

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

EXECUTIVE DIRECTOR'S § BEFORE THE TEXAS COMMISSION
PETITION FOR CREATION OF §
GROUNDWATER CONSERVATION §
DISTRICT FOR PRIORITY § ON
GROUNDWATER MANAGEMENT §
AREA IN DALLAM COUNTY § ENVIRONMENTAL QUALITY

THE EXECUTIVE DIRECTOR'S MOTION TO EXTEND DEADLINE
TO FILE REPLIES TO EXCEPTIONS TO
THE PROPOSAL FOR DECISION

TO THE HONORABLE COMMISSIONERS OF THE TCEQ:

COMES NOW the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) and files the following Executive Director's Motion to Extend Deadline to File Replies to Protestants' Exceptions to the Administrative Law Judge's (ALJ) Proposal for Decision (PFD) in the above captioned matter, and in support thereof would show:

1. On December 21, 2009, the Protestants filed a motion for the extension of time to file exceptions to the ALJ's PFD. The ED did not object to this request.
2. On December 22, 2009, the Office of General Counsel sent a letter to the parties extending the deadline for Exceptions to January 11, 2010 and the deadline for Replies to Exceptions to January 21, 2010.
3. The undersigned attorney for the ED incorrectly noted the due date for the Replies to Exceptions to be January 22, 2010 and filed his Replies on that date.
4. The ED's Replies to Protestants Exceptions to the PFD were filed on January 22, 2010.
5. No other party filed any Replies.
6. The late filing was not done to cause delay or surprise, but was an inadvertent error by the undersigned attorney, who apologizes for any inconvenience to the Commissioners or the other parties.
7. As there is no possibility of filing responses to the ED's Replies, no party is harmed by extending the deadline for the ED's replies.
8. The undersigned attorney for the ED conferred with the attorneys for the other Parties to this case concerning this request. OPIC and Keith Good, representing North Plains GCD, do not object to this extension. Doug Caroom, representing the Protestants, opposes an extension.

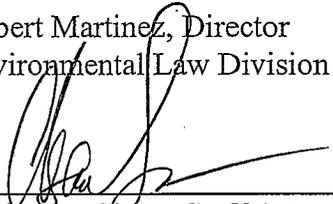
WHEREFORE, the ED respectfully requests the deadline for filing Replies to Exceptions be

extended to January 22, 2010. This is not done for surprise or delay, but so that justice may be done.

Respectfully submitted,

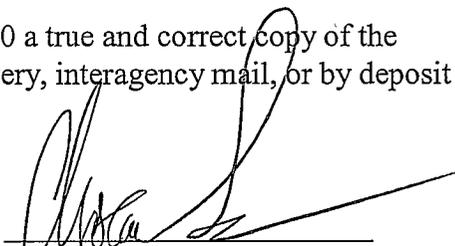
Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
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By 
Christiaan Siano, Staff Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of January, 2010 a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.


Christiaan Siano
Environmental Law Division

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TCEQ Docket No. 2008-1940-WR; SOAH Docket No. 582-09-2350

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