Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 11, 2009

TO: Persons on Attached Mailing List

RE: Docket Nos. 2009-0185-WR, 2009-0186-WR, 2008-1616-WR, 2008-1617-WR
City of San Angelo and San Angelo Water Supply Corporation
Hearing Requests filed on Water Rights Permit Nos. ADJ 1348A, ADJ 1298B, ADJ 1318B, ADJ 1318C

The purpose of this letter is to inform you of a mistake in the mailing lists for the notice letters dated July 22, 2009 regarding the Commission's August 26, 2009 consideration of the above referenced applications and hearing requests.

It has come to my attention that the mailing list for those notice letters incorrectly identified Mr. Jones as the representative for UCRA. Please note that Mr. Jones *does not* represent UCRA on these contested Adjudications. Mr. Jones' information has been corrected in our databases to prevent further mistakes and I apologize for any confusion. Enclosed please find the corrected mailing lists.

Sincerely,

LaDonna Castañuela, Chief Clerk

printed on recycled paper using soy-based ink

MAILING LIST
CITY OF SAN ANGELO
SAN ANGELO WATER SUPPLY CORPORATION
DOCKET NOS. 2009-0185-WR, 2009-0186-WR, 2008-1616-WR, 2008-1617-WR;
PERMIT NOS. ADJ 1348A, ADJ 1298B, ADJ 1318B,
ADJ 1318C

FOR THE APPLICANT:
Martin Rochelle
Lloyd Gosselink
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Tel: (512) 322-5800
Fax: (512) 472-0532

Will Wilde
City of San Angelo
P.O. Box 1751
San Angelo, Texas 76902-1751
Tel: (325) 657-4209
Fax: (325) 655-6397

FOR THE EXECUTIVE DIRECTOR:
Robin Smith, Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Ron Ellis, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division, MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-1282
Fax: (512) 239-2214

Craig Mikes, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division, MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-5049
Fax: (512) 239-2214

FOR PUBLIC INTEREST COUNSEL:
Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:
Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE RESOLUTION:
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

Please see attached for the list of requesters and commenters.

ADJ 1348A

REQUESTER(S)

FRED BALL
2819 CHATTERTON DR
SAN ANGELO TX 76904-6155

BECKY BOOKTER
2819 CHATTERTON DR
SAN ANGELO TX 76904-6155

LEWIS J BUCK
15793 MY RD
MILES TX 76861-5210

VAN W CARSON
CPA
17 S CHADBOURNE ST STE 509
SAN ANGELO TX 76903-5862

JOHN CMEREK
6834 N FM 1692
MILES TX 76861-5225

MR DWAYNE DISHROON
PO BOX 374
MILES TX 76861-0374

WANDA & WG DISHROON
PO BOX 374
MILES TX 76861-0374

THOMAS L EVRIDGE
16185 MY RD
MILES TX 76861-5200

LETHA GREEN & TODD SCHWERTNER
PO BOX 70
MILES TX 76861-0070

JENNIFER ANN HOELSCHER
2261 COUNTRY CLUB RD
SAN ANGELO TX 76904-9351

STEVEN HOELSCHER
2261 COUNTRY CLUB RD
SAN ANGELO TX 76904-9351

WANDA HUDSON
8193 THOMPSON RD
MILES TX 76861

BETTY & DOUGLAS JOHN
16293 MY RD
MILES TX 76861-5217

A J JONES
CONCHO RIVER BASIN WATER CONSERVANCY ASSOCIATION
15957 MY RD
MILES TX 76861-5228

JOHN C KETZLER
7253 JACKSON LN
MILES TX 76861-5222

DARRELL RUSHING
16269 MY RD
MILES TX 76861-5217

CLYDE WATKINS
7290 FM 380
SAN ANGELO TX 76905-3310

EDWARD E WERNER
PO BOX 58
MILES TX 76861-0058

BEN A WILLBERG
9990 FM 380
PAINT ROCK TX 76866-3602

KENNETH R WINDHAM
20838 NORMAN RD
FORT MCKAVETT TX 76841-2000

INTERESTED PERSON(S)

LYN CLANCY
ASSOC GEN COUNSEL, LCRA
PO BOX 220 H424
AUSTIN TX 78767-0220

ADJ 1298B

REQUESTER(S)

CARROLL D BLACKLOCK
1906 COKE ST
SAN ANGELO TX 76905-6223

SANDRA & VAN CARSON
CARSON FARMS
17 S CHADBOURNE ST STE 509
SAN ANGELO TX 76903-5862

LETHA GREEN & TODD SCHWERTNER
PO BOX 70
MILES TX 76861-0070

WANDA HUDSON
8193 THOMPSON RD
MILES TX 76861

DOUGLAS JOHN
16293 MY RD
MILES TX 76861-5217

A J JONES
CONCHO RIVER BASIN WATER CONSERVANCY ASSOCIATION
15957 MY RD
MILES TX 76861-5228

JOHN C KETZLER
7253 JACKSON LN
MILES TX 76861-5222

DONALD KOTHMANN
REPRESENTATIVE, SOUTH CONCHO IRRIGATION CO.
16753 US HIGHWAY 277 S
CHRISTOVAL TX 76935-3207

KEVIN L NOLAND
11097 S DOUGLAS LOOP
MILES TX 76861-4717

DARRELL RUSHING
16269 MY RD
MILES TX 76861-5217

KENNETH SCHWARTZ
7118 S FAIRVIEW SCHOOL RD
SAN ANGELO TX 76904-4124

BOBBY R & CAROL TURNER
PO BOX 428
CHRISTOVAL TX 76935-0428

BOBBY TURNER
1821 KNICKERBOCKER RD STE B
SAN ANGELO TX 76904-5553

KENNETH R WINDHAM
20838 NORMAN RD
FORT MCKAVETT TX 76841-2000

INTERESTED PERSON(S)

LYN CLANCY
ASSOC GEN COUNSEL, LCRA
PO BOX 220 H424
AUSTIN TX 78767-0220

REQUESTER(S)

ADJ 1318B

CARROLL D BLACKLOCK
1906 COKE ST
SAN ANGELO TX 76905-6223

FRED R CAMPBELL
PO BOX 186
PAINT ROCK TX 76866-0186

CONCERNED CITIZEN
PUBLIC WORKS DIRECTOR, CITY OF PAINT ROCK
PO BOX 157
PAINT ROCK TX 76866-0157

GENA M DAY
PO BOX 143
TERRAL OK 73569-0143

WANDA & WG DISHROON
PO BOX 374
MILES TX 76861-0374

THOMAS L EVRIDGE
16185 MY RD
MILES TX 76861-5200

SAMIE EWALD
226 W TWOHIG AVE
SAN ANGELO TX 76903-6439

LEONARD GRANTHAM
15273 MCMILLAN RD
MILES TX 76861-4806

LETHA GREEN & TODD SCHWERTNER
PO BOX 70
MILES TX 76861-0070

AUGUST F HAECHTEN, IV
PO BOX 66
LOWAKE TX 76855-0066

BILLY HELWIG
5130 N HELWIG RD
MILES TX 76861-5214

JENNIFER & STEVEN H HOELSCHER
2261 COUNTRY CLUB RD
SAN ANGELO TX 76904-9351

WANDA & WAYNE HUDSON
8193 THOMPSON ROAD
MILES TX 76861

WANDA HUDSON
8193 THOMPSON RD
MILES TX 76861

BETTY & DOUGLAS JOHN
16293 MY RD
MILES TX 76861-5217

DOUGLAS JOHN
PO BOX 545
MILES TX 76861-0545

A J JONES
CONCHO RIVER BASIN WATER CONSERVANCY ASSOCIATION
15957 MY RD
MILES TX 76861-5228

JOHN C KETZLER
7253 JACKSON LN
MILES TX 76861-5222

BERNIE & LUCY MIKA
PO BOX 643
MILES TX 76861-0643

FRED MUELLEN
2102 SCHWARTZ RD
SAN ANGELO TX 76904-4137

DARRELL RUSHING
16269 MY RD
MILES TX 76861-5217

BILL SCHNEEMANN
SCHNEEMANN INVESTMENT CORP
1005 N PLAZA AVE
BIG LAKE TX 76932-3217

KENNETH SCHWARTZ
7118 S FAIRVIEW SCHOOL RD
SAN ANGELO TX 76904-4124

KENT C SCHWARTZ
10480 ROBBY JONES RD
SAN ANGELO TX 76904-4134

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10480 ROBBY JONES RD
SAN ANGELO TX 76904-4134

KENNETH SCHWERTZ
7118 S FAIRVIEW SCHOOL RD
SAN ANGELO TX 76904-4124

BEN O SIMS
425 N CROZIER AVE
PAINT ROCK TX 76866-3103

BEN O SIMS
RR 1 BOX 4
PAINT ROCK TX 76866-9401

DAVID VINSON
20001 PRIVATE RD
ROWENA TX 76875

M C VINSON
20001 PRIVATE ROAD 1787
ROWENA TX 76875-6225

CLYDE WATKINS
7290 FM 380
SAN ANGELO TX 76905-3310

EDWARD E WERNER
PO BOX 58
MILES TX 76861-0058

BEN A WILLBERG
9990 FM 380
PAINT ROCK TX 76866-3602

KENNETH R WINDHAM
20838 NORMAN RD
FORT MCKAVETT TX 76841-2000

REQUESTER(S)

ADJ 1318C

WILBURN BAILEY
PO BOX 66
LOWAKE TX 76855-0066

CARROLL D BLACKLOCK
1906 COKE ST
SAN ANGELO TX 76905-6223

LEWIS J BUCK
15793 MY RD
MILES TX 76861-5210

LONNIE L BUCK, III
1412 S VAN BUREN ST
SAN ANGELO TX 76901-4356

FRED R CAMPBELL
PO BOX 186
PAINT ROCK TX 76866-0186

VAN W CARSON
CPA
17 S CHADBOURNE ST STE 509
SAN ANGELO TX 76903-5862

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MILES TX 76861-0374

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PO BOX 66
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5130 N HELWIG RD
MILES TX 76861-5214

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2261 COUNTRY CLUB RD
SAN ANGELO TX 76904-9351

JENNIFER & STEVEN H HOELSCHER
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MILES TX 76861-5228

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7253 JACKSON LN
MILES TX 76861-5222

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PO BOX 643
MILES TX 76861-0643

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BEN O SIMS
425 N CROZIER AVE
PAINT ROCK TX 76866-3103

BEN O SIMS
RR 1 BOX 4
PAINT ROCK TX 76866-9401

GORDON P & N L SNODGRASS
4218 HOMESTEAD CIR
SAN ANGELO TX 76905-7309

DAVID VINSON
20001 PRIVATE RD
ROWENA TX 76875

M C VINSON
20001 PRIVATE ROAD 1787
ROWENA TX 76875-6225

M C VINSON
VINSON RANCH LTD
19516 PRIVATE ROAD 1787
ROWENA TX 76875-6218

CLYDE WATKINS
7290 FM 380
SAN ANGELO TX 76905-3310

EDWARD E WERNER
PO BOX 58
MILES TX 76861-0058

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20838 NORMAN RD
FORT MCKAVETT TX 76841-2000

INTERESTED PERSON(S)

LYN CLANCY
ASSOC GEN COUNSEL, LCRA
PO BOX 220 H424
AUSTIN TX 78767-0220

YANTIS GREEN
PO BOX 488
VERIBEST TX 76886-0488

MR GLENN JARVIS
ATTORNEY AT LAW, LAW OFFICES OF GLENN JARVIS
1801 S 2ND ST STE 550 INTERNATIONAL BANK BLDG
MCALLEN TX 78503-1353

MARK A TREVINO
AREA MANAGER, US DEPARTMENT OF THE INTERIOR
5316 W HIGHWAY 290 STE 510
AUSTIN TX 78735-8931

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2009

TO: Persons on Attached Mailing List

RE: Docket No. 2009-0186-WR
City of San Angelo
Hearing Requests filed on Permit No. ADJ 1348A

The above-referenced application and all timely filed hearing requests filed on the application will be considered by the Commissioners of the Texas Commission on Environmental Quality during the public meeting on **August 26, 2009**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with Commission rules, copies of the hearing request(s) have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. They may file written responses to these hearing requests on or before 5:00 p.m. on **August 3, 2009**. Persons who filed hearing requests (hearing requesters) may file a written reply to responses on or before 5:00 p.m. on **August 17, 2009**. All responses and replies must be filed with the Chief Clerk of the TCEQ, and sent on the same day to all individuals on the attached mailing list. The address of the Chief Clerk's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax 512/239-3311). The procedures for evaluating hearing requests and for filing responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (Sections 55.250-55.256) and 30 TAC Sections 1.10-1.11.

The Commissioners will not take oral argument or additional public comment on this matter, but may wish to ask questions of the applicant, hearing requesters or staff. The Commissioners will make their decision based on the hearing requests, written responses to the hearing requests, any written replies to those responses, and any response to questions.

Copies of all public comment and hearing requests have also been referred to the Alternative Dispute Resolution Office, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute.

Individual members of the public may seek further information concerning the application, public participation, the processing of hearing requests, copies of Commission rules, or the attachment, by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

LaDonna Castañuela, Chief Clerk

MAILING LIST
CITY OF SAN ANGELO
DOCKET NO. 2009-0186-WR; PERMIT NO. ADJ 1348A

FOR THE APPLICANT:
Will Wilde
City of San Angelo
P.O. Box 1751
San Angelo, Texas 76902-1751
Tel: (915) 657-4209
Fax: (915) 655-6397

FOR THE EXECUTIVE DIRECTOR:
Todd Galiga, Senior Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Ron Ellis, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division, MC-160
P.O. Box 13087
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Tel: (512) 239-1282
Fax: (512) 239-2214

FOR PUBLIC INTEREST COUNSEL:
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Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

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P.O. Box 13087
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Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE RESOLUTION:
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

See attached for a list of requesters and commenters.

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16269 MY RD
MILES TX 76861-5217

TODD SCHWERTNER
16205 MY RD
MILES TX 76861-5217

CLYDE WATKINS
101 PENROSE ST
SAN ANGELO TX 76903-8635

EDWARD E WERNER
PO BOX 58
MILES TX 76861-0058

BEN A WILLBERG
9990 FM 380
PAINT ROCK TX 76866-3602

KENNETH R WINDHAM
16125 MY RD
MILES TX 76861-5200

MILBURN WRIGHT
PO BOX 7074
MILES TX 76861

INTERESTED PERSON(S)

LYN CLANCY
ASSOC GEN COUNSEL, LCRA
PO BOX 220 H424
AUSTIN TX 78767-0220

REQUIREMENTS FOR WATER RIGHTS HEARING REQUESTS

Commission Rules in 30 TAC Section 55.251 (b) and (c) require a hearing request to:

> (1) be in writing and be filed with the Office of the Chief Clerk during the public comment period;
> (2) give the name, address, and daytime telephone number of the person who files the request;
> (3) identify the person's personal justiciable interest affected by the application including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public; and (4) request a contested case hearing.

A hearing request must comply with requirement (1) above and "substantially comply" with requirements (2) through (4). In addition, a group or association may request a contested case hearing only if the group or association meets all of the following requirements:

> (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right,
> (2) the interests the group or association seeks to protect are germane to the organization's purpose,
> (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

A request for a contested case hearing must be granted if the request is made by an affected person and the request: (A) complies with the requirements of 30 TAC Section 55.251; (B) is timely filed; and (C) is pursuant to a right to hearing authorized by law.

An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to the general public does not constitute a justiciable interest. To determine whether a person is an affected person, all relevant factors must be considered, including but not limited to:

> (1) whether the interest claimed is one protected by the law under which the application will be considered;
> (2) distance restrictions or other limitations imposed by law on the affected interest;
> (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
> (4) the likely impact of the regulated activity on the health, safety, and use of property of the person; and
> (5) the likely impact of the regulated activity on the use of the impacted natural resource by the person.

30 TAC Section 55.256(c).