

# WEBB & WEBB

ATTORNEYS AT LAW  
712 SOUTHWEST TOWER  
211 EAST SEVENTH STREET  
AUSTIN, TEXAS 78701

STEPHEN P. WEBB  
GWENDOLYN HILL WEBB

TELEPHONE: (512) 472-9990  
FACSIMILE: (512) 472-3183

May 25, 2016

Mr. Tucker Royall, General Counsel, MC 101  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**Re: City of Dallas Application for Water Rights Permit Amendment  
Certificate of Adjudication No. 08-2462I**

**Subject: *Second Request for Extension of time for Commission Consideration of  
Hearing Requests to Complete Settlement of Contested Issues***

Dear Mr. Royall;

The purpose of this letter is to request a second postponement for Commission consideration of Hearing Requests. The parties are actively involved in settlement negotiations, and additional time is needed to finalize the terms of resolution and obtain approvals.

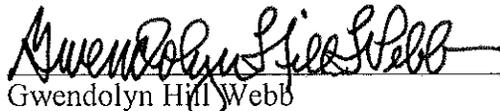
The above referenced water rights permit amendment Application No. 08-2462I has been scheduled for the June 22, 2016 TCEQ Commission agenda. On behalf of my client, the City of Dallas, I am requesting that the Commission postpone its consideration of hearing requests and delay the entire schedule in this matter as appropriate for the August 3, 2016 agenda to allow settlement details to be finalized and approved by the several government entities involved in this contested case hearing. Dallas and all other parties, with the exception of Environmental Defense Fund continue to work very actively to resolve protests filed by the hearing requestors and we all—Dallas and the protesting parties—are hopeful that our efforts will either resolve the issues completely or significantly reduce the matters at issue in any contested case hearing. Unfortunately, it has proven impossible for the parties to complete resolution in time to address the current May 27, 2016 deadline for the parties to present pre-Agenda materials.

Please accept this letter as Dallas' second formal request for a postponement of the Commission's consideration of hearing requests at the June 22, 2016 agenda, and a request to move that item to the August 3, 2016 TCEQ agenda. Applicant and the protestants would also

like to see the date for responses to be filed to be extended appropriately, also, so that written Responses to Hearing Requests are due on or about Monday, July 11, 2016, and Replies to Responses are due on or about Monday, July 25, 2016. Dallas continues to believe that resolution of disputed issues with the protestants and the other parties will be successful; it makes sense to continue to direct our efforts in that direction rather than initiating the contested case hearing process at this time. I have contacted all of the protestants and have heard from all statutory (TCEQ Executive Director, TCEQ Office of Public Interest Counsel and TCEQ Alternative Dispute Resolution Program, and Texas Parks and Wildlife Department) and remaining protesting parties (City of Houston, Trinity River Authority of Texas, North Texas Municipal Water Authority, and National Wildlife Federation) except Environmental Defense Fund that there is no objection to the postponement. Todd Burkey, of the TCEQ Alternative Dispute Resolution Attorney has contacted the attorney representing the Environmental Defense Fund, who is reviewing this case file on behalf of that protestant.

Thank you for your continued consideration in this matter. Please let me know if I can provide any additional information or assistance. I look forward to hearing from you soon.

Sincerely,



Gwendolyn Hill Webb  
ATTORNEY FOR THE CITY OF DALLAS

cc: Attached Mailing List

Kim Wilson, Director, Water Availability Division  
Lori Hamilton, Manager, Water Rights Permitting and Availability Section  
Iliana Delgado, Team Leader, Water Rights Permits  
Jo M. Puckett, P. E., Director, City of Dallas Water Utilities  
Denis W. Qualls, P. E., Manager, Dallas Water Utilities Planning Division

MAILING LIST  
CITY OF DALLAS  
DOCKET NO. 2016-0049-WR; CERTIFICATE OF ADJUDICATION NO. ADJ 2462

FOR THE EXECUTIVE DIRECTOR:

Todd Galiga, Senior Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division, MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (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  
Phone: (512) 239-1801  
Fax: (512) 239-2214

Brian Christian, Director  
Texas Commission on Environmental Quality  
Small Business and Environmental Assistance  
Division  
Public Education Program, MC 160  
P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (512) 239-1801  
Fax: (512) 239-2214

FOR OFFICE OF PUBLIC INTEREST COUNSEL:

Eli Martinez, Attorney  
Office of Public Interest Counsel  
Texas Commission on Environmental Quality  
Public Interest Counsel  
P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (512) 239-6363  
Fax: (512) 239-6377

FOR ALTERNATIVE DISPUTE RESOLUTION:

Todd Burkey, Attorney  
Texas Commission on Environmental Quality  
Alternative Dispute Resolution, MC 222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (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  
Phone: (512) 239-330  
Fax: (512) 239-3311

REQUESTER(S)/INTERESTED PERSONS:

See attached list.

**MAILING LIST: REQUESTER(S) AND INTERESTED PERSON(S)**

**REQUESTER(S):**

**FOR THE TEXAS PARKS AND WILDLIFE  
DEPARTMENT:**

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

**FOR THE NATIONAL WILDLIFE FEDERATION:**

Myron Hess, Attorney  
National wildlife Federation  
505 E. Huntland Drive, Suite 485  
Austin, Texas 78752-3737

**FOR THE CITY OF HOUSTON:**

Edmond R. McCarthy, Jr., Attorney  
Jackson, Sjoberg McCarthy & Townsend,  
711 W. 7<sup>th</sup> Street  
Austin, Texas 78701-2711

**FOR THE NORTH TEXAS MUNICIPAL WATER  
DISTRICT:**

Martin C. Rochelle, Attorney  
Lloyd, Gosselink, Rochelle & Townsend PC  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701-2478

**FOR THE TRINITY RIVER AUTHORITY OF  
TEXAS:**

Fred B. Werkenthin, Jr., Attorney  
Booth, Ahrens, & Werkenthin PC  
206 E. 9<sup>th</sup> Street, Suite 1501

**FOR THE ENVIRONMENTAL DEFENSE FUND:**

Nichole Saunders, Attorney  
Environmental Defense Fund  
301 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Phone: (512) 478-5161  
Fax: (512) 478-8140

**WITHDREW OF HEARING REQUEST(S):**

**FOR THE TEXAS WESTMORELAND COAL  
COMPANY:**

Brad B. Castleberry, Attorney  
Lloyd, Gosselink, Rochelle & Townsend PC  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701-2478

**FOR THE COASTAL CONSERVATION  
ASSOCIATION OF TEXAS:**

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

**INTERESTED PERSON(S):**

**FOR THE LOWER COLORADO RIVER  
AUTHORITY:**

Lyn Clancy, Associate General Counsel  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220