

# Bickerstaff Heath Delgado Acosta LLP

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June 12, 2013

*Via Hand Delivery*

Mr. Chris Kozlowski, Project Manager  
Texas Commission on Environmental Quality  
Water Availability Division  
Water Rights Permitting Team, MC – 160  
12100 Park 35 Circle  
Building F, 3<sup>rd</sup> Floor  
Austin, TX 78753

Re: Brazos River Authority's Application No. 5851 for Water Use Permit No. 5851;  
Docket No. 2005-1490-WR; CN600506794, RN104319736

Dear Mr. Kozlowski:

The Brazos River Authority (BRA) is in receipt of the Texas Commission on Environmental Quality's (TCEQ) letter dated May 23, 2013, requesting that BRA provide revised and corrected versions of its Water Management Plan (WMP) and associated technical documents, in order to finalize the Executive Director's technical review of BRA's November 28, 2012 Amendment to its Application No. 5851, to add the WMP. Hereinafter, the TCEQ's May 23<sup>rd</sup> letter is referred to as the "May 23<sup>rd</sup> RFI."

As directed in the May 23<sup>rd</sup> RFI, BRA has enclosed herein the modified versions of the WMP, the supporting WMP Technical Report, and all related Technical Appendices thereto (referred to collectively as the "June 12<sup>th</sup> WMP Revision"). The modified versions of these documents reflect the various revisions that BRA had indicated in its prior responses (May 1, 2013 and June 3, 2013, respectively) to TCEQ's April 11<sup>th</sup> RFIs regarding administrative completeness, and May 10<sup>th</sup> RFIs regarding technical review, of the WMP.

As previously stated, to avoid creating multiple versions of the draft WMP, BRA has distinguished the revised WMP, WMP Technical Report, and Technical Appendices from the original documents filed on November 28, 2012 by adding the June 12, 2013 revision date to the cover pages of the respective documents. This June 12<sup>th</sup> WMP Revision includes all components that comprise BRA's WMP filing, and should be collectively substituted for the versions that comprised the November 28<sup>th</sup> filing. Please note, however, that only the following ones of the Technical Appendices required revision as part of BRA's response to the May 23<sup>rd</sup> RFI:

- Appendix A-1 (Water Rights)

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- Appendix G-2 (Modeling Appendix)
- Appendix G-3 (Appropriation Modeling Results)
- Appendix H-1 (Draft BRA Accounting Plan, BRA Approach to Return Flows)
- Appendix H-2 (Draft BRA Accounting Plan, Executive Director's Approach to Return Flows).

The modifications in Appendices G-2 and G-3 reflect the changes requested by TCEQ staff in the Appropriation Models (Section 2 of the WMP Technical Report), but do not affect the Operational Models (Section 4 of the WMP Technical Report) or their corresponding appendices. For Appendices H-1 and H-2 the June 12<sup>th</sup> WMP Revision includes, for each of these alternative Accounting Plans, versions both without and with example data that demonstrate how the Accounting Plans function.<sup>1</sup>

Finally, recognizing both the need for a new draft permit to accompany BRA's amended Application No. 5851 that includes the WMP, and the limited time for the Executive Director to finalize his technical review of the amended application and prepare a new draft permit, the BRA has included with this response a proposed draft permit for the Executive Director's consideration. The BRA has annotated this draft permit to help explain why certain changes were made, and why certain provisions were added or deleted from prior drafts. Because many of the permit requirements, such as the environmental flow conditions, are now detailed in the WMP, those duplicative provisions have been removed from the draft permit.

Just as with BRA's November 28<sup>th</sup> filing, this June 12<sup>th</sup> WMP Revision is presented as one original and six (6) copies of the revised proposed WMP, along with seven (7) electronic (DVD) copies containing the entire contents of the WMP, the WMP Technical Report, and the Technical Appendices.

By separate mailing, a copy of this letter and an electronic (DVD) copy of the enclosures is also being provided to all parties on the attached service list. Thank you for your assistance with this matter.

Sincerely,



Douglas G. Caroom  
Attorney for Brazos River Authority

Enclosures

DGC/dfb

cc: Service List (*via first class mail*)

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<sup>1</sup> These electronic versions of Appendices H-1 and H-2 are the same as the Accounting Plans of which electronic copies were included along with BRA's June 3, 2013 RFI response. Revised versions of BRA's water availability models for the WMP were also enclosed with that June 3<sup>rd</sup> RFI response.

**SERVICE LIST**  
**BRAZOS RIVER AUTHORITY APPLICATION NO. 5851**  
**TCEQ DOCKET NO. 2005-1490-WR**  
**SOAH DOCKET NO. 582-10-4184**

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