

----- Forwarded message -----

From: **Lara Thompson** <[lthompson@independencetitle.com](mailto:lthompson@independencetitle.com)>

Date: Mon, Jan 11, 2016 at 2:48 PM

Subject: FW: MUD document showing Franklin Myer as owner signed on 10/14/15.

To: Sabrina Houser <[sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)>

Sabrina-

See attached trail of emails and vesting deeds to the property in question. Let me know if there is any further information that you need at this time.

### Lara W. Thompson

Senior Sales & Marketing Representative/

Escrow Officer

Office: [210-237-4660](tel:210-237-4660)

Cell: [210-838-8940](tel:210-838-8940)

300 Austin Highway, Suite 200

San Antonio, Texas 78209

<mailto:lthompson@independencetitle.com>



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**From:** Kristel Weaver  
**Sent:** Monday, January 11, 2016 9:57 AM  
**To:** Chad Decker  
**Subject:** RE: MUD document showing Franklin Myer as owner signed on 10/14/15.

~~No liens were found, attached are the vesting deeds.~~

**Kristel Weaver**

**Title Examiner**

**Independence Title Company**

[kweaver@independencetitle.com](mailto:kweaver@independencetitle.com)

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I searched this and found that the owners are Franklin and Delores Meyer (I did not find a probate for Delores in Comal County); Terry Meyer and Vicky Lynn Meyer Graves

I do not find that they sold out any portion of the 691+/- acres

**Kristel Weaver**

**Title Examiner**

**Independence Title Company**

[kweaver@independencetitle.com](mailto:kweaver@independencetitle.com)

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46

0870 0200

409073

FILED FOR RECORD

93 FEB 15 PM 2: 18

JOY STREATER  
COUNTY CLERK COMAL COUNTY

*[Signature]*  
46 pd

PARTITION DEED

STATE OF TEXAS

\*

: KNOW ALL MEN BY THESE PRESENTS:

\*

COUNTY OF COMAL

THAT the individuals listed below are all of the owners of those certain two (2) tracts of land in Comal County, Texas, being a 711.145 acre tract of land and a 56.488 acre tract of land, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes:

- FRANKLIN MEYER and wife, DELORES MEYER (collectively referred to as "Owner A")
- TERRY MEYER (referred to as "Owner B")
- VICKY LYNN MEYER GRAVES, acting herein by and through her duly appointed Attorney-in-Fact, FRANKLIN MEYER (referred to as "Owner C")
- JERRY MEYER (referred to as "Owner D")

THAT the above owners have entered into an agreement to voluntarily partition such property.

THAT Owner B, Owner C and Owner D, for and in consideration of the covenants contained in and the conveyance made in this instrument, have GRANTED, CONFIRMED and CONVEYED, and by these presents do GRANT, CONFIRM, and CONVEY to Owner A, the property described as Tracts 2, 3 and 5, reflected in Exhibit "B" attached to and made a part of this instrument, being a 16.366 acre tract, a 388.606 acre tract, and a 56.488 acre tract.

It is the intention of the parties to this instrument that Owner A shall hold, possess, and enjoy Tracts 2, 3 and 5 free from any claim of Owner B, Owner C and Owner D.

TO HAVE AND TO HOLD Tracts 2, 3 and 5, together with all and singular the rights and appurtenances belonging in any way to Tracts 2, 3 and 5, to Owner A, their personal representatives,

6/c

GIFT DEED

Date: December 18, 2002

Grantor: FRANKLIN MEYER, and wife, DELORIS M. MEYER

Grantor's Mailing Address (including county): 2958 South Cranes Mill Road, New Braunfels, Comal County, Texas 78132-1618

Grantee: VICKY LYNN MEYER GRAVES

Grantee's Mailing Address (including county): 2958 South Cranes Mill Road, New Braunfels, Comal County, Texas 78132-1618

Consideration: Love of, and affection for, Grantee

Property (including any improvements):

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Tract 1:

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Tract 2:

Being a 25.785 acre tract of land in Comal County, Texas, as more particularly described in Exhibit "B" attached hereto and incorporated herein.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to all easements, restrictions, reservations, covenants and conditions of record in Comal County, Texas.

Reservation of Easements and Water Usage:

There is reserved unto Grantors an easement upon and across the property herein conveyed for ingress and egress to Grantors' adjacent property. There is further reserved unto Grantors the right to maintain a road sign upon the subject property in its current location. These rights and reservations are for the benefit of Grantors only and shall continue during the lifetimes of both Grantors. Upon the death of both Grantors, these reservations shall automatically terminate, and be of no further legal effect.

GIFT DEED

w/c

Date: Jan. 3, 2003

Grantor: FRANKLIN MEYER, and wife, DELORIS M. MEYER

Grantor's Mailing Address (including county): 2958 South Cranes Mill Road, New Braunfels, Comal County, Texas 78132-1618

Grantee: VICKY LYNN MEYER GRAVES

Grantee's Mailing Address (including county): 2958 South Cranes Mill Road, New Braunfels, Comal County, Texas 78132-1618

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6  
C

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**Amy Davis**

---

**From:** edharris55@yahoo.com  
**Sent:** Monday, January 11, 2016 4:11 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD  
**Attachments:** TCEQ WQ0015314001 Title Search Meyer Randolph.pdf

**FILING CONFIRMATION NUMBER** 390582352016011

**REGULATED ENTY NAME** MEYER RANCH

**RN NUMBER:** RN107818577

**PERMIT NUMBER:** WQ0015314001

**DOCKET NUMBER:** 2015-1624-MWD

**COUNTY:** COMAL

**PRINCIPAL NAME:** RANDOLPH TODD COMPANY LLC

**CN NUMBER:** CN604698464

**FROM**

**FILED BY:**

**FILED FOR NAME:** MR Edward Harris

**E-MAIL:** [edharris55@yahoo.com](mailto:edharris55@yahoo.com)

**ADDRESS:** 1670 S CRANES MILL RD  
NEW BRAUNFELS TX78132-1651

**PHONE:** 210-602-3899

**DOCUMENT NAME:** TCEQ WQ0015314001 Title Search Meyer Randolph.pdf

*Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.*

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Date: Mon, Jan 11, 2016 at 2:48 PM

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To: Sabrina Houser <[sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)>

Sabrina-

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Senior Sales & Marketing Representative/

Escrow Officer

Office: [210-237-4660](tel:210-237-4660)

Cell: [210-838-8940](tel:210-838-8940)

300 Austin Highway, Suite 200

San Antonio, Texas 78209

<mailto:lthompson@independencetitle.com>



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**Title Examiner**

**Independence Title Company**

[kweaver@independencetitle.com](mailto:kweaver@independencetitle.com)

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I do not find that they sold out any portion of the 691+/- acres

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446

0870 0200

409073

FILED FOR RECORD

93 FEB 15 PM 2:18

JOY STREATER  
COUNTY CLERK COMAL COUNTY

*[Signature]*  
46 pd

PARTITION DEED

STATE OF TEXAS  
COUNTY OF COMAL

\*  
: KNOW ALL MEN BY THESE PRESENTS:  
\*

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GIFT DEED

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w/c

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6  
C



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**Amy Davis**

---

**From:** edharris55@yahoo.com  
**Sent:** Monday, January 11, 2016 4:07 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD  
**Attachments:** TCEQ WQ0015314001 Title Search Meyer Randolph.pdf

**FILING CONFIRMATION NUMBER** 728579862016011

**REGULATED ENTY NAME** MEYER RANCH

**RN NUMBER:** RN107818577

**PERMIT NUMBER:** WQ0015314001

**DOCKET NUMBER:** 2015-1624-MWD

**COUNTY:** COMAL

**PRINCIPAL NAME:** RANDOLPH TODD COMPANY LLC

**CN NUMBER:** CN604698464

**FROM**

**FILED BY:**

**FILED FOR NAME:** MR Edward Harris

**E-MAIL:** [edharris55@yahoo.com](mailto:edharris55@yahoo.com)

**ADDRESS:** 1670 S CRANES MILL RD  
NEW BRAUNFELS TX78132-1651

**PHONE:** 210-602-3899

**DOCUMENT NAME:** TCEQ WQ0015314001 Title Search Meyer Randolph.pdf

*Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.*

  
**DONNA CAMPBELL, M.D.**  
TEXAS STATE SENATOR  
DISTRICT 25

January 7, 2016

Bryan W. Shaw, Ph.D., P.E.  
Chairman, Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Dear Chairman Shaw & Commissioners,

Thank you for all you do to keep the citizens of Texas safe by vigilantly safeguarding our environment. I am an outspoken advocate for the private property rights of our citizens and for lowering excessive regulatory burdens on our businesses. However, a proposed real estate development has come to my attention about which I am concerned. Though I do not have standing in this matter, I would like it to be known that I support the request for a contested case hearing on Texas Pollutant Discharge Elimination System (TPDES) Permit no. WQ0015314001.

The application for a new TPDES permit for the Randolph Todd Meyer Ranch Wastewater Treatment Plant is necessary solely because the proposed housing development's density is substantially higher than the county's 1-acre homesite requirement for septic system permits. Further, the Comal County Commissioner's Court denied Randolph Todd's application for a Water Control & Improvement District due to its lack of necessity and its failure to further the public welfare. Now property owner Franklin Meyer has applied to your agency for the creation of a Municipal Utility District in complete disregard of the will of the representative body that speaks for the citizens of Comal county.

An additional concern regarding the wastewater discharge permit is that the applicant, Randolph Todd, is not the owner of the proposed site of the treatment plant, has not obtained legal consent or easement, but has only agreed to the purchase of the property if the permit is granted. That is contrary to TCEQ's rules and it puts the Commission in the zoning business, which cannot be your desire.

Finally, the fact that the proposed treatment plant is located directly over the sensitive Edwards Aquifer recharge zone is of utmost concern. I realize that the force of gravity is necessary to deliver the untreated water to the plant, thus dictating its location. However, the fact that the effluent is pumped through pipes a mile upstream from the plant to be released over the less-regulated contributory zone seems to be an avoidance of the stringent rules for discharge over a dry creek in the recharge zone. Our water is one of our most precious resources and having to

CAPITOL OFFICE:  
ROOM 9E.8  
P.O. BOX 12068  
AUSTIN, TEXAS 78711  
(512) 463-0125  
FAX: (512) 463-7784  
DIAL 711 FOR RELAY CALLS



**DONNA CAMPBELL, M.D.**  
TEXAS STATE SENATOR  
DISTRICT 25

avoid the rules meant to protect it may just mean that this project is not right for our county.

I appreciate your taking the time to read and consider my concerns. I hope you will feel free to contact our office should you have any questions.

Sincerely,  
A handwritten signature in black ink that reads "Donna Campbell, M.D." in a cursive style.

Donna Campbell, M.D.  
State Senator District 25

DC/kf  
CC: Mr. Ed Harris  
Ms. Sabrina Houser

CAPITOL OFFICE:  
ROOM 3E.8  
P.O. BOX 12069  
AUSTIN, TEXAS 78711  
(512) 463-0125  
FAX: (512) 463-7794  
DIAL 711 FOR RELAY CALLS

## Mehgan Taack

---

**From:** edharris55@yahoo.com  
**Sent:** Monday, January 11, 2016 9:41 AM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-Mwd

FILING CONFIRMATION NUMBER 321348762016011

REGULATED ENTY NAME MEYER RANCH

RN NUMBER: RN107818577

PERMIT NUMBER: WQ0015314001

DOCKET NUMBER: 2015-1624-MWD

COUNTY: COMAL

PRINCIPAL NAME: RANDOLPH TODD COMPANY LLC

CN NUMBER: CN604698464

FROM

FILED BY:

FILED FOR NAME: MR Edward Harris

E-MAIL: [edharris55@yahoo.com](mailto:edharris55@yahoo.com)

ADDRESS: 1670 S CRANES MILL RD  
NEW BRAUNFELS TX78132-1651

PHONE: 210-602-3899

DOCUMENT NAME: Senator Campbell Letter t2016-01-11-091543.pdf

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Edward Harris

1670 S cranes Mill Road

New Braunfels, Texas 78132

January 9<sup>th</sup>, 2016

Permit No: WQ0015314001

Plea to TCEQ Executive Director:

I would like the TCEQ Executive Director to reconsider the Randolph Todd permit WQ0015314001 because of the facility and most of the outfall and feeder lines are located over the Edwards Aquifer Recharge Zone. I just received a copy of the Executive Directors comments dated January 7<sup>th</sup> 2016 on the Southstar at Vintage Oaks Permit WQ001532001. Per comment 47 and ED response 47 page 30. "TPDES permits authorize the discharge of treated wastewater into water in the state; however, TCEQ's rules prohibit new waste water discharges to water in the state that would create additional pollutant loading in the recharge zone."

Why would the TCEQ not require Randolph Todd to amend their permit to install a Texas Land Application Plant (TLAP) which allows discharges over the Edwards Aquifer Recharge Zone. I have read the comments and responses on the Southstar Vintage Oaks Application and find that this is a much more suitable facility for Randolph Todd Construction, Edwards Recharge Zone, and the neighboring groundwater wells. *I firmly believe after reading the TCEQ ED decision on Southstar at Vintage Oaks permit WQ001532001 most if not all of affected parties on the Randolph Todd Docket 2015-1624-MWD would negotiate with developer to install the type of TLAP facility in permit number WQ001532001 using the TCEQ's own Commission's Alternative Dispute Resolution ("ADR") Program as long as the system was install as outlined in Southstar's Permit WQ001532001 and with the recommendations of the Executive Director staff as outlined in the ED's decision dated January 7<sup>th</sup>, 2016.*

The executive director responses to the Southstar Vintage Oaks comments are very encouraging when concerns are raised about groundwater and the Edwards Aquifer Recharge Zone. See Responses to Comments on permit WQ001532001.

I would pray the Executive Director would reconsider the permit application of Randolph Todd WQ0015314001 because of its location over the Edwards Aquifer Recharge Zone and apply the wisdom the TCEQ staff did in their responses to comments 3, 4, 11, 34, 39, 47, 58, 72, 81, 108, and 115 of the Southstar Vintage Oaks Permit WQ001532001 to the Randolph Todd Permit. I find the TCEQ and Southstar the developer in the permit application WQ001532001 showed that they recognized the importance of protecting the Edwards Aquifer Recharge Zone and groundwater wells.

I highlighted comment 47 above and passages from 30 TAC 213.6(a),(1),(2),(4),(5) and 30 TAC 213.6 (b),(2) for the Executive Director's reconsideration knowing the location of this plant and its infrastructure is primarily located over the Edwards Recharge Zone.

# Texas Administrative Code

Next Rule>>

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 213</u>	EDWARDS AQUIFER
<u>SUBCHAPTER A</u>	EDWARDS AQUIFER IN MEDINA, BEXAR, COMAL, KINNEY, UVALDE, HAYS, TRAVIS, AND WILLIAMSON COUNTIES
RULE §213.6	Wastewater Treatment and Disposal Systems

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## (a) General.

(1) New industrial and municipal wastewater discharges into or adjacent to water in the state that would create additional pollutant loading are prohibited on the recharge zone.

(2) Increases in existing discharges into or adjacent to water in the state that would increase or add new pollutant loading are prohibited on the recharge zone.

(3) Existing permits may be renewed for the same discharge volumes and with the same conditions and authorizations specified in the permit. Permits will not be renewed if the facility becomes non-compliant, as defined in Chapter 70 of this title.

(4) New land application wastewater treatment plants located on the recharge zone must be designed, constructed, and operated such that there are no bypasses of the treatment facilities or any discharges of untreated or partially treated wastewater.

(5) Design of wastewater treatment plants must be in accordance with Chapter 317 of this title.

## (b) Land application systems.

(1) Except for licensed private sewage facilities, land application systems that rely on percolation for wastewater disposal are prohibited on the recharge zone.

(2) Wastewater disposal systems for disposal of wastewater on the recharge zone utilizing land application methods, such as evaporation or irrigation, will be considered on a case-by-case basis. At a minimum, those systems must attain secondary treatment as defined in Chapter 309 of this title (relating to Effluent Limitations).

(3) Existing permits may be renewed for the same discharge volumes and with the same conditions and authorizations specified in the permit unless the facility becomes non-compliant, as defined in Chapter 70 of this title.

## (c) Discharge upstream from the recharge zone.

(1) All new or increased discharges of treated wastewater into or adjacent to water in the state, other than industrial wastewater discharges, within zero to five miles upstream from the recharge zone, at a minimum, shall achieve the following level of effluent treatment:

(A) five milligrams per liter of carbonaceous biochemical oxygen demand, based on a 30-day average;

(B) five milligrams per liter of total suspended solids, based on a 30-day average;

(C) two milligrams per liter of ammonia nitrogen, based on a 30-day average; and

(D) one milligram per liter of phosphorus, based on a 30-day average.

(2) All new or increased discharges into or adjacent to water in the state, other than industrial wastewater discharges, more than five miles but within ten miles upstream from the recharge zone and any other discharges that the agency determines may affect the Edwards Aquifer, at a minimum, must achieve the level of effluent treatment for 2N based on a 30-day average as set out in Table 1 of Chapter 309 of this title. More stringent treatment or more frequent monitoring may be required on a case-by-case basis.

(3) All discharges, other than industrial wastewater discharges, more than five miles upstream from the recharge zone which enter the main stem or a tributary of Segment 1428 of the Colorado River, or Segment 1427, main stem Onion Creek, or a tributary of Onion Creek must comply with §311.43 of this title (relating to Effluent Requirements for All Tributaries of Segment 1428 of the Colorado River and Segment 1427, Onion Creek, and Its Tributaries, of the Colorado River Basin), and to §311.44 of this title (relating to Disinfection). More stringent treatment or more frequent monitoring may be required on a case-by-case basis.

(4) Any existing permitted industrial wastewater discharges within zero to ten miles upstream of the recharge zone must, at all times, discharge effluent in accordance with permitted limits. Any application for new industrial wastewater discharge permits for facilities zero to ten miles upstream of the recharge zone will be considered on a case-by-case basis, in accordance with appropriate discharge limits applicable to that industrial activity and with consideration of its proximity to the recharge zone.

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**Source Note:** The provisions of this §213.6 adopted to be effective December 27, 1996, 21 TexReg 12125; amended to be effective June 1, 1999, 23 TexReg 10477

## Mehgan Taack

---

**From:** edharris55@yahoo.com  
**Sent:** Saturday, January 09, 2016 9:06 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD

FILING CONFIRMATION NUMBER 369759582016009

REGULATED ENTY NAME MEYER RANCH

RN NUMBER: RN107818577

PERMIT NUMBER: WQ0015314001

DOCKET NUMBER: 2015-1624-MWD

COUNTY: COMAL

PRINCIPAL NAME: RANDOLPH TODD COMPANY LLC

CN NUMBER: CN604698464

FROM

FILED BY: edward harris

FILED FOR NAME: Edward Harris

E-MAIL: [edharris55@yahoo.com](mailto:edharris55@yahoo.com)

ADDRESS: 1670 S CRANES MILL RD  
NEW BRAUNFELS TX78132-1651

PHONE: 210-602-3899

DOCUMENT NAME: Executive Director Reconsideration Permit WQ0015314001.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

Edward Harris

1670 S Cranes Mill Road

New Braunfels Texas 78132

A plea to Commissioners;

Randolph Todd Construction, LLC Proposed location for Sewage treatment facility. Violates TCEQ Rule CHP 213. The developer in the application process filled in TCEQ Form 10053, Section 7 (c), page 11 of 23 and check box the box "Yes". This is suppose to trigger the TCEQ/Developer to ask about how they are handling Edwards Aquifer Rule CHP 213 (See TCEQ Form 10053-Instructions). The developer went on in the TCEQ Domestic Technical Report Form 10054 and filled out only up to Domestic Worksheet 2.1. because he is dumping effluent into a "Dry Creek" which the state proclaims to be "Waters of the State" in Texas Water Code 26.001(5), but in this same definition in also calls out groundwater (percolating or not). Whereas the TCEQ experts, staff, lawyers, engineers, and respondents can visibly see the developer is getting around the Edwards Rule CHP 213 by discharging less than one mile (straight as the crow flies) into the Edwards Contributing Zone which is less restrictive and not protecting the groundwater.

The TCEQ sites in past cases that the groundwater is protected because the surface water is protected. But this is not the case, it has been sited in past responses the TCEQ uses AS-188 Texas Ground Water Protection Strategy as a guide to protect groundwater. However AS-188 page 5 paragraph 4 and page 12 paragraph 4 are in conflict with this argument. This is true if the Edwards Aquifer Recharge Rules CHP 213 are applied page 12 paragraph 4. However, AS-188 does allow for contamination of ground water see Texas Ground Water Strategy page 12 paragraph 5. AS-188 further states that if contamination does occur and the remediation is not cost effective to remove the contamination, then the "private water well owners" next to the proposed Meyer Ranch are on their own and will have to battle in the courts to be compensated for the loss of their private property rights and contamination of groundwater wells.

The developer should be required to fill out Form 10054 Work Sheet Sections 3.0 and 3.1 because this is the best and only way for the groundwater of nearby affected parties to be protected. Just because the TCEQ effluent standards are higher than Edwards Aquifer Rule in the proposed permit, these are surface water standards which by just the very nature means the effluent would combine with thousands and thousands of gallons of lake, stream, river, creek, etc... water. If the applicant was required to fill out Work Sheet Sections 3.0 & 3.1 and abiding by the TCEQ and TNRCC Edwards Aquifer Rule Chapter 213 then there would be no arguments going forward by any of the affected parties in the contested case hearing process. A Texas Land Application Plant (TLAP) plant would be most suitable for the developer since he is locating the plant over the Edwards Recharge Zone along with controlling the stormwater discharge for subdivision which is planned. Enforcement of the facility site per Texas Natural Resources Commission Chapter Rule 309 Subchapters 309.12, 309.13 and if the Commissioners find the applicant has violated rules or the preponderance of errors in the permit application in question, create the question in the Commissioners minds about the ability for the applicant to even apply for, own, manage, or sublet the management of a waste water treatment plant.



## Mehgan Taack

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**From:** edharris55@yahoo.com  
**Sent:** Saturday, January 09, 2016 12:37 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD

FILING CONFIRMATION NUMBER 142454252016009

REGULATED ENTY NAME MEYER RANCH

RN NUMBER: RN107818577

PERMIT NUMBER: WQ0015314001

DOCKET NUMBER: 2015-1624-MWD

COUNTY: COMAL

PRINCIPAL NAME: RANDOLPH TODD COMPANY LLC

CN NUMBER: CN604698464

FROM

FILED BY: edward harris

FILED FOR NAME: Edward Harris

E-MAIL: [edharris55@yahoo.com](mailto:edharris55@yahoo.com)

ADDRESS: 1670 S CRANES MILL RD  
NEW BRAUNFELS TX78132-1651

PHONE: 210-602-3899

DOCUMENT NAME: Edwards Map and Arguement Harris.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

Ed Harris

1670 S Cranes Mill Rd

New Braunfels, TX 78132

January 8, 2015

Texas Commission on Environmental Quality

Docket 2105-1624-MWD

A plea to TCEQ Commissioners:

This governmental process should not be continued because of the failure of applicant to properly follow Rules and Regulations of Texas law and requisite of TCEQ procedures. TCEQ cannot and should not process this application when it learns that it is requested to violate its own rules. The TCEQ has set down certain requirements necessary to make an application for TPDES. The applicant has not followed the rules of TCEQ. The TCEQ cannot process or grant relief when it is requested to violate its own rules. What rules will be violated?

- 1) The application procedure is set TCEQ Chapter 281 and enhanced by TCEQ Form 10053 and its instruction document 10053.-Instructions which requires the applicant to be knowledgeable and fill in and recite what the application calls for. The document was checked by a license wastewater treatment engineer (Oscar Graham) who signed every page of form 10053 submitted by applicant testifying to its accuracy and authenticity.
- 2) The formal Municipal Waste Permit Application TCEQ Form 10053, Section 7, page 13, (k) and (l) calls for the identification of "The Owner" by name of the property/land and "The Owner" owner of effluent disposal site/land/property by name. The applicant has repeatedly dodged this by omitting the name of the owner (Franklin Meyer) and inserting (Randolph Todd). The owner of the property is not Randolph Todd Construction LLC. Randolph Todd Construction LLC is a development Company. The CHP 281 rules and TCEQ form/instructions 10053 permit other ways this request can be met, none of which has the permit applicant(s) done. In this matter the application was submitted in the year 2014. After a hearing on June 18<sup>th</sup> 2015 in which the rules of TCEQ were shown to be violated in regards "ownership". The applicant was allowed to provide (by TCEQ staff) on 11 August 2015 a copy of executed option to purchase the property given to Randolph Todd by Franklin Meyer. This does not comply with the requirements of TCEQ Rule 281.4, 3), (4) which requires under (3) Verify legal status of applicant and (4) Appropriate ownership documents (including easements and consents).

Randolph Todd Construction has not met any legal status to show they have the right to make improvements or place fixtures on the property since their filing of this application. So, Why? Why?, Why? Does the TCEQ allow them to get past the requirement of identifying the Owner in the application? So, Why? Why? Why? Does TCEQ allow them to continue to dodge this requirement? The option to purchase the Franklin Meyer property is contingent upon the TCEQ granting there application and permitting the waste water plant as noted in the Executive Director Response to Public Comments WQ0015314001, page 9, response 7. The contingency of approving this application greatly affects the value of the property and price that Randolph Todd will pay Franklin Meyer for the property. Therefore there is a huge financial benefit which hinges on the action of the TCEQ estimate at approximately \$14,000,000 dollars riding on the TCEQ decision.

This places the TCEQ as a possible benefactor of Randolph Todd Construction LLC business operations. We are not making any allegations or implying any wrong doing, but the TCEQ has been placed in this position by Randolph Todd Construction in this matter repeatedly not following the instructions for form 10053 or the request of the TCEQ. After all of the violations committed on this application, if the TCEQ grants the applicant relief under these particular and suspicious circumstances which are clearly visible, the only way to get this albatross off the neck of the TCEQ is to stop the procedure now. Then and only then request that a new application be processed starting anew. This time the applicant and application being required to follow the rules of TCEQ without the TCEQ staff advising the applicant on business decisions which the applicant has clearly shown he has the wherewithal to hire paid experts, staff, consultants, vendors, subcontractors, surveyors, engineers, lawyers, and such to properly fill out an application.

3) The requirements are:

#### Rules 281.4 Application Processing

##### **\*281.4. Applications for Use of State Water.**

Applications for the use of state water must include:

- (1) complete application form(s), signed and notarized;
- (2) the payment of fees in accordance with \*\*295.131 - 295.139 of this title (relating to Water Use Permit Fees);
- (3) the verified legal status of the applicant;
- (4) appropriate ownership documents (including easements and consents);

- (5) an adequate map or plat;
- (6) the required engineering plans or studies; and
- (7) any other information the executive director or commission may reasonably may require.

The applicant is in violation of (3) & (4). (3) Verified legal state of the application has not been done. (4) appropriate ownership has not been completed with. So, Why? Why? Why? The dodge/ Why not follow the rules of TCEQ Chapter 281 and follow the work instructions for filling out form 10053 as spelled out in approximately 130 page TCEQ document 10053 Instructions telling the applicant how to comply with the rule TCEQ Chapter 281.4. A professional engineer Oscar Graham signed every page of permit application on 31 October 2014 attesting to the fact that all statements made are true and have been reviewed by a State appointed professional engineer. Chapter 281.4 specifies how to comply with (3) and (4). The thing which bothers us is that at the Commissioners Hearing on the Johnson Ranch/Terrell Graham contested case hearing the Commissioners are on taped video telling the public that the only way the public can/could defeat an application is if you find the TCEQ is violating its own rules. There is no question in that Chp 281.4 rule that the legal requirements for ownership have not been complied with but TCEQ has freely allow amendments and changes to be permitted which should not have been allowed.

- 4) The TCEQ is an all-powerful Texas State committee with extraordinary powers to overrule State Judges and staffed by knowledgeable people and supported by educated, experts, lawyers clerical and technical staff. The power you possess to protect or not protect the public is huge.

Anyone wanting to build a water treatment plant is met with very receptive staff and set of rules of compliance.

It was designed to favorably entertain development of business in the State Texas. Which is all well and good we like development in Texas.

But the power you have should be exercised with sound and certain discretion. All people for or against your power need to be treated equal. If you do not, you bear the brunt of the public's criticism. You have been place in this position not by you, but by Randolph Todd Construction, LLC. and a professional engineer signing off the waste water treatment plant application. You must insist that the applicant and respondents strictly follow the rules if not good bye! Stop? You see in the mess we are in today, now is the time to dismiss this application dismiss this. Then have the applicant go back and comply with all the requirements of Chp 281 and fill out the entire application according to the TCEQ instruction 10053 including identifying that

the plant itself is built on top of the Edwards Aquifer Recharge Zone and should comply with all the rules of Chapter 213 and any other Edwards Aquifer regulatory statutes or rules by other agencies the TCEQ quotes in their rules.

With all the violations of the CHP 281 rule and the numerous permit amendments allow by TCEQ staff during the public commenting period, if the TCEQ Commissioners do not start this process over making the applicant and respondents strictly comply with TCEQ you are subject to be label as a rubber stamp commission for developers and not a commission established for the people.

The commission is bound to protect the citizens of the counties in the State of Texas where no laws such as would be found in a municipality exist by your own mission statement "***The commission is authorized to protect human health and safety, and natural resources.***"

See attachments in Appendix "A-1 and A-2"

A-1 - For Sale sign still posted on State highway 46 as of January 8, 2015



Property has not been taken off the market.

A-2 - Legal description of property, deed, and title has not changed and there are no executed options filed with Comal County Court house

*The TCEQ Staff and Commissioners are acting as a De-facto Zoning Board by allowing the applicant to make errors which violate the TCEQ own rules as state in Chp 281.4 and spelled out in Instructions for TCEQ Form 10053. The owner of the land Franklin Meyer would have had to fill out the Co permittee Section 1 Applicant Information, page 4 of 23, (b).*

*TCEQ staff admits in Executive Director Response #7 page 9, that during public meeting on June 18<sup>th</sup> it was brought to their attention that Randolph Todd incorrectly indicated that the company was the owner of the property. As a result **TCEQ staff** required Randolph Todd provide a copy of an executed option to purchase contract (this was suggested by TCEQ staff which places them in business with Randolph Todd). It took Randolph Todd till August 11<sup>th</sup> (almost 2 months) to produce an executed option contract. Which if this was a legitimate business deal should have been able to produce overnight since it would of have to been in place at time of permit application submittal in YR 2014. Also, the Co-Permittee Franklin Meyer would have been required to fill out Form 10053 page 4 of 23 properly which was not done at time of application in YR 2014.*

*An executory contract, leaves something dangling—usually the delivery of a deed. Seller, **technically retains “legal title” to the property** and therefore would have had to sign form 10053 as co-permittee for this to be an acceptable application under TCEQ rules Chapter 281.4.*

Please refer to the following Appendix Pages A-1 PG 1 THROUGH A-2 PG 12 for who is the legal and titled deed owner of the land the proposed waste water treatment plant is located on.

13/c



**PETITION FOR CREATION OF A MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF COMAL                   §

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The undersigned (herein the "Petitioners"), being the holders of title to all of the land within the territory described by metes and bounds in Exhibit "A" attached hereto, as shown by the tax rolls of Comal County, Texas, respectfully petition for the creation of a municipal utility district (the "District") in Comal County, Texas, pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto, and would respectfully show the following:

I.

The name of the proposed District shall be Meyer Ranch Municipal Utility District. There is no other conservation or reclamation district in Comal County, Texas, with the same name.

II.

The District shall be created and organized and shall exist under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto.

III.

The District shall have all the rights, powers, privileges, authority and functions conferred by and shall be subject to all duties imposed by the Texas Water Code and the general laws relating to municipal utility districts. The District shall contain an area of approximately 691.451 acres of land, more or less, situated wholly within Comal County, Texas. None of the land to be included in the District is within the corporate boundaries or extraterritorial jurisdiction of any municipality. All of the territory proposed to be included may properly be included in the District. The area proposed to be within the District consists of that certain tract of land described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

IV.

The Petitioners are the owners of and hold title to all of the lands within the proposed District as indicated by the tax rolls of Comal County, Texas. There are no liens against lands within the proposed District.

V.

The general nature of the work proposed to be done by the District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes; to collect, transport, process, dispose of and control domestic, industrial and commercial wastes; to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; to construct, maintain, improve and operate graveled or paved roads or turnpikes that serve or are intended to serve as an arterial or main feeder roads, or works, facilitates, or improvements in aid of those roads or turnpikes inside or outside the boundaries of the District to the extent authorized by Article III, Section 52 of the Texas Constitution; and to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description.

VI.

There is, for the following reasons, a necessity for the above described work, services and improvements: The area proposed to be within the District within the immediate future will experience a substantial and sustained residential growth. There is not now available within the area, which will be developed as a residential subdivision, an adequate water supply and distribution system, sanitary sewer system or drainage system, or road system. The protection of the purity and sanitary condition of the State's water and the health and welfare of the present and adjacent thereto require the purchase, maintenance, repair, improvement, extension and development of a water supply and distribution system, sanitary sewer system, drainage system, and roadway system. A public necessity therefore provide for the purchase, construction, repair, improvement, extension and development of a water supply and distribution system, sanitary sewer system, drainage system, and roadway system.

Only way to purchase the property and finance the Waste Water treatment plant. Comal County Commisioners and citizens of Comal county previously did not approve establishing The Meyer Ranch WCID in March 2015.

territories operation, ate water roadway District to ntenance, strribution

VII.

The proposed improvements are feasible and practicable, and the terrain of the territory to be included within the District is such that a waterworks system, a sanitary sewer system, a drainage and storm sewer system, and roadway system can be constructed and developed at a reasonable cost. A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by the Petitioners, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$54,100,000.

WHEREFORE, the Petitioners respectfully pray that this Petition be properly filed, as provided by law, that notice of the application be given as provided therein, that a hearing be held if necessary and that this Petition be in all things granted, that the proposed municipal utility district be organized and five temporary directors thereof be appointed to serve until their successors are duly elected and qualified, and for such other orders, acts, procedures and relief as are proper, necessary and appropriate to the purpose of creating and organizing the District and to the execution of the purposes for which the District shall be organized, as you may deem proper and necessary.

RESPECTFULLY SUBMITTED, this 14th day of October, 2015.

*[The remainder of this Page intentionally left blank.]*

**Signature Page to Petition For Creation of  
Meyer Ranch Municipal Utility District**

**Petitioner's Signature:**

*Franklin Meyer*  
Franklin Meyer

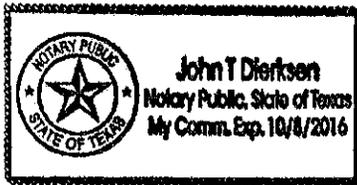
Landowner attesting to fact he owns the land and  
there are no easements, consents, or leases.

STATE OF TEXAS

§  
§  
§

COUNTY OF COMAL

This instrument was acknowledged before me on the 14 day of October, 2015,  
by Franklin Meyer.



*John T. Dierksen*  
Notary Public in and for  
The State of Texas

Printed/Typed Name of Notary Public

My Commission Expires: \_\_\_\_\_

Signature Page to Petition For Creation of  
Meyer Ranch Municipal Utility District

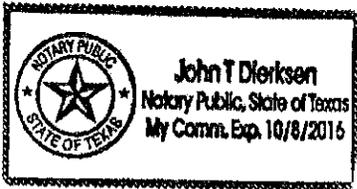
Petitioner's Signature:

Deloris Meyer  
Deloris Meyer

By: Franklin Meyer  
Franklin Meyer, Attorney-in-Fact

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

This instrument was acknowledged before me on the 14 day of October, 2015,  
by Franklin Meyer, as Attorney-in-Fact on behalf of Deloris Meyer.



John T Dierksen  
Notary Public in and for  
The State of Texas

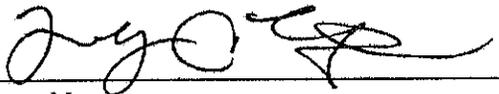
\_\_\_\_\_  
Printed/Typed Name of Notary Public

My Commission Expires: \_\_\_\_\_

Signature Page to Petition For Creation of  
Meyer Ranch Municipal Utility District

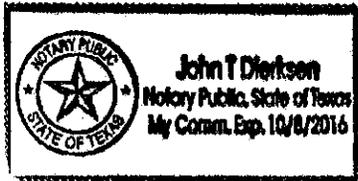
A-2 PG 6

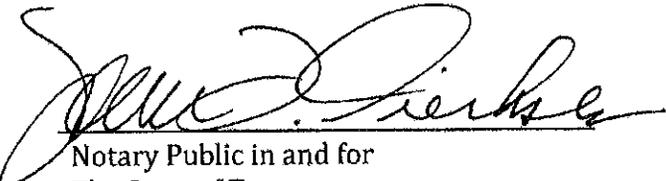
Petitioner's Signature:

  
\_\_\_\_\_  
Terry Meyer

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL    §

This instrument was acknowledged before me on the 15<sup>th</sup> day of October, 2015,  
by Terry Meyer.



  
\_\_\_\_\_  
Notary Public in and for  
The State of Texas

\_\_\_\_\_  
Printed/Typed Name of Notary Public

My Commission Expires: \_\_\_\_\_

Signature Page to Petition For Creation of  
Meyer Ranch Municipal Utility District

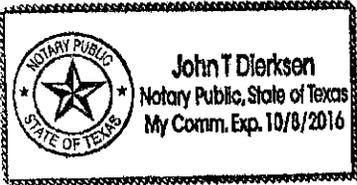
A-2 PG 6

Petitioner's Signature:

*Vicky Lynn Meyer Graves*  
Vicky Lynn Meyer Graves

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

This instrument was acknowledged before me on the 14<sup>th</sup> day of October, 2015,  
by Vicky Lynn Meyer Graves.



*John T Dierksen*  
Notary Public in and for  
The State of Texas

Printed/Typed Name of Notary Public

My Commission Expires: \_\_\_\_\_

Exhibit "A"  
**LEGAL DESCRIPTION**

OF

(Meyer Tract 691.451 acres)

691.451 acres of land located in Comal County, Texas, and being out of and a part of the following Surveys: Henry Busch Survey No. 637, Abstract No. 59, Joshua Woody Survey No. 551, Abstract No. 661, J.H. Pleasant Survey No. 389, Abstract No. 475, Franz Heimer  $\frac{1}{4}$  Section Survey No. 912, Abstract No. 911, the William Kingston Survey No. 303, Abstract No. 333, and the L. Groenke Survey No. 869, Abstract No. 810, Comal County, Texas and being all of a 711.145 acre tract as described in a PARTITION DEED, executed on February 1, 1993 and recorded in Volume 870, Pages 200-219 of the Official Public Records of Comal County, Texas, and a 3.998 acre tract designated as Tract 1, and a 25.785 acre tract designated as Tract 2 and conveyed to VICKY LYNN MEYER GRAVES by GIFT DEED, dated January 3, 2003, and recorded in Document No. 200306000153 of the Official Public Records of Comal County, said 691.451 acres of land being more particularly described as follows:

**BEGINNING:** at a found 3" dia. Cedar post at the approximate Westernmost corner of said Henry Busch Survey No. 637 and the Westernmost corner of said 711.145 acre tract and the Southernmost corner of a 3 acre tract designated (3) and conveyed by GENERAL WARRANTY DEED to JACQUELINE JOY HENDERSON, filed for record on September 18, 1978 and recorded in Volume 272, Pages 53-58 of the Deed Records of Comal County, Texas;

**THENCE:** the following courses along the Northwest line of this parcel and said 711.145 acre tract and the Southeast line of said 3 acre tract:

(1) NORTH 52 deg. 41' 35" East, (all bearings in this description are based on Grid North of the Texas Coordinate System NAD 83(93) CORS, South Central Zone (4204)), a distance of 1440.93 feet to a set  $\frac{1}{2}$ " iron pin with plastic cap stamped "4233" being an angle point; and

(2) NORTH 39 deg. 36' 49" East, a distance of 20.18 feet to a 10" dia. Cedar post being the Northernmost corner of this parcel and said 711.14 acre tract and the Easternmost corner of said 3 acre tract;

**THENCE:** the following courses along the Northeast line of this parcel and said 711.145 acre tract and the Southwest line of a 567.71 acre tract and designated as TRACT 1 and recorded in said Volume 272, Pages 53-58 of the Deed Records of Comal County, Texas:

CONSULTING ENGINEERS AND LAND SURVEYORS

(3) SOUTH 37 deg. 36' 19" East, a distance of 2844.46 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(4) SOUTH 38 deg. 25' 36" East, a distance of 325.98 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(5) SOUTH 44 deg. 28' 04" East, a distance of 51.98 feet to a to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(6) SOUTH 37 deg. 03' 47" East, a distance of 1439.49 feet to a 10" dia. Cedar post being an interior corner of this parcel and said 711.145 acre tract and the Southernmost corner of said 567.71 acre tract;

**THENCE:**

(7) NORTH 51 deg. 27' 44" East, a distance of 2200.87 feet along the center of an old rock wall being the Northwest line of this parcel and 711.145 acre tract and the Southeast line of said 567.71 acre tract to a found ½" iron pin being an exterior corner of this parcel and said 711.145 acre tract;

**THENCE:**

along the Northeast line of this parcel and said 711.145 acre tract and the Northwest, Southwest and South line of a 44.430 acre out tract and the Southwest Right-of-Way Line of Cranes Mill Road as follows:

(8) SOUTH 47 deg. 51' 44" East, a distance of 341.59 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(9) severing said 711.45 acre tract, South 52 deg. 28' 54" West, a distance of 308.72 feet along the Southeast line of this parcel to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(10) SOUTH 03 deg. 12' 28" West, a distance of 650.62 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(11) SOUTH 27 deg. 12' 06" East, a distance of 1691.64 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(12) SOUTH 52 deg. 02' 40" East, a distance of 258.37 feet to a set iron pin with plastic cap stamped "4233" being an angle point;

(13) NORTH 76 deg. 28' 59" East, a distance of 686.04 feet to a set ½" iron pin with plastic cap stamped "4233" being an exterior corner of this parcel and said 711.145 acre tract;

(14) SOUTH 33 deg. 38' 08" East, a distance of 447.09 feet to a 5" dia. Cedar post being an angle point;

(15) SOUTH 37 deg. 16' 02" East, a distance of 577.83 feet to a 5" dia. Cedar post being an angle point;

(16) SOUTH 24 deg. 55' 02" East, a distance of 822.64 feet to a found ½" iron pin being an angle point;

(17) SOUTH 31 deg. 55' 03" East, a distance of 900.17 feet to a 6" dia. Cedar post being an angle point;

(18) SOUTH 53 deg. 41' 29" East, a distance of 29.73 feet to a 5" dia. Cedar post being an angle point;

(19) SOUTH 66 deg. 04' 48" East, a distance of 69.07 feet to a 5" dia. Cedar post being an angle point;

(20) SOUTH 71 deg. 37' 14" East, a distance of 222.54 feet to a 6" dia. Cedar post being an angle point;

(21) SOUTH 65 deg. 34' 01" East, a distance of 41.52 feet to a 6" dia. Cedar post being an angle point;

(22) SOUTH 55 deg. 21' 47" East, a distance of 94.53 feet to a found ½" iron pin being an angle point;

(23) SOUTH 40 deg. 51' 57" East, a distance of 220.34 feet to a found ½" iron pin being an angle point;

(24) SOUTH 25 deg. 40' 01" East, a distance of 266.51 feet to a 6" dia. Cedar post being an angle point;

(25) SOUTH 33 deg. 43' 34" East, a distance of 36.44 feet to a 6" dia. steel post being an angle point; and

(26) SOUTH 53 deg. 18' 00" East, a distance of 50.24 feet to a 5" dia. Cedar post being the Easternmost corner of this parcel and said 711.145 acre tract and the Northernmost corner of a 9.949 acre tract as conveyed by SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO JOHN W. MILLAR III and wife, JO MARIE MILLAR, executed on December 27, 2006 and recorded in Document No. 200706002726 of the Official Public Records of Comal County, Texas;

**THENCE:**

(27) SOUTH 47 deg. 42' 10" West, a distance of 816.40 feet along the Southeast line of this parcel and said 711.145 acre tract and the Northwest line of said 9.949 acre tract to a 3" dia. Cedar post being the Westernmost corner of said 9.949 acre tract;

**THENCE:**

(28) SOUTH 22 deg. 27' 38" East, a distance of 928.07 feet along the Northeast line of the parcel and said 711.145 acre tract and the Southwest line of said 9.949 acre tract and a 4.184 acre tract as conveyed by GENERAL WARRANTY DEED WITH VENDOR'S LIEN, to SUSAN NATE and PATRICK NATE, wife and husband, dated March 26, 2004 and recorded in document No. 200406011442 of the Official Public Records of Comal County, Texas to a 5" dia. Cedar post being the Southernmost corner of said 4.184 acre tract and a corner of a 14.97 acre tract as conveyed by GENERAL WARRANTY DEED to CAROLYN GREGORY-BARCLAY,

A MARRIED PERSON, dated December 27, 2005, and recorded in Document No. 200506048892 of the Official Public Records of Comal County, Texas;

**THENCE:** (29) SOUTH 00 deg. 28' 43" East, a distance of 562.61 feet along the East line of this parcel and said 711.145 acre tract and the West line of said 14.97 acre tract to a 10" dia. Cedar post being the Southwest corner of said 711.145 acre tract and said 14.97 acre tract; and the Northernmost corner of an 18.75 acre tract as conveyed to BIG EASTEX #1 LTD., dated June 7, 2004, and recorded in Document No. 200406021825, and the Easternmost corner of a 3.205 acre tract being out of said 25.820 acre tract:

**THENCE:** the following courses along the Southeast line of this parcel and said 3.205 acre tract and said 25.820 acre tract and the Northwest line of said 18.75 acre tract:

(30) SOUTH 72 deg. 14' 54" West, a distance of 82.78 feet to a 20" dia. Live Oak tree being an angle point;

(31) SOUTH 54 deg. 54' 53" West, a distance of 160.80 feet to a 24" dia. Live Oak tree being an angle point;

(32) SOUTH 48 deg. 47' 16" West, a distance of 699.76 feet to a 20" dia. Red Oak tree being an angle point;

(33) SOUTH 60 deg. 06' 49" West, a distance of 220.58 feet to an 8" dia. Live Oak tree being an angle point;

(34) SOUTH 63 deg. 02' 50" West, a distance of 277.75 feet to a 14" Elm tree being an angle point; and

(35) SOUTH 63 deg. 11' 03" West, a distance of 111.39 feet to a found 1/2" iron pin being the Southernmost corner of this parcel and said 3.205 acre tract and said 25.820 acre tract and the Westernmost corner of said 18.75 acre tract;

**THENCE:** the following courses along the South line of this parcel and 3.205 acre tract and a said 25.785 acre tract and the North Right-of-Way Line of State Highway 46:

(36) NORTH 87 deg. 35' 06" West, a distance of 552.02 feet to a 6" dia. Cedar post being an angle point; and

(37) NORTH 87 deg. 41' 19" West, a distance of 569.91 feet to a 10" dia. Cedar post being the Southwest corner of this parcel and said 25.785 acre tract and the Southeast corner of a 77.1324 acre tract as conveyed by WARRANTY DEED WITH VENDOR'S LIEN to FORD E. WAGNER and wife LYNDA L. WAGNER, dated June 1, 1998 and recorded in

Document No. 9806013052 of the Official Public Records of Comal County, Texas;

**THENCE:** the following courses along the West and Southwest line of this parcel and said 25.785 acre tract and the 711.145 acre tract and the East and Northeast line of said 77.1324 acre tract:

(38) NORTH 23 deg. 49' 13" West, a distance of 707.52 feet to a 6" dia. Cedar post being an angle point;

(39) NORTH 39 deg. 25' 30" West, a distance of 60.50 feet to a 6" dia. Cedar post being an angle point;

(40) NORTH 13 deg. 09' 22" West, a distance of 1083.65 feet to a 4" dia. Cedar post being an angle point and the Westernmost corner of said 25.785 acre tract; and

(41) NORTH 37 deg. 48' 21" West, a distance of 1558.94 feet to a 6" dia. Cedar post being the Northernmost corner of said 77.1324 acre tract; and being a corner of a 49.0246 acre tract as conveyed by SPECIAL WARRANTY DEED to SUSAN R. DOOLEY, dated December 22, 1995 and recorded in Document No. 9606001455 of the Official Public Records of Comal County, Texas;

**THENCE:** the following courses along the Northwest and Southwest line of this parcel and said 711.145 acre tract and the Southeast and Northeast line of said 49.0246 acre tract:

(42) NORTH 32 deg. 02' 34" East, a distance of 293.74 feet to a 6" dia. Cedar post being an angle point;

(43) NORTH 37 deg. 36' 14" West, a distance of 911.82 feet to a 5" dia. Cedar post being an angle point;

(44) NORTH 37 deg. 20' 45" West, a distance of 2053.91 feet to an 8" dia. Cedar post being the Northernmost corner of LOT 8, HERITAGE OAKS UNIT TWO as recorded in Volume 10, Pages 316-319 of the Map and Plat Records of Comal County, Texas;

**THENCE:** the following courses along the Southwest line of this parcel and said 711.145 acre tract and the Northeast line of said HERITAGE OAKS UNIT TWO:

(45) NORTH 67 deg. 07' 31" West, a distance of 679.22 feet to an 8" dia. Cedar post being an angle point;

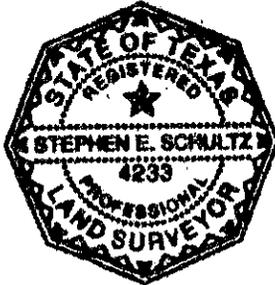
(46) NORTH 54 deg. 17' 30" West, a distance of 15.94 feet to a 6" dia. Cedar post being an angle point; and

(47) NORTH 37 deg. 44' 32" West, a distance of 3769.89 feet to a 5" dia. Cedar post being the Northernmost corner of HERITAGE OAKS UNIT TWO and the Easternmost corner of a 160 acre tract as described in WARRANTY DEED to Wm. F. Remmler, dated January 15, 1912 and recorded in Volume 33, Page 270-271 of the Deed Records of Comal County, Texas, and being the same 160 acres as conveyed by GENERAL WARRANTY DEED to JACQUELINE JOY HENDERSON, filed for record on September 18, 1978, and recorded in Volume 272, Pages 53-58 of the Deed Records of Comal County, Texas;

THENCE:

(48) NORTH 37 deg. 40' 45" West, a distance of 1199.26 feet to a 3" dia. Cedar post being the POINT OF BEGINNING, containing 691.451 acres of land.

THIS LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH A SURVEY PLAT PREPARED IN OUR OFFICE ON 10/15/14, JOB NO. 07-01-2014.



*Stephen E. Schultz 10/15/14*  
Stephen E. Schultz, R.P.L.S. #4233

F:\070114\LEGAL\691.451 ACRES - REVISED.DOCX

THE DATE OF THIS SURVEY SHOWN ABOVE COORESPONDS TO THE MEYER RANCH'S FIRST ATTEMPT TO ESTABLISH A "WCID" ON THIS PROPERTY WHICH WAS VOTED DOWN BY THE CITZIENS AND COMAL COUNTY COMMISSIONERS COURT ON MARCH 12, 2015

Filed and Recorded  
Official Public Records  
Bobbie Koepf, County Clerk  
Comal County, Texas  
10/30/2015 02:36:23 PM  
CASHTHREE 13 Page(s)  
201506044046



*Bobbie Koepf*

## Mehgan Taack

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**From:** edharris55@yahoo.com  
**Sent:** Saturday, January 09, 2016 9:59 AM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD

FILING CONFIRMATION NUMBER 128359302016009

REGULATED ENTY NAME MEYER RANCH

RN NUMBER: RN107818577

PERMIT NUMBER: WQ0015314001

DOCKET NUMBER: 2015-1624-MWD

COUNTY: COMAL

PRINCIPAL NAME: RANDOLPH TODD COMPANY LLC

CN NUMBER: CN604698464

FROM

FILED BY: edward harris

FILED FOR NAME: Edward Harris

E-MAIL: [edharris55@yahoo.com](mailto:edharris55@yahoo.com)

ADDRESS: 1670 S CRANES MILL RD  
NEW BRAUNFELS TX78132-1651

PHONE: 210-602-3899

DOCUMENT NAME: TCEQ Rules on Land Ownership Rule CHP 281.4 (3) (4) and Consent of Public Authority CHP 281.16 (3)1.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

**TERM MINUTES  
OF THE  
COMAL COUNTY COMMISSIONERS COURT MEETING  
MARCH 12, 2015**

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

ON THIS THE 12<sup>th</sup> DAY OF MARCH, A.D., 2015, THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS, MET IN REGULAR SESSION AT 8:30 A.M. IN THE COMMISSIONERS COURTROOM LOCATED AT 100 MAIN PLAZA, NEW BRAUNFELS, TEXAS.

**MEMBERS PRESENT WERE:**

Sherman Krause,	County Judge
Donna M. Eccleston,	Commissioner, Pct. #1
Scott Haag,	Commissioner, Pct. #2
Kevin W. Webb,	Commissioner, Pct. #3
Jen Crowover,	Commissioner, Pct. #4
Bobbie Koepp,	County Clerk

THE FOLLOWING PROCEEDINGS WERE DISCUSSED, CONSIDERED AND ACTED UPON:

**NOTE:** Commissioners Court reserves the right to hearing any of the below described Agenda Items that qualify for an Executive Session in an Executive Session by publicly announcing the applicable section number of the Open Meetings Act (Chapter 551 of the Texas Government Code) that justifies Executive Session treatment.

**ACTION AGENDA ITEM #1**

**MARCH 12, 2015**

**Approve Claims.**

Commissioner Eccleston made a motion; seconded by Commissioner Haag to approve the County Claims as presented by David D. Renken, County Auditor. The claims totaling \$2,255,202.89 comprised of regular claims for \$522,337.55, handchecks for \$1,708,319.28, medical claims of \$24,546.06 for February 23 to February 27, 2015, and pharmacy claims of \$0.00. All voting "AYE," the motion carried.

**ATTACHMENT #1**

**ACTION AGENDA ITEM #2**

**MARCH 12, 2015**

**Discuss and consider approval of the Amendment to Plat, Canyon Lake Village, Unit 5, combining Lots 57, 58, and 59, establishing Lot 57R (Precinct 1).**

Tom Hornseth, County Engineer, stated typical amendment to plat and recommended approval. Commissioner Eccleston made a motion, seconded by Commissioner Haag to approve Action Agenda Item #2. All voting "AYE," the motion carried.

**ATTACHMENT #2**

**ACTION AGENDA ITEM #3**

**MARCH 12, 2015**

**Discuss and consider approval of a private street name, River Villas Court, situated on the north side of River Road, approximately one-half mile east of the Third Crossing Bridge (Precinct 1).**

Tom Hornseth, County Engineer, stated this development will have multiple structures which need individual addresses which will require the driveway to be named. Mr. Hornseth recommends naming it as listed. Commissioner Eccleston made a motion, seconded by Commissioner Haag to approve Action Agenda Item #3. All voting "AYE," the motion carried.

**ATTACHMENT #3**

**ACTION AGENDA ITEM #4**

**MARCH 12, 2015**

**Discuss and consider approval of Data Use Agreement between the Texas Health and Human Services Enterprise and Comal County Public Health Department, and authorize County Judge to sign.**

Judge Krause stated not ready on Item #4, without any objection the item will be skipped over this week and will consider it next week.

**ATTACHMENT #4**

**ACTION AGENDA ITEM #5**

**MARCH 12, 2015**

**Discuss and consider approval of Memorandum of Understanding with Creek View Veterinary Clinic, P.C. for veterinary services and authorize County Judge to sign.**

Brent Paullus, Chief Deputy Sheriff's Office, stated this is the annual renewal of the contract for services with Creek View Veterinary Clinic. It covers rabies control,

etc. Commissioner Haag made a motion, seconded by Commissioner Eccleston to approve Action Agenda Item #5. All voting "AYE," the motion carried.

**ATTACHMENT #5**

**ACTION AGENDA ITEM #6**

**MARCH 12, 2015**

**Present and award RFP 2014-300 Courtroom Docket Management System for Comal County, Texas and authorize Purchasing Director to execute all related documents.**

Jose Davila, Sr. Buyer Purchasing Department commented two responses were received for the RFP, the best and final offer from Mentis Technology. It was reviewed by the Evaluation Committee. Mr. Davila stated the Evaluation Committee recommends awarding the bid to Mentis Technology. Commissioner Webb made a motion, seconded by Commissioner Crownover to approve Action Agenda Item #6 awarding Mentis Technologies. All voting "AYE," the motion carried. Judge Krause stated we have a motion by Commissioner Webb, a second by Commissioner Crownover to approve Action Agenda Item #6 award the bid to Mentis Technologies upon recommendation of our Purchasing Director. All voting "AYE," the motion carried.

**ATTACHMENT #6**

**ACTION AGENDA ITEM #7**

**MARCH 12, 2015**

**Discuss and consider approval of release of Request for Proposal (RFP) 2015-320 Comal County Bank Depository and set due date pursuant to Texas Local Government Code 116.023 and authorize Purchasing Agent to issue all documents related to RFP.**

Renee Couch, Treasurer, stated the current bank depository will end May 31, 2015. The Treasurer and County Auditor have reviewed it and completed updates. Ms. Couch commented the most important element is setting the due date by statute and recommended setting it for April 2, 2015 at 2:00 p.m. Commissioner Webb made a motion, seconded by Commissioner Haag to approve Action Agenda Item #7 with the due date for April 2, 2015 at 2:00 p.m. Discussion ensued.

Commissioner Webb asked, "Will that give you enough time?" Ms. Couch responded, "Yes it will. We are actually ahead of where we were last time." End of discussion. All voting "AYE," the motion carried.

**ATTACHMENT #7**

**Public hearing on the Petition for Creation of Meyer Ranch Water Control and Improvement District.**

Tom Hornseth, County Engineer, stated the County received a Petition for the creation of Meyer Ranch Water Control and Improvement District. Mr. Hornseth presented slides to the Court and briefly described the Petition.

- I. District Name
  - a. Meyer Ranch Water Control and Improvement District
- II. Area and Boundaries of the District
  - a. 735 acre tract described in Exhibit A
- III. Ownership of Property
  - a. According to the Petition, the Petitioners own 100% of the property
  - b. Meet requirements set out by statute
- IV. Constitutional and Statutory Authority
  - a. Created and organized under terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 51 of Texas Water Code
- V. Municipal Consent to Creation
  - a. District does not lie within a city, town, or village
- VI. Purposes of the District
  - a. Control, storage, preservation & distribution of water and floodwater
  - b. Reclamation, drainage, conservation, and development of its water
  - c. Control, abatement, and change of any shortage, or harmful excess water
  - d. Protection, preservation, and restoration of the purity and sanitary condition of water with the state
  - e. Preservation and conservation of all natural resources of the state
- VII. General Nature of the Work to be Done
  - a. District proposes to investigate, contract for, acquire, construct, own, maintain, and operate necessary improvements, the facilities acquire water rights on all other properties, land tenements, materials, easements, rights-of-way, and everything necessary to accomplish the purposes authorized for the District

b. The work to be done by the District necessary for the development of the lands within the District includes

- i. Acquisition, construction, operation, and maintenance of waterworks system for municipal, domestic, industrial, and commercial purposes
- ii. Acquisition, construction, operation, and maintenance of drainage system to control, store, preserve, and distribute floodwater, and control abatement and change of harmful excesses of water
- iii. Purchase, construction, acquisition, ownership, lease, operation, maintenance, repair, improvement, extension of such additional improvements, facilities, plants, equipment, and appliances as shall be necessary to facilitate, implement and accomplish the purposes for which the District shall be organized

VIII. Necessity and feasibility of the project

- a. Claim resources are not available, District is required to provide the improvements

IX. Temporary Directors

- a. Five person for appointment by the Court

X. Estimated Project Costs

- a. \$53,339,518.00

XI. Conclusion and Prayer

- a. Request Commissioners Court approve the District
- b. Signed by Franklin Meyer, Vicky Lynn Meyer Graves, Terry Meyer, and Delores Meyer
- c. Exhibit A attached
  - i. Boundaries of 735.881 acres including metes and bounds description

Mr. Hornseth stated notice was received listing the potential initial Directors of the District if approved by Commissioners Court. They are as follows:

- Eugene J. Couch, Jr.
- Joyce C. Franklin
- Ian McAngus

- David Gaines
- Madison Inselmann

Prior to opening the Public Hearing, Judge Krause outlined the ground rules for addressing the Court.

- Each speaker has three (3) minutes to speak. There were many individuals present and Judge Krause wanted to give everyone the opportunity to address their concerns.
- Judge Krause stated he will call individuals to speak in the order of the forms received. Several have indicated they would like to be in the beginning of the Public Hearing and he will honor that to the best of his ability.
- The individual addressing the Court must be an affected party.
- Please limit comments to the Water Control and Improvement District (WCID). The Court understands there is a Waste Water Permit application under consideration by Texas Commission on Environmental Quality (TCEQ); the Court has no control over it.
- If a previous speaker addressed the concerns the next speaker was to convey, please refrain from repeating the same information due to the volume of potential speakers. You may have three (3) minutes to speak but you are not required to use it.

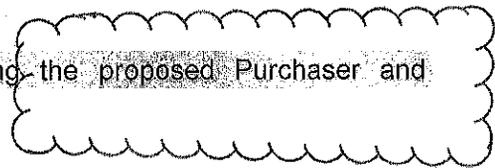
Tillman Roots, Assistant Criminal District Attorney, requested Judge Krause to open the Public Meeting.

Judge Krause opened the Public Hearing on the Petition for the creation of the Meyer Ranch Water Control and Improvement District. Judge Krause asked if there was anyone present to speak in support of the Petition.

Tony Corbett, Freeman & Corbett Law Firm, stated he represents the Petitioner and applicant, he will be available for any questions the Court may have. Mr. Corbett stated the District is not seeking waste water powers at this time. In order to secure waste water powers a separate application would be made to TCEQ. Public Notice and opportunity would be made available. Mr. Corbett stated the District seeks the water control powers created by the Commissioners Court.

Judge Krause asked, "Mr. Corbett, you said you are working with the Petitioners, are you representing them?"

Mr. Corbett responded, "I am representing the proposed Purchaser and Developer of the property."



Judge Krause asked if anyone else would like to speak 'for' the Water Control and Improvement District. Hearing no-one, he opened the floor to anyone that would like to speak 'against' the Petition. Judge Krause requested Mr. Harris to address the Court.

Ed Harris acknowledged the discussion of the sewage plant as mutually exclusive and will try to keep off those points. Mr. Harris stated right now the Court has a Petition for a WCID in front of them. Under Chapter 51, the WCID cannot be located in the City. The survey attached to the WCID says the land is located in the City of New Braunfels. Mr. Harris revealed it is not located in the City of New Braunfels; it is an error in the Petition. The two month fight over the Petition and the subsequent Sewer Treatment Plant are connected. Mr. Harris stated the errors in the Sewer Treatment Plant have it located in Durango, Mexico by the latitude called out and will drain in Cibolo Creek. He is tired of looking at the legal errors in the documentation. How can the Commissioners vote for something when you don't know what they are going to do? Mr. Harris divulged that a Master Plan has not been submitted, the actual recourse of the WCID is unknown.

Mr. Harris described the location from the slides Mr. Hornseth presented. According to Mr. Harris, the headwaters of the Dry Comal Creek watershed are 107 square miles according to the USGS. This is the first Sewer Treatment Plant by WCID at the headwaters. He stated the storm water runoff of the treatment plant will affect everybody downstream. If allowed it will set a precedent to allow others.

Mr. Harris related a recent ruling for the Johnson Ranch with Carol Graham, their permit request was denied. They wanted to go from 75,000 to 350,000. Mr. Harris submitted a copy of the document to the Court. He stated this does not benefit any of the public. There are five people that own this land; Franklin Meyer is not a Developer. Mr. Harris commented the Developers are hiding in the weeds. They are making Franklin do the leg work because they know this is an environment disaster.

Sabrina Houser, Dry Comal Creek Winery, addressed the Court and provided a handout, "Keeping Our Water Blue." She is the co-owner of Dry Comal Creek Winery along with her father. Ms. Houser stated her presentation will specifically address the WCID in terms of water quality does not equal water control. She evaluated the following points from the handout.

- Assumed long term benefits of WCID
  - A WCID reduces property taxes.

- Research has proven that is not true
- Builds new tax base.
  - Research shows residential land, for every dollar collected, a \$1.15 to \$1.50 will be spent
- Water Control Improvement District does not equal Water Quality
  - Water quality is about what is good and what is bad.
    - What is the purpose of the water?
    - Drinking, washing car, or some other purpose.

Ms. Houser questions the drainage or the over pumping of the Edwards Aquifer for which the WCID sits.

- Poor water quality can pose a health risk to the public and the ecosystem.
  - Various pollutants
  - Most generated by humans
    - Urbanization
    - High Density as it relates to a WCID, anticipated housing
    - Long-term groundwater withdrawal exceeding recharge
    - Storm water Non-Point Source (NPS) pollution
    - Domestic wastewater collection

Ms. Houser expressed concern as an owner of a winery. She relies heavily on water coming from the aquifer, not wastewater. Discharge can cause damage to the ecosystem. Nutrients can affect her irrigation system. Ms. Houser stated if her grapes die due to nutrient over abundance or under abundance she will not have a business. She revealed it generates a lot of tax dollars for the County.

Ms. Houser stated another issue is E-Coli. When wastewater is distributed there is a possibility of E-Coli. Ms. Houser commented that she submits a report to the Comal County Health Department every month proving she does not have it, if found it would close her business. Proving where it came from is difficult.

In closing, Ms. Houser remarked the Commissioners do have the power, do not create another debacle like Johnson Ranch. Please keep our water blue.

Teressa Barnhill commented she lives near South Cranes Mill Road and Wagner Ranch. Her area is affected by the proposed WCID, their property is adjacent. Ms. Barnhill stated they were not notified. A sign in Ed's driveway caused them to get involved.

Ms. Barnhill reported the area in the proposed WCID is a sensitive environmental water shed deemed by the EPA and Texas Wildlife Conservation Agency. It is a major contributing zone to the Edwards Aquifer. Ms. Barnhill stated the documents say they will not put effluent water in the aquifer but in a contributing zone. She pointed out that the contributing zones flow down Dry Comal Creek and into the Comal River. She expressed concern that notification was not made to property owners that live down stream.

Ms. Barnhill stated after it is built 390,000 gallons of water will flow into Dry Comal Creek and then into the Comal River. New Braunfels is a tourist city. If that is polluted we will not have tourism any more.

Ms. Barnhill commented that she had a few questions. Have there been any short term or long term environmental studies to see what the effects of this WCID would have on the environment. There are endangered species in the Comal Spring and in the Comal River. How will this affect them, the 390,000 gallons of effluent water? Ms. Barnhill commented she did not think the Texas Wildlife Committee or EPA have been involved so far. She stated regarding water conservation, once the WCID is installed how much water will be pulled from the ground to develop 700 acres. What will it do to the surrounding wells?

Judge Krause reminded speakers it does not do any good to talk about the Waste Water Treatment Plant or the effluent that may come from that. It is not necessary to have a Water Control and Improvement District to build a Waste Water Treatment Plant. Judge Krause explained the approval of the Water Control and Improvement District does not impact whether or not a Developer can build or construct a Waste Water Treatment Plant.

Dorella Colbert opted to not address the Court; her concerns were addressed by a previous speaker.

Denise Harris addressed the Court. Ms. Harris revealed she has a Masters Degree in Environmental Science and did an internship in San Antonio for Mayor Peak. He worked on many environmental factors that affected Bexar County. Ms. Harris expressed desire for the Court to examine some of the ordinances that Bexar County has looked at, presented and passed that helped their environment.

Ms. Harris presented a hand-out to the Court and encouraged them to review the bullet points on the last page. She stated water and land are important factors in

the future of Bexar County. It is equally important in Comal. Ms. Harris stated we sit on the north side of San Antonio; this whole area is environmentally sensitive.

Ms. Harris stated one of the things that would benefit the county would be to examine its developmental areas. Ms. Harris remarked there are social values in the county which we all are familiar with. There are economical values that affect the tax base dollars. There should be a smart tax base dollar, the cities are involved with that. Look at what land in the county is developmentally feasible. Ms. Harris remarked the land over the Edwards Aquifer is not feasible to a developmental residential commercial or industrial area. It is an Open Space Area, which is its land use. Once the best place for commercial and industrial are located, then you have created a county that sustains itself. Smart tax dollars are created. Taxes would not be raised to ensure the WCID's can maintain themselves over the years.

Ms. Harris advised the Court to think about the future. She looks at it as a future base, everyone is looking at it right now as present. Ms. Harris stressed to the Court this is the most environmentally important area within all the Edwards Aquifer Recharge and it is not just the recharge. Other aquifers are below, they all line up on one another.

Jeff Weller passed on his opportunity to speak.

Gary Bird, MD, addressed the Court, he commented about responsible development. Putting 1,500 homes on 750 acres, drilling wells which may or may not have sustainable water wells is not responsible. Dr. Bird stated this is creating a District where five people have control. The County is giving up control to do this. \$53 million worth of bonds are to be sold. Dr. Bird remarked the reason they are selling the bonds is to have money to finance what they are doing. Many people are out doing this kind of stuff but they are not asking to be able to tax the individuals that are in the subdivision to do it.

Dr. Bird stated we say the sewage is not an important matter. He remarked the fact is the County Commissioners have the ability to not allow this District to be created, which would then not allow them to sell \$53 million in bonds. This would prevent the sewage treatment plant and prevent the problem that everybody in the room is worried about. Dr. Bird stated the Court does have the ability to stop this. He appreciates the work they do but this really is not the right thing.

Dwain Glass commented that he had a couple of things he would like to speak to about the WCID specifically. Mr. Glass detailed the following:

First, they can be granted the power of eminent domain. What if they have to buy water, which is in the permit? That means they will put a pipeline through, where would it be. Mr. Glass asked whose land they will take for the public good. They have that option to do later; he would like to understand whose land is at risk.

Second, storm water runoff is part of the WCID responsibility, Mr. Glass stated that was his understanding. He would like to know how much are we talking about, where will it be stored. He read about detention ponds. At some point you have to do something with that water. Mr. Glass asked will that be discharged, or will it sit in the pond. He needs to understand that.

Mr. Glass stated if we don't know the answer to those two questions, he does not feel we can go forward until it is understood. If his land is at risk that will be a different discussion.

Thomas Chamey addressed the Court and stated he is against it. He would like to know; what financial responsibility, in the event of a lawsuit from the end users of the Edwards Aquifer will fall on the residents of the County. Mr. Chamey commented if there is a lawsuit, he doesn't know if the owner of the land behind him will sue the County or the land owners. Is the Developer just going to make his money and then skedaddle?

Victoria Laubach quoted Section 7 of the Petition. It states there is not now available water supply and that is why the Petition was submitted. Ms. Laubach revealed in the MLS Listing for the sale of the property it advertised Canyon Lake Water Supply had submitted a letter of intent to them. Ms. Laubach remarked if this is true then there is no reason for the WCID, bottom line. That needs to be investigated.

Ms. Laubach remarked if San Antonio voters passed the Edwards Aquifer Protection Program that protects the contribution in recharge zones of the aquifer from development before disasters or Petitions are made, why can't we do the same? Do we have to give a blanket approval to a Petition that has a lot of errors in it? Ms. Laubach stated it is for the good of the Developer. The Developer is putting the family for it as the Board of Directors. Does the Board of Directors have any experience in this area? She wondered if the County would give that much power to those few people without experience for the good of Developers to gain deeper pockets at the expense and welfare of Comal County residents.

Ronald Davis addressed the Court and stated we are very concerned as you can see by the turnout. The last time one of these was approved he did not think

anyone came to talk about it. He declared they are really, really concerned. Mr. Davis said they are not a bunch of crazy people; they are not a bunch of wild crazy people. Just people and we live out there on this land. He stated they bought out there to live in the country. They understand there will be progress. Without progress they would not be there. Mr. Davis feels they should be smart, this is not smart.

Mr. Davis commented he has some neighbors at Waggoner Ranch; a speaker from there spoke to this. They are concerned about this too. Mr. Davis stated Vintage Oaks is out there, they are good neighbors. They did not have all of this. Mr. Davis thinks they are thinking about doing it if this one gets through.

Mr. Davis stated he does not think it is necessary to develop land for people to bring a tax base to go and put four or five houses on an acre. The only reason this thing is being asked for is because they are trying to put a lot of people on small acreages. Mr. Davis commented the County was protected in the past by not allowing septic tanks or wells on less than an acre. Mr. Davis reiterated that the only reason was to place a lot of houses on small acreages to make a lot of profits. He sees no reason for it. He remarked, obviously the rest of them see no reason for it.

Mr. Davis stated he has a 20-foot water well with a cave running through it. He does not want somebody putting runoff from a WCID or sewage getting into his well. There are limestone caves all over that place. Barkley has a cave, the Collins' have a cave, there are caves all over. Mr. Davis commented each one of the caves can collect whatever is coming down the creek. The only reason it would happen is if the WCID is approved. Mr. Davis votes no and requests the Court to stand with them.

Franklin Houser addressed the Court and disclosed he owns the winery along with his daughter. He provided a handout, "To the Honorable County Judge and Commissioners Court of Comal County." Mr. Houser stated he bought the place in 1975. Behind his daughter's house is a water hole similar to the photo on page 5/6. The photo is of a pond on Mr. Meyer's Ranch. The pond on Mr. Houser's property has never gone dry. It remains at a constant level; there may be a spring there.

Mr. Houser stated he would like to point out the following. It was stated the Court does not have anything to do with TCEQ. Mr. Houser declared several things can be done. The testing of the affluent that comes out of the creek from the WCID would be tested according to some rules and regulations set out by the TCEQ. A sample goes to a lab and after several days they test it. If it is good, that is fine but if it is bad the not suitable water has been accepted for a period of time.

Mr. Houser commented he would like the Dry Comal Creek to remain as it is. While researching he discovered the State of West Virginia has some rules that can be monitored by people who are there.

- No floating or settle-able solids in the water
- No sludge
- No odor
- No taste
- No color

Mr. Houser stated that is prohibited under the laws of West Virginia. If the Court approves the application, he would like to see that the water has no odor, no color and no sludge.

Gloria Glass stated her concern was addressed and opted not to address the Court.

Patricia Brand stated her question had been answered and thanked the Court.

Troy Brand addressed the Court and remarked he would like to tell a story. Twenty years ago he and Mrs. Brand decided to get out of town and move to the country. They came to Comal County, found the land they wanted and bought 65 acres. He stated they had a nice well, sweetest water ever to drink or use. As natural things happen, people come to the country and that is fine. The well dried up. Mr. Brand stated \$15,000 later, after going a couple hundred more feet, they have the water they need. It is not as good. Mr. Brand stated his concern is if this goes through and the development happens, they will all be in trouble for their water. Maybe we can drill another well and go further down.

Mr. Brand conveyed to the Court they have the power to throttle this. He hopes they will do that. The corner of his land is about 100-feet from Comal Creek and crosses South Cranes Mill Road. Mr. Brand stated they have been there since 1995 and during that time there have been two 100-year floods and one 500-year flood. In normal heavy rains the creek runs so deep the County puts up a sign and directs people the other way.

Mr. Brand stated he and Mrs. Brand feel they are stewards of the land. Their job is to keep the livestock alive, the wildlife healthy and the property prosperous. He feels they should make their desires known and hope the Court will take the necessary action and disapprove this.

Hal Herbelin stated he lives on the banks of the Dry Comal Creek. His family started ranching in 1933 and he continues to ranch there. Mr. Herbelin told the Court he watched Vintage Oaks develop and has watched the Dry Comal Creek change. It went from a creek that would flood with dark water to a creek that floods with bright red water. As the creek floods his well changes color. It will turn the same color as the creek. When the creek clears up his well clears up. Mr. Herbelin stated anything that goes in the creek will go into his well.

Mr. Herbelin stated he is not against high-density development, such as what Mr. Meyers proposes. He feels the reason he is proposing it is because the Dry Comal Creek dissects his ranch. He loses a lot of acreage due to the 100-year flood plain. Mr. Herbelin stated his ranch is not a place for high-density development. He hopes the Commissioners noticed that there is one person in attendance to be compensated that is "for" this District. Mr. Herbelin stated the courtroom is full of people that will not be compensated that are "against" this District.

Connie Terao stated she is a resident of Vintage Oaks. She feels the District will benefit the Meyers but not the other residents of Comal County. Ms. Terao commented they wanted this hearing yet they did not show up to speak on behalf of it or why they want it. She wanted to know what kind of experience they have that they can be directors. Do they have the fiscal responsibility and the knowledge that they need. What happens if it doesn't take off, who will be responsible? Will the County be responsible for that area?

Ms. Terao expressed concern for the ranchers and people that have wells. Will the wells dry up because of it? This is a highly sensitive recharge zone, the Edwards Aquifer. Do you want to put high-density housing upon this highly sensitive area? There is already water issues, parts of Bulverde have water trucked in. There are fire issues. There are people in her neighborhood that have issues getting insurance because there is no infrastructure to support the development.

Kevin Jurica stated he is a resident of Vintage Oaks and he gets his water from Canyon Lake Water Supply. There is no need to build a new entity that provides water. Mr. Jurica commented the property was advertised as having Canyon Lake Water Supply. He feels if they need water that is where they would get it.

Mr. Jurica asked the Court to look at this holistically. It was stated the TCEQ Permit should be disconnected but he thinks the overall plan should be looked at to make sure this is really a good thing for the town.

Felicia Thomas stated she lives in Vintage Oaks; many of her concerns have already been expressed. Ms. Thomas commented that there has been a drought for a very long time. This is a Water Control District. She stated they already have problems with the water in Vintage Oaks such as the cost and quality of the water. Ms. Thomas said now we are going to drill more wells and bring more water in or try to find water. She is concerned about what will happen not to mention the runoff from 1,500 homes. Where is the land to reabsorb the water to put back in the aquifer? Those are her main concerns.

Brenda Sturtevant stated her concerns were registered.

Melva Sue Davis passed on addressing the Court.

Suzanne Byrd also passed.

Ron Frisk stated Belinda Frisk had to leave; she did not leave information for him to address the Court on her behalf.

Ron Frisk stated he found it interesting that no Master Plan was filed. The questions he had were theoretical. What would the water shed contribution be to the Dry Comal Creek post development? Would there be any guarantee that whatever runoff occurs, will keep effluent out of the aquifer. For him it is an issue for everyone not just the people affected by the WCID.

Mr. Frisk believes it is a generational issue. He has children and grandchildren that come up here. They will probably retire here and be contributors to the tax base. Mr. Frisk feels if provision is not made now about good water, good environment, and controlled growth. He lamented the fact that so many people have moved out to Vintage Oaks, houses are popping up all the time. Mr. Frisk stated he supports personal property. Mr. Frisk stressed it is incumbent upon the Court to make sure that whatever we do now, in 50-years if asked weren't you the ones that approved the WCID. Isn't that the one that got the ball rolling on all these other things? Is that the reason I go to the store everyday to get my water? That is a question that needs to be considered. We need to be concerned about the future of this County.

Mr. Frisk stated he trusted the Court and he believes in them. He just wants the Court to take a moment to ponder what can happen, look beyond the doors of the Courthouse and understand the impact that we could suffer from something like this. Mr. Frisk says no to the WCID.

John Blodgett stated all his issues were addressed.

Lori White stated she resides in the Vineyard at Vintage Oaks and presented slides for the Court. She was present to speak against this. Ms. White stated the petitioners stated water was not available in the area yet they want to drill into the aquifer and take water out. Her concern is for the people that live out there now will be unable to have water. Canyon Lake Water Supply furnishes most of the water around the Meyer Ranch. They are able to obtain water. Ms. White stated the only reason the WCID is being considered is because of the high density on the property and the need to get rid of sludge. Most of Meyer Ranch is in the Edwards Aquifer Recharge Zones. This is a very sensitive area.

Ms. White stated the Dry Comal Creek runs into the Comal River. It goes south, almost to Schertz and then into New Braunfels. In the summer we have a ton of tourists. If the water way is polluted we are in big trouble, we depend on that tourism dollar.

Sandra Langston stated her concerns were addressed and passed on addressing the Court.

Annalisa Peace stated she was speaking on behalf of the Greater Edwards Aquifer Alliance (GEAA); there are quite a few members in this area. She stated they urge the Court to deny the approval of the Meyers Ranch Water Control Improvement District. They anticipate this WCID is to be created for the purpose of implementing water and sewage infrastructure to allow a high density development at this site. Ms. Peace stated such development is inconsistent with current land use patterns in the zone appropriated area of the County. It is also inconsistent with the impervious cover limits 8-15% recommended by Karri Scientists to protect water quality of the Edwards Aquifer Recharge and nearby contributing zones.

Ms. Peace stated there is particular concern of the impact of multiple high density developments will have on the quality of water in recharge in the aquifer and local wells and also the Comal Springs and river. Ms. Peace stated the GEAA contends the highest and best use of this recharge land because water flows west to east is to remain lightly populated to ensure clean recharged water running into the Comal River and the Comal Springs. Ms. Peace stated there is also concern about impact of unplanned growth in the community. To illustrate Ms. Peace referred to the handout "Cost of Community Services," American Farmland Trust.

Ms. Peace stated another concern was the impact of such a development on local groundwater resources. During the past ten years, and especially during the

recent draught, she had heard from numerous well owners who had to drill deeper as the demand on ground water increases with population growth. Since the request of this WCID makes no mention of securing additional water supplies for the development, it can be concluded that they intend to use local ground water as well. This can become problematic.

In conclusion, Ms. Peace observed that there is a little piece of heaven in the unincorporated areas of Comal County. She told the Court their constituents are behind them, to work with them, to protect their property. These are your resources. They are invested in this community. She hoped the Court would listen to their concerns and vote to deny the Meyers Ranch Water Control and Improvement District.

Phyllis Y. Ritter stated she and her husband live directly across the road from the Frankie Meyer Ranch. They have two water wells for their cattle and home. In the 21-years they have owned their property, they have shocked the wells many times due to contamination from Dry Comal Creek flooding. Ms. Ritter wondered what will happen when the wells run dry or run low because of wells drilled on Meyers Ranch to support 1,400 plus homes.

Ms. Ritter questioned why a water District is needed. Frankie Meyers advertised the ranch as having Canyon Lake Water Company to supply the water needs. It can tie into the Canyon Lake Water service located approximately a half of a mile from the ranch. She stated most of you voted to allow an easement with a minimum of 60 foot for a county road that runs beside the Ritter's property. She asked the Court if the easement was provided to Vintage Oaks, why are you not requiring the Meyers Ranch to use the easement to hook into the Canyon Lake Water Supply.

Ms. Ritter stated the Edwards Aquifer Recharge Zone starts right outside her gate, between them and Meyers Ranch. She hopes the Court really considers this. She commented that the residents out there cannot afford for the water wells to run dry.

Randy White stated the Meyer Ranch Water and Improvement District should be denied for the following reasons:

1. It is not necessary. There are purveyors of water readily available in the area.
2. The WCID is not a benefit to the land in the District. The affluent created from the waste treatment plant will be dumped in the Dry Comal Creek over

the Edwards Aquifer Recharge Zone through neighboring property and into the Comal River.

3. It is not practical. Its creation will cause an unnecessary burden on the future property owners through the creation of or the additional increases in taxes to pay for the funds to pay for the WCID.

Terrell Graham stated for more than a year, they have been fighting the Developer of the Johnson Ranch Development. Their fight started with the Waste Water Treatment Plant permit and because they oppose it they are threatening to take their property. Mr. Graham asked the Commissioners not allow something like this to happen to the Friends of the Dry Comal Creek.

Hearing no one else, Judge Krause closed the Public Hearing.

#### ATTACHMENT #8

#### ACTION AGENDA ITEM #9

MARCH 12, 2015

**Discuss and consider the Petition for Creation of Meyer Ranch Water Control and Improvement District, and take appropriate action.**

Tillman Roots, Assistant Criminal District Attorney, stated the following from Texas Water Code Chapter 51.021. The Commissioners Court shall grant the Petition creating the District if it makes four findings. Those four findings are:

1. Organization of the District as requested is feasible and practicable;
2. The land to be included and residents of the proposed District will be benefited by the creation of the District;
3. There is a public necessity or need for the District; and
4. The creation of the District would further the public welfare.

Mr. Roots stated if the Court fails to make any of those four findings it shall not create the District.

Judge Krause asked if there were any questions or comments from the Court. Hearing no one, he asked what the pleasure of the Court is.

Commissioner Eccleston stated in reference to Action Agenda Item #9 under Section 51.021 subsection (b) of the Water Code. If the Court fails to make the four findings required by subsection (a) it shall refuse to grant the petition. Commissioner Eccleston stated, "I move that the Court finds the following:

1. Under requirement 3, there is no public necessity or need for the District. There is no housing shortage in that area of the County and there are no

impediments to development in that area of the County under existing statute and County Orders.

2. Under requirement 4, the creation of the District does not further the public welfare because there is no need for the District. It would be another unnecessary layer of bureaucracy and increase taxes."

Commissioner Eccleston stated "Being that requirements 3 and 4 have not been met, there is no reason to address the first two requirements. As such, I move to deny the Petition for creation of Meyer Ranch Water Control and Improvement District." The motion was seconded by Commissioner Crownover.

Judge Krause stated we have a motion by Commissioner Eccleston, a second by Commissioner Crownover to deny the Petition for the Meyer Ranch Water Control and Improvement District. All voting "AYE," the motion carried.

Judge Krause asked if there were any comments from the Petitioner. Hearing none, Judge Krause moved onto the next agenda item.

**ATTACHMENT #9**

**EXECUTIVE SESSIONS:**

In accordance with Chapter 551 of the Texas Government Code, Subchapter D, Commissioners Court may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

(A) Deliberate and consider the purchase, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code.

(B) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code.

(C) Deliberate pending/ contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code.

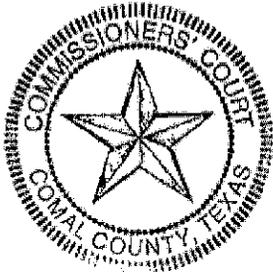
Judge Krause stated no need for Executive Session today, this Court stands in recess.

**Court recessed at 9:40 a.m. on Thursday, March 12, 2015.**

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

I, Bobbie Koepf, attest that the foregoing is a true and accurate accounting of the Commissioners Court's authorized proceedings for the Term of March 12, 2015, Regular Meeting.

Date: March 17, 2015



Bobbie Koepf  
Bobbie Koepf, County Clerk  
Clerk of Commissioners Court  
Comal County, Texas

*Term Minutes prepared in accordance to Texas Government Code Annotated § 551.021*

- (a) A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.*
- (b) The minutes must:*
  - 1. State the subject of each deliberation; and*
  - 2. Indicate each vote, order, decision, or other action taken.*

## Mehgan Taack

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**From:** edharris55@yahoo.com  
**Sent:** Thursday, December 31, 2015 3:35 AM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD

FILING CONFIRMATION NUMBER 711128912015365

REGULATED ENTY NAME MEYER RANCH

RN NUMBER: RN107818577

PERMIT NUMBER: WQ0015314001

DOCKET NUMBER: 2015-1624-MWD

COUNTY: COMAL

PRINCIPAL NAME: RANDOLPH TODD COMPANY LLC

CN NUMBER: CN604698464

FROM

FILED BY:

FILED FOR NAME: MR Edward Harris

E-MAIL: [edharris55@yahoo.com](mailto:edharris55@yahoo.com)

ADDRESS: 1670 S CRANES MILL RD  
NEW BRAUNFELS TX78132-1651

PHONE: 210-602-3899

DOCUMENT NAME: 03122015 Comal County Commissioners Meeting Randolph Todd WCID.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

Texas Commission on Environmental Quality  
PO Box 13087  
Austin, Texas 78711

December 24, 2015

I have attached the following document for the TCEQ commissioners to consider for permit application #WQ001531400 contested case hearing Docket Number 2015-1624-MWD.

The attached Word document with pictures were taken between February 14, 2015 and June 18<sup>th</sup>, 2015 in Dry Comal Creek approximately 300 feet to 1500 feet south of where Dry Comal Creek exits the location of the proposed 1500 home Meyer Ranch subdivision and where the proposed Sewage Treatment Facility would be located.

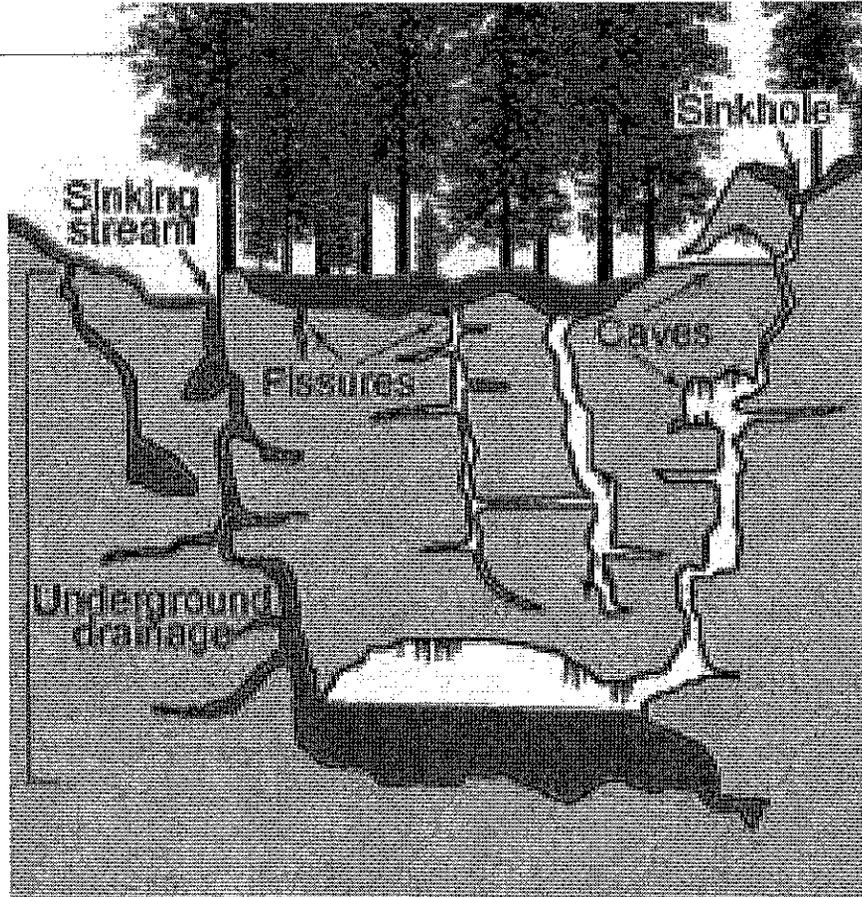
The content of this document/pictures; perennial pools, springs weeping from limestone, collapsed karst formations are important for the commissioners and staff of TCEQ to understand the impact of adding treated sewage effluent into the Dry Comal Creek would be devastating. These pictures repeat themselves many times over as the Dry Comal Creek flows 15 miles and combines with the West fork of Dry Comal Creek forming a 35 mile long flow which enters the Comal River in New Braunfels.

According to the USGS the Dry Comal Creek watershed is 107 square miles. The USGS has a monitoring well on Solms Road where Four Mile Creek enters the Dry Comal Creek. This will impact the Edwards Aquifer Recharge, Trinity Aquifers and the New Braunfels recreational waterway downstream where the Dry Comal Creek enters the Comal River.

Sincerely,

Ed Harris  
1670 S Cranes Mill Rd  
New Braunfels, TX 78132  
Ph: 210-602-3899  
[travelingman@gvtc.com](mailto:travelingman@gvtc.com)

## What is a Karst Formation and Sink Hole?



The following 4 Points are made by using the oral testimony given during public commenting period to changes to Chapter 213 Edwards Aquifer Rules by the Texas Natural Resource Conservation Commission (TNRCC)

**Chapter 213 - Edwards Aquifer  
Rule Log No. 97105-213-WT**

**Point 1**

**Contested Case Hearing Point**

The developer is using a lift gate system over an environmentally sensitive area knowingly and deliberately trying to circumvent the Chapter 213 rules by pumping sewage discharge not from a naturally occurring low point at plant location (over Edwards Aquifer recharge zone) on the draft permit but more ½ mile upstream into the less regulate Edwards contributory zone. TCEQ state in the public meeting on June 18<sup>th</sup> it is not considering the impact or collateral damage of groundwater to the private and public wells downstream of the discharge in the permitting process.

Oral Testimony TNRCC Rule log Page 19 –

The federal Clean Water Act also does not set standards applicable to the subject matter of this rulemaking. The Region 6 Environmental Protection Agency (EPA) general NPDES permit for storm water discharges from construction activities in Region 6, issued in compliance with the Clean Water Act (33 U.S.C. 1251 et. seq.), authorizes the discharge of pollutants to waters of the United States in accordance with the conditions and requirements set forth in the general permit. **The Clean Water Act and the EPA general permit are surface water quality measures**; these rules (Edwards Aquifer Rule) are implemented to protect groundwater.

## Point 2

### Contested Case Hearing Point

Contamination to groundwater by Stormwater runoff must be considered by commissioners in their ruling on permit. Letter from TCEQ dated December 16<sup>th</sup>, 2015 Docket No. 2015-1624-MWD sent to applicant and requestors. Quote "***The commission is authorized to protect human health and safety, and natural resources.***" This quote infers that the commissioners even though they are bound by rules established by The State of Texas, the commission has discretionary powers of interpretation/amend/clarify/cancelation to protect the public health and safety and natural resources. The Commissioners responses to ruling granted by SOAH Judge concerning Johnson Ranch in Bulverde, Texas July 2, 2015 confirm extraordinary powers.

**Fact** - the applicant draft permit grants discharge into the Edwards Contributory Zone and Edwards Recharge Zones.

**Fact** - the applicant is on record as wanting to install 1500 homes on approximately 700 acres which is located at the headwaters of the Upper Dry Comal Creek in a valley of with roads. This development will strip all the impervious ground cover from the valley the property sits within increasing the Stormwater runoff.

**Fact** – TCEQ rules do not take into consideration Stormwater runoff and the NPDES program the TCEQ models their program after does not take into consideration the effect on groundwater in the State of Texas or future damage after construction is completed by Stormwater runoff. The roads, curbing, pesticides, prescription drugs traces, and industrial wastes will all be flowing down the Dry Comal Creek which has many sensitive environmental features

**Fact** – The developer is trying to get around Comal Counties existing regulatory powers that in order to build a home you must have more than 1 acre. Developer is proposing less than .25 acre lots.

**Fact** - Oral Testimony TNRCC rule log page 21 and 22

The Edwards Aquifer is the sole or primary source of drinking water for over 1.7 million people in eleven counties. Degradation to the quality of the water supply in the Edwards Aquifer caused by activities conducted in the contributory zone and on the recharge and transition zones presents a real and substantial Texas Natural Resource Conservation Commission Page 23 Chapter 213 - Edwards Aquifer Rule Log No. 97105-213-WT threat to public health and safety. The Edwards Aquifer contributing zone is the area generally west or

North of the recharge zone containing the streams and rivers that arise in topographically higher areas and flow downstream to eventually cross the aquifers recharge zone.

The commission believes there is sufficient scientific evidence which proves that increased urbanization in the contributory zone will result in increased loading of pollutants in receiving streams which in turn threaten the Edwards Aquifer. Based upon studies of actual and projected population growth for the areas included in the Edwards Aquifer recharge, transition, and contributing zones, a population increase of almost 30% will occur between 1990 and 2000. The population is projected to increase to approximately 3.3 million people by 2010. The United States Geological Survey (USGS) study titled A Relation between Urbanization and Water Quality of Streams in the Austin Area@ found that selected streams in the Austin area have higher levels of suspended solids (pollutants) in areas of development. The study determined that concentrations of total suspended solids were much higher at the beginning of a rain event than toward the end of the event.

Rain event created Stormwater runoff washes nonpoint source pollution from developed lands into the downgradient surface waters. The USGS study also shows that the variability of pollution concentrations generally increases with the increase of impervious cover. Therefore, in areas of greater development Activities, the average pollution concentration was significantly larger than background (undeveloped) levels. The study noted that impervious cover prevents rain from seeping into the ground and thereby Reduces natural soil filtration.

As the amounts of impervious cover increases from future developments resulting from the needs of the projected population growth, there will be an increase in polluted Texas Natural Resource Conservation Commission Page 24 Chapter 213 - Edwards Aquifer Rule Log No. 97105-213-WT Stormwater runoff into urban streams and a reduction of natural soil filtration. Unless some methods to compensate for the loss of natural filtration is required, an adverse effect to human health and safety will result.

Oral Testimony TNRCC rule log Page 20

Exceedance of a requirement of a delegation agreement. The commission is not a party to a delegation agreement with the federal government concerning a state and federal program that would be applicable to requirements set forth in the rule. Accordingly, there are no delegation agreement requirements that could be exceeded by this rule. The commission has entered into a memorandum of agreement with EPA concerning the National Pollutant Discharge Elimination System (NPDES). As mentioned above, **the NPDES program does not directly regulate effects on groundwater.** Further, the NPDES Stormwater permit is effective only for the **construction phase of a project.**

## Point 3

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### Contested case hearing point

The groundwater in the State of Texas cannot be protected due to the fact that no one agency controls the safety of it. It fact a decentralized patch work of state agencies (TBRCC, TWC, and TCEQ) which all have opposing mission statements and regulatory requirements burdens the public with trying to prove who, what, and where their groundwater became polluted. Since the TCEQ is the agency who has approved a draft permit to allow known substances as described in the draft permit which will pollute the groundwater of the Edwards Aquifer, Cow Creek, and Glen Rose by passage through the Karst Formations which permeate the Dry Comal Creek the TCEQ Commissioners should deny the permit and require a drinking water standard be used for the treatment plant which therefore burdens the applicant with proving he meets the requirements of all agencies.

### Oral Testimony TNRCC rule log Page 33

Texas Center for Policy Studies (TCPS) commented that the rules must acknowledge the relationship between water quality and water quantity. Thus while the quality of the water as measured by Total Suspended Solids (TSS) and other parameters should be protected, stream base flow and aquifer recharge volume should also be maintained. Otherwise, pollutants will become Concentrated in the aquifer.

The commission agrees with the comment. Although the regulation of ground water quantity is beyond the jurisdiction of the agency. The commission will consider the impacts to groundwater when it reviews and takes action as a surface water right application pursuant to Texas Water Code §11.134. The commission will also work cooperatively with groundwater districts and authorities to address the issue raised by the commenter.

### Oral testimony TNRCC rule log page 72

Texas Water Commission Section 26.401, establishes the goal for groundwater Protection in the state to be that the existing quality of groundwater not be degraded. This goal of no degradation does not mean zero-contaminant discharge. The policy of the state is also provided in §26.401 to be that discharges of pollutants, disposal of waste, or other activities subject to Regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.

**Fact** – Oral testimony TNRCC rule log page 75 and 76

Recharge to the aquifer occurs primarily by the downward percolation of surface water from streams draining off the Edwards Plateau to the north and west and by direct infiltration of precipitation on the outcrop. This recharge reaches the aquifer through crevices, faults, and sinkholes in the unsaturated zone. *Unknown amounts of ground water enter the aquifer as lateral underflow from the Glen Rose Formation (Trinity Aquifer).* Water in the aquifer generally moves from the recharge zone toward natural discharge points such as Comal, San Marcos, Barton, and Salado springs. Water is also discharged artificially from hundreds of pumping wells, particularly municipal supply wells in the San Antonio region and irrigation wells in the western extent.

The unique vulnerability of the Edwards aquifer to contamination was documented in 1989. The Texas Water Commission conducted statewide mapping to classify the relative vulnerability of all the major and minor aquifers in the state to manmade contamination. The agency used the DRASTIC System to determine relative vulnerability using the following parameters: depth to water, annual recharge, aquifer media, soil media, topography, vadose zone impact, and hydraulic conductivity. Because of its hydro geologic character (as discussed above), the Edwards Aquifer ranked as the most vulnerable major aquifer in the state to manmade contamination. ***It is considered to be more susceptible to pollution from contaminants deposited on or flowing over the recharge zone than other aquifers in the state.***

## Point 4

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### Contested case hearing point

Miles of untreated sewage shall be piped from the point of origination (1500 homes) to the sewage treatment plant at southern end of property. To be stored in tanks which are regulated by a patch work of State of Texas agencies whom have to decide whose regulatory powers govern if an accident occurs? During the public hearing on June 18<sup>th</sup> with TCEQ personnel no environmental studies were required prior to the permit being submitted or approved. In fact there were more than 15 errors on the permit which had the treated effluent draining into the wrong watercourse, located the plant in Mexico, and had standards which did not meet the requirements of being over the Edwards Recharge Zone Chapter 213 because the developer is placing the discharge point in the Edwards Contributory Zone ½ mile upstream of plant. The fact that the developer is attempting to get around the contributory zone can be argued that the contributory zone immediately above recharge zone should be considered in any decisions as TXDOT and others did below.

### Oral Testimony TNRCC rule log Page 6

Proper maintenance of BMPs remains a significant problem for continued the protection of the aquifer. The maintenance of best management practices is paramount to the continued performance and efficiency of any proposed pollution control device. The current record of maintenance for these structures is questionable. During 1994 - 1997, the agency performed 427 inspections at 166 structural Stormwater best management practices in south Austin over the Edwards Aquifer recharge zone. A total of 53% of the inspections found that best management practices had problems functioning or did not completely function due to maintenance and repair problems.

### Oral Testimony TNRCC rule log Page

Edwards Aquifer Authority recommended that the commission require aboveground storage tank systems utilize secondary containment for underground piping. Underground piping associated with aboveground storage tanks should be regulated by rules that are equivalent to the rules that regulate piping for underground storage systems.

**The commission responds that the TNRCC does not have the statutory authority to establish such piping standards for aboveground storage tanks, pursuant to the Texas Water Code Section 26.3441(b). Under the current provisions of the Texas Water Code Chapter 26, Subchapter I, the TNRCC is only authorized to implement registration, annual fees, release**

**reporting, corrective action, and remediation-cost reimbursement requirements for certain petroleum aboveground storage tanks, and no federal statutes or EPA regulations have been implemented to authorize other requirements.**

Oral Testimony TNRCC rule log Page 14 and 15

Specific cross-references in the Chapter 213 rule relate to on-site wastewater treatment which are contained in Chapter 285 of this title (relating to On-Site Sewage Facilities). These rules contain specific and more stringent provisions for on-site sewerage facilities (including septic tanks) in the recharge zone having the potential to cause pollution of the Edwards Aquifer. While there are specific requirements for organized sewage collection systems contained in the rule, the general design, design plans, and specifications must also comply with Chapter 317 of this title relating to Design Criteria for Sewerage Systems. To insure proper design and installation, underground storage tank systems (USTs) are required to be installed by a person registered under Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks).

More stringent requirements for the design, installation, monitoring, and containment of USTs are provided in Chapter 213. The design of wastewater treatment plants must be in accordance with Chapter 317 of this title and attain the effluent discharge standards contained in Chapter 309 of this title (relating to Effluent Limitations) and Chapter 311 of this title (relating to Watershed Protection) where applicable. Such effluent criteria are the most stringent in the state and require a 97.5% pollutant removal. The agency also regulates nonpoint source pollution from certain developments in certain parts of the contributing, recharge and transition zones of the aquifer under Chapter 216 of this title (relating to Water Quality Performance Standards for Urban Development).

**Fact - Oral testimony TNRCC rule log Page 281**

***The commission responds that requirements of Organized Sewage Collection Systems (SCS) and the associated geologic assessment is required only over the recharge zone*** (subchapter A) and addresses the design, construction and testing of sewers, manholes, lift stations, and other parts of the system. Also, approvals require notification and mitigation of features exposed during construction of the trenches for the sewers. Since direct recharge to the Edwards Aquifer does not occur in the contributing zone, the proposed rule for the contributing zone does not require a geologic assessment. An Organized Sewage Collection System plan is not required in the contributing zone; however, the entity proposing a system must meet all requirements for the design and construction of a collection system specified in Title 30, Chapter 317 relating to Design Criteria for Sewerage Systems.

City of Austin (COA) commented that the boundary of the Contributing Zone should include the entire watershed of **each creek** that contributes runoff to the Recharge Zone and that establishing the boundary to coincide with the county boundary is not based on hydrologic principles and does not provide the best resource protection to the Edwards Aquifer. COA recommended that the commission incorporate the entire area of affected watersheds, consistent with the agency's watershed-based planning approach in other programs such as the Total Maximum Daily Loads (TMDL) program. TCPS commented that while the rules represent progress towards ensuring water quality protection, they do not go far enough. They continued that the decision to apply only the rules to the eight counties presently covered by the Edwards Aquifer Rules is arbitrary and political. Instead, Texas Center for Policy Studies (TCPS) stated that protection and rules should apply to all creek watersheds in the contributory watershed, rather than according to county boundaries. Consulting Engineering Council of Texas (CECT) commented that the definition of "contributing zone" be expanded to cover all counties affected from that of only regulating the contributing zone in those counties currently subject to Subchapter A, which they believe is the result of political compromises and not water quality protection.

Texas Department of Transportation (TxDOT) commented that if portions of the contributing zone are to be added, there are diminishing risks of impacts to the Edwards Aquifer as distance increases from the recharge zone. TxDOT continued that since both agencies are concerned with limited resources, they encouraged the commission to target its water quality protection efforts on the basis of opportunities for the greatest risk reduction. ***TxDOT recommended that if the contributing zone is added, the regulated area be defined as the area within a 0.5 mile riparian buffer zone on either side of a stream for a specified distance.*** They continue that this distance should not be arbitrary, but based on the ability of a pollutant to reach the recharge zone.

Riparian zones are ecosystems located along the banks of rivers, streams, creeks, or any other water networks.

Dry Comal Creek 1500 ft South of Proposed Sewage  
Treatment Facility Plant

Application #WQ0015314001

All Photographs taken on Harris/Farmer/Collins  
Properties which would be collaterally damaged from  
Randolph Todd Construction Meyer Ranch  
discharges and Edwards Aquifer Recharge features



Sinkhole 1670 S Cranes Mill Rd less than 100 yards  
from where treated sewage exits Meyer Ranch in Dry  
Comal Creek



Collins property rocky sides with vegetation and weeping springs in sides on limestone



Collins property creek cuts through solid limestone and quartz with weeping springs in sides on limestone



Collins property where creek turns the corner you find a perennial pool is formed from weeping springs and runoff water from Dry Comal Creek Tributary on Vintage Oaks watershed. This is a stock tank for livestock and Texas wildlife.

Collins property Dry Comal Creek Tributary on Vintage Oaks watershed flows into main Dry Comal Creek at corner S Cranes Mill Road. This is a stock tank for livestock and Texas wildlife.



Collins property Dry Comal Creek perennial pools form for spring seepage in limestone formations on sides.



Picture # 7

Harris/Farmer/Collins properties Dry Comal Creek  
spring seepage in limestone formations on sides form  
perennial pools.



Dry Comal Creek collapsed karst formations are abundant as creek flows down hill.



Normal Creek Flow



A major increase to Stormwater runoff when impervious ground cover is removed up the creek in the valley on proposed Meyer Ranch.

**Debbie Suniga**

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**From:** travelingman@gvtc.com  
**Sent:** Thursday, December 24, 2015 12:20 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD  
**Attachments:** Contested Case Response Document WQ00153140011.pdf

**FILING CONFIRMATION NUMBER** 890443732015358

**REGULATED ENTY NAME** MEYER RANCH

**RN NUMBER:** RN107818577

**PERMIT NUMBER:** WQ0015314001

**DOCKET NUMBER:** 2015-1624-MWD

**COUNTY:** COMAL

**PRINCIPAL NAME:** RANDOLPH TODD COMPANY LLC

**CN NUMBER:** CN604698464

**FROM**

**FILED BY:**

**FILED FOR NAME:** MR Edward Harris

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**DOCUMENT NAME:** Contested Case Response Document WQ00153140011.pdf

*Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.*