

Bickerstaff Heath Delgado Acosta LLP

3711 S. MoPac Expressway Building One, Suite 300 Austin, Texas 78746 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

January 25, 2010

Via Electronic Filing

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

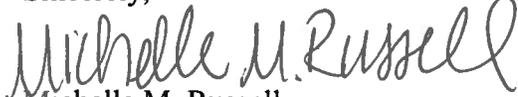
Re: *In the matter of the Executive Director's Report and Recommendation to Add Areas of Dallam County Priority Groundwater Management Area (PGMA) to North Plains Groundwater Conservation District; SOAH Docket No. 582-09-2350; TCEQ Docket No. 2008-1940-WR*

Dear Ms. Castañuela:

Attached hereto is a Motion to Strike by Clifford A. Skiles, Jr., DVM, Poole Leasing Co., Inc. and Entrania Springs, LP, in connection with the above-referenced matter. Please consider this the original version for filing purposes.

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

Sincerely,



Michelle M. Russell

Legal Assistant to Doug Caroom

/mmr

Enclosures

cc: All parties on the service list

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

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

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 Motion to Strike the Executive Director’s Replies to Exceptions to the Proposal for Decision (“Executive Director’s Reply”).

2. As indicated by the General Counsel’s ruling of December 22, 2009 (attached hereto as “Exhibit A”), replies to exceptions were to be filed “no later than 5:00 pm on Thursday, **January 21, 2010.**” The Executive Director’s Reply was filed shortly before 5:00 pm on Friday, January 22nd.

3. No motion requesting additional time has been filed. No contact was made to other counsel requesting agreement to late filing.

4. The Executive Director should not be treated differently than a private party. The Commission should require the Executive Director to comply with filing deadlines, just as it does with private parties.

5. Therefore, the Executive Director’s Reply should be stricken from the record of this proceeding.

Respectfully submitted,

Douglas G. Caroom
State Bar No. 03832700
Susan M. Maxwell
State Bar No. 24026869
BICKERSTAFF HEATH DELGADO ACOSTA LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, Texas 78746
Tel: (512) 472-8021
Fax: (512) 320-5638

*Attorneys for Clifford A. Skiles, Jr., DVM and for
Poole Leasing Co., Inc. and Entrania Springs, LP*

Mitch D. Carthel
State Bar No. 03940550
Kevin T. Wakley
State Bar No. 24042110
Irwin Merrit Hogue Price & Carthel, PC
P.O. Box 15090
Amarillo, TX 79105-0998
Tel: (806) 322-1440
Fax: (806) 322-1441

*Attorneys for Poole Leasing Co., Inc. and Entrania
Springs, LP*

By: 
Douglas G. Caroom

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January, 2010 a true and correct copy of the foregoing Motion to Strike was filed with the TCEQ Chief Clerk, and sent by first class mail and/or facsimile to the following persons:

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

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC 101
Austin, TX 78711-3087
(512) 239-5525
(512) 239-5533 (FAX)

The Honorable Richard R. Wilfong
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78701
(512) 475-4994 (FAX)

SOAH

Christiaan Siano
Staff Attorney
Texas Commission on Environmental Quality
MC-173 P.O. Box 13087
Austin, TX 78711-3087
(512) 239-6743
(512) 239-0606 (FAX)
csiano@tceq.state.tx.us

Executive Director, TCEQ

Eli Martinez, Staff Attorney
Texas Commission on Environmental Quality
Office of Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
(512) 239-3974
(512) 239-6377 (FAX)

Office of Public Interest
Counsel, TCEQ

F. Keith Good
Lemon, Shearer, Phillips, Good
P.O. Box 1066
Perryton, TX 79070

North Plains Groundwater
Conservation District

(806) 435-6544
(806) 435-4377 (FAX)
fkgood@ptsi.net

Edward R. Moore
12857 US 385
Dalhart, TX 79022
(806) 384-2190
(806) 384-2283 (FAX)
er_moore@hotmail.com

Edward R. Moore

Daisy Moore Gabler
12864 US Hwy 385
Dalhart, TX 79022
(806) 384-2321

Daisy Moore Gabler

Glen Heiskell
Box 45
Dalhart, TX 79022
(806) 333-4128
(806) 384-2367 (FAX)

Glen Heiskell

Merle Heiskell
4001 Hwy 54
Dalhart, TX 79022
(806) 333-2313

Merle Heiskell

Mark Tharp
Mark Tharp (Tharp Family Trust)
3030 Canyon Trial Rd.
Dalhart, TX 79022
(806) 244-5608
(806) 244-5753 (FAX)
MRT@xit.net

Mark Tharp (Tharp Family Trust)

Gerald Wilhelm
1919 Cherokee
Dalhart, TX 79022
(806) 249-2369
(806) 249-2773 (FAX)
gwilhelm07@windstream.net

Gerald Wilhelm

Gary Heiskell
222 Yucca Pl.
Dalhart, TX 79022
(806) 244-6060

Gary Heiskell

Will Allen
1909 Denver Ave.
Dalhart, TX 79022
(806) 333-3335
(806) 727-4643 (FAX)
wralen@xit.net

Will Allen

Eliot Crabtree
13311 FM 806
Dalhart, TX 79022
(806) 268-0909
ecrabtree@xit.net

Eliot Crabtree



Douglas G. Caroom

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.C., *Executive Director*



REC'D DEC 28 2009
CALENDAR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 22, 2009

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: Creation of a Groundwater Conservation District for Priority Groundwater Management Area in Dallam County; SOAH Docket No. 582-09-2350; TCEQ Docket No. 2008-1940-WR.

This letter is in response to the request filed on December 21, 2009 by Douglas Caroom and Susan Maxwell on behalf of Clifford A. Skiles, Jr., DVM, Poole Leasing Co., Inc., and Entrania Springs, LP (Protestants) in the above-referenced matter. That motion requests an extension of time to file exceptions to the Administrative Law Judge's Proposal for Decision until January 11, 2010 and of the time to file replies to exceptions until January 21, 2010. The motion represents that counsel for the Protestants has contacted the other parties to that proceeding and that they are in agreement with the request.

Pursuant to 30 Texas Administrative Code § 80.257(b), this letter hereby extends the time for filing exceptions to the Administrative Law Judge's Proposal for Decision until 5:00 p.m. on Monday, **January 11, 2010**. Any replies to those exceptions may be filed no later than 5:00 p.m. on Thursday, **January 21, 2010**. Any exceptions or replies must be filed with the Chief Clerk of the TCEQ electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and seven copies at: Office of the Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711 [Fax (512) 239-3311]. Exceptions and replies should be served on those persons contained on the attached mailing list on the same day the document is filed with the Chief Clerk.

If you have any questions concerning this matter, please contact Jim Rizk, Assistant General Counsel, at (512) 239-5530.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

P.O. Box 13087

Austin, Texas 78711-3087

512-239-1000

Internet address: www.tceq.state.tx.us

printed on recycled paper using soy-based ink

Exhibit A

Mailing List
Groundwater Conservation District for
Priority Groundwater Management Area in Dallam County
TCEQ Docket No. 2008-1940-WR
SOAH Docket No. 582-09-2350

Susan M. Maxwell
Douglas G. Caroom
Bickerstaff Heath Delagado Acosta LLP
Building One, Suite 300
3711 S. MoPac Expressway
Austin, Texas 78746
512/472-8021 FAX 512/320-5638

Mitch D. Carthel
Kevin T. Wakley
Irwin Merrit Hogue Price & Carthel, PC
P.O. Box 15090
Amarillo, Texas 79105-0998
806/322-1440 FAX 806/322-1441

The Honorable Richard R. Wilfong
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
512/475-4993 FAX 512/475-4994

F. Keith Good
Lemon, Shearer, Phillips, Good
P.O. Box 1066
Perryton, Texas 79070
806/435-6544 FAX 806/435-4377

Edward R. Moore
12857 US 385
Dalhart, Texas 79022
806/384-2190 FAX 806/384-2283

Daisy Moore Gabler
12864 US Hwy 385
Dalhart, Texas 79022
806/384-2321

Glen Heiskell
Box 45
Dalhart, Texas 79022
806/333-4128 FAX 806/384-2367

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4001 Hwy 54
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3030 Canyon Trial Rd.
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806/244-5608 FAX 806/244-5753

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1919 Cherokee
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806/249-2369 FAX 806/249-2773

Gary Heiskell
222 Yucca Pl.
Dalhart, Texas 79022
806/244-6060

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1909 Denver Ave.
Dalhart, Texas 79022
806/333-3335 FAX 806/727-4643

Eliot Crabtree
13311 FM 806
Dalhart, Texas 79022
806/268-0909

Christiaan Siano
TCEQ Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Eli Martinez
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-4007