

James Cooper Brien
29 Hilltop Road
Asheville, NC 28803

September 6, 2024

By Email

Alan Day
112 West 3rd Street
Hearne, Texas 77859

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

Mr. Day:

I formally submit this request for a contested case hearing on A&M’s application for Drilling/Operating Permit BVDO-0421 (the “Application”). I hold a personal justiciable interest in contesting the Application because A&M’s proposed well for new production from the Simsboro Aquifer will affect my groundwater interests and ability to use and enjoy my property. I use groundwater from the Simsboro, as well as the Brazos Alluvium and Calvert Bluff, for irrigation and other agricultural uses on my property. My groundwater interests include District-authorized wells BVDO-0315 and BVDO-0316, as well as my pending application for transport permit BVTP-004.

I am contesting A&M’s Application because, if approved, it would lead to additional 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.

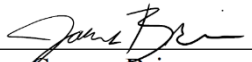
Further, granting A&M’s Application would adversely affect my legal rights, privileges, power, and economic interests in my permits, and, in particular, the right to receive “fair, impartial, and nondiscriminatory” treatment by the District.¹ I also have the legal right to “rules that are fair and impartial.”² 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.

¹ See Tex. Water Code § 36.122(q).

² See Tex. Water Code § 36.101(2).

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 name me as a protesting party.

Sincerely,


James Cooper Brien

cc: Paulina Williams, Baker Botts
Monique Norman, BVGCD Counsel