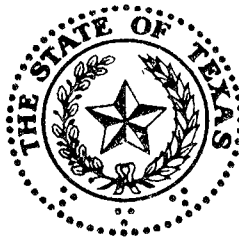




Control Number: 51091



Item Number: 85



THE COUNTY OF BURNET
BURNET, TEXAS 78611

2022 MAR -7 AM 9:00
FILED CLERK

March 3, 2022

Public Utilities Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Attention: Chairman Lake, Commissioner McAdams, Commissioner Cobos,
Commissioner Glotfelty

RE: Complaint of Certain Members of the Rio Ancho Homeowners Association
Against Aqua Texas, Inc., SOAH Docket No. 473-21-0246, PUC Docket No. 51091

Commissioners,

As the Director of Development Services for Burnet County for the past quarter century, I have seen my county turn from a rural agriculture based county into a rapidly developing county where the population of people now outnumbers that of cattle ten to one (the cattle had us three to one in the 1990 census). County regulatory authority for development is fairly limited under chapters 232 and 233 of the Texas Local Government Code. The Rio Ancho Subdivision was platted in 2008, during a downturn in the local economy and new residences came at a slow pace. It was created with less than one acre tracts and is served by a community water system based on groundwater, using on-site sewage facilities for each home. During my many trips to the Rio Ancho subdivision to inspect the on-site sewage facilities, I observed the lush green lawns, swimming pools and water from lawn irrigation running down the streets. 2017 brought a boom in the local economy and it has continued to grow each year with the Rio Ancho subdivision reaching near build out on the Burnet County side.

The Central Texas Groundwater Conservation District was created in 2006 and officially began permitting and enforcement on September 1, 2009. The district has been an invaluable resource for information regarding groundwater and aquifers and the impact growth has on our groundwater supply. In 2019, with assistance from the district, Burnet County adopted 232.0032 of the Texas Local Government Code requiring the use of a groundwater availability study to determine density for proposed subdivisions utilizing groundwater. I feel certain that had the Rio Ancho subdivision been proposed today with its proposed density, the groundwater study would NOT support it and a less dense development would have been required.

Burnet County is a beautiful place to live, located on the Llano uplift on the eastern edge of the Chihuahuan Desert. I would invite you to look at a map of the county. Notice the large sections of the county where there are few roads. These areas are consistent to the lack of groundwater and the people that live there, by necessity, are very conservative with what little water they have, some relying on rain water collection entirely. I would urge you to realize the predicament Aqua Texas is in. They are producing as much water as the aquifer will allow. Hopefully an alternative water source becomes available in the near future to supplement the system but until that occurs, the subdivision needs to learn conservation.

I appreciate the job you do as Commissioners for the PUC. You all are regulators just as I am. Sometimes the decisions are tough and require the disappointment of one party or another. I would urge you to implore on the HOA of Rio Ancho the gravity of their situation and the need to conserve every drop of water possible. I'm just an old cowboy but I realized a long time ago you can only put so many cattle in a pasture until you have to start hauling feed and water to them. I appreciate your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Herb Darling", with a stylized flourish at the end.

Herb Darling

Burnet County Development Services, Director

cc.

Honorable James Oakley, Burnet County Judge

Mr. Mitchell Sodek, GM, Central Texas Groundwater Conservation District