

Bickerstaff Heath Delgado Acosta LLP

3711 S. MoPac Expressway Building One, Suite 300 Austin, Texas 78746 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

May 13, 2014

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, 3rd 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:

Pursuant to the Interim Order of the Texas Commission on Environmental Quality (TCEQ) issued December 17, 2013, requiring that newly adopted environmental flow (SB3) standards be applied immediately, the Brazos River Authority (BRA) herein provides updated versions of its Water Management Plan (WMP) and associated technical documents, in connection with BRA's pending Application No. 5851 in the above referenced contested case proceeding.

Specifically, BRA encloses herein updated versions of the WMP, the supporting WMP Technical Report, and all related Technical Appendices thereto (referred to collectively as the "May 13th WMP SB3 Update"). The updated versions of these documents are based on the requirements of TCEQ's environmental flow standards for the Brazos River basin, adopted February 12, 2014.

As previously addressed with BRA's WMP filings, to avoid creating multiple versions of the draft WMP, BRA has distinguished the updated WMP, WMP Technical Report, and Technical Appendices from the prior versions of these documents (original filed on November 28, 2012, and revision filed on June 12, 2013 to address TCEQ staff's RFIs) by adding the May 13, 2014 SB3 Update date to the cover pages of the respective documents. This May 13th WMP SB3 Update includes all components that comprise BRA's WMP filing, and should be collectively substituted for the versions that comprised the June 12th revised filing. Please note, however, that only the following ones of the Technical Appendices required revision as part of BRA's WMP SB3 Update:

- Appendix G-2 (Modeling Appendix)
- Appendix G-3 (Appropriation Modeling Results)
- Appendix G-4 (Operational Modeling Results)
- Appendix G-6 (Hydrologic Network Relationships and High Flow Pulses)
- 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).¹

Several other appendices and Section VI from the originally filed WMP, with content no longer relevant under the adopted SB3 standards, have been deleted. Additionally, BRA's Water Conservation Plan has recently been updated and a copy of this current plan is substituted as Appendix E-2.

Just as with BRA's prior WMP filings, this May 13th WMP SB3 Update is presented as one original and six (6) copies of the updated proposed WMP and WMP Technical Report, along with seven (7) electronic (CD) copies containing the entire contents of the WMP, the WMP Technical Report, and the Technical Appendices.

Thank you for your assistance with this matter.

Sincerely,



Douglas G. Caroom
Attorney for Brazos River Authority

Enclosures

DGC/dfb

cc: Service List *(via e-mail or first class mail, without enclosures)*

¹ As with BRA's June 12th revised WMP filing, for Appendices H-1 and H-2 this May 13th WMP SB3 Update includes, for each of these alternative Accounting Plans, versions both without and with example data that demonstrate how the Accounting Plans function.

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

FOR THE CHIEF CLERK:

(VIA E-FILING)

Bridget Bohac
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
512-239-3300
512-239-3311 (fax)

FOR THE EXECUTIVE DIRECTOR:

Robin Smith, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
PO Box 13087
Austin, TX 78711-3087
512-239-0463
512-239-3434 (fax)
rsmith@tceq.state.tx.us

FOR PUBLIC INTEREST COUNSEL:

Eli Martinez, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, TX 78711-3087
512-239-3974
512-239-6377 (fax)
elmartin@tceq.state.tx.us

FOR TEXAS PARKS AND WILDLIFE DEPARTMENT:

Colette Barron Bradsby
Texas Parks and Wildlife Department
4200 Smith School Rd.
Austin, TX 78744
512-389-8899
512-389-4482 (fax)
colette.barron@tpwd.state.tx.us

FOR THE NATIONAL WILDLIFE FEDERATION:

Myron J. Hess
44 East Ave., Suite 200
Austin, TX 78701
512-610-7754
512-476-9810 (fax)
hess@nwf.org

FOR THE CITY OF LUBBOCK:

Brad B. Castleberry
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, TX 78701
512-322-5800
512-472-0532 (fax)
bcastleberry@lglawfirm.com

FOR GULF COAST WATER AUTHORITY:

Molly Cagle
Paulina A. Williams
Baker Botts L.L.P.
98 San Jacinto Blvd., Suite 1500
Austin, TX 78701
512-322-2532
512-322-2501 (fax)
molly.cagle@bakerbotts.com
paulina.williams@bakerbotts.com

Ronald J. Freeman
Freeman & Corbett LLP
8500 Bluffstone Cove, Ste. B-104
Austin, TX 78759
512-451-6689
512-453-0865 (fax)
rfreeman@freemanandcorbett.com

FOR THE FRIENDS OF THE BRAZOS RIVER, H. JANE VAUGHN, LAWRENCE WILSON, MARY LEE LILLY, BRAZOS RIVER ALLIANCE, KEN W. HACKETT:

Richard Lowerre
Marisa Perales
Lowerre Frederick Perales Allmon & Rockwell
707 Rio Grande St., Suite 200
Austin, TX 78701
512-469-6000
512-482-9346 (fax)
rl@lf-lawfirm.com
marisa@lf-lawfirm.com

FOR THE CITY OF BRYAN:

Jim Mathews
Mathews & Freeland LLP
P.O. Box 1568
Austin, Texas 78767-1568
512-404-7800
512-703-2785 (fax)
jmathews@mandf.com

FOR THE CITY OF COLLEGE STATION:

Jason Hill
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, TX 78701
512-322-5855
512-874-3955 (fax)
jhill@lglawfirm.com

FOR THE CITY OF ROUND ROCK:

Steve Sheets
Sheets & Crossfield PC
309 E. Main St.
Round Rock, TX 78664
512-255-8877
512-255-8986 (fax)
slsheets@sheets-crossfield.com

FOR DOW CHEMICAL CO.:

Fred B. Werkenthin, Jr.
Booth, Ahrens & Werkenthin, PC
515 Congress Ave., Suite 1515
Austin, TX 78701
512-472-3263
512-473-2609 (fax)
fbw@baw.com

FOR BRADLEY B. WARE, THE COMANCHE COUNTY GROWERS, AND WILLIAM & GLADYS GAVRANOVIC:

Gwendolyn Hill Webb
Stephen P. Webb
Webb & Webb
P.O. Box 1329
Austin, TX 78767
512-472-9990
512-472-3183 (fax)
g.hill.webb@webbwebblaw.com
s.p.webb@webbwebblaw.com

FOR HOOD COUNTY, THE CITY OF GRANBURY, AND LAKE GRANBURY WATERFRONT OWNERS ASSOCIATION:

Jeff Civins
Haynes & Boone, LLP
600 Congress Ave., Suite 1300
Austin, TX 78701
(512) 867-8477
(512) 867-8460 (fax)
jeff.civins@haynesboone.com

John Turner
Andrew Guthrie
Haynes & Boone, LLP
2323 Victory Ave.
Dallas, TX 75202
(214) 651-5671
(214) 200-0780 (fax)
john.turner@haynesboone.com
andrew.guthrie@haynesboone.com

FOR THE CITY OF GRANBURY:

Ken Ramirez
Law Offices of Ken Ramirez, PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
512-681-4456
512-279-7810 (fax)
ken@kenramirezlaw.com

FOR THE POSSUM KINGDOM LAKE ASSOCIATION:

John J. Vay
The AL Law Group, PLLC
710A West 14th Street
Austin, Texas 78701
512-669-5069
855-669-5069 (fax)
john@allawgp.com

FOR THE CITY OF HOUSTON:

Ed McCarthy, Jr.

Eddie McCarthy

Jackson, Sjoberg, McCarthy

& Townsend, L.L.P.

711 West 7th Street

Austin, Texas 78701

512 472-7600

512-225-5565 (fax)

emccarthy@jacksonsjoberg.com

emc@jacksonsjoberg.com

FOR MIKE BINGHAM:

(served via first class mail)

Mike Bingham

1251 C.R. 184

Comanche, TX 76442

(254) 842-5899

FOR CHISHOLM TRAIL VENTURES, L.P.:

Monica Jacobs

Kelly Hart & Hallman LLP

301 Congress, Suite 2000

Austin, Texas 78701

512-495-6405

monica.jacobs@kellyhart.com

512-495-6601 (fax)

FOR NRG TEXAS POWER, LLC:

Joe Freeland

Mathews & Freeland, L.L.P.

Westpark II, Suite 260

8140 North Mopac Expressway

Austin, Texas 78759-8884

512-404-7800

512-703-2785 (fax)

jfreeland@mandf.com