



City of Whitehouse

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City Manager

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TCEQ DOCKET NO. 2009-0168-WR

APPLICATION BY  
LOWER NECHES VALLEY  
AUTHORITY  
JEFFERSON COUNTY, TEXAS

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

OPA

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CHIEF CLERKS OFFICE

2009 JUL 10 AM 10:52

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

JUL 10 2009

CITY OF WHITEHOUSE'S WITHDRAWAL OF REQUEST  
FOR CONTESTED CASE HEARING

BY *BF*

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The Lower Neches Valley Authority ("LNVA") has filed with the Texas Commission on Environmental Quality ("TCEQ") and application to amend Special Conditions 5.C and 5.D in Certificate of Adjudication No. 4411F. The City of Whitehouse ("Whitehouse"), by a letter dated February 18, 2008, requested a contested case hearing regarding LNVA's application and to be named a party to such a hearing, based on our concerns that the amendment might have an effect on the development of Lake Columbia or the yield of Lake Striker, two surface water sources for which Whitehouse has contractual rights. However, subsequent to submission of the hearing request, the TCEQ staff evaluated the application and issued memoranda with their findings and a draft permit.

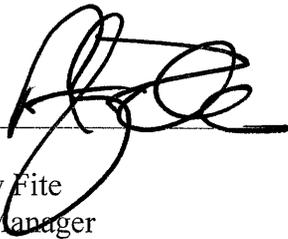
Based on this information, the Angelina and Neches River Authority ("ANRA"), which holds the permit to appropriate state water at Lake Columbia, sent a withdrawal of its request for a contested case hearing to the TCEQ on April 30, 2009. Because ANRA is satisfied that the amendment, "as currently worded," "will not affect senior water rights and particularly the

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ANRA permit,” Whitehouse is also satisfied that its interests in Lake Columbia are not affected. Further, it is clear from the draft permit that Lake Stryker, which has a water right that is and will remain senior to LNVA’s water rights under the amended Certificate of Adjudication No. 4411F, would be unaffected by granting of the amendment.

Therefore, the City of Whitehouse withdraws its request for a contested case hearing. If, however, a contested case hearing is granted at the request of other parties and ANRA seeks to be made a party to the contested case proceeding, the City of Whitehouse reserves its right to seek to be admitted as a party at the preliminary hearing under 30 Tex. Admin. Code § 80.109. Whitehouse still wishes to be provided notice of all actions and decisions relating to the LNVA application as an interested person.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronny Fite", is written over a horizontal line. The signature is stylized and somewhat cursive.

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