

A golden scale of justice stands on a wooden surface, with a wooden gavel resting on a wooden block in the foreground. The background is a blurred bookshelf. The text is overlaid in red on the right side of the image.

**Cases of Interest
Guadalupe Basin
April, 2015**

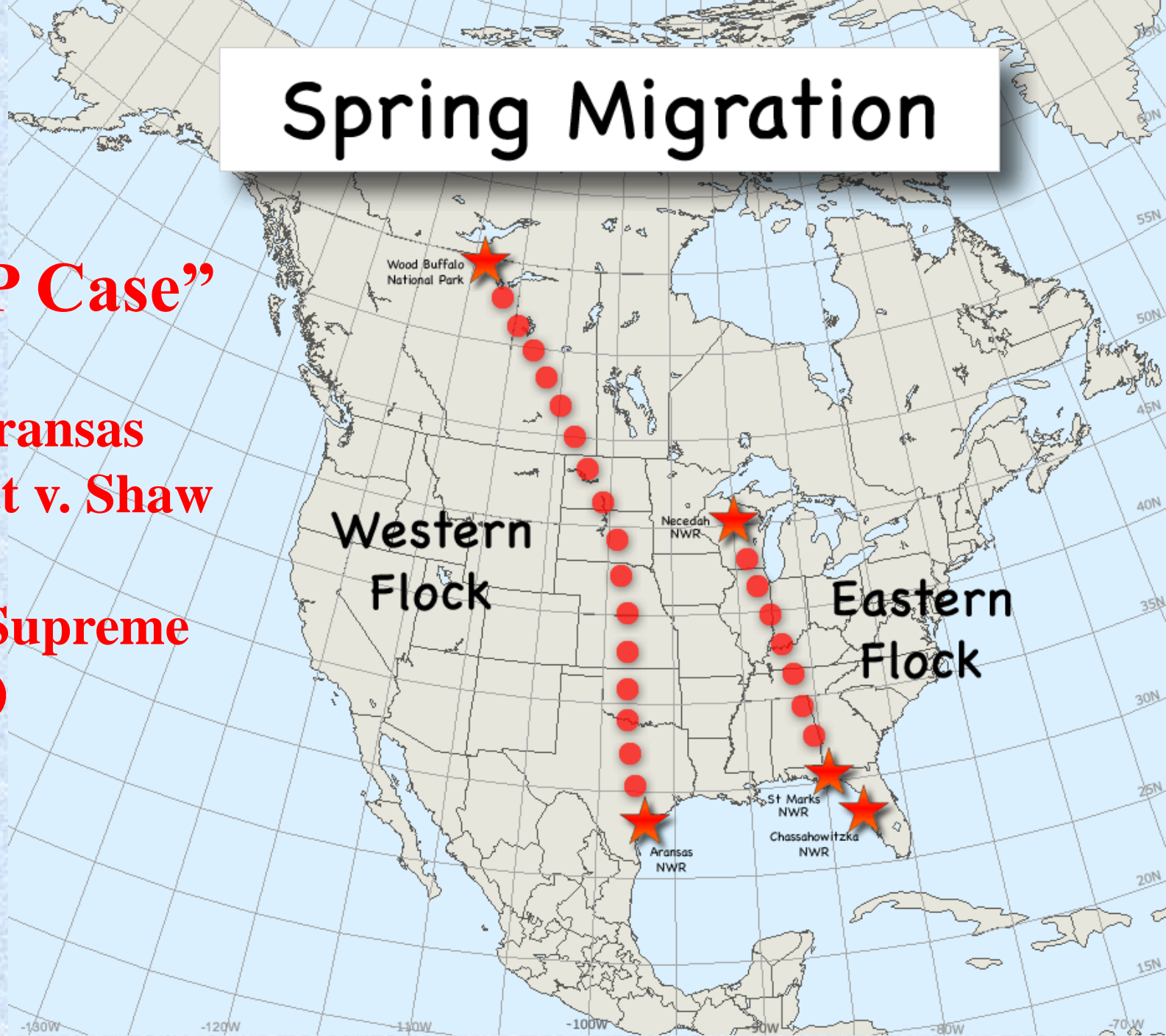
**Tom Bohl
General Counsel
GBRA**

Spring Migration

“TAP Case”

**The Aransas
Project v. Shaw**

**(U.S. Supreme
Court)**



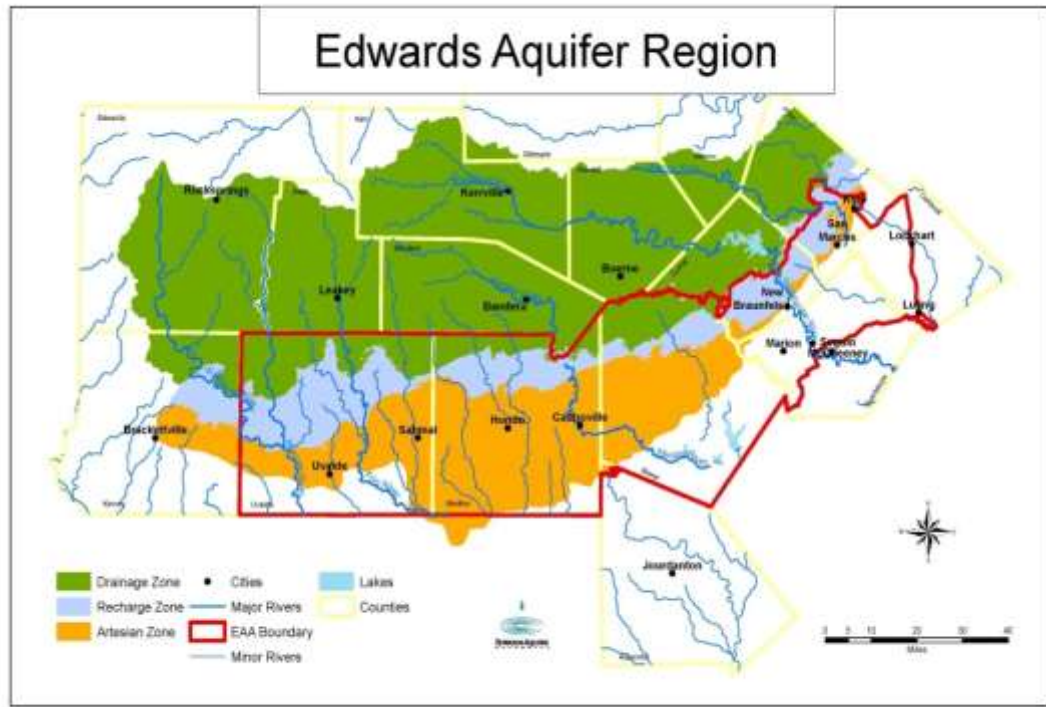
TAP Case – Recent Activity

- March 16, 2015 – TAP filed petition requesting Supreme Court review of the case.
- May 18, 2015 – GBRA's Deadline to File an Objection.
- The Harris County Attorney has obtained leave to file an amicus brief (supportive of TAP's position).
- Nature Canada (a Canadian Non-profit) has obtained leave to file an amicus brief (supportive of TAP's position).

TAP Case – Projected Activity:

- The US Supreme Court will grant or deny certiorari with little or no additional briefing. (**4 votes required to grant**)
- The Court will likely vote on certiorari in Mid-June, unless they ask the US Solicitor General to weigh in on whether the case should be heard.
- If the Solicitor weighs in, that will postpone the certiorari decision until this fall.

LULAC v. EAA
(Federal District
Court – San
Antonio)



No Change
Waiting on Decision



Lower Basin “Dec Action”
GBRA v Atty. General
(Tx. Supreme Court)



Dec Action – Status

- Austin Court of Appeals held that it had no jurisdiction to consider the case.
- Deadline extended for GBRA to file Petition for Review with the Texas Supreme Court until May 13, 2015.

Petition for Review works like this:

- Short pleading (15 page limit), explaining why the Texas Supreme Court should hear your case.
- Rules and statutes list a group of general reasons you can give to justify.
- Other side gets to respond and you get to reply.

Petition for Review, cont.

- Court can grant review.....or not.
- Court will decide on petition for review without oral argument (**4 votes to grant – 9 justices**).

Texas Supreme Court has a very full docket – difficult to say when they will reach this case.

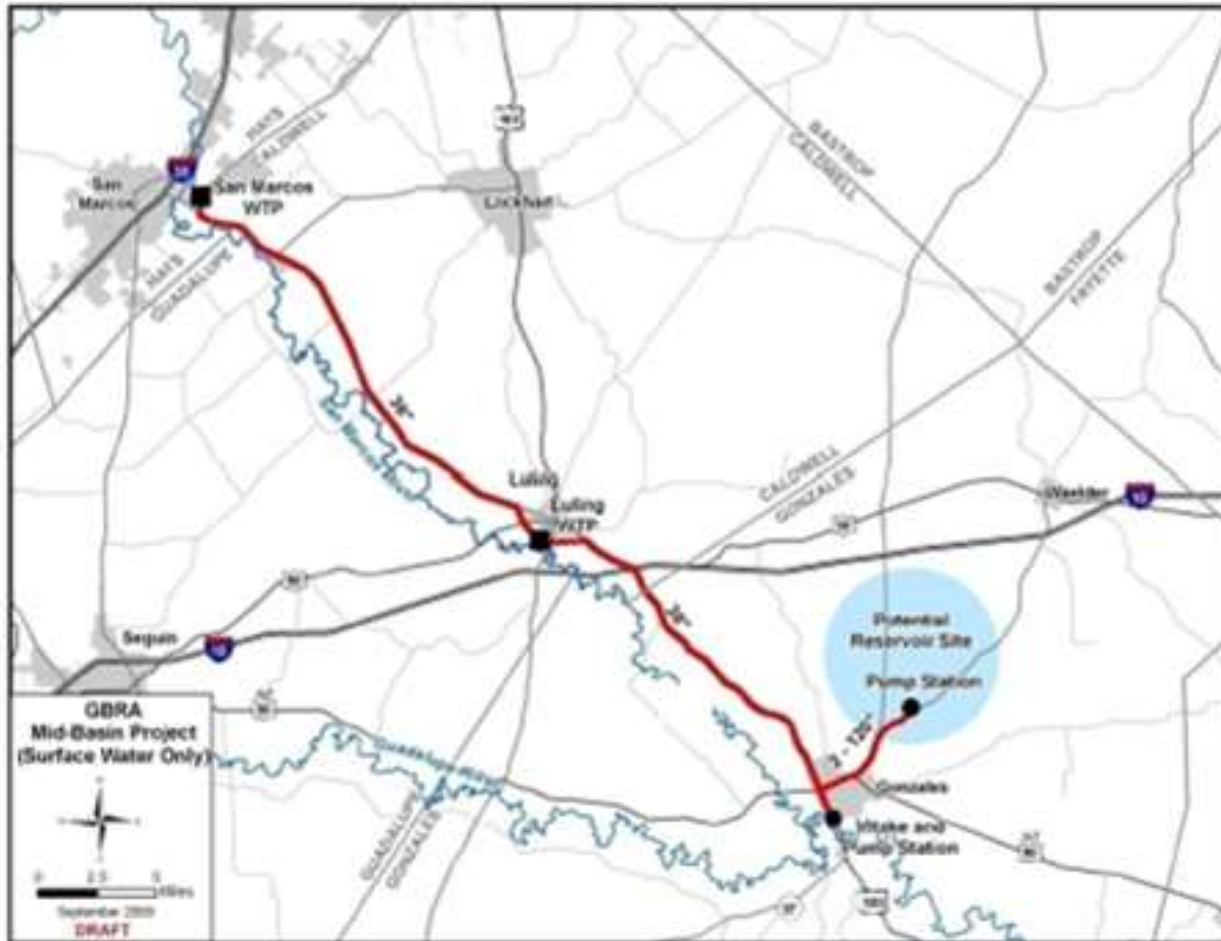


SAWS' Bed & Banks Application (TCEQ)

No Change

Application not Moving

Mid Basin Permit Application (TCEQ)



Mid Basin Hearing Activities:

Hearing Held on 3/18/15

- Administrative Law Judges (“ALJs”) took Jurisdiction.
- Notified parties that one ALJ owns property on the San Marcos River near Staples (Roy Scudday).
- Parties had until April 3 to object....no reports of objections filed.

MID-BASIN: Admitted as Parties:

GBRA

TCEQ's Executive Director

TCEQ's Ofc. of the Public Interest Counsel (OPIC)

Texas Parks and Wildlife

New Braunfels Utilities

Upper Guadalupe River Authority

X Chapter of the Coastal Conservation Assn.

Guadalupe River Chapter of Trout Unlimited

NOT Admitted as Parties:

Kerr County

SAWS

ALJs taking More Briefing on Party Status for:

National Wildlife Federation

The Aransas Project

Briefs solicited from GBRA, ED, OPIC, NWF
and TAP.

All briefs due and were filed on April 10.

Mid Basin – Status

- Nothing else scheduled currently.
- ALJs will consider remaining party status requests and then set schedule.

Questions?

