

TCEQ DOCKET NO. 2025-0373-MIS

**PETITION FOR INQUIRY
SUBMITTED BY COCKRELL
INVESTMENT PARTNERS, L.P.
FOR REVIEW OF MIDDLE
PECOS GROUNDWATER
CONSERVATION DISTRICT**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT'S
AGREED MOTION FOR CONTINUANCE
PURSUANT TO TCEQ RULE 10.4**

TO THE HONORABLE CHAIRWOMAN AND GENERAL COUNSEL:

Middle Pecos Groundwater Conservation District (the “District”) files this agreed motion to continue this docket to the Texas Commission on Environmental Quality’s (“TCEQ’s”) Commission Agenda from May 1, 2025, to May 22, 2025, which is agreed upon by petitioner Cockrell Investment Partners, L.P., and respectfully shows as follows:

REQUEST FOR CONTINUANCE TO MAY 22, 2025

TCEQ recently issued notice setting this docket on the Commission Agenda for Thursday, May 1, 2025. Lead counsel for the District will be in a bench trial April 30-May 2, 2025, which was set in mid-February. See attached notice of setting. It is highly unlikely that the District Judge, co-defendant Upwell Water/UW Brazos Valley Farm who requested that setting, or the other 13 parties in that lawsuit would reset that trial.

Texas Water Code § 36.3011(c) and (d) and TCEQ’s implementing Rule 293.23(g) indicate that the Commission must consider the petition pending in this docket not later than the 90th day after the filing of the petition, which would be June 2, 2025. Fortunately, the Commission is scheduled to convene on May 22, 2025. This date, May 22, 2025, is available and agreed upon by counsel for petitioner Cockrell Investment Partners, L.P.

TCEQ Rule 10.4 authorizes TCEQ’s Chairwoman or General Counsel to continue a matter scheduled for a Commission meeting. *See* 30 Tex. Admin. Code § 10.4. This motion is submitted not for purposes of delay or prejudice, but so that justice may be served. It is not apparent that TCEQ Rule 80.119 or the Texas Rules of Civil Procedure govern the requested continuance of this unique docket and, consequently, this request does not appear to be required to be sworn.

CERTIFICATE OF CONFERENCE

Undersigned counsel certifies that he has conferred with counsel for petitioner Cockrell Investment Partners, L.P., which agrees to continue or reset this docket to May 22, 2025.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the District respectfully requests that the Commission continue and/or reset this docket from May 1, 2025, to May 22, 2025.

Respectfully submitted,

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Attorneys for Middle Pecos Groundwater
Conservation District

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2025, a true and correct copy of the foregoing document was e-filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality and served on the designated representatives of record listed on the attached mailing list by email.

/s/ Michael A. Gershon
Michael A. Gershon

CAUSE NO. 24-002626-CV-472

TEXAS A&M UNIVERSITY SYSTEM

VS.

BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT AND ALAN DAY,
GENERAL MANAGER OF BRAZOS VALLEY
GROUNDWATER CONSERVATION DISTRICT

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IN THE DISTRICT COURT

BRAZOS COUNTY, TEXAS

472nd JUDICIAL DISTRICT

NOTICE OF SETTING

THIS CASE IS SET FOR HEARING IN THE 472ND DISTRICT COURT AS FOLLOWS:

Date	Time	Description
4/30/2025	2:00pm Time Allotted: ½ day	BENCH TRIAL
5/1/2025	9:00am Time Allotted: full day	BENCH TRIAL
5/2/2025	9:00am Time Allotted: ½ day	BENCH TRIAL
9/12/2025	NOT AN APPEARANCE DOCKET	DISPOSITION DEADLINE (Per Notice signed by the Court on 9/18/2024.)

All attorneys/pro se parties/witnesses must appear in person unless they request to appear by Zoom (including an explanation as to why) and they have written approval from the Court to appear by Zoom at least TWO BUSINESS DAYS before the contested setting/trial date. **Please email your request to the Court Coordinator including all parties.** Please refer to the Local Rules of Administration for more information.

REPORT TO BRAZOS COUNTY COURTHOUSE, **SUITE 2614**
300 East 26th Street, Bryan, Texas

If Counsel disagrees with date of setting and/or time allotted written objections must be *e-filed* within ten (10) days of the date of issuance of this notice. Motions for continuance in compliance with the Texas Rules of Civil Procedure will be considered. Any motions for continuance, including “joint” motions, must state a reasonable ground for seeking a continuance.

A COPY WAS SERVED ON THE FOLLOWING:

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VIA E-FILE SERVICE

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Brazos Valley Groundwater Conservation District and General
Manager Alan Day
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ATTORNEYS FOR THE CITIES OF BRYAN AND
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Date sent: February 18, 2025

By: Kresta McCall
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TCEQ Docket No. 2025-0373-MIS

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