

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 JUL 12 AM 9:55
CHIEF CLERKS OFFICE

JULY 12, 2010

TO: (512) 239 3311

TO: **MS. LaDonna Castenuela** , Chief Clerk

TCEQ

FROM : ANTHONY & CAROLYN DUKE

RE: GCWA'S AMENDED APPLICATION No. 12-5322E / Docket control no. 2009-0356- WR

5 Pages including this cover .

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THE OFFICE OF CHIEF CLERK/ Ms LaDonna Castenuela
Texas Commission of Environmental Quality (TCEQ)

Fax (512) 239-3311

RE: TCEQ DOCKET NO. 2009-0356-WR ;
APPLICATION NO. 12-5322E to Amend Certificate of Adjudication No. 12-5322
of Gulf Coast Water Authority

Anthony Duke Sr. and Carolyn Duke Protesters , Motion for Continuance
of at Least Six Months

TO THE HONORABLE COMMISSIONERS:

1. Protesters move TCEQ to grant a continuance of at least six (6) months for the following reasons;

2. Protesters show that TCEQ has not conducted a Public Hearing as required under TCEQ Rules and Regulations , and pursuant to the Texas Water Code, and Texas Law , of GCWA's Amended App. No. 12-5322E, Docket No. 2009-0356-WR .

3. Protesters show that the Executive Director for TCEQ **dismissed with prejudice** an Amended Application filed by Chocolate Bayou Water Company and Gulf Coast Water Authority , in **NOTICE** from the Chief Clerk , Ms. LaDonna Castenuela , on October 18, 2006.

4. Protesters show that TCEQ **did not** receive a Motion to Overturn within 23 days after receipt of said Notice of Dismissal With Prejudice to CBWC and GCWA.

5. Protesters show that GCWA did not purchase the Bonney Reservoir from CBWC, therefore , said Permit No. 12-5322 is incomplete , and the Bonney Reservoir is not in possession or control of GCWA , furthermore GCWA is not using the Bonney Reservoir and has not used it for several years . This caused a great hardship and loss of money to the irrigation users (Rice Farmers etc.) in 2009, because GCWA **bought water** from the big Dams up the Brazos in Waco and Mineral Wells, Texas, due to a shortage of water caused by GCWA's no-use of the Bonney Reservoir, furthermore GCWA **did not** keep the Juliff and Bonney Reservoirs full during the 2009, year.

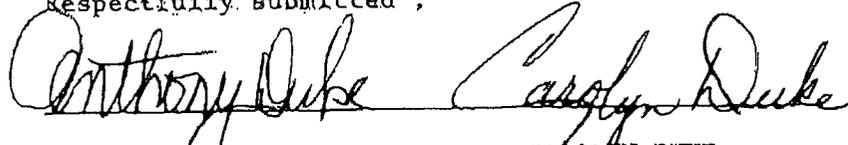
PROTESTERS REQUEST FOR TCEQ TO DENY GCWA'S AMENDED APPLICATION NO.12-5322E FOR
GCWA'S INACTION

6. Protesters show that Texas Water Code § 5.144 , titled Forfeitures and Cancellation of Permit for Inaction grants TCEQ authority to deny GCWA'S Amended Application No. 12-5322E to divert Permit No. 12-5322 , 3.9 miles upstream to a point to divert water to Harris County and Galveston County, thereby creating Junior Water rights to Permit 12-5322 , all of which can be avoided by TCEQ cancellation of GCWA's Amended Application No. 12-5322E , on the grounds GCWA does not control or own the Bonney Reservoir, which is an intergal part of Permit No. 12-5322, and GCWA's inaction to use the Bonney Reservoir .

7. Protesters show that the rice harvesting season has just began and will continue until all second crop rice is harvested , in late November 2010, furthermore we are experiencing a very active hurricane season which will not end until cold weather and cold fronts blocks them sometime in November.

WHEREFORE PREMISES CONSIDERED , Protesters request for TCEQ or it's Commissioners to grant their Motion for at least a six (6) month delay , for all the reasons stated above , and so that maybe a settlement compromise can be negotiated to settle Protesters objections to the GCWA'S Amended Application Number 12-5322 E.

Respectfully submitted ,



ANTHONY DUKE & CAROLYN DUKE
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CC: Copies sent to persons on the attached list.

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ON ENVIRONMENTAL
QUALITY

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DOCKET NO. 2009-0356-WR

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