

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 18, 2010

TO: Persons on Attached Mailing List

**RE: Docket No. 2009-0356-WR
Gulf Coast Water Authority
Hearing Requests filed on Water Rights Permit No. ADJ 5322**

The above-referenced application and all timely filed hearing requests filed on the application will be considered by the Commissioners of the Texas Commission on Environmental Quality during the public meeting on **July 28, 2010**.

The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas.

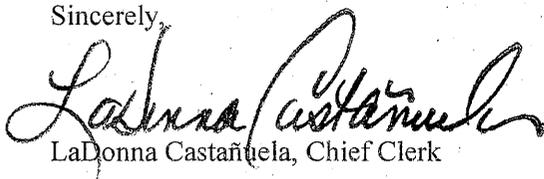
In accordance with Commission rules, copies of the hearing request(s) have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. They may file written responses to these hearing requests on or before 5:00 p.m. on **July 2, 2010**. Persons who filed hearing requests (hearing requesters) may file a written reply to responses on or before 5:00 p.m. on **July 19, 2010**. All responses and replies must be filed with the Chief Clerk of the TCEQ, and sent on the same day to all individuals on the attached mailing list. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The address of the Chief Clerk's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax 512/239-3311). The procedures for evaluating hearing requests and for filing and serving responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (§§55.250-55.256) and 30 TAC §§1.10-1.11. The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h).

The Commissioners will not take oral argument or additional public comment on this matter, but may wish to ask questions of the applicant, hearing requesters or staff. The Commissioners will make their decision based on the hearing requests, written responses to the hearing requests, any written replies to those responses, and any response to questions.

Copies of all public comment and hearing requests have also been referred to the Alternative Dispute Resolution Office, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute.

Individual members of the public may seek further information concerning the application, public participation, the processing of hearing requests, copies of Commission rules, or the attachment, by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,


LaDonna Castañuela, Chief Clerk

MAILING LIST
GULF COAST WATER AUTHORITY
DOCKET NO. 2009-0356-WR

FOR THE APPLICANT:

Robert Istre, General Manager
Gulf Coast Water Authority
3630 FM 1765
Texas City, Texas 77591
Tel: (409) 935-2438 ext. 17
Fax: (409) 935-4156

Sabrina Finnegan, Vice President
Chocolate Bayou Water Company
2 Paragon Dr.
Montvale, New Jersey 07645-1782

Lawrence Bellatti
Andrews & Kurth, L.L.P.
600 Travis St. Ste. 4200
Houston, Texas 77002-2929
Tel: (713) 220-4196
Fax: (713) 238-7207

Glenn Jarvis
Law Offices of Glenn Jarvis
1801 S. 2nd St., Ste. 550
McCallen, Texas 78503-1353
Tel: (956) 682-1660
Fax: (956) 618-2660

FOR THE EXECUTIVE DIRECTOR

via electronic mail:

Ross Henderson, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Ron Ellis, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division, MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-1282
Fax: (512) 239-2214

FOR PUBLIC INTEREST COUNSEL

via electronic mail:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE

via electronic mail:

Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

**FOR ALTERNATIVE DISPUTE
RESOLUTION**

via electronic mail:

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela

Texas Commission on Environmental Quality

Office of Chief Clerk, MC-105

P.O. Box 13087

Austin, Texas 78711-3087

Tel: (512) 239-3300

Fax: (512) 239-3311

REQUESTER(S)

CAROLYN AHRENS
 BOOTH AHRENS & WERKENTHIN PC
 515 CONGRESS AVE STE 1515
 AUSTIN TX 78701-3504

PAUL BORK
 COUNSEL LEGAL DEPT, THE DOW CHEMICAL COMPANY
 1790 BUILDING
 MIDLAND MI 48674-0001

BEN CARMINE
 NRG TEXAS POWER LLC
 1301 MCKINNEY ST STE 2300
 HOUSTON TX 77010-3031

DOUGLAS CAROOM
 816 CONGRESS AVE STE 1700
 AUSTIN TX 78701-2442

ANTHONY & CAROLYN DUKE
 PO BOX 1047
 ALVIN TX 77512-1047

ANTHONY & CINDY DUKE
 PO BOX 607
 ALVIN TX 77512-0607

SCOTT HICKMAN
 CAPTAIN, CIRCLE H OUTFITTERS AND CHARTERS
 3218 CORAL RIDGE CT
 LEAGUE CITY TX 77573-9023

TERRANCE J HLAVINKA
 PO BOX 1188
 EAST BERNARD TX 77435-1188

TERRY HLAVINKA
 TERRANCE HLAVINKA CATTLE CO
 PO BOX 1188
 EAST BERNARD TX 77435-1188

FRED B WERKENTHIN, JR
 BOOTH AHRENS & WERKENTHIN PC
 515 CONGRESS AVE STE 1515
 AUSTIN TX 78701-3504

WITHDRAW OF REQUEST(S)

RUBEN R BARRERA
 111 CONGRESS AVE STE 2300
 AUSTIN TX 78701-4061

PUBLIC OFFICIALS - INTERESTED PERSON(S)

THE HONORABLE DENNIS BONNEN
 PO BOX 2910
 AUSTIN TX 78768-2910

THE HONORABLE DENNIS BONNEN
 TX HOUSE OF REPRESENTATIVES
 PO BOX 2910
 AUSTIN TX 78768-2910

THE HONORABLE DENNIS BONNEN
 TX HOUSE OF REPRESENTATIVES
 122 E MYRTLE ST
 ANGLETON TX 77515-4739

THE HONORABLE DONALD "DUDE" PAYNE
 BRAZORIA COUNTY COMMISSIONER
 PO BOX 998A
 CLUTE TX 77531-0998

INTERESTED PERSON(S)

JASON AFINOWICZ
 TCB INC
 5757 WOODWAY DR STE 101W
 HOUSTON TX 77057-1514

KIMBERLY M ALLEN
 930 BLUE WATER HWY
 SURFSIDE BEACH TX 77541-9198

ROBERT N BALCELLS
 9801 WESTHEIMER RD STE 500
 HOUSTON TX 77042-3950

BILLY BEICKER
 12415 1/2 ROY RD
 PEARLAND TX 77581-7989

MR LARRY BEUHLER
 CITY OF ALVIN
 216 W SEALY ST
 ALVIN TX 77511-2341

TOM C BIELSTEIN
200 W 2ND ST
FREEPORT TX 77541-5773

DARRIN M & YOUNG LORFING
3519 LIBERTY DR
PEARLAND TX 77581-5416

MR MIKE HOKE
PO BOX 2910
AUSTIN TX 78768-2910

FRED COOGAN
5602 TERWILLIGER WAY
HOUSTON TX 77056-2607

CORRIE BOWER
21017 COUNTY ROAD 171
ANGLETON TX 77515-8903

NORMA COOGAN
5602 TERWILLIGER WAY
HOUSTON TX 77056-2607

J CURTISS BROWN, JR
123 ROSENBERG ST STE 4005
GALVESTON TX 77550-1494

MARY ANN & PATRICK F DOYLE
123 ROSENBERG ST
GALVESTON TX 77550-1494

KEN BURKETT
BC GROUNDWATER CONSERVATION DIST
2407 LYNN DR
PEARLAND TX 77581-3912

ANTHONY DUKE, JR
PO BOX 607
ALVIN TX 77512-0607

MS CATHERINE CALLAWAY
NRG ENERGY
1301 MCKINNEY ST STE 2300
HOUSTON TX 77010-3031

STROM DUKE
PO BOX 393
ROSHARON TX 77583-0393

ANN CHAFFIN
11166 FM 521 RD
ROSHARON TX 77583-5114

JASON FLUHARTY
NRG TEXAS LP
1301 MCKINNEY ST
HOUSTON TX 77010-3031

OM CHAWLA
H-GAC
3555 TIMMONS LN
HOUSTON TX 77027-6470

JACKO GARRETT
PO BOX 603
DANBURY TX 77534-0603

JUSTINE M CHERNE
ALLEN BOONE HUMPHRIES ROBINSON LLP
3200 SOUTHWEST FWY STE 2600
HOUSTON TX 77027-7537

SCOTT & TONI HAIRSTON
6728 COUNTY ROAD 208 BOX 140
DANBURY TX 77534-8833

LYN CLANCY
ASSOC GEN COUNSEL, LCRA
PO BOX 220 H424
AUSTIN TX 78767-0220

ERIC HALL
10777 WESTHEIMER RD STE 400
HOUSTON TX 77042-3455

PATRICK HENRY
MAYOR, CITY OF ANGLETON
904 CANNAN DR
ANGLETON TX 77515-3308

BRYAN M & STEPHEN D HOLMES
123 ROSENBERG ST
GALVESTON TX 77550-1494

SHERILYN PLENTL
111 E LOCUST ST BLDG A-29 STE 290
ANGLETON TX 77515-4642

DAVID W KOCUREK
DIR OF PUB WORKS, CITY OF ALVIN
1100 W HIGHWAY 6
ALVIN TX 77511-7648

SHERRY PLENTL
BRAZORIA CO GROUNDWATER CONS DIST
1101 WESTERN AVE
ANGLETON TX 77515-4257

CATHY LANEY
BRAZORIA COUNTY PCT 2
21017 COUNTY ROAD 171
ANGLETON TX 77515-8903

TOM REID
MAYOR, CITY OF PEARLAND
3519 LIBERTY DR
PEARLAND TX 77581-5416

BARBARA LAWRENCE
CITY SECRETARY, CITY OF GALVESTON
PO BOX 779
GALVESTON TX 77553-0779

MARY RUTH RHODENBAUGH
BRAZORIA CO
2005 COUNTY ROAD 347
BRAZORIA TX 77422-8074

CHARLES LECOMPTE
PO BOX 253
DANBURY TX 77534-0253

DAVID SPOOR
717 COTHARN DR
ANGLETON TX 77515-3313

JERRY LOCKE
RICETEC, INC.
1225 FM 2917 RD
ALVIN TX 77511-9036

JOHN SPOOR
SPOOR FARMS
11 CAY CT
ANGLETON TX 77515-3801

JIMMY MCCORNICK
JCM FARMS INC
111 W ADOUE ST
ALVIN TX 77511-2401

RICHARD E TILLMAN
BRAZORIA COUNTY EXTENSION AGENT, SEA GRANT
MARINE ADVISORY SERVICE
21017 COUNTY ROAD 171
ANGLETON TX 77515-8903

MICHAEL F MILLER
PO BOX 779
GALVESTON TX 77553-0779

ARTHUR H VELASQUEZ
PO BOX 983
ROSHARON TX 77583-0983

MELANIE OLDHAM
CITIZENS FOR CLEAN AIR & WATER IN BRAZORIA CO
316 COUNTY ROAD 893
ANGLETON TX 77515-9488

BILL WALKER
1104 OAK PARK DR
ANGLETON TX 77515-7868

WILFRED PELTIER
209 E MULBERRY ST STE 300
ANGLETON TX 77515-4746

MARK WALKER
NRG TEXAS
1001 CONGRESS AVE #360
AUSTIN TX 78701-5000

MICHAEL WOLLAM
2800 OWEN ST
ALVIN TX 77511-3739

JAMES D YARBROUGH
123 ROSENBERG ST
GALVESTON TX 77550-1494

JERI YENNE
CRIMINAL DIST ATTY, BRAZORIA COUNTY
111 E LOCUST ST STE 408A
ANGLETON TX 77515-4642

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 11, 2009

To: Persons on the attached Mailing List (By mail and facsimile as indicated)

Re: Application by Gulf Coast Water Authority to Amend Water Rights Permit No. ADJ5322 (CA 12-5322E); TCEQ Docket No. 2009-0356-WR.

The above-named matter is scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its September 23, 2009 public meeting. On August 31, 2009, Robert Istre, on behalf of Gulf Coast Water Authority, requested a continuance in the above-referenced matter to allow for continuing settlement discussions with the parties. On September 4, 2009, Anthony and Carolyn Duke, Protestants, also requested a continuance in the above-referenced matter in order to respond to the Responses filed by the parties and for professional reasons listed by the Protestants.

The Office of General Counsel has ascertained that none of the parties objected to the requested continuance. As a result, the Office of General Counsel determined to continue the matter from this meeting. Accordingly, this matter is continued indefinitely pursuant to 30 TAC § 10.4. The Office of General Counsel may determine to set the matter on a future public meeting if necessary and will notify the parties of any future agenda setting, and any future briefing schedules on the matter.

If you have any questions regarding this matter, please feel free to contact Shannon Strong, Assistant General Counsel, at 512-239-0972.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
Gulf Coast Water
TCEQ Docket No. 2009-0356-WR

Robert Istre
Gulf Coast Water Authority
3630 FM 1765
Texas City, Texas 77591-3677

Sabrina Finnegan
Gulf Coast Water Authority
3 Paragon Drive
Montvale, New Jersey 07645-1782

Lawrence Bellatti
Andrews & Kurth, LLP
600 Travis St., Suite 4200
Houston, Texas 77002-2929
713/220-4196 FAX 713/238-7207

Glenn Jarvis
Law Office of Glenn Jarvis
1801 South 2nd St., Suite 550
McAllen, Texas 78503-1353
956/682-1660 FAX 956/618-2660

Carolyn Ahrens
Fred B. Werkenthin, Jr.
Booth Ahrens & Werkenthin PC
515 Congress Ave., Suite 1515
Austin, Texas 78701-3504

Paul Bork
Dow Chemical – Texas Operations
The Dow Chemical Company
1790 Building
Midland, Michigan 48674-0001

Ben Carmine
NRG Texas Power LLC
1301 McKinney St., Suite 2300
Houston, Texas 77010-3031

Douglas Caroom
816 Congress Ave., Suite 1700
Austin, Texas 78701-2442

Anthony & Cindy Duke
P.O. Box 607
Alvin, Texas 77512-0607

Jason Fluharty
NRG Texas Power LLC
P.O. Box 4710
Houston, Texas 77210-4710

Jason Fluharty
NRG Texas LP
1301 McKinney St.
Houston, Texas 77010-3031

Scott Hickman
Captain, Circle H Outfitters and Charters
3218 Coral Ridge Ct.
League City, Texas 77573-9023

Terrance J. Hlavinka
P.O. Box 1188
East Bernard, Texas 77435-1188

Terry Hlavinka
Terrance Hlavinka Cattle Co.
P.O. Box 1188
East Bernard, Texas 77435-1188

Jason Afinowicz
TCB Inc.
5757 Woodway Dr., Suite 101W
Houston, Texas 77057-1514

Kimberly M. Allen
930 Blue Water Hwy.
Surfside Beach, Texas 77541-9198

Robert N. Balcells
9801 Westheimer Rd., Suite 500
Houston, Texas 77042-3950

Billy Beicker
12415 ½ Roy Rd.
Pearland, Texas 77581-7989

Larry Beuhler
City of Alvin
216 W. Sealy St.
Alvin, Texas 77511-2341

Tom C. Bielstein
200 W. 2nd St.
Freeport, Texas 77541-5773

Mike Hoke
P.O. Box 2910
Austin, Texas 78768-2910

Corrie Bower
21017 County Road 171
Angleton, Texas 77515-8903

J. Curtiss Brown, Jr.
123 Rosenberg St., Suite 4005
Galveston, Texas 77550-1494

Ken Burkett
BC Groundwater Conservation Dist.
2407 Lynn Dr.
Pearland, Texas 77581-3912

Ann Chaffin
11166 FM 521 Rd.
Rosharon, Texas 77583-5114

OM Chawla
H-GAC
3555 Timmons Ln.
Houston, Texas 77027-6405

Justine M. Cherne
Allen Boone Humphries Robinson LLP
3200 Southwest Fwy., Suite 2600
Houston, Texas 77027-7537

Lyn Clancy
Assoc. General Counsel, LCRA
P.O. Box 220 H424
Austin, Texas 78767-0220

Darrin M. Coker & Young Lorfing
3519 Liberty Dr.
Pearland, Texas 77581-5416

Fred Coogan
Norma Coogan
5602 Terwilliger Way
Houston, Texas 77056-2607

Mary Ann Daigle & Patrick F. Doyle
123 Rosenberg St.
Galveston, Texas 77550-1494

Anthony Duke, Jr.
P.O. Box 607
Alvin, Texas 77512-0607

Strom Duke
P.O. Box 393
Rosharon, Texas 77583-0393

Jacko Garrett
P.O. Box 603
Danbury, Texas 77534-0603

Scott & Toni Hairston
6728 County Road 208 Box 140
Danbury, Texas 77534-8833

Eric Hall
10777 Westheimer Rd., Suite 400
Houston, Texas 77042-3455

Patrick Henry, Mayor
City of Angleton
904 Cannan Dr.
Angleton, Texas 77515-3308

Bryan M. Lamb & Stephen D. Holmes
123 Rosenberg St.
Galveston, Texas 77550-1494

David W. Kocurek
Director of Public Works
City of Alvin
1100 W. Highway 6
Alvin, Texas 77511-7648

Cathy Laney
Brazoria County Precinct 2
21017 County Road 171
Angleton, Texas 77515-8903

Barbara Lawrence
City Secretary
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

Charles Lecompte
P.O. Box 253
Danbury, Texas 77534-0253

Jerry Locke
Ricetec, Inc.
1225 FM 2917 Rd.
Alvin, Texas 77511-9036

Jimmy McCornick
JCM Farms Inc.
111 W. Adoue St.
Alvin, Texas 77511-2401

Michael F. Miller
P.O. Box 779
Galveston, Texas 77553-0779

Mike O'Day
3905 E. Pear St.
Pearland, Texas 77581-4262

Melanie Oldham
Citizens for Clean Air &
Water in Brazoria County
316 County Road 893
Angleton, Texas 77515-9488

Wilfred Peltier
209 E. Mulberry St., Suite 300
Angleton, Texas 77515-4746

Sherilyn Plentl
Building A-29
111 E. Locust St., Suite 290
Angleton, Texas 77515-4642

Sherry Plentl
Brazoria Co. Groundwater Cons. Dist.
1101 Western Ave.
Angleton, Texas 77515-4257

Tom Reid, Mayor
City of Pearland
3519 Liberty Dr.
Pearland, Texas 77581-5416

Mary Ruth Rhodenbaugh
Brazoria Co.
2005 County Road 347
Brazoria, Texas 77422-8074

David Spoor
717 Cotham Dr.
Angleton, Texas 77515-3313

John Spoor
Spoor Farms
11 Cay Ct.
Angleton, Texas 77515-3801

Richard E. Tillman
Brazoria County Extension Agent, Sea Grant
Marine Advisory Service
21017 County Road 171
Angleton, Texas 77515-8903

Arthur H. Velasquez
P.O. Box 983
Rosharon, Texas 77583-0983

Bill Walker
1104 Oak Park Dr.
Angleton, Texas 77515-7868

Mark Walker
NRG Texas
1001 Congress Ave., Suite 360
Austin, Texas 78701-5000

John D. Warren
816 Congress Ave., Suite 1700
Austin, Texas 78701-2643

Michael Wollam
2800 Owen St.
Alvin, Texas 77511-3739

James D. Yarbrough
123 Rosenberg St.
Galveston, Texas 77550-1494

Jeri Yenne
Criminal District Attorney
Brazoria County
111 E. Locust St., Suite 408A
Angleton, Texas 77515-4642

The Honorable Dennis Bonnen
P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Dennis Bonnen
Texas House of Representatives
122 E. Myrtle St.
Angleton, Texas 77515-4739

The Honorable Donald "Dude" Payne
Brazoria County Commissioner
P.O. Box 998A
Clute, Texas 77531-0998

Ruben R. Barrera
111 Congress Ave., Suite 2300
Austin, Texas 78701-4061

Ross Henderson
TCEQ Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Ron Ellis
TCEQ Water Supply Division MC 153
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4691 FAX 512/239-2214

Blas Coy
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-4007

Kyle Lucas
TCEQ Alternative Dispute
Resolution Program MC 222
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015

FROM : ANTHONY & CINDY DUKE JU

FAX NO. : 281-581-2663

Sep. 04 2009 01:36PM P1

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 SEP -4 PM 12: 59

CHIEF CLERKS OFFICE

SEPTEMBER 4, 2009

FAX: (512) 239-3311

TO: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERK:
Ms. LaDonna Castanuela
Austin, TexasRE: DOCKET NO. 2009-0356 - WR
Applicant; Gulf Coast Water Authority
Hearing Request Postponement on Water Rights Permit No. ADJ5322(CA12-5322E)
BY Anthony and Carolyn Duke , Requestors.

Dear Ms. Castanuela,

We are Requestors , Anthony Duke and Carolyn Duke , requesting a postponement of the Contested Case Hearing date scheduled for later this month.

We are requesting a Postponement until January or February of 2010, because time is needed to respond to Mr. James B. Murphy's Response of The Office of Public Interest Counsel, dated August 31st 2009, and to the response filed by Mr. Ross W. Henderson, for the Executive Director, dated August 31st 2009, and to the Gulf Coast Water Authority's Hearing Request filed on Water Rights Permit, dated August 31st 2009, by Mr. Robert Istre, General Manager.

Furthermore , we are Farmers and Ranchers and are very busy harvesting at this time and we will be doing our Fall plowing thereafter, which will keep us busy until after the first of the year.

We are Farmers and Ranchers **and depend on** the irrigation water to make our living , and we are **not the general public** , as falsely claimed by the attorneys filing the above named responses . We are trying to protect our vested private water rights to the irrigation water which was acquired by our predecessors in time of more than sixty (60) years ago , under the Texas Water Code § 5.001, etc. etc.

Furthermore, this is **not** an interbasin transfer as falsely claimed by the Gulf Coast Water Authority , and the attorneys named heretofore , because Chocolate Bayou Water Company never sold any irrigation water , or otherwise to customers in Galveston County, and Galveston County was not included in the South Texas Water Company's permit area , nor the Chocolate Bayou Water Company's permit area , therefore the interbasin transfer request application by Gulf Coast Water Authority to change the place of use to Galveston County violates the Texas Water Code , and TCEQ Rules and Regulations .

Requestors need more time to fully address these issues .

Respectfully submitted,



Anthony Duke & Carolyn Duke
P.O. Box 1047
Alvin, Texas 77512

(713) 291-9519 phone

FROM : ANTHONY & CINDY DUKE JU

FAX NO. : 281-581-2663

Sep. 04 2009 01:35PM P1

September 4, 2009

FAX: (512) 239-3311

TO: TCEQ

ATT: Ms. LaDonna Castanuela , Chief Clerk

FAX: (512) 239-2214

Me. Ron Ellis , Water Supply Division

FAX: (713) 238-7207

Mr. Lawrence Bellatti

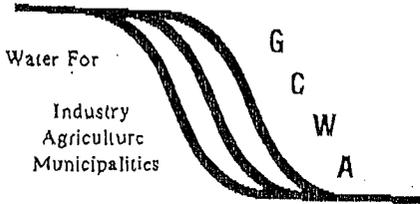
FROM : Anthony Duke & Carolyn Duke

3 pages including this cover .

CHIEF CLERKS OFFICE

2009 SEP -4 PM 12: 59

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY



GULF COAST WATER AUTHORITY

3630 Highway 1765

Texas City, Texas 77591

409-935-2438

281-337-3403

FAX 409-935-4156

August 31, 2009

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

2009 AUG 31 PM 12:15
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Docket No. 2009-0356-WR
Gulf Coast Water Authority
Hearing Request filed on Water Rights Permit No. ADJ 5322
Request for Continuance

The above named matter is subject to be considered by the Texas Commission on Environmental Quality (Commission) at its September 23, 2009 public meeting.

Gulf Coast Water Authority as the applicant requests a continuance through the holidays till the first docket February 2010 to provide the parties additional time to reach settlements. GCWA met with NRG Friday, August 28, and the parties reached a settlement in principle and need additional time to complete the terms of the settlement. GCWA hope to reach similar settlements with the remaining parties.

Accordingly, if this matter is continued to the Commission's public February meeting, once the meeting time and date are established, in light of the continuance, the Applicant understands that the deadline for filing a reply or replies to the responses will be extended until a later date after the first of the year (to be assigned).

Thank you for your assistance. If you should have any questions, I can be reached at (409) 682 0870.

Sincerely,

Robert Istre
General Manager
Gulf Coast Water Authority
3630 FM 1765
Texas City, Texas 77591
Fax: 409 935 4156
RDIstre@hotmail.com

CC: Ron Ellis, Technical Staff, TCEQ
Ross Henderson, Staff Attorney, TCEQ

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 19, 2009

TO: Persons on Attached Mailing List

**RE: Docket No. 2009-0356-WR
Gulf Coast Water Authority
Hearing Requests filed on Water Rights Permit No. ADJ 5322**

The above-referenced application and all timely filed hearing requests filed on the application will be considered by the Commissioners of the Texas Commission on Environmental Quality during the public meeting on **September 23, 2009**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with Commission rules, copies of the hearing request(s) have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. They may file written responses to these hearing requests on or before 5:00 p.m. on **August 31, 2009**. Persons who filed hearing requests (hearing requesters) may file a written reply to responses on or before 5:00 p.m. on **September 14, 2009**. All responses and replies must be filed with the Chief Clerk of the TCEQ, and sent on the same day to all individuals on the attached mailing list. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The address of the Chief Clerk's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax 512/239-3311). The procedures for evaluating hearing requests and for filing and serving responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (§§55.250-55.256) and 30 TAC §§1.10-1.11. The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h).

The Commissioners will not take oral argument or additional public comment on this matter, but may wish to ask questions of the applicant, hearing requesters or staff. The Commissioners will make their decision based on the hearing requests, written responses to the hearing requests, any written replies to those responses, and any response to questions.

Copies of all public comment and hearing requests have also been referred to the Alternative Dispute Resolution Office, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute.

Individual members of the public may seek further information concerning the application, public participation, the processing of hearing requests, copies of Commission rules, or the attachment, by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk

MAILING LIST
GULF COAST WATER AUTHORITY
DOCKET NO. 2009-0356-WR; PERMIT NO. ADJ 5322

FOR THE APPLICANT:

Robert Istre
Gulf Coast Water Authority
3630 FM 1765
Texas City, Texas 77591-3677

Sabrina Finnegan
Gulf Coast Water Authority
3 Paragon Drive
Montvale, New Jersey 07645-1782

Lawrence Bellatti
Andrews & Kurth, LLP
600 Travis Street, Suite 4200
Houston, Texas 77002-2929
Tel: (713) 220-4196
Fax: (713) 238-7207

Glenn Jarvis
Law Office of Glenn Jarvis
1801 South 2nd Street, Suite 550
McAllen, Texas 78503-1353
Tel: (956) 682-1660
Fax: (956) 618-2660

FOR THE EXECUTIVE DIRECTOR:

Ross Henderson, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Ron Ellis, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division, MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-1282
Fax: (512) 239-2214

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE
RESOLUTION:

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

Please see attached for the list of requesters and commenters.

REQUESTER(S)

CAROLYN AHRENS
BOOTH AHRENS & WERKENTHIN PC
515 CONGRESS AVE STE 1515
AUSTIN TX 78701-3504

PAUL BORK
DOW CHEMICAL - TEXAS OPERATIONS, THE DOW
CHEMICAL COMPANY
1790 BUILDING
MIDLAND MI 48674-0001

BEN CARMINE
NRG TEXAS POWER LLC
1301 MCKINNEY ST STE 2300
HOUSTON TX 77010-3031

DOUGLAS CAROOM
816 CONGRESS AVE STE 1700
AUSTIN TX 78701-2442

ANTHONY & CAROLYN DUKE
PO BOX 1047
ALVIN TX 77512-1047

ANTHONY & CINDY DUKE
PO BOX 607
ALVIN TX 77512-0607

JASON FLUHARTY
NRG TEXAS POWER LLC
PO BOX 4710
HOUSTON TX 77210-4710

JASON FLUHARTY
NRG TEXAS LP
1301 MCKINNEY ST
HOUSTON TX 77010-3031

SCOTT HICKMAN
CAPTAIN, CIRCLE H OUTFITTERS AND CHARTERS
3218 CORAL RIDGE CT
LEAGUE CITY TX 77573-9023

TERRANCE J HLAVINKA
PO BOX 1188
EAST BERNARD TX 77435-1188

TERRY HLAVINKA
TERRANCE HLAVINKA CATTLE CO
PO BOX 1188
EAST BERNARD TX 77435-1188

FRED B WERKENTHIN, JR
BOOTH AHRENS & WERKENTHIN PC
515 CONGRESS AVE STE 1515
AUSTIN TX 78701-3504

WITHDRAW OF REQUEST(S)

RUBEN R BARRERA
111 CONGRESS AVE STE 2300
AUSTIN TX 78701-4061

PUBLIC OFFICIALS - INTERESTED PERSON(S)

THE HONORABLE DENNIS BONNEN
PO BOX 2910
AUSTIN TX 78768-2910

THE HONORABLE DENNIS BONNEN
TX HOUSE OF REPRESENTATIVES
122 E MYRTLE ST
ANGLETON TX 77515-4739

THE HONORABLE DONALD "DUDE" PAYNE
BRAZORIA COUNTY COMMISSIONER
PO BOX 998A
CLUTE TX 77531-0998

INTERESTED PERSON(S)

JASON AFINOWICZ
TCB INC
5757 WOODWAY DR STE 101W
HOUSTON TX 77057-1514

KIMBERLY M ALLEN
930 BLUE WATER HWY
SURFSIDE BEACH TX 77541-9198

ROBERT N BALCELLS
9801 WESTHEIMER RD STE 500
HOUSTON TX 77042-3950

BILLY BEICKER
12415 1/2 ROY RD
PEARLAND TX 77581-7989

MR LARRY BEUHLER
CITY OF ALVIN
216 W SEALY ST
ALVIN TX 77511-2341

DARRIN M COKER & YOUNG LORFING
3519 LIBERTY DR
PEARLAND TX 77581-5416

TOM C BIELSTEIN
200 W 2ND ST
FREEPORT TX 77541-5773

FRED COOGAN
5602 TERWILLIGER WAY
HOUSTON TX 77056-2607

MR MIKE HOKE
PO BOX 2910
AUSTIN TX 78768-2910

NORMA COOGAN
5602 TERWILLIGER WAY
HOUSTON TX 77056-2607

CORRIE BOWER
21017 COUNTY ROAD 171
ANGLETON TX 77515-8903

MARY ANN DAIGLE & PATRICK F DOYLE
123 ROSENBERG ST
GALVESTON TX 77550-1494

J CURTISS BROWN, JR
123 ROSENBERG ST STE 4005
GALVESTON TX 77550-1494

ANTHONY DUKE, JR
PO BOX 607
ALVIN TX 77512-0607

KEN BURKETT
BC GROUNDWATER CONSERVATION DIST
2407 LYNN DR
PEARLAND TX 77581-3912

STROM DUKE
PO BOX 393
ROSHARON TX 77583-0393

ANN CHAFFIN
11166 FM 521 RD
ROSHARON TX 77583-5114

JACKO GARRETT
PO BOX 603
DANBURY TX 77534-0603

OM CHAWLA
H-GAC
3555 TIMMONS LN
HOUSTON TX 77027-6405

SCOTT & TONI HAIRSTON
6728 COUNTY ROAD 208 BOX 140
DANBURY TX 77534-8833

JUSTINE M CHERNE
ALLEN BOONE HUMPHRIES ROBINSON LLP
3200 SOUTHWEST FWY STE 2600
HOUSTON TX 77027-7537

ERIC HALL
10777 WESTHEIMER RD STE 400
HOUSTON TX 77042-3455

LYN CLANCY
ASSOC GEN COUNSEL, LCRA
PO BOX 220 H424
AUSTIN TX 78767-0220

PATRICK HENRY
MAYOR, CITY OF ANGLETON
904 CANNAN DR
ANGLETON TX 77515-3308

BRYAN M LAMB & STEPHEN D HOLMES
123 ROSENBERG ST
GALVESTON TX 77550-1494

ROBERT ISTRE
GENERAL MANAGER, GULF COAST WATER AUTHORITY
3630 FM 1765
TEXAS CITY TX 77591-3677

WILFRED PELTIER
209 E MULBERRY ST STE 300
ANGLETON TX 77515-4746

DAVID W KOCUREK
DIR OF PUB WORKS, CITY OF ALVIN
1100 W HIGHWAY 6
ALVIN TX 77511-7648

SHERILYN PLENTL
111 E LOCUST ST BLDG A-29 STE 290
ANGLETON TX 77515-4642

CATHY LANEY
BRAZORIA COUNTY PCT 2
21017 COUNTY ROAD 171
ANGLETON TX 77515-8903

SHERRY PLENTL
BRAZORIA CO GROUNDWATER CONS DIST
1101 WESTERN AVE
ANGLETON TX 77515-4257

BARBARA LAWRENCE
CITY SECRETARY, CITY OF GALVESTON
PO BOX 779
GALVESTON TX 77553-0779

TOM REID
MAYOR, CITY OF PEARLAND
3519 LIBERTY DR
PEARLAND TX 77581-5416

CHARLES LECOMPTE
PO BOX 253
DANBURY TX 77534-0253

MARY RUTH RHODENBAUGH
BRAZORIA CO
2005 COUNTY ROAD 347
BRAZORIA TX 77422-8074

JERRY LOCKE
RICETEC, INC.
1225 FM 2917 RD
ALVIN TX 77511-9036

DAVID SPOOR
717 COTHARN DR
ANGLETON TX 77515-3313

JIMMY MCCORNICK
JCM FARMS INC
111 W ADOUE ST
ALVIN TX 77511-2401

JOHN SPOOR
SPOOR FARMS
11 CAY CT
ANGLETON TX 77515-3801

MICHAEL F MILLER
PO BOX 779
GALVESTON TX 77553-0779

RICHARD E TILLMAN
BRAZORIA COUNTY EXTENSION AGENT, SEA GRANT
MARINE ADVISORY SERVICE
21017 COUNTY ROAD 171
ANGLETON TX 77515-8903

MIKE O'DAY
3905 E PEAR ST
PEARLAND TX 77581-4262

ARTHUR H VELASQUEZ
PO BOX 983
ROSHARON TX 77583-0983

MELANIE OLDHAM
CITIZENS FOR CLEAN AIR & WATER IN BRAZORIA CO
316 COUNTY ROAD 893
ANGLETON TX 77515-9488

BILL WALKER
1104 OAK PARK DR
ANGLETON TX 77515-7868

MARK WALKER
NRG TEXAS
1001 CONGRESS AVE #360
AUSTIN TX 78701-5000

JOHN D WARREN
816 CONGRESS AVE STE 1700
AUSTIN TX 78701-2643

MICHAEL WOLLAM
2800 OWEN ST
ALVIN TX 77511-3739

JAMES D YARBROUGH
123 ROSENBERG ST
GALVESTON TX 77550-1494

JERI YENNE
CRIMINAL DIST ATTY, BRAZORIA COUNTY
111 E LOCUST ST STE 408A
ANGLETON TX 77515-4642

REQUIREMENTS FOR WATER RIGHTS HEARING REQUESTS

Commission Rules in 30 TAC Section 55.251 (b) and (c) require a hearing request to:

- (1) be in writing and be filed with the Office of the Chief Clerk during the public comment period;
- (2) give the name, address, and daytime telephone number of the person who files the request;
- (3) identify the person's personal justiciable interest affected by the application including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public; and
- (4) request a contested case hearing.

A hearing request must comply with requirement (1) above and "substantially comply" with requirements (2) through (4). In addition, a group or association may request a contested case hearing only if the group or association meets all of the following requirements:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right,
- (2) the interests the group or association seeks to protect are germane to the organization's purpose,
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

A request for a contested case hearing must be granted if the request is made by an affected person and the request: (A) complies with the requirements of 30 TAC Section 55.251; (B) is timely filed; and (C) is pursuant to a right to hearing authorized by law.

An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to the general public does not constitute a justiciable interest. To determine whether a person is an affected person, all relevant factors must be considered, including but not limited to:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) the likely impact of the regulated activity on the health, safety, and use of property of the person; and
- (5) the likely impact of the regulated activity on the use of the impacted natural resource by the person.

30 TAC Section 55.256(c).