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APPLICATION OF NORTHSIDE  
WATER SUPPLY CORPORATION  
AND RED RIVER AUTHORITY OF  
TEXAS FOR SALE, TRANSFER, OR  
MERGER OF FACILITIES AND  
CERTIFICATE RIGHTS IN  
WILBARGER COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS  
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**RED RIVER AUTHORITY'S RESPONSE TO OBJECTION OF  
WILBARGER COUNTY, TEXAS**

Red River Authority of Texas ("Red River Authority") provides the following response to the Objection to Recommendation on Administrative Completeness and Proposed Notice and to Proposed Sale or Transfer filed by Wilbarger County, Texas (the "Wilbarger County Objection"):

1. Wilbarger County filed the Wilbarger County Objection on the grounds that Red River Authority did not request the approval of the Wilbarger County Commissioners for the proposed transfer of the assets of Northside Water Supply Corporation (the "Northside Assets"), pursuant to *Tex. Rev. Civil Statutes, Article 8280-228, Section 19a* ("Section 19a").

2. Section 19a provides that, "The Authority may purchase groundwater rights in a county in the Authority's territory only if.....in the case where a county is not in the jurisdiction of a groundwater conservation district, the commissioners court of the county approves the purchase of groundwater rights by the Authority in the county."

3. The acquisition of the Northside Assets does not constitute the "purchase of groundwater rights" under Section 19a. As such, the transfer of the Northside Assets to the Red River Authority does not require the consent of the Wilbarger County Commissioners Court.



4. In addition, Wilbarger County does not have standing to intervene in this action pursuant to 16 TAC §22.103, because Wilbarger County does not have a personal justiciable interest affected by Red River Authority's Application.

5. Finally, the Wilbarger County Objection was not timely filed. According to the records of the Public Utility Commission, the Commission did not receive the Wilbarger County Objection until April 27, 2018. The Commission's procedural schedule set the deadline to file an intervention at April 26, 2018.

6. For the foregoing reasons, Red River Authority requests that the Wilbarger County Objection be denied and for such other and further relief to which Red River Authority is entitled.


Respectfully submitted,

**SHERILL & GIBSON, PLLC**

  
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on May 8, 2018, in accordance with 16 TAC §22.74.

  
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D. Todd Davenport

