



6136 FRISCO SQUARE BLVD., SUITE 400
FRISCO, TX 75034 | PHONE: (469) 925-0022
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October 25, 2019

Board of Directors
Mr. Alan Day, General Manager
Brazos Valley Groundwater Conservation District
112 W. 3rd Street
Hearne, Texas 77859

Via Email

Re: Letter of Interest

Dear Board of Directors and Mr. Day:

Thank you for the opportunity to participate in the Brazos Valley Groundwater Conservation District's ("District's") Request for Qualifications for legal counsel services. I have extensive experience in groundwater law, and specifically in representing groundwater conservation districts. I began my legal career by representing groundwater conservation districts exclusively, and such representation continues to be a large part of my business today.

My career in groundwater law began in Austin, where I worked for well known firms in the water industry. In late 2016, I started my own practice and my family and I relocated to the Dallas/Fort Worth area. I represent groundwater conservation districts all across the state, and believe that my experience, reputation in the industry, and standard billing practices make me an excellent candidate for the District's legal counsel services.

The following information is organized pursuant to Section 3 of the Statement of Qualifications for your review:

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| I.A. Submitting Organization: | Fancher Legal, PLLC |
| I.B. Listing of Firm Principals: | Kristen Fancher |
| I.C. Authorized Person: | Kristen Fancher, Owner |
| I.D. Person Proposed as Legal Counsel: | Kristen Fancher, Owner
(469) 925-0022 |
| I.E. Contact Person for Clarification: | Kristen Fancher, Owner
(469) 925-0022 |
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Brazos Valley Groundwater Conservation District
October 25, 2019
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Again, I truly appreciate the opportunity to provide you with this information about my firm, and please let me know if I can provide any additional information. Thank you for your consideration.

Regards,



Kristen O. Fancher



QUALIFICATIONS SUBMITTAL FOR LEGAL COUNSEL SERVICES

SUBMITTED BY:

KRISTEN O. FANCHER

FANCHER LEGAL, PLLC

6136 Frisco Square Blvd., Suite 400

Frisco, Texas 75034

(469) 925-0022

kf@fancherlegal.com

www.fancherlegal.com

THIS SUBMITTAL INCLUDES CONFIDENTIAL/PROPRIETARY INFORMATION AND IS FOR THE DISTRICT'S REVIEW ONLY

BRIEF OVERVIEW

Fancher Legal, PLLC is pleased to submit this qualifications package to the Brazos Valley Groundwater Conservation District ("District") for consideration as the District's legal counsel. We believe that we bring unique expertise to the table and are able to provide the District with efficient and cost-effective representation. As a firm, we pride ourselves on our reputation in the industry and on the delivery of first-class service. We are fortunate to have the experience and resources required to handle the legal counsel needs of the District.

II. SUBMISSION OF STATEMENT OF QUALIFICATIONS

II.A. Brief History of Firm:

After practicing water law in Austin for a number of years at other firms, in 2016 Kristen simultaneously founded Fancher Legal, PLLC, and relocated with her family to the North Texas area where she was raised. The formation of Fancher Legal, PLLC has allowed Ms. Fancher to continue representing her existing client base and also assist a broad array of new clients across the state by providing high-quality and cost-effective legal services. Fancher Legal, PLLC prides itself on providing clients with the utmost level of professionalism and ingenuity.

II.B. Main Office: Fancher Legal, PLLC
6136 Frisco Square Blvd., Suite 400
Frisco, Texas 75034

Distance to District Office: 180 miles, approx. 2-hour 45-minute drive

Firm Personnel: Kristen Fancher, Attorney
Erin Zoch, Paralegal

II.C. Professional Memberships:

1. Professional Memberships/Licenses:

Texas Alliance of Groundwater Districts

Texas Water Conservation Association

Texas Rural Water Association

State Bar of Texas

State Bar of Texas Environmental and Natural Resources Law Section

State Bar of Texas Administrative and Public Law Section

2. Representative Experience of Groundwater-Specific Matters

Public Sector/GCD Clients:

North Texas GCD (current)

Red River GCD (current)

Lone Star GCD (current – special counsel on regulatory compliance and election-

related matters)

Pecan Valley GCD (current)

Wintergarden GCD (current - special counsel to Board on hearing matters)

Panhandle GCD (current – special counsel to provide Board training)

Harris-Galveston Subsidence District/Fort Ben Subsidence District (current – special counsel on Public Information Act compliance matters)

Prairielands GCD

Upper Trinity GCD

Clearwater UWCD

Middle Trinity GCD

Northern Trinity GCD

Real-Edwards CRD

Rolling Plains GCD

Brush Country GCD

Central Texas GCD

Guadalupe County GCD

High Plains UWCD

Middle Pecos GCD

Panola County GCD

Permian Basin UWCD

Sandy Land UWCD

Terrell County GCD

In addition to the above-listed clients, I also currently and have historically represented a number of cities, special water districts, and water supply corporations on groundwater-related matters.

Private Sector /Clients:

I currently represent 12 private sector clients on groundwater-specific matters, and have historically represented approximately 40 private sector clients on groundwater-specific matters

II.D. Summary of Experience and Qualifications:

Fancher Legal, PLLC has a wealth of experience in groundwater conservation district representation and groundwater-related matters. Kristen Fancher's legal career has been primarily dedicated to water law, and she has represented clients on every aspect of groundwater law in Texas. Her general counsel services to groundwater conservation district clients include specific expertise on all aspects of groundwater district management, from daily operations and rulemaking to election/appointment and tax/fee setting issues.

II.E. Listing of Case Matters and Outcomes (abridged statement in order to protect client confidentiality):

Fancher Legal, PLLC prides itself on a representation strategy intended to keep its clients out of the courtroom. Kristen Fancher has handled the following types of matters:

- Successfully drafted and implemented rules and regulatory program for groundwater conservation districts from inception to present day.
- Negotiated high-stakes settlements to avoid litigation in a number of matters.
- Obtained successful court judgments against multiple parties that have violated/continued to violate groundwater conservation district rules.
- Successfully navigated districts through Desired Future Conditions joint planning.
- Successfully navigated numerous water district clients through contested elections matters.
- Represent clients on all aspects of Texas Open Meetings Act, Public Information Act, and dual office holding issues that are daily issues for many public sector clients.
- Successfully represented clients before the Texas Commission on Environmental Quality, Texas Water Development Board, Public Utility Commission of Texas, and the Railroad Commission of Texas.
- Obtained successful settlement on behalf of GCD clients that have protested injection/disposal well applications at the Railroad Commission of Texas.

II.F. Conflict Statement:

The Firm is not aware of any existing conflicts of interest with the Brazos Valley Groundwater Conservation District or its Board of Directors. The firm's size is well-suited to avoid any future matters that would conflict with representation of the District.

III. RATE/FEE SCHEDULE

III.A. Method of Charges: Both Kristen Fancher and Erin Zoch adhere to the most ethical method of timekeeping, including the use of timers and rounding down as necessary to accurately represent the amount of time spent on the matter. The Firm has a strict policy against rounding up or inflating billable numbers. The Firm's references can attest to the honesty and integrity behind all Firm billing.

III.B. Costs and Expenses:

The hourly rates for the personnel listed herein are as follows:

1. Kristen Fancher, Attorney - \$270.00/hr (all matters)
2. Erin Zoch, Paralegal - \$135.00/hr (all matters)

The rates above represent the reduced hourly rates that have been specifically developed for governmental entity clients like the District. The Firm's size and expertise allow for reduced rates (that do not regularly increase) that foster long-term relationships with clients. The Firm does not require an upfront retainer or monthly retainer, and would generally use the reduced hourly rates listed above for all District matters. We not charge for standard items that we believe should be included in the rate overhead charge, such as fax transmission/receiving, electronic research fees (e.g., Westlaw/Lexis), internal copies, etc....

III.C. Billing Increments: 1/10th (0.1 – 1.0) of each billable hour.

IV. BRIEF BIOGRAPHIES OF FIRM PERSONNEL



KRISTEN O. FANCHER — OWNER/ATTORNEY

Kristen O. Fancher has extensive experience in representing clients on water-related matters across the State of Texas. She has significant experience with virtually all types of matters that groundwater conservation districts encounter, including general compliance with the laws governing districts.

Kristen is an Honors Program graduate of Texas Christian University, and a graduate of Texas Tech University School of Law, where she received the Buck J. Wynne Memorial Scholarship awarded by the Environmental and Natural Resources Law Section of the State Bar of Texas for excellence in environmental law. She is a frequent speaker on water, specifically groundwater, issues at conferences and meetings across the state. Kristen's role in the representation would be to oversee all matters, and to ensure that the District receives cost-effective and efficient representation.



ERIN D. ZOCH — PARALEGAL

Erin D. Zoch has extensive experience in providing support services to clients. Erin has significant experience with all aspects of groundwater conservation district management. Erin began her career at the same firm as Kristen, and the two work well together to provide high-quality and efficient legal representation to clients. Erin is based in Austin, Texas, and provides the firm with the unique ability to serve clients with the benefits of having a firm representative in Austin. She handles matters as necessary in the Austin area in a cost-effective manner, including making filings and performing research at state agency headquarters in Austin. Erin's role in the representation would be to assist Kristen Fancher in a supporting role as necessary to ensure the delivery of cost-effective representation.

V. RESUME OF KRISTEN FANCHER

KRISTEN O. FANCHER



6136 FRISCO SQUA RE BLVD., SUITE 400
FRISCO, TX 75034 | PHONE: (469) 925-0022
FAX: (469) 547-0684 | Email: kf@fancherlegal.com

Kristen Fancher advises clients across Texas on water, environmental, regulatory and administrative law issues. Kristen represents a wide array of governmental entities, corporations, and landowners on groundwater-related matters, water resource and supply planning, water utility service, due diligence, water and environmental permitting, litigation, transactional, enforcement, and board governance matters.

Kristen served as a judicial intern for The Honorable Robert A. Junell with the U.S. District Court for the Western District of Texas. She currently serves as the Chair of the Environmental and Natural Resources Law Section of the State Bar of Texas State Agency Internship Committee, which is charged with placing law school students in internships with the state agencies that focus on environmental law.

Kristen has had both mid-size (30-40 attorneys) and small firm experience prior to starting her own practice in 2016. Her prior firm experience includes providing water law expertise in a boutique environmental law firm, as a partner in a water law and legislative-oriented practice, and in a prominent Austin real estate law firm, where she provided water-related counsel on a number of real estate transactions.

Education

- Texas Christian University, B.S., Political Science
 - Honors Program
 - TCU Scholar
 - White House Intern
- Texas Tech School of Law, J.D.
 - Buck J. Wynne Memorial Scholarship award recipient for excellence in environmental law

Professional Affiliations

- State Bar of Texas, Environmental and Natural Resources Law and Administrative Law Sections
 - Chair, Environmental and Natural Resources Law Section State Agency Internship Program
 - Co-Chair, Environmental and Natural Resources Law Section Law School Programs Committee
- Texas Water Conservation Association
- Texas Alliance of Groundwater Districts

- Texas Rural Water Association

Bars and Courts

- State Bar of Texas

Representative Experience

- General Counsel to groundwater conservation districts.
- Represents private and public clients on complex water rights transactions.
- Special counsel to local governments on regional water supply projects.
- Assists clients with regulatory compliance and environmental permitting matters.
- Represents clients on water utility service issues.
- Develops legal strategies for water reclamation and desalination clients.
- Represents a number of water-related special purpose districts.
- Represents governmental entities on board governance and appointment issues.
- Represents clients before the Texas Commission on Environmental Quality, Public Utility Commission, and the Railroad Commission of Texas on permitting, rulemaking, enforcement actions and stakeholder workgroups.
- Assists clients with all aspects of Texas Open Meetings Act, Public Information Act, and dual office holding compliance.
- Assists Texas-based clients with federal compliance matters.
- Develops legal strategies for use in the Desired Future Conditions planning process and inclusion in the state water planning process for funding and compliance purposes.

Publications and Presentations (included to demonstrate Kristen Fancher's recognized experience on water-related matters)

- "Groundwater Matters," Texas Ground Water Association Conference, *Scheduled for January 2020*.
- "Board Governance Matters," Texas Rural Water Association Annual Conference, Austin, Texas, March 2019.
- "Groundwater Case Law Update," Texas Rural Water Association Conference, Austin, Texas, *January 2019*
- "Water Utility Matters," HalfMoon Water Law Conference, Arlington, Texas, *November 2018*.
- "Groundwater Transactions," Texas Groundwater Summit, San Antonio, Texas, August 2018.
- "Legal Update," Quarterly Meeting, Texas Alliance of Groundwater Districts, Austin, Texas, May 2018.
- "Case Law Update," District Board Member Leadership Training, Salado, Texas, November 2017.
- "Environmental and Water Law Career Panel," Environmental and Natural Resources Law Section of the State Bar of Texas, Texas Tech University School of Law, Lubbock, Texas,

November 2017.

- “Case Law Update,” Texas Groundwater Summit, San Marcos, Texas, August 2017.
- “Environmental and Water Law Issues – Federal and State,” Environmental and Natural Resources Law Section of the State Bar of Texas, Baylor University School of Law, Waco, Texas, February 2017.
- “Disclosure Requirements for Contracting with Governmental Entities,” Texas Alliance of Groundwater Districts Summer Meeting, May 2016.
- “Update on DFC Planning Process and Joint Planning,” Texas Groundwater Summit, San Marcos, Texas, August 2014.
- “Emerging Trends in Groundwater Management,” 15th Annual Changing Face of Water of Water Rights Conference, San Antonio, Texas, February 2014.
- “DFC Process and Explanatory Report,” Texas Alliance of Groundwater Districts Spring Meeting, Austin, Texas, February 2014.
- “Legislative Update – Water Law,” State Bar of Texas CLE Webcast, Austin, Texas, August 2013.
- “Water Issues Across Texas,” 12th Annual Bell County Water Symposium, Belton, Texas, November 2012.
- “Texas Water Development Board Chapter 356 Rulemaking Update,” Texas Alliance of Groundwater Districts Fall Meeting, Conroe, Texas, October 2012.
- “The New Landscape of Rainwater Harvesting,” Texas City Attorneys Association Summer Conference, South Padre, Texas, June 2012.
- “What You Should Know About Being A Director: Open Government; Conflicts/Ethics; Dual Office Holding,” Board Member Education Seminar, Ft. Worth, Texas, November 2011.
- “Legislative Update,” 11th Annual Bell County Water Symposium, Belton, Texas, November 2011.
- “Overview of Surface Water and Groundwater Rights and Supplies,” Lorman Water Rights Sales and Transfers Seminar, Ft. Worth, Texas, August 2011.
- “Water Utility Regulation,” Texas Water Laws and Regulations, HalfMoon Seminar, San Antonio, Texas, May 2011.
- “Groundwater 101,” 12th Annual Changing Face of Water Rights Conference, San Antonio, Texas, February 2011.
- “Water Rights 101,” Republican Women of Cooke County, Gainesville, Texas, January 2011.

- “Legislative Update,” 9th Annual North Texas Chapter of Texas AWWA Drinking Water Seminar, October 2010.

VI. CONCLUSION

Fancher Legal, PLLC would be privileged to represent the District. If there are any questions about this response, please contact Kristen Fancher at the contact information provided herein. We thank the District for its time and consideration of this response, and look forward to the opportunity of representing the District.

EXHIBIT A

CERTIFICATION OF NON-DISCRIMINATION

**TO BE EXECUTED BY PROPOSER AND SUBMITTED WITH
STATEMENT OF QUALIFICATIONS**

Proposer hereby certifies in performing work or providing services for the District, there shall be no unlawful discrimination in its hiring or employment practices, and Proposer shall comply with applicable federal and Texas anti-discrimination laws.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Non-Discrimination this 25 day of October, 2019.

PROPOSER: Fancher Legal, PLLC
(Type or print complete legal name of firm)

BY: Kristen Fancher
(Signature)

NAME: Kristen Fancher
(Type or Print)

TITLE: Member/Owner
(Type or Print)

ADDRESS: 6136 Frisco Square Blvd., Ste 400

CITY Frisco, STATE TX, ZIP 75034

EXHIBIT B

REFERENCES

Proposer shall provide a minimum of three (3) References with three (3) or more years' experience with the Proposer.

REFERENCE #1

NAME	Mr. Drew Satterwhite, P.E.
ADDRESS	5100 Airport Drive
CITY, STATE ZIP CODE	Denison, Texas 75020
TELEPHONE #	(903) 786-4433
CONTACT	General Manager of North Texas GCD and Red River GCD
DATES OF SERVICE	11/2009 - present
DESCRIPTION OF SERVICES	General Counsel Services for North Texas GCD and Red River GCD

REFERENCE #2

NAME	Ms. Samantha Reiter
ADDRESS	655 Conroe Park North Drive
CITY, STATE, ZIP CODE	Conroe, Texas 77303
TELEPHONE #	(936) 494-3436
CONTACT	General Manager of Lone Star GCD
DATES OF SERVICE	5/2008 - present
DESCRIPTION OF SERVICES	Currently special counsel on regulatory compliance and election matters

REFERENCE #3

NAME	Mr. Mark Patterson
ADDRESS	9963 US-377
CITY, STATE, ZIP CODE	Collinsville, Texas 76233
TELEPHONE #	(903) 815-8557
CONTACT	Board President of Red River GCD and owner of Patterson Professional Services, LLC
DATES OF SERVICE	11/2009 - present
DESCRIPTION OF SERVICES	General Counsel Services to Red River GCD

(ATTACH ADDITIONAL SHEETS IF DESIRED)

Additional References:

Mr. David Smith
General Manager, Benbrook Water Authority
1121 Mercedes St.
Benbrook, Texas 76126
Phone: (817) 249-1250

Dates of Service and Description: 5/2008 to present; regulatory compliance, leasing and election matters

Mr. Thomas Smith, P.E.
2421 Amyx Ranch Drive
Ponder, Texas 76259
(940) 597-3723

Dates of Service and Description: 11/2009 to present; current Board President of North Texas GCD

Mr. Eddy Daniel, P.E.
Daniel & Brown, Inc. Engineers
118 McKinney St.
Farmersville, Texas
(972) 784-7777

Dates of Service and Description: 11/2009 to present; former Board President of North Texas GCD; work with Mr. Daniel to represent water utility clients