Jon Niermann, *Chairman*Emily Lindley, *Commissioner*Bobby Janecka, *Commissioner*Erin E. Chancellor, *Interim Executive Director* 



### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 18, 2023

TO: Persons on the Attached Mailing List

RE: Docket No. 2023-0120-MWD Mary Jane Cielencki and SJWTX, Inc. (Applicant) Request(s) filed on Permit No. WQ0016052001

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **February 22**, **2023**. The meeting will begin at 9:30 a.m. Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at:

https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm\_agendas.html eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **January 30**, **2023**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **February 13**, **2023**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <a href="https://www.tceq.texas.gov/goto/efilings">www.tceq.texas.gov/goto/efilings</a> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the

commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

Laurie Gharis Chief Clerk

Laurie Gharis

Enclosures: Copies of protestant correspondence to Applicant, Executive Director,

Office of Public Interest Counsel, and Alternative Dispute Resolution.

#### **ATTACHMENT**

# **Procedures Concerning Requests for Reconsideration** and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

### **Requests for Reconsideration**

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

### **Requests for Contested Case Hearing**

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

(1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

### MAILING LIST MARY JANE CIELENCKI AND SJWTX, INC. DOCKET NO. 2023-0120-MWD; PERMIT NO. WQ0016052001

### **FOR THE APPLICANT**

via electronic mail:

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## FOR THE EXECUTIVE DIRECTOR

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## <u>FOR PUBLIC INTEREST COUNSEL</u> via electronic mail:

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### FOR ALTERNATIVE DISPUTE

### **RESOLUTION**

via electronic mail:

Kyle Lucas Texas Commission on Environmental Quality Alternative Dispute Resolution, MC-222 P.O. Box 13087 Austin, Texas 78711 Tel: (512) 239-0687

Tel: (512) 239-0687 Fax: (512) 239-4015

kyle.lucas@tceq.texas.gov

### FOR THE CHIEF CLERK:

Docket Clerk Texas Commission on Environmental Quality Office of Chief Clerk, MC-105 P.O. Box 13087 Austin, Texas 78711 Tel: (512) 239-3300

Fax: (512) 239-3311

www.tceq.texas.gov/goto/efilings

## REQUESTER(S)/INTERESTED PERSON(S):

See attached list.

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ADKINS, MIKE PO BOX 916

BLANCO TX 78606-0916

ALLEN , CATHY
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ALLEN , MRS DEBRA
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SPRING BRANCH TX 78070-5591

ALLEN , TIM M

859 COYOTE TRL SPRING BRANCH TX 78070-6335 ARMENDARIZ , AUTUMN 1401 SPRINGWOOD DR SPRING BRANCH TX 78070-5823

ARTHUR, DAVID & DEBORAH 552 RIVER HAWK SPRING BRANCH TX 78070-5062

ASHER , NINA 460 FAWN RIVER DR

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STE 401S

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BAILEY , JESSICA 12802 COAL MINE RISE SAN ANTONIO TX 78245-3557 BAILEY , JESSICA 957 GOLF COURSE DR E SPRING BRANCH TX 78070-4429

BANFIELD III , WILLIAM F

2009 MOUNTAIN FRST

SPRING BRANCH TX 78070-7033

BARNETT, LESLIE
1201 PHANTOM RIDER TRI.

SPRING BRANCH TX 78070-6299

BEDINGFIELD, JOHN R

161 RIDDLE RD

SPRING BRANCH TX 78070-5436

BERRY , MILBER

251 FAWN LN

SPRING BRANCH TX 78070-5604

BESFER , BRIAN 1645 CROSSBOW DR

CANYON LAKE TX 78133-4198

BESSELMAN , CAROLYN 522 BLACKBIRD DR

SPRING BRANCH TX 78070-5280

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STE 100-115 113 STARGRASS

BROADAWAY, ANN

SPRING BRANCH TX 78070-5164

BROADAWAY , MARIA

514 ARTHUR CT

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BROWN, MARLIN K BUTLER, ANGELA & ROBERT CARROLL BUTLER, ROBERT C 31567 HIGH RIDGE DR 381 BENT OAK DR 381 BENT OAK DR BULVERDE TX 78163-2184 SPRING BRANCH TX 78070-6313 SPRING BRANCH TX 78070-6313 BUZEN, EVITA CARDENAS, MR ERIC CARLSON , DANIEL MARK 386 LANTANA XING 5034 KENILWORTH BLVD 148 SERENE ST SPRING BRANCH TX 78070-7237 SPRING BRANCH TX 78070-5297 SPRING BRANCH TX 78070-6285 CASTILLO QUINTERO, JAZIEL & CLARK, LINDA CARLSON, MARK OUINTERO.EDGAR 148 SERENE ST PO BOX 8 1313 PALADIN TRL SPRING BRANCH TX 78070-5297 SPRING BRANCH TX 78070-0008 SPRING BRANCH TX 78070-4957 CLARK, LINDA & MIKE COEN, JULI CORBIN, BARRY PO BOX 8 432 WHISTLERS WAY PO BOX 921 SPRING BRANCH TX 78070-0008 SPRING BRANCH TX 78070-0921 SPRING BRANCH TX 78070-0089 CRIST, MAJ WAYNE W CROWNOVER, MRS JEN CROWNOVER, JEN 522 SAXET TRL COMAL COUNTY COMMISSIONER PRECINT 4 100 MAIN PLZ SPRING BRANCH TX 78070-4966 150 N SEGUIN AVE NEW BRAUNFELS TX 78130-5115 NEW BRAUNFELS TX 78130-5146 CUMMINGS, JEAN DAILY, ISAIAH WILSON DAVIDEK DIRK 1223 PHANTOM RIDER TRL 2705 CONNIE DR APT 851 SPRING BRANCH TX 78070-6299 CANYON LAKE TX 78133-5266 144 LANDA ST NEW BRAUNFELS TX 78130-7998 DIAZ, JOSEPH L DIAZ, VANESSA M DOWLEN, STUART 226 GAUNTLET 226 GAUNTLET 412 REDLAND DR SPRING BRANCH TX 78070-5396 SPRING BRANCH TX 78070-5396 SPRING BRANCH TX 78070-6047 DUVALL, DOUGLAS DUVALL, SHARON ENOCHS, ANDREW 207 RODNEY LN 207 RODNEY LN 3059 VIEW RIDGE DR CANYON LAKE TX 78133-1903 CANYON LAKE TX 78133-1903 SPRING BRANCH TX 78070-6806 EVANS, ROBERT L EVERGRACE, TIFFANY FASANO, ANTHONY & LEATINE 810 HIDDEN OAKS DR 3600 TANGLEWOOD TRL 216 MELODY MDWS BULVERDE TX 78163-3036 SPRING BRANCH TX 78070-5394 SPRING BRANCH TX 78070-6525

FELUX , BARBARA FILIP , DIANNE FINLEY , KASI
454 PHANTOM RIDER TRL 31884 CAST IRON CV 1162 THUNDER CLOUD
SPRING BRANCH TX 78070-5880 BULVERDE TX 78163-4045 SPRING BRANCH TX 78070-5841

FLORES, RAUL FOLEY, TERRENCE J GARCIA, MR & MRS ALEX NO 284 576 RIVER WAY 2175 FRONTIER SPRING BRANCH TX 78070-6028 132 BLAZING MEADOW RD SPRING BRANCH TX 78070-5999 SPRING BRANCH TX 78070-6393 GARCIA , RONALD J GARCIA, VERONICA GASS, ANNETTE 15060 HIGHWAY 46 W 15060 HIGHWAY 46 W 12471 US HIGHWAY 281 N SPRING BRANCH TX 78070-7061 SPRING BRANCH TX 78070-7061 SPRING BRANCH TX 78070-6318 GASS, GLORIA GASS, SHELLY GASS, DUSTIN 901 BRENT SPRINGS RD PO BOX 31 859 BRENT SPRINGS RD SPRING BRANCH TX 78070-4976 SPRING BRANCH TX 78070-0031 SPRING BRANCH TX 78070-4987 GESCHEIDLE, CHERYL GESCHEIDLE, PAUL GIRAL-CAANEN, INGRID 1340 NIGHTINGALE 1340 NIGHTINGALE PO BOX 677 SPRING BRANCH TX 78070-4729 SPRING BRANCH TX 78070-4729 SPRING BRANCH TX 78070-0677 GIRAL-CAANEN, INGRID GLAVY, MR NATHAN M GLAVY, MR NATHAN M 530 WINDY HILL DR GREATER EDWARDS AQUIFER ALLIANCE GREATER EDWARDS AQUIFER ALLIANCE SPRING BRANCH TX 78070-2236 1809 BLANCO RD PO BOX 15618 SAN ANTONIO TX 78212-2616 SAN ANTONIO TX 78212-8818 GRIMES, SYLVIA GRIMES, WILLIAM GRAINGER, STEVEN 130 STALLION SPRINGS DR 211 SCOUT LN 211 SCOUT LN FISCHER TX 78623-1855 SPRING BRANCH TX 78070-3780 SPRING BRANCH TX 78070-3780 HARPER , LT COL C B HARRISON, NANCY H HENDERSON, MARIAN F 1441 WHISPERING WATER PO BOX 923 1116 SANTA ROSA CT SPRING BRANCH TX 78070-5615 SPRING BRANCH TX 78070-0923 **CANYON LAKE TX 78133-4797** 

HENNIS , ANNHENNIS , ANNHEWETT , DEBORAHANN HENNIS PC148 SERENE STPO BOX 916PO BOX 613SPRING BRANCH TX 78070-5297BLANCO TX 78606-0916

SPRING BRANCH TX 78070-0613

HOENNINGER , A RHOENNINGER , DONNAHUDSON , BEN1984 CAMPFIRE1984 HOENNINGER510 TARA DR

SPRING BRANCH TX 78070-6821

SPRING BRANCH TX 78070-6903 SPRING BRANCH TX 78070 SAN ANTONIO TX 78216-3752

HUDSON, MR BENHUGHES, DAVIDHUSSION-FRANTZ, THOMASSTE 115-6182286 WHISPERING WATER5469 CHIMNEY ROCK20540 HIGHWAY 46 WSPRING BRANCH TX 78070-8000CANYON LAKE TX 78133-3929

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772 PACIFIC PL

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1167 MYSTIC PKWY

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JULIAN , ANDREA

JUNOD , WENDY

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SAN ANTONIO TX 78261-2384

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KELLY , JEROME

KNOLL , MRS SANDRA KAY

SPRING BRANCH TX 78070-6044

LAINE , MRS COLETTE LAUDERDALE , KAREN & TOM LEACH , KELLY

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 1422 LEDGEBROOK
 STE 105-114

 132 BLAZING MEADOW RD
 SPRING BRANCH TX 78070-4961
 1141 N LOOP 1604 E

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 SAN ANTONIO TX 78232-1339

LEMIRE, CELESTELETTE, EDWARDLETTE, KAREN184 ALGERITA LN1245 PHANTOM RIDER TRL1245 PHANTOM RIDER TRLSPRING BRANCH TX 78070-6764SPRING BRANCH TX 78070-6299SPRING BRANCH TX 78070-6299

LLANAS-GARZA , IRMA MANNING , KATRINA D MARDER , JOEL
5034 APACHE MOON 210 OVERVIEW PL 6017 CORNWALL DR
SPRING BRANCH TX 78070-3902 SPRING BRANCH TX 78070-5523 SPRING BRANCH TX 78070-7222

MARDER , SUSAN MARTIN , CATHERINE MAYER , JAMES A MAYOR
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MESZLER, JANNINEMOELLER, DENNISMOHR, LINDA HOLLEY300 BLAZING MEADOW RD209 HIGH POINT CIR6013 CORNWALL DRSPRING BRANCH TX 78070-6354SPRING BRANCH TX 78070-5065SPRING BRANCH TX 78070-7222

MONARREZ , ALVARO MOTE , THOMAS MYERS , MARYLIN & MICHAEL
103 CASCADA PT PO BOX 1013 187 CYPRESS SPRINGS DR
SPRING BRANCH TX 78070-4858 SPRING BRANCH TX 78070-1013 SPRING BRANCH TX 78070-4639

MYERS , MICHAEL C  $202 \; SWIFT \; PL$ 

SPRING BRANCH TX 78070-5063

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PHILLIPS , LYNN

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325 STEAMBOAT

CANYON LAKE TX 78133-6946

PLATT, TIFFANY

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SPRING BRANCH TX 78070-7211

POOL , CHESTER 117 MILFOIL LN

SPRING BRANCH TX 78070-5599

POWELL, JENNIFER

270 FAWN LN

SPRING BRANCH TX 78070-5603

SPRING BRANCH TX 78070-6044

POWELL, MR OWEN J

270 FAWN LN

SPRING BRANCH TX 78070-5603

POWER , CHRYSTINA 88 CALENDULA ST

SPRING BRANCH TX 78070-5269

PRINCE, THERESA

259 STEEPLEBROOK

PROFFITT, JUANITA MARGA

740 CRAIG LN

SPRING BRANCH TX 78070-6316

RENFRO , IRENE M 251 LANDONS WAY

SPRING BRANCH TX 78070-4949

RICHARDSON , KAREN 813 LANDING PT

SPRING BRANCH TX 78070-5445

RIOS . MIKAELA

539 RIVER HAWK

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RODRIGUEZ, JACKELINE

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32912 MONICA VW BULVERDE TX 78163-1838

ROSE, VICTORIA RUIZ, MR ALEJANDRO RUIZ, SILVIA SAVE OUR SPRINGS ALLIANCE 3218 BUCK MEADOW TRL 3218 BUCK MEADOW TRL SPRING BRANCH TX 78070-6390 SPRING BRANCH TX 78070-6390 STE D401 4701 W GATE BLVD AUSTIN TX 78745-1479 SANDIFER, JENNIFER RYAN, DAN SAUNDERS . AMANDA 1127 AGUAYO DR 6528 FALCON RDG 5237 ASCOT AVE CANYON LAKE TX 78133-3025 SPRING BRANCH TX 78070-6427 SPRING BRANCH TX 78070-6536 SAUNDERS, RINDY SHAW, LINDA JEAN SAWICKI, RAYMOND 5237 ASCOT AVE 235 PUZZLE PASS 1123 LAKE DR SPRING BRANCH TX 78070-6427 SPRING BRANCH TX 78070-5536 SPRING BRANCH TX 78070-3880 SHIPMAN, HUBREY G SILVERFINE, EVA SLADE, FRANK G PO BOX 1267 1309 THE LOW RD 302 STALLION ESTATES DR SPRING BRANCH TX 78070-1267 SAN MARCOS TX 78666-1821 SPRING BRANCH TX 78070-3738 SLOANE, KATHRYN SMITH, CAROL & DAVE SOLTYS, DR. PETER P 11006 CANTERBURY RD 424 REDLAND DR 225 GAUNTLET SPRING BRANCH TX 78070-7200 SPRING BRANCH TX 78070-6047 SPRING BRANCH TX 78070-5396 ST CLAIR, SHARI STERNBERG GWEN S STOCKWELL MAX R 8507 TRIPLE CROWN 120 SIRONA WAY PO BOX 1321 FAIR OAKS RANCH TX 78015-4618 SPRING BRANCH TX 78070-1321 SPRING BRANCH TX 78070-5252 STOCKWELL, MEGAN SWIFT, NILSA TAYLOR, RUTH & TONY PO BOX 1321 29650 ANCESTRAL TRL 520 CRAIG LN SPRING BRANCH TX 78070-1321 BULVERDE TX 78163-4308 SPRING BRANCH TX 78070-6314 TAYLOR, TONY WADE THOMAS, SARAH VALENCIA, LYNSEY 520 CRAIG LN 6018 CREEKWOOD PASS 1514 VINTAGE WAY SPRING BRANCH TX 78070-6314 SPRING BRANCH TX 78070-7100 NEW BRAUNFELS TX 78132-2670 VILLA, DANIELLE WARREN, WILLIAM HUNTER WAYNE, WANDA 359 RESTLESS WIND APT 313 107 S CONTOUR DR SPRING BRANCH TX 78070 317 LEXINGTON AVE SPRING BRANCH TX 78070-3887 SAN ANTONIO TX 78215-1901 WELSH, DEE WESSALE, KRISTEN & WILLIAM WESSALE, WILLIAM DON 1408 PHANTOM RIDER TRL 360 BENT OAK DR 360 BENT OAK DR

SPRING BRANCH TX 78070-6312

SPRING BRANCH TX 78070-6312

SPRING BRANCH TX 78070-6415

WHITAKER, BERT & JULIE WHITE, HEIDI WILLIAMS, SARA  $880~{\rm WIESNER~RD}$ 854 MAYBERRY ML 1414 ENSENADA DR SPRING BRANCH TX 78070-7264 NEW BRAUNFELS TX 78130-6845 CANYON LAKE TX 78133-4464 WILSON, CYNTHIA WOODLIFF, FARA WOGULIS , RONALD 708 SHADY COVE LN 3225 BARTON HILL DR 3159 CAMPESTRES SPRING BRANCH TX 78070-6054 BULVERDE TX 78163-4615 SPRING BRANCH TX 78070-2218

WOODLIFF SR , MR WAYNEYOUNG , LARRYZUROVEC , FRANK J3159 CAMPESTRES6 MORGANS BLF30551 BARTELS RDSPRING BRANCH TX 78070-2218SAN ANTONIO TX 78216-8504BULVERDE TX 78163-1909