas Commission of Environmental Quality.

EXHIBIT "A"

REQUESTS FOR ADMISSION

1. Tapatio Springs Service Company, Inc. will not be financially responsible, or pay for or invest any money in the development of water or sewer service physically located on the 5,000 acres covered by the proposed expansion area.

ANSWER:

2. Tapatio Springs Service Company, Inc., the Applicant, has no construction cost estimate for the water service expansion as requested by the application in this matter.

ANSWER:

3. Tapatio Springs Service Company, Inc., the Applicant, has no construction cost estimate for the sewer service expansion as requested by the application in this matter.

ANSWER:

4. Tapatio Springs Service Company, Inc., the Applicant, has not applied for permits to drill the wells identified in the Water Supply Analysis submitted to the Texas Commission on Environmental Quality with the application in this matter.

ANSWER:

5. Tapatio Springs Service Company, Inc., is financially unable to develop the 5,000 acres covered by the proposed expansion area without the financial backing of CDS International Holdings, Inc., the developer, or some other third party.

ANSWER:

6. CDS International Holdings, Inc., the developer, is the entity responsible for all aspects, physical and financial, in providing the infrastructure necessary to serve the expanded CCN area including storage, water distribution, pressure maintenance, wastewater collection, and wastewater treatment facilities.

ANSWER:

7. The expanded service area, approximately 5,000 acres, will be on a stand alone system.

ANSWER:

8. According to the Non-Standard Service Agreement between CDS International Holdings, Inc., the Developer, and Tapatio Springs Service Company, Inc., the Developer's cost including the total of its contributions in aid of construction and its direct expenditures for the portion of the Extension which is not located on the Developer's property shall not exceed a total of \$1.5 million dollars and Tapatio Springs Service Company, Inc. is responsible for all costs above this amount for the Extension not located on the Developer's property.

ANSWER:

9. Kendall County has not approved CDS International Holdings, Inc., the Developer, subdivision plat.

ANSWER:

10. According to the Non-Standard Service Agreement between CDS International Holdings, Inc., the Developer, and Tapatio Springs Service Company, Inc., the Utility may be required to pay for the development of a service road within the 5,000 acres.

ANSWER:

11. According to the Non-Standard Service Agreement between CDS International Holdings, Inc., the Developer, and Tapatio Springs Service Company, Inc., the Utility may provide service to the expansion area utilizing current groundwater supply facilities and wastewater treatment facilities.

ANSWER:

12. Tapatio Springs Development Company and/or Tapatio Springs Builders, Inc. and/or Kendall County Development Company plan to construct homes on the 5,000 acre tract for which the expanded CCN will serve.

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

APPLICATION OF TAPATIO SPRINGS	§	BEFORE THE STATE OFFICE
SERVICE COMPANY, INC.,	§	
TO AMEND CERTIFICATES	§	OF
OF CONVENIENCE AND NECESSITY	§	
NOS. 12122 AND 20698 IN KENDALL	§	ADMINISTRATIVE HEARINGS
COUNTY, TEXAS	§	

ORDER GRANTING MOTION TO COMPEL

On _____, the Ratepayers' Motion to Compel, filed against Applicant, Tapatio Springs Service Company, Inc., was considered by the Court. After considering the evidence and hearing the arguments of counsel, it appears to the Court that the Motion should be granted.

The Court finds that objections made by Applicant with respect to Interrogatories Nos. 2 and 11 are **OVERRULED**.

The Court finds that objection made by Applicant with respect to Admission No. 12 is **OVERRULED**.

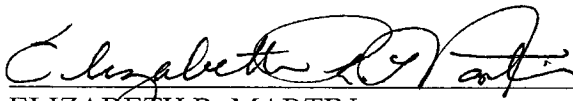
The Court finds that objections made with respect to the Production Requests Nos. 3, 4, 5, 6, 7, 11, 13, 14, 17, and 18 are **OVERRULED**.

IT IS THEREFORE ORDERED that Applicant respond fully and completely to Interrogatories Nos. 2 and 11, Admission No. 12, and Production Requests Nos. 3, 4, 5, 6, 7, 11, 13, 14, 17, and 18.

SIGNED on _____, 2006.

JUDGE PRESIDING

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Elizabeth R. Martin", written over a horizontal line.

ELIZABETH R. MARTIN

Attorney for Ratepayers

106 WEST BLANCO, STE. 206

P.O. Box 1764

BOERNE, Texas 78006

Tel: (830) 816-8686

Fax: (830) 816-8282

Law Office of Elizabeth R. Martin
Dienger Building
106 West Blanco, Suite 206
P.O. Box 1764
Boerne, Texas 78006
830 816-8686
830 816-8282 fax

†

April 24, 2006

Mr. Patrick Lindner
Davidson & Troilo, PC
50 IH-10 West, Northwest Center, Ste. 800
San Antonio, TX 78229

Via Fax to 210-349-0041

Ref: **SOAH DOCKET NO. 582-06-0425; TCEQ DOCKET NO. 2005-1515-URC**

1516 UCR


Dear Mr. Lindner,

In order to schedule depositions at my office for the above referenced matter, please provide me with multiple dates for the following individuals so I can coordinate with the other parties. I have estimated the time required for the depositions by individual in case you would like to schedule some for the same dates. I would request you schedule only 6 hours of depositions per date.

Stan Scott - 1.5 hours
Darrell W. Nichols - 2 hours
Jay Parker - 1.5 hours
Mike Shalit - 1.5 hours
David Brock - 1.5 hours
Ken Kolacy - 2 hours
John-Mark Matkin - 2 hours
William Milmoie - 2 hours

I will confer with the other parties on their schedules once your response has been received. Thanks in advance for your assistance.

Sincerely yours,



Elizabeth R. Martin

rm/dw

c Mailing List Fax Numbers

FACSIMILE TRANSMITTAL SHEET

TO:
 Patrick Lindner 210 349.0041
 Kathy Humphreys Brown 512 239.0606
 Donna Castañuela 512 239 3311
 Mary Alice Boehm-McKaughan 512 239.6377
 Eric Sherer 210 696.9675

COMPANY	DATE
	APRIL 24, 2006
COUNT	TOTAL NO. OF PAGES INCLUDING COVER
	2
PHONE NUMBER	SENDER'S PHONE NUMBER
	830 816 8686
YOUR REFERENCE NUMBER	
SOAH DOCKET NO 582-06-0425	
TCEQ DOCKET NO 2005-1516-URC	

☐ FOR REVIEW ☒ PLEASE REPLY ☐ HARD COPY WILL FOLLOW ☒ HARD COPY WILL NOT FOLLOW

REMARKS/COMMENTS: IF YOU HAVE ANY PROBLEMS WITH THIS FAX TRANSMISSION, PLEASE CONTACT ANNE WILTZ AT 830 816 8686

Request for deposition dates.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADMONISHED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED EXCEPT AS DIRECTED BY THE ADDRESSEE. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND DESTROY THE COMMUNICATION.

106 W BLANCO STE 206
 BOERNE, TEXAS 78006

Law Office of Elizabeth R. Martin
Dienger Building
P.O. Box 1764
106 West Blanco, Suite 206
Boerne, Texas 78006
830 816-8686
830 816-8282 fax

†

2005 -1516-UCR

April 21, 2006

Kathy Humphreys Brown
Staff Attorney
Environmental Law Division, MC 173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087


Patrick W. Lindner
Davidson & Troilo
7550 W. IH-10 Ste 800
San Antonio, Texas 78229-5815

Via Certified Mail.

Dear Ms. Brown and Mr. Lindner,

Please find following the RATEPAYER'S REPRESENTED BY MS. MARTIN,
FIRST SUPPLEMENTAL RESPONSE TO TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY EXECUTIVE DIRECTOR'S REQUESTS FOR
PRODUCTION AND TAPATIO SPRINGS SERVICE COMPANY, INC.'S REQUESTS
FOR PRODUCTION. Please contact my office if you have any questions.

Very truly yours,



Elizabeth R. Martin

Erm/dw

cc Mailing List

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

APPLICATION OF TAPATIO SPRINGS	§	BEFORE THE STATE OFFICE
SERVICE COMPANY, INC.,	§	
TO AMEND CERTIFICATES	§	OF
OF CONVENIENCE AND NECESSITY	§	
NOS. 12122 AND 20698 IN KENDALL	§	ADMINISTRATIVE HEARINGS
COUNTY, TEXAS	§	

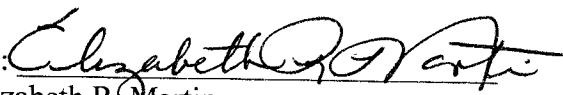
RATEPAYER'S REPRESENTED BY MS. MARTIN,
FIRST SUPPLEMENTAL RESPONSE TO
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY EXECUTIVE
DIRECTOR'S REQUESTS FOR PRODUCTION
AND
TAPATIO SPRINGS SERVICE COMPANY, INC.'S
REQUESTS FOR PRODUCTION

TO: Executive Director, by and through the attorney of record, Kathy Humphreys Brown, Staff Attorney, Environmental Law Division, MC-173, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TO: Tapatio Springs Service Company, Inc., by and through their attorney Patrick Lindner, 7550 West IH-10, W. Northwest Center, Suite 800, San Antonio, TX 78229.

Pursuant to Rule 196 of the TEXAS RULES OF CIV. PROC., the Ratepayers supplement the production provided to Executive Director of the Texas Commission on Environmental Quality ("TCEQ") and Tapatio Springs Service Company, Inc. as attached.

Law Office of Elizabeth R. Martin

By: 
Elizabeth R. Martin
State Bar No. 24027482
106 West Blanco, Suite 206
P.O. Box 1764
Boerne, TX 78006
(830) 816.8686
(830) 816.8282 (fax)
ATTORNEY FOR RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on April 21, 2006 the Ratepayers First Supplemental Response to "Executive Directors' Requests for Production" and Tapatio Springs Service Company, Inc. ("TCEQ") Requests for Production" was sent via Certified Mail to the attached mailing list.

A handwritten signature in black ink, appearing to read "Elizabeth R. Martin", with a stylized flourish at the end.

Elizabeth R. Martin,
Attorney for Ratepayers
State Bar No. 24027482

MAILING LIST
TAPATIO SPRINGS SERVICE COMPANY, INC.
SOAH DOCKET NO. 582-06-0425
TCEQ DOCKET NO. 2005-1515-URC

FOR THE APPLICANT:
Certified Mail No.:
7005 1820 0002 5752 3199

Patrick Lindner
Attorney at Law
7550 IH-10 West, Northwest Center
Suite 800
San Antonio, TX 78229
210-349-6484
210-349-0041 FAX

FOR THE EXECUTIVE DIRECTOR:
Certified Mail No.:
7005 1820 0002 5752 3168

Kathy Humphreys Brown
Staff Attorney
Environmental Law Division, MC-173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
512-239-3417
512-239-0606 FAX

FOR THE CHIEF CLERK:
Certified No. :
7005 1820 0002 5752 3151

LaDonna Castañuela
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
512-239-3300
512-239-3311 FAX

FOR THE PUBLIC INTEREST
COUNSEL:
Certified Mail No.:
7005 1820 0002 5752 3175

Mary Alice Boehm-McKaughan
Assistant Public Interest Counsel, MC-103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
512-239-6361
512-239-6377 FAX

FOR RANGER CREEK HOA:
Certified Mail No.:
7005 1820 0002 5752 3182

Eric Sherer
Attorney at Law
11124 Wurzbach Road, Suite 100
San Antonio, TX 78232
210-696-9730
210-696-9675 FAX

**RATEPAYER'S REPRESENTED BY MS. MARTIN, FIRST SUPPLEMENTAL
RESPONSE TO TAPATIO SPRINGS SERVICE COMPANY, INC.'S REQUESTS
FOR PRODUCTION**

Please provide the following:

3. Produce all documents, including, but not limited to , all diaries, notes, memoranda, letters, charts, diagrams or photographs in any form in your or your attorney's possession, custody or control which you contend support or refute any of the defenses or allegations contained in this contested case hearing, including any and all documents you intend to rely on in this contested case hearing. This request does not seek documents protected by the attorney-client or attorney work product privileges.

Response: See attached.

**RATEPAYER'S REPRESENTED BY MS. MARTIN, FIRST SUPPLEMENTAL
RESPONSE TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
EXECUTIVE DIRECTOR'S REQUESTS FOR PRODUCTION**

Production Request No. 1

Please provide all the documents related in answering Interrogatories 1-6.

SEE ATTACHED PRODUCTION.

COPY

THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Water Commission document, the original of which is filed in the permanent records of the Commission. Given under my hand and seal of office

on AUG 1 1988

Karen A. Phillips

Karen A. Phillips, Chief Clerk
Texas Water Commission

TEXAS WATER COMMISSION



CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code
and Texas Water Commission Substantive Rules

Certificate No. 12122

I. Certificate Holder:

Name: Tapatio Springs Service Company, Inc.

Address: P. O. Box 550
Boerne, Texas, 78006

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 4 1/2 miles west of Boerne, Texas on Johns Road and is known as the Tapatio Springs Country Club Subdivision. The service area is generally bounded on the east by Lake Oz and on the south by a line approximately one mile north of Farm to Market Road 475 in Kendall County, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official water service area map, WRS-131, maintained in the offices of the Texas Water Commission, 1700 North Congress, Austin, Texas with all attendant privileges and obligations.

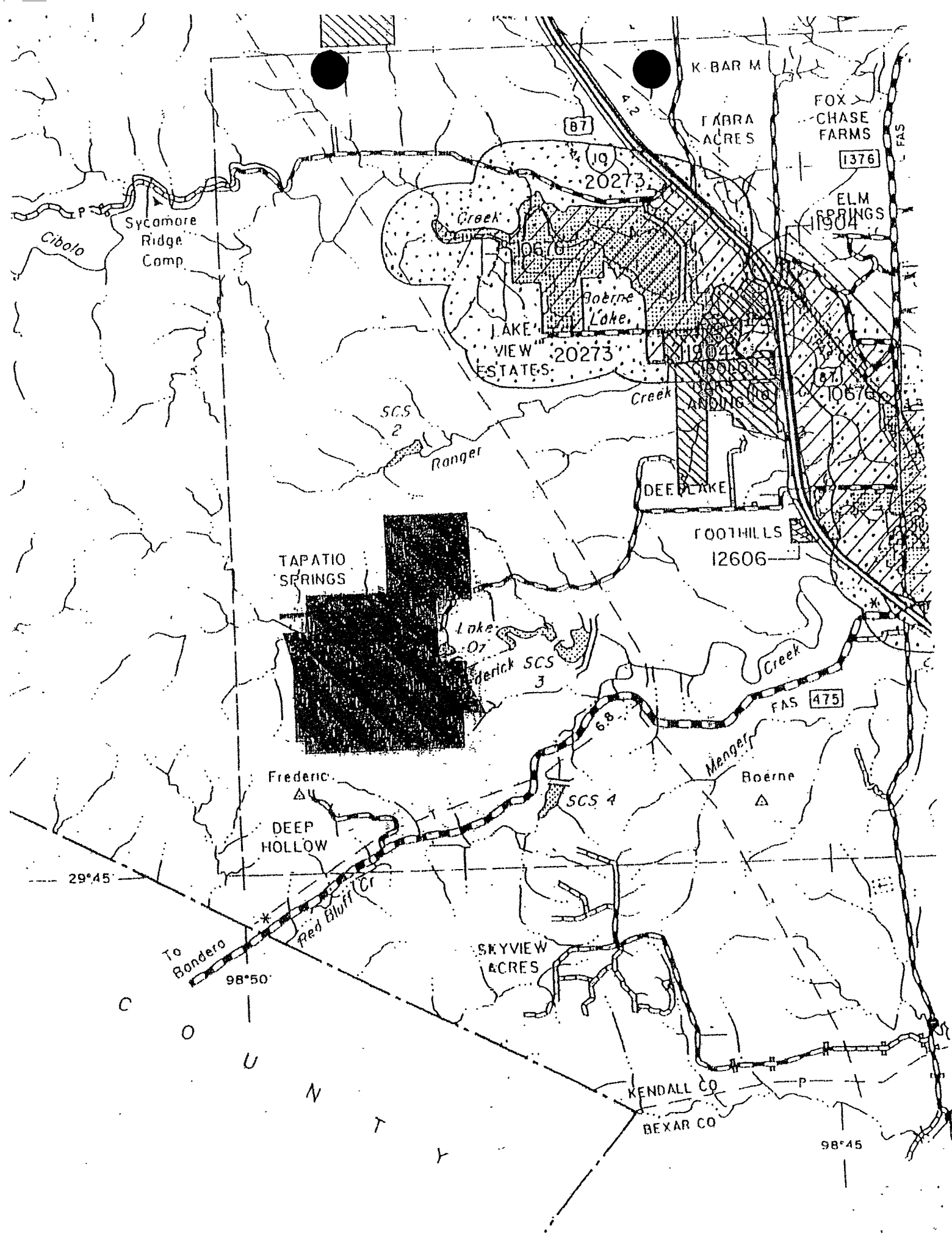
This certificate is issued subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

ISSUED this 12th day of July 19 88

ATTEST:

Karen A. Phillips *Paul Hopkirk*
For the Commission

AUG 8 2005



From:

APR-26-2006 WED 04:35 PM

Apr 26 2006 16:39
FAX NO.

P.02

02/02

JOHN 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

LAW OFFICES OF
DAVIDSON & TROILO
A PROFESSIONAL CORPORATION

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210/349-6484 • FAX: 210/349-0041

LEA A. REAM
FRANK J. GARZA
JAMES C. WOOD
RICHARD L. CRUZER
R. JO. RESER
MARIA S. SANCHEZ
DALBY FLEMING
LISA M. GONZALES
RENÉE R. HOLLANDER

AUSTIN OFFICE
819 CONGRESS, SUITE 810 78701
512/469-8006 • FAX: 512/473-2188

April 26, 2006

Ms. Rita McBride
State Office of Administrative Hearings
William P. Clements Building, Jr.
309 West Fifteenth Street
Austin, TX 78701

Subject: Judge Mike Rogan's Order No. 4 dated April 20, 2006
SOAH Docket No. 582-06-0425
TCEQ Docket No. 2005-1516-UCR

Dear Ms. McBride:

I am in receipt of the above referenced Order. The applicant is opposed to the addition of parties at this time and will supplement this response at the appropriate time.

Please bring this to the Administrative Law Judge's attention if appropriate.

Sincerely,



Patrick Lindner
For the Firm

cc via fax to:
Elizabeth Martin: (830) 816-8282
Kathy Brown (TCEQ): (512) 239-0606
Mary Alice Boehm-McKaughan (TCEQ): (512) 239-6377
LaDonna Castañuela (TCEQ): (512) 239-3311

PCD 161776

From:
APR-26-2006 WED 04:35 PM

Apr 26 2006 16:39
FAX NO.

P. 01

6. 01/02

JOHN W. DAVIDSON
ARTHUR TROILO
TERRY TOPIAM
CHERE TULL KINZIE
R. GAINES GRIFFIN
RICHARD E. HETTINGER
PATRICK W. LINDNER
IRWIN D. ZUCKER
RICHARD D. O'NEIL

LAW OFFICES OF
DAVIDSON & TROILO
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SAN ANTONIO, TEXAS 78229-5815
210/349-6484 FAX 210/349-0041

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

* AUSTIN OFFICE

FACSIMILE TRANSMITTAL COVER

TO: Rita McBride
Elizabeth Martin
Kathy Brown (TCEQ)
Mary Alice Boehm-McKaughan
La Donna Castanuela

FAX NUMBER: (512) 475-4994
(830) 816-8282
(512) 239-0606
(512) 239-6377
(512) 239-3311

FROM: Patrick W. Lindner

DATE: April 26, 2006

CLIENT #: 4153/7

SUBJECT: SOAH Docket No. 582-06-0425; TCEQ Docket No. 2005-1516-UCR

Letter from Patrick Lindner to SOAH Re: Order No. 4

MESSAGE:

If you do not receive all 2 pages, or if any difficulty in transmission occurs, please contact Elizabeth Paul at (210) 349-6484, ext. 556.

CONFIDENTIAL INFORMATION

THIS FACSIMILE MESSAGE IS A PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADMONISHED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED EXCEPT AS DIRECTED BY THE ADDRESSEE. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND MAIL THE COMMUNICATION TO US AT OUR LETTERHEAD ADDRESS. THANK YOU.

AL HAMILTON
301 Eagle Drive
Boerne, TX 78006
(830) 537-6001

E-Mail:
al@hamiltonmiller.com

Fax:
830-537-6041

April 25, 2006

Ms. Rita McBride
State Office of Administrative Hearings
William P. Clements Building, Jr.
309 West Fifteenth Street
Austin, TX 78701

Subject: Judge Mike Rogan's Order No. 4 dated April 20, 2006
SOAH Docket No. 582-06-0425
TCEQ Docket No. 2005-1516-UCR

Dear Ms. McBride:

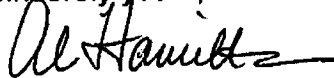
I am in receipt of the above referenced Order and wish to call the Court's attention to a misstatement of facts contained in Paragraph 2 of such Order.

There, it is stated in the second sentence, "However, Mr. Hamilton never provided the information needed to complete the designation of those represented by him as parties, . . ."

Submitted with the Motion to Withdraw as an attachment was a list of ratepayers represented by Mr. Hamilton, verified from the records of the utility by its General Manager, Mr. Stan Scott.

Please bring this to the Court's attention for a correction, if appropriate.

Sincerely yours,



Al Hamilton
301 Eagle Drive
Boerne, TX 78006

cc via U.S. Mail: Judge Mike Rogan
cc via fax to:

Elizabeth R. Martin, (830) 816-8282
Eric Sherer, (210) 696-9675
Patrick Lindner, (210) 349-0041
Kathy H. Brown (TCEQ), (512) 239-0606
Mary Alice Boehm-McKaughan (TCEQ), (512) 239-6377

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

LAW OFFICES OF
DAVIDSON & TROILO
A Professional Corporation

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210/349-6484 FAX: 210/349-0041

JAMES C. WOOD
LEA A. REAM
RICHARD L. CROZIER
MARIA S. SANCHEZ
DALBY FLEMING
GARY F. LEH
SUSAN MURPHY
* AUSTIN OFFICE

AUSTIN
919 CONGRESS, SUITE 810, 78701
Phone: 512/469-6006 FAX: 512/473-2159

TELECOPY TRANSMITTAL LETTER

TO	Elizabeth Martin	830-816-8282
	Enc. Sherer	210-696-9675
	Mary Alice Boehm-McKaughan	239-6377
	Kathy Brown	239-0606
	Patrick Lindner	210-349-0041
	La Donna Castanuela	239-3311
	Stan Scott	830-537-5756

FROM: Mana Sanchez
RE: KCUC's Application
DATE: April 26, 2006

This transmission consists of a total of 133 pages, including this cover page. If you do not receive all pages, or if any difficulty in transmission occurs, please contact Sunny at 512-469-6006 or 800-635-7832.

2006-FILE-UCR

Message:

Hard copy Will ☒ Will Not ☐ follow.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS A CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADMONISHED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED EXCEPT AS DIRECTED BY THE ADDRESSEE. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND MAIL THE COMMUNICATION TO US AT OUR LETTERHEAD ADDRESS.

FILE COPY**COW CREEK GROUNDWATER CONSERVATION DISTRICT**

216 MARKET AVENUE, SUITE 105

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	Tapatio Springs Service Co., Inc.			Mailing Address	Post Office Box 1335		
City	Boerne	State	TX	Zip Code	78006	Phone Number	(830) 537 - 5755
Alternate Phone Number	Pager (210) 613-7950	Fax	(830) 537-5756		Email	kcuc@gvcc.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 Longitude 984826 / Blue Heron Blvd. by the Hotel
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/Drilling Permit Application			
Attach a copy of the Well Log (if applicable)			
Attach a copy of a location map or property plat drawn on a scale that adequately details the well site, the property lines, the location of other existing wells, the location of any existing or proposed wastewater systems, and the location of any other subsurface features of the property.			

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-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 hold, supply or sell products, or provide goods, services or repairs and that use water in those processes, or to supply water to an 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 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, cattle, goats, sheep, swine, poultry, chickens, emus, 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 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 PRODUCTIONAnnual maximum production requested in gallons per year _____ or acre feet per year 40

Please attach.

F. WATER AVAILABILITY

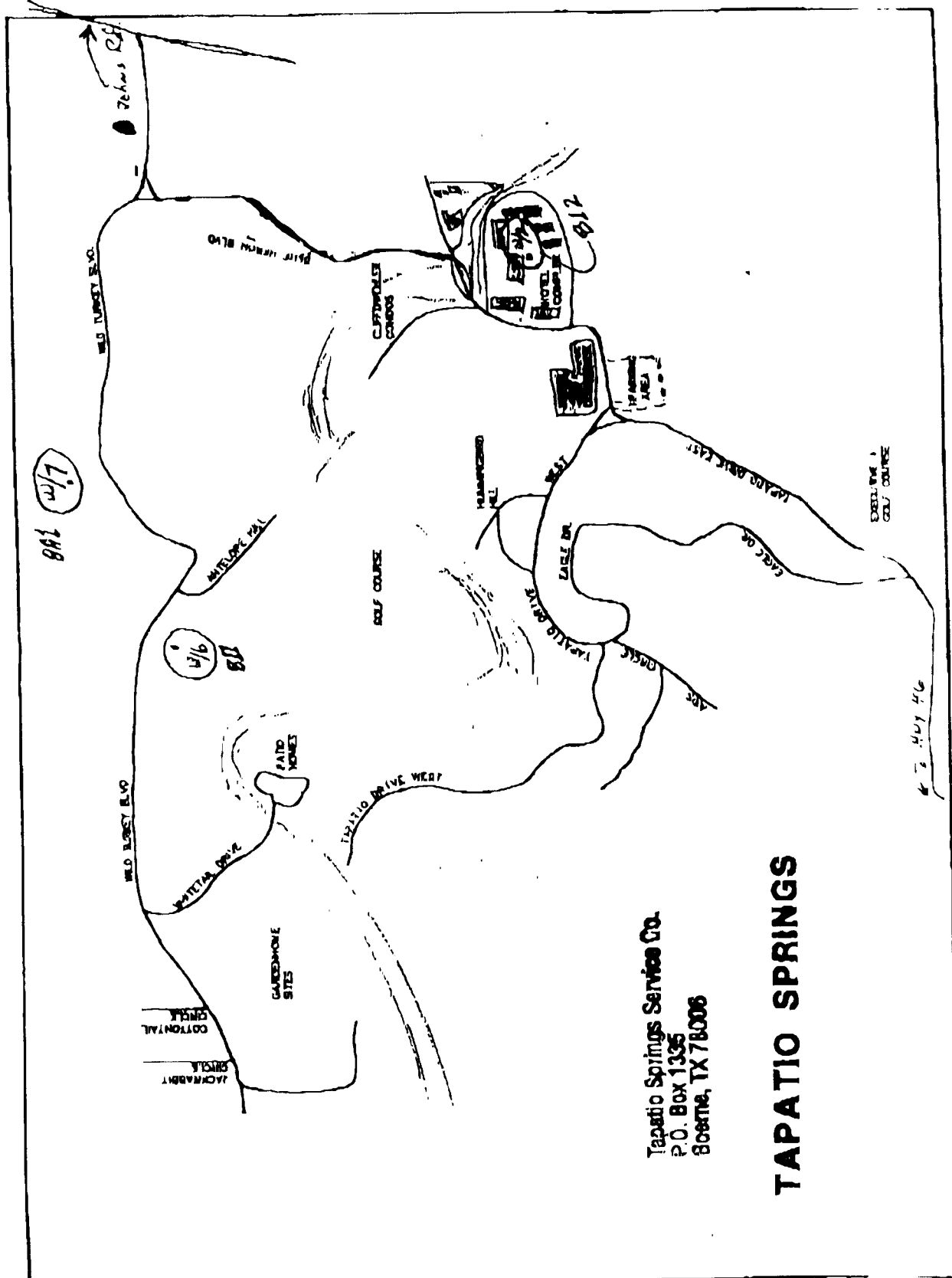
Attach a copy of the water availability study required by Kendall County, if any.

G. WATER CONSERVATION PLAN

Attach a Water Conservation Plan

H. DROUGHT CONTINGENCY PLAN

Attach a Drought Contingency Plan



FILE COPY**COW CREEK GROUNDWATER CONSERVATION DISTRICT**

216 MARKET AVENUE, SUITE 105

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	Tapatio Springs Service Co., Inc.			Mailing Address	Post Office Box 1335		
City	Boerne	State	TX	Zip Code	78006	Phone Number	(830) 537 - 5755
Alternate Phone Number	Pager (210) 613-7950	Fax	(830) 537-5756		Email	kcuc@jvvc.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; Longitude 984823 / 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 - 81.
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 on a scale that adequately details the 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)

☐ **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 buy, 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, 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.)

☐ **Livestock** (use of groundwater to provide water to domesticated horses, cattle, goats, sheep, swine, poultry, snakes, emus, 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 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 gallons per year _____ or acre feet per year 40

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 CONTINGENCY PLAN

Attach a Drought Contingency Plan

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.

Signature of Well Owner or Authorized Agent [Signature]

Operations Manager

Printed Name: Stan Scott

Date April 5, 2006

Contact Information (if different from Section A)

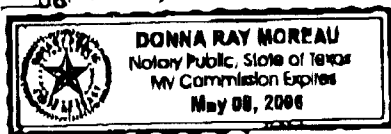
Address: _____ City _____ State _____

Zip Code: _____

Telephone Number: _____

NOTARY PUBLIC'S CERTIFICATE

Subscribed and sworn to before me, by the said Stan Scott, this 5th day of April, 2006, to certify which witness my hand and seal of office.



[Signature]
Notary Public Signature

Donna Ray Moreau
Notary Public Printed Name

Notary Public in and for Kendall County, Texas

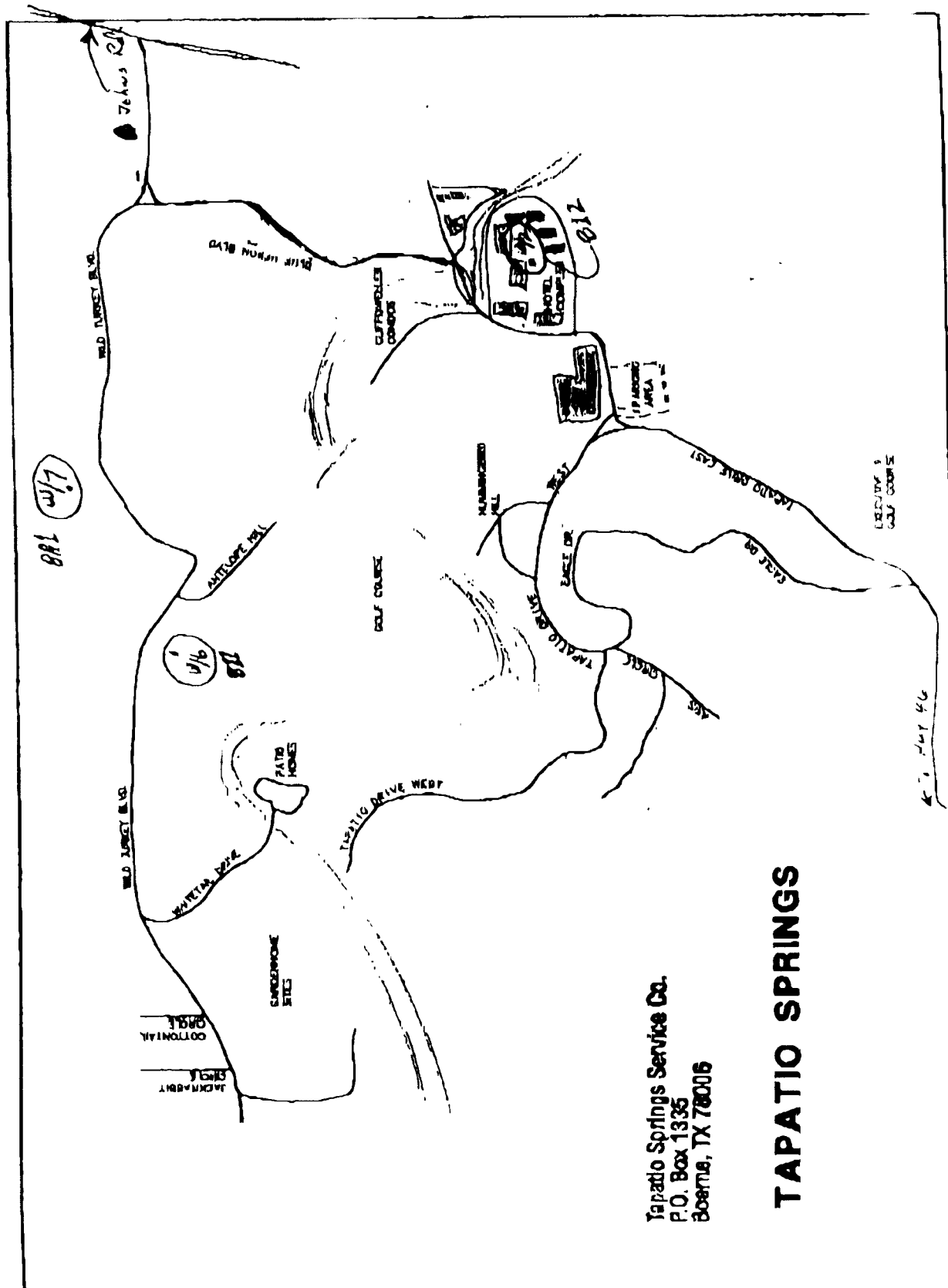
My Commission Expires 5-6-06

FOR DISTRICT USE ONLY

Attach copies of all Notice of Deficiencies (NOD) and responses

Date Received: _____ Application Expiration Date (100 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: _____
 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 (within 35 days of hearing): _____



Tapatio Springs Service Co.
P.O. Box 1335
Boerne, TX 78006

TAPATIO SPRINGS

FILE COPY**COW CREEK GROUNDWATER CONSERVATION DISTRICT**

216 MARKET AVENUE, SUITE 105

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	Tapatio Springs Service Co., Inc.			Mailing Address	Post Office Box 1335		
City	Boerne	State	TX	Zip Code	78006	Phone Number	(830) 537 - 5755
Alternate Phone Number	Pager (210) 613-7950	Fax	(830) 537-5756		Email	kcuc@gvvc.com	

B. WELL INFORMATION

Well # or Reference	Well 6
Previous or Other Names Identifying the Tract of Land	
Location of Well (911 Address)	Latitude 294700 Longitude 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 - 810
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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 on a scale that adequately details the well location

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-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 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, including 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.)
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- ☒ **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 gallons per year _____ or acre feet per year 49

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 CONTINGENCY PLAN

Attach a Drought Contingency Plan

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

1. 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.

Signature of Well Owner or Authorized Agent: [Signature] Operations Manager

Printed Name: Stan Scott

Date: April 5, 2006

Contact Information (if different from Section A):

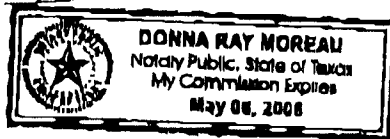
Address: _____ City: _____ State: _____

Zip Code: _____

Telephone Number: _____

NOTARY PUBLIC'S CERTIFICATE

Subscribed and sworn to before me, by the said Stan Scott, this 5th day of April, 2006, to certify which witness my hand and seal of office.



[Signature]
Notary Public Signature

DONNA RAY MOREAU
Notary Public Printed Name

Notary Public in and for Stark County, Texas

My Commission Expires Kendall

FOR DISTRICT USE ONLY

Attach copies of all Notice of Deficiencies (NOD) and responses

Date 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: _____

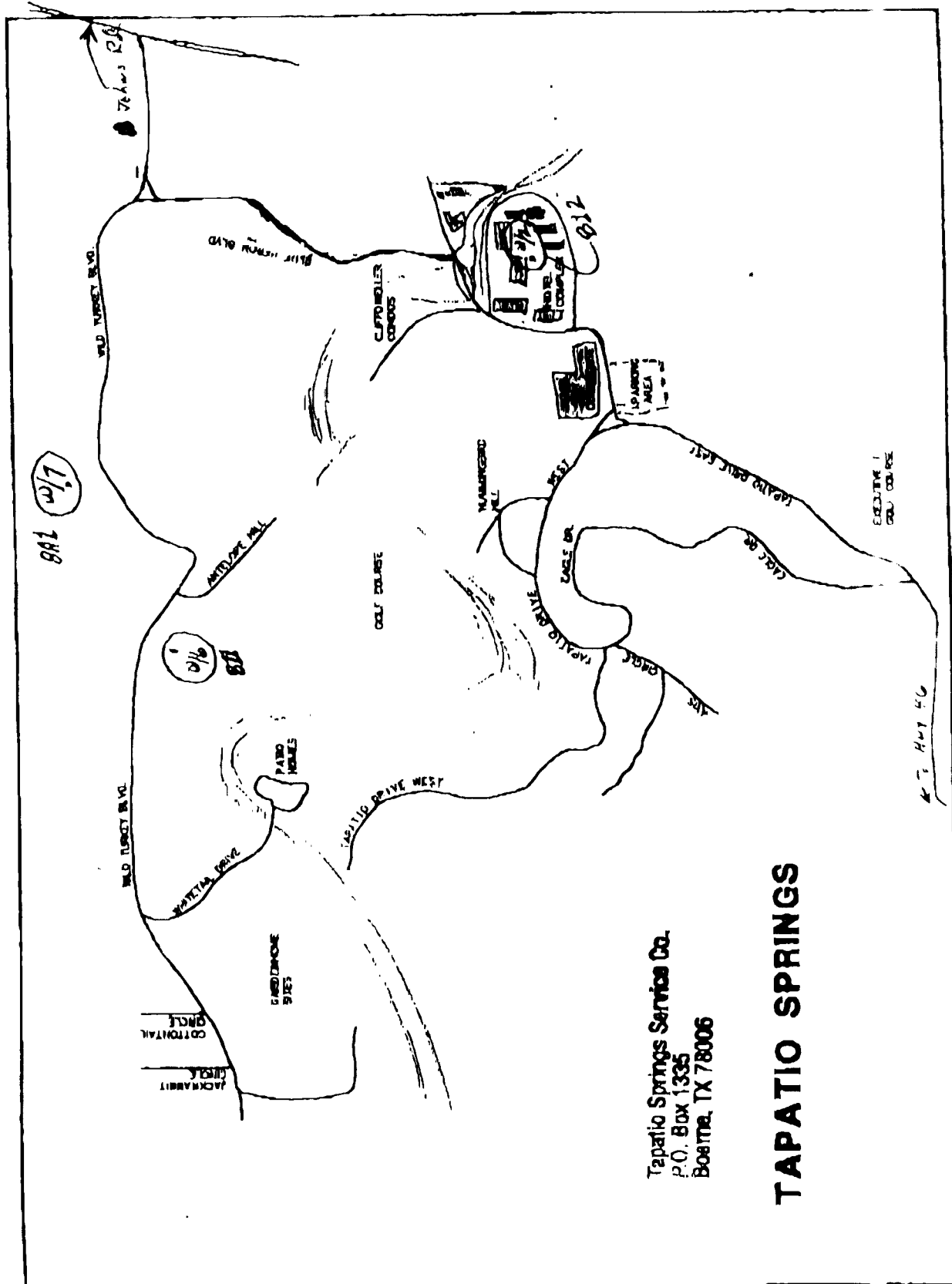
Date Administratively Complete: _____

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 (within 35 days of hearing): _____



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BOERNE, TEXAS 78006

(830) 816-2504 Fax (830) 816-2607

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Name	Kendall County Utility Co., Inc.			Mailing Address	Post Office Box 1335		
City	Boerne	State	TX	Zip Code	78006	Phone Number	(830) 537-5755
Alternate Phone Number	(210) 613-7950	Fax	(830) 537-5756	Email	kcuc@gvutc.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

C. WELL REGISTRATION

District Well Number		State Well Number	RB 68 - 10 - 620
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 on a scale that adequately details the 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)

- ☐ **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.)
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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 12

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 copy of the water conservation plan.

H. DROUGHT CONTINGENCY PLAN

Attach a copy of the drought contingency plan.

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.

Signature of Well Owner or Authorized Agent: [Signature] Operations Manager

Printed Name: Stan Scott

Date: April 5, 2006

Contact Information (if different from Section A).

Address: _____ City: _____ State: _____
 Zip Code: _____

Telephone Number: _____

NOTARY PUBLIC'S CERTIFICATE

Subscribed and sworn to before me, by the said Stan Scott, this 5th day of April, 2006, to certify which witness my hand and seal of office.



[Signature]
 Notary Public Signature

DONNA RAY MOREAU
 Notary Public Printed Name

Notary Public in and for Kendall County, Texas

My Commission Expires 5/8/08

FOR DISTRICT USE ONLY

Attach copies of all Notice of Deficiencies (NOD) and responses

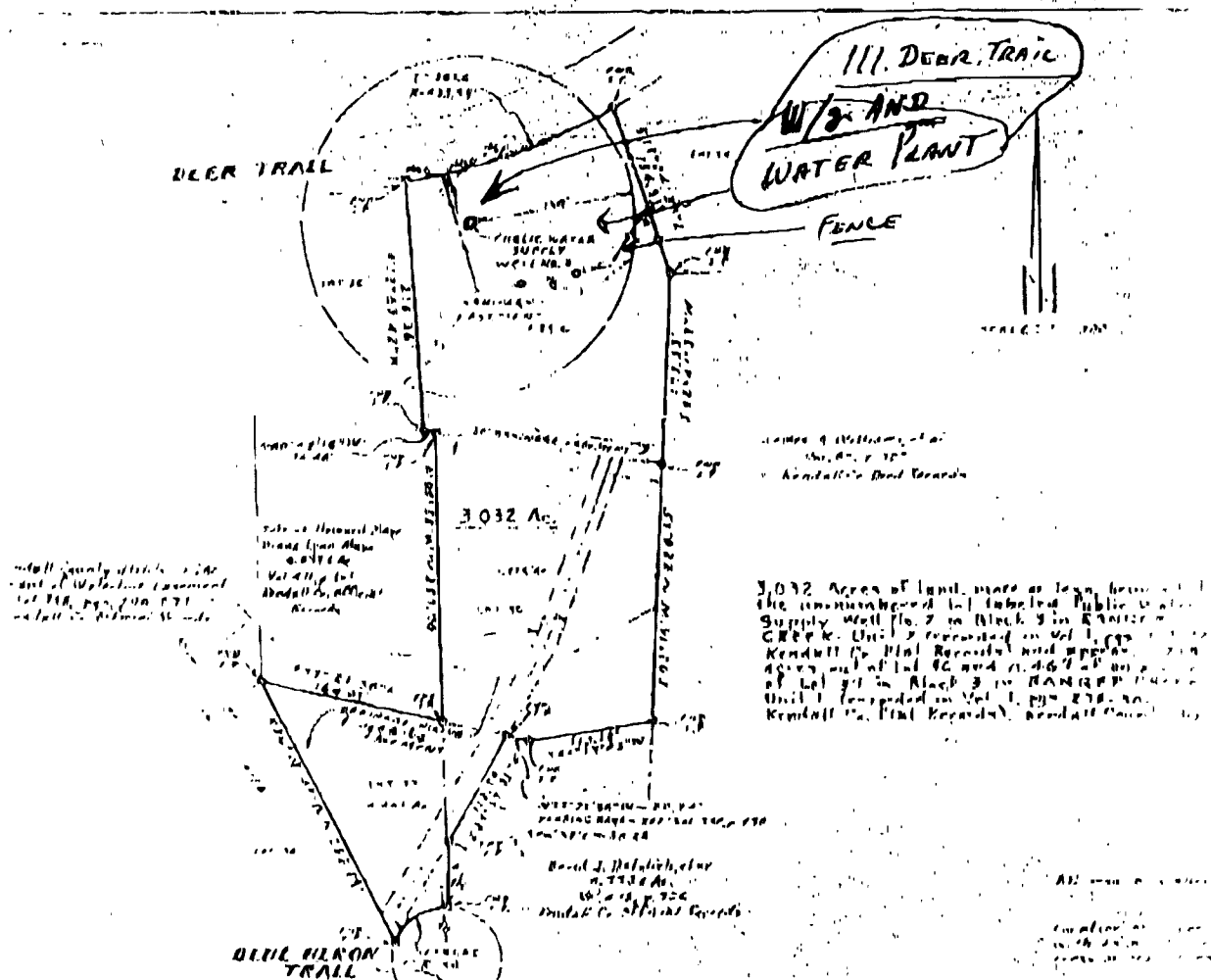
Date Received: _____ Application Expiration Date (180 days after receipt): _____
 Date of First NOD: _____ Revised Expiration Date: _____
 Date of Second NOD: _____ Revised Expiration Date: _____
 Date of Third NOD: _____ Revised Expiration Date: _____

Date Administratively Complete: _____
 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): _____
 _____ (within 35 days of hearing): _____

APR-26-2006 WED 04:11 PM DAVIDSON AND TROILO

FAX NO. 512 4732159

17/33



3,032 Acres of land more or less, hereinafter referred to as the "unimproved" land labeled Public Water Supply Well No. 2 in Block 9 in Kittery, Maine. Unit 2 recorded in Vol. 1, pp. 276-277. Kendall Co. Final Record and Record of Conveyances, Vol. 1, p. 276-277. 4000 Acres, out of lot 2 and 3, 467.75 acres, out of lot 2 in Block 3 in Kittery, Maine. Unit 1 recorded in Vol. 1, pp. 276-277. Kendall Co. Final Record and Record of Conveyances, Vol. 1, p. 276-277.

1981-1982

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

- 1.51

FILE COPY**COW CREEK GROUNDWATER CONSERVATION DISTRICT**

216 MARKET AVENUE, SUITE 105

BOERNE, TEXAS 78006

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City	Boerne	State	TX	Zip Code	78006	Phone Number	(830) 537-5755
Alternate Phone Number	Pager (210) 613-7950	Fax	(830) 537-5756		Email	kcuc@gvvc.com	

B. WELL INFORMATION

Well # or Reference	Well 4
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 on a scale that adequately details the 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)

- ☐ **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 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.)
- ☐ **Livestock** (use of groundwater to provide water to domesticated horses, cattle, goats, sheep, swine, poultry, ostriches, emus, 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 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 PRODUCTIONAnnual maximum production requested in gallons per year _____ or acre feet per year 88

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 CONTINGENCY PLAN

Attach a Drought Contingency Plan

001511 1214 07101 07-10-2007

99/9 1/9 098

FROM: UC-TRIPOLI SPRINGS

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.

Signature of Well Owner or Authorized Agent: [Signature] Operations Manager

Printed Name: Stan Scott

Date: April 5, 2006

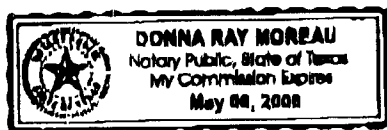
Contact Information (if different from Section A):

Address: _____ City: _____ State: _____
 Zip Code: _____

Telephone Number: _____

NOTARY PUBLIC'S CERTIFICATE

Subscribed and sworn to before me, by the said Stan Scott, this 5th day of April, 2006, to certify which witness my hand and seal of office



[Signature]
 Notary Public Signature

Donna Ray Moreau
 Notary Public Printed Name

Notary Public in and for Kerr County, Texas

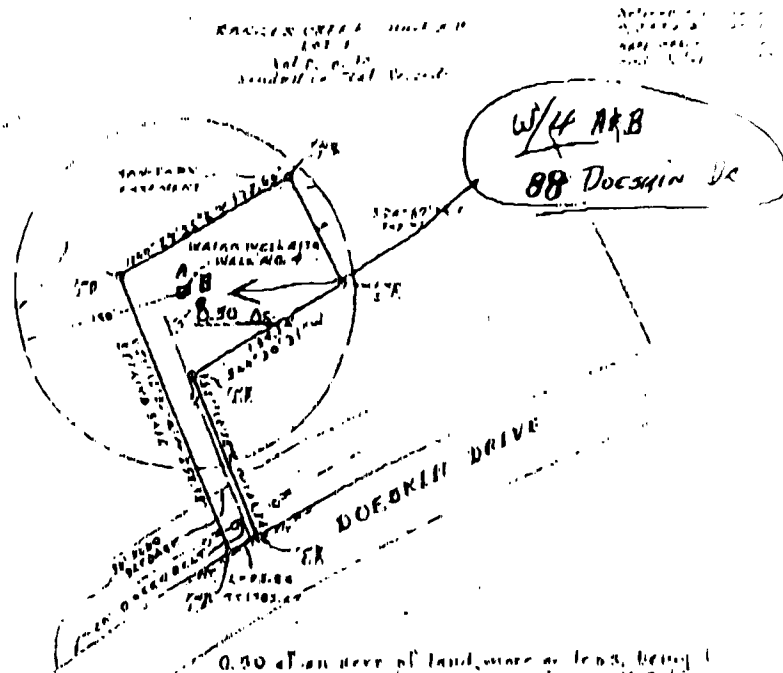
My Commission Expires 5-4-08

FOR DISTRICT USE ONLY

Attach copies of all Notice of Deficiencies (NOD) and responses

Date 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: _____
 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 (within 35 days of hearing): _____



0.50 of an acre of land, more or less, being (un-numbered lot labeled Water Well Site Well No. 4 in RANGER CREEK Unit A (recorded in Vol 2, p 70, Kendall Co Plat Records), Kendall County, Texas.

FILE COPY

COW CREEK GROUNDWATER CONSERVATION DISTRICT
216 MARKET AVENUE, SUITE 105
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 agreement, or any other estate in the land.)

Name	Kendall County Utility Co., Inc.			Mailing Address	Post Office Box 1335		
City	Boerne	State	TX	Zip Code	78006	Phone Number	(830) 537-5755
Alternate Phone Number		Pager	(210) 613-7950	Fax	(830) 537-5756	Email	kcuc@gvwc.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 Dooskin Drive
Legal Property Description of Well Location	Unit 2 - Block 1 - Between Lots 7 & 8
Describe the Use of the Well	Retail Water Utility

C. WELL REGISTRATION

District Well Number		State Well Number	RB 68 - 10 - 61
Attach a copy of the Well Registration/Drilling Permit Application			
Attach a copy of the Well Log (if applicable)			

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-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 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 gallons per year _____ or acre feet per year 12

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 CONTINGENCY PLAN

Attach a Drought Contingency Plan

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.

Signature of Well Owner or Authorized Agent: [Signature] Operations Manager

Printed Name: Stan Scott

Date: April 5, 2006

Contact Information (if different from Section A)

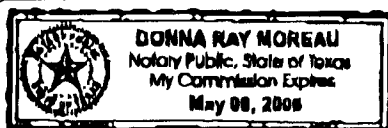
Address: _____ City: _____ State: _____

Zip Code: _____

Telephone Number: _____

NOTARY PUBLIC'S CERTIFICATE

Subscribed and sworn to before me, by the said Stan Scott, this 5th day of April, 2006, to certify which witness my hand and seal of office.



[Signature]
Notary Public Signature

DONNA RAY MOREAU
Notary Public Printed Name

Notary Public in and for Kendall County, Texas

My Commission Expires 5/6/08

FOR DISTRICT USE ONLY

Attach copies of all Notice of Deficiencies (NOD) and responses

Date Received: _____ Application Expiration Date (100 days after receipt): _____

Date of First NOD: _____ Revised Expiration Date: _____

Date of Second NOD: _____ Revised Expiration Date: _____

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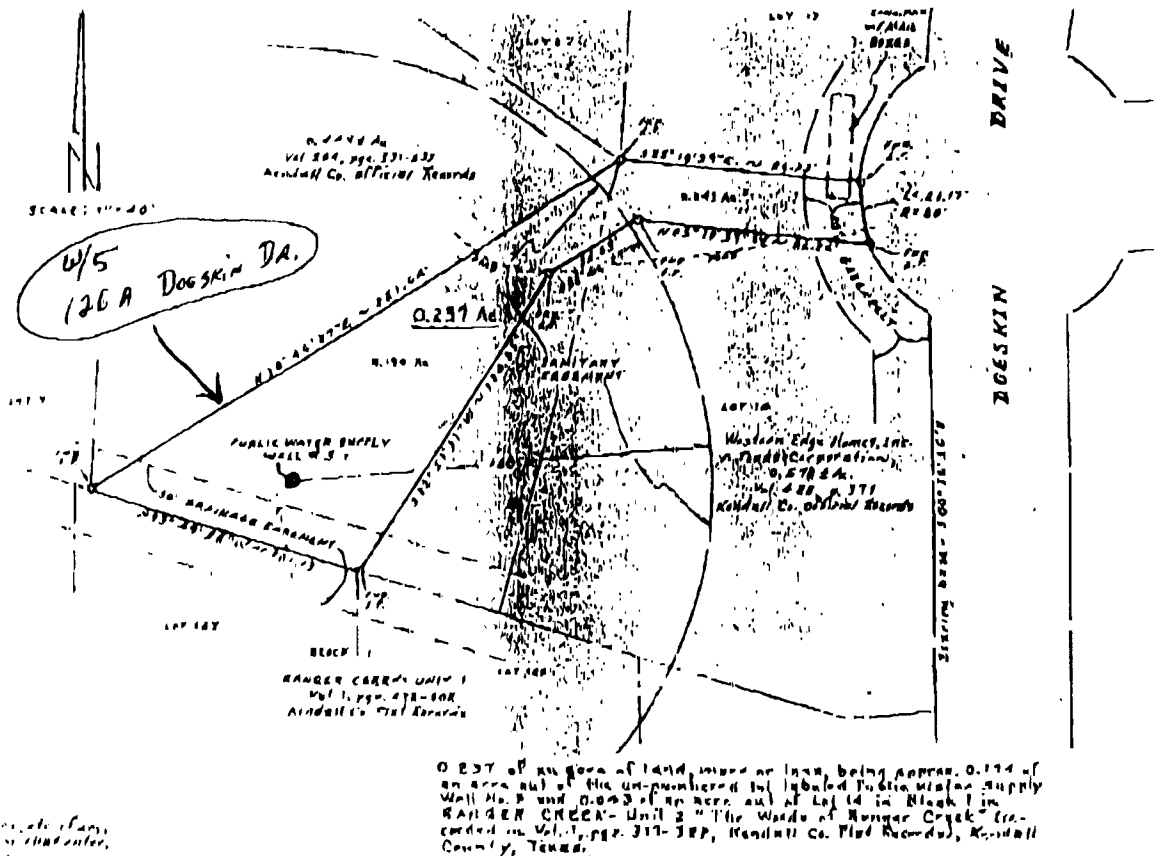
Date Administratively Complete: _____

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 (within 35 days of hearing): _____



FILE COPY

COW CREEK GROUNDWATER CONSERVATION DISTRICT
216 MARKET AVENUE, SUITE 105
BOERNE, TEXAS 78008
(830) 816-2504 Fax (830) 816-2607

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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.			Mailing Address	Post Office Box 1335		
City	Boerne	State	TX	Zip Code	78006	Phone Number	(830) 537 - 5755
Alternate Phone Number	Pager (210) 613-7950	Fax	(830) 537-5756		Email	kcuc@gvvc.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
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/Drilling Permit Application

Attach a copy of the Well Log (if applicable)

Attach a copy of a location map or property plat drawn on a scale that adequately details the well site, the property lines

05/07/04 12:18 PM 07-00000000

00/09/09 00:00

FROM: JUC-TRAPATIO 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 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.)
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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 102

Please attach.

F. WATER AVAILABILITY

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Attach a Water Conservation Plan

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Application for an Operation Permit or to Substantially Alter a Well
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Signature of Well Owner or Authorized Agent: [Signature]

Operations Manager

Printed Name Stan Scott

Date April 5, 2006

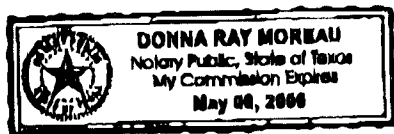
Contact Information (if different from Section A).

Address: _____ City: _____ State: _____
Zip Code: _____

Telephone Number _____

NOTARY PUBLIC'S CERTIFICATE

Subscribed and sworn to before me, by the said Stan Scott, this 5th day of April, 20 06, to certify which witness my hand and seal of office



[Signature]
Notary Public Signature

DONNA RAY MOREAU
Notary Public Printed Name

Notary Public in and for Kendall County, Texas

My Commission Expires 5/08/06

FOR DISTRICT USE ONLY

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Notice to Applicant of Hearing Date (at least 10 days before hearing): _____
Decision Date (within 35 days of hearing): _____