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September 6, 2024

Brazos Valley Groundwater Conservation District
Attn: Alan Day, General Manager
112 West 3rd Street
Hearne, Texas 77859

Via E-mail

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 sisters Sandra C. Ryan, individually and as Trustee of the Sandra C. Ryan Trust, and Bernadette Sloat, individually and as Trustee of the Bernadette C. Priestly Trust, owners of the properties commonly referred to as the Corpora Farms and the Mumford Farms (the “Farms”), I am formally requesting the District conduct a contested case hearing on the Application for Drilling/Operating Permit BVDO-0421 filed by Texas A&M University (the “Application”). The Farms are “affected parties” with a “justiciable interest” in the outcome of the requested hearing as these terms are used and defined in Chapter 36, Texas Water Code.¹ The Application is scheduled to be heard by the District Board on September 12, 2024, so this request filed more than five (5) calendar days prior to the hearing is timely.²

The Farms applied for and were granted operating permits for a total of 17 wells, authorized to produce 21,257 acre-feet at the Corpora Farm and 1,940 acre-feet the Mumford Farm of groundwater per annum from the Simsboro Aquifer. The wells are distributed over approximately 2,513 acres of land (Corpora) and 52.2 acres of land (Mumford) in Robertson County in which they own or control the groundwater rights, including the rights in the Simsboro Aquifer. The Farms BVGCD Permits are designated as Permit Nos. BVDO 0341 through 0353 (Corpora Farm), and Permit Nos. BVDO 0390 through 0393 (Mumford Farm), by the District. These Permits authorize the production of the permitted groundwater from the Simsboro Aquifer for all beneficial purposes authorized under Texas law and the Rules of the District. The Simsboro Aquifer is the

¹ See Tex. Water Code § 36.415(b)(2); BVGCD Rule 14.3.5(b); see generally *City of Waco v. Tex. Comm’n on Environmental Quality*, 346 S.W.3d 781, 802 (Tex. App. – Austin 2011) *rev’d on other grounds*, 413 S.W.3d 409 (Tex. 2013).

² BVGCD Rule 14.3.5(a).

same Aquifer that Texas A&M proposes to drill its new well and produce its requested 1900(+) acre-feet per annum.

On behalf of the Farms, I formally request a contested case hearing on the Application because A&M's proposed well for new production from the Simsboro Aquifer affects the Farms' constitutionally protected groundwater interests in, and the ability to use and enjoy the Farms' private property. The Application affects the Farms' legal rights, privileges, power, and economic interests in the operating permits obtained from the Brazos Valley Groundwater Conservation District ("District").

Through the Permits issued to the Farms, and the Farms' state-recognized right to develop groundwater from the Farms' private property, the Farms hold a personal justiciable interest in producing groundwater from the Simsboro. The Application, if granted, would affect these property interests and the legal rights appurtenant thereto by causing further drawdown of the Simsboro. A&M's new production will cause the groundwater levels at the Farms' 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 the Farms' legal rights, privileges, power, and economic interests in the Farms' permits, and, in particular, the right to receive "fair, impartial, and nondiscriminatory" treatment by the District.³ I also have the legal right to "rules that are fair and impartial."⁴ 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 the Farms.

In sum, the Application affects and prejudices the Farms' personal justiciable interests in the groundwater it has been permitted to produce, thereby affecting their legal rights, privileges, power, and economic interests in both the groundwater and the permits granted to develop and beneficially use that groundwater by the District. These rights and interests which will be injured by the granting of Texas A&M's Application are within the District's regulatory authority. They are not rights and legal interests of either concern to, or injuries common to, the members of the public. They are particularized to the Farms. Accordingly, on behalf of the Farms I request that the District conduct a contested case hearing on A&M's Application and that the Farms Partnership, L.P., be granted party status in the contested case hearing.

Contact information for the Farms and myself is as follows:

³ See Tex. Water Code § 36.122(q).

⁴ See Tex. Water Code § 36.101(2).

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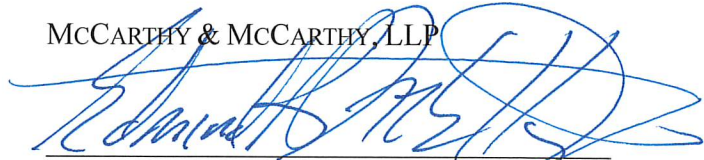
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By copy of this letter, I am providing notice to both Counsel for Texas A&M (Mr. Lynn Sherman) and to the District's General Counsel, Ms. Monique Norman. Please feel free to call me with any questions.

Best wishes.

Sincerely,

MCCARTHY & MCCARTHY, LLP



Edmond R. McCarthy, Jr.
Attorneys for Bernadette C. Sloat, Individually and
as Trustee of the Bernadette C. Priestly Trust &
Sandra C. Ryan, Individually and as Trustee of the
Sandra C. Ryan Trust

ERM/tn

cc (via e-mail):

Texas A&M University
Attn: Lynn Sherman, Attorney

Monique Norman, BVGCD Counsel

Bernadette C. Sloat
Sandra C. Ryan