

TCEQ Public Meeting Form

Thursday, January 25, 2007

574

Chocolate Bayou Water Company

Certificate of Adjudication

Application No. 12-5322E

OPA RECEIVED

JAN 25 2007

AT PUBLIC MEETING

PLEASE PRINT:

Name: Robert N. Balcells

Address: 9801 Westheimer St 500

City/State: Houston TX Zip: 77042

Phone: (713) 914-6557

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group?

Yes No

If yes, which one? Brazoria County Groundwater Conservation District

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERKS OFFICE
2007 FEB -7 PM 2:42

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

Robert Balcells

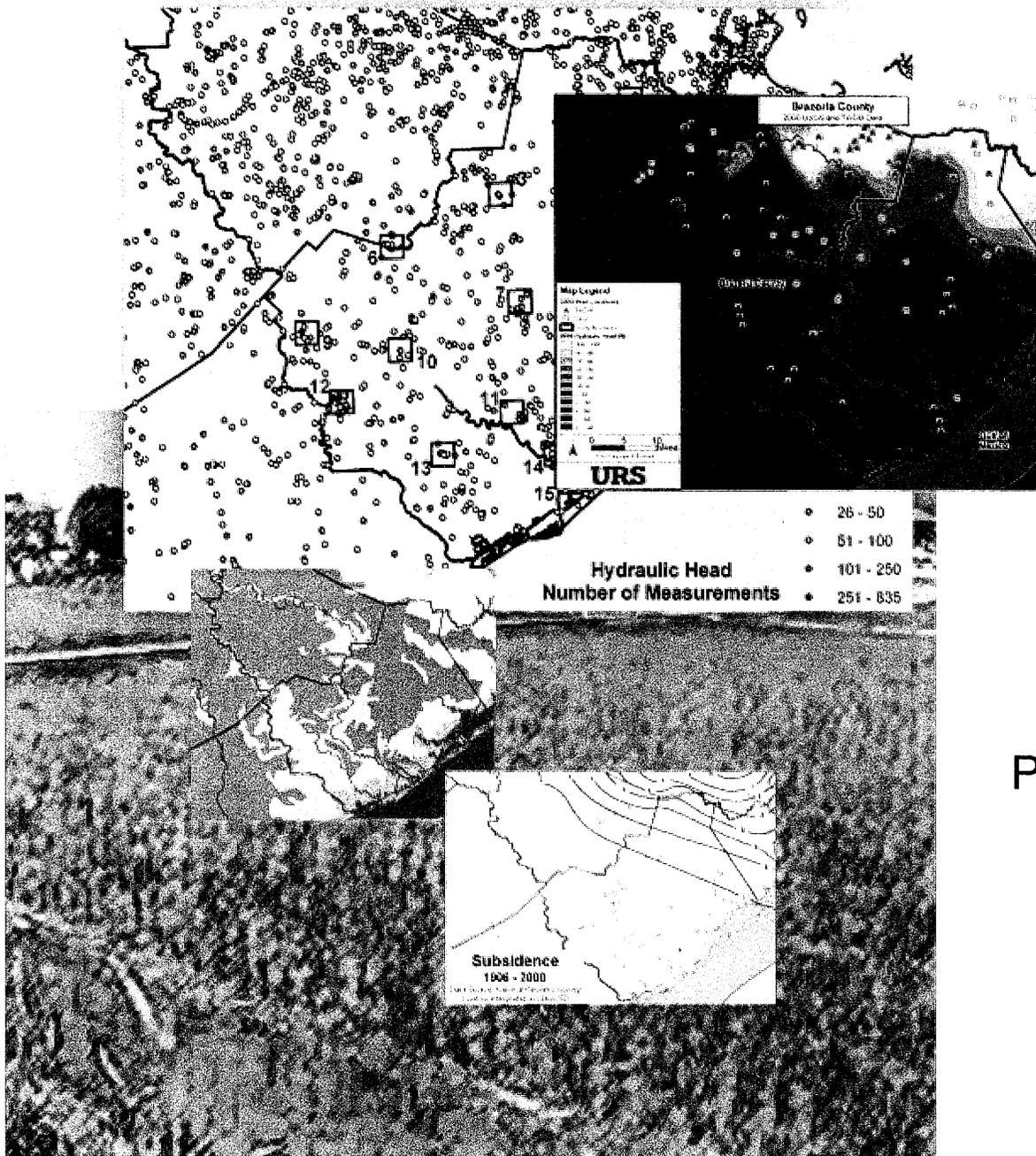
OPA RECEIVED

JAN 25 2007

AT PUBLIC MEETING

Brazoria County Groundwater Conservation District

Presented by URS on behalf of
the Brazoria County
Groundwater Conservation
District



MW

Who is the Brazoria County Groundwater Conservation District?

A groundwater district created by the Texas Legislature to protect and conserve the groundwater resources in Brazoria County. The BCGCD was created in the 2003 legislative session and was confirmed in a county-wide election held in November 2005.

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AT PUBLIC MEETING

Check Out: <http://www.bcgroundwater.org/>

URS



Why is the District Interested in Surface Water Issues?

The district is interested because:

Concerns that long-term demands for water will outpace groundwater resources of Brazoria County

Potential Brazoria County water resources allocated to other counties

Potential issues regarding recharge of Brazoria County aquifers.

OPA RECEIVED

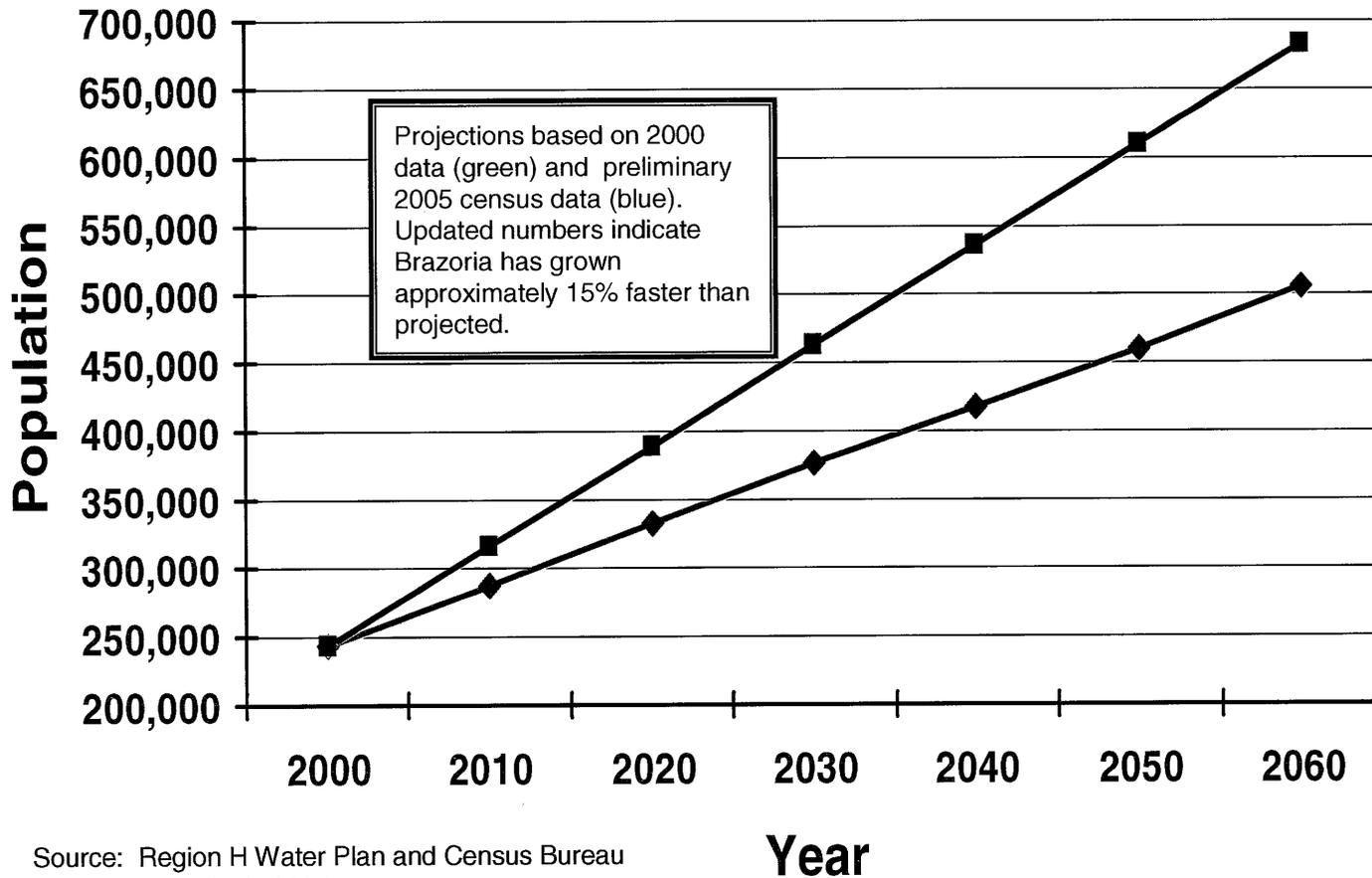
JAN 25 2007

AT PUBLIC MEETING

URS



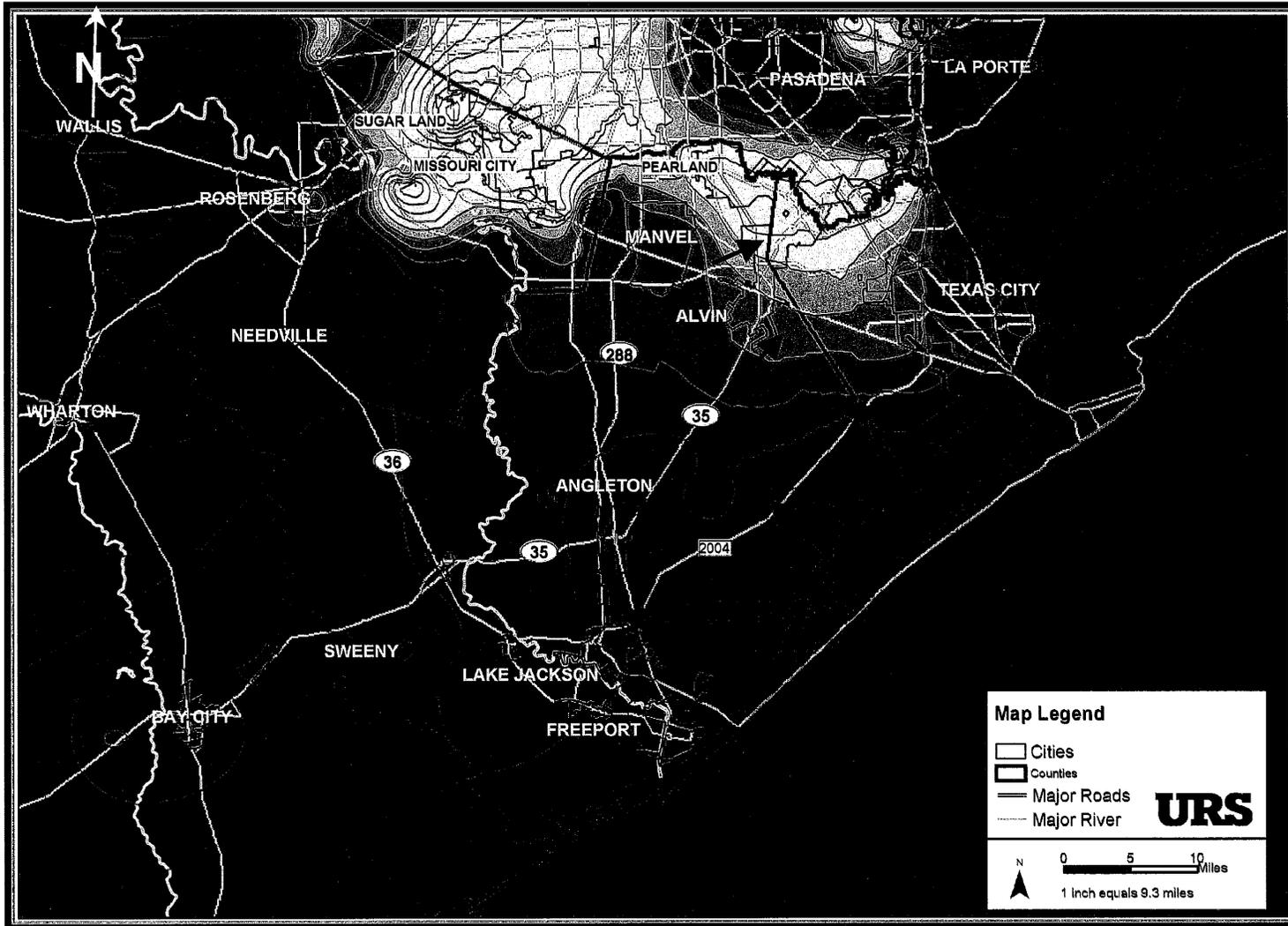
Brazoria County Population Projections for 2000 - 2060



Source: Region H Water Plan and Census Bureau estimates as of July 2005.

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 JAN 25 2007
 AT PUBLIC MEETING





2000*

20 ft. Contour Interval.

URS



* Based on TWDB database.



AT PUBLIC MEETING

JAN 25 2007

OPA RECEIVED

Groundwater Level Summary

During Last 50 Years

Historical pumping has significantly affected regional GW flow patterns

Pumping in Harris and Galveston Counties has drawn GW flow northward across half of county

Reversal of GW gradients extend into middle of county

GW levels have decreased across about 60% of county

OPA RECEIVED

JAN 25 2007

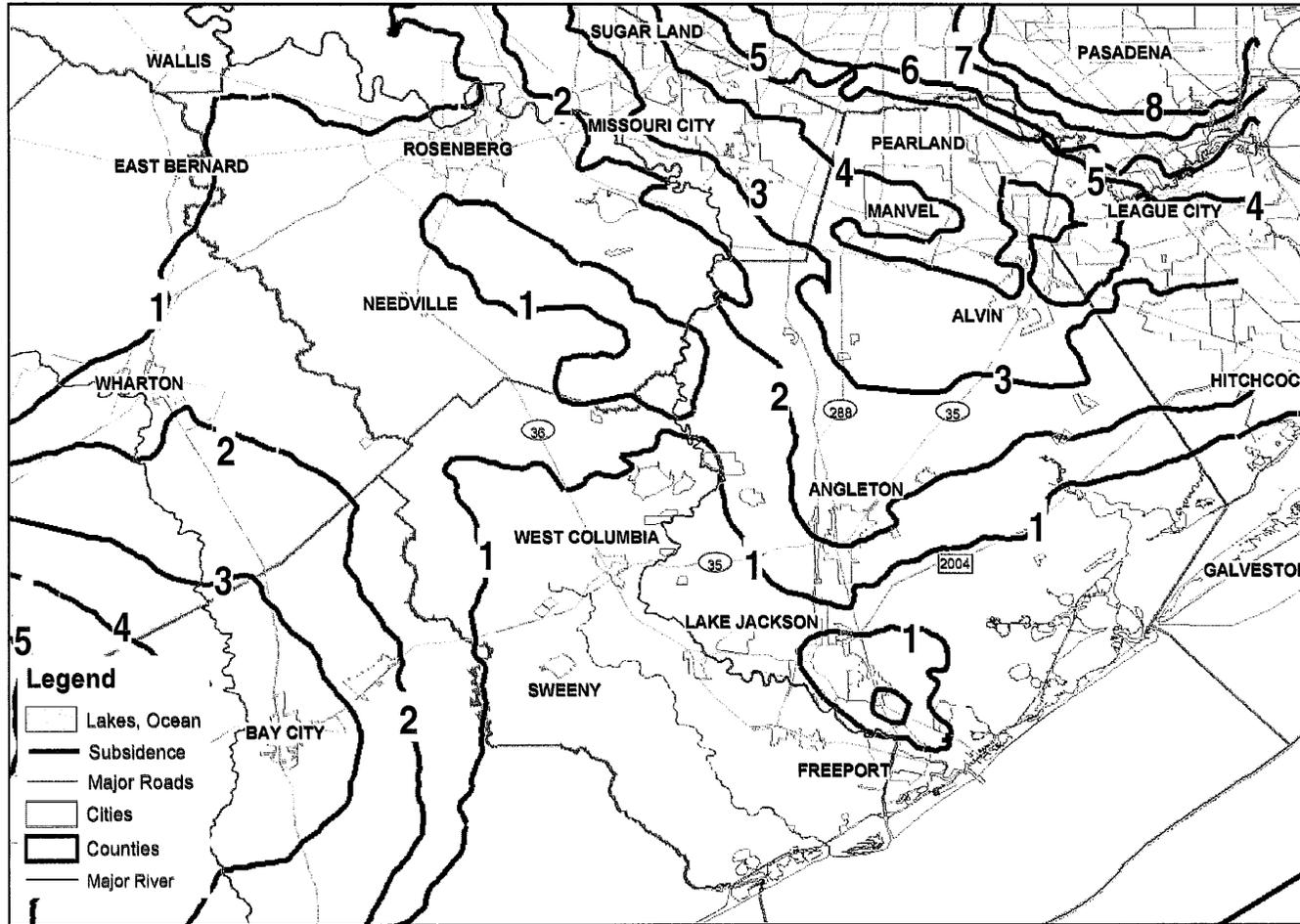
AT PUBLIC MEETING

URS



Predicted Subsidence based on Northern Gulf Coast GAM and 2002 RWPG Pumping Estimates*

2050



* In January 2005, the USGS is funded to provide updated results based on revised pumping estimates.

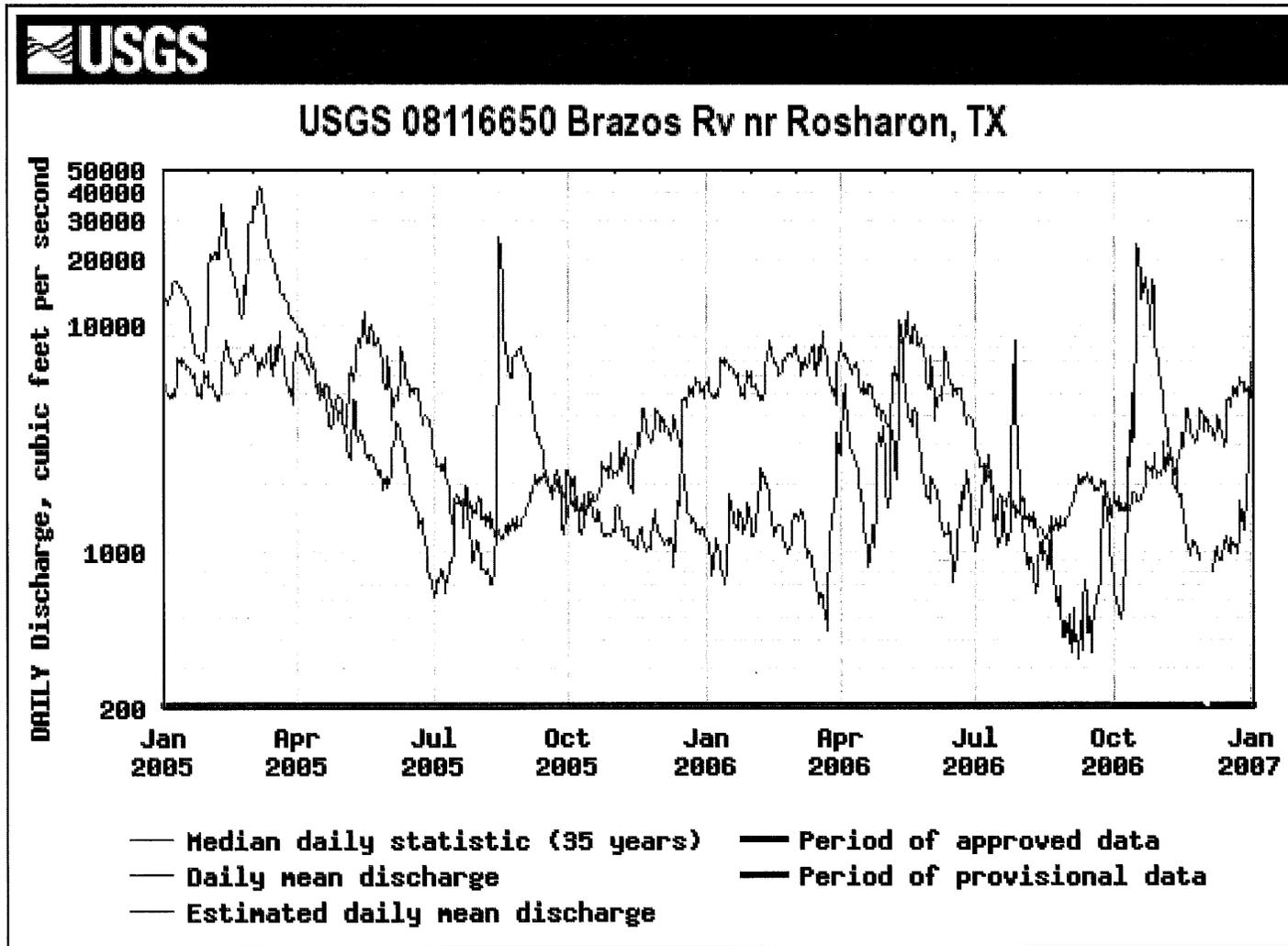


AT PUBLIC MEETING

JAN 25 2007

OPA RECEIVED

Brazos River Daily Discharge



AT PUBLIC MEETING

JAN 25 2007

OPA RECEIVED

URS



Brazos River Important for Brazoria Water Management Strategy

Brazoria County Recommended Water Management Strategies (ac-ft/yr)

Source: 2006 Regional Water Plan - Region H

<http://www.twdb.state.tx.us/RWPG/main-docs/2006RWPindex.asp>

| Category | 2010 | 2020 | 2030 | 2040 | 2050 | 2060 |
|----------------------------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Initial Shortage | -89,813 | -105,436 | -130,046 | -156,160 | -183,164 | -215,117 |
| Contract Expansions | 1,321 | 2,290 | 2,713 | 2,976 | 3,274 | 3,600 |
| Contract Expansions | 2,350 | 3,220 | 4,715 | 4,835 | 4,835 | 4,835 |
| Net Shortage | -87,719 | -102,277 | -125,098 | -149,903 | -175,921 | -206,703 |
| Irrigation Conservation | 18,792 | 18,792 | 18,792 | 18,792 | 18,792 | 18,792 |
| New Contracts (BRA) | 10,500 | 10,500 | 10,500 | 10,500 | 10,500 | 10,500 |
| Contractual Transfers (MIN, IRR) | 21,000 | 21,000 | 21,000 | 21,000 | 21,000 | 21,000 |
| BRA System Operations | 70,000 | 70,000 | 70,000 | 70,000 | 70,000 | 70,000 |
| Allens Creek Resv. (BRA, COH) | 0 | 0 | 44,650 | 44,650 | 44,650 | 44,650 |
| Little River Off-Channel Resv. | 0 | 0 | 0 | 0 | 24,114 | 24,114 |
| Freeport Desal (Demo) | 11,200 | 11,200 | 11,200 | 11,200 | 22,400 | 33,600 |
| Brazos Saltwater Barrier | | | | | | |
| Total as Recommended | 43,773 | 29,215 | 51,044 | 26,239 | 35,535 | 15,953 |

BRA = Brazos River Authority

AT PUBLIC MEETING

JAN 25 2007

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URS



Recommendations

- Long-term needs of Brazoria County should be considered when deciding shifts in surface water allocations

OPA RECEIVED

JAN 25 2007

AT PUBLIC MEETING

URS



TEXAS GULF BANK, N.A.

TCEQ
OFFICE OF THE CHIEF CLERK
LADONNA CASTANUELA
P. O. BOX 13087
AUSTIN, TX 78711-3087

OPA
PM
OCT 18 2006
BY *DL*

*ADD TO
53929*

10/16/06

Re: Brazoria County Irrigation Water
CBWC Application #12-5322E

Dear Ms. Castanuela:

Texas Gulf Bank is one of the few remaining Agricultural Lending banks in southeast Texas. We share with some of our farmers and ranchers the concerns about the sale and transfer of the water system to Gulf Water Company and how the sale will effect the agricultural and industrial future of the County. We do not readily accept the transfer of water from the Brazos river basin.

I am requesting a public meeting regarding the CBWC Application #12-5322E. Please let us know when a meeting date and time will be set and where the meeting will be held.

Sincerely,



Tom C. Bielstein
Agricultural Lender

RECEIVED
OCT 18 2006
CHIEF CLERK'S OFFICE

www.texasgulfbank.com

Freeport
200 W. Second Street
Freeport, Texas 77541
Ph. (979) 233-4401

Clute
1030 Dixie Drive
Clute, Texas 77531
Ph. (979) 297-7211

Angleton
1717 North Velasco
Angleton, Texas 77515
Ph. (979) 849-2372

Lake Jackson
203 This Way
Lake Jackson, Texas 77566
Ph. (979) 299-1308

Brazosport
1400 Brazosport Blvd.
Brazosport, Texas 77541
Ph. (979) 233-3536

West Columbia
734 West Brazos
West Columbia, TX 77486
Ph. (979) 345-1666

BG

JH

TCEQ Public Meeting Form

Thursday, January 25, 2007

Chocolate Bayou Water Company

Certificate of Adjudication

Application No. 12-5322E

OPA RECEIVED

JAN 25 2007

AT PUBLIC MEETING

PLEASE PRINT:

Corrie

Name:

Corrie Bowen

Address:

21017 C.R 171

City/State:

Ansteton

Zip:

77515

Phone:

(979) 864-1558 x110

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group?

Yes No

If yes, which one?

Tx Coop. Ext.
BRAZORIA Co.

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 FEB -7 PM 2:42
CHIEF CLERKS OFFICE

Please give this to the person at the information table. Thank you.

MW

WR
53999



TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2007 APR -9 AM 11:40
CHIEF CLERK'S OFFICE

County of Galveston

Curtiss Brown
DIRECTOR, COMMUNITY SERVICES

March 30, 2007

Brent Gurley, TCEQ
Office of Chief Clerk
P. O. Box 13087
Austin, TX 78711-3087

OPA

Dear Mr. Gurley,

BY *ll*

The Galveston County Commissioners' Court is seeking to comment on the proposed Amendment to the Brazos River Certificate of Adjudication No. 12-5322.

The enclosed resolution was passed by the Court to demonstrate their support of the Gulf Coast Water Authority and to acknowledge the Authority's professionalism and competence and reassure others of their forthright and honest intentions.

Should you have any questions please contact County Judge James D. Yarbrough at 409-766-2244.

Sincerely,

J. Curtiss Brown Jr., Director
Community Services Division
The County of Galveston

JCB/ljo

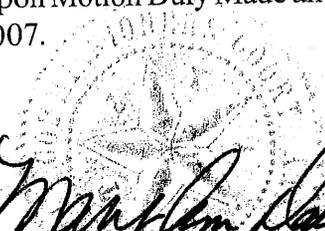
Encl.

CC: County Judge James D. Yarbrough

MW

NOW THEREFORE, BE IT RESOLVED that the Galveston County Commissioners' Court supports the decision of the Texas Commission on Environmental Quality leading to granting the Chocolate Bayou proposed Amendment to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as a permitted County of use of said water.

Upon Motion Duly Made and Seconded, the above Resolution was passed on this 28th day of March, 2007.



Mary Ann Daigle

Mary Ann Daigle, County Clerk

Patrick F. Doyle

Patrick F. Doyle, Comm., Pct. #1

Bryan M. Lamb

Bryan M. Lamb, Comm., Pct. #2

County of Galveston, Texas

James D. Yarbrough

James D. Yarbrough, County Judge

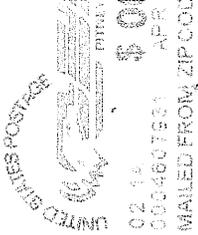
Stephen D. Holmes

Stephen D. Holmes, Comm., Pct. #3

Absent

Kenneth Clark, Comm., Pct. #4

J. CURTISS BROWN JR. DISTRICT CLERK
COMMUNITY DEVELOPMENT DEPARTMENT
THE COUNTY OF GALVESTON
123 ROSENBERG, STE. 4005
GALVESTON, TEXAS 77550



RECEIVED
APR 06 2007
TCEQ MAIL CENTER
MM

105

Brent Gurley, TCEQ
Office of Chief Clerk
P. O. Box 13087
Austin, TX 78711-3087

WR
53909



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR -4 PM 2: 03

CHIEF CLERKS OFFICE

County of Galveston

Curtiss Brown
DIRECTOR, COMMUNITY SERVICES

March 30, 2007

Jodena N. Henneke, Director
T. C. E. Q.-Off of Public Assist
P. O. Box 13087
Austin, TX 78711-3087

OPA
APR 04 2007

OPA

BY JL

Dear Ms. Henneke,

The Galveston County Commissioners' Court is seeking to comment on the proposed Amendment to the Brazos River Certificate of Adjudication No. 12-5322.

The enclosed resolution was passed by the Court to demonstrate their support of the Gulf Coast Water Authority and to acknowledge the Authority's professionalism and competence and reassure others of their forthright and honest intentions.

Should you have any questions please contact County Judge James D. Yarbrough at 409-766-2244.

Sincerely,

J. Curtiss Brown Jr., Director
Community Services Division
The County of Galveston

JCB/ljo
Encl.
CC: County Judge James D. Yarbrough

MW

**RESOLUTION IN SUPPORT
OF THE CHOCOLATE BAYOU WATER COMPANY'S
PROPOSED AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 12-5322**

2007 APR -4 PM 2:03

CHIEF CLERKS OFFICE

On this the 28th day of March 2007, the **Commissioners' Court of Galveston County, Texas** convened in a regularly scheduled meeting with the following members thereof present:

James D. Yarbrough, County Judge
Patrick F. Doyle, Commissioner, Precinct No. 1
Bryan M. Lamb, Commissioner, Precinct No. 2
Stephen D. Holmes, Commissioner, Precinct No. 3
- Kenneth Clark, Commissioner, Precinct No. 4 (absent) and
Mary Ann Daigle, County Clerk

3/2
5399a

OPA

BY 

when the following proceedings, among others, were had, to-wit:

WHEREAS, the Gulf Coast Water Authority, a Texas Conservation and Reclamation District was created by the Texas Legislature in 1965 and subsequently amended to provide that the Authority has the responsibility and authority to develop water supplies for municipal, domestic, industrial, irrigation and other uses; and

WHEREAS, the Authority operates three canal systems in and supplies water to customers in Brazoria, Fort Bend, and Galveston Counties; and

WHEREAS, these customers have future water needs that are unmet and include the Cities of Galveston, Pearland, and Texas City, Texas which request the Authority meet a portion of these future water needs through the purchase of the assets of Chocolate Bayou Water Company and paid for the purchase December 13, 2006; and

WHEREAS, the Chocolate Bayou Water Company, June 12, 2006, as a condition of the purchase filed with the Texas Commission on Environmental Quality a proposed Amendment to its Brazos River Certificate of Adjudication No. 12-5322; and

WHEREAS, the Chocolate Bayou Water Company's proposed Amendment seeks to add a second diversion point 3.9 miles upstream the existing point to improve reliability, avoid the costs to join the canals and to conserve the said water and energy in the transfer of the water to the municipalities; and

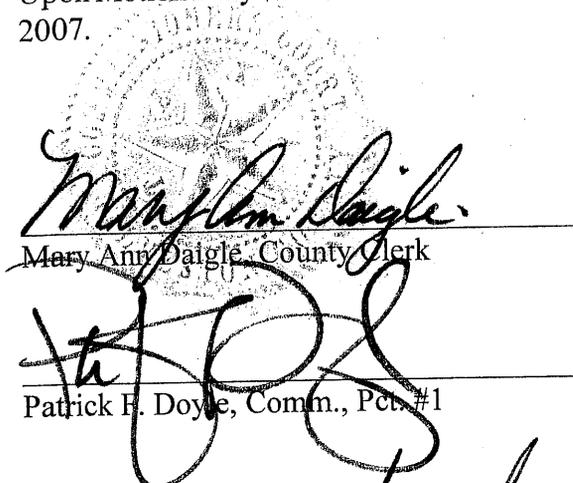
WHEREAS, the Chocolate Bayou Water Company's proposed Amendment also seeks to add the authorize "use" of said water in Galveston County, an adjacent coastal County which is exempt from interbasin transfer provisions of Section 11.085 of the Texas Water Code to provide the Galveston County municipalities that funded the purchase the ability to use the water.

meo

NOW THEREFORE, BE IT RESOLVED that the Galveston County Commissioners' Court supports the decision of the Texas Commission on Environmental Quality leading to granting the Chocolate Bayou proposed Amendment to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as a permitted County of use of said water.

Upon Motion Duly Made and Seconded, the above Resolution was passed on this 28th day of March, 2007.

County of Galveston, Texas



Mary Ann Daigle

Mary Ann Daigle, County Clerk

Patrick H. Doyle

Patrick H. Doyle, Comm., Pct. #1

Bryan M. Lamb

Bryan M. Lamb, Comm., Pct. #2

James D. Yarbrough

James D. Yarbrough, County Judge

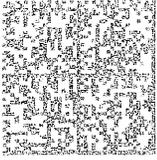
Stephen D. Holmes

Stephen D. Holmes, Comm., Pct. #3

Absent

Kenneth Clark, Comm., Pct. #4

J. Curtiss B
Community
The County
123 Rosenberg, Suite 4005
Galveston, Texas 77550



02 1A
000460793
MAILED FROM ZIP CODE

RECEIVED

APR 04 2007

TCEQ MAIL CENTER
MM

Jodena N. Henneke, Director
T. C. E. Q.-Off of Public Assist
P. O. Box 13087
Austin, TX 78711-3087

108

WR
53999

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 APR -4 AM 10: 08
CHIEF CLERKS OFFICE

**RESOLUTION IN SUPPORT
OF THE CHOCOLATE BAYOU WATER COMPANY'S
PROPOSED AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 12-5322**

On this the 28th day of March 2007, the **Commissioners' Court of Galveston County, Texas** convened in a regularly scheduled meeting with the following members thereof present:

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- Bryan M. Lamb, Commissioner, Precinct No. 2
- Stephen D. Holmes, Commissioner, Precinct No. 3
- Kenneth Clark, Commissioner, Precinct No. 4 (absent) and
- Mary Ann Daigle, County Clerk

OPA

BY *DL*

when the following proceedings, among others, were had, to-wit:

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WHEREAS, the Chocolate Bayou Water Company's proposed Amendment seeks to add a second diversion point 3.9 miles upstream the existing point to improve reliability, avoid the costs to join the canals and to conserve the said water and energy in the transfer of the water to the municipalities; and

WHEREAS, the Chocolate Bayou Water Company's proposed Amendment also seeks to add the authorize "use" of said water in Galveston County, an adjacent coastal County which is exempt from interbasin transfer provisions of Section 11.085 of the Texas Water Code to provide the Galveston County municipalities that funded the purchase the ability to use the water.

MW

5602 Terwilliger Way
Houston, Texas 77056
August 20, 2008

ADS
53999

Mr. Buddy Garcia, Chairman
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

OPA

SEP 12 2008

Re: Application No. 12-5322E

BY

2008 AUG 22 PM 2 10

RECEIVED
TCEQ
WATER SUPPLY DIV.

Dear Chairman Garcia:

I am totally opposed to diverting any Brazos River water to Galveston County.

The Brazos River does not run through Galveston County and they have no riparian rights to this water. However, the river does run through Brazoria County and the farmers and others in Brazoria County have depended on this water for years.

With the expanding population, Brazoria County will need this water for potable water in future years. Therefore, any diversion would be an illegal taking of acquired rights.

Respectfully submitted,



Fred Coogan

CHIEF CLERKS OFFICE

2008 SEP 11 PM 3:22

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

cc: Mr. Ron Ellis, Project Manager
Mail Code 160
Water Rights Permitting & Availability Section
P. O. Box 113087
Austin, Texas 78711-3087

22/11

TCEQ Public Meeting Form

Thursday, January 25, 2007

11/15

Chocolate Bayou Water Company Certificate of Adjudication Application No. 12-5322E

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 FEB -7 PM 2:42
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Jacko Barnett
Address: PO Box 603
City/State: DANBURY, TX Zip: 77534
Phone: (979) 922-8405

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

mw

TCEQ
OFFICE OF THE CHIEF CLERK
LADONNA CASTANUELA
P.O. BOX 13087
AUSTIN, TX 78711-3087

OPA
OCT 17 2006
PM

RE: Brazoria County Irrigation Water
CBWC Application #12-5322E

BY el

1205
53959

Ms. Castanuela,

We (Scott and Toni Hairston) currently operate and have operated for many years these farming operations in Brazoria County, Texas. These farms are now and for many years past been serviced (watered) by Chocolate Bayou Water Company. As a stakeholder, we want to know more about the proposal to transfer water from the current river basin.

We are requesting a public meeting regarding the CBWC Application #12-5322E. Please contact me with the time and date of the public meeting at :

Scott and Toni Hairston Farms
Box 140
6728 Cr 208
Danbury, Texas 77534

Phone: 281-704-1213

email: [REDACTED]

Scott Hairston 10-12-06

CHIEF CLERKS OFFICE

2006 OCT 17 AM 10:09

TEXAS
COMMISSION ON
CIVIL RIGHTS

BG

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OCT 16 AM 10:36

CHIEF CLERKS OFFICE



RiceTec

OPAPM

OCT 16 2006

BY

TCEQ
OFFICE OF THE CHIEF CLERK
LADONNA CASTANUELA
P.O. BOX 13087
AUSTIN, TX 78711-3087

RE: Brazoria County Irrigation Water
CBWC Application # 12-5322E

ADD
53999

Ms. Castanuela,

I contract with 14 rice producers in Brazoria County that water their rice production from the CBWC irrigation system over 50% of total production on the canal system. We are concerned about the water system being able to supply adequate water and at a fair equitable price. The 2006 crop after planting water rates from CBWC irrigation system increase 42% from the prior year this is not fair prices. We understand the system is being sold and asking to transfer water rights up stream. We're asking for a public meeting regarding the CBWA application # 12-5322E. Please help those understand the conditions of the water that controls their livelihood.

RiceTec, Inc.
1225 FM 2917 Rd
Alvin, TX 77511

We appreciate your assistance,

Jerry Locke
Hybrid Seed Rice Production Manager
jlocke@ricetec.com

WK
53999

City of Galveston



Public Works Department

P.O. Box 779 / Galveston, Texas 77553

OPA

June 11, 2007

JUN 10 2007

BY DM

CHIEF CLERKS OFFICE

2007 JUN 20 PM 2:52

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Attn: LaDonna Castanucla

Re: Resolution No. 07-020 – Chocolate Bayou

Ms. Castanucla:

Enclosed please find a certified copy of the above resolution. If you have any questions please contact me at (409) 797-3630.

Sincerely,

Trina Jankowski
Admin. Assistant

xc: File
Kellye Rila
Todd Chenoweth
David Koinm
Ross Henderson
Kathleen Harnett White

MW

RESOLUTION NO. 07-020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, SUPPORTING THE CHOCOLATE BAYOU WATER COMPANY'S PROPOSED AMENDMENT TO ITS BRAZOS RIVER CERTIFICATE OF ADJUDICATION NO. 12-5322 AND RESPECTFULLY URGING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO GRANT THE AMENDMENT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Gulf Coast Water Authority (the "Authority"), a Texas Conservation and Reclamation District, was created by the Texas Legislature in 1965 and subsequently amended to provide that the Authority has the responsibility to develop water supplies for municipal, domestic, industrial, irrigation and other uses; and,

WHEREAS, the Authority operates three canal systems and supplies water to customers in Brazoria, Fort Bend, and Galveston Counties and to the City of Galveston; and,

WHEREAS the Authority entered into a Purchase and Sale Agreement dated June 13, 2006 with Chocolate Bayou Water Company whereby the Authority had the right to purchase substantially all of the real and personal property, including the water rights, of the Chocolate Bayou Water Company; and,

WHEREAS, on June 12, 2006, the Chocolate Bayou Water Company filed with the Texas Commission on Environmental Quality a proposed Amendment to its Brazos River Certificate of Adjudication No. 12-5322; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment seeks to add a second diversion point 3.9 miles upstream of the existing point to improve reliability and avoid the costs of joining the canals, and to conserve water and energy in the transfer of the water to municipalities; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment also seeks to add the authorized "use" of said water in Galveston County, an adjacent coastal county which is exempt from interbasin transfer provisions of Section 11.085 of the Texas Water Code, to provide the Galveston municipalities that funded the purchase with the ability to use the water;

WHEREAS, on November 9, 2006, City Council adopted Resolution No. 06-041 authorizing the City Manager to execute an interim water supply agreement between the Authority for the reservation of the right to purchase raw water for municipal use and to

pay the City's pro rata share of the acquisition from the revenues of the City's water system; and,

WHEREAS, on December 13, 2006 the Authority purchased the Chocolate Bayou Water Company assets including the water permits; and,

WHEREAS, the proposed diversion point on the Brazos River benefits the City of Galveston by reducing the City's cost to provide water for municipal use; and,

WHEREAS, the City Council hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

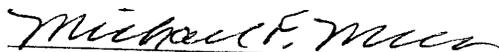
SECTION 1. The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council of the City of Galveston, Texas, hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment.

SECTION 3. The City Council of the City of Galveston, Texas, hereby directs the City Secretary to send a certified copy of this Resolution to the Texas Commission on Environmental Quality.

SECTION 4. This Resolution shall be and become effective from and after its adoption.

APPROVED AS TO FORM:



Michael F. Miller
ASST. CITY ATTORNEY

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 26th day of April, 2007, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 30th day of April, 2007.

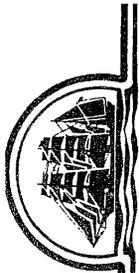


Barbara S. Lawrence
Secretary for the City Council
of the City of Galveston

City of Galveston

Public Works Department

P.O. Box 779 / Galveston, Texas 77553



UNITED STATES POSTAGE
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TCEQ
Attn: LaDonna Castanuela
P.O. Box 13087
Austin, Texas 78711-3087

105

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 JUN 20 PM 2:52
CHIEF CLERKS OFFICE

RECEIVED
JUN 20 2007
TCEQ MAIL CENTER
RB



WR
53999

City of Galveston



Public Works Department

P.O. Box 779 / Galveston, Texas 77553

OPA

JUN 20 2007

BY DM

RECEIVED

JUN 20 2007

Texas Commission on Environmental Quality
Commissioners' Offices

CHIEF CLERKS OFFICE

JUN 20 PM 2:52

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

June 11, 2007

TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Attn: Glenn Shankle

Re: Resolution No. 07-020 – Chocolate Bayou

Mr. Shankle:

Enclosed please find a certified copy of the above resolution. If you have any questions please contact me at (409) 797-3630.

Sincerely,

Trina Jankowski
Admin. Assistant

- xc: File
- Kellye Rila
- Todd Chenoweth
- David Koinm
- Ross Henderson
- Kathleen Harnett White

MW

WR
53999

RESOLUTION NO. 07-020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, SUPPORTING THE CHOCOLATE BAYOU WATER COMPANY'S PROPOSED AMENDMENT TO ITS BRAZOS RIVER CERTIFICATE OF ADJUDICATION NO. 12-5322 AND RESPECTFULLY URGING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO GRANT THE AMENDMENT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Gulf Coast Water Authority (the "Authority"), a Texas Conservation and Reclamation District, was created by the Texas Legislature in 1965 and subsequently amended to provide that the Authority has the responsibility to develop water supplies for municipal, domestic, industrial, irrigation and other uses; and,

WHEREAS, the Authority operates three canal systems and supplies water to customers in Brazoria, Fort Bend, and Galveston Counties and to the City of Galveston; and,

WHEREAS the Authority entered into a Purchase and Sale Agreement dated June 13, 2006 with Chocolate Bayou Water Company whereby the Authority had the right to purchase substantially all of the real and personal property, including the water rights, of the Chocolate Bayou Water Company; and,

WHEREAS, on June 12, 2006, the Chocolate Bayou Water Company filed with the Texas Commission on Environmental Quality a proposed Amendment to its Brazos River Certificate of Adjudication No. 12-5322; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment seeks to add a second diversion point 3.9 miles upstream of the existing point to improve reliability and avoid the costs of joining the canals, and to conserve water and energy in the transfer of the water to municipalities; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment also seeks to add the authorized "use" of said water in Galveston County, an adjacent coastal county which is exempt from interbasin transfer provisions of Section 11.085 of the Texas Water Code, to provide the Galveston municipalities that funded the purchase with the ability to use the water;

WHEREAS, on November 9, 2006, City Council adopted Resolution No. 06-041 authorizing the City Manager to execute an interim water supply agreement between the Authority for the reservation of the right to purchase raw water for municipal use and to

CHIEF CLERK OFFICE
JUN 20 2 52 PM '06
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

pay the City's pro rata share of the acquisition from the revenues of the City's water system; and,

WHEREAS, on December 13, 2006 the Authority purchased the Chocolate Bayou Water Company assets including the water permits; and,

WHEREAS, the proposed diversion point on the Brazos River benefits the City of Galveston by reducing the City's cost to provide water for municipal use; and,

WHEREAS, the City Council hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council of the City of Galveston, Texas, hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment.

SECTION 3. The City Council of the City of Galveston, Texas, hereby directs the City Secretary to send a certified copy of this Resolution to the Texas Commission on Environmental Quality.

SECTION 4. This Resolution shall be and become effective from and after its adoption.

APPROVED AS TO FORM:


Michael F. Miller
ASST. CITY ATTORNEY

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 26th day of April, 2007, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 11th day of June, 2007.


Secretary for the City Council
of the City of Galveston



City of Galveston



Office of the City Secretary

P.O. Box 779 / Galveston, Texas 77553-0779 / (409) 797-3510 / Fax (409) 797-3511

April 30, 2007

Kathleen Harnett White
P.O. Box 13087
Austin, Texas 78711-3087

WR
53999

OPA

MAY 11 2007

BY *KY*

RECEIVED

MAY 04 2007

Texas Commission on Environmental Quality
Commissioners' Offices

RE: Resolution No. 07-020

Dear Ms. White:

Please find enclosed one certified copy of Resolution No. 07-020 supporting the Chocolate Bayou Water Company's proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 and respectfully urging the Texas Commission on Environmental Quality to grant the Amendment.

Should you have any questions or if I may be of further assistance please contact our office at (409) 797-3510.

Sincerely,

Barbara Lawrence
City Secretary

BL/nd

Enclosure

CHIEF CLERKS OFFICE

2007 MAY -7 PM 2:46

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CMW

RESOLUTION NO. 07-020

7:57 MAY -7 PM 2:46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, SUPPORTING THE CHOCOLATE BAYOU WATER COMPANY'S PROPOSED AMENDMENT TO ITS BRAZOS RIVER CERTIFICATE OF ADJUDICATION NO. 12-5322 AND RESPECTFULLY URGING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO GRANT THE AMENDMENT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Gulf Coast Water Authority (the "Authority"), a Texas Conservation and Reclamation District, was created by the Texas Legislature in 1965 and subsequently amended to provide that the Authority has the responsibility to develop water supplies for municipal, domestic, industrial, irrigation and other uses; and,

WHEREAS, the Authority operates three canal systems and supplies water to customers in Brazoria, Fort Bend, and Galveston Counties and to the City of Galveston; and,

WHEREAS the Authority entered into a Purchase and Sale Agreement dated June 13, 2006 with Chocolate Bayou Water Company whereby the Authority had the right to purchase substantially all of the real and personal property, including the water rights, of the Chocolate Bayou Water Company; and,

WHEREAS, on June 12, 2006, the Chocolate Bayou Water Company filed with the Texas Commission on Environmental Quality a proposed Amendment to its Brazos River Certificate of Adjudication No. 12-5322; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment seeks to add a second diversion point 3.9 miles upstream of the existing point to improve reliability and avoid the costs of joining the canals, and to conserve water and energy in the transfer of the water to municipalities; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment also seeks to add the authorized "use" of said water in Galveston County, an adjacent coastal county which is exempt from interbasin transfer provisions of Section 11.085 of the Texas Water Code, to provide the Galveston municipalities that funded the purchase with the ability to use the water;

WHEREAS, on November 9, 2006, City Council adopted Resolution No. 06-041 authorizing the City Manager to execute an interim water supply agreement between the Authority for the reservation of the right to purchase raw water for municipal use and to

pay the City's pro rata share of the acquisition from the revenues of the City's water system; and,

WHEREAS, on December 13, 2006 the Authority purchased the Chocolate Bayou Water Company assets including the water permits; and,

WHEREAS, the proposed diversion point on the Brazos River benefits the City of Galveston by reducing the City's cost to provide water for municipal use; and,

WHEREAS, the City Council hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council of the City of Galveston, Texas, hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment.

SECTION 3. The City Council of the City of Galveston, Texas, hereby directs the City Secretary to send a certified copy of this Resolution to the Texas Commission on Environmental Quality.

SECTION 4. This Resolution shall be and become effective from and after its adoption.

APPROVED AS TO FORM:



Michael F. Miller
ASST. CITY ATTORNEY

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 26th day of April, 2007, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 30th day of April, 2007.



Barbara S. Lawrence
Secretary for the City Council
of the City of Galveston

21153

City of Galveston



Office of the City Secretary

P.O. Box 779 / Galveston, Texas 77553-0779 / (409) 797-3510 / Fax (409) 797-3511

OPA

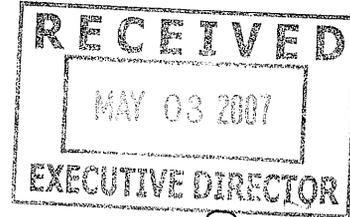
MAY 10 7 2007

BY KY

April 30, 2007

WR
53999

Glenn Shankle
Executive Director
P.O. Box 13087
Austin, Texas 78711-3087



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MAY - 4 PM 3:01
CHIEF CLERKS OFFICE

RE: Resolution No. 07-020

Dear Mr. Shankle:

Please find enclosed one certified copy of Resolution No. 07-020 supporting the Chocolate Bayou Water Company's proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 and respectfully urging the Texas Commission n Environmental Quality to grant the Amendment.

Should you have any questions or if I may be of further assistance please contact our office at (409) 797-3510.

Sincerely,

Barbara Lawrence
City Secretary

BL/nd

Enclosure

mcw

RESOLUTION NO. 07-020

2007 MAY -4 PM 3: 01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, SUPPORTING THE CHOCOLATE BAYOU WATER COMPANY'S PROPOSED AMENDMENT TO ITS BRAZOS RIVER CERTIFICATE OF ADJUDICATION NO. 12-5322 AND RESPECTFULLY URGING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO GRANT THE AMENDMENT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

CLERK'S OFFICE

WHEREAS, the Gulf Coast Water Authority (the "Authority"), a Texas Conservation and Reclamation District, was created by the Texas Legislature in 1965 and subsequently amended to provide that the Authority has the responsibility to develop water supplies for municipal, domestic, industrial, irrigation and other uses; and,

WHEREAS, the Authority operates three canal systems and supplies water to customers in Brazoria, Fort Bend, and Galveston Counties and to the City of Galveston; and,

WHEREAS the Authority entered into a Purchase and Sale Agreement dated June 13, 2006 with Chocolate Bayou Water Company whereby the Authority had the right to purchase substantially all of the real and personal property, including the water rights, of the Chocolate Bayou Water Company; and,

WHEREAS, on June 12, 2006, the Chocolate Bayou Water Company filed with the Texas Commission on Environmental Quality a proposed Amendment to its Brazos River Certificate of Adjudication No. 12-5322; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment seeks to add a second diversion point 3.9 miles upstream of the existing point to improve reliability and avoid the costs of joining the canals, and to conserve water and energy in the transfer of the water to municipalities; and,

WHEREAS, the Chocolate Bayou Water Company Proposed Amendment also seeks to add the authorized "use" of said water in Galveston County, an adjacent coastal county which is exempt from interbasin transfer provisions of Section 11.085 of the Texas Water Code, to provide the Galveston municipalities that funded the purchase with the ability to use the water;

WHEREAS, on November 9, 2006, City Council adopted Resolution No. 06-041 authorizing the City Manager to execute an interim water supply agreement between the Authority for the reservation of the right to purchase raw water for municipal use and to

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WHEREAS, the proposed diversion point on the Brazos River benefits the City of Galveston by reducing the City's cost to provide water for municipal use; and,

WHEREAS, the City Council hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

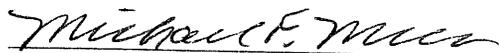
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SECTION 3. The City Council of the City of Galveston, Texas, hereby directs the City Secretary to send a certified copy of this Resolution to the Texas Commission on Environmental Quality.

SECTION 4. This Resolution shall be and become effective from and after its adoption.

APPROVED AS TO FORM:



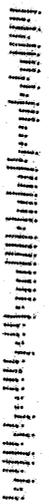
Michael F. Miller
ASST. CITY ATTORNEY

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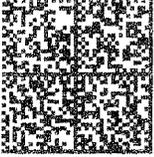


Barbara S. Lawrence
Secretary for the City Council
of the City of Galveston



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**GLENN SHANKLE
EXECUTIVE DIRECTOR
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087**

RECEIVED
MAY 03 2007
TJCO MAIL CENTER

City of Galveston



Office of the City Secretary

P.O. Box 779 / Galveston, Texas 77553-0779 / (409) 797-3510 / Fax (409) 797-3511

April 30, 2007

LaDonna Castanucla
Chief Clerk Team Leader
P.O. Box 13087
Austin, Texas 78711-3087

WR
53909

OPA

MAY 17 2007

BY *KY*

CHIEF CLERKS OFFICE

2007 MAY -3 PM 2:10

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Resolution No. 07-020

Dear Ms. Castanucla:

Please find enclosed one certified copy of Resolution No. 07-020 supporting the Chocolate Bayou Water Company's proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 and respectfully urging the Texas Commission n Environmental Quality to grant the Amendment.

Should you have any questions or if I may be of further assistance please contact our office at (409) 797-3510.

Sincerely,

Barbara Lawrence
City Secretary

BL/nd

Enclosure

MW

RESOLUTION NO. 07-020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, SUPPORTING THE CHOCOLATE BAYOU WATER COMPANY'S PROPOSED AMENDMENT TO ITS BRAZOS RIVER CERTIFICATE OF ADJUDICATION NO. 12-5322 AND RESPECTFULLY URGING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO GRANT THE AMENDMENT; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 JUN 23 PM 1:10
OFFICE OF THE
CLERK

WHEREAS, the Gulf Coast Water Authority (the "Authority"), a Texas Conservation and Reclamation District, was created by the Texas Legislature in 1965 and subsequently amended to provide that the Authority has the responsibility to develop water supplies for municipal, domestic, industrial, irrigation and other uses; and,

WHEREAS, the Authority operates three canal systems and supplies water to customers in Brazoria, Fort Bend, and Galveston Counties and to the City of Galveston; and,

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WHEREAS, the proposed diversion point on the Brazos River benefits the City of Galveston by reducing the City's cost to provide water for municipal use; and,

WHEREAS, the City Council hereby supports the Chocolate Bayou proposed amendment to its Brazos River Certificate of Adjudication No. 12-5322 to permit the addition of a second diversion point on the Brazos River approximately 3.9 miles upstream and Galveston County as permitted county of use of said water and respectfully urges the Texas Commission on Environmental Quality decision to grant the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

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SECTION 3. The City Council of the City of Galveston, Texas, hereby directs the City Secretary to send a certified copy of this Resolution to the Texas Commission on Environmental Quality.

SECTION 4. This Resolution shall be and become effective from and after its adoption.

APPROVED AS TO FORM:



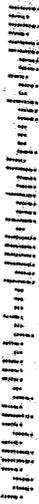
Michael F. Miller
ASST. CITY ATTORNEY

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IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 30th day of April, 2007.



Barbara S. Lawrence
Secretary for the City Council
of the City of Galveston



UNITED STATES POSTAGE

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MAILED FROM ZIP CODE 77550

PTNEY BOWLES
\$ 00.630

MAY 01 2007



LADONNA CASTANUCLA
CHIEF CLERK TEAM LEADER
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

RECEIVED
MAY 03 2007
TCEQ MAIL CENTER
RB

J.C.M. Farms Inc.
111 W. Adobe St.
Arlin, Texas 77511
Phone: Home - 281-585-9340
Cell - 713-254-5641

COPIES ON
ON LINE
OCT 20 10 10 21
CHIEF CLERKS OFFICE

TCEQ
Office of the Chief Clerk
Ladonna Castanuela
P.O. Box 13087
Austin, TX. 78711-3087

OPA^{PM}
OCT 23 2006
BY JK

ADD
53999

RE: Brazoria County Irrigation Water
CBWC Application #12-5322E

Ms. Castanuela

I am a rice farmer in Brazoria County, Texas. Myself and others use Chocolate Bayou Water Company to water our rice and I have heard they are selling. Is a meeting planed so we farmers can find out what to expect from the new company concerning water for this coming year & price.

Im requesting a meeting regarding the CBWC Application #12-5322E

Thanks
Jimmy Mc Cornick

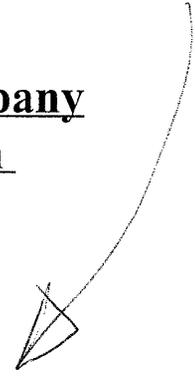
1st Rep Bonnan

2nd

TCEQ Public Meeting Form

Thursday, January 25, 2007

Chocolate Bayou Water Company Certificate of Adjudication Application No. 12-5322E



PLEASE PRINT:

Name: Mike O'Day

Address: ~~6213~~ 3905 E Pearl

City/State: Pearland TX Zip: 77581

Phone: (281) 997-1103

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? Dist 29 State Rep

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2007 FEB - 7 PM 2:42
CHIEF CLERKS OFFICE

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

mw

WATERS DAVIS SOIL and WATER CONSERVATION DISTRICT # 318
209 EAST MULBERRY SUITE 300 ANGLETON, TEXAS 77515

October 11, 2007

WR
53999

OPA

OCT 16 2007

BY *[Signature]*

CHIEF CLERKS OFFICE

2007 OCT 16 AM 10: 25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC 105, TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

To Whom It May Concern:

The Waters Davis Soil & Water Conservation District # 318 wishes to go on record as opposing the issuing of the permit requested on application NO.12-5322E, from the Chocolate Bayou Water Company. The Waters Davis SWCD Board opposes the issuing of the permit because we are against transferring water from the Brazos River Basin to the adjoining San Jacinto-Brazos Coastal Basin for municipal, agricultural and industrial purposes and to add a diversion point 3.9 miles upstream of the currently authorized point. We do not support the transferring of water from one county to another, as is requested in the application by including Galveston County as the authorized service area.

If you have any questions on this you may contact us at the address below:

Waters Davis Soil & Water Conservation District # 318
209 East Mulberry, Suite 300
Angleton, Texas 77515
979-849-6820 ext 3

Sincerely,

Wilfred Peltier
Chairman

Wilfred Peltier
Chairman

Don LeCompte
Vice Chairman

John Phillips III
Secretary

Tom Journeay
Member

Doug Bennett
Member

MW

**Brazoria County
Groundwater
Conservation District**

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

451 N. Velasco, Suite 290
Angleton, Texas 77515

Mailing Address: 111 E. Locust, Bldg. A-29
Suite 290

2007 FEB 14 AM 10:28

CHIEF CLERKS OFFICE

*WE
539009*

February 12, 2007

OPA

FEB 14 2007

BY

[Signature]

CHIEF CLERKS OFFICE

2007 FEB 14 AM 10:28

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Attn: LaDonna Castenuela, Chief Clerk

RE: Certificate of Adjudication No. 12-5322

Dear Ms. Castenuela:

Enclosed herewith is a Resolution passed by the Brazoria County Groundwater Conservation District Board of Directors on February 8, 2007, expressing opposition to the proposed amendment to the subject Certificate of Adjudication to add a diversion point on the Brazos River in Waller County upstream of the currently authorized diversion point.

The Brazoria County Groundwater Conservation District Directors are of the opinion that approval of the subject permit request will be detrimental to the citizens of Brazoria County and will have an adverse affect on the agricultural industry in this County.

Therefore, the District strongly urges the denial of the request by the Chocolate Bayou Water Company to amend Certificate of Adjudication No. 12-5322 and respectfully asks your support in this important matter concerning the future of the citizens of Brazoria County, its agricultural industry and our efforts to preserve Brazoria County's groundwater resources.

Your time and consideration in this regard is greatly appreciated.

Sincerely,

Sherilyn Plentl

Sherilyn Plentl
Administrative Assistant

Our mission is to maintain the quality and availability of Brazoria County's groundwater resources for current users and future generations.

(979) 864-1078 * (979) 388-1078 * (281) 756-1078
Website: www.bcgroundwater.org

FAX: (979) 864-1079* (979) 388-1079 * (281) 756-1079
E-mail: sherryplentl@brazoria-county.com

MW

RESOLUTION

OPPOSING CHOCOLATE BAYOU WATER COMPANY'S PROPOSED AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 12-5322 TO ADD A DIVERSION POINT ON THE BRAZOS

WHEREAS, Brazoria County will be affected by the Chocolate Bayou Water Company's ("Chocolate Bayou") proposed amendment to Certificate of Adjudication No. 12-5322 to add a diversion point on the Brazos, that is currently being processed by the Texas Commission on Environmental Quality; and

WHEREAS, the Chocolate Bayou's amendment requests to add a diversion point on the Brazos approximately 3.9 miles upstream from its current diversion point; and

WHEREAS, the Chocolate Bayou's amendment proposes to include the diversion of the water to Galveston County as a portion of the owner's service area; and

WHEREAS, the proposed diversion will impact the citizens of Brazoria County that rely on the water from this canal to grow crops and water livestock; and

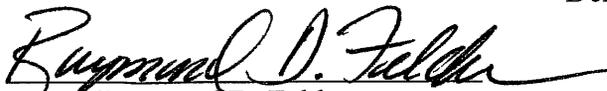
WHEREAS, the proposed diversion will impact the municipalities and small communities that provide drinking water to the citizens in their respective jurisdictional limits located in Brazoria County; and

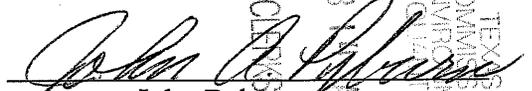
WHEREAS, Brazoria County Groundwater Conservation District Directors are elected by the citizens and charged with the responsibility of representing the citizenry in matters concerning them, particularly in the protection of the environment and water resources.

NOW, THEREFORE, BE IT RESOLVED, that the Brazoria County Groundwater Conservation District opposes the decision of the Texas Commission on Environmental Quality leading to granting the Chocolate Bayou proposed amendment to permit a diversion point on the Brazos River approximately 3.9 miles upstream that would benefit the County of Galveston.

APPROVED this 8th day of February, 2007.


Dennis R. Ferguson

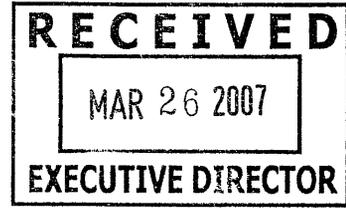

Raymond D. Felder


John Pyburn


Donald R. Mudd

CHIEF CLERK'S OFFICE
2007 FEB 14 AM 10:28
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY





TOM REID
MAYOR

WR
53999

OPA

MAR 28 2007

March 22, 2007

BY *J*

2007 MAR 27 PM 3:04
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Certificate of Adjudication 12-5322 Proposed Amendment

Dear Mr. Shankle:

The City of Pearland urges the TCEQ to approve the Certificate of Adjudication 12-5322 Proposed Amendment. I have enclosed a copy of Resolution No. R2007-36 adopted by the Pearland City Council.

If you have any questions or concerns, please feel free to contact me at 281-652-1654.

Sincerely,

Tom Reid
Tom Reid
Mayor

TR/dh

MW

RESOLUTION NO. R2007-36

BY *dl*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, REGARDING THE PURCHASE OF THE CHOCOLATE BAYOU WATER COMPANY (CBWC) BY GULF COAST WATER AUTHORITY (GCWA).

WHEREAS, the Gulf Coast Water Authority (GCWA) has purchased the Chocolate Bayou Water Company (CBWC); and

*WCP
53999*

WHEREAS, a permit application has been filed with the Texas Commission on Environmental Quality (TCEQ); and

WHEREAS, this permit, if approved, would authorize a change in the location of the point in the Brazos River from which CBWC water can be diverted; and

WHEREAS, the City Council of the City of Pearland believes that it is beneficial to the environment to secure surface water rights to meet the City's future long term needs; and

WHEREAS, water rights obtained by GCWA through the purchase of CBWC will enhance the surface water supply for the City of Pearland; and

WHEREAS, the relocation of the CBWC take point will make it possible to access CBWC water from GCWA's Briscoe Canal, thus reducing the City of Pearland's costs to utilize CBWC water;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS THAT TCEQ IS URGED TO APPROVE THE APPLICATION FOR THE RELOCATION OF THE CBWC TAKE POINT.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAR 27 11 30 AM
CHIEF CLERK'S OFFICE

Chlor

PASSED, APPROVED AND ADOPTED this the 5th day of March, A.D., 2007.



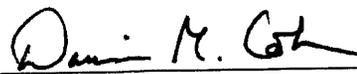
TOM REID
MAYOR

ATTEST:



YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:



DARRIN M. COKER
CITY ATTORNEY

ADD
5/3/09

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RESOLUTION NO. R2007-36

2007 MAR 26 AM 10: 24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, REGARDING THE PURCHASE OF THE CHOCOLATE BAYOU WATER COMPANY (CBWC) BY GULF COAST WATER AUTHORITY (GCWA). CHIEF CLERKS OFFICE

WHEREAS, the Gulf Coast Water Authority (GCWA) has purchased the Chocolate Bayou Water Company (CBWC); and

WHEREAS, a permit application has been filed with the Texas Commission on Environmental Quality (TCEQ); and

WHEREAS, this permit, if approved, would authorize a change in the location of the point in the Brazos River from which CBWC water can be diverted; and

WHEREAS, the City Council of the City of Pearland believes that it is beneficial to the environment to secure surface water rights to meet the City's future long term needs; and

WHEREAS, water rights obtained by GCWA through the purchase of CBWC will enhance the surface water supply for the City of Pearland; and

WHEREAS, the relocation of the CBWC take point will make it possible to access CBWC water from GCWA's Briscoe Canal, thus reducing the City of Pearland's costs to utilize CBWC water;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS THAT TCEQ IS URGED TO APPROVE THE APPLICATION FOR THE RELOCATION OF THE CBWC TAKE POINT.

BY 
MAY 2 9 2007
OPA

MW

PASSED, APPROVED AND ADOPTED this the 5th day of March, A.D., 2007.



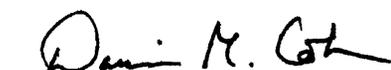
TOM REID
MAYOR

ATTEST:



YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:



DARRIN M. COKER
CITY ATTORNEY

674

TCEQ Public Meeting Form

Thursday, January 25, 2007

Chocolate Bayou Water Company Certificate of Adjudication Application No. 12-5322E

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 FEB - 7 PM 2:42
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: John Spoor

Address: 11 N Cay

City/State: Angleton TX Zip: 77515

Phone: (979) 849 8750

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

ms

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

OCT 16 PM 2:57

OCTOBER 13, 2006

CHIEF CLERKS OFFICE

Spoor Farms
11 North Cay
Angleton, TX 77515
979/849-8750

PM OPA
OCT 17 2006

BY AK

ADK
53599

TCEQ
OFFICE OF THE CHIEF CLERK
LADONNA CASTANUELA
P O BOX 13087
AUSTIN, TX. 78711-3087

RE: Brazoria County Irrigation Water
CBWC Application # 12-5322E

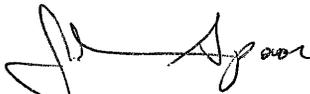
Ms. Castanuela,

I am a farmer and land owner in Brazoria County, Texas. The rice crop I produce on my farm is irrigated by the Chocolate Bayou Water Company. I am concerned with this application changing the diversion point on the Brazos River could impact my ability to farm rice. I am requesting a public meeting regarding the CBWC Application # 12-5322E.

Please contact me with the date and time of this public meeting at the above address.

Thank you for your assistance.

Sincerely,



John Spoor
Spoor Farms

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| PO ZIP Code 771575 | Date Accepted 10/13/06 | Scheduled Date of Delivery 10-16 | Return Receipt Fee \$ |
| Time Accepted 4:49 PM | <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM | Scheduled Time of Delivery Noon <input type="checkbox"/> 3 PM | COD Fee \$ |
| Flat Rate or Weight lbs 2.10 | Int'l Alpha Country Code | Insurance Fee \$ | Total Postage & Fees \$ 14.40 |
| Acceptance Fee \$ | | | Initials R |

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Angleton, TX 77515

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| Delivery Attempt | Delivery Date | Employee Signature |
| CUSTOMER USE ONLY | | Employee Signature |
| <input type="checkbox"/> PAID BY ACCOUNT Express Mail Corporate Acct. No. Federal Agency/ Acct. No. or Postal Service Acct. No. | | <input type="checkbox"/> WAVIVER OF SIGNATURE (Domestic Mail Only) customer requests waiver of signature. wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and is authorized that delivery employee's signature constitutes valid proof of delivery. |
| <input type="checkbox"/> NO DELIVERY Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Mailer's Signature | | |

TO: (PLEASE PRINT) PHONE ()
TEEA
Office of the Chief Clerk
Ladonna Castanuela
P.O. Box 13087
Austin TX 78711-3087
ZIP + 4 (U.S. addresses only, do not use for foreign postal codes)
78711 + 3087

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

many
OK



Texas A&M University Sea Grant College Program • Texas Agricultural Extension Service • The Texas A&M University System

January 25, 2007

Office of the Chief Clerk
Mail Code MC-105
P.O. Box 13087
Austin, TX 787111-3087

OPA RECEIVED
JAN 25 2007
AT PUBLIC MEETING

Dear Sir/Madam:

Please accept my comments regarding Application No. 12-5322E. I am interested that the Commission addresses the requested addition of a diversion point and the subsequent diversion of water to Galveston County and the resulting effect on the ecosystems of the Chocolate Bayou watershed.

Freshwater inflows to the estuaries of Brazoria County have been recognized as vitally important to sustain the in-stream and marine ecological systems of our county. These systems are important to the economical and social vitality of our county and state. It has been documented that the Texas Seafood Industry supports more than 30,000 full-time jobs in Texas, with a payroll in excess of \$300 million. The sport fishing industry has a greater impact (about \$3 billion).

The commercial and recreation fishing industries have long been an important part of many of the residents of Brazoria County. They depend on freshwater inflows to insure that their industries remain viable.

Thank you for your consideration of these concerns.

Sincerely,

Richard E. Tillman
Brazoria County Extension Agent
Marine & Coastal Resources

mw

Sea Grant

Marine Advisory Service

Texas A&M University Sea Grant College Program • Texas Agricultural Extension Service • The Texas A&M University System

October 16, 2006

TCEQ
Office of the Chief Clerk
Ladonna Castanuela
P. O. Box 13087
Austin, TX 78711-3087

*ADD
53999*

OPA
PM **OCT 18 2006**
BY *al*

TEXAS
COMMISSION
ON ENVIRONMENT
QUALITY
OCT 18 11:05 AM
CHIEF CLERKS OFFICE

RE: Brazoria County Irrigation Water
Chocolate Bayou Water Company Application #12-5322E

Dear Ms. Castanuela:

I am the County Marine Agent for Brazoria County, Texas, and I would like to request a public meeting on the referenced application.

I am concerned about this large volume of surface water leaving Brazoria County and the effects it will have on its residents. We have conducted several needs assessments for Brazoria County. The need for freshwater continues to rise to the surface of all of these assessments as a critical issue for Brazoria County.

Thank you for your consideration of this matter.

Sincerely,



Richard E. Tillman
Brazoria County Extension Agent
Coastal & Marine Resources

rt/ss



Brazoria County Extension Office ♦ 21017 C. R. 171 ♦ Angleton, TX 77515

FAX

PM OPA
OCT 18 2006

BY

DATE: 10/17/06

TO: TCEQ

ATTN: Ladonne Castanuela

FAX NUMBER: 512/239-3311

REFERENCE: Sorry!
21017 CR 171
ANGLETON, TX 77515

pages: 2 (incl. cover sheet)



Richard E. Tillman

County Extension Agent

Marine

Fax 979/864-1566

979/864-1558, x112 ♦ 979/388-1558, x112 ♦ 281/756-1558, x112

CHIEF CLERKS OFFICE

OCT 17 PM 4:07

TEXAS
COMMISSIONERS
OF ENVIRONMENTAL
QUALITY



Brazoria County Extension Office ♦ 21017 C. R. 171 ♦ Angleton, TX 77515

FAX

CHIEF CLERKS OFFICE

2006 OCT 16 PM 12:56

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

DATE: 10/16/06

TO: TCEQ - Office of Chief Clerk

ATTN: Ladonna Costanuela

FAX NUMBER: 512/239-3311

REFERENCE: Original transmitted
by mail.

pages: 2 (incl. cover sheet)



Richard E. Tillman

County Extension Agent

Marine

Fax 979/864-1566

979/864-1558, x112 ♦ 979/388-1558, x112 ♦ 281/756-1558, x112



Texas A&M University Sea Grant College Program • Texas Agricultural Extension Service • The Texas A&M University System

October 16, 2006

OPA *PM*

TCEQ
Office of the Chief Clerk
Ladonna Castanuela
P. O. Box 13087
Austin, TX 78711-3087

ADD 5/53999

OCT 16 2006

BY *jr*

RE: Brazoria County Irrigation Water
Chocolate Bayou Water Company Application #12-5322E

Dear Ms. Castanuela:

I am the County Marine Agent for Brazoria County, Texas, and I would like to request a public meeting on the referenced application.

I am concerned about this large volume of surface water leaving Brazoria County and the effects it will have on its residents. We have conducted several needs assessments for Brazoria County. The need for freshwater continues to rise to the surface of all of these assessments as a critical issue for Brazoria County.

Thank you for your consideration of this matter.

Sincerely,

Richard E. Tillman

Richard E. Tillman
Brazoria County Extension Agent
Coastal & Marine Resources

rt/ss

CHIEF CLERKS OFFICE

2006 OCT 16 PM 10:56

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

BG



Brazoria County Extension Office ♦ 21017 C. R. 171 ♦ Angleton, TX 77515

FAX

CHIEF CLERKS OFFICE

OCT 16 PM 12:56

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

DATE: 10/16/06

TO: TCEQ - Office of Chief Clerk

ATTN: Ladonna Costanuela

FAX NUMBER: 512/239-3311

REFERENCE: Original transmitted
by mail.

pages: 2 (incl. cover sheet)



Richard E. Tillman

County Extension Agent

Marine

Fax 979/864-1566

979/864-1558, x112 ♦ 979/388-1558, x112 ♦ 281/756-1558, x112



Texas A&M University Sea Grant College Program • Texas Agricultural Extension Service • The Texas A&M University System

October 16, 2006

TCEQ
 Office of the Chief Clerk
 Ladonna Castanuela
 P. O. Box 13087
 Austin, TX 78711-3087

Handwritten:
 5/3/06
 53959

Handwritten: OPA ^{PM}
 OCT 16 2006
 BY *J*

RE: Brazoria County Irrigation Water
 Chocolate Bayou Water Company Application #12-5322E

Dear Ms. Castanuela:

I am the County Marine Agent for Brazoria County, Texas, and I would like to request a public meeting on the referenced application.

I am concerned about this large volume of surface water leaving Brazoria County and the effects it will have on its residents. We have conducted several needs assessments for Brazoria County. The need for freshwater continues to rise to the surface of all of these assessments as a critical issue for Brazoria County.

Thank you for your consideration of this matter.

Sincerely,

Handwritten signature of Richard E. Tillman

Richard E. Tillman
 Brazoria County Extension Agent
 Coastal & Marine Resources

rt/ss

CHIEF CLERK'S OFFICE

OCT 16 11 53 56

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY

TCEQ Public Meeting Form
Thursday, January 25, 2007

944

Chocolate Bayou Water Company
Certificate of Adjudication
Application No. 12-5322E

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 FEB -7 PM 2:42
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Mark Walker
Address: 1001 Congress Ave. Ste 360
City/State: Austin, TX Zip: 78701
Phone: (512) 473-8895

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? NRG Texas

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OCT 16 PM 2:57
CHIEF CLERK'S OFFICE

OCTOBER 13, 2006

MICHAEL WOLLAM
2800 OWEN
ALVIN, TX. 77511

TCEQ
OFFICE OF THE CHIEF CLERK
LADONNA CASTANUELA
P O BOX 13087
AUSTIN, TX. 78711-3087

ADD 5/25/06
53599

PM OPA
OCT 17 2006
BY AL

RE: Brazoria County Irrigation Water
CBWC Application # 12-5322E

Ms. Castanuela,

I farm and ranch in Brazoria County, Texas. The rice crop on my farm is irrigated by Chocolate Bayou Water Company. As a customer, I would like to be informed as to the reason for the need of transferring water from present diversion location.

I would like to request a public meeting regarding the CBWC Application #12-5322E.

Please contact me with the date and time of the public meeting at the above address.

Thank you for you assistance,

Michael Wollam

Michael Wollam

BG

KEITH G. ALLEN
First Assistant

MARY ALDOUS
Chief - Criminal Division



JIM WIGINTON
Chief - Civil Division

JOHN BLANKENSHIP
Chief Investigator

JERI YENNE

CRIMINAL DISTRICT ATTORNEY
BRAZORIA COUNTY

May 11, 2007

OPA

MAY 16 2007

BY

CRIMINAL DIVISION
MAY 16 11 25 55
OFFICE OF THE DISTRICT ATTORNEY
BRAZORIA COUNTY TEXAS

WR
53999

Kathleen Hartnett White
Chairman
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Order Rescinding Amendment to Certification
of Adjudication No. 12-5322 -
Chocolate Bayou Water Company

Dear Ms. White:

Enclosed please a copy of Brazoria County Commissioners Court Order No. 62,
which rescinds the resolution opposing Chocolate Bayou Water Company's Proposed
Amendment to Certificate of Adjudication No. 12-5322.

If you have any questions, please give me a call.

Sincerely,

JERI YENNE

COUNTY COURTHOUSE, 111 E. LOCUST, SUITE 408A, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1230

Brazosport Area
(979) 388-1230

Houston Area
(281) 756-1230

Fax-Criminal Division
(979) 864-1525

Fax-Civil Division
(979) 864-1712

Fax-CPS Division
(979)-849-8914

MW

BRAZORIA COUNTY COMMISSIONERS' COURT

REGULAR SESSION - MAY 8, 2007

**ORDER NO. 62 RE: TO RESCIND RESOLUTION OPPOSING CHOCOLATE
BAYOU WATER COMPANY'S PROPOSED AMENDMENT
TO CERTIFICATE OF ADJUDICATION NO. 12-5322**

Motion by Commissioner Harris, seconded by Commissioner Rhodenbaugh that the following action be taken by the Court:

Rescind Commissioners' Court Order no. 90 dated February 12, 2007 and the Resolution Opposing Chocolate Bayou Water Company'

Motion carried, all present voting aye.

CLERK OF COURT
MAY 16 10 55 AM '07
COUNTY CLERK

KEITH G. ALLEN
First Assistant

MARY ALDOUS
Chief - Criminal Division



JIM WIGINTON
Chief - Civil Division

JOHN BLANKENSHIP
Chief Investigator

OPA

MAY 16 2007

RECEIVED

WR
53999

JERI YENNE

CRIMINAL DISTRICT ATTORNEY BY *JY*
BRAZORIA COUNTY

MAY 14 2007

Texas Commission on Environmental Quality
Commissioners Office

May 11, 2007

Kathleen Hartnett White
Chairman
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED BY OPA
TRACKING # 15477
ASSIGNED TO: OPR

MAY 15 2007

RE: Order Rescinding Amendment to Certification
of Adjudication No. 12-5322 -
Chocolate Bayou Water Company

DUE DATE: *JY*

Dear Ms. White:

Enclosed please a copy of Brazoria County Commissioners Court Order No. 62,
which rescinds the resolution opposing Chocolate Bayou Water Company's Proposed
Amendment to Certificate of Adjudication No. 12-5322.

If you have any questions, please give me a call.

Sincerely,

Jeri Yenne
JERI YENNE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAY 16 AM 11: 57
CHIEF CLERKS OFFICE

COUNTY COURTHOUSE, 111 E. LOCUST, SUITE 408A, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1230

Brazosport Area
(979) 388-1230

Houston Area
(281) 756-1230

Fax-Criminal Division
(979) 864-1525

Fax-Civil Division
(979) 864-1712

Fax-CPS Division
(979)-849-8914

mw

BRAZORIA COUNTY COMMISSIONERS' COURT

REGULAR SESSION – MAY 8, 2007

**ORDER NO. 62 RE: TO RESCIND RESOLUTION OPPOSING CHOCOLATE
BAYOU WATER COMPANY'S PROPOSED AMENDMENT
TO CERTIFICATE OF ADJUDICATION NO. 12-5322**

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Motion carried, all present voting aye.

KEITH G. ALLEN
First Assistant

MARY ALDOUS
Chief - Criminal Division



JIM WIGINTON
Chief - Civil Division
JOHN BLANKENSHIP
Chief Investigator

WR
33999

JERI YENNE
CRIMINAL DISTRICT ATTORNEY
BRAZORIA COUNTY

OPA

FEB 16 2007

BY *JY*

February 12, 2007

Kathleen Hartnett White
Chairman
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY
2007 FEB 16 AM 11:10
CHIEF CLERK'S OFFICE

Via Certified Mail Return Receipt Requested

RE: Amendment to Certificate of Adjudication No. 12-5322
Chocolate Bayou Water Company's proposed Amendment Application - proposed
diversion point

Dear Ms. White:

Enclosed please find Brazoria County's Resolution Opposing Chocolate Bayou Water Company's proposed Amendment to Certificate of Adjudication No. 12-5322 for a diversion point 3.9 miles upstream of Chocolate Bayou's current diversion point.

Please include this in the Certificate of Adjudication No. 12-5322 file. We look forward to receiving the TCEQ's formal written response to the comments and being informed of all deadlines regarding this matter.

Sincerely,

Jeri Yenne
JERI YENNE

cc: County Judge King
Commissioner Payne, Pct. 1
Commissioner Sebesta, Pct. 2
Commissioner Harris, Pct. 3
Commissioner Rhodenbaugh, Pct. 4

✓ LaDonna Castanuela
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

COUNTY COURTHOUSE, 111 E. LOCUST, SUITE 408A, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1230

Brazosport Area
(979) 388-1230

Houston Area
(281) 756-1230

Fax-Criminal Division
(979) 864-1525

Fax-Civil Division
(979) 864-1712

Fax-CPS Division
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mw

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**ORDER NO. 89 RE: ORDER APPROVING RESOLUTION OPPOSING
CHOCOLATE BAYOU WATER COMPANY'S PROPOSED
AMENDMENT TO CERTIFICATE OF ADJUDICATION NO.
12-5322**

Motion by Commissioner Rhodenbaugh, seconded by Commissioner Sebesta that the following action be taken by the Court:

Authorize Commissioners' Court to sign a Resolution Opposing Chocolate Bayou Water Company's Proposed Amendment to Certificate of Adjudication No. 12-5322.

Motion carried, all present voting aye.

STATE OF TEXAS)

COUNTY OF BRAZORIA)

**I, Joyce Hudman, Clerk County Court and Ex-Officio Clerk of the
Commissioners' Court of Brazoria County, Texas, do hereby certify that the
foregoing is a true and correct copy of that certain:**

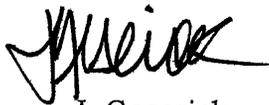
**ORDER NO. 89 RE: ORDER APPROVING RESOLUTION OPPOSING
CHOCOLATE BAYOU WATER COMPANY'S PROPOSED
AMENDMENT TO CERTIFICATE OF ADJUDICATION NO.
12-5322**

as passed by the Commissioners' Court on the 12th day of FEBRUARY A.D., 2007,
REGULAR Term of Commissioners' Court and as the same appear(s) in the
Commissioners' Court Records of Brazoria County, Texas.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 14th DAY OF
FEBRUARY, A.D., 2007.**

JOYCE HUDMAN, Clerk County Court
and Ex-Officio Member of the Commissioners'
Court of Brazoria County, Texas

By



J. Geserick

Deputy

**RESOLUTION OPPOSING
CHOCOLATE BAYOU WATER COMPANY'S PROPOSED AMENDMENT
TO CERTIFICATE OF ADJUDICATION NO. 12-5322
TO ADD A DIVERSION POINT ON THE BRAZOS**

WHEREAS, Brazoria County will be affected by the Chocolate Bayou Water Company's ("Chocolate Bayou") proposed amendment to Certificate of Adjudication No. 12-5322 to add a diversion point on the Brazos, that is currently being processed by the Texas Commission on Environmental Quality; and

WHEREAS, the Chocolate Bayou's amendment requests to add a diversion point on the Brazos approximately 3.9 miles upstream from its current diversion point; and

WHEREAS, the Chocolate Bayou's amendment proposes to include the diversion of the water to Galveston County as a portion of the owner's service area; and

WHEREAS, the proposed diversion will impact the citizens of Brazoria County that rely on the water from this canal to grow crops and water livestock; and

WHEREAS, the proposed diversion will impact the municipalities and small communities that provide drinking water to the citizens in their respective jurisdictional limits located in Brazoria County; and

WHEREAS, Commissioners' Court, as governing body of the affected constituency, are elected by the citizens and charged with the responsibility of representing the citizenry in matters concerning them, particularly in the protection of the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Brazoria County Commissioners' Court opposes the decision of the Texas Commission on Environmental Quality leading to granting the Chocolate Bayou proposed amendment to permit a diversion point on the Brazos River approximately 3.9 miles upstream that would benefit the County of Galveston.

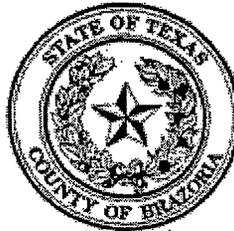
APPROVED this 12 day of February, 2007.



Commissioner Donald Payne, Pct. 1


County Judge Joe King


Commissioner Matt Sebesta, Pct. 2



"Absent"

Commissioner Jack Harris, Pct. 3


Commissioner Mary Ruth Rhodenbaugh, Pct. 4