

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by City of Wichita Falls for Water Use Permit No. 13404; TCEQ Docket No. 2022-0125-WR.

On April 13, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for a contested case hearing concerning the application by the City of Wichita Falls Water for Use Permit No.13404 in Archer, Clay, and Wichita Counties. All of the requests were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests filed by the Applicant, the Executive Director, and the Office of Public Interest Counsel; timely replies filed by hearing requesters; all timely public comment; and the Executive Director's Response to Comments.

After an evaluation of all relevant filings, the Commission determined that Emry Birdwell; Deborah Clark; Shane and Casey Cody; Laura Del Murray; Joshua Don Ferguson; Mark Hill; Stan Horwood; Larry Horwood; Lonnie Horwood; Kildavnet Castle, LLC; Carol Staley Morrow, executor of the Staley Family Trust and Melva Jo Staley Estate; Jason Obermier; Jimmy Dale Obermier; Johnnie Shaw; Joe Staley; Phil Staley; Gil Staley; Umhaill Valley, LLC; William (Chris) Welborn and Welborn Ranch Ltd.; the City of Henrietta; Clay County; the National Wildlife Federation; the Texas and Southwestern Cattle Raisers Association; the Texas

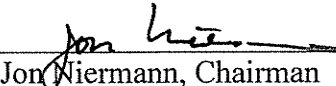
Conservation Alliance; the Texas Wildlife Association; and the Texoma Stewardship Coalition qualify as affected persons, as provided by applicable law. The Commission next determined that the hearing requests of Frances Essler, Sharon Fitts, Edna Mae Klein, Randi Maddox, and Clay County Rural Development, LLC should be referred to SOAH for an affectedness determination. The Commission found that the remaining hearing requesters did not demonstrate their qualifications as affected persons as required by applicable law, and the Commission determined to deny those hearing requests. The Commission determined to refer the City of Wichita Falls' Application to the State Office of Administrative Hearings (SOAH) for a contested case hearing.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

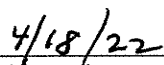
1. The requests for a contested case hearing filed by Emry Birdwell; Deborah Clark; Shane and Casey Cody; Laura Del Murray; Joshua Don Ferguson; Mark Hill; Stan Horwood; Larry Horwood; Lonnie Horwood; Kildavnet Castle, LLC; Carol Staley Morrow, executor of the Staley Family Trust and Melva Jo Staley Estate; Jason Obermier; Jimmy Dale Obermier; Johnnie Shaw; Joe Staley; Phil Staley; Gil Staley; Umhaill Valley, LLC; William (Chris) Welborn and Welborn Ranch Ltd.; the City of Henrietta; Clay County; the National Wildlife Federation; the Texas and Southwestern Cattle Raisers Association; the Texas Conservation Alliance; the Texas Wildlife Association; and the Texoma Stewardship Coalition are hereby GRANTED.
2. The hearing requests of Frances Essler, Sharon Fitts, Edna Mae Klein, Randi Maddox, and Clay County Rural Development, LLC are REFERRED to SOAH for an affectedness determination.
3. All other hearing requests are hereby DENIED.

4. The matter is REFERRED to SOAH for a contested case hearing on the City of Wichita Falls' Application.
5. If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



Jon Niermann, Chairman



Date Signed