

April 1, 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 recommendations of the Applicant and TCEQ Executive Director that the Clay County Farm Bureau's request for a contested case hearing in Docket No. 2022-0125-WR be denied.

The Applicant argues that all requests be denied and asserts 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." It is absurd that the City argues that landowners whose property would be inundated have not established interests different from those of the general public. There is no question that such inundation under the lake can only occur if TCEQ grants the permit. Further, denying hearing requests from landowners whose property would be inundated by the proposed reservoir would fly in the face of decades of state procedure under which property owners whose land or homes would be inundated – and organizations whose members' land or homes would be inundated – have been admitted as parties in contested case hearings.

The Applicant and TCEQ Executive Director both recommend that the request of Clay County Farm Bureau member Randi M. Maddox be denied. The Executive Director asserts that that "Program mapping did not confirm inundation" of Mr. Maddox's land. Yet the Office of Public Counsel states that "The ED has prepared a map in this case demonstrating that Mr. Maddox's property is within or near the footprint of the proposed facility." Attached are the metes and bounds describing this property and a hand-drawn map noting GPS coordinates for the corners.

In addition to Mr. Maddox, the Clay County Farm Bureau has other members whose property will be directly impacted by the reservoir. Included among these are Lonnie, Larry, and Stan Horwood with Horwood Ranches, William O'Malley of Kildavnet Castle, LLC, and Emry Birdwell and Deborah Clark of the Birdwell and Clark Ranch. The Executive director recommends granting the request of these property owners.

The location of Horwood Ranches is shown on an attached map.

The location of land held by William O'Malley of Kildavnet Castle, LLC, is described as follows:

The land is on and south of the little Wichita River in the E W. SMITH SURVEY, A-414, THE C. M. CANNON SURVEY, A-90, THE E. C. MAULDIN SURVEY, A-316, THE W. WELLS SURVEY, A-710, THE T. M. HUGHES SURVEY, A-181 AND BLOCKS 4, 15, 22, 33 AND 32, MADISON COUNTY SCHOOL LAND, A-302, CLAY COUNTY, TEXAS.

the land is on and south of the little Wichita River in the E W. SMITH SURVEY, A-414, THE C. M. CANNON SURVEY, A-90, THE E. C. MAULDIN SURVEY, A-316, THE W. WELLS SURVEY, A-710, THE T. M. HUGHES SURVEY, A-181 AND BLOCKS 4, 15, 22, 33 AND 32, MADISON COUNTY SCHOOL LAND, A-302, CLAY COUNTY, TEXAS.

The physical address for the Birdwell and Clark Ranch owned by Emry Birdwell and Deborah Clark is 578 N. Bryant Edwards Road, Henrietta, Texas. The ranch is located on the south side of the proposed Lake Ringgold and includes both sides of the East Fork of the Little Wichita River and portions of the southern bank of the Little Wichita Fiver. Approximately fourteen (14) tracts of the ranch would be negatively impacted with the flooding of the reservoir.

Based on the membership of the above-cited parties, the Clay County Farm Bureau asks that its request for a contested case hearing be granted.

The Clay County Farm Bureau asks further that the Executive Director reverse his recommendation and join the Office of Public Interest Counsel in recommending that CCFB's request for a contested case hearing be granted.

Respectfully submitted,



Scott Cleveland
Clay County Farm Bureau President

Tommy Henderson
Clay County Farm Bureau Vice-President



Randi Maddox
Clay County Farm Bureau Secretary/Treasurer



LAND TRACT: Situated in Clay County, Texas, and being 1367.45 acres, more or less, being part of the following surveys, to-wit: T. M. Hughes Survey, Abst. 179; George Wagoner Survey, Abst. 707; Wiley Morse Survey, Abst. 306; William Smith Survey, Abst. 414; and E. C. Moulden Survey, Abst. 316; and being the Southeast portion of a certain 4000 acre tract conveyed by J. J. Perkins to J. W. Maddox and wife, Carrie Maddox, by deed dated March 12, 1927, recorded in Vol. 102, Page 76, Clay County Deed Records, which said 1367.45 acres is described by metes and bounds as follows:

BEGINNING at the S. W. corner of Block 61 of the J. J. Perkins Subdivision No. 2 and at the S. E. corner of the Emily E. Womble 300 acre tract;

THENCE South 2033 varas to center of Little Wichita River and the S. E. corner of said 4000 acre tract;

THENCE up said River with its meanders to the S. E. corner of the Marjorie M. Steger, et al, 1080 acre tract;

THENCE North 2 deg. 19 min. East 1481 varas, a N. E. corner of said Marjorie M. Steger, et al, tract;

THENCE North 87 deg. 41 min. West 507.6 varas to fence;

THENCE North 13 deg. 14 min. East with said fence, 1449.7 varas to another N. E. corner of said Marjorie M. Steger, et al, 1080 acre tract;

THENCE North 76 deg. 20 min. West 540 varas;

THENCE North 13 deg. 14 min. East 1607.4 varas to center of public road and being the most Northern N. E. corner of said Marjorie M. Steger, et al, 1080 acre tract;

THENCE East with center of said public road 558 varas to the N. W. corner of the 240 acre James D. Maddox, et ux, tract;

THENCE South 13 deg. 14 min. West with fence, 1225 varas to the S. W. corner of said 240 acre tract;

THENCE East 1276 varas to S. E. corner of said 240 acre tract and the West line of Emily E. Womble, et al, 300 acre tract;

THENCE South 1508 varas, S. W. corner of said 300 acre tract;

THENCE East 627.66 varas to the place of beginning.

SECOND TRACT: Situated in Clay County, Texas, and being 21-3/4 acres of land lying South of the Little Wichita River, being a part of the William Smith Survey, Abst. 414, and the E. C. Moulden Survey, Abst. 316, and described by metes and bounds as follows:

BEGINNING at a large Post Oak tree marked X standing on the S. E. bank of the Little Wichita River near the East line of the said William Smith Survey;

THENCE North 79 deg. East 170 varas to the bank of Little Wichita River;

THENCE up said River with its meanders North 28 deg. West 260 varas;

THENCE North 12 deg. West 72 varas;

THENCE North 17 deg. West 486 varas;

THENCE South 68 deg. West 180 varas;

THENCE South 15 deg. East 252 varas;

THENCE South 26 deg. East 216 varas;

THENCE South 31 deg. East 260 varas;

THENCE South 8 deg. West 92 varas to the place of beginning; reference is made to a deed from J. E. Greer to L. G. and W. H. Stanfield, recorded in Vol. 46, Page 362.

Randi Maddox

cc

33.950110
-98.033161 -48.028063

Randi Maddox

33.941751
-98.030735

33.941767
-98.018946

33.938974
-98.036723

33.937950
-98.031927

33.930195
-98.019118

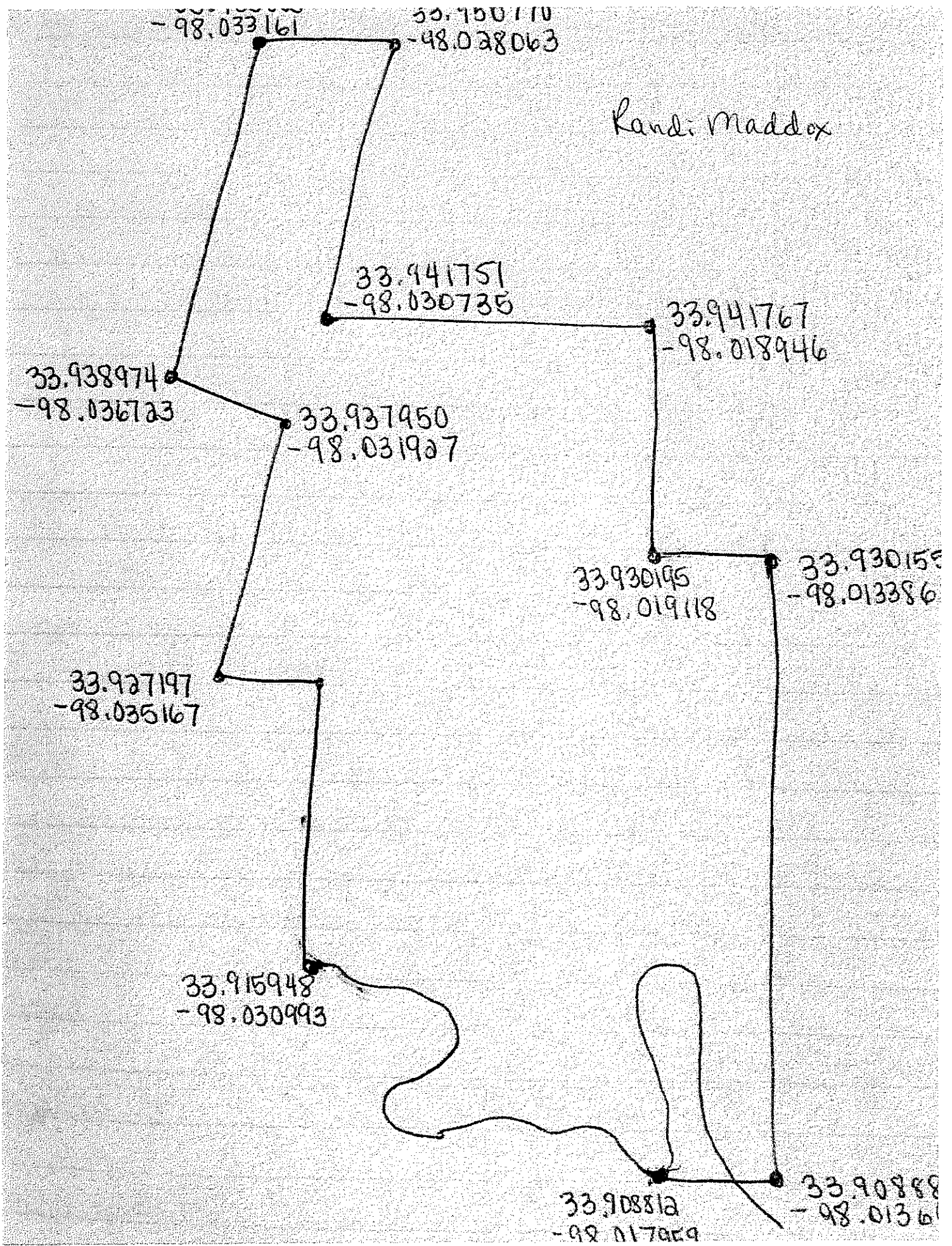
33.930159
-98.013386

33.927197
-98.035167

33.915948
-98.030993

33.908812
-98.017059

33.908888
-98.01361



Horwood Ranch/Lake Ringold

Write a description for your map.

Legend

- Feature 1
- Feature 2
- Feature 3
- Montague Boot Co
- Nocona MX
- Ringgold Elementary School
- US Post Office

33 8962900 N 97 9929801 W

Ferris

Horwood Ranch

Ringgold

Henrietta



7 mi

Google Earth

© 2010 Google