

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2016

Lyle W. Cayce
Clerk

No. 15-50505

GG RANCH, LIMITED; HORTON RANCHES, INCORPORATED; LLOYD
TSCHIRHART; DANCY TSCHIRHART; EAKIN RANCHES, LIMITED;
RUSTY ULBRICH,

Plaintiffs - Appellants

v.

EDWARDS AQUIFER AUTHORITY; ROLANDO RUIZ, in his official
capacity as general manager; CITY OF SAN ANTONIO, Acting by and
through the San Antonio Water System (SAWS),

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:14-CV-848

Before HIGGINBOTHAM, PRADO, and GRAVES, Circuit Judges.

PER CURIAM:*

Appellants, owners of certain real property located above the Edwards
Aquifer in Medina and Uvalde Counties, Texas, sued the state regulatory
agency in charge of the Aquifer, the Edwards Aquifer Authority, alleging

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not
be published and is not precedent except under the limited circumstances set forth in 5TH
CIR. R. 47.5.4.

violations under the Fifth and Fourteenth Amendments to the United States Constitution and Article 1, § 17 of the Texas Constitution. Appellants' suit followed the Authority's denial of their untimely applications for withdrawal permits for their properties. The district court, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissed all claims with prejudice.

We have considered this appeal on the basis of the briefs, the pertinent portions of the record, and the applicable law. Having done so, the judgment is affirmed, essentially for the reasons stated in the Order of the district court.

AFFIRMED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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NEW ORLEANS, LA 70130

May 05, 2016

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 15-50505 GG Ranch, Limited, et al v. Edwards Aquifer
Authority, et al
USDC No. 5:14-CV-848

Enclosed is a copy of the court's decision. The court has entered judgment under FED R. APP. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED R. APP. P. 39 through 41, and 5TH CIR. R.s 35, 39, and 41 govern costs, rehearings, and mandates. **5TH CIR. R.s 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following FED R. APP. P. 40 and 5TH CIR. R. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. 5TH CIR. R. 41 provides that a motion for a stay of mandate under FED R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under FED R. APP. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you **MUST** confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

The judgment entered provides that plaintiffs-appellants pay to defendants-appellees the costs on appeal to be taxed by the Clerk of this Court.

Sincerely,

LYLE W. CAYCE, Clerk

Jamei R. Schaeffer

By: _____

Jamei R. Schaeffer, Deputy Clerk

Enclosure(s)

Mr. Glenn James Deadman
Ms. Julie Anne Ford
Mr. Mark Norman Osborn
Ms. Deborah Clarke Trejo