

RH2O LLC  
Nick Lutz  
8529 Edinburgh Ct.  
Montgomery, Texas 77316

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 RH2O LLC, I hereby submit this contested case hearing request for A&M's application for Drilling/Operating Permit BVDO-0421 ("Application"). My family and I have lived in this area for over a century, and our farm relies on groundwater resources for irrigation and agricultural development. Our wells draw from the Brazos Alluvium and the Simsboro. Our groundwater interests include drilling/operating permits BVDO-0385 through BVDO-0389, which the District issued in September 2023, as well as our pending application for transport permit BVTP-002.

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, if granted, would affect my interests 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.<sup>1</sup> I also have the legal right to "rules that are fair and impartial."<sup>2</sup> 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

---

<sup>1</sup> See Tex. Water Code § 36.122(q).

<sup>2</sup> See Tex. Water Code § 36.101(2).

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 RH2O LLC be named a protesting party.

Sincerely,



Nick Lutz

*Signatory for RH2O LLC*

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