

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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DATE: 12/21/2018

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 13

REGARDING: **ORDER NO. 2 - MEMORIALIZING PREHEARING CONFERENCE, ADDRESSING PARTY STATUS, SCHEDULING PREHEARING CONFERENCE AND HEARING ON THE MERITS, AND ADDRESSING ELECTRONIC FILING ISSUES**

DOCKET NUMBER: 952-19-0705

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LYN CLANCY (LOWER COLORADO RIVER AUTHORITY)	VIA EMAIL
ELIZABETH AND DAVID BABIN	VIA REGULAR MAIL
VERNA L DEMENT	VIA REGULAR MAIL
PAULA HANKS AND JASON SIMS	VIA REGULAR MAIL
PEGGY JO AND MARSHALL HILBURN	VIA REGULAR MAIL
JC JENSEN	VIA REGULAR MAIL
RICHARD MARTINEZ	VIA REGULAR MAIL
DON AND ANNE ROSS	VIA REGULAR MAIL
JAMES ALAN TATE	VIA REGULAR MAIL
CATHERINE AND CHARLES L. WHITE	VIA REGULAR MAIL
WALTER WINSLETT	VIA REGULAR MAIL
ELVIS AND ROXANNE HERNANDEZ	VIA EMAIL
JAMES AND KIMBERLY WALKER	VIA REGULAR MAIL

xc: Docket Clerk, State Office of Administrative Hearings

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT HAINES SARAH ELIZABETH(sha) (512) 475-4993

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**SOAH DOCKET NO. 952-19-0705**

<b>APPLICATION OF LOWER COLORADO RIVER AUTHORITY FOR OPERATING AND TRANSPORT PERMITS FOR EIGHT WELLS IN BASTROP COUNTY, TEXAS</b>	<b>§ § § § §</b>	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**ORDER NO. 2  
MEMORIALIZING PREHEARING CONFERENCE, ADDRESSING PARTY STATUS,  
SCHEDULING PREHEARING CONFERENCE AND HEARING ON THE MERITS,  
AND ADDRESSING ELECTRONIC FILING ISSUES**

On December 19, 2018, Administrative Law Judge (ALJs) Michael J. O'Malley and Laura M. Valdez conducted a prehearing conference in this docket. The ALJs admitted in evidence the General Manager (GM) for Lost Pines Groundwater Conservation District (District) Exhibits 1-9. Those exhibits establish that the District and the State Office of Administrative Hearings (SOAH) have jurisdiction over this proceeding and that proper notice of the proceeding has been provided.<sup>1</sup>

**I. PARTY STATUS**

Several individuals and entities appeared at the prehearing conference and were granted party status.<sup>2</sup> At the prehearing conference, neither the GM nor the Lower Colorado River Authority opposed party status. However, to ensure that all parties have a justiciable interest, each entity and individual named as a party by the ALJs at the prehearing conference shall file an affidavit no later than February 8, 2019, showing personal justiciable interest in this proceeding as defined under Texas Water Code § 36.415. Any objection to party status of any entity or individual shall be filed no later than February 19, 2019.

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<sup>1</sup> No party objected to notice or jurisdiction.

<sup>2</sup> See Attachment A.

## II. PRHEARING CONFERENCE AND HEARING ON THE MERITS

At the prehearing conference, the parties agreed to a final prehearing conference date and dates for the hearing on the merits. The final prehearing conference will be held on **October 10, 2019**, in Bastrop, Texas. The hearing on the merits will be held **October 15-22, 2019**, in Bastrop, Texas. The exact location of the prehearing conference and hearing on the merits will be determined at a later date, which will be provided in a future SOAH order. On January 31, 2019, after conferring with the other parties, the GM shall file an agreed procedural schedule.

## III. ELECTRONIC CASE INFORMATION SYSTEM

Although the ALJs provided this information in Order No. 1, it is being provided again with updated information. If you have any procedural questions, contact the ALJs' Legal Secretary, Sarah Haines, at 512-936-6633.

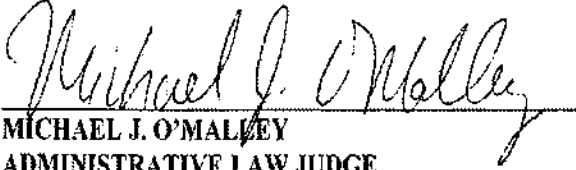
- A. **Access through SOAH's public website.** SOAH's Electronic Case Information System may be accessed from SOAH's website at [www.soah.texas.gov](http://www.soah.texas.gov). Click E-SERVICES on SOAH's website
- B. **New fax number.** In conjunction with the electronic system, SOAH's fax number for all general docket cases in Austin is (512) 322-2061. This number should be used for all faxed filings. It should not be used for submission of confidential communications.
- C. **Filing methods.** As alternatives to faxed filings, parties may continue to file documents by mail or hand delivery and may now also file most documents by electronic upload *via* the electronic system. To upload documents, click on E-SERVICES on SOAH's website. Parties must register with SOAH in order to file by electronic upload. Directions to register are provided on the website.
- D. **Service by e-mail.** SOAH has implemented service by email for proposals for decision, orders, and other case-related documents and communications in general docket cases. See SOAH's website, [www.soah.texas.gov](http://www.soah.texas.gov), for information and the form to request email

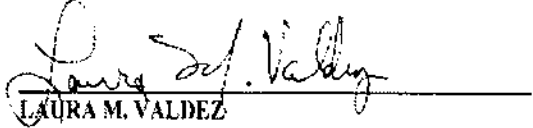
service. Again, Click E-SERVICES for more information. Because each party is required to serve all other parties with pleadings, motions, and any other documents filed at SOAH, the ALJs permit and encourage email service among the parties.

#### IV. PROCEDURAL RULES

SOAH's procedural rules can be found at 1 Texas Administrative Code ch. 155. The rules are also available on SOAH's website, [www.soah.texas.gov](http://www.soah.texas.gov).

**SIGNED December 21, 2018.**

  
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MICHAEL J. O'MALLEY  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARING

  
\_\_\_\_\_  
LAURA M. VALDEZ  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**ATTACHMENT A**

SOAH DOCKET NO. 952-19-0705

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

<b>PARTIES WITH ATTORNEYS</b>		
<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>Contact Number</b>
<b>Lower Colorado River Authority</b>	Atty. Lyn Clancy	512-473-3378
<b>Lost Pines Groundwater Conservation District</b>	Atty. Natasha Martin	512-480-5727
<b>Aqua Water Supply Corporation</b>	Atty. Michael A. Gershon	512-322-5872
<b>Environmental Stewardship</b>	Atty. Eric Allmon	512-469-6000
<b>City of Elgin</b>	Atty. J. Troupe Brewer	512-322-5858
<b>Recharge Water, LP</b>	Atty. Paul Terrill	512-474-9100
<b>**Multiple Parties: See Below**</b>	Atty. Donald H. Grissom	512-478-4059

<b>Parties Represented by Donald H. Grissom</b>	
1) Hugh Brown	23) Michael MacLeod
2) Philip Cook	24) Tommy Claiborne
3) Claire and Michael Wunderlin	25) Sue Pardue
4) Suzanne Ragan	26) Felix and Beverly Villareal
5) Kathryn "Kay" Rogers	27) John Watson
6) Roger P. Fuller	28) Douglas and Dorothy Marousek
7) Andrew and Mary Wier	29) Carol and Ernest Pease
8) Philip and Deborah Alley	30) Tiger Davis
9) Steve and Suzannah Amable	31) Herman Herms
10) Larry and Irene Campbell	32) Pines and Praries Land Trust c/o Melanie Pavlas
11) Newton and Fran Ellis	33) Donna Nelson
12) Roger Fleming	34) Maria and Paul Tuttrup
13) Kermit Heaton	35) Bert Godkin
14) John Ricke, Jr.	36) Circle D Homeowner's Association c/o Jeannie Jessup
15) Lewis Sharpe, III	37) Sandi Schneiderman
16) David Teuscher	38) Sue Ellen Christiansen
17) Arthur Norman Aronsen, III	39) Esther Martinez
18) Hollie Denton	40) Stephen Shaw
19) Michael and Tammy Hagerud	41) Becky Jean Nichols
20) Kay Linenberger and Aya Linenberger-Lueders	42) Paul E. Cox
21) Mark and Penny Whiting	43) Keith and Judy Everett
22) Dr. Christian Abee	

<b>Self-Represented Litigants</b>	
<b>Party</b>	<b>Contact Info</b>
James and Kimberly Walker	512-581-1592
Peggy Jo and Marshall Hilburn	512-718-6787
Walter Winslett	512-360-2531
JC Jensen	254-319-1192
Elvis and Roxanne Hernandez	512-321-1331
Verna L Dement	979-773-4233
Catherine and Charles L. White	512-332-6339
Don and Anne Ross	512-913-4459
James Alan Tate	512-308-6532
Paula Hanks and Jason Sims	512-422-8379
Elizabeth and David Babin	512-745-6428
Richard Martinez	979-236-0994

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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**SERVICE LIST**

**AGENCY:** Lost Pines Groundwater Conservation District (LPG)  
**STYLE/CASE:** APPLICATION OF LCRA FOR OPERATING AND TRANSPORT PERMITS FOR 8 WELLS IN BASTROP CO.  
**SOAH DOCKET NUMBER:** 952-19-0705  
**REFERRING AGENCY CASE:**

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ MICHAEL J. OMALLEY**

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**REPRESENTATIVE / ADDRESS**

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STEVE AND SUZANNAH AMABLE

JOHN RICKIE JR.

ANDREW AND MARY WIER

ROGER P. FULLER

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CLAIRE AND MICHAEL WUNDERLIN

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HUGH BROWN

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ESTHER MARTINEZ

KEITH AND JUDY EVERETT

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MARK AND PENNY WHITING

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SANDI SCHNEIDERMAN

CIRCLE D HOMEOWNER'S ASSOCIATION C/O JEANNIE  
JESSUP

BERT GODKIN

MARIA AND PAUL TUTTRUP

DONNA NELSON

MICHAEL MACLEOD

BECKY JEAN NICHOLS

PINES AND PRARIES LAND TRUST C/O MELANIE  
PAVLAS

DR. CHRISTIAN ABEE

TOMMY CLAIBORNE

SUE PARDUE

HERMAN HERMS

JOHN WATSON

DOUGLAS AND DOROTHY MAROUSEK

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RECHARGE WATER, LP

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## Sarah Haines

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**To:** XMediusFAX@soah.state.tx.us  
**Subject:** RE: Broadcast Completed: 19-0705; ORDER NO. 2

FAX MACHINE FOR DONALD H. GRISSOM AT 512-482-8410 = NOT WORKING.  
Called to Verify- Service to DONALD H. GRISSOM via REGULAR MAIL.

-----Original Message-----

From: XMediusFAX@soah.state.tx.us [mailto:XMediusFAX@soah.state.tx.us]  
Sent: Friday, December 21, 2018 10:45 AM  
To: Sarah Haines <Sarah.Haines@soah.texas.gov>  
Subject: Broadcast Completed: 19-0705; ORDER NO. 2

Time Submitted : Friday, December 21, 2018 10:28:17 AM Central Standard Time  
Time Completed : Friday, December 21, 2018 10:45:10 AM Central Standard Time  
Nb of Success Items : 3  
Nb of Failed Items : 1

Status	Time Sent	Pages Sent	Duration	Remote CSID	Destination	Error Code
Failure	Friday, December 21, 2018 10:45:00 AM Central	0	0	96	5124828410	300
Error message: Cannot reach destination.						
Success	Friday, December 21, 2018 10:30:21 AM Central	13	13	121	5124749888	5124749888 0
Success	Friday, December 21, 2018 10:32:24 AM Central	13	13	244	5124720532	0
Success	Friday, December 21, 2018 10:35:28 AM Central	13	13	430	512 482 9346	5124829346 0