

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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DATE: **11/16/2018**

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REGARDING: **ORDER NO. 1 - SCHEDULING PREHEARING CONFERENCE AND ADDRESSING OTHER PROCEDURAL ISSUES**

DOCKET NUMBER: **952-19-0705**

JUDGE MICHAEL J OMALLEY

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VIA EMAIL

cc: Docket Clerk, State Office of Administrative Hearings

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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

ORDER NO. 1
SCHEDULING PREHEARING CONFERENCE AND
ADDRESSING OTHER PROCEDURAL ISSUES

I. PREHEARING CONFERENCE

On October 11, 2018, Lost Pines Groundwater Conservation District (District) referred the above-referenced docket to the State Office of Administrative Hearings (SOAH). SOAH assigned Administrative Law Judge (ALJs) Michael J. O'Malley and Laura M. Valdez as the presiding ALJs for this proceeding.

A prehearing conference will convene at **10:00 a.m., Wednesday, December 19, 2018, at the Bastrop Convention and Exhibit Center, 1408 Chestnut Street, Bastrop, Texas 78602**. At the prehearing conference, the ALJs will address and discuss with the parties the following issues:

- party status;
- procedural and discovery schedule;
- pending motions;
- hearing on the merits;
- issues to be addressed in this proceeding;
- appropriate and adequate notice of this proceeding; and
- any other issues that will assist in the fair disposition of this case.

If any party or potential party has a pending motion or other issue that will need to be addressed by the ALJs at the prehearing conference, that motion or pleading shall be filed no later than December 14, 2018.

No later than December 4, 2018, the District shall provide notice of the December 19, 2018 prehearing conference to all entities and/or individuals that are required to be noticed under the District rules.

II. PROCEDURAL RULES

This case shall be conducted in accordance with the procedural rules of SOAH. *See* 1 Texas Administrative Code ch. 155.

III. ELECTRONIC CASE INFORMATION SYSTEM

- A. Access through SOAH's public website.** SOAH's Electronic Case Information System may be accessed from SOAH's website at www.soah.state.tx.us. Click the "Electronic Case Files" link at the upper right-hand corner of SOAH's home page to enter the system.
- 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 mediation 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 the Electronic Case Files link and click again on the button at the bottom of the page that appears. 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.state.tx.us, for information and the form to request email service. Click on the "Request Service by Email" link in the Notices box.

IV. DISCOVERY

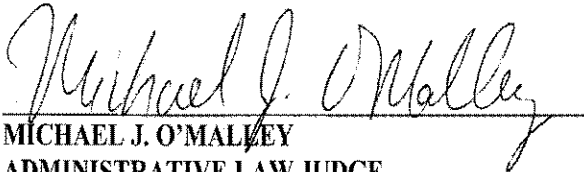
Discovery shall be conducted according to the Texas Rules of Civil Procedure, as supplemented by SOAH's discovery rules. *See* 1 Tex. Admin. Code § 155.251 (Subchapter F). Pursuant to SOAH's rule at 1 Texas Administrative Code § 155.251(d), discovery documents shall be served on the other parties but shall **not** be filed with the ALJs unless such materials are the subject of a discovery dispute.

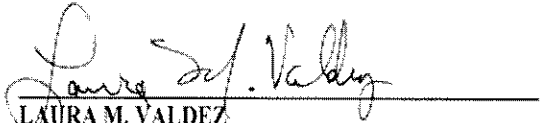
The parties are expected to attempt to resolve discovery disputes; however, significant disputes which cannot be resolved should be brought to the ALJs' attention in a motion to compel. Any such motion shall include a copy of any discovery correspondence necessary for an informed ruling on the dispute.

V. PLEADINGS

Unless a party seeks a hearing and the motion is granted, the ALJs will rule on motions based on the written pleadings. If oral argument is granted, it shall be conducted by telephone conference, unless the ALJs specifies otherwise. Any motion **must indicate that the moving party has contacted the other parties, and state the other parties' positions on the motion.**

SIGNED November 16, 2018.


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


 LAURA M. VALDEZ
 ADMINISTRATIVE LAW JUDGE
 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:

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

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

REPRESENTATIVE / ADDRESS

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LOST PINES GROUNDWATER CONSERVATION
DISTRICT