

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 30, 2014

TO: Persons on Attached Mailing List
RE: Docket No. 2014-1658-WR
Guadalupe-Blanco River Authority
Hearing Requests filed on Water Rights Permit No. 12378

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 **February 4, 2015**. 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 **January 12, 2015**. Persons who filed hearing requests (hearing requesters) may file a written reply to responses on or before 5:00 p.m. on **January 26, 2015**. 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://www.tceq.texas.gov/goto/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 Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac
Chief Clerk

MAILING LIST
GUADALUPE-BLANCO RIVER AUTHORITY
DOCKET NO. 2014-1658-WR; WRPERM 12378

FOR THE APPLICANT:

W.E. West, Jr.
Guadalupe-Blanco River Authority
933 E. Court Street
Seguin, Texas 78155-5819

FOR THE EXECUTIVE DIRECTOR:

via electronic mail:

Dinniah Tadema, 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

Chris Kozlowski, Technical Staff
Texas Commission on Environmental
Quality
Water Availability Division, MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-1801
Fax: (512) 239-2214

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-5678

FOR PUBLIC INTEREST COUNSEL:

via electronic mail:

Vic Mcwherter, Public Interest Counsel
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 ALTERNATIVE DISPUTE
RESOLUTION**

via electronic mail:

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:

Bridget C. Bohac
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):

James B. Blackburn, Jr.
Blackburn Carter PC
4709 Austin Street
Houston, Texas 77004-5004

Colette Barron Bradsby
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3218

Raymond L. Buck, Jr., General Director
Upper Guadalupe River Authority
125 Lehmann Drive, Suite 100
Kerrville, Texas 78028-5326

Robert Henneke
700 Main Street, RM BA 103
Kerrville, Texas 78028-5326

Myron J. Hess, Counsel
National Wildlife Federation
44 East Avenue, Suite 200
Austin, Texas 78701-4385

Richard W. Lowerre
Lowerre Frederick Perales Allmon &
Rockwell
707 Rio Grande Street, Suite 200
Austin, Texas 78701-2733

Jim Mathews
Mathews & Freeland LLP
8140 N. Mopac Expressway
Westpark II, Suite 260
Austin, Texas 78759-8834

Robin A. Melvin
Graves Dougherty Hearon & Moody
P.O. Box 98
Austin, Texas 78767-0098

Robin A. Melvin
Graves Dougherty Hearon & Moody
401 Congress Avenue, Suite 2200
Austin, Texas 78701-3790

Sara R. Thornton
Lloyd Gosselink Rochelle & Townsend PC
816 Congress Avenue, Suite 1900
Austin, Texas 78759-2478

INTERESTED PERSON(S):

Anthony S. Corbett
Freeman & Corbett LLP
8500 Bluffstone Cove, Suite B104
Austin, Texas 78759-7811

Mr. Jesus Mares
Lowerre, Frederick, Perales, Allmon &
Rockwell
707 Rio Grande Street, Suite 200
Austin, Texas 78701-2733

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.
- (6) 30 TAC Section 55.256(c).