

TCEQ DOCKET NO. 2023-1588-DIS

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| APPLICATION FOR THE | § | |
| CREATION OF HAYS COMMONS | § | BEFORE THE TEXAS |
| MUNICIPAL UTILITY DISTRICT | § | |
| IN HAYS COUNTY, TEXAS | § | COMMISSION ON |
| | § | |
| | § | ENVIRONMENTAL QUALITY |

HAYS COMMONS LAND INVESTMENTS, LP'S
RESPONSE TO HEARING REQUESTS

Hays Commons Land Investments, LP (“Applicant”) respectfully submit this Response to Hearing Requests in the above-referenced matter.

I. INTRODUCTION AND PROCEDURAL HISTORY

The proposed Hays Commons Municipal Utility District (“District”) contains approximately 290.388 acres located within Hays County, Texas. When the application was made, the District’s land was within the extraterritorial jurisdiction of the City of Hays, but effective, September 26, 2023 the District’s land was removed from the extraterritorial jurisdiction of the City of Hays.

Applicant filed its Petition for creation of the District on June 28, 2023. The Petition was deemed administratively complete on June 29, 2023. Applicant duly published the Notice of District Petition in a newspaper generally circulated in Hays County and Notice of the Petition was posted in the Hays County Courthouse. Subsequently, the Texas Commission on Environmental Quality (the “Commission” or “TCEQ”) received a number of requests for a contested case hearing.

The comment period ended on September 25, 2023.

The Office of the Chief Clerk sent notice of the agenda setting for the Commission’s consideration of the hearing requests and setting the hearing on the requests for March 6, 2024.

As more fully set forth below, a contested case hearing is not warranted in this matter and Applicant's Petition should be granted.

II. APPLICABLE LAW

A municipal utility district ("MUD" or "district") may be created under and subject to the authority, of Article XVI, Section 59, of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code, and the Commission's administrative. A district may be created for the following purposes:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power, and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (8) the preservation of all natural resources of the state.

TEX. WATER CODE § 54.012.

To create a MUD, a petition requesting creation shall be filed with the Commission. *See* TEX. WATER CODE § 54.014. The petition shall be signed by a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district. *See id.* The petition shall: (1) describe the boundaries of the proposed district by metes and bounds or by lot and block number; (2) state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition; and (3) include a name of the district which shall be generally descriptive of the locale of

the district. See TEX. WATER CODE § 54.015, 30 TEX. ADMIN. CODE § 293.11(a) and (d).

The Commission shall grant the petition if it conforms to the requirements of section 54.015 of the Water Code and the project is feasible, practicable, necessary, and further, would be a benefit to the land to be included in the district. See TEX. WATER CODE § 54.021(a). In determining if the project is feasible, practicable, necessary, and beneficial to the land included in the district, the Commission shall consider:

- (1) the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;
- (2) the reasonableness of projected construction costs, tax rates, and water and sewer rates; and
- (3) whether or not the district and its system and subsequent development within the district will have an unreasonable effect on the following:
 - (A) land elevation;
 - (B) subsidence;
 - (C) groundwater level within the region;
 - (D) recharge capability of a groundwater source;
 - (E) natural run-off rates and drainage;
 - (F) water quality; and
 - (G) total tax assessments on all land located within a district.

TEX. WATER CODE § 54.021(b).

A hearing requestor must make the request in writing within the time period specified in the notice and identify the requestor's personal justiciable interest affected by the application, specifically explaining the "requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public." 30 TEX. ADMIN. CODE § 55.251(b)—(d).

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. An interest common to members of the general public does not qualify as a personal justiciable interest.” 30 TEX. ADMIN. CODE § 55.256(a). Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons. *See* 30 TEX. ADMIN. CODE § 55.256(b). Relevant factors to be considered in determining whether a person is affected include, but are not limited to:

- (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, 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; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TEX. ADMIN. CODE § 55.256(c).

III. ANALYSIS OF HEARING REQUESTS

A. Governmental Entity Requests

1. The City of Hays (filed by Joshua Katz)

The City of Hays requested a contested case hearing and asserts it is an affected person.

On September 1, 2023, Applicant filed a petition with the City to release property that it owns from the ETJ of the City pursuant to Senate Bill 2038. As of September 26, 2023, the District’s property is no longer in the ETJ of the City of Hays. The City, therefore, has no statutory authority over or interest in the issues relevant to the application. It is, therefore, not an affected person and should not be deemed an affected person.

The City argues that even with the District removed from its ETJ, it is an affected person. The City complains of potential wastewater issues, but wastewater is not the subject of this proceeding or an interest to be protected.

The City also expresses concerns with water quality in the Edwards Aquifer, but many tens of thousands of people draw water from the Edwards Aquifer. This interest, therefore, is common to members of the general public.

Nothing in this hearing request shows that the City of Hays has a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

B. Group Public Requests

1. Save Barton Creek Association (submitted by Brian Zabcik and Clark Hancock)

As a group, Save Barton Creek Association (“SBCA”) must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right. 30 Tex. Admin Code § 55.205(b)(2). SBCA did not do so, and its hearing request should, therefore, be denied.

2. Save Our Springs (submitted by Victoria Rose)

As a group, Save our Springs (“SOS”) must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right. 30 Tex. Admin Code § 55.205(b)(2).

SOS asserts that the Camps would otherwise have standing to request a hearing in their own right. SOS claims that the Camps live within one mile of the proposed MUD. SOS asserts that the Camp’s property depends on groundwater from the Edwards and Trinity Aquifers, and Mr. Camp enjoys the benefits of living near Little Bear Creek.

Even if the Camps’ neighborhood wells draw from the Edwards and Trinity aquifers,

many tens of thousands of people have such wells. This expressed interest is common to members of the general public. Furthermore, the hearing request does not identify how the Camps' interest in enjoying Bear Creek might be impacted by the Development in a way personal to them. Finally, the Camps' expressed interest in economic, property, aesthetic, and personal health and safety interests are simply too generalized to qualify as a personal justiciable interest. The Camps' interests, therefore, do not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

Moreover, the Camps filed their own hearing request in this matter. Their request expressed concerns only about wastewater. This item does not fall within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX. WATER CODE §54.021(b). While SOS may have asserted other concerns on behalf of the Camps, the Camps did not do so. TCEQ should consider the Camp's characterization of the Camps interests, not SOS's characterization.

In addition, while the Camps home is “within one mile,” that distance is not close enough to indicate that they have an actual interest in the District's activities.

In sum, SOS's request should not be granted, and SOS should not be considered an affected person.

1. Greater Edwards Aquifer Authority (submitted by Annalisa Peace)

As a group, Greater Edwards Aquifer Authority (“GEAA”) must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right. 30 Tex. Admin Code § 55.205(b)(2). GEAA did not do so, and its hearing request should, therefore, be denied.

C. Individual Public Requests

Many of the Hearing Requesters indicate that their property is approximately a mile away. A Map attached as Exhibit A shows the location of many of these property owners. As shown on the map, this distance is significant and should be considered when determining whether a party is affected.

(1) Starr, Darlene and Michael

The Starrs expressed interests only common to members of the general public. Their hearing request, therefore, does not qualify as a personal justiciable interest.”30 TEX ADMIN. CODE § 55.256(a). Their comments are essentially generalized concerns about land use and how the owner of the land should utilize its land.

(2) Ybarra, Frank Lee

Mr. Ybarra asserts that his neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. He expressed interests only common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, while Mr. Ybarra identifies his home as being “less than a mile away,” he does not describe his location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(3) Whittington, Keith L

Other than by its mere existence, Mr. Whittington fails to identify how the District’s activities will cause a likely impact of the regulated activity on the health, safety, and use of property of the person or how it will likely impact the use of the impacted natural resource by the person. His hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

(4) Latham, Tina

Ms. Latham expressed interests only common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX. ADMIN. CODE § 55.256(a).

(5) Derrick, David

Mr. Derrick expressed interests only common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX. ADMIN. CODE § 55.256(a). In addition, he does not describe his location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(6) Cooper, Juanita

Ms. Cooper asserts that her neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. She expressed interests only common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, Ms. Cooper does not describe her location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(7) Givens, Jack

Mr. Givens asserts that his neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. He expressed interests only common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, while Mr. Givens identifies his home as being “less than one mile from the” District property, he does not describe his location with sufficient particularity to have his request

qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(8) Lamb, Adrilyn

Ms. Lamb asserts that her neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. She expressed interests only common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, Ms. Lamb does not describe her location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(9) Marcoux, David

Mr. Marcoux asserts that his neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. He expressed interests only common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, while Mr. Marcoux identifies his home as being “less than one mile from the” District property, he does not describe his location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(10) Marcoux, Erika

Ms. Marcoux asserts that her neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. She expressed interests only common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, while Ms. Marcoux identifies her home as being “less than one mile from the” District property, she does not describe her location with sufficient particularity to have his request

qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(11) Bradsher, Daniela

Ms. Bradsher asserts that her neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. She expressed interests only common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, while Ms. Bradsher identifies her home as being “less than one mile from the” District property, she does not describe her location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(12) Matthews, Glenda

Ms. Matthews asserts that her neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. She also expressed generalized concerns about traffic and noise. She expressed interests only common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, while Ms. Matthews identifies her home as being within a mile from the District property, she does not describe her location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(13) Gordon, Roy and Carol

The Gordons assert that her neighborhood wells draw from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. They also expressed generalized concerns about traffic and noise. They expressed interests only common to members of the general public. Their hearing request, therefore, does not qualify as a personal justiciable interest.” 30

TEX ADMIN. CODE § 55.256(a).

In addition, while The Gordons identify their home as being within a mile from the District property, they do not describe their location with sufficient particularity to have their request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(14) McKnight, Linda and Gerald

The McKnights assert concerns with the wastewater treatment plant, which is not the subject of this proceeding or an interest to be protected. Aside from that, they express a concern about lights, which is also not the subject of the proceeding or an interest to be protected. They expressed interests only common to members of the general public. Their hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX ADMIN. CODE § 55.256(a).

In addition, the Gordons do not describe her location with sufficient particularity to have their request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(15) Valdez, Bryan and Lydia and Sanchez, Antonio

These requesters assert concerns with the wastewater treatment plant, which is not the subject of this proceeding or an interest to be protected. Aside from that, they express concerns about their water well system. They express concerns about stormwater runoff, but only as to how it affects the City of Hays. They also assert concerns about traffic. Other than water quality, these items generally do not fall within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b). With respect to water quality and supply, they don't specify how the District's activities might actually affect them personally. Their hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX ADMIN. CODE § 55.256(a).

(16) Pennington, Carol

Ms. Pennington asserts only generalized interests common to members of the general public. She does not show how the District activities affect her uniquely. Her hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

In addition, Ms. Pennington does not describe her location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(17) Thayer, Ted M.

Mr. Thayer asserts generalized concerns about water quality over the Edwards Aquifer and Little Bear Creek but does not specify how the District’s activities will affect him personally. He expressed interests only common to members of the general public.

He also asserts concerns with the wastewater treatment plant, which is not the subject of this proceeding or an interest to be protected.

His hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

(18) Warnken, Royce

Mr. Warnken raises concerns about effects on the City of Hays. He does not specify how the District’s activities will affect him personally. He expressed interests only common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

(19) Clements-Lehman, Theresa

This requester asserts concerns with the wastewater treatment plant, which is not the subject of this proceeding or an interest to be protected. This item does not fall within the scope of items the Commission may consider when reviewing the proposed District’s creation Petition. 30 TEX WATER CODE §54.021(b). This hearing request, therefore, does not qualify as a personal

justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

(20) Lehman, Tom

This requester asserts concerns with the wastewater treatment plant, which is not the subject of this proceeding or an interest to be protected. This item does not fall within the scope of items the Commission may consider when reviewing the proposed District’s creation Petition. 30 TEX WATER CODE §54.021(b). This hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

(21) Blake, Molly

This requester expressed interests only common to members of the general public. She does not describe how any of her concerns might affect her uniquely. This requester’s hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

(22) Warnken, Michael Stephen

Mr. Warnken raises concerns about effects on the City of Hays. He does not specify how the District’s activities will affect him personally. He expressed interests only common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX ADMIN. CODE § 55.256(a).

(23) Williamson, Courtney Shea

This requester expressed interests only common to members of the general public. She does not describe how any of her concerns might affect her uniquely. Ms. Williamson makes suggestion as to how the landowner should develop its property, but doesn’t specify how the District’s activities affect her particularly. This requester’s hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX ADMIN. CODE § 55.256(a).

(24) Knights, Chris

This requester expressed interests only common to members of the general public. She does not describe how any of her concerns might affect him uniquely. This requester's hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX ADMIN. CODE § 55.256(a). Mr. Knight's primary concern is about urbanization. Urbanization does not fall within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

(25) Moccia, Matthew

Other than point-out that she is adjacent to the facility, Ms. Moccia doesn't explain how there is a relationship between the interest claimed and the activity regulated. She doesn't explain how the regulated activity will impact her health, safety, and use of property of the person. She doesn't explain how the regulated activity will likely impact her use of the impacted natural resource. This requester's hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX ADMIN. CODE § 55.256

(26) Morales, Brandon

Mr. Morales made no effort to comply with the requirements for being identified as an affected person. His only statement is "I'd like to contested MUD hearing on the proposed Persimmon development." This statement fails in every respect to qualify Mr. Morales as an affected person.

(27) Thompson, Amber

This requester expressed interests only common to members of the general public. She does not describe how any of her concerns might affect her uniquely. Ms. Thompson asserts generally that utilities, safety, and cost of living are an issue. These issues do not fall within the

scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b). This requester's hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX ADMIN. CODE § 55.256(a).

(28) Andrews, Erin

Although Ms. Andrews says she has a well and she has concerns, she does not show how the District's activities might actually affect her. This requester's hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX ADMIN. CODE § 55.256(a).

In addition, Ms. Andrews does not describe her location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(29) Knight, William

Mr. Knight asserts concerns with wastewater, which is not the subject of this proceeding or an interest to be protected. These issues do not fall within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX. WATER CODE §54.021(b). His hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX ADMIN. CODE § 55.256(a).

In addition, Mr. Knight does not describe his location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX ADMIN. CODE § 55.251(c)(2).

(30) Brisky, Philip

Mr. Brisky asserts that his wells draws from the Edwards and Trinity aquifers, but many tens of thousands of people have such wells. He expressed interests only common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX. ADMIN. CODE § 55.256(a). His primary concern seems to be about development in general and wastewater, which are not within the scope of items the Commission may consider

when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

In addition, while Mr. Brisky identifies his home as being "less than 1 mile from" the District property, he does not describe his location with sufficient particularity to have his request qualify as a valid hearing request. 30 TEX. ADMIN. CODE § 55.251(c)(2).

(31) Belden, Hannah

Ms. Hannah expresses concern about water supply, but this is an interest common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX. ADMIN. CODE § 55.256(a). Her primary concern seems to be about development in general affordable housing, and animals, which are not within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

In addition, while she identifies her home as being "just past the land that they are planning to build on," she does not describe her location with sufficient particularity to have this request qualify as a valid hearing request. 30 TEX. ADMIN. CODE § 55.251(c)(2).

(32) Knight, Stacey

Ms. Knight expresses concern about water supply, but this is an interest common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX. ADMIN. CODE § 55.256(a). Her primary concern seems to be about development in general, which is not within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

In addition, while she identifies her home as being "very close" to the project, she does not describe her location with sufficient particularity to have this request qualify as a valid hearing request. 30 TEX. ADMIN. CODE § 55.251(c)(2).

(33) Shultz, Doyle

Mr. Shultz expresses concern about general water quality but doesn't specify how he is impacted differently from anybody else. This is an interest common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX. ADMIN. CODE § 55.256(a). He additionally lists traffic and sewage as a concern, but these interests are not within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

In addition, while he identifies his home as "back[ing] up to the aerial distribution of sewage," he does not describe his location with sufficient particularity to have this request qualify as a valid hearing request. 30 TEX. ADMIN. CODE § 55.251(c)(2).

(34) Barnett, James

Mr. Barnett expresses concern about general water quality but doesn't specify how he is impacted differently from anybody else. This is an interest common to members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX. ADMIN. CODE § 55.256(a). He additionally lists wastewater and traffic as a concern, but these interests are not within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

(35) Reeves, Barbara

Ms. Reeves expresses concern about general water quality but doesn't specify how she is impacted differently from anybody else. This is an interest common to members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest." 30 TEX. ADMIN. CODE § 55.256(a). She additionally lists wastewater as a "primary" concern, but this interest is not within the scope of items the Commission may consider when reviewing the

proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

(36) McGimsey, John

Mr. McGimsey made no effort to comply with the requirements for being identified as an affected person. Other than identify his location, his only possibly relevant statement is “this will impact our water quality.” This statement fails in every respect to qualify Mr. McGimsey as an affected person.

(37) Raun-Byberg, Ramon

Mr. Raun-Byberg lists wildlife, light pollution, wastewater and traffic as a concern, but these interests are not within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

(38) Lindsey, Jenny

Ms. Lindsey lists wildlife, light pollution, and wastewater as a concern, but these interests are not within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

(39) Moccia, Katie

Ms. Moccia made no effort to comply with the requirements for being identified as an affected person. She not only failed to identify her location, but simply stated that “water and wastewater will have detrimental effects.” This statement fails in every respect to qualify Ms. Moccia as an affected person.

(40) Jackson, James

Mr. Jackson expresses concern about water supply, but this is an interest common to members of the general public – especially when he makes no effort to say how his well might be affected. His hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX.

ADMIN. CODE § 55.256(a).

(41) Wright, Dee

Mr./Ms. Wright expresses concern about general water quality but doesn't specify how he/she is impacted differently from anybody else. This is an interest common to members of the general public. This hearing request, therefore, does not qualify as a personal justiciable interest.” 30 TEX. ADMIN. CODE § 55.256(a). He/she additionally lists wastewater as a concern, but this interest is not within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX WATER CODE §54.021(b).

(42) Camp, Elizabeth and Jim

The hearing request expressed concerns only about wastewater and disposal of wastewater. This item does not fall within the scope of items the Commission may consider when reviewing the proposed District's creation Petition. 30 TEX. WATER CODE §54.021(b). This hearing request, and the Camps' assertion that they are affected persons, therefore, should be rejected.

(43) Yarbrough, Aaron

Mr. Yarbrough made no effort to comply with the requirements for being identified as an affected person. He did not identify any interests personal to him or attempt to explain why the interests he identified affected him differently from members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

(44) Beatty, Alonna

Ms. Beatty made no effort to comply with the requirements for being identified as an affected person. She did not identify any interest, much less how that interest was personal to her.

Her hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

(45) Hargrove, Frances

Mr. Hargrove made no effort to comply with the requirements for being identified as an affected person. He did not identify any interests personal to him or attempt to explain why the interests he identified affected him differently from members of the general public. His primary interest seems to be wastewater – this item does not fall within the scope of items the Commission may consider when reviewing the proposed District’s creation Petition. 30 TEX. WATER CODE §54.021(b). His hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

(46) Aboussie, Karen

Ms. Aboussie made no effort to comply with the requirements for being identified as an affected person. She did not identify any interest personal to her or attempt to explain why the interests she identified affected her differently from members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

(47) Schouten, Lindsey

Ms. Schouten made no effort to comply with the requirements for being identified as an affected person. She did not identify any interest personal to her or attempt to explain why the interests she identified affected her differently from members of the general public. Her hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

(48) Schouten, Kody

Mr. Schouten made no effort to comply with the requirements for being identified as an affected person. He did not identify any interests personal to him or attempt to explain why the interests he identified affected him differently from members of the general public. His hearing request, therefore, does not qualify as a personal justiciable interest. 30 TEX. ADMIN. CODE § 55.256(a).

IV. CONCLUSION

None of the requests for contested case hearing identify any personal justiciable interest as required under the Texas Administrative Code. Specifically, the requests have not shown that any person would be affected by the proposed District in a manner not common to members of the general public or have statutory authority over or an interest in the issues relevant to the applications. Therefore, the requests do not meet the definition of an “affected person” and the hearing requests should be denied.

WHEREFORE, Applicant requests that the hearing requests be denied and that the Petition be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following parties as shown below on this 12th day of February 2024 as follows:

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EXHIBIT A

HAYS COMMONS MUD

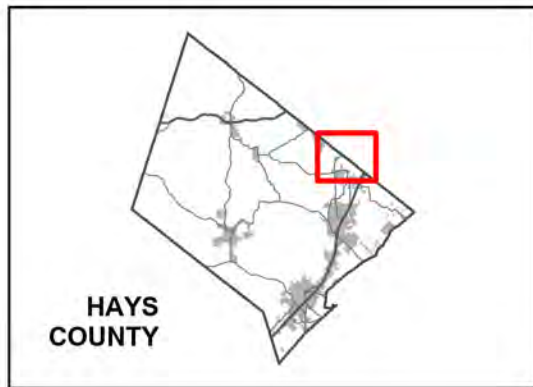
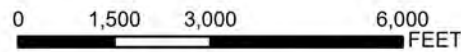
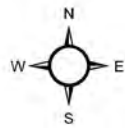
HAYS COUNTY

PROTESTING PROPERTY OWNERS EXHIBIT

FEBRUARY 2024

LEGEND

- HAYS COMMONS MUD
- PROTESTING OWNERS



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AERIAL PHOTOGRAPH: ESRI WORLD IMAGERY



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| R173206 | WHITTINGTON KEITH LYNN & WHITTINGTON KELLY GORMAN | 13511 CARPENTER LN | MANCHACA | TX |
| 140756 | SALINAS ALEX D | 1807 BLANCO RD | SAN ANTONIO | TX |
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