

MESA WATER, L.P. and G&J	§	IN THE DISTRICT COURT OF
RANCH, INC.,	§	
Plaintiffs,	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
TEXAS WATER DEVELOPMENT	§	
BOARD,	§	
Defendant.	§	201 st JUDICIAL DISTRICT

**THE TWDB’S ORIGINAL ANSWER
AND PARTIAL PLEA TO THE JURISDICTION**

TO THE HONORABLE JUDGE OF THE COURT:

The Texas Water Development Board (TWDB), Defendant, answers Plaintiffs’ original petition.

GENERAL DENIAL

1. The TWDB denies each and every allegation in Plaintiffs’ original petition and demands strict proof thereof.

PARTIAL PLEA TO THE JURISDICTION

2. The Court should dismiss Plaintiffs’ requests for relief under the Uniform Declaratory Judgments Act (“UDJA”). The Act does not waive sovereign immunity to suit or confer jurisdiction.¹ The UDJA does not authorize redundant remedies or authorize recovery of attorney’s fees for redundant remedies.²

¹ *Texas Nat. Res. Conserv. Comm’n v. IT-Davy*, 74 S.W.3d 849, 855 (Tex. 2002).

² *Strayhorn v. Raytheon E-Systems, Inc.*, 101 S.W.3d 558, 571–72 (Tex. App.–Austin 2003, pet. denied).

CONDITIONAL REQUEST FOR ATTORNEY'S FEES

3. The TWDB avers that the UDJA does not apply to this action for lack of jurisdiction. Only if the Court finds that it has jurisdiction and that the UDJA does apply to this action, the TWDB requests recovery of its attorney's fees for the preparation and trial of this cause and any subsequent appeal.

PRAYER

Defendant, having fully answered, prays that:

1. The Plaintiffs take nothing by this suit and that Defendant recovers its costs;
2. The Court grants the Defendant's partial plea to the jurisdiction and dismisses the UDJA claims;
3. If the Court finds that the UDJA applies, the Court awards the Defendant its attorney's fees in this cause and any subsequent appeal.

Defendant further prays for all other relief to which it may be entitled.

Respectfully submitted,

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Attorney General of Texas

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//s//

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ATTORNEYS FOR TWDB

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing TWDB’s original answer and partial plea to the jurisdiction has been served on the persons listed below, by the method indicated, this 2nd day of April, 2010:

//s//
Anthony Grigsby

LIST OF PERSONS SERVED

By certified mail, return receipt requested:

Marvin Jones
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*Attorneys for Mesa Water, L.P. and
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By Interagency Mail:

(Courtesy Copies)

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