

**IN RE: APPLICATIONS OF SLR
PROPERTY I, LP FOR A 9,000 ACRE-
FEET SIMSBORO AND HOOPER
DRILLING AND OPERATING
PERMIT AND 15,000 ACRE-FEET
SIMSBOROD OPERATING PERMIT**

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**BEFORE THE
POST OAK SAVANNAH
GROUNDWATER CONSERVATION
DISTRICT**

REQUEST OF BLUE WATER 130 PROJECT, L.P. FOR PARTY STATUS

TO THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT:

COME NOW Blue Water 130 Project, L.P. (“Blue Water 130”) and pursuant to Texas Water Code Section 36.415 and Post Oak Savannah Groundwater Conservation District (the “District”) Rules 7.5.3, 8.3.3 and 14.2.4, timely files this Request for Party Status regarding the SLR Property I, LP’s (“SLR”) Applications for a new 9,000 acre-feet per year Simsboro and Hooper Drilling and Operating Permit and a new 15,000 acre-feet per year Simsboro Operating Permit.¹ In support of its request, Blue Water 130 shows the following.

I. REQUEST FOR PARTY STATUS

Blue Water 130 seeks party status to protect its property rights in groundwater leases and permit rights and interests in the Simsboro aquifer, the same formation that is the subject of SLR’s permit applications at issue here. While the position of Blue Water 130 has not been determined at this time, Blue Water 130 meets the requirements for requesting party status and participation in the hearing process on SLR’s applications. Blue Water 130 holds extensive groundwater lease and permit rights for the production of municipal water supply from the Simsboro aquifer, including wells in the same aquifer as SLR’s well field. Blue Water 130’s groundwater rights encompass thousands of acres and provide the basis for District Drilling and Operation Permit No. POS-D&O/A&M-0001a and District Transport Permit No. POS-T-0001a that provide for a

¹ This request for party status is timely filed pursuant to District Rules 7.5.3 and 14.2.4 because it is filed at least five business days prior to the scheduled January 19, 2023, hearing.

total of 20,000 acre-feet of annual production from the Simsboro formation of the Carrizo-Wilcox aquifer.

Blue Water 130's legal rights and economic interests are within the District's regulatory authority and will be affected by the Board's decision on the SLR applications in a manner not common to members of the public. These legal rights include, but are not limited to, those rights in Blue Water 130's groundwater leases. Moreover, the subject District permits confer an economic interest in Blue Water 130 because the underlying groundwater rights and permits and the supporting transportation system is the product of substantive economic investment over many years, resulting in investment-backed expectations that could potentially be adversely affected by the District's actions on the SLR Applications. Blue Water 130's interests include assuring that the District's processing and potential grant of SLR's proposed drilling and operating permit application and operating permit application are nondiscriminatory *vis a vis* the District's regulatory treatment of Blue Water 130 and other District permittees.

SLR's permit applications, if granted and depending on what conditions and requirements are imposed if they are granted, will directly impact Blue Water 130's legal rights and economic interests in their leases, wells and permits and may affect the productivity of Blue Water 130's lease and permit rights.

Based on the foregoing, Blue Water 130 has unique justiciable interests not common to the public that will not, and cannot, be adequately represented by any other potential protestant.

III. PRAYER

WHEREFORE, Blue Water 130 Project, LP requests that the District hold a preliminary hearing on SLR's application, that Blue Water 130 be granted the right to appear and participate in such hearing, that the District determine Blue Water 130 to have party status to any contested

case hearing, and that the District grant all other relief to which Blue Water 130 shows itself to be entitled.

Respectfully submitted,

By:  _____

Paul M. Terrill III
State Bar No. 00785094
Shan S. Rutherford
State Bar No. 24002880
TERRILL & WALDROP
810 West 10th Street
Austin, Texas 78701
Tel (512) 474-9100
Fax (512) 474-9888
pterrill@terrillwaldrop.com
srutherford@terrillwaldrop.com

ATTORNEYS FOR BLUE WATER 130 PROJECT L.P.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served as indicated on this 12th day of January, 2023, to the following:

VIA EMAIL AND FIRST-CLASS MAIL

Sandow Lakes Ranch Property I, LP
Attention: Alan Gardenhire
2528 Oak Lawn Ave.
Dallas, Texas 75219
alang@sandowlakesranch.com


VIA EMAIL AND FIRST-CLASS MAIL

Gary Westbrook
General Manager
Post Oak Savannah Groundwater Conservation District
310 East Avenue C
Milano, TX 76556

VIA EMAIL

Barbara Boulware-Wells
The Knight Law Firm, LLP
223 West Anderson Lane, Suite A-105
Austin, Texas 78752

Representatives for Post Oak Savannah GCD


Shan S. Rutherford