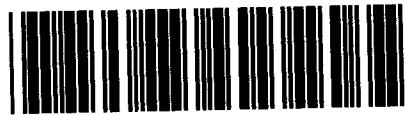


Control Number: 43943



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Addendum StartPage: 0

**SOAH DOCKET NO. 582-05-1005  
TCEQ DOCKET NO. 2004-1384-UCR**

<b>PETITION OF BEXAR METROPOLITAN WATER DISTRICT TO COMPEL RAW WATER COMMITMENT FROM GUADALUPE-BLANCO RIVER AUTHORITY</b>	§ § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
---	-----------------------	---

**GUADALUPE-BLANCO RIVER AUTHORITY'S REPLY TO  
THE RESPONSE OF BEXAR METROPOLITAN WATER DISTRICT TO  
GUADALUPE-BLANCO RIVER AUTHORITY'S MOTION TO DISMISS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Guadalupe-Blanco River Authority ("**GBRA**") and, pursuant to the Administrative Law Judge's ("**ALJ's**") April 7, 2005 order, files this Reply to the Response of Bexar Metropolitan Water District ("**BexarMet**" or the "**District**") to GBRA's Motion to Dismiss this proceeding.

**INTRODUCTION**

BexarMet's Response fails to overcome the fundamental defects in its petition that warrant dismissal. Fundamentally, BexarMet's Response unequivocally demonstrates that the District cannot satisfy the minimum statutory standing requirements of § 11.041 of the Texas Water Code. As a matter of law, BexarMet cannot demonstrate that it is "entitled to receive or use water from any reservoir . . . or lake" owned or controlled by GBRA.<sup>1</sup>

Additionally, BexarMet's Response is yet another demonstration of the District's steadfast refusal to identify the portion of the 3,000 acre-feet it demands from GBRA that is necessary to provide an adequate and continuous supply of water to the four small areas in Comal County that BexarMet is authorized to serve under its enabling act. In the

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<sup>1</sup> TEX. WATER CODE § 11.041(a).

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**WILLIAM P. CLEMENTS BUILDING, Jr.**

**300 West Fifteenth Street**

**Austin, Texas 78701**

**Phone (512) 475-4993**

**Facsimile (512) 475-4994**

DATE:

**April 12, 2005**

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

**2**

REGARDING:

**ORDER NO. 4 VACATING PROCEURAL  
DEADLINES**

DOCKET NUMBER:

**582-05-1005**

FROM:

**JUDGE MIKE ROGAN**

**FAX TO:**

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Vinson&amp;Elkins

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Mike Rogan	512.936-0730 AND	
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Please see attached Guadalupe-Blanco River Authority's Reply to Bexar Metropolitan Water District's Response to Guadalupe-Blanco River Authority's Motion to Dismiss filed on April 21, 2005.

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April 21, 2005

Ms. LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Building F, Room 1101  
P.O. Box 13087  
Austin, TX 78711-3087

*Via Facsimile & First Class Mail*

Re: SOAH Docket No. 582-05-1005  
TCEQ Docket No. 2004-1384-UCR  
Petition of Bexar Metropolitan Water District to Compel Raw  
Water Commitment from Guadalupe-Blanco River Authority

Dear Ms. Castañuela:

Enclosed for filing in the above-referenced docket, please find Guadalupe-Blanco River Authority's ("**GBRA's**") Reply to the Response of Bexar Metropolitan Water District to GBRA's Motion to Dismiss. Thank you.

Respectfully submitted,

  
Molly Cagle

cc: Hon. Mike Rogan (*via facsimilie*)  
Brenda Bishop, SOAH Docket Clerk (*via facsimilie*)  
Service List (*via facsimilie and electronic mail*)

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