

August 8, 2024

**Via E-Mail: aday@brazosvalleygcd.org**Brazos Valley Groundwater Conservation District  
c/o Mr. Alan M. Day, General Manager  
112 West 3<sup>rd</sup> Street  
Hearn, TX 77859

RE: Request in advance and in lieu of Board Action on Agenda Items 5 and 6 at the Regular Board Meeting of the Brazos Valley Groundwater Conservation District (BVGCD) scheduled for Thursday, August 8, 2024.

Dear Mr. Day and BVGCD Board Members:

On behalf of the Texas A&M University System (“A&M System”) I am requesting that the Brazos Valley Groundwater Conservation District (“BVGCD”) Board of Directors *postpone any action on Agenda Item 5 pertaining to the District Rule amendments and Agenda Item 6 pertaining to the aggregated transport permit applications*, which are posted on the agenda for the Board’s August 8<sup>th</sup> regular meeting. Such a postponement will afford an opportunity for those, like the A&M System, who would otherwise oppose Agenda Items 5 & 6 to negotiate with the applicants whose permit applications are the ultimate subject of Agenda Items 5 & 6 in an attempt to reach an amicable resolution and thereby eliminate the need for further opposition and challenges by affected parties.

The A&M System has a lot at stake relative to both of the agenda items referenced above. It operates seven wells, three of which are sourced from the Simsboro aquifer with another planned to follow, that are the sole source of municipal and operational water needs for the College Station and RELIS campus which includes 70,000 students, 13,000 faculty/staff and over a billion dollars in cutting edge research. In addition, Texas A&M has future water-dependent opportunities of national and even international significance that can fully materialize only if an adequate supply of water is available to serve them. All of this inures and will continue to inure to the benefit of the communities in the region and the State of Texas as a whole. As a result, it is imperative that the A&M System ensure an adequate water supply is available to meet its needs long term. It is in this vein that the A&M System requests the postponement of BVGCD Board of Directors’ action of Agenda Items 5 & 6 to explore options with the permit applicants.

However, in the same vein, if the BVGCD Board of Directors is *not* inclined to postpone acting on Agenda Item 5 and/or Agenda Item 6 and is inclined to take action on one or both of them or prepares to do so, the A&M System, hereby formally contests each of the permit

applications that is ultimate subject to the agenda item to be acted upon and formally requests the Board of Directors schedule a preliminary hearing to hear the A&M System's request for a contested case hearing and that such preliminary hearing be scheduled with the State Office of Administrative Hearings pursuant to Texas Water Code, Sections 36.4051(b)(3) and 36.416(b) and BVGCD Rule 14.3(b). In advance of the preliminary hearing, the A&M System would expect to determine and provide notice as to which applications it was opposed and would continue to contest.

Sincerely,



Lynn R. Sherman

cc: Monique Norman