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July 15, 2010

Ms. LaDonna Castenuela
Chief Clerk
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, TX 78711-3087

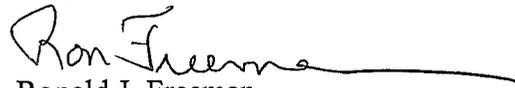
Re: TCEQ Docket No. 2009-0356-WR; Application No. 12-5322E to Amend
Certificate of Adjudication No. 12-5322 of Gulf Coast Water Authority

Dear Ms. Castenuela:

Enclosed please find the original and eleven copies of Applicant Gulf Coast Water Authority's Response to the Motion for Continuance filed by Anthony Duke and Carolyn Duke (the "Dukes") in this matter.

Copies of this letter are being sent to all parties of record per the attached certificate of service.

Very truly yours,


Ronald J. Freeman

cc: Robert D. Istre, General Manager, GCWA

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 JUL 15 PM 1:59
CHIEF CLERKS OFFICE

TCEQ DOCKET NO. 2009-0356-WR

2010 JUL 15 PM 1:59

APPLICATION BY GULF COAST
WATER AUTHORITY FOR AMEND-
MENT TO CERTIFICATE OF
ADJUDICATION NO. 12-5322E

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BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY
CHIEF CLERKS OFFICE

**RESPONSE TO THE MOTION FOR CONTINUANCE OF ANTHONY DUKE AND
CAROLYN DUKE**

COMES NOW, Gulf Coast Water Authority (“Applicant” or “GCWA”) and files this Response to the Motion for Continuance filed by Anthony Duke and Carolyn Duke (the “Dukes”) and in support thereof respectfully shows as follows:

I.

As their first reason for requesting a six month continuance, the Dukes allege that no “public hearing” has been held regarding the Application pending in this Docket. Assuming by that statement the Dukes mean that no “public meeting” was held on the Application, that statement is factually incorrect. A public meeting on the pending Application in this Docket was in fact held on January 25, 2007, in Angleton, Texas and all protestants and commenters were given notice and opportunity to speak at the public meeting. There is no requirement for, nor is there a need for, a second public meeting as the Application has not changed except to add GCWA as the permit owner, which fact was well known and addressed at the previous public meeting. This ground for the Motion for Continuance is without merit.

II.

As their second reason for requesting a six month continuance, the Dukes allege that the Executive Director dismissed with prejudice an “Amended Application” filed by Chocolate Bayou Water Company and GCWA and that no motion to overturn such dismissal was filed. The Dukes are referring to a completely separate and different application that was filed by Chocolate Bayou Water Company (not GCWA) prior to the current Application pending in this Docket. That prior application asked for a totally different amendment to CA 12-5322 that in no way was, or is, related to the current Application pending in this Docket. Therefore, the second ground on which the Motion for Continuance is based is also without merit.

III.

As their third reason for a six month continuance, the Dukes allege that GCWA’s CA 12-5322 should be forfeited or cancelled because of various alleged facts. The Dukes allege that the forfeiture and cancellation provisions of the Water Code allow the TCEQ to deny an Application. The second statement is inaccurate. The cancellation statutes only allow TCEQ to cancel water rights for specific reasons and only after notice and hearing regarding the alleged cancellation. The issue of cancellation of any of GCWA’s CA 2-5322 is simply not

part of, nor is it related to, this Application. This third ground also does not support the Motion.

IV.

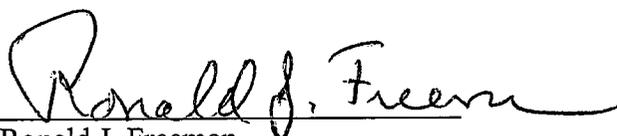
The final paragraph of the Dukes' Motion for Continuance discusses rice irrigation and weather issues. It does not appear to be relied upon as a reason for granting a continuance and, accordingly, will not be addressed in this Response.

Wherefore, premises considered, GCWA respectfully requests that the Commission:

1. deny the Motion for Continuance; and
2. for such other relief to which GCWA may be entitled.

Respectfully submitted,

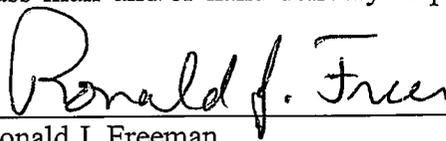
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was delivered on July 15, 2010, by over-night mail, fax, first-class mail and/or hand-delivery to persons on the attached service list.


Ronald J. Freeman

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DOCKET NO. 2009-0356-WR

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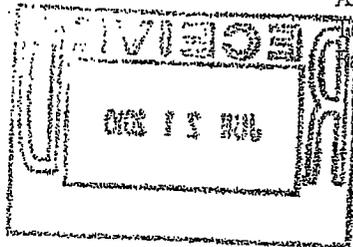
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