

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 03-0296408

**APPLICATION OF CALDWELL COMPANY PURSUANT TO STATEWIDE
RULE 76 FOR APPROVAL OF A QUALIFIED SUBDIVISION FOR A TOTAL OF
AN 83.19 ACRE TRACT IN THE WILLOW CREEK RANCH II SUBDIVISION IN
HARRIS COUNTY, TEXAS**

FINAL ORDER

The Commission finds that after statutory notice the captioned proceeding was heard by an Administrative Law Judge and Technical Examiner on December 12, 2016. The proceeding having been duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, the Commission makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. At least ten days' notice was given to the applicant, owners of possessory mineral interests, and mineral lessors in the proposed qualified subdivision. Notice of Hearing was published in *Daily Court Review*, a newspaper of general circulation in Harris County, Texas, for four consecutive weeks, on June 1, 2015; June 8, 2015; June 15, 2015; and June 22, 2015. The proposed qualified subdivision is in Harris County, Texas.
2. On or about June 30, 2015, Tortuga Operating Company, Peter L. Turbett, Barbara B. Kyle, John E. Hine, and Virginia H. Barber (collectively, "Protestants") filed with the Commission protests of the subject application. On dates thereafter, Protestants withdrew the protests of the subject application. No party appeared at the hearing on the merits in opposition of the subject application.
3. Caldwell Company owns the surface acreage in the proposed qualified subdivision and all the surface ownership in the proposed qualified subdivision is represented in this docket.
4. The proposed qualified subdivision is in Harris County, a county having a population in excess of 400,000 people.
5. The proposed qualified subdivision has been subdivided in a manner authorized by law by the surface owner for residential use, pursuant to relevant ordinances relating to zoning, platting, and subdivisions. Exhibit I to this Final Order contains the City of Houston Planning Commission's Approval of the proposed qualified subdivision plat.

6. The proposed Statewide Rule 76 qualified subdivision contains two operation sites of 2 acres each. Both operations sites have access to a public road. Both operations sites may be used by the possessory mineral interest owners to explore for and produce minerals. Both operations sites are located within the proposed qualified subdivision and are designated on the qualified subdivision plat which is attached as Exhibit II. Field notes and the accompanying plat for the 83.19-acre qualified subdivision are set forth in Exhibit III to this Final Order.
7. The proposed qualified subdivision plat contains provision for road and pipeline easements, which will provide ingress/egress to the operations sites as well as access to pipeline easements for the qualified subdivision. Road and pipeline easements for both 2.0-acre operations sites will be provided for by the immediate access to the public road located to the northwest of both 2.0-acre operations sites. The plat for both 2-acre operations sites for the qualified subdivision, as well as the pipeline and road easements, are set forth in Exhibit II to this Final Order. The field notes for both 2-acre operations sites' pipeline and road easements are set forth in Exhibit IV to this Final Order. The pipeline and road easements are set forth in Exhibit IV to this Final Order
8. The 2.5 mile area of review around the proposed qualified subdivision has been developed and the Commission designated fields within the 2.5 mile area of review are: the Tomball; Tomball (Kobs); Tomball (Schultz SE.); Tomball (Lewis 5930); Tomball (Central); Tomball, W. (Adams); Tomball, W. (Treseler); Tomball, W. (Treseler -A-SD); Tomball (Cockfield Upper 1-5300); Tomball (Cockfield UP 1-5300, SE); Tomball (Cockfield Upper 5500SW); Tomball (Cockfield 5400); Tomball (Lewis 5930, East); Tomball (Michel); Tomball (Miocene 1450); Tomball (Miocene 1750); Tomball (Miocene 1850); Tomball (Miocene 2040); Tomball (Miocene 2400); Tomball (Miocene 2700 FB-A); Tomball (Miocene 3320); Tomball (Miocene 3400); Tomball (Vicksburg 4050); Tomball (Wilcox 8400); Tomball (Wilcox 8860, 2nd); and Tomball, West (Hockley) Fields. There are 61 active producing wells within the 2.5-mile area of review. There are 526 inactive or plugged and abandoned wells within the 2.5-mile area of review.
9. The proposed operations sites and pipeline and road access via a public road are adequate to ensure that any mineral resources under the proposed qualified subdivision may be fully and effectively exploited.
10. Caldwell Company has waived the issuance of an examiners' proposal for decision in this docket.
11. Caldwell Company agreed on the record that, pursuant to the provisions of Texas Government Code §2001.144(a)(4), this Final Order shall be effective on the date a Master Order relating to this Final Order is signed.

CONCLUSIONS OF LAW

1. Proper notice of hearing was timely issued to appropriate persons entitled to notice.
2. All things necessary to the Commission attaining jurisdiction have occurred.
3. The application of Caldwell Company for Commission approval of its proposed qualified subdivision meets the requirements of Texas Natural Resources Code, Chapter 92, and Statewide Rule 76 [16 TEX. ADMIN. CODE §3.76].
4. Pursuant to §2001.144(a)(4) of the Texas Government Code, and the consent of the applicants, this Final Order is effective when a Master Order relating to this Final Order is signed on February 14, 2017.

IT IS THEREFORE ORDERED that the application of Caldwell Company pursuant to Statewide Rule 76 for approval of a Qualified Subdivision for a Total of an 83.19 Acre Tract in the Willow Creek Ranch II Subdivision in Harris County, Texas, more particularly described by the metes and bounds descriptions in field notes and plats attached hereto and incorporated herein for all purposes, is hereby **APPROVED**.

It is further **ORDERED** that this Final Order is effective on February 14, 2017, when the Master Order relating to this Final Order is signed.

All pending motions and requests for relief not previously granted or granted herein are denied.

Done this 14th day of February 2017.

RAILROAD COMMISSION OF TEXAS

**(Order approved and signatures affixed by
Hearings Divisions' Unprotested Master
Order dated February 14, 2017)**