



April 4, 2022

Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Re: Docket No. 2022-0125-WR – Application No. 13404 by the City of Wichita Falls for Construction of the proposed Lake Ringgold in Clay County, Texas

This letter is in response to the recommendation of the Applicant that Texoma Stewardship Coalition's request for a contested case hearing in Docket No. 2022-0125-WR be denied.

My name is Deborah Clark and I represent members of the Texoma Stewardship Coalition. We are a group of affected property owners whose land is in or near the footprint of proposed Lake Ringgold. Among our members are Lonnie Horwood, Larry Horwood, Shane Cody, Brent Durham, Gil Staley, Phil Staley, Joe A. Staley, Chris Wellborn and Justin O'Malley. I am a member of Texoma Stewardship Coalition and a partner owner of the Birdwell and Clark Ranch, 578 N. Bryant Edwards Road, Henrietta, Texas.

The Applicant clearly states in its Response to Requests for Contested Case Hearing, Section III. DETERMINATION OF AFFECTED PERSONS on page 2 that "An "affected person" is "one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Application."

The Applicant also states that "When determining whether an individual or entity is an affected person, all relevant factors are considered by the Commission, including...(4) likely impact of the regulated activity on the health, safety, and use of property of the person; (5) likely impact of the regulated activity on use of the impacted natural resource by the person....".

The Applicant then begins a discussion on what is not in the jurisdiction of the Commission specifically related to acquisition of the property by purchase or eminent domain condemnation. This discussion fails to acknowledge or address what constitutes an "affected person", as referenced above. It only addresses procedure in acquiring property.

The members of Texoma Stewardship Coalition whose property is impacted by the building of proposed Lake Ringgold have definite, measurable justiciable interests related to legal rights, duties, privilege, power, and economic interest. The current use of our property and natural resources are most vulnerable and at risk. Specifically:

- Business operations including ranching and hunting will be adversely impacted due to the loss of rangeland and habitat
- Revenue source will be diminished or abolished definitely impacting the “economic interest” of the “affected person”
- The “health, safety, and use of (the) property” will be adversely impacted due to limited and altered access to the property
- Increased traffic from non-residents poses potential threats to the health, safety, and use of the property
- “Impacted natural resources” including rangeland, wildlife habitat, carbon sequestration, ecosystem services will be adversely impacted or lost completely when inundation occurs
- Historic use of our properties will be lost or adversely impacted

The Applicant argues that all the requests for a contested case hearing from property owners within or near the footprint of the proposed Lake Ringgold be denied on the basis that “...impacts to the use of property resulting from the acquisition of real property or eminent domain condemnation by an applicant for a water rights permit do not result from any activity regulated by TCEQ.” This argument is not valid, since there is no question that such inundation under the lake can only occur if TCEQ grants the permit. And granting the permit is an “activity regulated by TCEQ”.

The Commission is well aware of the decades of state procedure under which property owners whose property would be inundated – and organizations whose members’ property would be inundated – have been admitted as parties in contested case hearings. It smacks of “creative lawyering” whereby an attorney tries to alter agency procedure for the sole benefit of her client. The language in the Applicant’s letter is typical of the lack of respect that the City of Wichita Falls has long shown for its fellow Texans in Clay County who will have their lives disrupted and their livelihoods impaired.

The Texoma Stewardship Coalition asks that all the requests for a contested case hearing by property owners in or near the footprint of the proposed Lake Ringgold be granted.

Respectfully submitted,



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