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September 6, 2024

By Email

Alan Day
112 West 3rd Street
Hearne, Texas 77859

Re: Proposed Drilling/Operating Permit BVDO-0421 for The Texas A&M University System
(A&M) – Contested Case Hearing Request

Dear Mr. Day:

On behalf of Cula d'Brazos LLC ("I" or "Me"), I submit this formal contest of A&M's application for Drilling/Operating Permit BVDO-0421 ("Application"). I applied for and received operating permits for seven wells that produce from the Simsboro Aquifer: BVDO 0408 through 0414. These wells are situated on my family's farmland, where we hold groundwater interests in the Simsboro, Brazos Alluvium, and Calvert Bluff and utilize these interests for crop irrigation, farming operations, and economic development of our land.

I formally request a contested case hearing on the Application because A&M's proposed well for new production from the Simsboro Aquifer affects my groundwater interests and ability to use and enjoy my private property. The Application affects my legal rights, privileges, power, and economic interests in the operating permits I have obtained from the Brazos Valley Groundwater Conservation District ("District"), as well as my pending application for transport permit BVTP-008.

Through these permits and my state-recognized right to develop groundwater from my private property, I hold a personal justiciable interest in producing groundwater from the Simsboro. The Application, if granted, would affect this interest by causing further drawdown of the Simsboro. A&M's new production will cause the groundwater levels at my wells to decline at a greater rate than would occur absent the grant of the Application. Additionally, a more thorough assessment of the Application is needed relative to the District's positions on Desired Future Conditions.

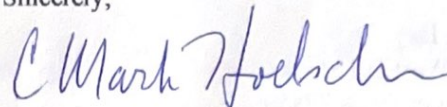
Further, granting A&M's Application would adversely affect my legal rights, privileges, power, and economic interests in my permits, and, in particular, the right to receive "fair, impartial, and nondiscriminatory" treatment by the District.¹ I also have the legal right to "rules that are fair

¹ See Tex. Water Code § 36.122(q).

and impartial.”² This right would be affected by the District’s granting of A&M’s Application before the District has resolved its governance concerns for prior permitting actions regarding numerous landowners, including myself and my family.

In sum, the Application affects and prejudices my personal justiciable interest related to my legal rights, privileges, power, and economic interests that are within the District’s regulatory authority and are not common to members of the public. I hereby request that the District conduct a contested case hearing on A&M’s Application and that Cula d’Brazos, LLC be named a protesting party.

Sincerely,



C. Mark Hoelscher

Principal of Cula d’Brazos LLC

cc: Paulina Williams, Baker Botts
Russ Johnson, McGinnis Lochridge
Monique Norman, BVGCD Counsel

² See Tex. Water Code § 36.101(2).