

**SOAH DOCKET NO. 582-24-12113  
TCEQ DOCKET NO. 2023-1406-DIS**

<b>APPLICATION FOR THE CREATION OF BRAHMAN RANCH MUNICIPAL UTILITY DISTRICT OF ELLIS COUNTY AND JOHNSON COUNTY</b>	§ § § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**APPLICANTS MISKIMON MANAGEMENT III, LLC AND BUFFALO HILLS  
DEVELOPMENT, LLC’S EXCEPTIONS TO THE PROPOSAL FOR DECISION**

TO THE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Miskimon Management III, LLC and Buffalo Hills Development, LLC (together, “Applicants”), support the conclusions of the Administrative Law Judge (“ALJ”) that Applicants have met their burden of proof regarding the creation of the Brahman Ranch Municipal Utility District of Ellis County and Johnson County. Since Applicants have established that the District’s creation meets all applicable requirements and has established that the Petition to Create the District meets all applicable requirements, an Order Granting Petition for Creation of the District (“Order”) should be granted. The Applicants recommend that the ALJ’s draft Order be issued with the following changes recommended below.

**Recommended Changes to the Proposal for Decision**

**Sufficiency of Petition**

Applicants recommend the following changes to the proposed findings of fact under the *Sufficiency of Petition* section of the ALJ’s draft order.

For clarity, Applicants recommend that proposed Finding of Fact No. 20 be revised to include reference to a certification that the Chief Appraiser of the Ellis Appraisal District attesting that, as of January 1, 2022, and from the GIS Director of Johnson Central Appraisal District of Johnson County, that as of November 7, 2022, Applicants owned 100 percent of the appraised

value of the proposed District's realty.

Applicants also recommend an additional Finding of Fact be made stating that there is a single lienholder on the property, and the lienholder has consented to the Petition.

#### **Availability of Comparable Services from Other Systems**

Applicant recommends the following changes to the proposed findings of fact under the *Availability of Comparable Services from Other Systems* section of the ALJ's draft order.

For clarity, Applicant recommends that proposed Finding of Fact No. 24 be revised to state that Mountain Peak Special Utility District holds an *exclusive* legal right to provide retail water service to the District once water infrastructure is built and conveyed.

#### **Reasonableness of Projected Construction Costs, Projected Tax Rates, and Projected Water and Sewer Rates**

Applicants recommend the following changes to the proposed findings of fact under the *Reasonableness of Projected Construction Costs, Projected Tax Rates, and Projected Water and Sewer Rates* section of the ALJ's draft order.

For clarity, Applicants recommend that proposed Finding of Fact No. 27 be revised to reflect that the construction costs are related to the construction of the District's water, wastewater and drainage costs. The costs number also contains a typographical error and should be stated as a total amount of \$46,400,000.

#### **Effect on Natural Run-off Rates and Drainage**

Applicants recommend the following changes to the proposed findings of fact under the *Effect on Natural Run-off Rates and Drainage* section of the ALJ's draft order.

Applicants recommend that an additional finding of fact be made that states that the District's storm drainage improvements will be designed with generally acceptable practices for the design of stormwater systems in the Dallas/Fort Worth metropolitan area and applicable

requirements and design criteria of Ellis County and any other governmental entities with regulatory jurisdiction.

### **Conclusion**

The Applicants support the ALJ's finding that the Applicants met their burden of proof. Therefore, Applicants respectfully request that the Commission adopt the ALJ's proposed Order with the Applicants' recommended changes presented herein and created the District with the recommended changes presented.

Respectfully submitted,

By: /s/ James G. Ruiz

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## **CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2025, a copy of the foregoing document was served on all persons listed via electronic mail.

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