

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

To: Final Documents Team Leader **Date:** March 5, 2024
From: Fernando Salazar Martinez, Staff Attorney, Environmental Law Division
Bradford Eckhart, Staff Attorney, Environmental Law Division
Subject: Backup Materials Filed for the Executive Director's Response to Hearing Requests

Applicant: Theon Ranches Municipal Utility District No. 3
Proposed Permit No.: D-07112023-012
Program: Water Districts
TCEQ Docket No.: 2023-1666-DIS

Enclosed please find a copy of the following documents for inclusion in the background material for this district creation application:

1. Technical memo prepared by staff;
2. Temporary Directors' Affidavits; and
3. Notice of District Petition

Sincerely,

A handwritten signature in black ink, appearing to read 'Fernando Salazar Martinez', with a long horizontal flourish extending to the right.

Fernando Salazar Martinez
Staff Attorney
Environmental Law Division

Texas Commission on Environmental Quality

TECHNICAL MEMORANDUM

To: Justin P. Taack, Manager *AP*
Districts Section *For*
11/13/2023

Date: November 13, 2023

Thru: Daniel Finnegan, Team Lead
District Bond Team

From: Darryl Smith, P.E.
Districts Bond Team

Subject: Petition by Theon Ranches, LP, a Texas limited partnership, Daniel S. Voss, and Kathryn S. Voss for the Creation of Theon Ranches Municipal Utility District No. 3; Pursuant to Texas Water Code Chapters 49 and 54. TCEQ Internal Control No. D-07112023-012 (TC) CN: 606159572 RN: 111771150

A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Theon Ranches Municipal Utility District No. 3 (District) in Williamson County. The petition was signed by Daniel S. Voss and Kathryn S. Voss, individually and as the managers of Theon Ranches, GP, LLC, a Texas limited liability company General Partner of Theon Ranches, LP, a Texas limited partnership (petitioners). The petition states that the Petitioners hold title to a majority in value of the land to be included in the proposed District and it further states that there are no lienholders on the property to be included in the proposed District.

The District is proposed to be created and organized according to the terms and provisions of Article XVI, Section 59 of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code (TWC).

Location and Access

The proposed District is located entirely in Williamson County, Texas approximately 45 miles north of downtown Austin, Texas via I-35. The land tract is approximately 2 miles west of the city limits of Jarrell, Texas situated west of I-35, south of FM 487, and east of CR 234. The proposed District can be accessed from FM 487.

Metes and Bounds Description

The proposed District contains 271.34 acres of land. The metes and bounds description of the proposed District has been reviewed and checked by TCEQ's staff and has been found to form an acceptable closure.

City Consent

The proposed district is not within the corporate limits or extraterritorial jurisdiction of any municipality, therefore, the requirements of TWC Section 54.016 and Texas Local Government Code Section 42.042 do not apply.

County Notification

In accordance with TWC Section 54.0161, a certified letter, dated August 17, 2023, was sent to the Commissioners Court of Williamson County which provided notice of the proposed District's pending creation application and provided the Commissioners Court of Williamson County an opportunity to make recommendations. In response to the proposed District's creation application, the County has requested a contested hearing based on a letter received by the Chief Clerks Office on September 26, 2023.

Statements of Filing Petition

Evidence of filing a copy of the petition with the Williamson County Clerks' Office, the TCEQ's Austin regional office, the Texas state representative, and the Texas state senator was included in the application.

Type of Project

The proposed District will be considered a "developer project" as defined by 30 Texas Administrative Code (30 TAC) Section 293.44(a). Therefore, developer cost participation in accordance with 30 TAC Section 293.47 will be required.

Developer Qualifications

Theon Ranches LP, a Texas limited partnership, managed by Daniel S. Voss and Kathryn S. Voss, owns approximately 900 acres of land in Williamson County in five tracts ranging in size from 20 acres to 270 acres. Theon Ranches' portfolio of land and commercial real estate spans 30 years of active management including the site acquisition, planning, and construction of the Austin Avenue Medical Plaza, a 100,000 square foot medical office development, in the late 2000s.

Other development projects include Salerno, Crescent Bluff Section 4, Palmer Ranch, Blackhawk, and Valley Vista East Phase 2. Theon Ranches is currently planning to develop the District property with a major national builder.

Certificate of Ownership

By signed certificate dated June 6, 2023, the Williamson Central Appraisal District has certified that the appraisal rolls indicate that the Petitioners are the owners of the majority in value of the land in the proposed District.

Temporary Director Affidavits

The TCEQ has received affidavits for consideration of the appointment of the following five temporary directors:

Jonathan Chang

David H. Featherston

Lisa Laguna

Eric Miller

Robert Peerman

Each of the above persons named is qualified, as required by 30 TAC Section 293.32(a), to serve as a temporary director of the proposed District as each (1) is at least 18 years old, (2) is a resident of the State of Texas, and (3) either owns land subject to taxation within the proposed District or is a qualified voter within the proposed District. Additionally, as required by TWC Section 54.022, the majority are residents of the county in which the proposed District is located, a county adjacent to the county in which the proposed District is located, or if the proposed District is located in a county that is in a metropolitan statistical area designated by the United States Office of Management and Budget or its successor agency, a county in the same metropolitan statistical area as the county in which the proposed District is located.

Notice Requirements

Proper notice of the application was published on September 17, 2023, and September 24, 2023, in the *Sunday Sun*, a newspaper regularly published or circulated in Williamson County, the county in which the district is proposed to be located. Proper notice of the application was posted on September 11, 2023, in the Williamson County Courthouse, in the place where legal notices in Williamson County are posted. Accordingly, the notice requirements of 30 TAC Section 293.12(b) have been satisfied. The opportunity for the public to request a contested case hearing (comment period) expired October 24, 2023.

B. ENGINEERING ANALYSIS

The creation engineering report indicates the following:

Availability of Comparable Service

Based on utility CCN and mapping data there is one existing active municipal utility district approximately 2 miles east of the proposed District (Sonterra MUD #7576450) and one existing inactive municipal utility district within 2 miles southeast of the proposed District (Rancho Del Cielo MUD #7175450). In a letter dated June 8, 2023, the District's engineer reached out to Sonterra MUD requesting water and wastewater availability for the District. According to application materials the District lies wholly within the City of Georgetown Utility Systems (GUS) water service area CCN. Based on the current availability of service it is anticipated that GUS will provide retail water to the proposed District. The existing GUS 2" waterline available to the District is undersized and inadequate to provide service to the proposed District. Offsite waterline improvements to upsize the existing 2" line to a 12" line are proposed to supply the necessary water capacity/service to the District's customers. There are no active sanitary sewer providers, sewer lines or drainage lines available to the District. Therefore, in order to serve ultimate development, the District will construct off-site water supply improvements, water distribution, wastewater collection, wastewater treatment facilities, drainage, and detention facilities as noted in the engineering report.

Water Supply Improvements

It is proposed that retail water supply for the District will be provided by GUS. An existing GUS 2" waterline runs through the proposed District. To provide adequate service for the District's customers, approximately 31,500 LF of existing 2" waterline will be upgraded with 12" waterline. The District is proposing to fund the new 12" waterline improvement as well as pay the GUS standard impact fees for the capital improvements and facilities expansions necessitated by and attributable to new development. GUS assesses an impact fee of \$11,000 per ESFC currently which is subject to change. At full development, it is projected that there will be approximately 1,202 equivalent single-family connections (ESFCs) within the District. GUS may require the addition of offsite improvements to serve the projected development. The cost of any required improvements is proposed to be credited to the District in the form of future impact fees to GUS. All water supply and distribution system improvements to serve the proposed District will be designed in accordance with criteria established by GUS, Williamson County, and the TCEQ.

Water Distribution Improvements

The projected ultimate mainline distribution system within the District will consist of approximately 7,185 linear feet (LF) of 12" diameter water line along with all related appurtenances. Additional smaller waterlines are proposed to be constructed with the single-family pod developments. The proposed system will be designed and constructed by or on behalf of the District and may be owned, operated, and maintained by the District, or upon completion of construction conveyed to GUS for ownership, operation, and maintenance. According to the engineering report the water distribution system will be designed to maintain a minimum pressure of 35 psi throughout the distribution network and flow rates of at least 2.0 gallons per minute per ESFC. The system will maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions and will meet or exceed TCEQ requirements.

Wastewater Treatment Improvements

The proposed District plans to own, operate, maintain, and fund construction of a wastewater treatment plant (WWTP). The development is anticipated to have approximately 1,202 ESFCs with a required treatment plant capacity of approximately 360,600 gallons per day (gpd) average daily flow. A 0.4 million gallons per day WWTP is planned to meet the demand at ultimate buildout which will be constructed in phases to coincide with the rate of development. The facility will be located within the District and discharge into Berry Creek. The developer intends to secure TCEQ, and the Environmental Protection Agency NPDES permits during the initial phases of development.

Wastewater Collection Improvements

The wastewater generated by development within the District will flow by gravity through internal sanitary sewer lines to an onsite District constructed WWTP. Based on the engineering report, it is anticipated that the proposed wastewater collection system for the District will consist of approximately 7,363 linear feet of 12" sewer line with related appurtenances and will be designed to accommodate normal infiltration and sewage flows from the District's customers. The wastewater collection system will be designed in accordance with criteria established by the TCEQ. The proposed system will be designed and constructed by or on behalf of the District and will be owned, operated, and maintained by the District.

Storm Water Drainage System and Drainage Improvements

The storm water collection system for full development of the District will consist of a combination of street curbs and gutters with inlets and the storm drainage network will complement the proposed asphalt paved streets with concrete curb-and-gutter and have a minimum pipe diameter of 18". The on-site drainage system will provide detention storage in conformance with Williamson County criteria to minimize downstream or upstream impact. The detention facilities will function as stormwater quality ponds and will follow TCEQ guidelines for stormwater quality in the Edwards Aquifer recharge zone. According to the application material, the storm water conveyance will be directed to either a detention pond or direct discharge into Buttermilk Creek and/or Berry Creek. Detention ponds will be designed to mitigate any effect on downstream runoff rates as stated in the engineering report. All storm drainage improvements will be designed in accordance with the applicable design criteria established by Williamson County.

Road Improvements

The proposed District will construct and finance road projects which will serve the District. The developer will construct roadways to provide access to the areas of the District depending on land use plan. The paving for the roadways will be asphalt and consist of concrete curb and gutter streets where applicable. The roadways will be designed in accordance with Williamson County standards.

Recreational Facilities

The proposed District will fund park and recreation facilities that include but are not limited to land costs for open spaces within the District.

Topography/Land Elevation

The District mainly consists of flat undeveloped pastureland primarily used for recreational and agricultural activity. The existing elevations throughout the tract range from approximately 852 feet above mean sea level (msl) to 889 feet above msl. The average land elevation within the District is 870 feet msl. According to the engineering report the fill/or excavated material used in development and construction of facilities will not cause significant changes in elevation. Therefore, development activity within the proposed District is not expected to have an unreasonable effect on overall land elevations.

Floodplain

Based the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48491C0125F effective December 20, 2019, there is no property in the mapped 100-year floodplain (Zone "A") within the proposed District. According to the engineering report no residential development is planned for the 100-year floodplain area.

Subsidence

The District will receive its water supply from GUS. According to the engineering report GUS obtains its water supply from a combination of surface water from Lake Georgetown and Stillhouse Hollow Lake and groundwater from the Edwards Aquifer. The overall water usage for the area is accounted for in the *Georgetown Utility Systems 2019 Water Conservation Plan*. It is anticipated that the District's water usage will not have an adverse effect on land subsidence within the area.

Dam Safety Analysis

The TCEQ Dam Safety Program personnel reviewed the location of the proposed District (confirmed by letter dated May 31, 2023) and provided the following comments related to dam safety issues:

There are two small ponds along a tributary to Glasscock Branch within the District boundaries. The ponds will need to be evaluated to determine if they will remain or be removed. If they continue as dams, they will need to be evaluated for hydraulic adequacy and hazard classification.

In response to these comments, the Petitioners' engineer indicated that a Dam Safety Analysis will be performed in accordance with regulatory/design standards i.e., Texas Administrative Code 299 at the time of development. The size (small, intermediate, or large) and downstream hazard (low, significant, high) will be evaluated prior to residential development.

Groundwater Levels/Recharge

The District will receive its water supply from GUS. GUS will be responsible for compliance with any recharge/conservation guidelines in the area. According to the engineering report GUS obtains its water supply from a combination of surface water from Lake Georgetown and Stillhouse Hollow Lake and groundwater from Edwards Aquifer. Based on the anticipated water usage the proposed District is not expected to have an adverse effect on the groundwater recharge capability in the area.

Natural Run-off and Drainage

According to the application materials, the current undeveloped overland flow is collected into a variety of tributaries onsite, ultimately draining North to Salado Creek and South to Berry Creek. The proposed District will include a storm sewer system, detention ponds and drainage outfalls. Runoff from the site is expected to be typical of similar residential developments and will be detained prior to release from the District. It is anticipated the proposed District will have no adverse impact on the natural run-off rates or drainage within the vicinity. All proposed detention improvements will be designed and constructed for a 100-year flood event and in compliance with Williamson County standards.

Water Quality

The District's water quality will be monitored and controlled by the water supply provider (GUS). In addition, the treatment and disposal of wastewater from the proposed District will be controlled by the District constructed/owned/operated WWTP in compliance with Texas Pollutant Discharge Elimination System Permits and TCEQ standards. Storm water quality will be controlled via on-site stormwater quality ponds in accordance with the TCEQ Edwards Aquifer Protection Program. No adverse effect of the water quality of ground or surface water is anticipated as a result of this development.

C. SUMMARY OF COSTS

WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS

<u>Construction Costs</u>	<u>District Share</u> ⁽¹⁾
A. Developer Contribution Items	
1. Water Distribution System - Trunklines	\$ 576,457
2. Wastewater Collection System - Trunklines	681,305
3. Storm Water Drainage - Trunklines	358,400
4. Storm Water Quality & Detention Facilities	700,000
5. Clearing and Grubbing	949,690
6. Residential Sections - W, WW, D	14,724,500
7. Contingencies (10% of Items Nos. 1-6)	1,799,035
8. Engineering, Materials, Testing, SWPP (Items Nos. 1-7)	<u>2,968,408</u>
Total Developer Contribution Items	\$ 22,757,795
B. District Items	
1. Water Impact Fees - 1,202 ESFCs @ \$11,000/ESFC	\$ 13,222,000
2. Offsite Water Improvements	3,150,000
3. Wastewater Treatment Plant Facility	6,560,000
4. Contingencies (10% of Item Nos. 2 and 3)	971,000
5. Engineering SWPP (Item Nos. 2 - 4)	<u>1,281,720</u>
Total District Items	\$ 25,184,720
 TOTAL CONSTRUCTION COSTS (73.53% of BIR)	 \$ 47,942,515
 <u>Non-Construction Costs</u>	
A. Legal Fees	\$ 1,304,000
B. Fiscal Agent Fees	1,304,000
C. Interest Costs	
1. Capitalized Interest (2 years @ 5.0%)	6,520,000
2. Developer Interest (5.0%)	4,794,252 ⁽²⁾
D. Bond Discount (3%)	1,956,000
E. Bond Issuance Expenses	316,033
F. District Creation Expenses	100,000
G. Initial Organization and Operations	300,000
H. Bond Application Report Costs	360,000
I. Market Study	75,000
J. Attorney General Fee (0.1%)	65,200
K. TCEQ Bond Issuance Fee (0.25%)	<u>163,000</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 17,257,485
 TOTAL W, WW, & D BOND ISSUE REQUIREMENT	 \$ 65,200,000

Notes: (1) Assumes 70% funding of anticipated developer contribution items, where applicable.

- (2) Assumes the bonds to reimburse the developer will be sold on average 2 years following the completion of facilities.

Eligibility of costs for District funding and 30% developer contribution requirements will be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

ROAD IMPROVEMENT

<u>Construction Costs</u>	<u>District Share</u> ⁽¹⁾
A. Developer Contribution Items	
1. Roadway Improvements	\$ 2,187,360
2. Contingencies (10% of Item No. 1)	218,736
3. Engineering/Inspections/Testing (15% of Item Nos. 1-2)	<u>360,914</u>
Total Developer Contribution Items	\$ 2,767,010
B. District Items - None	
TOTAL CONSTRUCTION COSTS (74.74% of BIR)	\$ 2,767,010
 <u>Non-Construction Costs</u>	
A. Legal Fees	\$ 74,040
B. Fiscal Agent Fees	74,040
C. Interest Costs	
1. Capitalized Interest (2 years @ 5.0%)	370,200
2. Developer Interest (5.0%)	276,701 ⁽²⁾
D. Bond Discount (3%)	111,060
E. Bond Issuance Cost	15,247
F. Bond Application Report	10,000
G. Attorney General's Fee (0.10%)	<u>3,702</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 934,990
 TOTAL ROAD BOND ISSUE REQUIREMENT	 \$ 3,702,000

Notes: (1) Assumes 70% funding of anticipated developer contribution items, where applicable.
(2) Based on developer advancing funds approximately two years prior to reimbursement.

A preliminary layout of roads proposed for funding has been provided, and they appear to benefit the proposed District and the land included within the proposed District. TCEQ's review of eligibility of costs may be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

RECREATIONAL IMPROVEMENTS

<u>Construction Costs</u>	<u>District Share</u> ⁽¹⁾
1. Park & Recreational Improvements	\$ 879,200
2. Contingencies (10% of Item No.1)	87,920
3. Landscape Architecture Fees (10% of Items 1-2)	<u>96,712</u>
TOTAL CONSTRUCTION COSTS (73.52% of BIR)	\$ 1,063,832

Non-Construction Costs

A. Legal Fees	\$	28,940
B. Fiscal Agent Fees		28,940
C. Interest Costs		
1. Capitalized Interest (2 years @ 5.0%)		144,700
2. Developer Interest (5.0%)		106,383 ⁽²⁾
D. Bond Discount (3%)		43,410
E. Bond Issuance Cost		15,730
F. Bond Application Report Costs		10,000
G. Attorney General Fee (0.1%)		1,447
H. TCEQ Bond Issuance Fee (0.25%)		<u>3,618</u>
TOTAL NON-CONSTRUCTION COSTS	\$	383,168
TOTAL RECREATION BOND ISSUE REQUIREMENT	\$	1,447,000 ⁽³⁾

Notes: (1) Assumes 70% funding of anticipated developer contribution items, where applicable.
(2) Based on developer advancing funds approximately two years prior to reimbursement.
(3) Final amount reduced by \$618,000 due to error in fee calculation.

Eligibility of costs for District funding and 30% developer contribution requirements will be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

D. ECONOMIC ANALYSIS

Land Use

The District is planned to consist of single-family development. Planned ultimate development in the proposed District, as shown in the land use plan provided, is as follows:

<u>Land Use</u>	<u>Acreage</u>	<u>EFCS</u>
Residential	240.87	1,202
Wastewater Treatment Plant	1.97	0
Open Space/Buffers/Parks	9.52	0
Detention Facilities	9.12	0
Roadway	<u>9.86</u>	<u>0</u>
Total	271.34	1,202

Market Study

A market study, prepared in June 2023 by RCLCO Real Estate Consulting has been submitted in support of the creation of the proposed District. The proposed District is expected to include approximately 1,202 ESFCs with 40', 50' and 60' lots on a tract totaling approximately 240.87 acres. The average unit home value for a single family 40-foot wide lot is expected to be approximately \$336,250 per unit (845 units), 50-foot wide lot approximately \$388,750 per unit (228 units), 60-foot wide lot approximately \$473,750 per unit (129 units). All lots are approximately 120-foot in length. The study indicates the anticipated peak absorption rate of (109) units per year across the entire offering of 40', 50', and 60' wide single family lots will be over a 13-year buildout period.

Project Financing

The projected taxable assessed valuation (AV) for the proposed District is as follows:

<u>Development Description</u>	<u>Units</u>	<u>Estimated Average</u>	<u>Total Buildout</u>
		<u>Value</u> <u>per Unit</u> ⁽¹⁾	<u>Value</u>
Single Family (40' Lot)	845	\$336,250	\$284,131,250
Single Family (50' Lot)	228	\$388,750	\$88,635,000
Single Family (60' Lot)	129	\$473,750	<u>\$61,113,750</u>
		Total AV	\$433,880,000

Note: (1) Based on June 2023, market study data.

Considering the issuance of a total of \$70,349,000 (\$65,200,000 for utilities, \$3,702,000 for roads and \$1,447,000 for recreational facilities) in bonds, assuming 70% financing where applicable, a bond coupon rate of 5.0%, and a 30-year bond life, the average annual debt service requirement would be \$4,576,303 (\$4,241,354 for utilities, \$240,820 for roads and \$94,129 for recreational facilities). Assuming a 97% collection rate and an ultimate AV of \$433,880,000, a projected ultimate tax rate of approximately \$1.09 (\$1.01 for utilities, \$0.06 for roads and \$0.02 for recreational facilities) per \$100 AV was indicated to be necessary to meet the annual debt service requirements for the proposed District. An additional \$0.11 per \$100 AV is projected to be levied for maintenance and operating expenses, for a combined proposed District tax rate of \$1.20.

Based on the information provided and assuming 70% financing where applicable, the total year 2022 overlapping tax rates on land within the proposed District are shown as follows:

<u>Taxing Jurisdiction</u>	<u>Tax Rates</u> <u>(Williamson County)</u> ⁽¹⁾
Theon Ranches MUD No. 3 (District)	\$1.200 ⁽²⁾⁽³⁾
Williamson County - General Fund & Debt	\$0.338
Williamson County - FM/Road	\$0.038
Williamson County ESD No. 5	\$0.094
Jarrell ISD	<u>\$1.355</u>
TOTAL TAX per \$100 AV:	\$3.025

Notes: (1) Tax rate per \$100 AV.

(2) Represents \$1.01 for utilities, \$0.06 for roads, \$0.02 for recreational facilities and \$0.11 for operation and maintenance tax.

(3) Assuming 100% funding of anticipated developer contribution items, where applicable.

Based on the proposed District tax rate and the year 2022 overlapping tax rate on land within the proposed District, the project is considered economically feasible. Each bond issue will be evaluated based on its own economic feasibility merits.

Water and Wastewater Rates

According to information provided, GUS will provide retail water and the District will provide the retail sanitary sewer services to District customers at competitive rates as follows:

Water rate:

<u>Monthly Fee</u>	<u>Water Usage</u>
* Residential (\$22.10 Base Fee/ESFC)	0 gallons
\$2.05 per 1,000 gallons	1 to 7,000 gallons
\$3.10 per 1,000 gallons	7,001 to 15,000 gallons
\$5.35 per 1,000 gallons	15,001 to 25,000 gallons
\$9.40 per 1,000 gallons	25,001 gallons or more

*Note: Base rate for 5/8" tap

Wastewater rate:

The proposed District estimates the wastewater rate will be comparable to GUS and the City of Jarrell averaging \$37.00 per month.

Based on the above rates, the estimated monthly fee for 10,000 gallons of water and wastewater would be \$82.75.

Comparative Water District Tax Rates

A combined projected tax rate of \$1.20 per \$100 AV, as indicated above, for 70% financing where applicable for the proposed District is comparable to other districts in the area. Based on the requirements of 30 TAC Section 293.59, this project is considered economically feasible. Each particular bond issue will be evaluated based on its own economic feasibility merits and the rules and regulations in place at the time prior to the issuance of any bonds by the District.

E. SPECIAL CONSIDERATION

Request for Road Powers

A request for approval of road powers was included in the petition for creation of the proposed District. Pursuant to TWC Section 54.234, approval of road powers may be requested at the time of creation. The engineering report provided with the application included a summary of the estimated costs. The proposed roads appear to benefit the proposed District, and financing appears feasible.

F. CONCLUSIONS

1. Based on TCEQ policy, compliance with TCEQ rules, and review of the engineering report and supporting documents, the proposed District is considered feasible, practicable, a benefit to the land within the proposed District, and necessary as a means to finance utilities and to provide utility service to future customers.
2. Based on a review of the preliminary engineering report; market study; the proposed District's water, wastewater, drainage facilities, roads, and recreational facilities; a combined projected tax rate of \$1.20 per \$100 AV when assuming 70% financing where applicable; the proposed District obtaining a 5.0% bond coupon interest rate; and other supporting data the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC Section 293.59.

3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

G. RECOMMENDATIONS

1. Grant the petition for creation of Theon Ranches Municipal Utility District No. 3.
2. Grant the District's request to acquire road powers in accordance with TWC Section 54.234 and 30 TAC Sections 293.11(d)(11), 293.201, and 293.202 subject to the requirement imposed by the TCEQ and the general laws of the state relating to the exercise of such powers.
3. The Order granting the petition should include the following statements:

"This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the petition for creation, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration."

4. Appoint the following five persons to serve as temporary directors until permanent directors are elected and qualified:

Jonathan Chang

David H. Featherston

Lisa Laguna

Eric Miller

Robert Peerman

H. ADDITIONAL INFORMATION

The Petitioner's professional representatives are:

Attorney: Mr. Anthony Corbett – McLean and Howard LLP
Creation Engineer: Mr. Joseph Yaklin, P.E. – BGE, Inc.

REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared Jonathan Chang, who expressed a desire to become a Director of Theon Ranches Municipal Utility District No. 3 (hereinafter the "District"), to serve until his or her successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of _____ County, State of Texas, being the County in which the District is located.

[OR]

☒ I am a resident of Bell County, State of Texas, being a County adjacent to the County in which the District is located.

☐ I am resident of _____ County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located.

3. I am not now and have no present plans to be a developer of property in the District (defined as a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
4. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
5. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
6. ☒ I am presently employed as Security Engineer

[OR]

☐ I am not employed at this time.

7. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.
8. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
9. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
10. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
11. I am aware that the Board of Directors of a District is a governmental body that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
12. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly nor indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

14. Jonathan Chang
(Full Name)
3209 Morgan Mill Rd.
(Home Address)
Kempner 76539 (972) 977-3018
(City) (Zip Code) (Telephone)
jon.chang1982@gmail.com
(Email Contact)

John Chang
(Signature of Affiant)

ACKNOWLEDGEMENT

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

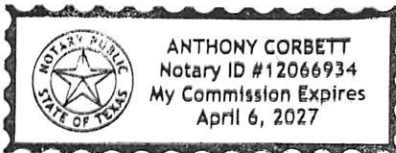
Before me, the undersigned authority, on this day personally appeared, John Chang, who desires to be appointed as director of Theon Ranches Municipal Utility District No. 3 to serve until his/her successor is elected or appointed, and who being by me first duly sworn on his/her oath deposed and said that every response and statement set forth herein is true and correct.

Sworn to and subscribed before me this 28th day of June, 2028.

Anthony S. Corbett

Notary Public in and for
the State of Texas

(SEAL)



REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared David H. Featherston, who expressed a desire to become a Director of Theon Ranches Municipal Utility District No. 3 (hereinafter the "District"), to serve until his or her successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of _____ County, State of Texas, being the County in which the District is located.

[OR]

- ☒ I am a resident of T r a v i s County, State of Texas, being a County adjacent to the County in which the District is located.
 - ☐ I am resident of _____ County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located.
3. I am not now and have no present plans to be a developer of property in the District (defined as a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
 4. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
 5. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
 6. ☒ I am presently employed as a CPA for various clients, either by a contract basis (1099) or as a W-2 employee (Whitley & Siddons, Inc.).

[OR]

☐ I am not employed at this time.

7. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.
8. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
9. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
10. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
11. I am aware that the Board of Directors of a District is a governmental body that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
12. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly nor indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

14. David H. Featherston
(Full Name)

415 N. Tumbleweed Trl
(Home Address)

<u>Austin</u>	<u>78733</u>	<u>512-762-9525</u>
(City)	(Zip Code)	(Telephone)

d.feather@att.net
(Email Contact)

David H. Featherston

(Signature of Affiant)

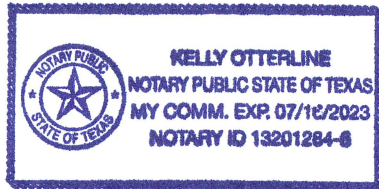
ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared, David H. Featherston, who desires to be appointed as director of Theon Ranches Municipal Utility District No. 3 to serve until his her successor is elected or appointed, and who being by me first duly sworn on his her oath deposed and said that every response and statement set forth herein is true and correct.

Sworn to and subscribed before me this 15 day of June, 2023.



(SEAL)

Kelly Otterline

Notary Public in and for
the State of Texas

REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared Lisa Laguna, who expressed a desire to become a Director of Theon Ranches Municipal Utility District No. 3 (hereinafter the "District"), to serve until his or her successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of Williamson County, State of Texas, being the County in which the District is located.

[OR]

- ☐ I am a resident of _____ County, State of Texas, being a County adjacent to the County in which the District is located.
- ☐ I am resident of _____ County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located.
3. I am not now and have no present plans to be a developer of property in the District (defined as a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
 4. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
 5. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
 6. ☒ I am presently employed as Sales Rep at Welcome Wagon.

[OR]

☐ I am not employed at this time.


7. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.
8. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
9. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
10. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
11. I am aware that the Board of Directors of a District is a governmental body that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
12. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly nor indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

14. Lisa Laguna
(Full Name)

304 Miracle Rose Way
(Home Address)

Liberty Hill, TX 78642
(City) (Zip Code) (Telephone)

lisalaguna93@gmail.com
(Email Contact)


(Signature of Affiant)

ACKNOWLEDGEMENT

STATE OF TEXAS §

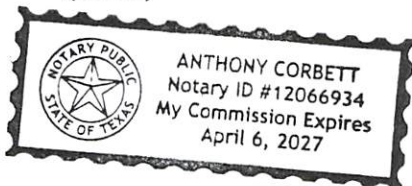
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared, Lisa Laguna, who desires to be appointed as director of Theon Ranches Municipal Utility District No. 3 to serve until his/her successor is elected or appointed, and who being by me first duly sworn on his/her oath deposed and said that every response and statement set forth herein is true and correct.

Sworn to and subscribed before me this 28th day of June,
2023.


Notary Public in and for
the State of Texas

(SEAL)



REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared Eric Miller, who expressed a desire to become a Director of Theon Ranches Municipal Utility District No. 3 (hereinafter the "District"), to serve until his or her successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District.
2. I am a resident of Lampasas ^{TX} County, State of Texas, being the County in which the District is located.

[OR]

☒ I am a resident of Lampasas County, State of Texas, being a County adjacent to the County in which the District is located.

☐ I am resident of _____ County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located.

3. I am not now and have no present plans to be a developer of property in the District (defined as a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
4. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
5. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
6. ☒ I am presently employed as engineer

[OR]

☐ I am not employed at this time.

7. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.
8. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
9. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
10. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
11. I am aware that the Board of Directors of a District is a governmental body that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
12. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly nor indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

14.

Eric Miller

(Full Name)

2501 Winchester

(Home Address)

Copperas Cove

(City)

76522

(Zip Code)

512-876-6717

(Telephone)

Eric.Miller@odysseyrf.com

(Email Contact)


(Signature of Affiant)


ACKNOWLEDGEMENT

STATE OF TEXAS §

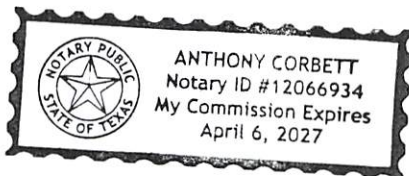
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared, Eric Miller, who desires to be appointed as director of Theon Ranches Municipal Utility District No. 3 to serve until his/her successor is elected or appointed, and who being by me first duly sworn on his/her oath depose and said that every response and statement set forth herein is true and correct.

Sworn to and subscribed before me this 28th day of June,
2023.


Notary Public in and for
the State of Texas

(SEAL)



REQUEST FOR CONSIDERATION OF APPOINTMENT AS DIRECTOR

THE STATE OF TEXAS

§

COUNTY OF Travis

§

BEFORE ME, the undersigned duly constituted authority of the State of Texas, on this day personally appeared Robert Peerman, who expressed a desire to become a Director of Theon Ranches Municipal Utility District No. 3 (hereinafter the "District"), to serve until his or her successor is elected or appointed, and who on oath did state:

1. I am at least eighteen years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. *mp*
2. I am a resident of Travis County, State of Texas, being the County in which the District is located.

[OR]

- ☒ I am a resident of Travis County, State of Texas, being a County adjacent to the County in which the District is located.
- ☐ I am resident of _____ County, State of Texas, being a County located in the same metropolitan statistical area (designated by the United States Office of Management and Budget) as the County in which the District is located.
3. I am not now and have no present plans to be a developer of property in the District (defined as a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, etc. for public use or use by other landowners within the District).
4. I am not related within the third degree of affinity (marriage) or consanguinity (blood) to a Developer of property within the District, to any of the other Directors of the District, or to the Attorney, Engineer, or Manager of the District.
5. I am not an employee of any Developer of property within the District or any other Director, the Attorney, or Engineer of the District. Nor was I, within the two years immediately preceding this proposed appointment, an employee of any Developer of property within the District or of any Director, Attorney, or Engineer of the District.
6. ☒ I am presently employed as a VP of Land + Dev. for Epitome Development.

[OR]

☐ I am not employed at this time.

7. I am not a State employee nor do I receive all or part of my compensation directly or indirectly from funds of the State of Texas; or, in the alternative, I will not accept fees of office for serving on the Board of Directors of the District.
8. Neither my employer nor I have any business or other connection with the Developer of the District, the Attorney representing the District, or the Consulting Engineer for the District in regard to the District and the development therein.
9. I presently own taxable land within the District. I agree to notify the Board of Directors of the District should I become disqualified to serve on the Board by virtue of the above condition ceasing to exist. I have no plans for my land within the District other than holding said land to allow myself to serve as a Director of the District.
10. I am generally familiar with the responsibilities of a Director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers, and residents of the District.
11. I am aware that the Board of Directors of a District is a governmental body that by law notice of its meetings must be posted, its meetings must be open to the public, and its records available for inspection by the public at all reasonable times.
12. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality (the "Commission"). I will cooperate fully with the Commission in its exercising of supervisory powers.
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly nor indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

14.

Robert Peerman

(Full Name)

6617 VALLEYSIDE RD

(Home Address)

AUSTIN

78731

(City)


(Zip Code)

512 705-2911

(Telephone)

robert@epitome.dev

(Email Contact)


(Signature of Affiant)

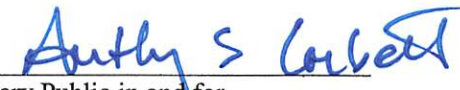
ACKNOWLEDGEMENT

STATE OF TEXAS §

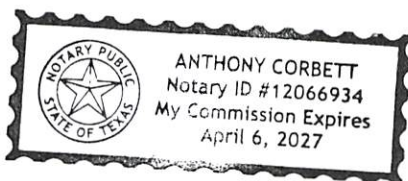
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared, Robert Peerman, who desires to be appointed as director of Theon Ranches Municipal Utility District No. 3 to serve until his/her successor is elected or appointed, and who being by me first duly sworn on his/her oath deposed and said that every response and statement set forth herein is true and correct.

Sworn to and subscribed before me this 28th day of June, 2023.


Notary Public in and for
the State of Texas

(SEAL)



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF DISTRICT PETITION TCEQ Internal Control No. D-07112023-012

PETITION. Theon Ranches, LP, a Texas limited partnership, Daniel S. Voss, and Kathryn S. Voss (Petitioners) filed a petition for the creation of Theon Ranch Municipal Utility District No. 3 (District) in Williamson County, Texas with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 271.34 acres of land located within Williamson County, Texas; and (4) none of the land to be included within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A," which is attached to this document.

The petition further states that the work to be done by the proposed District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes; to collect, transport, process, dispose of and control domestic, industrial and commercial wastes; to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; to construct, maintain, improve and operate graveled or paved roads or turnpikes that serve or are intended to serve as an arterial or main feeder roads, or works, facilitates, or improvements in aid of those roads or turnpikes inside or outside the boundaries of the proposed District to the extent authorized by Article III, Section 52 of the Texas Constitution; to purchase, construct, acquire, provide, operate, maintain, repair, improve, extend and develop park and recreational facilities for the inhabitants of the District; and to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the proposed District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$70,967,000 (\$65,200,000 for water, wastewater, and drainage plus \$3,702,000 for roads and \$2,065,000 for recreational facilities).

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

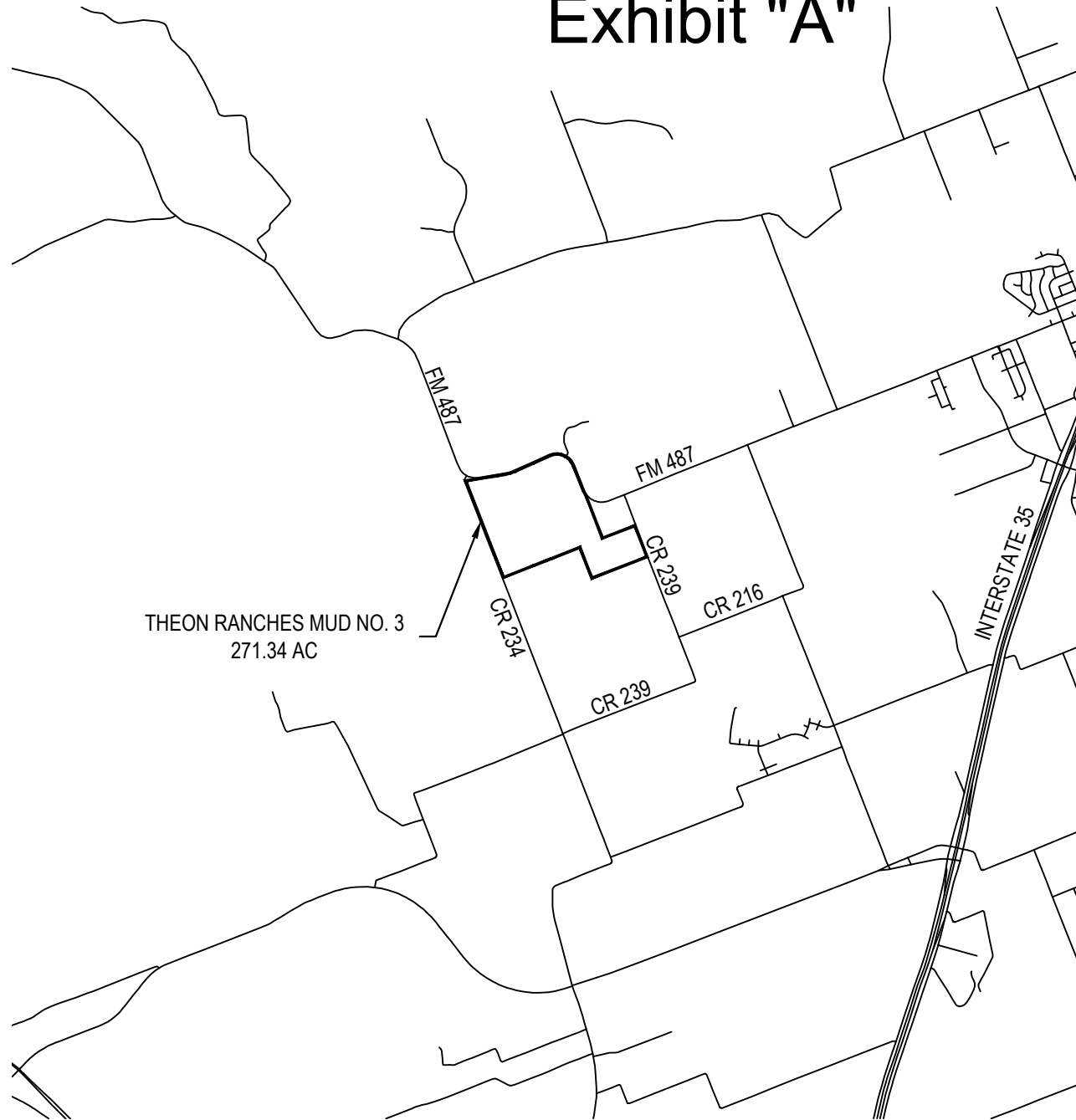
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

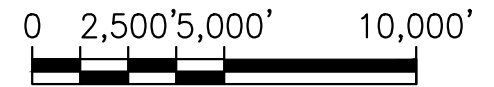
INFORMATION. Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ can be found at our web site <http://www.tceq.texas.gov/>.

Issued: August 31, 2023

Exhibit "A"



THEON RANCHES MUD NO. 3
271.34 AC



THEON RANCHES MUD NO. 3

VICINITY MAP



BGE, INC.
101 W. LOUIS HENNA BLVD,
AUSTIN, TX 787728
TBPE Registration No. F-1046
TEL: 512-879-0400 www.bgeinc.com