# State Office of Administrative Hearings

Cathleen Parsley
Chief Administrative Law Judge

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR 17 PM 1:02
CHIEF CLERKS OFFICE

March 17, 2010

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Texas 78711-3087

**VIA FACSIMILE (512) 239-5533**

Re: SOAH Docket No. 582-08-1698; TCEQ Docket No. 2008-0181-WR; Application of Bradley B. Ware to Amend Water Use Permit No. 5594

Dear Mr. Trobman:

This is my recommendation concerning the exceptions filed by the Applicant, Bradley B. Ware, and by the Executive Director.

I recommend denying each of the changes proposed in Applicant's exceptions to the Findings of Fact and Conclusions of Law. I recommend adopting all but one of the proposed changes in the Executive Director's exceptions to the Findings of Fact. Finding of Fact No. 29 should be changed to read, "The Model predicts that Mr. Ware's current request could be satisfied at a 100% level in none of the years~~,~~ and at least 75% in none of the years, ~~and at least 50% in only in only 27 of the years~~." Applicant's Exhibit No. 47 supports the finding as stated in this letter.

Sincerely,

Paul D. Keeper

Paul D. Keeper
Administrative Law Judge

PDK:cm
cc: Service List

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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)

**STYLE/CASE:** BRADLEY B. WARE

**SOAH DOCKET NUMBER:** 582-08-1698

**REFERRING AGENCY CASE:** 2008-0181-WR

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BRADLEY B. WARE

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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