

SOAH DOCKET NO. 952-19-0705

APPLICATION OF LOWER	§	BEFORE THE STATE OFFICE
COLORADO RIVER AUTHORITY	§	
FOR OPERATING AND TRANSPORT	§	OF
PERMITS FOR EIGHT WELLS IN	§	
BASTROP COUNTY, TEXAS	§	ADMINISTRATIVE HEARINGS

MOTION TO ESTABLISH PROCESS REGARDING PARTY STATUS

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COMES NOW, the General Manager for the Lost Pines Groundwater Conservation District (GM) files this motion to establish a process regarding party status.

The preliminary hearing for this matter is scheduled for 10:00 am, December 19, 2018 at the Bastrop Convention and Exhibit Center. Over 120 people and entities have submitted requests for a contested case hearing in the above-referenced matter. The GM expects that many of these requestors will appear at the preliminary hearing in person or through their attorney. The GM consulted with the Lower Colorado River Authority (LCRA), and neither LCRA nor the GM intend to oppose at the preliminary hearing the party status to any of the persons or entities who timely filed a contested case hearing request with the District on or before September 21, 2018. Because of the large number of people requesting a contested case hearing, the GM proposes the following process so that the parties can proceed with other aspects of the preliminary hearing, such as aligning parties, and establishing a procedural schedule:

1. Each individual or entity that attends the preliminary hearing would sign in upon arrival using the sheet (or something similar) that is attached hereto as *Attachment 1*. That sheet asks for the following: (1) the person's name, address, phone number, email address, and, if they are represented, the attorney's name, address, phone number, and email address; (2) whether the person lives in the Circle D subdivision

(for purposes of party alignment); and (3) whether the person or entity submitted a request for a hearing to the District on or before September 21, 2018.

2. Once the ALJs call the preliminary hearing to order, the GM requests that the ALJs take the appearances of the GM, LCRA, Recharge, City of Elgin, Aqua Water Supply Corporation, Circle D Civic Association, Environmental Stewardship, and Pines and Prairies Land Trust and allow these entities to participate as parties to this proceeding conditioned upon each party establishing its standing in either sworn pre-filed direct testimony or a sworn affidavit in this matter. Such testimony or affidavit would be due at the time pre-filed direct testimony is due on the merits of the case.
3. After a review of the sign-in sheets as compared to the list of those that timely requested a contested case hearing, which is attached hereto as *Attachment 2*, the GM requests that the ALJs allow those individuals and entities that have submitted timely hearing requests and appeared in person at the preliminary hearing, or who appeared through their organizational or legal representative to participate as parties to this proceeding, conditioned upon each party establishing his, her or its standing in either sworn pre-filed direct testimony or a sworn affidavit in this matter. Such testimony or affidavit would be due at the time pre-filed direct testimony is due on the merits of the case. The sign-in sheets would serve as the list of people and entities that the ALJs would allow to participate as parties in addition to the parties allowed to participate under paragraph (2) above.

4. Assuming there are no objections to anyone seeking party status, the ALJs would then align the parties, designate a representative for any unrepresented, aligned groups, and set a procedural schedule.

The GM respectfully requests the ALJs consider adopting the above-outlined approach for establishing parties.

Respectfully submitted,

GRAVES, DOUGHERTY, HEARON & MOODY, P.C.
401 Congress Avenue, Suite 2200
Austin, Texas 78701
(512) 480-5639 (telephone)
(512) 536-9939 (facsimile)

By: /s/ Natasha J. Martin

Natasha J. Martin
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Mary A. Keeney
Texas Bar No. 11170300
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ATTORNEYS FOR THE GENERAL MANAGER
OF THE LOST PINES GROUNDWATER
CONSERVATION DISTRICT

CERTIFICATE OF CONFERENCE

The undersigned confirms that she conferred with counsel for LCRA on December 12, 2018 and LCRA's counsel represented that her client supports this motion.

/s/ Natasha J. Martin

Natasha J. Martin

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on the persons of record on Attachment 2 included herein on December 13, 2018 by U.S. Mail, Email or SOAH Filing in accordance with SOAH Order No. 1 issued in this matter.

/s/ Natasha J. Martin

Natasha J. Martin

ATTACHMENT 1

SOAH DOCKET NO. 952-19-0705

APPLICATION OF LOWER
COLORADO RIVER AUTHORITY
FOR OPERATING AND TRANSPORT
PERMITS FOR EIGHT WELLS IN
BASTROP COUNTY, TEXAS

§
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§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**APPEARANCE AT DECEMBER 19, 2018 PRELIMINARY HEARING
AND REQUEST FOR PARTY STATUS**

PERSON REQUESTING PARTY STATUS' NAME:

MAILING ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

Did You Submit a Hearing Request to the District on or before September 21, 2018?

_____ YES _____ NO

Do You Live in the Circle D Subdivision?

_____ YES _____ NO

Are You Represented by Counsel?

_____ YES _____ NO

IF YOU ARE REPRESENTED BY COUNSEL, PLEASE PROVIDE THE FOLLOWING:

ATTORNEY'S NAME: _____

ATTORNEY'S ADDRESS: _____

ATTORNEY'S TELEPHONE NUMBER: _____

ATTORNEY'S EMAIL ADDRESS: _____

ATTORNEY'S FACSIMILE NUMBER: _____

ATTACHMENT 2

Requests for Contested Case Hearing on the Lower Colorado River Authority's Applications for Operating Permits and Transport Permits for 8 wells in Bastrop County

Number	Party's Name	Represented By	Representative's Name	Party's Address	Email Address	Date Received
1	Adam Bushong & Kristi	Self		654 Cardinal Dr., Paige, TX 78659		8/24/2018
2	Scott Leitch	Self		263 Mustang Dr., Paige, TX 78659		9/11/2018
3	Patricia Anderson	Self		107 Cannon Ln, Bastrop, TX 78602		9/14/2018
4	Faye Tucker	Self		760 Green Valley Dr. Bastrop, TX 78602		9/14/2018
5	Mark Tucker	Self		760 Green Valley Dr. Bastrop, TX 78602		9/14/2018
6	JC Jensen	Self		330 Pine Tree Loop, Bastrop, TX 78602		9/14/2018
7	Gary Cook	Self		1710 Garfield St., Bastrop, TX 78602		9/14/2018
8	Elvis & Rosanne Hernandez	Self		644 Herron Trail, McDade, TX 78650		9/14/2018
9	David K & Karen L Douglas	Self		641 Cardinal Dr., Paige, TX 78659		9/14/2018
10	Joe Pullen	Self		160 Hidden Bluff Smithville, TX 78957		9/14/2018
11	Mark and Mary Vanoni	Self		PO Box 650 Salem, MO 65560		9/15/2018
12	Beverly & Felix Villareal	Self		8012 El Dorado Dr., Austin, TX 78737		9/16/2018
13	Gordon and Lynn McDonald	Self		235A Cutting Horse Trl, Bastrop, TX 78602		9/16/2018
14	Randall G & Lisa M Shiwener	Self		423 Old Firetower Rd., Bastrop, Tx 78602		9/16/2018
15	Michele G Gangnes	Self		1290 County Road B., Lexington, TX 78947		9/16/2018
16	Becky Nichols	Self		628 Cardinal Drive, Paige, TX 78659		9/16/2018
17	Melinda Alison	Self		2030 FM 2104 Paige, TX 78659		9/16/2018
18	Aqua WSC	Attorney	Michael Gershon	816 Congress Ave., Suite 1900 Austin, TX 78701	mgershon@iglawfirm.com	9/17/2018
19	Michael & Claire Wunderlin	Self		352 Kelley Rd., Bastrop, TX 78602		9/17/2018
20	James H Kellam	Self		132 Cassel Way, Bastrop, Tx 78602		9/17/2018
21	Mike Hagerud	Self		626 Oak Hill Cemetery Rd. Bastrop, TX 78602		9/17/2018
22	Hugh Brown	Self		3026 CR 316 Lexington, TX 78947		9/17/2018
23	Sandy Sepulveda	Self		351 Antioch Rd., Paige, TX 78659		9/17/2018
24	Catherine & Charles White IV	Self		279 Oak Hill Cemetery Rd, Bastrop, TX 78602		9/17/2018
25	Diana McNabb	Self		128 Painted Post, Bastrop, TX 78602		9/17/2018
26	Danny L McNabb	Self		128 Painted Post, Bastrop, TX 78602		9/17/2018
27	David & Elizabeth Babin	Self		4006 Tamarack Trl, Austin, Tx 78727		9/17/2018
28	Greg Severn	Self		102 Country Air Dr. Bastrop, TX 78602		9/18/2018
29	Wendy J Garrisi	Self		14519 Harvest Ridge Rd. Houston, TX 77062		9/18/2018
30	Amir Abraham	Self		1502 Shenandoah Dr. Cedar Park, TX 78613		9/18/2018
31	Shawna Benson	Self		177 Spring Hollow Dr. Smithville, TX 78957		9/18/2018
32	Judy Edwards	Self		147 Long Trail Smithville, TX 78957		9/18/2018
33	Philip and Debra Alley	Self		804 Cottle town Rd. Smithville, TX 78957		9/18/2018
34	Cole Schroeder	Self		330 Powell Rd. Smithville, TX 78957		9/18/2018
35	Heather King	Self		301 Powell Rd. Smithville, TX 78957		9/18/2018
36	Pat King	Self		177 Spring Hollow Dr. Smithville, TX 78957		9/18/2018
37	Bree Benson-Bies and Jerry Bies	Self		289 Powell Rd. Smithville, TX 78957		9/18/2018
38	Pines & Prairies Land Trust	Attorney	Melanie Pavlas	1018 Main St., Ste B., Bastrop, TX 78602	lyn.clancy@lcra.org	9/18/2018
39	Lower Colorado River Authority	Attorney	Lyn Clancy	P.O. Box 220, Austin, TX 78767-0220	info@L-LawFirm.com	9/19/2018
40	Environmental Stewardship	Attorney	Eric Allmon	1206 San Antonio St., Austin, TX 78701	pterrill@terrillwaldrop.com	9/19/2018
41	Recharge Water	Attorney	Paul M. Terrill, III	810 West 10th St., Austin, TX 78701		9/19/2018
42	Circle D Civic Association	Self	Jeanne Jessup, VP	P O Box 852 Bastrop, TX 78602		9/19/2018
43	Douglas Marousek	Self		220 Sage Rd., Bastrop, TX 78602		9/19/2018

Number	Party's Name	Represented By	Representative's Name	Party's Address	Email Address	Date Received
44	Chase Lancaster	Self		118 Blue Jay Rd., Bastrop, TX 78602		9/19/2018
45	Kathryn Rogers	Self		1010 Chestnut St. Bastrop, TX 78602		9/19/2018
46	Larry & Eileen Campbell	Self		272 Old Firetower Rd. Bastrop, TX 78602		9/19/2018
47	Suzannah Amable	Self		332 Sage Rd. Bastrop, TX 78602		9/19/2018
48	Steve Amable	Self		332 Sage Rd. Bastrop, TX 78602		9/19/2018
49	Andrew & Mary Wier	Self		321 Sage Rd. Bastrop, TX 78602		9/19/2018
50	Newton M. Ellis	Self		347 Old Firetower Rd. Bastrop, TX 78602		9/19/2018
51	Joseph W Hakkinen, PhD	Self		134 Rainbow Drive, Bastrop, TX 78602		9/19/2018
52	Roger Fleming	Self		113 Eland Ave. Bastrop, TX 78602		9/19/2018
53	Keith and Judith Everett	Self		132 Pony Grass Lane, Bastrop, TX 78602		9/19/2018
54	Kirk and Melody Obst	Self		457 Oak Hill Cemetery Rd. Bastrop, TX 78602		9/19/2018
55	Susan Pardue	Self		149 Blue Jack Oak, Bastrop, TX 78602		9/19/2018
56	Donna Nelson	Self		214 Pine Path, Bastrop, TX 78602		9/19/2018
57	Benjamin Taylor	Self		2500 CR 329 Lincoln, TX 78948		9/19/2018
58	Zachary R Crawford	Self		2804 Wooden Tower St. Pflugerville, TX 78660		9/19/2018
59	Jonathon Hochman & Dawn Smith	Self		427 Herron Trail, McDade, TX 78650		9/19/2018
60	Jason Sims & Paula Hanks	Self		118 Mulberry Cove, Bastrop, TX 78602		9/19/2018
61	Esther Martinez	Self		201 South Buckhorn, Bastrop, TX 78602		9/19/2018
62	Suzanne Ragan	Self		689 S Old Potato Rd., Paige, TX 78659		9/19/2018
63	Shari Wyatt	Self		789 Antioch Rd., Paige, TX 78659		9/19/2018
64	Jimmie Ann Vaughan	Self		252 Cardinal Dr., Paige, TX 78659		9/19/2018
65	Kermit D. Heaton	Self		363 Paint Creek South Road, Paige, TX 78659		9/19/2018
66	Christine Eisenburg	Self		P O Box 296 Paige, TX 78659		9/19/2018
67	Sue Christransen	Self		159 McBride Lane, Paige, TX 78659		9/19/2018
68	David Teuscher	Self		2291 Hwy 21 E. Paige, TX 78659		9/19/2018
69	Herman Roy Herms	Self		323 Old Pin Oak Rd, Paige, TX 78659		9/19/2018
70	Lewis Sharpe	Self		224 Pine Valley Dr. Paige, TX 78659		9/19/2018
71	Mark A Whiting	Self		614 Cottleown Rd. Unit B, Smithville, TX 78957		9/19/2018
72	Penny Whiting	Self		614 Cottleown Rd. Unit B, Smithville, TX 78957		9/19/2018
73	Sandra E. Stokes	Self		614 Cottleown Rd. Unit B, Smithville, TX 78957		9/19/2018
74	Catherine Skye	Self		614 F Cottleown Rd. Smithville, Tx 78957		9/19/2018
75	Tiger Davis	Self		185 O Grady Rd. Smithville, TX 78957		9/19/2018
76	Gail A David	Self		322 Flower Hill Rd. Smithville, TX 78957		9/19/2018
77	William Pittman	Self		271 Long Trail Smithville, TX 78957		9/19/2018
78	City of Elgin	Attorney	Michael Gershon	816 Congress Ave., Suite 1900 Austin, TX 78701	mgersh@lglawfirm.com	9/20/2018
79	Stephen Hughes	Self		155 Pine Path, Bastrop, TX 78602		9/20/2018
80	Shannon Johnson	Self		127 Arrowhead Court, Bastrop, TX 78602		9/20/2018
81	James Alan Tate	Self		267 Sage Rd. Bastrop, TX 78602		9/20/2018
82	Vicki Hewitt	Self		118 Cannon Ln. Bastrop, TX 78602		9/20/2018
83	Kimberly Walker	Self		115 Yucca Ln, Bastrop, TX 78602		9/20/2018
84	James Walker	Self		115 Yucca Ln, Bastrop, TX 78602		9/20/2018
85	Matt Anderson	Self		107 Cannon Ln. Bastrop, TX 78602		9/20/2018
86	Tommy Claiborne	Self		PO Box 176 Bastrop, TX 78602		9/20/2018
87	John H Watson see email from Natasha DKT	Self		1404 Pedemales Hillis Rd., Johnson City, TX 78636		9/20/2018
88	George & Janet Arnell	Self		116 Quiet Dr., Paige, TX 78659		9/20/2018
89	Arthur Norman Aransen, Hollie R Denton, John B. Denton	Self		205 Ponderose Loop, Paige, TX 78659		9/20/2018
90	Stephen Shaw and Sonia Ruiz	Self		102 Plover Dr. Paige, TX 78659		9/20/2018

Number	Party's Name	Represented By	Representative's Name	Party's Address	Email Address	Date Received
91	Michael MacLeod	Self		160 Abbey Lane, Smithville, TX 78957		9/20/2018
92	Lost Pines GCD General Manager	Attorney	Natasha Martin	401 Congress Ave., Suite 2200 Austin, TX 78701	nmartin@gdfhm.com	9/21/2018
93	Dustin Cross	Self		134 Crenshaw Lane Bastrop, TX 78602		9/21/2018
94	Sandi Schneiderman	Self		134 Crenshaw Lane Bastrop, TX 78602		9/21/2018
95	Rhonda Skube	Self		104 Woodland Ct. Bastrop, TX 78602		9/21/2018
96	Marshall Hilburn	Self		123 Bluebonnet Dr. Bastrop, TX 78602		9/21/2018
97	Melton Jay Williams	Self		377 Green Valley Dr., Bastrop, TX 78602		9/21/2018
98	Ken Chance	Self		107 Quarter Horse Loop, Paige, TX 78659		9/21/2018
99	Maria Tuttrup	Self		307 Ponderosa Loop, Paige, TX 78659		9/21/2018
100	Paul C. Tuttrup	Self		307 Ponderosa Loop, Paige, TX 78659		9/21/2018
101	Joni Ashbrook	Self		536 Green Valley Dr., Bastrop, TX 78659		9/21/2018
102	Martha Leal	Self		113 South Mockingbird Lane, Bastrop, TX 78602		9/21/2018
103	Jennie Woodard	Self		180 Tonkawa Dr., Paige, TX 78659		9/21/2018
104	Laura Osborn	Self		121 Quarter Horse Loop, Paige, TX 78659		9/21/2018
105	Geraldine Frye	Self		536 Green Valley Dr., Bastrop, TX 78602		9/21/2018
106	Cindy Geisman	Self		377 Green Valley Dr., Bastrop, TX 78602		9/21/2018
107	William H Weber	Self		307 Zimmerman Ave., Bastrop, TX 78602		9/21/2018
108	Carol Pease	Self		125 Mallard Rd., Bastrop, TX 78602		9/21/2018
109	Diana Wood	Self		128 Blue Jay Rd., Bastrop, TX 78602		9/21/2018
110	Richard A Martinez	Self		701 Skyline Ridge Lookout, Wimberley, TX 78676		9/21/2018
111	Peggy Jo Hilburn	Self		123 Bluebonnet Dr. Bastrop, TX 78602		9/21/2018
112	Frank A Skube	Self		104 Woodland Ct. Bastrop, TX 78602		9/21/2018
113	Ernest Vincent Pease, Jr.	Self		125 Mallard Rd., Bastrop, TX 78602		9/21/2018
114	Anita Kay Linenberger	Self		PO Box 669 Bastrop, TX 78602		9/21/2018
115	Aya Linenberger-Lueders	Self		PO Box 327 Bastrop, TX 78602		9/21/2018
116	TR Abee (sp.)	Self		172 Railroad Track Rd. Paige, TX 78659		9/21/2018
117	Chad Martin	Self		229 Estate Row, Cedar Creek, TX 78612		9/21/2018
118	Bert Godkin	Self		1193 Shiloh Rd., Cedar Creek, TX 78612		9/21/2018
119	Phillip R Cook	Self		1192 Shiloh Rd., Cedar Creek, TX 78612		9/21/2018
120	Nancy Shivers	Self		129 Painted Post Bastrop, TX 78602		9/21/2018
121	Janette Robinson	Self		855 Antioch Rd., Paige, TX 78659		9/21/2018
122	Paul Cox	Self		669 Cardinal Dr., Paige, TX 78659		9/21/2018
123	Roger Fuller - see email from Natasha	Self		1955 CR 106, Paige, TX 78659		9/21/2018
124	Walter Winslett	Self		218 Main St. Smithville, TX 78957		9/21/2018
125	Floy Adelle Wall	POA	Sue Lynn Wall Castle	228 KC Dr. Bastrop, TX 78602		9/21/2018
126	John H Ricke, Jr.	Self		246 South Shore Rd. Bastrop, TX 78602		9/21/2018