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December 21, 2009

Via Hand Delivery

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 DEC 21 PM 4: 26
CHIEF CLERKS OFFICE

Re: *In the matter of the Executive Director's Report and Recommendation to Add Areas of Dallam County Priority Groundwater Management Area (PGMA) to North Plains Groundwater Conservation District; SOAH Docket No. 582-09-2350; TCEQ Docket No. 2008-1940-WR*

Dear Ms. Castañuela:

Enclosed is an original and one copy of an Agreed Motion For Extension of Pleading Deadlines Following Proposal for Decision, in connection with the above-referenced matter. Please file the original and return a filed-stamped copy to our courier.

Should you have questions or need to reach me, please call (512) 472-8021.

Sincerely,

Michelle M. Russell
Legal Assistant to Susan Maxwell

/mmr

Enclosures

cc: All parties on the service list

TCEQ DOCKET NO. 2008-1940-WR
SOAH DOCKET NO. 582-09-2350

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CREATION OF A GROUNDWATER	§	BEFORE THE
CONSERVATION DISTRICT FOR	§	TEXAS COMMISSION
PRIORITY GROUNDWATER MANAGEMENT	§	ON ENVIRONMENTAL
AREA IN DALLAM COUNTY	§	QUALITY

**AGREED MOTION FOR EXTENSION OF PLEADING DEADLINES
FOLLOWING PROPOSAL FOR DECISION**

TO THE GENERAL COUNSEL OF THE COMMISSION:

1. Clifford A. Skiles, Jr., DVM (“Dr. Skiles”), and Poole Leasing Co., Inc. and Entrania Springs, LP (the “Poole Interests”) (collectively “Protestants”), jointly file this Agreed Motion for Extension of Pleading Deadlines Following Proposal for Decision, on their own behalf and on behalf of all the other represented parties in the above-captioned proceeding,¹ namely the Executive Director of the Texas Commission on Environmental Quality (“TCEQ” or “Commission”), the Office of Public Interest Counsel of TCEQ, and the North Plains Groundwater Conservation District, collectively referred to herein as the “Parties.”

2. On December 14, 2009, SOAH Administrative Law Judge (“ALJ”) Richard R. Wilfong filed his proposal for decision (“PFD”) in this proceeding. As indicated in the transmittal letter, the deadline for exceptions or briefs to be filed by any party is January 4, 2010 and the deadline for any replies thereto is January 14, 2010.

¹ In this proceeding before SOAH, a number of other, *pro se* landowners were admitted as parties and aligned with the represented Protestants identified herein. The ALJ has relied on the undersigned counsel as a coordinator and contact person for these *pro se* landowners, none of whom has filed post-hearing briefing in this matter.

3. The undersigned counsel for Protestants has already planned vacation out of the country from December 28 through January 3, 2010. Additionally, due to the Christmas and New Year's holidays, counsel's office is closed December 24-25, 2009 and January 1, 2010.

4. Because all Parties' timeframe for post-PFD exceptions falls over the holidays and the deadline immediately follows the New Year's weekend, the Parties have agreed to jointly seek an extension of both deadlines, pursuant to TCEQ Rule § 80.257(b). The above-referenced Parties hereby request that the deadline for exceptions or briefs on the PFD be extended for one week, to January 11, 2010, and that the deadline for replies be similarly extended for one week, to January 21, 2010. The Parties respectfully submit that this short extension, applicable to all Parties, will not prejudice any party in this proceeding or cause any undue delay in the Commission's consideration of this matter.

5. Certificate of Conference: I certify that I conferred by telephone with Christiaan Siano, the Executive Director's counsel, and Eli Martinez, OPIC's counsel, on December 18th regarding this motion. Both advised that they were in agreement regarding the requested one-week extension of both deadlines for all parties. I further certify that I also conferred by email correspondence with Keith Good, counsel for the North Plains GCD on December 18th regarding this motion; Mr. Good has advised that the North Plains GCD also agrees with the motion and with the proposed extended dates.


Susan M. Maxwell

6. Pursuant to TCEQ Rule § 80.257(b) and also to SOAH Rule § 155.507(c)(3)-(4), this Agreed Motion is also filed with SOAH for ALJ Wilfong's consideration.

7. For the reasons set forth herein, the Parties respectfully request that the Commission's General Counsel exercise his discretion under TCEQ Rule § 80.257(b), and

extend the existing deadlines for exceptions and replies to the PFD in the above-referenced matter, to January 11 and January 21, 2010, respectively.

Respectfully submitted,

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By:


Douglas G. Caroom

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2009, a true and correct copy of the foregoing Agreed Motion for Extension of Pleading Deadlines Following Proposal for Decision was filed with the TCEQ Chief Clerk, and sent by first class mail and/or facsimile to the following persons:

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North Plains Groundwater
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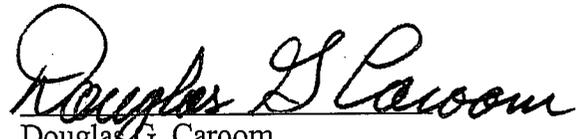
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