

NO. 07-11-00153-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
NOVEMBER 22, 2011

MESA WATER, L.P. AND G & J RANCH, INC., APPELLANTS

v.

TEXAS WATER DEVELOPMENT BOARD, APPELLEE

FROM THE 201ST DISTRICT COURT OF TRAVIS COUNTY;
NO. D-1-GN-10-000819; HONORABLE SCOTT H. JENKINS, JUDGE

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

ORDER

Appellants, Mesa Water, L.P. and G & J Ranch, Inc., have filed an unopposed motion to abate this appeal so that they may continue a transaction in which appellants intend to convey their interests in groundwater rights to the Canadian River Municipal Water Authority (CRMWA). Appellants have represented to this Court that said motion is unopposed and such representation is supported by appellants' counsel's certificate of conference. We grant the unopposed motion to abate this appeal for a period of sixty days from the date of this order.

Pursuant to a joint sale agreement between the appellants and a sales contract between appellants and CRMWA, appellants intend to convey their interests in the groundwater rights and, if the transaction is successful, appellants will no longer hold any interest in the groundwater rights at issue in the instant appeal. In furtherance of the sales contract, it would appear that the parties have undertaken certain further actions prior to the contemplated closing. During the period of time in which the parties complete these actions and finalize the sale, appellants seek to have their appeal abated. We have granted two prior motions filed by appellants, abating the cause for sixty days on each occasion, and directing appellants to keep the Court advised on the status of the transaction. Appellants have dutifully complied with our directives. In their motion, appellants represent that the transaction is proceeding on or very nearly on schedule, that the transaction is anticipated to close on or about December 16, 2011, and that they seek additional time in which to complete the transaction.

Again, judicial economy may be best served by permitting the parties to the contemplated sale the opportunity and time to fulfill their obligations under the contract the successful completion of which will likely render the appeal moot. To require the parties to the appeal to prosecute the appeal during the pendency of the sale could be to waste both counsels' and this Court's time and resources. So, to possibly expedite disposition of this appeal and in the interest of conservation of judicial resources, we suspend the operation of the applicable appellate timetables and order that the appeal be abated for an additional sixty days from the date of this order. TEX. R. APP. P. 2.

Before the expiration of the sixty-day abatement period or upon any development that might cause the Court to reinstate the appeal, the parties are directed to advise the Court of the status of the transaction. Specifically, the parties are directed to advise the Court if the transaction is completed before the expiration of the sixty-day period. At the end of the sixty-day abatement period, the Court will entertain a motion to further abate the appeal should the need be present to do so. We suspend all appellate deadlines and abate this appeal, removing it from our active docket and treating it as a closed case, until the sixty-day abatement period expires, on January 23, 2011, or until further order of this Court. See TEX. R. APP. P. 2, 43.6.

IT IS SO ORDERED.

Per Curiam