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DOCKET NO. 46948

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APPLICATION OF VINEYARD
RIDGE, LLC TO OBTAIN A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN GILLESPIE
COUNTY

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BEFORE THE
PUBLIC UTILITY COMMISSION
FILING CLERK
2017 AUG 11 AM 9:48
PUBLIC UTILITY COMMISSION
OF TEXAS

**JOHN MCRAE'S MOTION TO INTERVENE AND
REQUEST FOR A PUBLIC HEARING**

On behalf of John McRae (McRae) of Gillespie County, Texas, I am filing this motion to intervene and request for a public hearing on Vineyard Ridge, LLC's (Applicant) application to obtain a water certificate of convenience and necessity (CCN) in Docket 46948.

I am the attorney representing McRae in this matter, and my name and address are:

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McRae owns land within one mile of the proposed CCN area, on which he has three groundwater wells. Based on his knowledge of water wells in the area and an independent evaluation of the Applicant's aquifer test conducted in June of 2016, McRae is concerned that the Applicant's groundwater pumping to serve its public water system will adversely affect his groundwater wells located nearby. McRae therefore has a justiciable interest that could be adversely affected by the application. If founded, McRae's concerns also implicate Applicant's access to an adequate supply of water and technical capability to provide continuous and adequate service.¹

Applicant has drilled two wells, and now must test them pursuant to Title 30 Texas Administrative Code (TAC) Chapter 290. However, to McRae's knowledge, Applicant has not yet conducted the 36-hour pump test required by 30 TAC 290.41(c)(3) (pump test).

¹ See 30 Tex. Water Code § 13.241(a)-(b).

Applicant has applied to the Hill Country Underground Water Conservation District (the District) for a permit to produce 60 acre feet of groundwater per year, which is pending review by the District of the forthcoming pump test. McRae intends to continue to engage with the District and participate in its administrative proceedings on Applicant's District application at the appropriate time, but will not have the opportunity to do so until after reviewing the pump test results.

McRae plans to have the results of Applicant's pump test independently reviewed by a hydrologist to assure there is a sufficient amount of water available for use in Applicant's water system without harming McRae's wells. Because the pump test results are not available yet, in an abundance of caution, McRae files this motion to intervene and request for a public hearing.

McRae respectfully requests that the Commission grants his motion to intervene and request for a public hearing. McRae also requests that the Commission take no further action on this application until McRae has an opportunity to review the results of Applicant's pump test and pursue his rights and possible remedies at the District.

Upon receipt of the results, and provided the results indicate there is sufficient water available for Applicant's water system without harming McRae's wells, McRae will withdraw this motion to intervene and request for a hearing. If the pump test results show there is not enough water available for Applicant's water system, McRae will modify his request for relief depending on those results and possibly request the Commission to, at the conclusion of a hearing on the issues, deny the application.

Respectfully Submitted,

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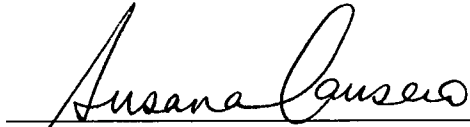
By: 
SUSANA E. CANSECO

CERTIFICATE OF SERVICE

I, Susana E. Canseco, attorney for applicant VM Neighbors Water Group, certify that a copy of this document was served on all parties of record in this proceeding on the 11th day of August, 2017 in accordance with 16 TAC § 22.74.

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