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WATER LAW - TEXAS

Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District

Supreme Court of Texas - March 13, 2026 - S.W.3d - 2026 WL 705764 - 69 Tex. Sup. Ct. J. 317

Pecan orchard owner brought two separate actions seeking judicial review of groundwater conservation district's denial of party status in administrative proceedings concerning neighboring landowner's groundwater-production permit applications.

In first case, the 112th District Court granted conservation district's and neighboring landowners' pleas to the jurisdiction. Orchard owner appealed. The Court of Appeals affirmed. In second case, the 83rd District Court granted conservation district's and neighboring landowner's motion for summary judgment. Orchard owner appealed. The Court of Appeals affirmed. Orchard owner petitioned for review in both cases.

The Supreme Court held that:

- Orchard owner was a "person affected by and dissatisfied with" conservation district's orders denying its requests for party status;
- Second requirement for limited waiver of water districts' sovereign immunity, which only permitted a district, applicant, or parties to a contested case to participate in an appeal of a decision on the application, did not preclude orchard owner from challenging conservation district's denials of its requests for party status;
- 90-day rehearing period did not apply to district's denials of pecan orchard owner's requests for party status;
- Conservation district's local rule that permitted a request for reconsideration to be filed with district within 20 days of a date of decision applied to orchard owner's requests for reconsideration of district's denials of its requests for party status; and
- Orchard owner exhausted its administrative remedies with conservation district before seeking judicial review.

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