

Filed 4th day of Aug. in 2023, At 12:02 PM. County Clerk, Milam County, Texas By Jodi Morgan Deputy

**SOAH DOCKET NOS. 965-23-21218 AND 965-23-21219  
POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT**

<b>APPLICATION OF SLR PROPERTY I, LP</b>	§	<b>BEFORE THE STATE OFFICE</b>
<b>FOR A NEW 9,000 ACRE-FOOT PER</b>	§	
<b>YEAR SIMSBORO AND HOOPER DRILLING</b>	§	
<b>AND OPERATING PERMIT</b>	§	<b>OF ADMINISTRATIVE</b>
	§	
<b>APPLICATION OF SLR PROPERTY I, LP</b>	§	
<b>FOR A NEW 15,000 ACRE-FOOT PER YEAR</b>	§	
<b>SIMSBORO OPERATING PERMIT</b>	§	<b>HEARINGS</b>
	§	

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT'S  
NOTICE OF TWO PRELIMINARY HEARINGS**

The State of Office of Administrative Hearings (“SOAH”) has issued an Initial Order setting a preliminary hearings on the two applications made by SLR Property I, LP (“SLR” or “Applicant”) to the Post Oak Savannah Groundwater Conservation District (“POSGCD” or “District”) for:

- A new 9,000 acre-foot per year (af/yr) Simsboro and Hooper Drilling and Operating Permit to authorize SLR to drill and operate up to a total of 60 new wells, at 30 defined wells sites in Milam County (see tables below for proposed well locations and production capacities) for municipal, industrial, manufacturing, and commercial purposes anywhere within Milam and Burleson Counties; and
- A new 15,000 (af/yr) Simsboro Operating Permit to change the authorized use of wells currently authorized by SLR’s existing Historic Use Permit 0330 for industrial use on the 25,000 acres of SLR’s Sandow Lakes Ranch property that are located in Milam County to use for municipal, industrial, manufacturing, and commercial purposes anywhere within Milam and Burleson Counties

The legal authorities under which the preliminary hearing and hearing on the merits are to be held are:

- Texas Government Code, Chapter 2001
- Texas Water Code, Chapter 36, Subchapters A, D & M

- 1 Texas Administrative Code, Chapter 155
- Rules of the POSGCD (versions adopted July 13, 2021, May 10, 2022, and April 11, 2023)

The laws and rules involved are:

- Texas Water Code, Chapter 36, Subchapter D
- Texas Government Code, Chapter 2001, Subchapters C, D and F
- 1 Texas Administrative Code, Chapter 155
- Rules of the POSGCD (versions adopted July 13, 2021, May 10, 2022, and April 11, 2023) Sections 4 through 7 and 9 through 14.

## **APPLICATIONS.**

SLR, whose address is 2825 Oak Lawn Avenue #191577, Dallas, TX, 75219 submitted the two above-referenced applications on October 14, 2022 to the District. A description of each application follows:

### **New 9,000 af/yr Simsboro & Hooper Drilling and Operating Permit**

#### **SOAH Docket No. 965-23-21218**

SLR requests a new Drilling and Operating Permit to produce up to 9,000 af/yr from the Simsboro formation, and up to 4,500 af/yr from the Hooper formation, provided that the total production in any one year may not exceed 9,000 acre-feet. SLR requests authorization to drill and operate up to a total of 60 new wells (up to 30 new Simsboro wells and up to 30 new Hooper wells), at 30 defined well sites. The locations of the 30 proposed new Simsboro wells (identified as OP9-1 through OP9-30) and the 30 proposed new Hooper wells (identified as OPH9-1 through OPH9-30) are shown in Tables 1 and 2 of this notice. SLR requests authorization to drill more than one Simsboro well at a given well site, and/or more than one Hooper well at a given well site, depending upon conditions found at each well site. The total combined production capacity of all wells constructed at a given well site that are screened into the same formation will be less than or equal to the maximum instantaneous pumping rate defined for production from that formation at that well site.

SLR requests that the water produced under the new 9,000 af/yr Simsboro and Hooper Drilling and Operating Permit be used for municipal, industrial, manufacturing and commercial purposes anywhere within Milam and Burleson Counties.

**New 15,000 af/yr Simsboro Operating Permit (to be used conjunction with SLR's 15,000 af/yr Historic Use Permit 0330)**

**SOAH Docket No. 965-23-21219**

SLR seeks a new 15,000 af/yr Simsboro Operating Permit to be used in conjunction with SLR's 15,000 af/yr Simsboro Historic Use Permit No. 0330 ("Permit 0330"). for the next fifteen (15) years until Permit No. 0330 ends in 2038, and the remaining 25 years will be solely under the new Operating Permit. As noted in the application, SLR requests that upon issuance of the new 15,000 af/yr operating permit, the entire 15,000 af/yr will be assigned to the Permit 0330 and 0 af/yr per year will be assigned to the new Operating Permit. From time to time thereafter SLR will notify the District of the portion of the 15,000 af/yr assigned to the new Operating Permit and noting the remaining portion of the 15,000 af/yr that will remain assigned to the Permit 0330. Page 2 of 9 The amount assigned to the Permit 0330 may never be increased above the last amount assigned. Water produced under the new Operating Permit will be pumped from the Simsboro formation using the same 61 wells authorized under the Permit 0330. Table 3, included as part of this notice shows the locations of the 61 wells authorized under the Permit 0330. If an authorized well operating at the approved production capacity for water produced under the Permit 0330 does not meet current District property line setback or well spacing regulations for new wells, the District may approve a lower production capacity for water produced from that well under the new 15,000 af/yr Simsboro Operating Permit. Upon assignment of acre feet per year to the new 15,000 af/yr Simsboro Operating Permit and reduced from Permit 0330, SLR requests that the water produced under the new 15,000 af/yr Simsboro Operating Permit be authorized to be used for municipal, industrial, manufacturing, and commercial purposesuse anywhere within Milam and Burleson Counties.

After over six months of discussions, and resubmittals between Applicant and the General Manager, the General Manager determined on October 14, 2022, that the July 27, 2022

applications, together with such supplemental information provided on October 2, 2022, met all of the District's threshold requirements and were administratively complete.

**PRELIMINARY HEARINGS; OPPORTUNITY FOR A CONTESTED CASE HEARING.**

SOAH will conduct two preliminary hearings at the time and place below:

**9:00 a.m. – September 6, 2023**

**State Office of Administrative Hearings**

**300 West 15<sup>th</sup> Street, Fifth Floor**

**Austin, Texas**

At the preliminary hearings, the SOAH administrative law judge (“ALJ”) will address and discuss with the parties the following issues:

- Party status;
- procedural and discovery schedules;
- pending motions;
- hearings on the merits;
- issues to be addressed in these proceedings;
- referrals to mediation;
- adequacy of notice of these proceedings; and
- any other issues that will assist in the fair disposition of these cases.
- and any other matters as determined by the judge.

A mediator will be present at the preliminary hearings to discuss mediation, and will be available to conduct a mediation immediately after the preliminary hearings if the named parties are all amenable.

The two preliminary hearings will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 36, Texas Water Code; the POSGCD Rules (versions adopted July 13, 2021, May 10, 2022, and April 11, 2023); and the procedural rules of SOAH, including 1 TAC Chapter 155.

The evidentiary hearing phase (“hearing on the merits”) of the proceedings, which will occur at a date to be determined by SOAH at or after the preliminary hearings, will be a legal proceeding similar to a civil trial in state district court. The hearing on the merits will be held unless all timely hearing requests have been withdrawn or denied.

**POTENTIAL PARTIES.**

If any party or potential party has a pending motion or other issue that will need to be addressed by the ALJ at the preliminary hearings, that motion or pleading shall be filed no later than August 30, 2023. To be a named party, you must have filed a timely and adequate request for hearing before the District and attend the SOAH preliminary hearing prepared to provide evidence to show you would be affected by the application in a way not common to the general public. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, **Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.**

**MAILING LIST.**

You may ask to be placed on a mailing list to obtain additional information on these applications by sending a request to the Post Oak Savannah Groundwater Conservation District at the address below.

Public comments and requests must be submitted either electronically, or in writing to:

**Mailing Address:**

PO Box 92  
Milano, Texas 76556

**Physical Address:**

310 East Avenue C  
Milano, Texas 76556

**Office Hours:**

Monday – Friday

8:00 a.m. – 4:00 p.m.

**Office:** 512-455-9900

**Fax:** 512-455-9909

admin@POSGCD.org

Persons with disabilities who need special accommodations at the preliminary hearings should call the SOAH Docketing Department at 512-475-3445 at least one week prior to the hearing.

**APPLICANT CONTACT INFORMATION**

Further information may also be obtained from Applicant SLR at:

Mr. Alan Gardenhire

SLR Property I, LP

2825 Oak Lawn Ave #191577

Dallas, TX 75219

(512) 810-3584

alang@sandowlakesranch.com

**Table 1 - 30 proposed Simsboro wells for the  
9,000 af/yr Simsboro and Hooper Drilling and Operating Permit**

Well Designation	Longitude	Latitude	Proposed Production Capacity (gpm)	Well Location – Milam County Appraisal District Property ID
OP9-1	-97.010413	30.618638	300	10354
OP9-2	-97.010247	30.614427	300	10354
OP9-3	-97.008625	30.610151	300	10354
OP9-4	-97.007737	30.602159	300	10354
OP9-5	-97.007957	30.595463	300	10354
OP9-6	-97.011542	30.594079	600	10354
OP9-7	-97.008049	30.590424	300	10354
OP9-8	-97.012425	30.589417	600	10354
OP9-9	-97.015438	30.571389	500	20519072
OP9-10	-97.032990	30.556130	600	20519037
OP9-11	-97.030037	30.553561	600	20519037
OP9-12	-97.022179	30.555194	600	20519037
OP9-13	-97.020848	30.552580	600	20519037
OP9-14	-97.020988	30.548801	600	20519037
OP9-15	-97.044111	30.532258	600	20519037
OP9-16	-97.047234	30.529537	500	20519037
OP9-17	-97.051644	30.523327	500	20519037
OP9-18	-97.058235	30.522266	500	20519037
OP9-19	-97.058101	30.534307	500	20519037
OP9-20	-97.066085	30.527880	500	20519037
OP9-21	-97.072843	30.528557	300	10354
OP9-22	-97.078356	30.531653	300	10354
OP9-23	-97.083917	30.533874	300	10354
OP9-24	-97.069096	30.513067	500	20519037
OP9-25	-97.076719	30.502442	500	20519037
OP9-26	-97.088866	30.496775	500	11598
OP9-27	-97.110438	30.483316	500	11598
OP9-28	-97.112249	30.482408	300	11598
OP9-29	-97.114002	30.481291	300	11598
OP9-30	-97.115993	30.480531	300	11598

**Table 2**  
**30 Proposed Hooper Wells for the**  
**9,000 af/yr Simsboro and Hooper Drilling and Operating Permit**

Well Designation	Longitude	Latitude	Proposed Production Capacity (gpm)	Well Location – Milam County Appraisal District Property ID
OPH9-1	-97.010469	30.618767	150	10354
OPH9-2	-97.010303	30.614555	150	10354
OPH9-3	-97.008680	30.610280	150	10354
OPH9-4	-97.007734	30.602297	150	10354
OPH9-5	-97.007954	30.595601	150	10354
OPH9-6	-97.011539	30.594217	300	10354
OPH9-7	-97.008046	30.590561	150	10354
OPH9-8	-97.012422	30.589555	300	10354
OPH9-9	-97.015404	30.571523	250	20519072
OPH9-10	-97.033043	30.556259	300	20519037
OPH9-11	-97.030091	30.553691	300	20519037
OPH9-12	-97.022232	30.555323	300	20519037
OPH9-13	-97.020902	30.552710	300	20519037
OPH9-14	-97.021042	30.548931	300	20519037
OPH9-15	-97.044261	30.532212	300	20519037
OPH9-16	-97.047383	30.529491	250	20519037
OPH9-17	-97.051793	30.523281	250	20519037
OPH9-18	-97.058384	30.522220	250	20519037
OPH9-19	-97.058251	30.534260	250	20519037
OPH9-20	-97.066225	30.527945	250	20519037
OPH9-21	-97.072983	30.528622	150	10354
OPH9-22	-97.078496	30.531718	150	10354
OPH9-23	-97.084057	30.533939	150	10354
OPH9-24	-97.069245	30.513020	250	20519037
OPH9-25	-97.076868	30.502395	250	20519037
OPH9-26	-97.088947	30.496657	250	11598
OPH9-27	-97.098057	30.487739	250	11598
OPH9-28	-97.110243	30.481677	150	11598
OPH9-29	-97.112887	30.480248	150	11598
OPH9-30	-97.115531	30.478818	150	11598



**Table 3**  
**61 Authorized Wells under Historic Use Permit No. 0330**  
**for the 15,000 af/yr Simsboro Operating Permit to be Used in Conjunction with SLR's**  
**Historic Use Permit**

Well Count	Well Name	Latitude	Longitude	Well Category*	Approved Production Capacity (gpm)
1	58-32-502	30.560556	-97.072222	DUAL HUP-OP	500
2	58-32-503	30.561667	-97.066112	DUAL HUP-OP	500
3	58-32-504	30.56083	-97.06778	HUP	500
4	58-32-505	30.55942	-97.06879	HUP	500
5	A-9-2	30.55511	-97.04182	HUP	540
6	A-9-3	30.55482	-97.04309	HUP	540
7	AT-1	30.54091	-97.05737	DUAL HUP-OP	500
8	AT-2	30.56416	-97.02223	HUP	540
9	C4052A	30.57223	-97.02831	DUAL HUP-OP	300
10	C4245	30.57988	-97.02349	DUAL HUP-OP	240
11	C4246	30.57911	-97.02407	DUAL HUP-OP	250
12	C4247	30.57784	-97.02452	DUAL HUP-OP	240
13	C4248A	30.57674	-97.02479	DUAL HUP-OP	230
14	C4250A	30.57393	-97.02559	DUAL HUP-OP	290
15	C-4440A	30.58688	-97.02000	HUP	440
16	C5245B	30.57941	-97.00878	DUAL HUP-OP	410
17	C-9-12	30.56138	-97.02401	DUAL HUP-OP	440
18	C-9-13	30.56657	-97.01864	DUAL HUP-OP	320
19	C-9-14	30.56227	-97.02189	DUAL HUP-OP	420
20	C-9-15	30.57191	-97.00947	HUP	250
21	C-9-16	30.57370	-97.00835	HUP	420
22	C-9-17	30.57550	-97.00838	HUP	260
23	C-9-18	30.57744	-97.00833	HUP	510
24	C-9-19	30.58184	-97.00811	HUP	460
25	C-9-20	30.56734	-97.01604	DUAL HUP-OP	450
26	C-9-23	30.56489	-97.02366	HUP	420
27	C-9-26	30.58430	-97.01025	HUP	620
28	C-9-27	30.58484	-97.01057	HUP	500
29	C-9-29	30.57276	-97.00874	HUP	370
30	C-9-30	30.57448	-97.00817	HUP	420
31	C-9-31	30.58076	-97.00835	HUP	450
32	DP-S-A-3	30.57033	-97.03935	DUAL HUP-OP	250
33	DP-S-A-4	30.56881	-97.04432	DUAL HUP-OP	250
34	DP-S-A-5	30.56458	-97.04714	DUAL HUP-OP	250
35	DP-S-A-6	30.56225	-97.04861	DUAL HUP-OP	250
36	DP-S-A-7	30.55998	-97.05018	DUAL HUP-OP	250
37	E-1	30.58835	-97.01944	DUAL HUP-OP	1,000
38	E-2	30.54073	-97.06448	HUP	1,000
39	E-3	30.53970	-97.06348	HUP	1,000
40	E-4	30.53892	-97.06204	HUP	1,000
41	F1 Sims	30.51378	-97.07286	HUP	560
42	F10 Sims	30.52283	-97.06630	DUAL HUP-OP	250

43	F11 Sims	30.52264	-97.06762	DUAL HUP-OP	250
44	F12 Sims	30.51527	-97.07801	DUAL HUP-OP	250
45	F13 Sims	30.51867	-97.07272	DUAL HUP-OP	250
46	F14 Sims	30.51614	-97.07222	DUAL HUP-OP	250
47	F15 Sims	30.51738	-97.07004	DUAL HUP-OP	250
48	F2 Sims	30.51536	-97.07445	DUAL HUP-OP	250
49	F3 Sims	30.51442	-97.07441	HUP	250
50	F4 Sims	30.51329	-97.07452	DUAL HUP-OP	250
51	F5 Sims	30.51402	-97.07085	HUP	250
52	F5222A	30.50352	-97.10667	HUP	500
53	F5222B	30.50301	-97.10691	HUP	200
54	F6 Sims	30.51804	-97.06758	DUAL HUP-OP	250
55	F8 Sims	30.51959	-97.06777	DUAL HUP-OP	250
56	F9 Sims	30.52120	-97.06688	DUAL HUP-OP	250
57	NFD-02 Sims	30.51388	-97.07195	HUP	250
58	P-5	30.58484	-97.01220	DUAL HUP-OP	500
59	South Crusher	30.52158	-97.10150	HUP	500
60	Storm Shelter	30.50569	-97.10631	HUP	500
61	Wash Rack	30.55158	-97.07546	HUP	500

\* "DUAL HUP-OP" wells are approved for use under both SLR's Historic Use Permit and SLR's Operating Permit No. 0148