

SOAH DOCKET NO. 900-25-10904

APPLICATION OF MUSTANG §
SPECIAL UTILITIES DISTRICT § BEFORE THE STATE OFFICE
TO RED RIVER GROUNDWATER §
CONSERVATION DISTRICT FOR § OF
2 WELLS § ADMINISTRATIVE HEARINGS
§

**RED RIVER GROUNDWATER CONSERVATION DISTRICT'S
NOTICE OF THE PRELIMINARY HEARING**

The State of Office of Administrative Hearings (“SOAH”) has issued an order setting a preliminary hearing on an application made by Mustang Special Utilities District (“Mustang SUD” or “Applicant”) to the Red River Groundwater Conservation District (“RRGCD” or “District”) for a new Operating Permit to authorize Mustang SUD to drill and operate two wells in the Trinity (Antlers) aquifer with a proposed production capacity of 600 gallons per minute (Cottonwood Well 1) and 1,000 gallons per minute (Cottonwood Well 2) with a combined additional allocation of 292,000,000 gallons per year for municipal use in Grayson County.

The preliminary hearing will be held on **March 4, 2025, at 9:00 a.m. at 300 West 15th Street, Fourth Floor, Austin Texas, 78701, with an opportunity to attend remotely via Zoom videoconference or by telephone as follows:**

To join by computer or smart device, go to

<https://soah-texas.zoomgov.com> and enter:

Meeting ID: 161 245 4414

Video Passcode: GCD594

To join by telephone (audio only), call

+1 669 254 5252, and enter:

Meeting ID: 161 245 4414

Telephone Passcode: 459522

The legal authorities and jurisdiction under which the preliminary hearing is to be held are:

- Texas Government Code, Chapter 2001
- Texas Water Code, Chapter 36, Subchapters A, D & M
- 1 Texas Administrative Code, Chapter 155
- RRGCD's Rules (October 20, 2022)

The particular sections of the laws and rules involved are:

- Texas Water Code, Chapter 36, Subchapter D & M
- Texas Government Code, Chapter 2001, Subchapters C, D and F
- 1 Texas Administrative Code, Chapter 155
- RRGCD's Rules (October 20, 2022) Section 5

APPLICATION.

Mustang Special Utilities District, whose address is 7985 FM 2931, Aubrey, TX 76227, submitted the above referenced applications on September 4, 2024, to the District ("the Application(s).") The General Manager determined that each Application included all the information required under the District's rules; and thus, each was administratively and technically complete. Details regarding the Applications are below.

Applicant: Mustang Special Utilities District; 7985 FM 2931, Aubrey, TX 76227

Location of Wells:

- **Cottonwood Well 1 (New):** FM 902, Howe, TX 75459; Latitude: 33.529909°N Longitude: 96.650614°W; about 550 feet south of FM 902, and about 1,970 feet west of Farmington Rd, in Grayson County.
- **Cottonwood Well 2 (New):** Bradshaw Rd, Howe, TX 75459; Latitude: 33.514034°N Longitude: 96.664525°W; about 790 feet west of Bradshaw Rd, and about 1,400 feet north of McBee Rd, in Grayson County.

Purpose of Use: Municipal/Public Water System

Requested Amount of Use: 292,000,000 gallons per year

Production Capacity of Wells:

- **Cottonwood Well 1:** 600 gallons per minute
- **Cottonwood Well 2:** 1,000 gallons per minute

Aquifer: Trinity (Antlers)

PRELIMINARY HEARING; REQUEST FOR CONTESTED CASE HEARING.

SOAH will conduct a preliminary hearing at the time and place below:

9:00 a.m. – March 4, 2025

State Office of Administrative Hearings 300

West 15th Street, Fourth Floor Austin, Texas

78701

At the preliminary hearing, 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;
- any other issues that will assist in the fair disposition of these cases; and
- and any other matters as determined by the ALJ.

A party may request mediation in writing or orally during a prehearing conference or hearing. A mediator may be present at the preliminary hearing to discuss mediation and conduct a mediation immediately after the preliminary hearings if the named parties are all amenable.

The preliminary hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 36, Texas Water Code; the RRGCD Rules (October 20, 2022); and the procedural rules of SOAH, including 1 Tex. Admin. Code 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 hearing, 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.

To be named a party, you must timely request a contested case hearing under the District's rules and attend the SOAH preliminary hearing prepared to provide evidence to show you would be affected by the activity contemplated in the Application(s) in a way not common to members of the general public in compliance with the District's rules and within the District's boundaries. Only persons named as parties may participate at the hearing on the merits.

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, or in printed format upon request to SOAH.**

WRITTEN NOTICE OF HEARING & SPECIAL ACCOMMODATIONS.

Any person having an interest in the subject matter of a permit hearing may receive written notice of the hearing if the person submits to the District a written request to receive notice of the hearing.

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 preliminary hearing.

