

January 11, 2016

TCEQ  
PO Box 13087  
Austin, TX 78711

**RE: Docket No. 2015-1624-MWD, Randolph Todd Company, LLC, Request(s) filed on Permit No. WQ0015314001**

This letter is to request the TCEQ Commissioners to grant the TCEQ Executive Director's (ED) and OPIC's determinations of 12/28/15 and refer the aforementioned to a SOAH judge and to allow the persons reflected in this document to be considered as an 'affected party' as asserted by OPIC and for reasons cited below.

The ED on 12/28/15 in his Response to Hearing Requests did not find Franklin Houser (7), Sabrina Houser Amaya (14), Hector Amaya (36), or Bonnie Houser (35) to be an affected parties, citing the following:

**7. Franklin Houser**

*Franklin Houser is not affected person due to his distance from the proposed activity. In his hearing request Mr. Houser stated that his home and vineyard operations are approximately three miles downstream from the proposed outfall location. In his hearing requests, Mr. Houser noted issues such as the degradation of water quality in Dry Comal Creek, the increase likelihood of bacteria contaminating his private water wells use as drinking water for his residence and irrigation for his vineyards, and adverse health effects of increased bacteria in the effluent discharge. These issues are protected by the law under which the Application is being considered. However, Mr. Houser's property is a significant distance downstream from the proposed outfall location on Dry Comal Creek, making it unlikely that he will be impacted by the proposed activity in a way that is not common to members of the general public. Using the address provided by Mr. Houser, the Executive Director has located Ms. Houser's property, which is identified in Attachment A.*

Below we present evidence as to why we should be considered "affected parties".

1. It should be noted that the 'distance' from the outfall is not something that the ED can arbitrarily assign. Our understanding is that the 'distance' from the outfall is only instrumental in determining who should be notified, and as such, the adjacent landowners within 3-mile radius were initially notified that this permit was in play in early 2015.

The ED is wholly incorrect from not considering the aforementioned persons as affected parties, citing only one issue for which to rule us out...that being a 'distance'. The 'affected party' rules cite that

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

What 'distance' law forbids us from being considered 'affected parties'?

It should be also noted that the rules regarding the applicant for a TPDES permit application must include *(B) the general character of the areas adjacent to the facility, including public roads, towns and the nature of development of adjacent lands such as residential, commercial, agricultural, recreational, undeveloped, and so forth;* (Rule: 305:45. Contents of Application for Permit). Thorough review of this application does not consider any 'commercial and/or recreational' use of the land adjacent and in our circumstance - downstream.. Even more unsettling, it appears that the TCEQ allows permit applicants to define the meaning of an 'adjacent landowner' as your own instruction manual Form TCEQ-10053-Instruction does not even offer a definition!

Thus it appears that our understanding of adjacent differs from that of the EDs and the applicant. Adjacent by definition can also mean.... *near or close to but not necessarily touching*. For example, "lands adjacent to the mountains" or "New York and adjacent cities". As such we consider our location to be 'adjacent' and therefore "affected parties".

2. Secondly, it is clear that our location as a winery and vineyard will be impacted by the effluent. The outfall directly into the Dry Comal Creek is essentially the 'E' (Express) train to the Edwards Aquifer Contributory and Recharge Zones. To suggest that this treated effluent of 390,000 gallons a day will not go into the Edwards Aquifer from which we water our grapes, and serve water to customers, is absurd. Therefore, we maintain we are 'affected' by virtue of the impact of the effluent discharge on: (4)...'*use of the property of the person*' and (5)..."*use of the impacted natural resource by the person*".
3. Finally, the 12/28/15 OPIC Response to Hearing Requests does find the aforementioned persons as "affected parties" for the same valid points that are raised above.

**1. Requesters who are dependent on groundwater and affected persons**

The following hearing requesters depend on well water drawn from the Edwards Aquifer in the vicinity of the Facility and discharge route. For these requesters, OPIC finds that a reasonable relationship exists between the treated effluent and groundwater quality. In addition to other issues raised by these requesters, OPIC finds that their dependence on groundwater alone is sufficient to find them affected persons.

Hector X. Amaya, Bonnie Houser, Franklin Houser, and Sabrina A. Houser-Amaya

Hector X. Amaya, Bonnie Houser, Franklin Houser, and Sabrina A. Houser-Amaya submitted substantially similar hearing requests raising issues relating to Dry Comal Creek Vineyards and Winery (Vineyard). They are concerned (1) that the effluent will reach wells used for drinking water and irrigation; (2) that wastewater discharge will seep into the Edwards Aquifer Recharge and Contributing Zones; (3) that the discharge will carry excess nutrients and result in eutrophication of the receiving waters; (4) that eutrophication will impact the quality of their soil and grapes; (5) that alternative fertilizers used to counteract the effluent will leech into their water source; (6) that the effluent will increase the likelihood of *E. coli* in water used for both human consumption and production of a food crop; (7) that positive test results for *E. coli* will shut down the Vineyard and place an onerous burden on the Vineyard to identify the *E. coli* contamination source; (8) that, in granting this permit, the TCEQ would violate its own rules for

Public Water Supply Systems; and (9) that the TCEQ failed to consider the eutrophication of perennial pools in the permit review process. Hector X. Amaya, Bonnie Houser, Franklin Houser, and Sabrina A. Houser-Amaya list the Vineyard address as within a mile of the proposed Facility, along Dry Comal Creek, and state the Vineyard is on the Edwards Aquifer Recharge Zone. *See* Executive Director's Map, Exhibit 1.

The issues raised by this group of requesters concern the potential contamination of groundwater used for human consumption and crop production. Further, the requesters are concerned about their continued ability to produce grapes and maintain a public water system. This group of requesters raises issues that are not common to the general public, and OPIC finds that Hector X. Amaya, Bonnie Houser, Franklin Houser, and Sabrina A. Houser-Amaya are affected persons.

We continue to be perplexed while digesting the TCEQ's response to citizen concerns throughout this permit application. TCEQ regulations appear to be written to protect the rights of developers, protecting poorly developed permits, supporting the permit application efforts, despite TCEQ regulations being manipulated while continuing with the permitting process. (As in this case, when Randolph Todd, LLC does not own the land in this permit application. (See Letter from Sabrina Houser dated 1/10/16 specifically outlining the true owners as well as uploaded to TCEQ site on 1/11/16 the official title deeds showing Franklin Myer and other family members as owners of the property, not Randolph Todd, the applicant)

TCEQ must recognize and treat this area as environmentally sensitive, with the plant being located on the Edward's Recharge Zone, and treated effluent being pumped up over a mile to be discharged directly into the Dry Comal Creek which sits over the Contributory Zone. While TCEQ cannot dictate the 'discharge point' doesn't it appear to you that this circuitous route is to avoid the more stringent rules of discharge over the Recharge Zone? TCEQ Rule 213, Section 6, The applicant has found loopholes, and TCEQ is allowing blatant circumventing of the intended rules written to protect the Edwards Aquifer.

In closing, we are asking that the TCEQ Commissioners engage in the following:

1. Disallow the continuation of this permit application due to the applicant intestinally misleading the TCEQ and the public. As such, their misrepresentation as owners has allowed the permit process to continue with much expense of tax payer dollars and citizens' time and expense to prove the point that the application is 'administratively' incorrect. (See Letter from Sabrina Houser dated 1/10/16 specifically outlining the true owners as well as uploaded to TCEQ site on 1/11/16 the official title deeds showing Franklin Myer and other family members as owners of the property, not Randolph Todd, the applicant)
2. If TCEQ allows the continuation of this permitting process, then we implore the Commissioners to forward this permit to a SOAH judge and allow 'contested case' hearing to take place.
3. If TCEQ allows the continuation of this permitting process, then we implore the Commissioners to place the aforementioned persons submitting this letter to be placed on the 'affected party' list for reasons stated above.

TCEQ...we implore you to PLEASE take a stance here in 2016 as a proactive agency to protect the clean water resources in this environmentally sensitive area. As an agency, you are the stewards charged to protect this water resource. Please do not abandon this responsibility.

Sincerely,

Sabrina Houser Amaya  
Owner of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

Franklin Houser  
Owner of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

Hector Amaya  
Employee of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

Bonnie Houser  
Owner of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

CC: Comal County Commissioners  
City of New Braunfels - City Manager and City Engineer  
Comal County Engineer  
Representative Doug Miller  
Senator Donna Campbell  
GEAA  
Mr. Eric Almon  
Friends of Dry Comal Creek  
Save Our Springs

**Amy Davis**

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**From:** sabrina@drycomalcreek.com  
**Sent:** Monday, January 11, 2016 3:57 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD  
**Attachments:** Request for being Considered an Affected Party 1-11-16.pdf

**FILING CONFIRMATION NUMBER** 566574022016011

**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:** Sabrina Houser-amaya

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** Request for being Considered an Affected Party 1-11-16.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.*

January 10, 2016

TCEQ  
PO Box 13087  
Austin, TX 78711

This letter is to plea to the TCEQ and Commissioners to discontinue the permit approval process for RE: Docket No. 2015-1624-MWD, Randolph Todd Company, LLC, Request(s) filed on Permit No.WQ0015314001. the reasons are stated below:

1. TCEQ Commissioners should immediately discontinue this permit process because TCEQ has errantly approved this permit 'administratively' based on "false" information provided by Randolph Todd, LLC, and Oscar Graham. The following facts are:
  - a. Randolph Todd, LLC, DOES NOT own the property on which the TD PES permit is being sought. On their initial application, there are sections (Attachment 1) germane to the argument, whereby Randolph Todd routinely states that they own the property and that the discharge is into the Dry Comal Creek which is deemed as Waters of the State by TCEQ. Per TAC rules, Randolph Todd must own the property if they are discharging effluent into Waters of State per (TAC, Title 30, Rule 281.4 see section item 4; Application for Use of State Water).

More specifically, 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).

Also as per TCEQ, since Randolph Todd is not the owner of the property, Randolph Todd should have filed the permit with the landowner as the co-permittee. Attachment 1 shows that they have crossed thru this section. Per the TCEQ 10533 Instruction Document...*"If the facility is considered a fixture of the land (e.g., ponds, units half-way in the ground), there are two options. The owner of the land can apply for the permit as a co-permittee or a copy of an executed deed recorded easement must be provided. The deed recorded easement must give the facility owner sufficient rights to the land for the operation of the treatment facility."*

It should also be noted that at the public meeting on June 18, 2015, the citizens brought up the 'administrative' error and that TCEQ rules were violated in regards to ownership. The applicant was allowed to provide (by TCEQ staff) on August 11, 2015 a copy of executed option to purchase the property from Franklin Meyer by Randolph Todd. This "option to purchase" does not comply with the requirements of TCEQ Rule 281.4, which requires under (4) Appropriate ownership documents (including easements and consents).

TCEQ further muddied the waters and violated their own rules requiring verifiable evidence of ownership, as noted in the Executive Director Response to Public Comments dated 12/28/15, page 9, response 7. ...*"that the company will have ownership upon permit approval"*.

Response 7:

TCEQ rules require that applications for use of state water include proper ownership documents (including easements and consents) to be included in the application for a wastewater discharge permit.<sup>5</sup> During the public meeting, it was brought to the Executive Director's staff attention that Randolph Todd incorrectly indicated that the company is the owner of the property where the proposed wastewater facility will be located. As a result, Randolph Todd was required to provide a copy of an executed option to purchase contract (agreement) to show that the company will have ownership upon permit approval. This document has been provided by Randolph Todd and filed with the TCEQ's Office of the Chief Clerk as of August 11, 2015.

- b. Additional evidence that Randolph Todd, LLC does not own the property are found in two documents which provide signed and notarized signatures of the Franklin Myer family, thus affirming that they (Franklin Myer not Randolph Todd) own the property. (Be sure to note the dates whereby the TPDES permit is filed with TCEQ (10/21/14) was before the filing of the WCID on 11/10/14)
1. Attachment 2: as evidenced by the submission by Franklin Meyer on 11/10/2014 for the WCID showing metes and bounds of property owned by Franklin Myer and family (NOTE: this is contrary to Randolph Todd signing the initial permit request on 10/9/14 stating they 'truthfully' own the property).
  2. Attachment 3: as evidenced by the submission by Franklin Myer on 10/14/15 for the MUD showing metes and bounds of property owned by Franklin Myer and family. (NOTE: this is contrary to Randolph Todd signing the initial permit requests on 10/9/14 stating that they "truthfully" own the property).

Should TCEQ allow this permit process to continue, then they are violating their own rules and statutes and are acting as a 'de-facto' zoning committee and as such, there can be no doubt that TCEQ is in a business relationship with Randolph Todd, LLC

If TCEQ allows the continuation of this permitting process, then they should allow a 'contested case' hearing to take place and the affected parties as defined by TCEQ ED and OPIC should be considered and all issues identified by TCEQ ED and OPIC should be referred to SOAH.

Sabrina Houser Amaya  
Owner of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

Franklin Houser  
Owner of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

Hector Amaya  
Employee of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

Bonnie Houser  
Owner of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

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CC: Comal County Commissioners  
City of New Braunfels - City Manager and City  
Engineer  
Comal County Engineer  
Representative Doug Miller  
Senator Donna Campbell

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GEAA  
Mr. Eric Almon  
Friends of Dry Comal Creek  
Save Our Springs

## **ATTACHMENT 1**

**To Letter from Sabrina Houser Amaya to TCEQ dated 1/10/16**

**Permit Application Sections Completed by Randolph Todd**

**whereby they falsely assert ownership**

**(Uploaded separately)**

**ATTACHMENT 2**

**To Letter from Sabrina Houser Amaya to TCEQ dated  
1/10/16. Petition for Myer Ranch WCID on 11/10/14  
(Uploaded separately)**

## **ATTACHMENT 3**

**To Letter from Sabrina Houser Amaya to TCEQ dated  
1/10/16. Petition for Myer Ranch MUD on 10/14/15**

**(Uploaded separately)**

**Debbie Suniga**

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**From:** sabrina@drycomalcreek.com  
**Sent:** Sunday, January 10, 2016 12:58 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-mwd  
**Attachments:** TECQ Letter regarding onwership 1-10-161.pdf

**FILING CONFIRMATION NUMBER** 582467012016010

**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:** Sabrina Houser

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** TECQ Letter regarding onwership 1-10-161.pdf

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**ATTACHMENT 1**

**To Letter from Sabrina Houser Amaya to TCEQ dated 1/10/16**

**Permit Application Sections Completed by Randolph Todd**

**whereby they falsely assert ownership**

**(Uploaded separately)**

i. In your own words, briefly describe the primary business of the Regulated Entity:  
(Do not repeat the SIC and NAICS code)

Real estate development

j. Owner of treatment facility: Randolph Todd Company, LLC

Ownership of Facility:  Public  Private  Both  Federal

k. Owner of land where treatment facility is/will be:

Randolph Todd Company, LLC

(If not the same as the facility owner, there must be a long term lease agreement in effect for at least six years. In some cases, a lease may not suffice - see instructions page 33.)

l. Owner of effluent disposal site:  
Randolph Todd Company, LLC

(If not the same as the facility owner, there must be a long term lease agreement in effect for at least six years.)

m. Owner of sewage sludge disposal site:

(Required only if authorization is sought in the permit for sludge disposal on property owned/controlled by the applicant.)

*Charm J. Kuhn*  
21 Oct 2014

### 8. Discharge/Disposal Information

(Instructions, Page 34)

**ALL permits complete the following**

a. Is the facility located on or does the treated effluent cross Indian Land?

Yes  No

**10. Signature Page**

(Instructions, Page 39)

Permit Number: NEW

Applicant: Randolph Todd Company, LLC

**Certification:**

I/We certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §205.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Print or Type Signor's Name: Wm. Randy Rollo

Provide Signor's Title: PARTNER / MANAGER

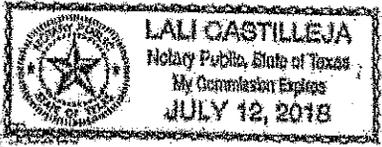
Signature (Use blue ink): Wm. Randy Rollo

Date: Oct. 9, 2014

Subscribed and Sworn to before me by the said William Randy Rollo  
on this 9 day of October, 2014

My commission expires on the July day of 12, 2018

Notary Public Signature: [Signature] [SEAL]  
Comal County



*If co-permittees are necessary, each entity must submit an original, separate signature page.*

4. Provide the name, address, phone and fax number of an individual that can be contacted to answer specific questions about the property.

Name: Kelly Leach Phone number: 210 827-7918  
Company: Fax number:  
Street No.: 215 Street name: W Bandera Rd, Ste 01141-47  
Street type:  
P.O. Box: Email: Kelly.welovedirt@gmail.com  
City: Boerne State: TX Zip code: 78006

5. List the county in which the facility is located.

Comal

6. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property.

n/a

7. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the Segment Number.

Approximately 1/2 mile from North end of owners property where Dry Comal Creek enters property, winding through property for just short of 3 miles where Dry Comal Creek leaves the owners property on SE side of property. Following Dry Comal Creek for several miles before Dry Comal Creek finally flows into Comal Creek in the City of New Braunfels in the Landa Park area.

8. Please provide a separate 7.5 minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report).

9. Please provide original photographs of any structures 50 years or older on the property. no old buildings

*David A. Hill*  
31 Dec 2014



3 July 2014

Name of owner Randolph Todd Company, LLC  
address of owner 4801 Spicewood Springs Rd Bldg 2 Ste 104  
city, state, zip, of owner Austin TX 78759

Meyer Ranch Subdivision  
WQ New

TCEQ  
Office of the Chief Clerk, MC 105  
PO Box 13087  
Austin, TX 78711-0387

As authorized agent for Meyer Ranch Subdivision, I do hereby appoint Dr. Oscar D. Graham, PhD, PE of South Texas Wastewater Treatment as engineer and technical representative to represent Randolph Todd Company, LLC, site Meyer Ranch Subdivision, in all technical matters in the prosecution of the application for permit to construct and installation of an on-site wastewater treatment facility on the premises owner by

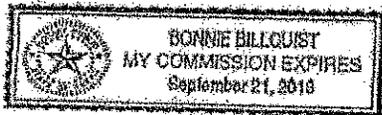
Randolph Todd Company, LLC located at 2939 S. Coates Hill Rd  
New Braunfels, TX

Robby Ruff  
authorized agent for Randolph Todd Company, LLC

Sworn and subscribed before me on 22 October, 2014

Bonnie Billquist  
Notary Public, State of Texas  
my commission expires 21 Sept 2018

Bonnie Billquist  
printed name of notary



# SOUTH TEXAS WASTEWATER TREATMENT

Authorized JET Distributor - Home and Commercial - Engineering Services  
P O Box 1284 Borree, Texas 78006 \* 350-249-8098 or 1-800-86 WASTE, www.stwastewater.com

27 October 2014

Attachment: DTR 1-A, 3 & 6

## PLANS AND SPECIFICATIONS FOR A WASTEWATER TREATMENT SYSTEM DESIGN

### DESCRIPTION OF APPLICATION

Applicant: Randolph Todd Company LLC  
Randy Rollo  
4807 Spicewood Springs Road, B-2 #104  
Austins 78759  
512-750-0896

Permit No. New  
CN

Regulated Activity: Domestic Wastewater Permit  
Type of Application: Domestic Wastewater Permit  
Request: Discharge Permit  
Authority: Texas Water Code §26.027; 30 TAC Chapters 217, 305, 309, 312, 319, and 325;  
and Commission policies.

### REASON FOR PROJECT

This new subdivision has no organized sewage treatment facility that can treat the sewage generated by this new subdivision. The owner is applying for a new Permit to discharge of treated effluent to a dry creek in the waters of the state.

### PROJECT DESCRIPTION AND LOCATION

The proposed new Wastewater Treatment Facilities will consist of a Moving Bed Biofilm Reactor including activated sludge process using the extended aeration mode. Treatment units include a collection system, a lift station, side-hill screen solids removal units (one for each phase), flow equalization tanks with duplex dosing pumps, aeration basins—80 % which are filled 25% with Moving Bed Biofilm Reactor (MBBR) media, the last 20% extended aeration chambers operating extended aeration mode, four clarifier chambers with hopper bottoms equipped with mechanical scrapers, airlift returns from hoppers to aeration chambers and aerated sludge holding tank, from clarifier tanks treated effluent gravity flows through chlorine contact chamber into a tank where alum is metered into effluent as needed, then pumped through duplex series Hurricane filters—first stage 20 micron—second stage 5 micron and then into a lift station pump tank where effluent is re-chlorinated and pumped by duplex pumps through a 4" forced main to discharge point in Dry Canal Creek, a dry creek and eventually into Guadalupe Creek which is also a dry creek. This permit application is for the first, second, third and final phase of a four phase project which will accommodate the estimated 1,500 homes to be constructed in the subdivision. The second phase will be same size as the first phase and the third and final phases will also be double the size of the first phase (60,000-60,000, 120,000, and 120,000 gpd for a total of 360,000 gpd).

Sludge generated from the treatment facility will be hauled by a registered hauler to the City of San Antonio Dos Rios Wastewater Treatment Plant, TPDES Permit No. 10137-033 to be digested, de-watered and then disposed of with the bulk of the sludge from this plant accepting the sludge.

**2. Buffer Zone Map**  
(Instructions, Page 44)

a. Buffer zone map components

Provide a buffer zone map on 8.5 x 11-inch paper. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels. Indicate by a check mark that all the following information is included on the map.

- The applicant's property boundary
- The required buffer zone
- Each treatment unit
- The distance from each treatment unit to the property boundaries

b. Buffer zone compliance method

How will the buffer zone requirement be met?

- Ownership
- Restrictive easement
- Nuisance odor control
- Variance

c. Unsuitable site characteristics

Does the facility comply with the requirements regarding unsuitable site characteristics found in 30 TAC §309.13(a) through (d)?

- Yes  No

*Handwritten signature and date:*  
2/25/2014

**3. Original Photographs**  
(Instructions, Page 48)

- Provide original ground level photographs. Indicate by a check mark that the following information is provided.
- At least one original photograph of the new or expanded treatment unit location
- At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- At least one photograph of the existing/proposed effluent disposal site
- A plot plan or map showing the location and direction of each photograph

Attachment  
D-11-0-8-b

Bear Creek  
Ranch Airport

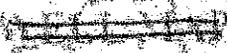
DISCHARGE POINT  
4th GRADE MAIN

PROPERTY  
BOUNDARY

BEAR CREEK  
CANYON

BEAR CREEK  
DITCH

Valley  
View



South Texas Wellbore Treatment  
Texas Registered Engineering Firm P-10188  
227 Commerce  
Houston, TX 77002

67 68 69 70 71

SCALE 1:24,000

North Arrow

ROAD 2

Interstate 40

### 3. Classified Segments

(Instructions, Page 71)

Is the discharge directly into (or within 300 feet of) a classified segment?

Yes  No

If yes, stop here. Worksheet 2.0 is complete and Worksheet 2.1 is not required.

If no, complete items 4 and 5.

### 4. Description of Immediate Receiving Waters

(Instructions, Page 71)

Name of the immediate receiving waters:

n/a

#### a. Receiving water type

Check the appropriate description of the receiving waters.

- Stream
- Freshwater Swamp or Marsh
- Lake or Pond

Surface area: \_\_\_\_\_ acres

Average depth of the entire water body: \_\_\_\_\_ feet

Average depth of water body within a 500-foot radius of discharge point: \_\_\_\_\_ feet

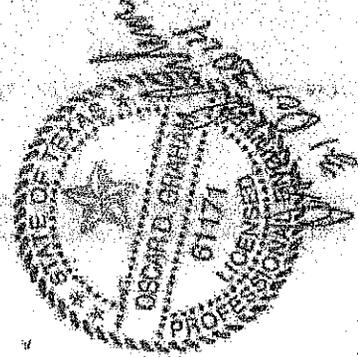
- Man-made Channel or Ditch
- Open Bay
- Tidal Stream, Bayou, or Marsh

Other: dry creek (Dry Gonaal Creek)

*David A. Linn  
31 Oct 2014*

Attachment: DTR 1-1 5.3

<p>SECTION 101.01 - GENERAL NOTES</p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, BRIDGES, AND STRUCTURES, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF AIRPORTS, PUBLISHED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION.</p> <p>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> <p>3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.</p> <p>4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.</p> <p>5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>6. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.</p> <p>7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.</p> <p>8. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.</p> <p>9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> <p>10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.</p> <p>11. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.</p> <p>12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>13. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.</p> <p>14. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.</p> <p>15. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.</p>	<p>SECTION 101.02 - SPECIAL NOTES</p> <p>1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> <p>2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.</p> <p>3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>5. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.</p> <p>6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.</p> <p>7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.</p> <p>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> <p>9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.</p> <p>10. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.</p> <p>11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>12. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.</p> <p>13. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.</p> <p>14. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.</p> <p>15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p>
<p>ROADWAY</p> <p>DRAINAGE</p> <p>UTILITY</p> <p>EXISTING STRUCTURE</p> <p>PROPOSED STRUCTURE</p> <p>PROPOSED DRIVEWAY</p> <p>PROPOSED SIDEWALK</p> <p>PROPOSED CURB</p> <p>PROPOSED PAVEMENT</p> <p>PROPOSED GRASS</p> <p>PROPOSED TREES</p> <p>PROPOSED SIGN</p> <p>PROPOSED LIGHTING</p> <p>PROPOSED FENCE</p> <p>PROPOSED WALL</p> <p>PROPOSED GATE</p> <p>PROPOSED RAMP</p> <p>PROPOSED STAIR</p> <p>PROPOSED ELEVATOR</p> <p>PROPOSED ESCAPE ROUTE</p> <p>PROPOSED FIRE ESCAPE</p> <p>PROPOSED EXIT</p> <p>PROPOSED ENTRANCE</p> <p>PROPOSED OFFICE</p> <p>PROPOSED STORAGE</p> <p>PROPOSED GARAGE</p> <p>PROPOSED DRIVE</p> <p>PROPOSED WALKWAY</p> <p>PROPOSED BIKEWAY</p> <p>PROPOSED TRAIL</p> <p>PROPOSED PATH</p> <p>PROPOSED BRIDGE</p> <p>PROPOSED TUNNEL</p> <p>PROPOSED UNDERPASS</p> <p>PROPOSED OVERPASS</p> <p>PROPOSED VIADUCT</p> <p>PROPOSED CULVERT</p> <p>PROPOSED DRAINAGE STRUCTURE</p> <p>PROPOSED RETAINING WALL</p> <p>PROPOSED EROSION CONTROL MEASURE</p> <p>PROPOSED SLOPE PROTECTION</p> <p>PROPOSED STABILIZATION</p> <p>PROPOSED VEGETATION</p> <p>PROPOSED LANDSCAPING</p> <p>PROPOSED HEDGING</p> <p>PROPOSED BARRIERS</p> <p>PROPOSED SAFETY FEATURES</p> <p>PROPOSED ACCESSIBILITY</p> <p>PROPOSED SIGNAGE</p> <p>PROPOSED LIGHTING</p> <p>PROPOSED SECURITY</p> <p>PROPOSED MAINTENANCE</p> <p>PROPOSED OPERATIONAL</p> <p>PROPOSED AESTHETIC</p> <p>PROPOSED ENVIRONMENTAL</p> <p>PROPOSED HISTORIC</p> <p>PROPOSED CULTURAL</p> <p>PROPOSED RECREATIONAL</p> <p>PROPOSED EDUCATIONAL</p> <p>PROPOSED COMMUNITY</p> <p>PROPOSED ECONOMIC</p> <p>PROPOSED SOCIAL</p> <p>PROPOSED POLITICAL</p> <p>PROPOSED LEGAL</p> <p>PROPOSED ETHICAL</p> <p>PROPOSED MORAL</p> <p>PROPOSED RELIGIOUS</p> <p>PROPOSED PHILOSOPHICAL</p> <p>PROPOSED SCIENTIFIC</p> <p>PROPOSED TECHNICAL</p> <p>PROPOSED ARTISTIC</p> <p>PROPOSED LITERARY</p> <p>PROPOSED MUSICAL</p> <p>PROPOSED THEATRICAL</p> <p>PROPOSED CINEMATIC</p> <p>PROPOSED TELEVISION</p> <p>PROPOSED RADIO</p> <p>PROPOSED DIGITAL</p> <p>PROPOSED ANALOG</p> <p>PROPOSED MECHANICAL</p> <p>PROPOSED ELECTRICAL</p> <p>PROPOSED THERMAL</p> <p>PROPOSED FLUID</p> <p>PROPOSED SOLID</p> <p>PROPOSED GASEOUS</p> <p>PROPOSED LIQUID</p> <p>PROPOSED PLASMA</p> <p>PROPOSED CONDENSED</p> <p>PROPOSED VAPOR</p> <p>PROPOSED SOLID STATE</p> <p>PROPOSED LIQUID STATE</p> <p>PROPOSED GASEOUS STATE</p> <p>PROPOSED PLASMA STATE</p> <p>PROPOSED CONDENSED STATE</p> <p>PROPOSED VAPOR STATE</p>	<p>SECTION 101.03 - NOTES</p> <p>1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> <p>2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.</p> <p>3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>5. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.</p> <p>6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.</p> <p>7. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.</p> <p>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> <p>9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.</p> <p>10. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.</p> <p>11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>12. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.</p> <p>13. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.</p> <p>14. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.</p> <p>15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p>



State of Mississippi  
Professional Engineer  
Donald Graham  
License No. 61171

**Debbie Suniga**

---

**From:** sabrina@drycomalcreek.com  
**Sent:** Sunday, January 10, 2016 1:00 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-mwd  
**Attachments:** Attachment 1 to Letter from Sabrina Houser - TCEQ RT Permit Sec.pdf

**FILING CONFIRMATION NUMBER** 591467822016010

**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:** Sabrina Houser

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** Attachment 1 to Letter from Sabrina Houser - TCEQ RT Permit Sec.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.*

**ATTACHMENT 2**

**To Letter from Sabrina Houser Amaya to TCEQ dated  
1/10/16. Petition for Myer Ranch WCID on 11/10/14**

**(Uploaded separately)**



201408030740 11/10/2014 12:55:43 PM 1/19

18  
C

**PETITION FOR CREATION OF  
WATER CONTROL AND IMPROVEMENT DISTRICT TO BE KNOWN AS  
"MEYER RANCH WATER CONTROL AND IMPROVEMENT DISTRICT"**

RECEIVED

NOV 10 2014

THE STATE OF TEXAS §  
  §  
COUNTY OF COMAL §

COUNTY ENGINEER

TO THE HONORABLE COUNTY JUDGE AND COMMISSIONERS COURT OF  
COMAL COUNTY, TEXAS:

COMES NOW Franklin Meyer, Deloris Meyer, Terry Meyer and Vicky Lynn Meyer  
Graves (collectively, "Petitioners"), acting pursuant to the provisions of Chapters 49 and 51,  
Texas Water Code, respectfully petition the Commissioners Court of Comal County, Texas, for  
the creation of a water control and improvement district and in support thereof would show the  
following:

**I.  
District Name**

The name of the proposed water control and improvement district shall be MEYER  
RANCH WATER CONTROL AND IMPROVEMENT DISTRICT ("District"). There is no  
other water control and improvement district within Comal County, Texas, with the same name  
as is proposed.

**II.  
Area and Boundaries of the District**

The District shall contain an area of approximately 735 acres of land, more or less,  
situated in Comal County, Texas, more particularly described in Exhibit A.

*Ma.*

**III.**  
**Ownership of Property**

The Petitioners hold title to all land proposed to be included within the District as indicated by the tax rolls of Comal County, Texas. Since Petitioners hold title to land in the proposed District that represents total value of more than 50 percent of the value of all the land in the proposed District as indicated by the tax rolls of the Comal County Central Appraisal District, Petitioners are authorized by law to make this Petition.

**IV.**

**Constitutional and Statutory Authority**

The District shall be created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas and Chapters 49 and 51, Texas Water Code, and shall have all the rights, powers, privileges, authority and functions conferred by and be subject to all duties imposed by the Texas Water Code and the general laws relating to water control and improvement districts; provided, however, the District shall not have any of the powers provided for in Section 51.331, Texas Water Code, at this time.

**V.**

**Municipal Consent to Creation**

~~No part of the proposed District is situated within the corporate boundaries or extraterritorial jurisdiction of any incorporated city, town or village.~~ As a result, the creation of the District does not require the consent of any municipality under Chapters 49 and 51, Texas Water Code, or Chapter 42, Texas Local Government Code.

**VI.**  
**Purposes of the District**

The purposes of the District will include:

- (i) the control, storage, preservation, and distribution of its water and floodwater and the water of its rivers and streams for irrigation, power, and all other useful purposes;
- (ii) the reclamation, drainage, conservation and development of its water;
- (iii) the control, abatement, and change of any shortage or harmful excess of water;
- (iv) the control, abatement, and change of any shortage or harmful excess of water;
- (v) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (v) the preservation and conservation of all natural resources of the state.

RECEIVED

NOV 10 2014

**VII.**  
**General Nature of the Work to be Done**

COUNTY ENGINEER

The general nature of the work proposed to be done by the District at the present time is to investigate, contract for, acquire, construct, own, maintain, and operate necessary improvements, works, and facilities, and acquire water rights and all other properties, land, tenements, materials, easements, rights-of-way, and everything considered necessary, incident, or helpful to accomplish by any practicable means any one or more of the purposes authorized for the District.

*Jan*

Without limitation to the generality of the foregoing, the proper and orderly development of lands within the proposed District requires that water, storm drainage, detention, and water quality facilities be provided, operated, and maintained for the future population. The work to be done by the District necessary for development of the lands within the District includes:

- (i) the acquisition, construction, operation, and maintenance of a waterworks system for municipal, domestic, industrial and commercial purposes;
- (ii) the acquisition, construction, operation, and maintenance of a drainage system to control, store, preserve and distribute floodwater, and the control, abatement, and change of harmful excesses of water; and
- (iii) the purchase, construction, acquisition, ownership, lease, operation, maintenance, repair, improvement, and 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.

## VII.

### Necessity and Feasibility of the Project

The area proposed to be within the immediate future will experience a substantial and sustained residential growth. There is not now available within the area, which will be developed for residential and commercial purposes, an adequate water supply and distribution system or drainage system. The protection of the purity and sanitary condition of the State's water and the health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the purchase, construction, acquisition, provision, operation,

maintenance, repair, improvement, extension and development of an adequate water supply and distribution system and drainage system.

The terrain of the District is such that a waterworks system and drainage system can be constructed at a reasonable cost. The District's water supply will be produced from groundwater well and production facilities to be constructed on site, or will be purchased by the District from existing purveyors on a wholesale basis. The District will also construct, operate and maintain a storm sewer and detention pond system that will be located entirely within the District. ~~The financing of all infrastructure improvements will be accomplished by a series of separate bond issues by the District as development progresses.~~

In summary, the land to be included and the residents of the proposed District will be benefited by the creation of the District, and ~~the creation of the District will further the public health, safety, and welfare. The health and welfare of the present and future inhabitants of the lands within the proposed District require the acquisition, construction, maintenance, and operation of an adequate waterworks system and drainage system.~~ A public necessity therefore exists for the organization of the District.

#### **VIII.** **Temporary Directors**

~~Petitioners will, at the time of hearing on this Petition, recommend five persons for appointment by the Court to serve as temporary directors of the District until such time as they may be replaced by or become the duly elected and qualified directors in accordance with the provisions of Section 49.102, Texas Water Code.~~ Each of these persons will be a resident of the state, own land subject to taxation in the proposed District, be at least 18 years of age, and not be disqualified from serving as director.

*Jgm*

**X.**  
**Estimated Project Costs**

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 \$53,339,518.00.

**XI.**  
**Conclusion and Prayer**

WHEREFORE, Petitioners pray that this Petition be properly filed as provided by Chapter 51, Texas Water Code; that it be set down for hearing at a date as set forth therein; that notice of hearing be given as provided therein; that this Petition be heard and granted in all respects; that the District be created; that five directors be appointed by the Court; that the County Judge and Commissioners Court of Comal County authorize the inclusion of the land described herein within the District; and that such other orders, acts, procedures and relief be granted as are necessary and proper to the creation and organization of the District.

RESPECTFULLY SUBMITTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

[The remainder of this page intentionally left blank]

*J. M.*

**Signature Page to Petition For Creation of  
Meyer Ranch Water Control and Improvement District**

Petitioner's Signature:

*Franklin Meyer*  
Franklin Meyer

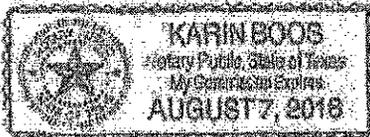
STATE OF TEXAS §

COUNTY OF Comal §

This instrument was acknowledged before me on the

9 day of Oct.

2014, by Franklin Meyer.



*Karin Boos*

Notary Public in and for  
The State of Texas

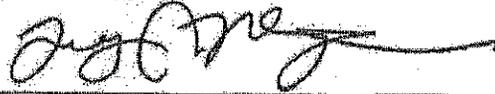
Karin Boos  
Printed/Typed Name of Notary Public

My Commission Expires: 8-7-16

*Fin*

Signature Page to Petition For Creation of  
Meyer Ranch Water Control and Improvement District

Petitioner's Signature:



Terry Meyer

STATE OF TEXAS

COUNTY OF Williams

This instrument was acknowledged before me on the 10<sup>th</sup> day of October,  
2014, by Terry Meyer.



Kay Mestemaker  
Notary Public in and for  
The State of Texas

Kay Mestemaker  
Printed/Typed Name of Notary Public

My Commission Expires: 1-17-2016

Signature Page to Petition For Creation of  
Meyer Ranch Water Control and Improvement District

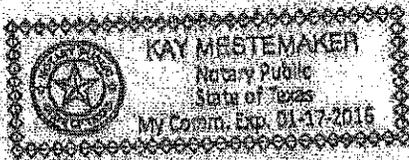
Petitioner's Signature:

*Delores Meyer*  
Delores Meyer

STATE OF TEXAS

COUNTY OF WILLIAMS

This instrument was acknowledged before me on the 10<sup>th</sup> day of October,  
2014, by Delores Meyer.



*Kay Mestemaker*  
Notary Public in and for  
The State of Texas  
Kay Mestemaker  
Printed/Typed Name of Notary Public

My Commission Expires: 1-17-2016

Signature Page to Petition For Creation of  
Meyer Ranch Water Control and Improvement District

Petitioner's Signature:

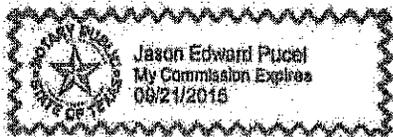
Vicky Lynn Meyer Graves  
Vicky Lynn Meyer Graves

STATE OF TEXAS

COUNTY OF Comal

§  
§  
§

This instrument was acknowledged before me on the 10<sup>th</sup> day of October,  
2014, by Vicky Lynn Meyer Graves.



Jason Edward Pucel  
Notary Public in and for  
The State of Texas

Jason Edward Pucel  
Printed/Typed Name of Notary Public

My Commission Expires: 9/21/2015

**Exhibit "A"**

**Description of Land**

**ADDED TO EFFECT SCANNING  
PER COMAL COUNTY CLERK**

**ADDED TO EFFECT SCANNING  
PER COMAL COUNTY CLERK**

*7/10/05*



THE  
**Schultz Group**  
INC.

P.O. BOX 510463 • NEW BRAUNFELD, TX 78121-0463 • Phone: (830) 606-3913 • Fax: (830) 625-2204

**LEGAL DESCRIPTION**

OF

(Meyer Tract 735.881 acres)

735.881 acres of land located in the City of New Braunfels, Comal County, Texas, and being 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 ¼ 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 735.881 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:**

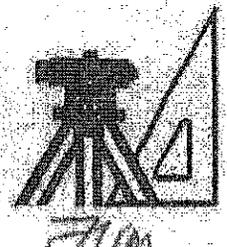
the following courses along the Northwest line of this parcel and said 711.145 acre tract and the Southeast line of said 3 acre tract:

(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 ½" 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;



(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 Southwest Right-of-Way Line of Cranes Mill Road as follows:

(8) SOUTH 47 deg. 51' 44" East, a distance of 717.67 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(9) SOUTH 37 deg. 12' 49" East, a distance of 81.48 feet to a found ½" iron pin being an angle point;

(10) SOUTH 23 deg. 41' 02" East, a distance of 253.16 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(11) SOUTH 18 deg. 06' 40" East, a distance of 22.01 feet to a found ½" iron pin being an angle point;

(12) SOUTH 11 deg. 54' 49" East, a distance of 230.09 feet to a found 1-½" galv. fence post being an angle point;

(13) SOUTH 31 deg. 07' 35" East, a distance of 146.80 feet to a set ½" iron pin with plastic cap stamped "4233" being an angle point;

(14) SOUTH 31 deg. 44' 13" East, a distance of 44.30 feet to a 3" dia. Cedar post being an angle point;

(15) SOUTH 38 deg. 12' 17" East, a distance of 1073.76 feet to a 5" dia. Cedar post being an angle point;

(16) SOUTH 31 deg. 16' 21" East, a distance of 69.34 feet to a 5" dia. Cedar post being an angle point;

(17) SOUTH 21 deg. 49' 39" East, a distance of 67.32 feet to a 5" dia. Cedar post being an angle point;

- (18) SOUTH 15 deg. 02' 58" East, a distance of 70.79 feet to a 5" dia. Cedar post being an angle point;
- (19) SOUTH 10 deg. 09' 15" East, a distance of 86.98 feet to a 4" dia. Cedar post being an angle point;
- (20) SOUTH 01 deg. 55' 52" East, a distance of 244.38 feet to a 4" dia. Cedar post being an angle point;
- (21) SOUTH 33 deg. 38' 08" East, a distance of 469.35 feet to a 5" dia. Cedar post being an angle point;
- (22) SOUTH 37 deg. 16' 02" East, a distance of 577.83 feet to a 5" dia. Cedar post being an angle point;
- (23) SOUTH 24 deg. 55' 02" East, a distance of 822.64 feet to a found 1/4" iron pin being an angle point;
- (24) SOUTH 31 deg. 55' 03" East, a distance of 900.17 feet to a 6" dia. Cedar post being an angle point;
- (25) SOUTH 53 deg. 41' 29" East, a distance of 29.73 feet to a 5" dia. Cedar post being an angle point;
- (26) SOUTH 66 deg. 04' 48" East, a distance of 69.07 feet to a 5" dia. Cedar post being an angle point;
- (27) SOUTH 71 deg. 37' 14" East, a distance of 222.54 feet to a 6" dia. Cedar post being an angle point;
- (28) SOUTH 65 deg. 34' 01" East, a distance of 41.52 feet to a 6" dia. Cedar post being an angle point;
- (29) SOUTH 55 deg. 21' 47" East, a distance of 94.53 feet to a found 1/2" iron pin being an angle point;
- (30) SOUTH 40 deg. 51' 57" East, a distance of 220.34 feet to a found 1/2" iron pin being an angle point;
- (31) SOUTH 25 deg. 40' 01" East, a distance of 266.51 feet to a 6" dia. Cedar post being an angle point;
- (32) SOUTH 33 deg. 43' 34" East, a distance of 36.44 feet to a 6" dia. steel post being an angle point; and
- (33) 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:** (34) 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:** (35) 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:** (36) 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:

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

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

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

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

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

Handwritten signature in cursive script, possibly reading "J. G. M."

(42) 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;

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

(44) 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 B. 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:

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

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

(47) 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

(48) 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:

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

5  
J. G.

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

(51) 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:

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

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

(54) 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 Volumes 272, Pages 53-58 of the Deed Records of Comal County, Texas;

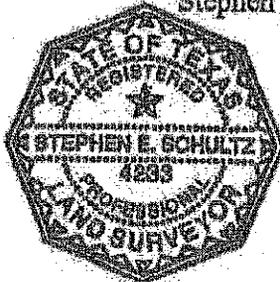
**THENCE:**

(55) NORTH 37 deg. 40' 45" West, a distance of 1199.26 feet to a 3" dia. Cedar post being the POINT OF BEGINNING, containing 735.881 acres of land.

**THIS LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH A SURVEY PLAT PREPARED IN OUR OFFICE ON 08/22/14, JOB NO. 07-01-2014.**

*Stephen E. Schultz* 8/22/14  
Stephen E. Schultz, R.P.L.S. #423

FA070114\LEKIA\735.878 ACRES.DOCK



Filed and Recorded  
Official Public Records  
Joy Streater, County Clerk  
Comal County, Texas  
11/10/2014 12:46:43 PM  
LAURA 18 Page(s)  
201406039749



*Joy Streater*

*J Am*

**Debbie Suniga**

---

**From:** sabrina@drycomalcreek.com  
**Sent:** Sunday, January 10, 2016 1:14 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-mwd  
**Attachments:** Attachment 2 to Letter from Sabrina Houser - WCID petition 1-10.compressed.pdf

**FILING CONFIRMATION NUMBER** 647476552016010

**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:** Sabrina Houser

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** Attachment 2 to Letter from Sabrina Houser - WCID petition 1-10.compressed.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.*

**ATTACHMENT 3**

**To Letter from Sabrina Houser Amaya to TCEQ dated  
1/10/16. Petition for Myer Ranch MUD on 10/14/15**

**(Uploaded separately)**



#### 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 future inhabitants of the area and of territories adjacent thereto require the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension and development of an adequate water supply and distribution system, sanitary sewer system, drainage system, and a roadway system. A public necessity therefore exists for the organization of the District to provide for the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension and development of a water supply and distribution system, sanitary sewer system, drainage system, and roadway system.

#### 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]***

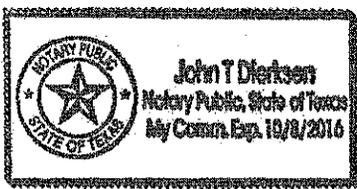
Signature Page to Petition For Creation of  
Meyer Ranch Municipal Utility District

Petitioner's Signature:

Franklin Meyer  
Franklin Meyer

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

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



[Signature]  
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

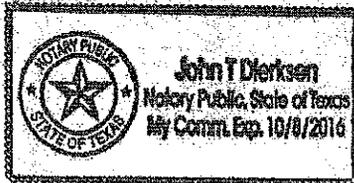
Petitioner's Signature:

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<sup>th</sup> day of October, 2015,  
by Franklin Meyer, as Attorney-in-Fact on behalf of Deloris Meyer.



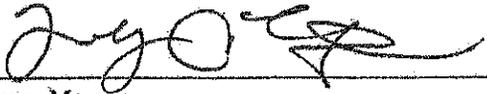
John T. Dierksen  
Notary Public in and for  
The State of Texas

Printed/Typed Name of Notary Public

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

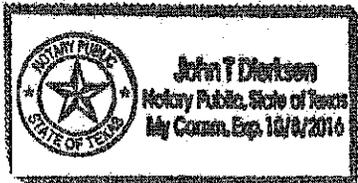
Signature Page to Petition For Creation of  
Meyer Ranch Municipal Utility District

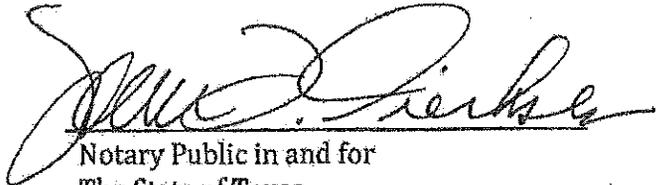
Petitioner's Signature:

  
\_\_\_\_\_  
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

Petitioner's Signature:

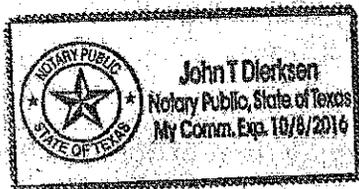
*Vicky Lynn Meyer Graves*  
Vicky Lynn Meyer Graves

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: \_\_\_\_\_

THE  
**Schultz Group**  
INC.

P.O. BOX 310483 • NEW BRAUNFELS, TX 78131-0483 • Phone: (830) 606-3913 • Fax: (830) 625-2204

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  $\frac{3}{4}$  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 1/2" iron pin being an angle point;

(23) SOUTH 40 deg. 51' 57" East, a distance of 220.34 feet to a found 1/2" 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;

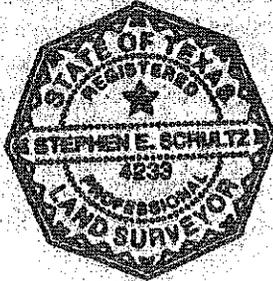
(46) NORTH 54 deg. 17' 30" West, a distance of 15.94 feet to a 6" dia. Cedar post being an angle point; and

(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

FA070114\LEGAL\691.451 ACRES - REVISED.DOCX

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*

**Debbie Suniga**

---

**From:** sabrina@drycomalcreek.com  
**Sent:** Sunday, January 10, 2016 1:15 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-mwd  
**Attachments:** Attachment 3 to Letter from Sabrina Houser - MUD petition 1-10.pdf

**FILING CONFIRMATION NUMBER** 704477262016010

**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:** Sabrina Houser

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

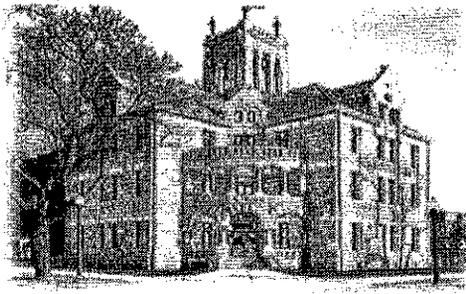
**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** Attachment 3 to Letter from Sabrina Houser - MUD petition 1-10.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.*



**Comal County**  
***Donna Eccleston***  
**Commissioner Precinct 1**

January 6, 2015

Texas Commission on Environmental Quality

Brian Shaw, *Chairman*  
Toby Baker, *Commissioner*  
Jon Nierman, *Commissioner*  
Richard A. Hyde, *Executive Director*

RE: Petition for Creation of Meyer Ranch Municipal District of Comal County  
TCEQ Internal Control No. D 11122015-056  
CN: 605008176 RN: 108874629

Dear Sirs,

I am writing to you to communicate my deep seated concerns about a Municipal Utility District being created for the Meyer Ranch Development in Comal County. I do not think a MUD is in the best interests of our citizens.

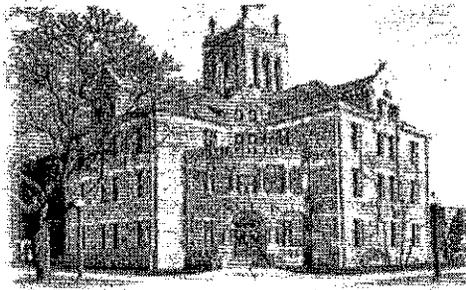
The developers of Meyer Ranch tried to create a WCID under Chapter 51 Texas Water Code through Commissioners Court. They did not meet the test of two of the four requirements, one of which was need for the district and were denied by Commissioners Court.

We have several statutorily created Water Control and Improvement Districts in Comal County. They were carefully crafted to protect our citizens. A Municipal Utility District would not provide these fail safes for the citizens both outside and inside the MUD boundaries. Attached please find language from the statutorily created WCIDs that is of extreme importance as well as an attachment of Comal County Commissioners Court Minutes from March 12, 2014 in reference to the Petition for Creation of Meyer Ranch WCID.

I respectfully request you give these issues serious consideration. I cannot emphasize enough the concerns of the citizens surrounding this property.

Respectfully,

Donna Eccleston



### Special District Local Laws Code Section 9037

**Sec. 9037.004. CONSENT REQUIRED.** (a) The temporary directors may not hold an election under Section 9037.003 until

(3) an agreement that addresses the provision of water and wastewater treatment to the land in the district has been approved and entered into by:

(B) the commissioners court of each county in which the district is located;

(4) the commissioners court of each county in which the district is located has issued an order making the findings under Sections 51.021(a)(1), (2), (3), and (4), Water Code; and

(5) the commissioners court of each county in which the district is located has approved and entered into an agreement with the district that must include, but is not limited to, provisions relating to the use of county right-of-way, the district's exercise of the power of eminent domain outside the boundaries of the district, drainage serving the land in the district, platting of land in the district, and the provision of water and wastewater treatment to the land in the district.

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**

**Debbie Suniga**

---

**From:** sabrina@drycomalcreek.com  
**Sent:** Sunday, January 10, 2016 12:56 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-mwd  
**Attachments:** Eccleston Letter 1-6-16.pdf

**FILING CONFIRMATION NUMBER** 569465592016010

**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:** sabrina houser

**FILED FOR NAME:** Sabrina Houser

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** Eccleston Letter 1-6-16.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.*



General Account <inquire@drycomalcreek.com>

send via fax to TCEQ 512-239-3311

1 message

Sabrina Houser <sabrina@drycomalcreek.com>  
To: "Dry\, Comal Creek Vineyards" <inquire@drycomalcreek.com>

Mon, Dec 28, 2015 at 4:14 PM

Detail of: Wastewater Permit WQ0015314001

For: MEYER RANCH (RN107818577)

2959 S CRANES MILL RD NEW BRAUNFELS TX 78132 USA

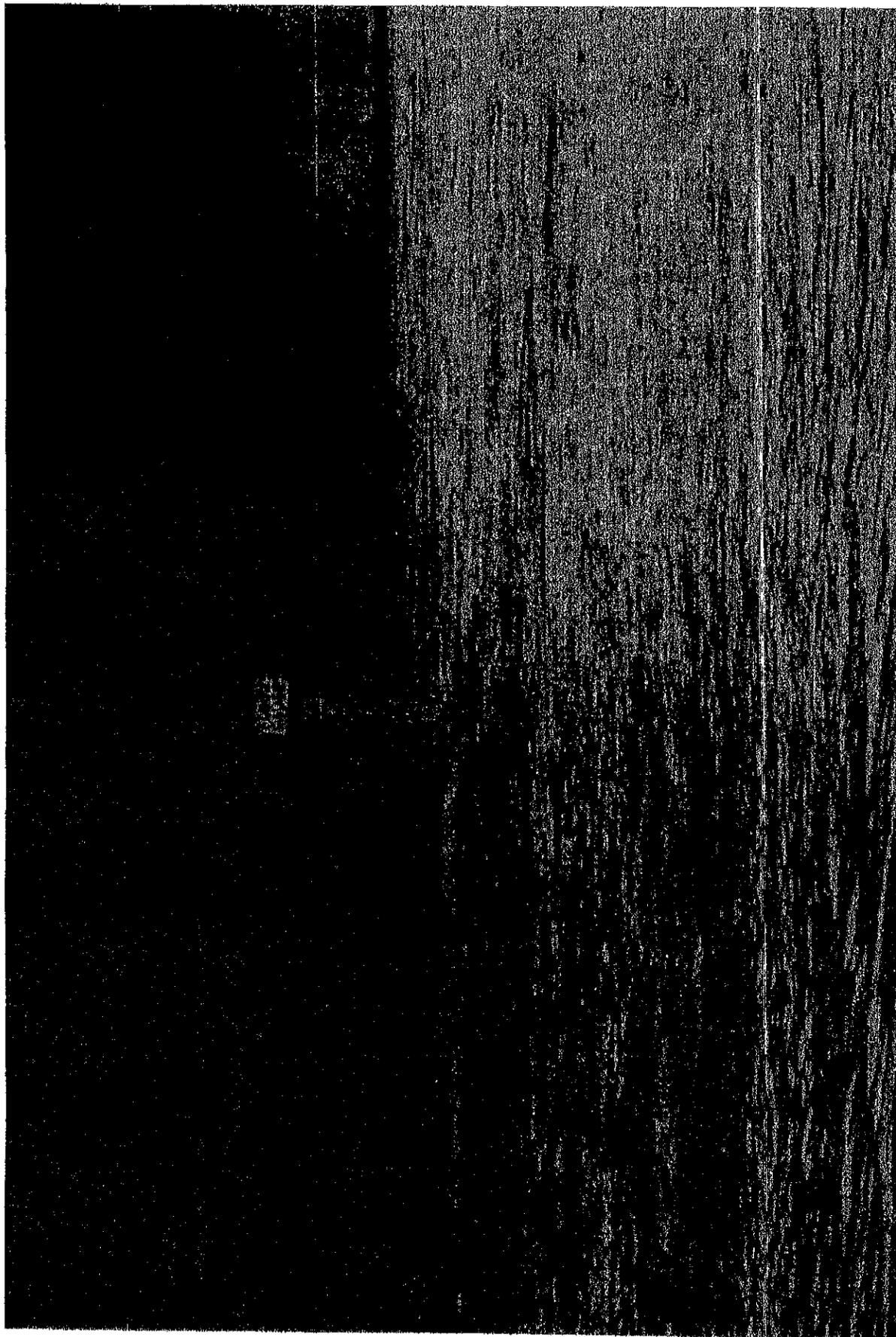
Held by: RANDOLPH TODD COMPANY LLC (CN604698464)

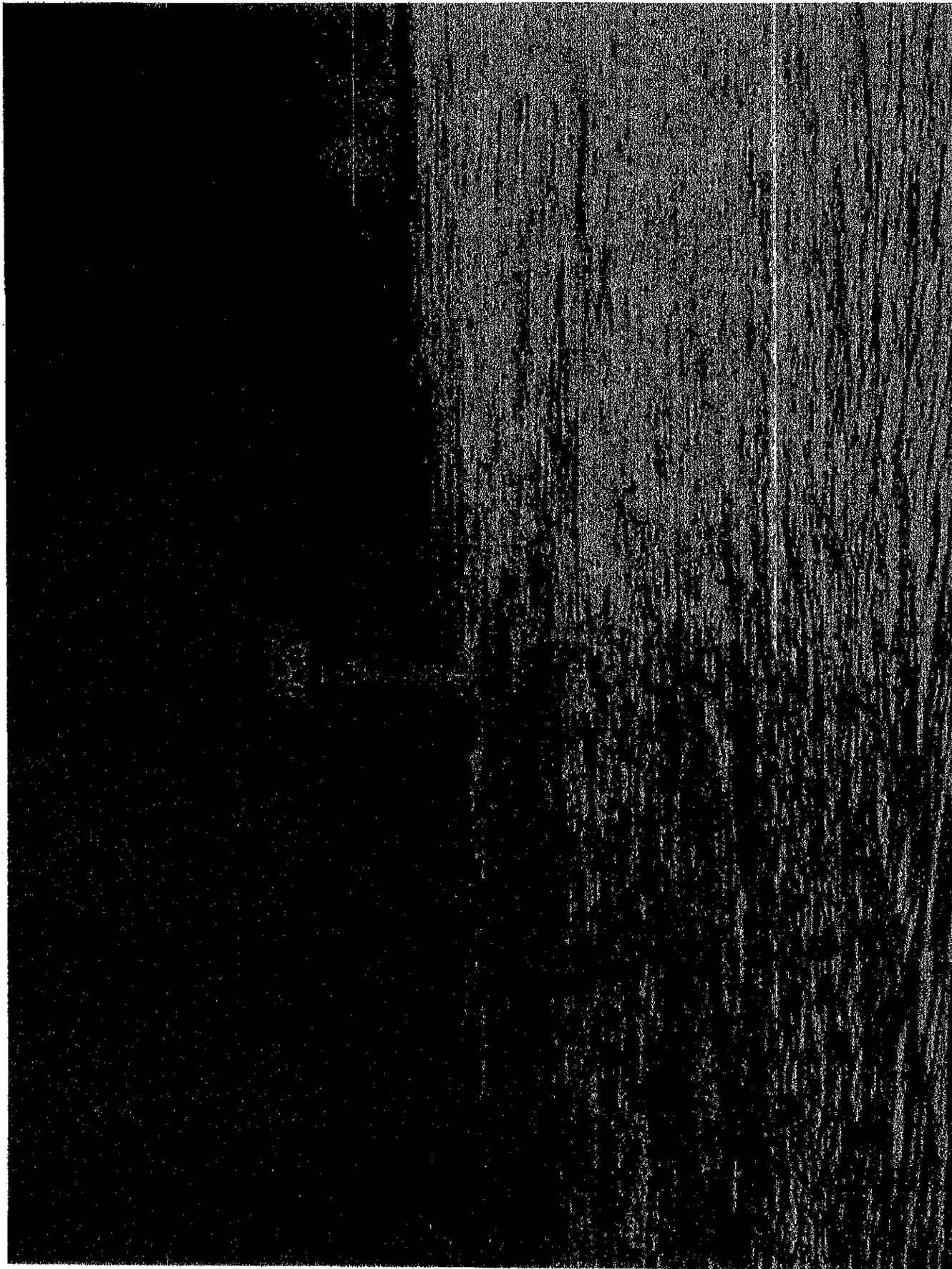
Sabrina Houser  
Owner  
Sabrina@drycomalcreek.com  
Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132  
830/456-2787 cell  
830/885-4076 office  
830/885-4124 fax

TCEQ Letter for Reconsideration 12-28-15.pdf  
17677K

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2015 DEC 28 PM 4:45  
CHIEF CLERKS OFFICE

**Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 10/30/15**







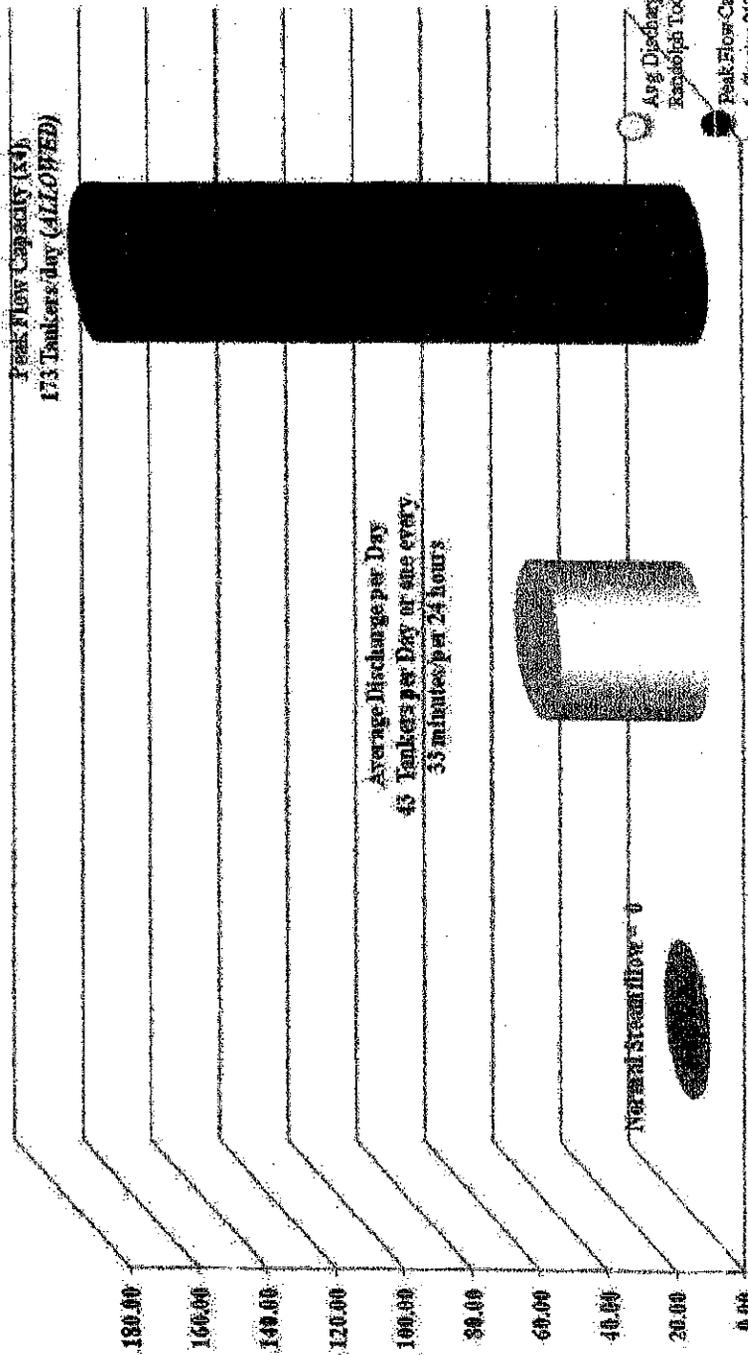


# TCEQ. It's Your Duty to Protect The State's Public Health and Natural Resources

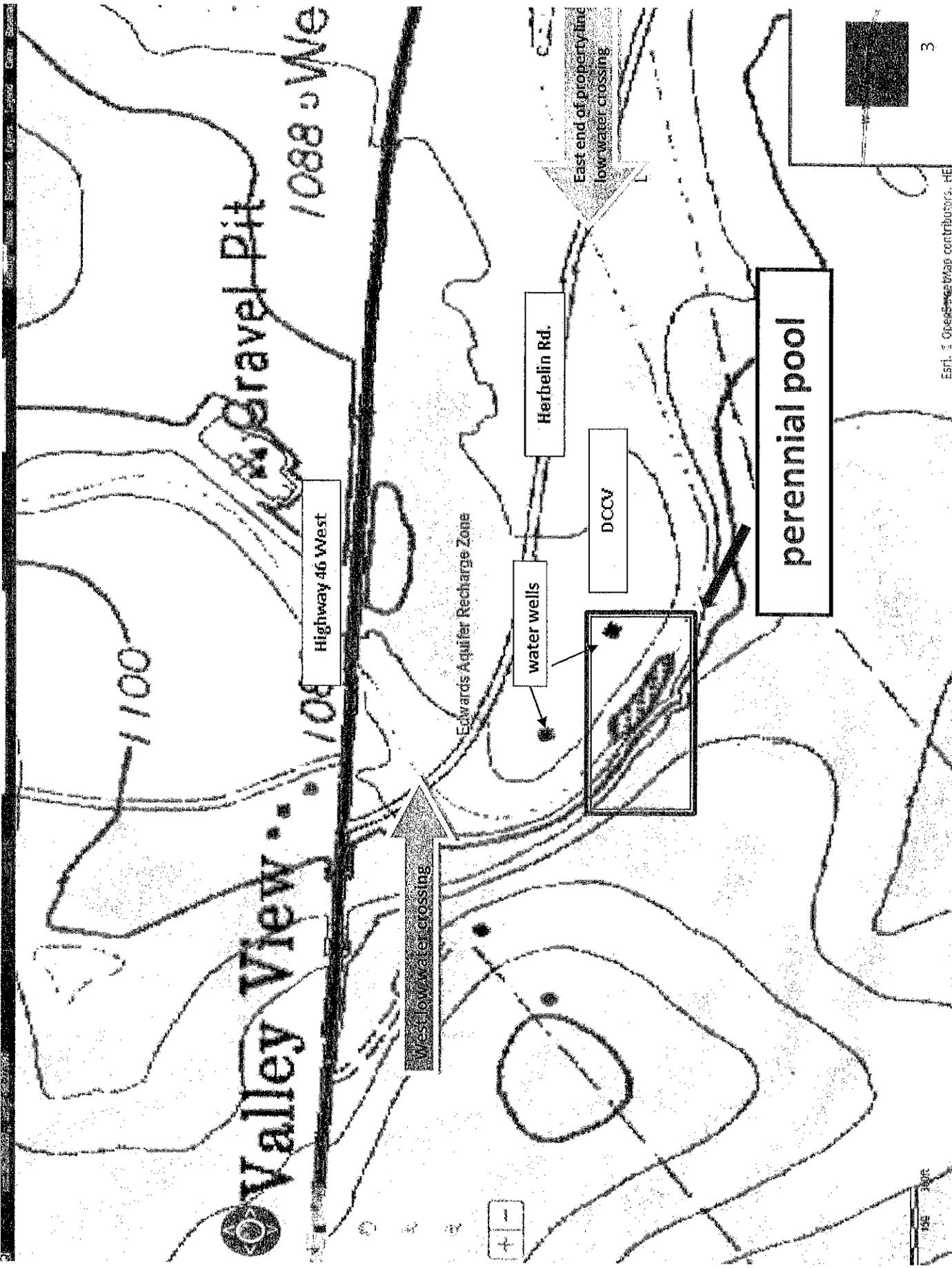
Gasoline Tankers Per Day (9,000 gallons each)

Peak Flow Capacity (cfs)  
173 Tankers/day (ALLOWED)

Normal Streamflow  
Average Discharge per Day  
Peak Flow Capacity (cfs)



Sources:  
Avg Discharge per day = TCEQ permit filing by Randolph Todd, LLC.  
Peak Flow Capacity Required per TAC, Title 30, Part 1, Chapter 217, Subchapter B, Rule RULE §217.32





Zoom To Scale

Select a scale

Highway 46 West

Herbelin Rd.

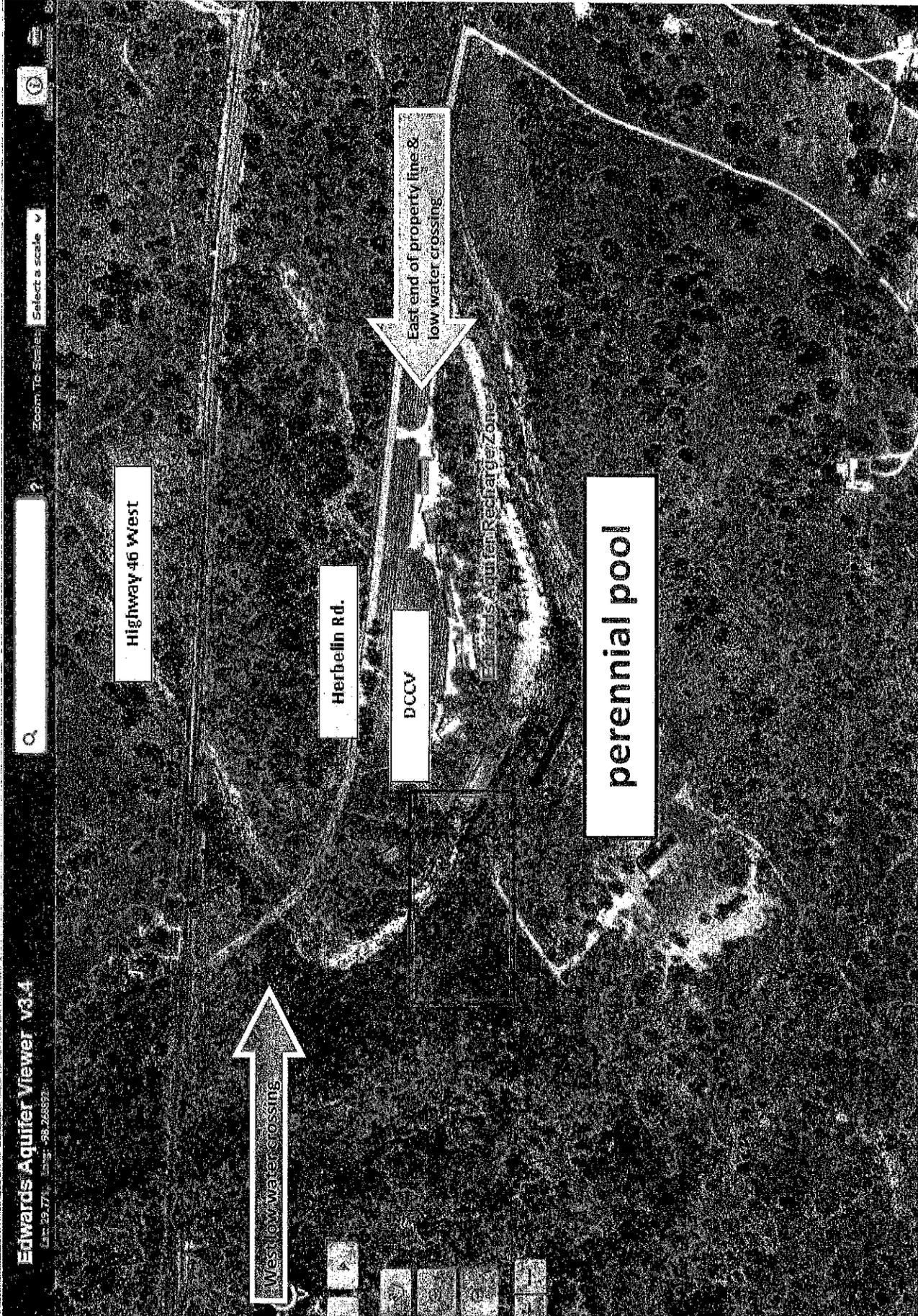
DCCV

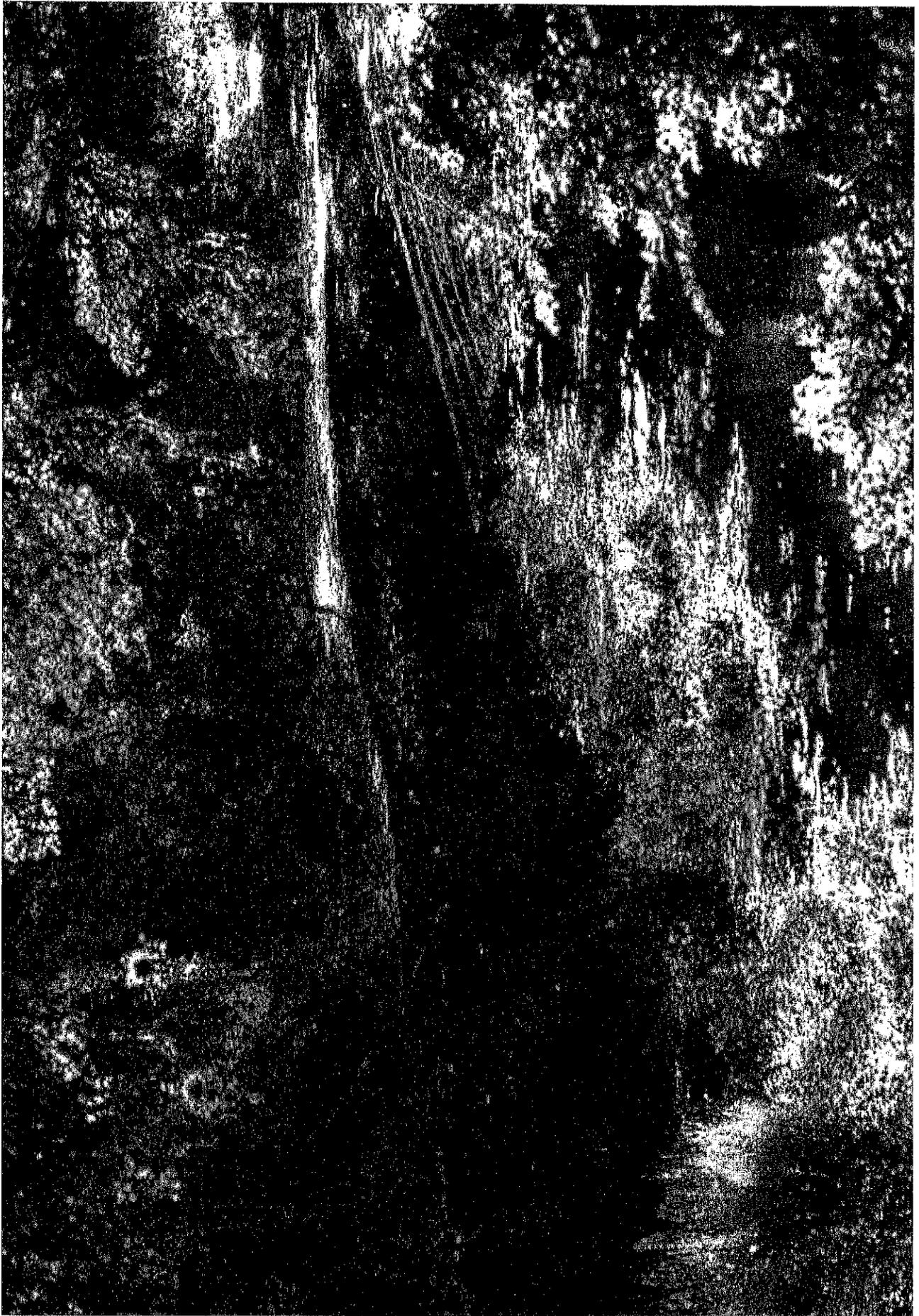
Edwards Aquifer Recharge Zone

perennial pool

West low water crossing

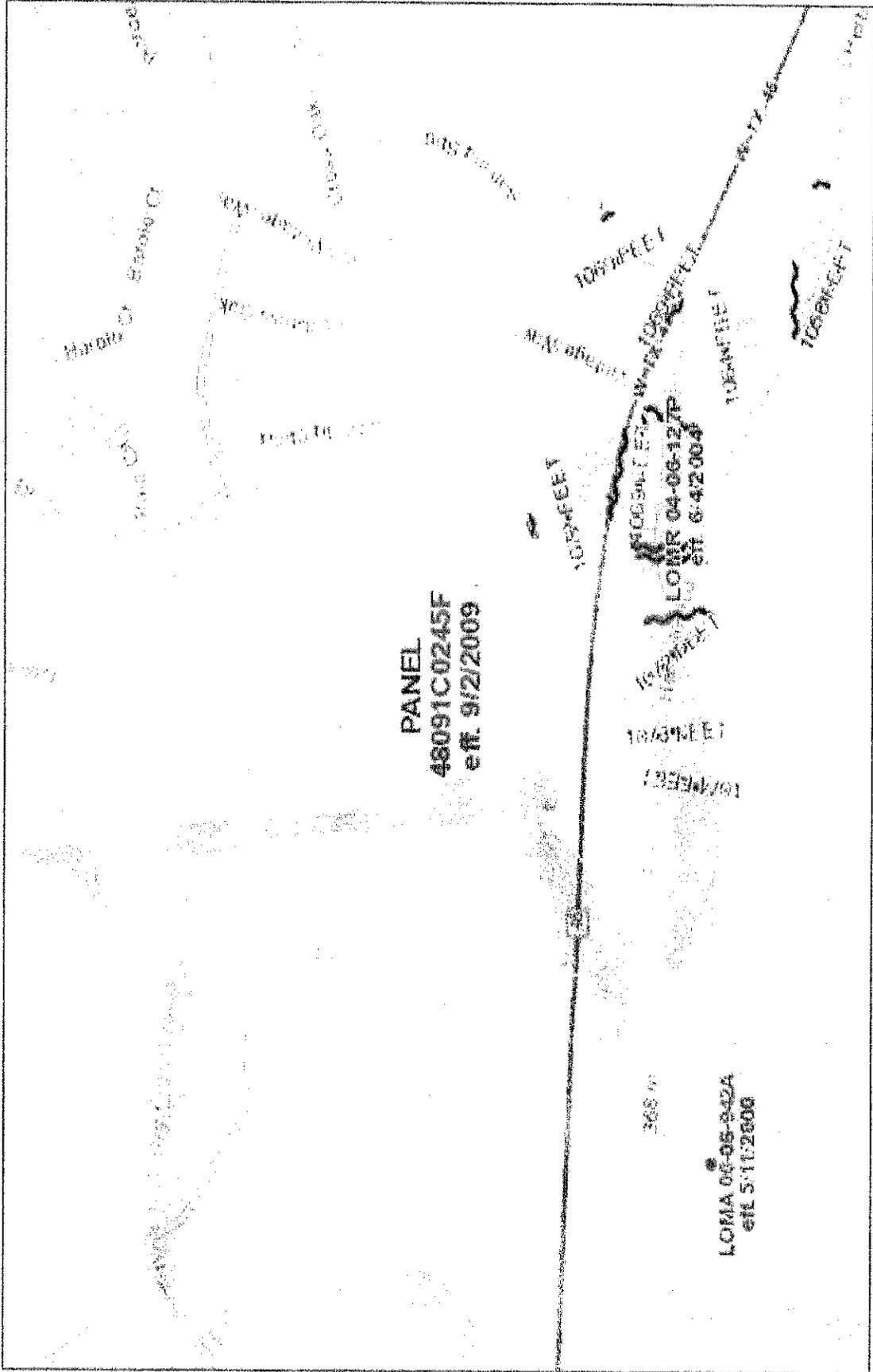
East end of property line & low water crossing





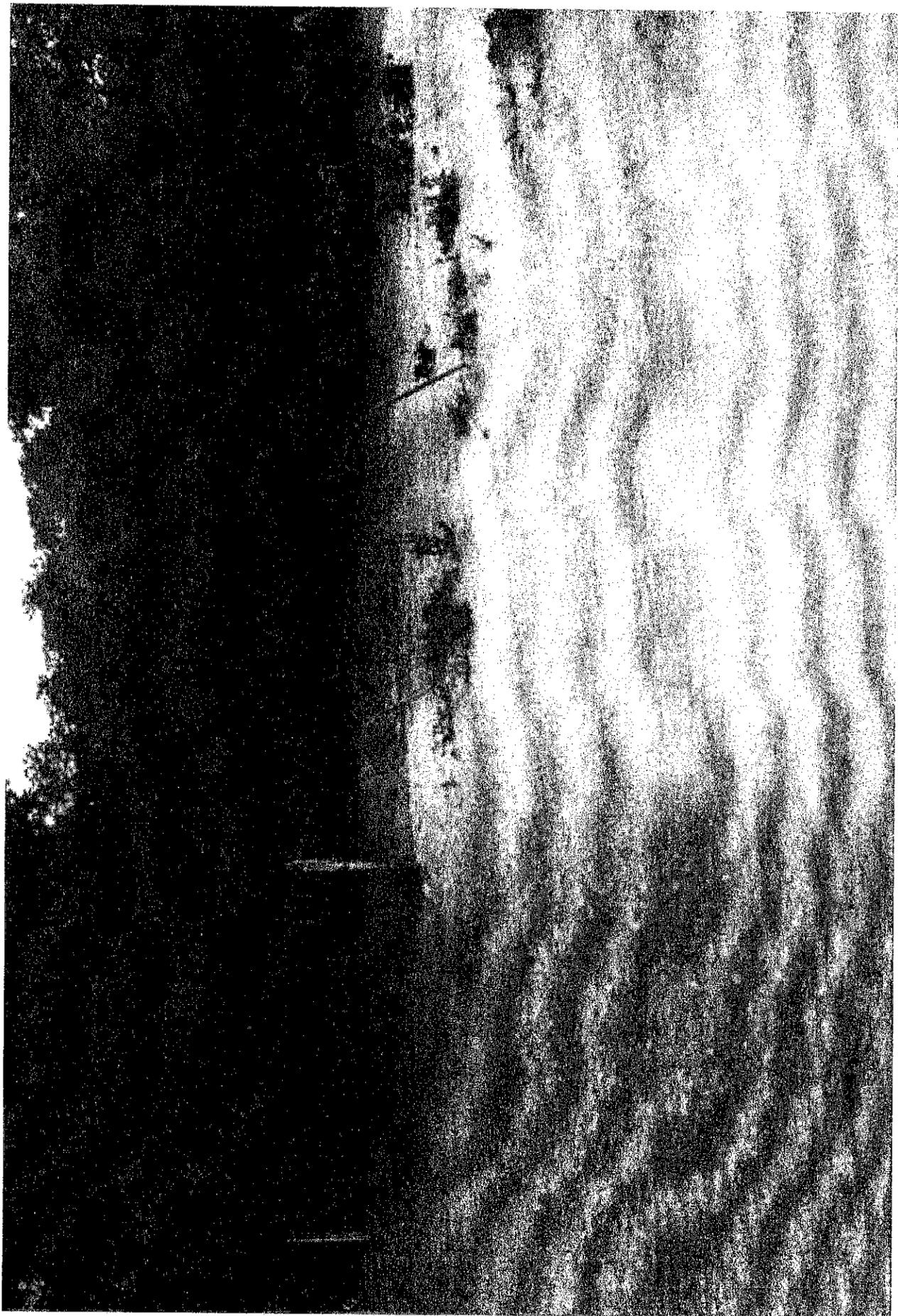
# FEMA's National Flood Hazard Layer (Official)

Data from Flood Insurance Rate Maps (FIRMs) where available digitally. Try <http://bit.ly/1bPpUjq> (Unofficial) if this map is down

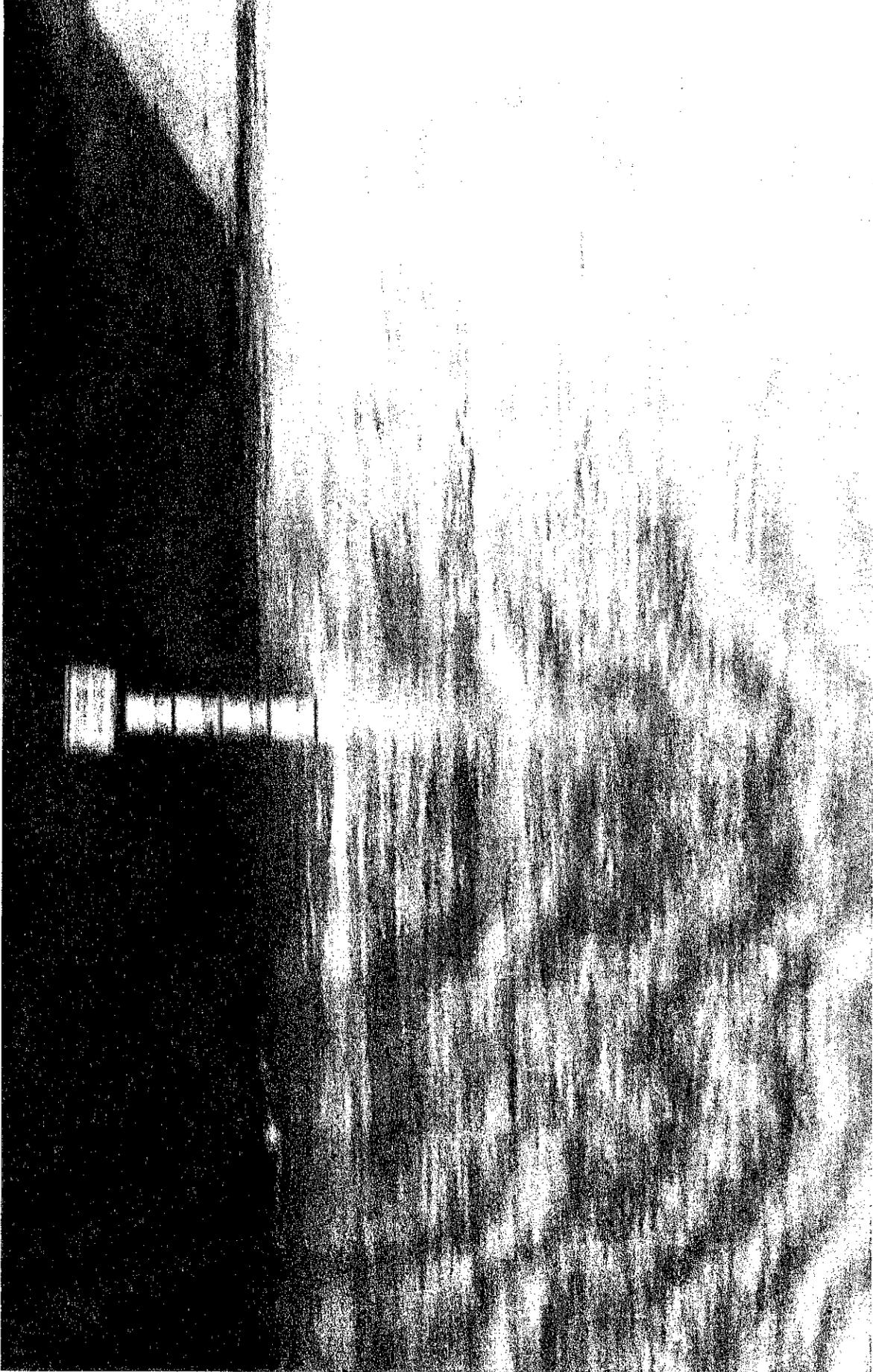


Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/17/15

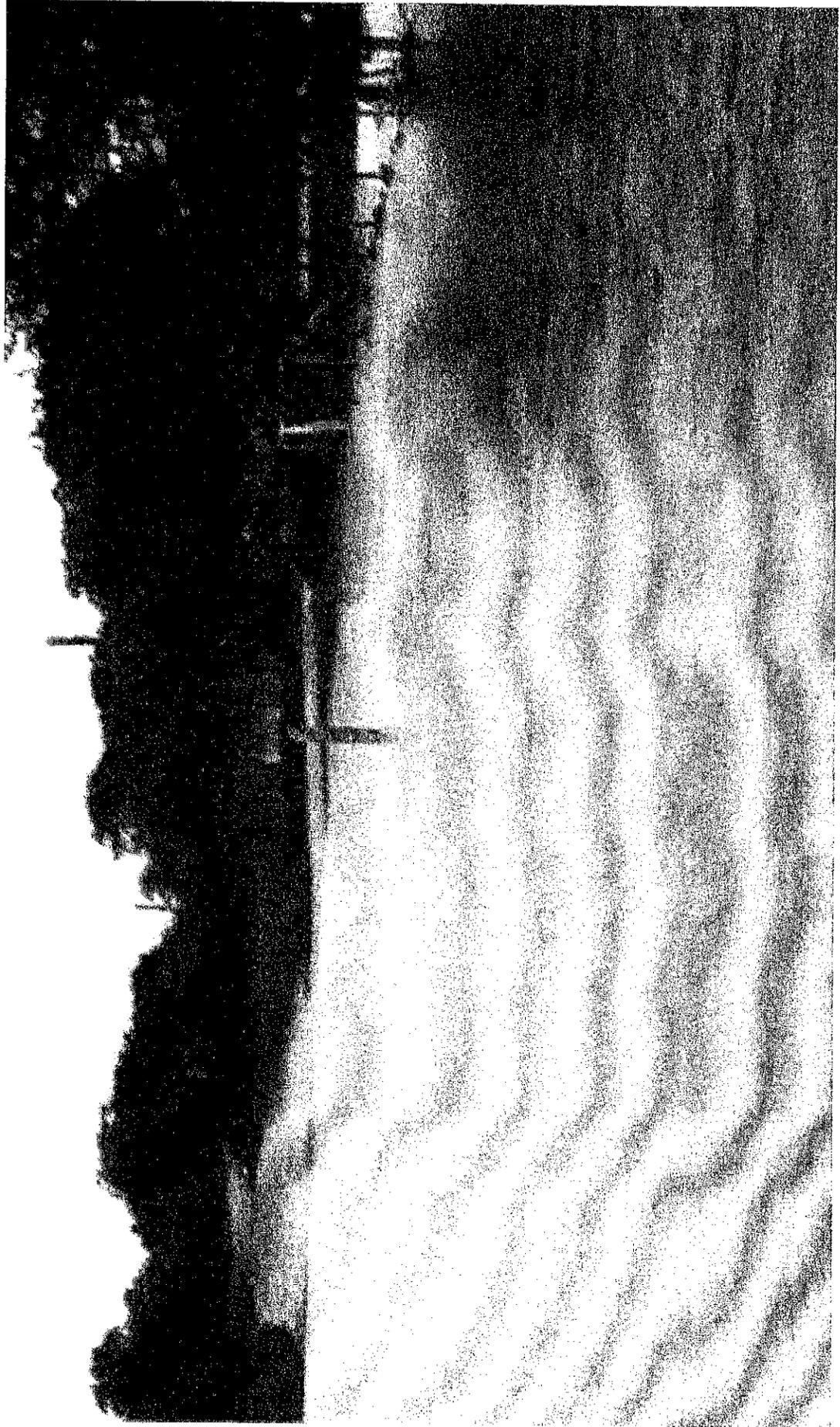




Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/17/15



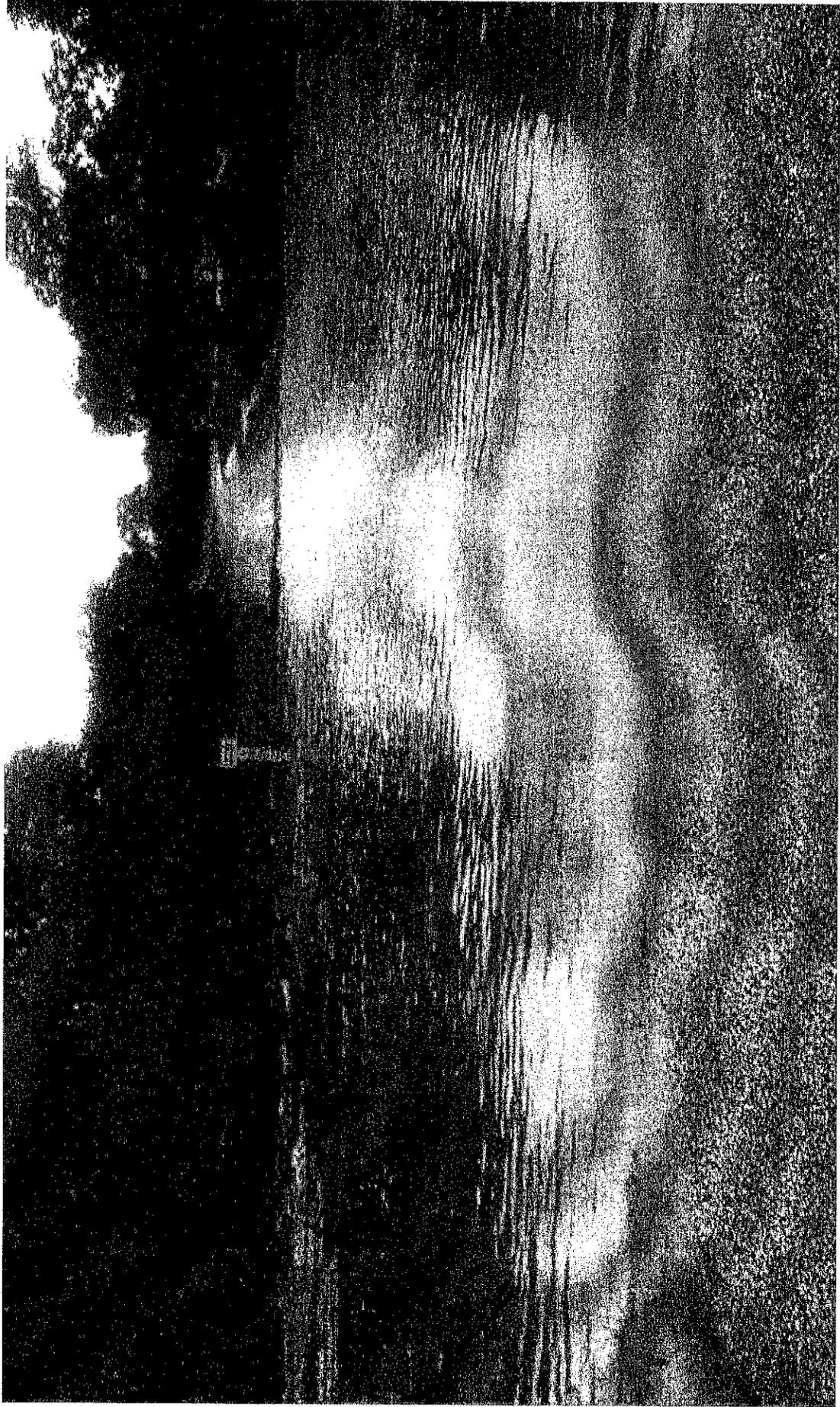
Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/17/15

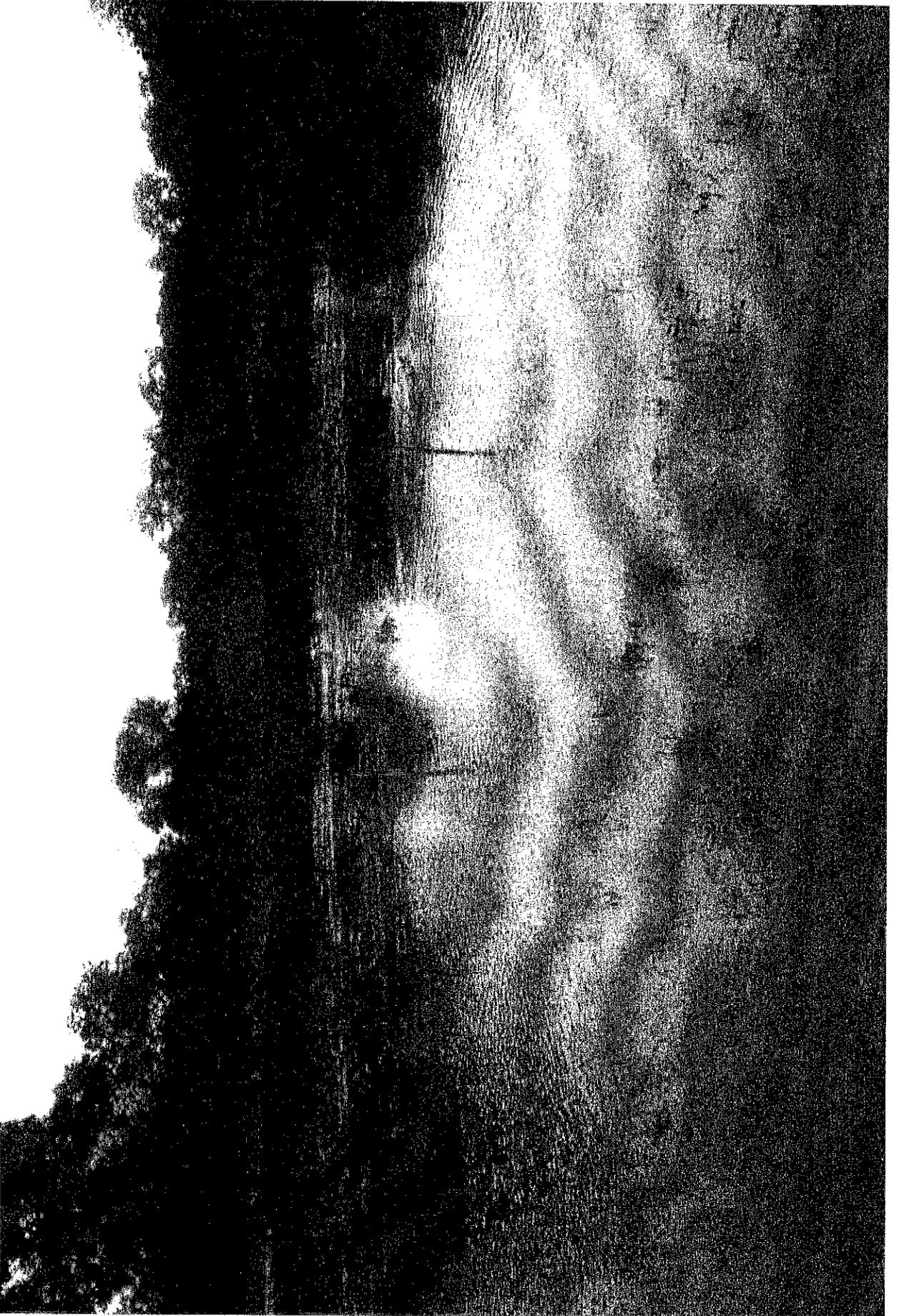


Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/30/15

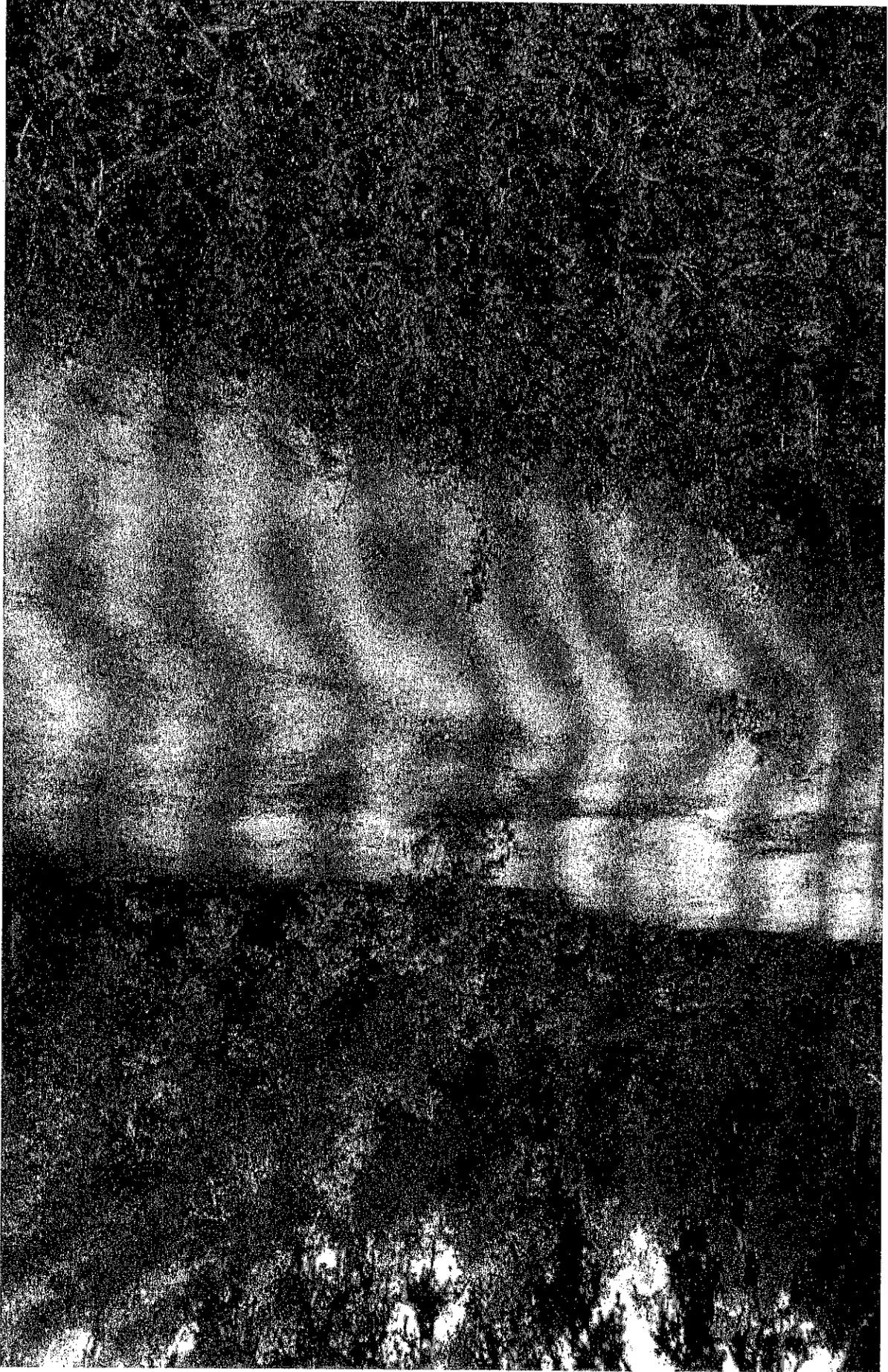


Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/30/15





Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 10/30/15



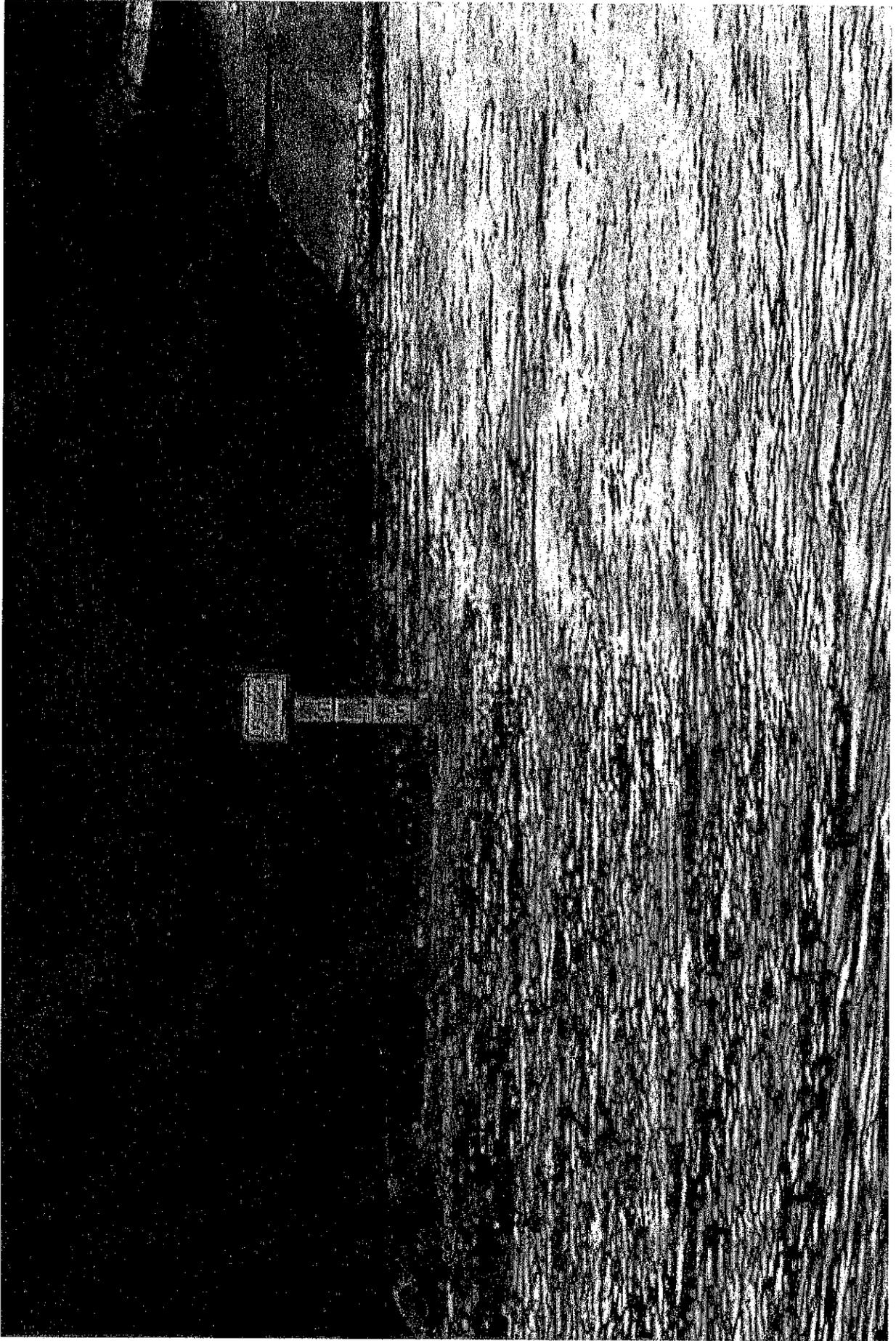
Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 10/30/15

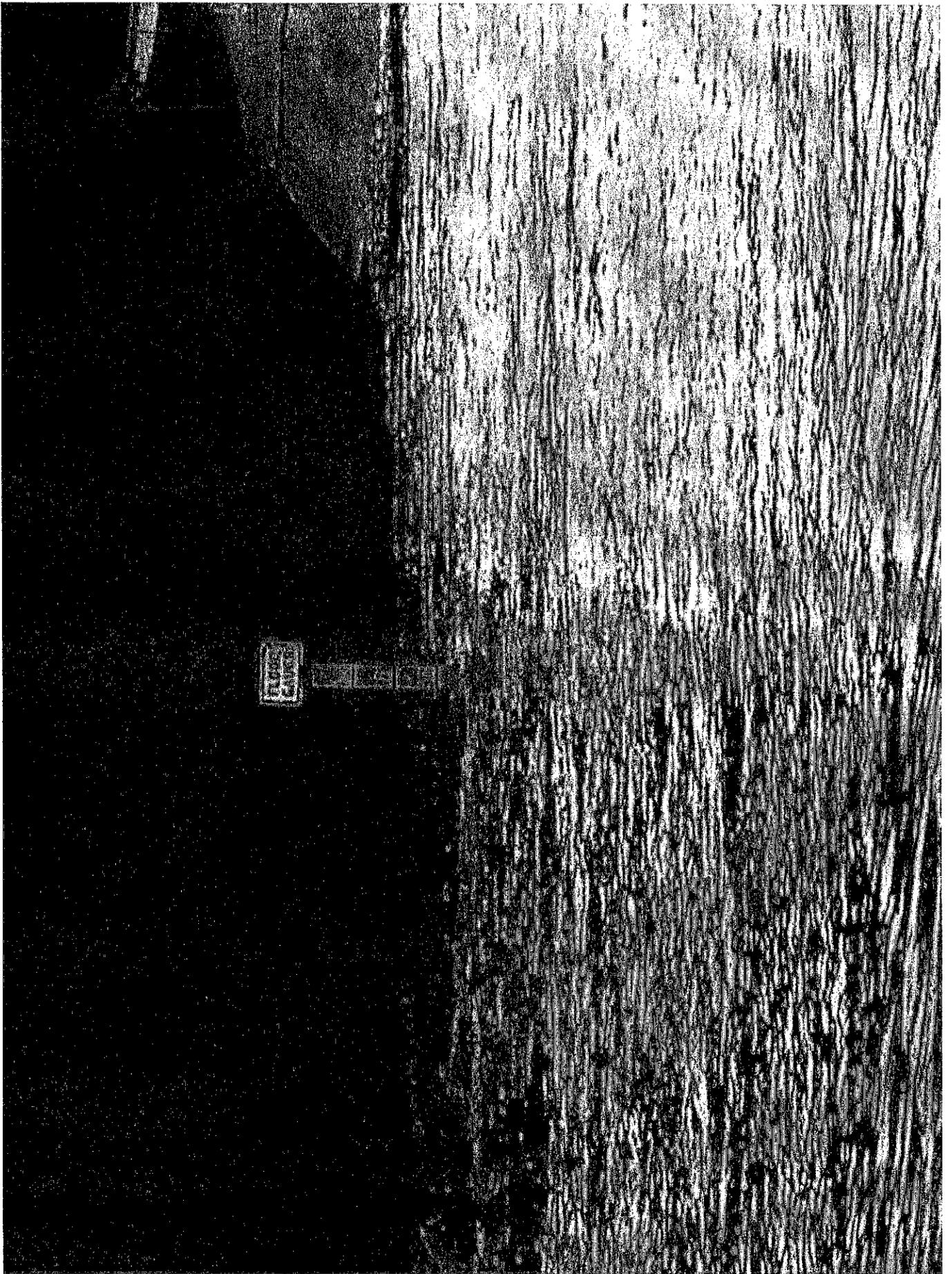


Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 10/30/15



Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 10/30/15





**Mehgan Taack**

---

**From:** sabrina@drycomalcreek.com  
**Sent:** Monday, December 28, 2015 4:58 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD  
**Attachments:** TCEQ Letter for Reconsideration 12-28-15 pics oonly.pdf

**FILING CONFIRMATION NUMBER** 416611032015362

**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:** Sabrina Houser-amaya

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** TCEQ Letter for Reconsideration 12-28-15 pics only.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.*



General Account <Inquire@drycomalcreek.com>

---

**send via fax to TCEQ 512-239-3311**

1 message

---

**Sabrina Houser** <sabrina@drycomalcreek.com>

Mon, Dec 28, 2015 at 4:14 PM

To: "Dry\, Comal Creek Vineyards" <inquire@drycomalcreek.com>

Detail of: Wastewater Permit WQ0015314001

For: MEYER RANCH (RN107818577)

2959 S CRANES MILL RD NEW BRAUNFELS TX 78132 USA

Held by: RANDOLPH TODD COMPANY LLC (CN604698464)

Sabrina Houser

Owner

Sabrina@drycomalcreek.com

Dry Comal Creek Vineyards

1741 Herbelin Rd

New Braunfels, TX 78132

830/456-2787 cell

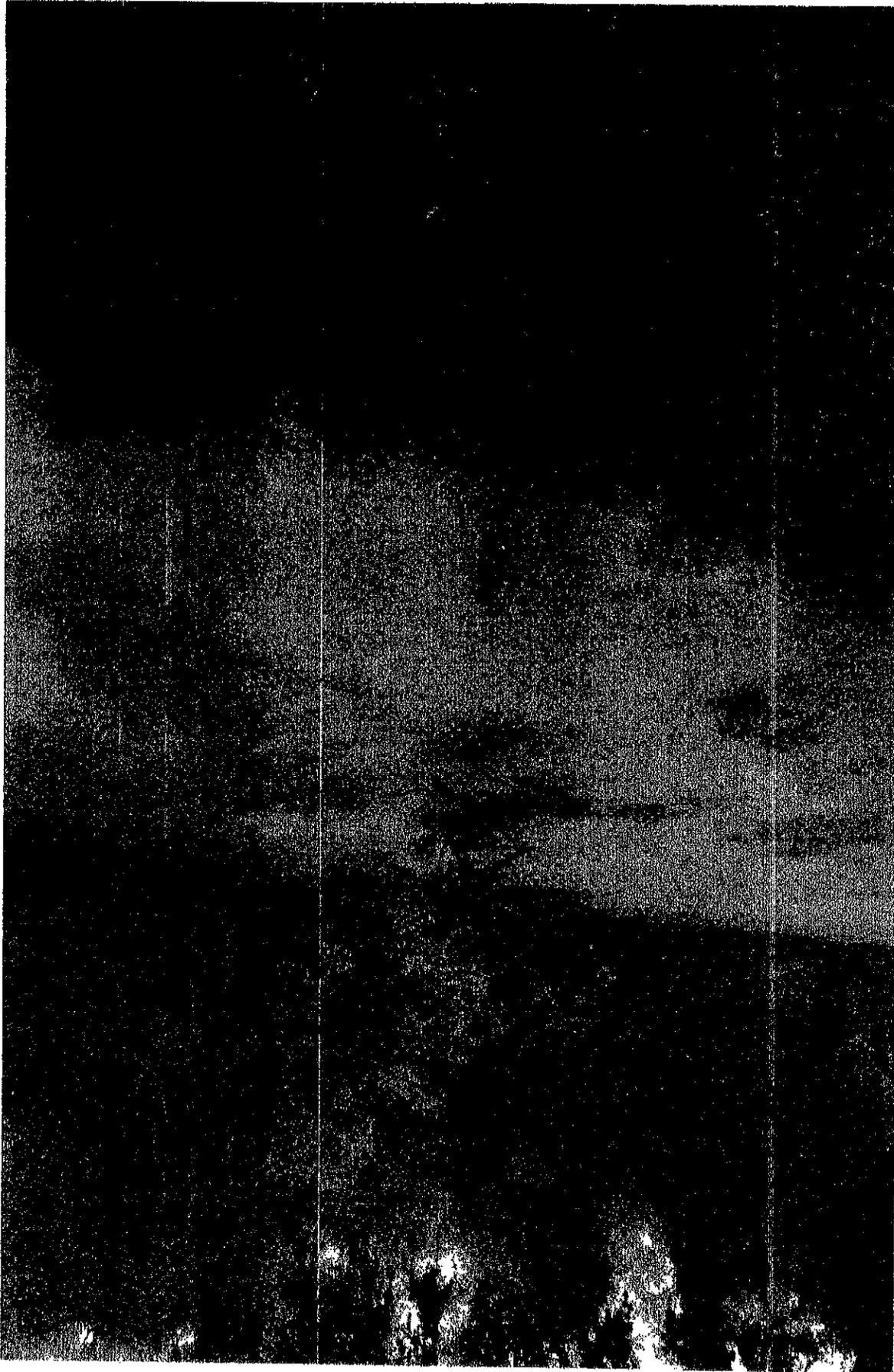
830/885-4076 office

830/885-4124 fax

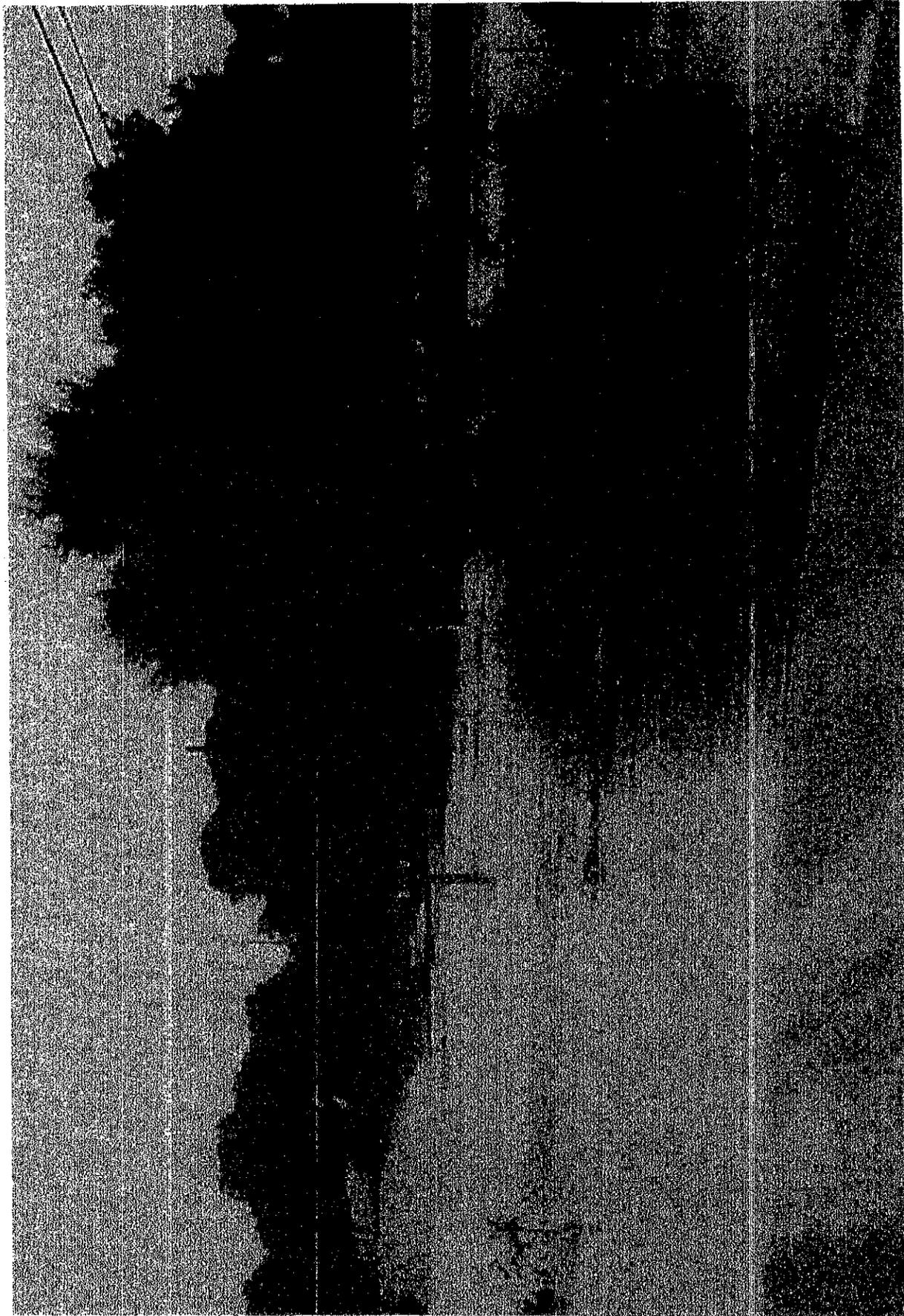
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**TCEQ Letter for Reconsideration 12-28-15.pdf**  
17677K

**Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 10/30/15**



**Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 10/30/15**





General Account <inquire@drycomalcreek.com>

---

**send via fax to TCEQ 512-239-3311**

1 message

---

**Sabrina Houser** <sabrina@drycomalcreek.com>

Mon, Dec 28, 2015 at 4:14 PM

To: "Dry\\, Comal Creek Vineyards" <inquire@drycomalcreek.com>

Detail of: Wastewater Permit WQ0015314001

For: MEYER RANCH (RN107818577)

2959 S CRANES MILL RD NEW BRAUNFELS TX 78132 USA

Held by: RANDOLPH TODD COMPANY LLC (CN604698464)

Sabrina Houser

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1741 Herbelin Rd

New Braunfels, TX 78132

830/456-2787 cell

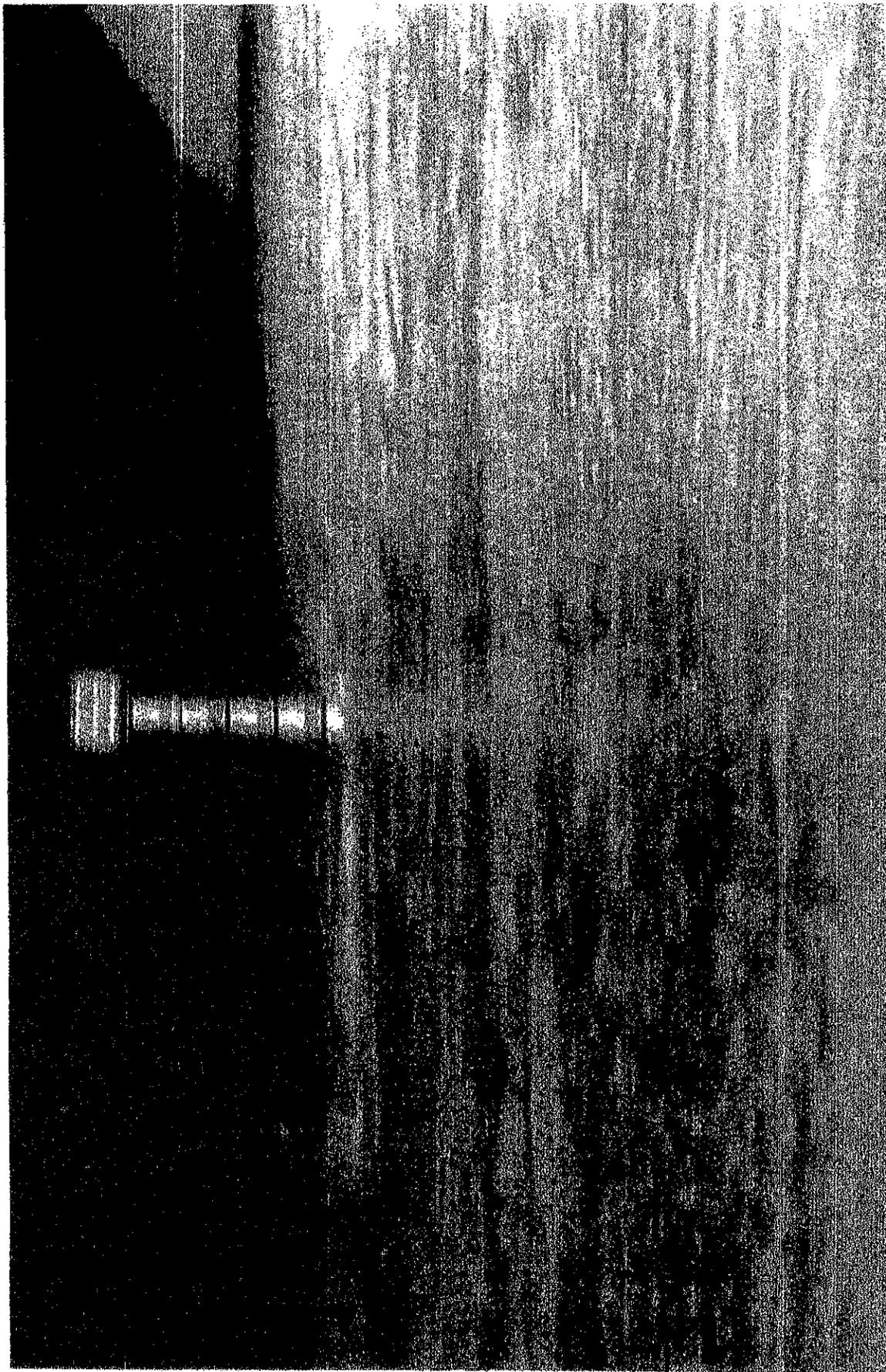
830/885-4076 office

830/885-4124 fax

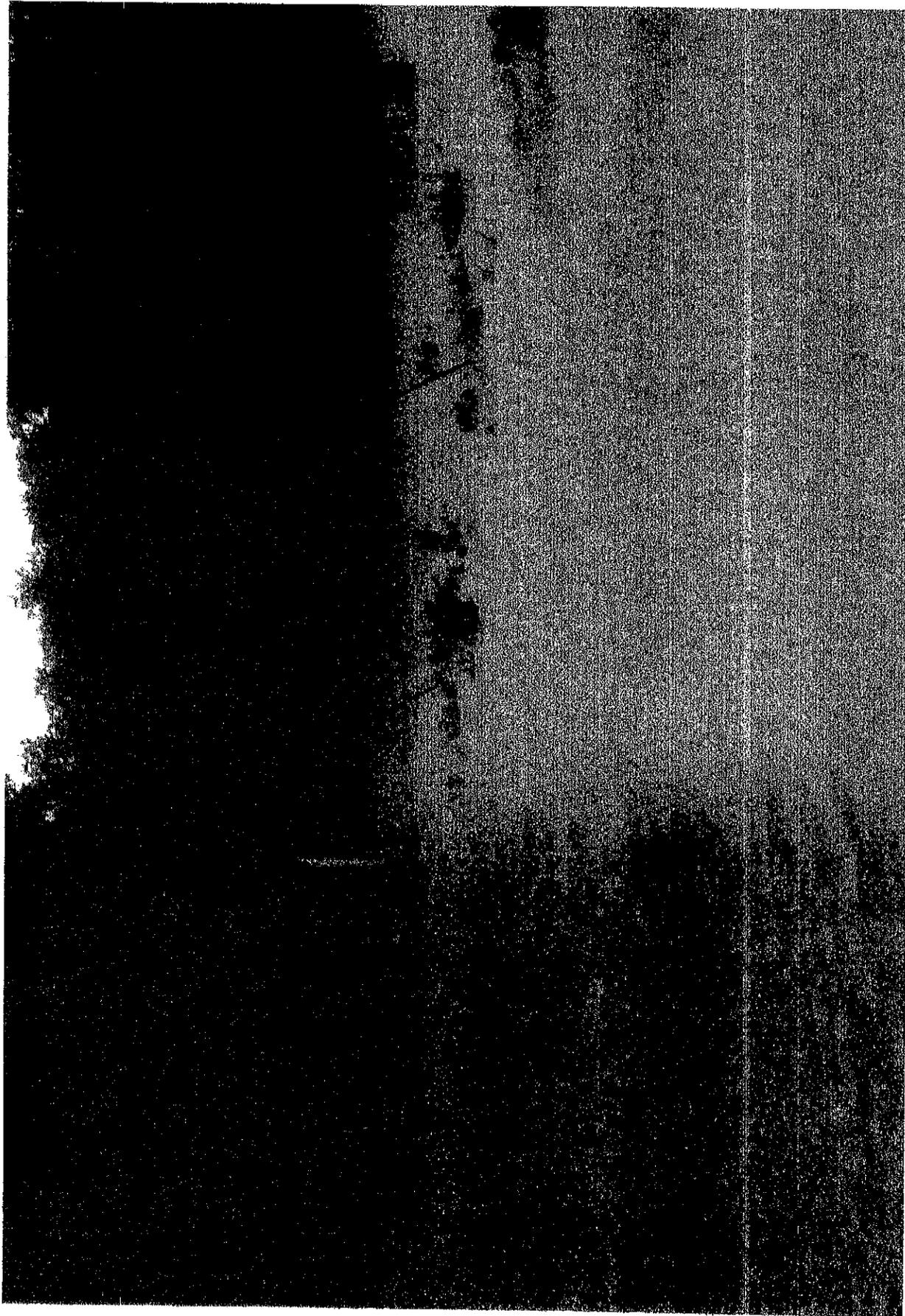
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**TCEQ Letter for Reconsideration 12-28-15.pdf**  
17677K

Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/17/15



Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/17/15



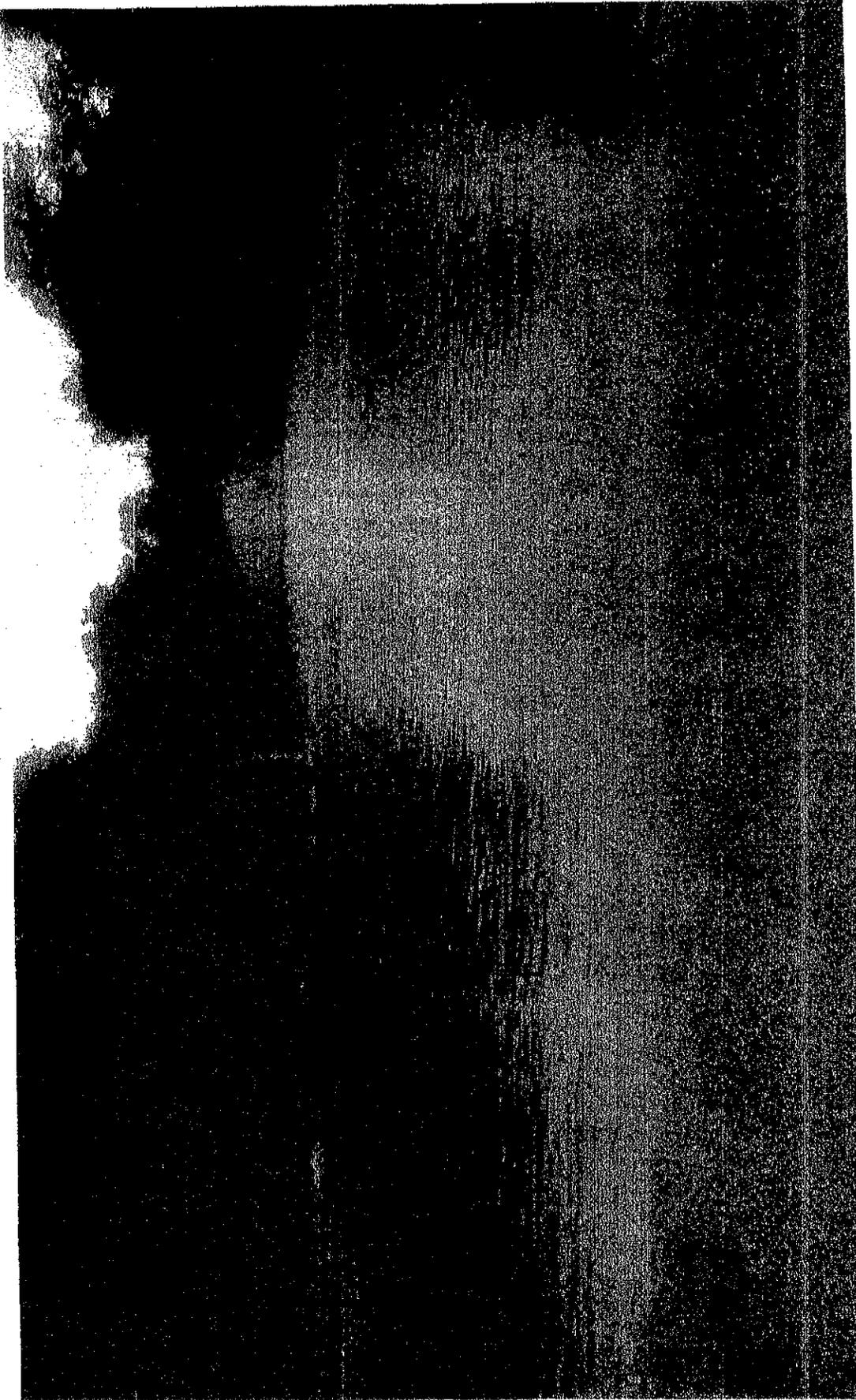
**Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/17/15**



**Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/30/15**



**Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/30/15**





General Account <inquire@drycomalcreek.com>

**send via fax to TCEQ 512-239-3311**

1 message

Mon, Dec 28, 2015 at 4:14 PM

**Sabrina Houser** <sabrina@drycomalcreek.com>  
To: "Dry\\, Comal Creek Vineyards" <inquire@drycomalcreek.com>

Detail of: Wastewater Permit WQ0015314001

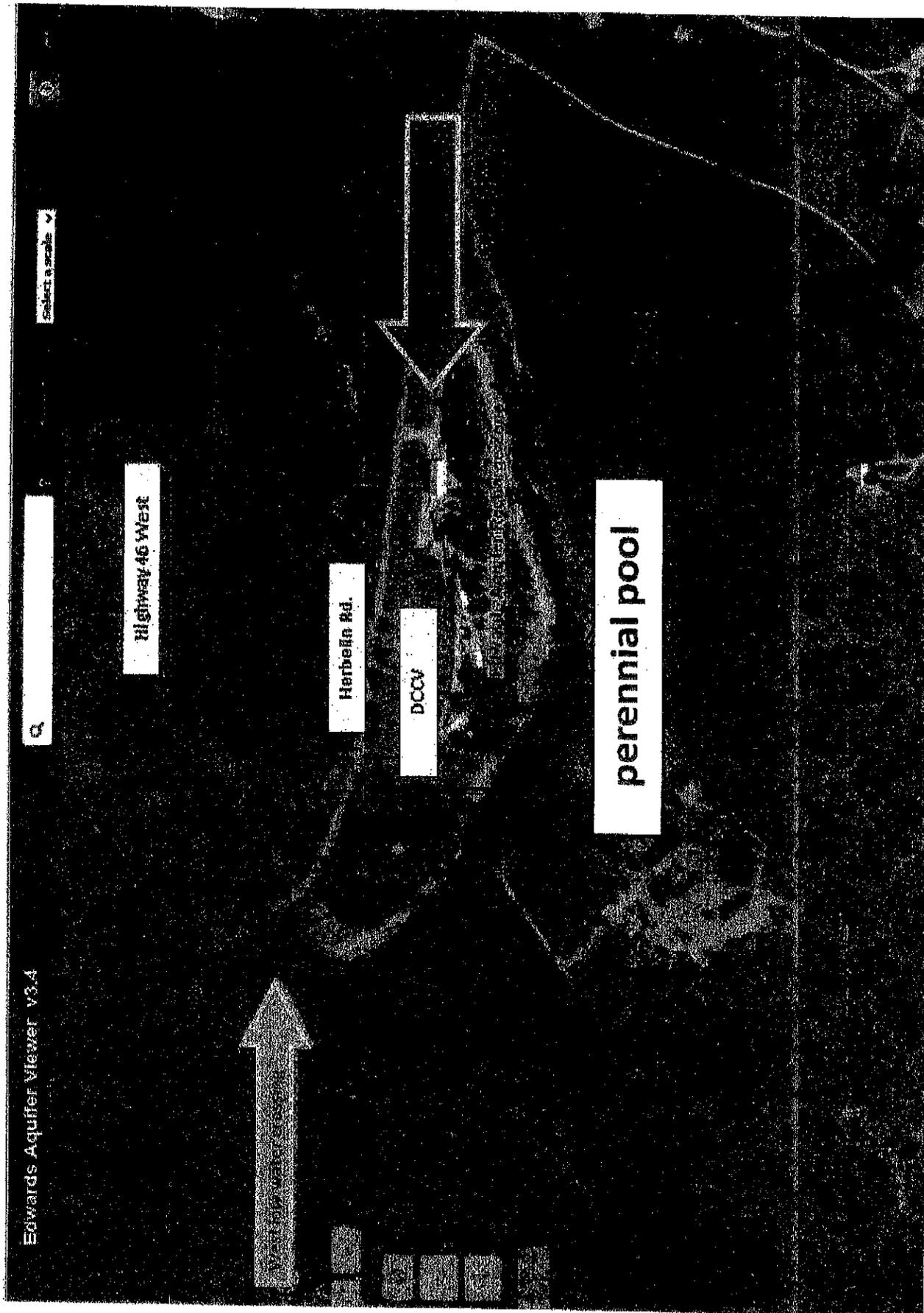
For: MEYER RANCH (RN107818577)

2959 S CRANES MILL RD NEW BRAUNFELS TX 78132 USA

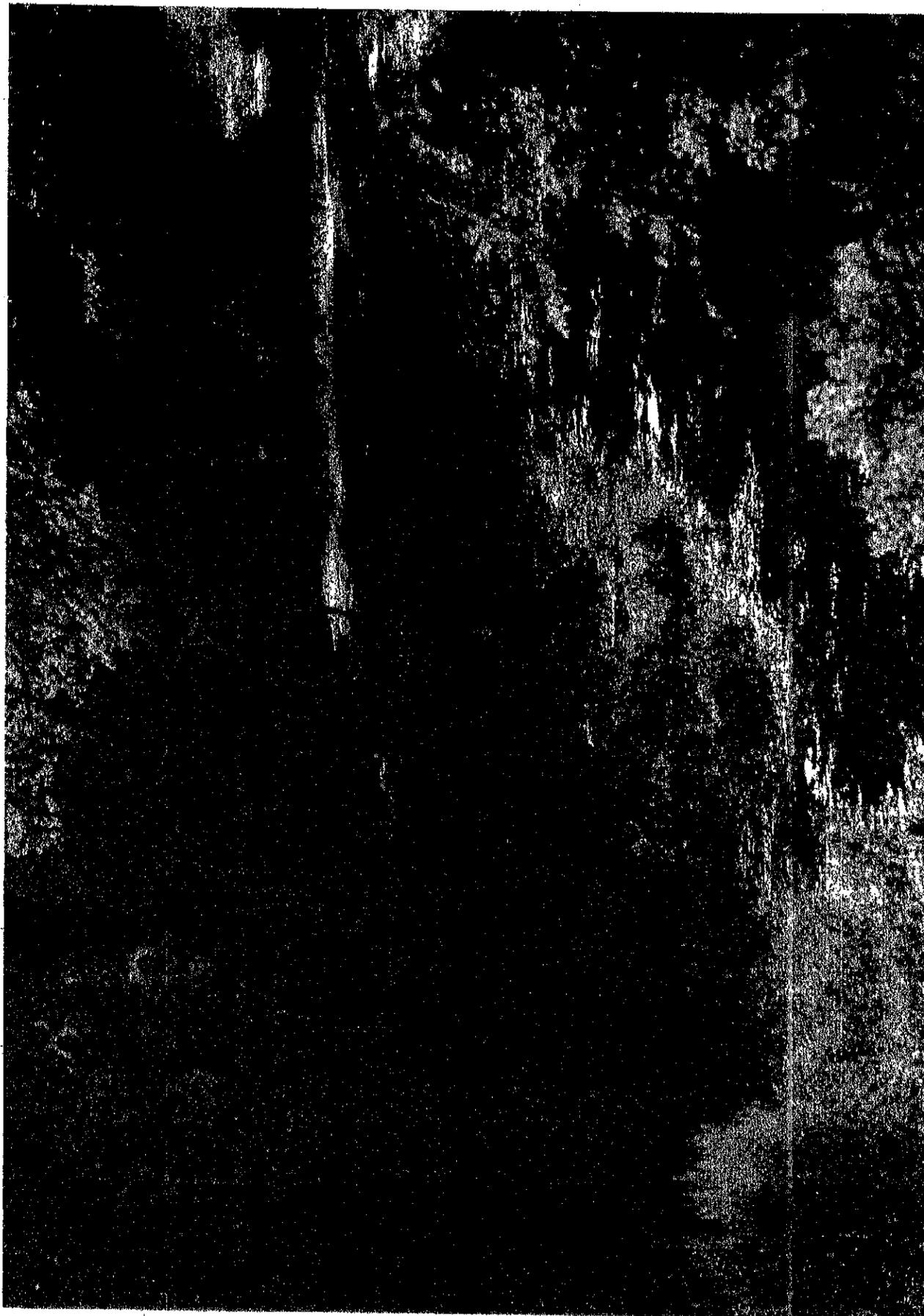
Held by: RANDOLPH TODD COMPANY LLC (CN604698464)

Sabrina Houser  
Owner  
Sabrina@drycomalcreek.com  
Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132  
830/456-2787 cell  
830/885-4076 office  
830/885-4124 fax

**TCEQ Letter for Reconsideration 12-28-15.pdf**  
17677K



Edwards Aquifer Viewer v3.4

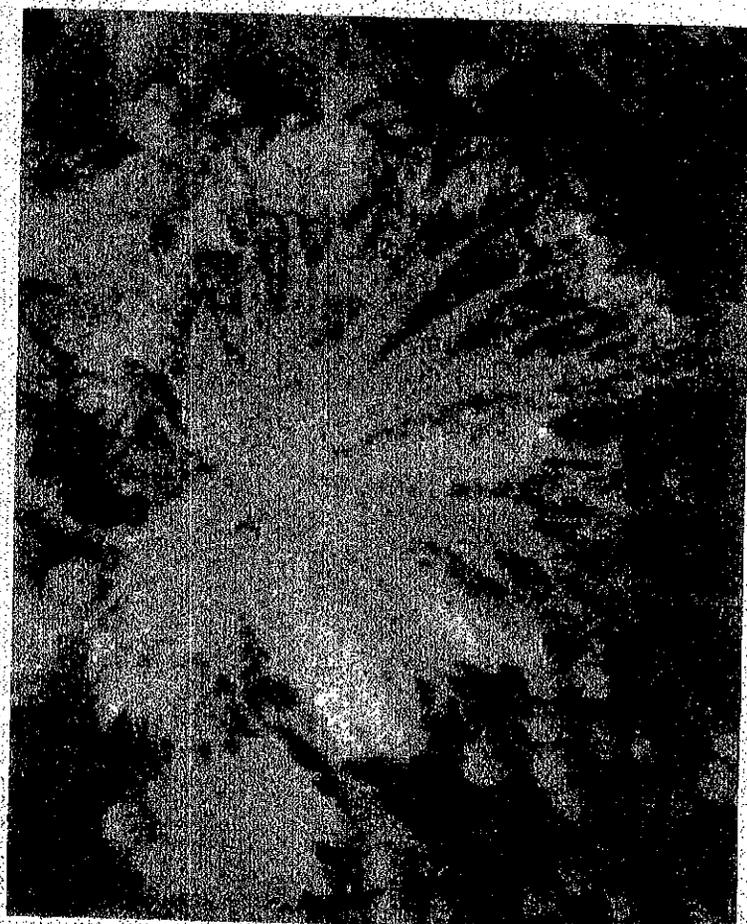


# Overly Phosphorous Affected Grapevine

When plants get too much phosphate, the absorption of other nutrients is inhibited, which leads to the symptoms caused by the deficiency of these nutrients (Nitrogen, Magnesium, Manganese).

The Remedy: adding MORE fertilizer to address these deficiencies.

Remedy impacts the Edwards Aquifer





Flooding of Dry Comal Creek along Herbelin Rd. and on DCCV property on 5/17/15



December 28, 2015  
TCEQ  
PO Box 13087  
Austin, TX 78711

This letter is to request participation a hearing and reconsideration of the permit approval for  
RE: Docket No. 2015-1624-MWD, Randolph Todd Company, LLC, Request(s) filed on Permit  
No. WQ0015314001

The attached document contains pictures taken April 1st thru October, 31, 2015 of the Dry Comal Creek as it flows behind our property, and the low water crossings which border Dry Comal Creek Vineyards.

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While TCEQ may not have to take 'flooding' issues in consideration, for TCEQ to allow this permit begets failure on the Commission's part 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.

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(see pictures on pages 7 - 9 showing the perennial pond located at Dry Comal Creek Vineyards and the water flow of the Dry Comal Creek which sits directly on our property)

3. Increased treated waste water discharge into the Edwards Aquifer results in eutrophication – an excess of nutrients (i.e.. Phosphorous) - thus producing an increase in microorganisms and algae and depression in oxygen. Failure to require a higher standard of treatment (as least a Tier 3 versus the permitted Tier 1) before discharge, such that the water is of potable quality WILL adversely impact the quality of our soil and grapes. (see picture on page 10 of damaged grapevine due to too much phosphorous).

Of note, when plants get too much phosphate, the absorption of other nutrients is inhibited, which leads to the symptoms caused by the deficiency of these nutrients (Nitrogen, Magnesium, Manganese). The remedy then becomes the addition of MORE fertilizer to address these deficiencies. This remedy impacts the Edwards Aquifer such that additional use of fertilizer to counter act eutrophication, will only harm Edwards Aquifer further. This 'wheel of the hamster' permitting process of supposedly protecting our natural resources is certainly contradictory to TCEQ basing their decisions on the law, common sense, sound science, and fiscal responsibility.

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I will address some key words in this document that concern my winery business:

Water Treatment and Quality: Since this permit allows treated effluent to go down a State of Texas waterway which feeds the Edwards Aquifer, what happens when this water from upstream is contaminated? It appears that as a winery with a PWS, TCEQ will hold the winery responsible, financially and otherwise, to determine the source, clean up the source and follow all the rules of TCEQ related to a contaminated potable water.

Source Approval: Since this permit is allowing direct discharge and conveyance down a State of Texas waterway in which the entrance to the business location requires passage of low water crossings which flood, what happens when there is a adverse event at the pump-lift station or in other plant operations which results in untreated sewer water coming down the Dry Comal Creek and seeping into the Edwards Aquifer. Due to our location, customers would be driving thru the untreated water to get to my business, track and deposit untreated sewage particles into my parking lot, track and deposit untreated sewer particles via their shoes into my Tasting room and as a result my monthly water testing nets E-coli results? Again, it appears that there is little to no concern that the permit as expressly allowed will impact residents and business, yet as a business, TCEQ can hold me responsible for ensuring that a PWS is not contaminated!

In closing, we are asking TCEQ to review the long-term effects of this permit on the current residents and businesses it will impact. TCEQ and other entities can no longer 'kick the can' down the road with continuous approvals of permits, without also considering other factors such as are outlined here. To continue in this vein is irresponsible and negligent to the citizens of the State.

Just as the Comal County Commissioners had the 'power' to deny the issuance of the Meyer Ranch WCID, determining that there was no need for additional housing and that the WCID would not benefit the majority, the TCEQ does have the power to make right decisions that will be for the betterment of many, not just to the few.

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Sincerely,

Sabrina Houser Amaya  
Owner of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

Hector Amaya  
Employee of Dry Comal Creek Vineyards  
1741 Herbelin Rd  
New Braunfels, TX 78132

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Owner of Dry Comal Creek Vineyards  
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New Braunfels, TX 78132

CC: Comal County Commissioners  
City of New Braunfels - City Manager and City Engineer  
Comal County Engineer  
Representative Doug Miller  
Senator Donna Campbell  
GEAA  
Mr. Eric Almon  
Friends of Dry Comal Creek

**Mehgan Taack**

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**From:** sabrina@drycomalcreek.com  
**Sent:** Monday, December 28, 2015 4:43 PM  
**To:** DoNot Reply  
**Subject:** Filing on Permit Number/Docket Number 2015-1624-MWD  
**Attachments:** TCEQ Letter for Reconsideration 12-28-15 -letter only2.docx

**FILING CONFIRMATION NUMBER** 641601652015362

**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:** Sabrina Houser-amaya

**E-MAIL:** [sabrina@drycomalcreek.com](mailto:sabrina@drycomalcreek.com)

**COMPANY:** Dry Comal Creek Vineyards

**ADDRESS:** 1741 HERBELIN RD  
NEW BRAUNFELS TX78132-1838

**PHONE:** 830-885-4076

**DOCUMENT NAME:** TCEQ Letter for Reconsideration 12-28-15 -letter only2.docx

*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.*



General Account <inquire@drycomalcreek.com>

send via fax to TCEQ 512-239-3311

1 message

Sabrina Houser <sabrina@drycomalcreek.com>

Mon, Dec 28, 2015 at 4:14 PM

To: "Dry\,Comal Creek Vineyards" <inquire@drycomalcreek.com>

Detail of: Wastewater Permit WQ0015314001

For: MEYER RANCH (RN107818577)

2959 S CRANES MILL RD NEW BRAUNFELS TX 78132 USA

Held by: RANDOLPH TODD COMPANY LLC (CN604698464)

Sabrina Houser

Owner

Sabrina@drycomalcreek.com

Dry Comal Creek Vineyards

1741 Herbelin Rd

New Braunfels, TX 78132

830/456-2787 cell

830/885-4076 office

830/885-4124 fax

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2015 DEC 28 PM 4:25  
CHIEF CLERKS OFFICE

TCEQ Letter for Reconsideration 12-28-15.pdf  
17677K

December 28, 2015  
TCEQ  
PO Box 13087  
Austin, TX 78711

This letter is to request participation a hearing and reconsideration of the permit approval for RE: Docket No. 2015-1624-MWD, Randolph Todd Company, LLC, Request(s) filed on Permit No. WQ0015314001

CHIEF CLERK'S OFFICE  
2015 DEC 28 PM 4:22  
COMAL CREEK VINEYARDS  
ON ENVIRONMENTAL  
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Comal County Engineer  
Representative Doug Miller  
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Mr. Eric Almon  
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