

September 11, 2024

Via E-Mail: aday@brazosvalleygcd.org

Brazos Valley Groundwater Conservation District
c/o Mr. Alan M. Day, General Manager
112 West 3rd Street
Hearne, Texas 77859

RE: Pending requests for contested case hearing on production and transport permit applications.

Dear Mr. Day and BVGCD Board Members:

By letters dated June 14 and September 5, 2024, the Texas A&M University System (“A&M System”) has made timely requests for the referral of numerous pending applications for production and transport permits and permit amendments to the State Office of Administrative Hearings (“SOAH”).¹ The June 14th letter pertains to the applications for transport permits BVTP-002 through BVTP-008 (the “Landowner/Upwell transport permits”), and the September 5th letter pertains to the applications for: (i) transport permit BVTP-001 (the “Upwell transport permit”); (ii) the sixteen (16) production permits upon which the Upwell transport permit is predicated; and (iii) the thirty-two (32) production permits upon which the Landowner/Upwell transport permits are predicated.

To date, the District has yet to act on those requests and provide the A&M System with the hearing opportunity that it is entitled to.

Agenda Item No. 10 of tomorrow’s regular meeting of the BVGCD Board lists for “discussion and possible action” certain specified District rule amendments, which include the addition of District Rule 8.3(j).² If adopted, and but for the pending hearing requests, District Rule 8.3(j) could potentially be utilized by the District’s general manager to “grant and issue” each of the permits listed in the first paragraph above (*i.e.*, the Upwell transport permit and the 48 production permits).

¹ Copies of the referenced letters are attached hereto for convenience.

² See Agenda Item 10 in BVGCD’s Notice of a Regular Board Meeting to be held on September 12, 2024, identifying “discussion and possible action on” District Rule 8.3(j).

In addition, Agenda Item No. 11 of tomorrow's regular Board meeting, lists by permit number each of the Landowner/Upwell transport permits for "discussion and possible action."³ While it is uncertain what "possible action" may be taken on these permits, it is possible that the Board is contemplating approval or other formal action on those applications.

However, the A&M System's June 14th and September 5th letters previously requested that each of these transport permits referenced above be forwarded to SOAH for a contested case hearing, and such a referral is mandatory under Section 36.416(b) of the Texas Water Code. As a result, the A&M System demands that the Board refrain from considering or taking any action on Agenda Item Nos. 10 and 11, specifically as they relate to the Upwell transport permit, any of the Landowner/Upwell transport permits, and/or any of the 48 production permits on which both the Upwell transport permit and the Landowner/Upwell transport permits are predicated. The only action that should be taken at this time as to each of these permits is their immediate referral to SOAH for a contested case hearing pursuant to the A&M System's previous written requests.

In light of the A&M System's pending requests, the foregoing permit applications cannot be considered by the Board, delegated to the District's General Manager, or otherwise disposed of without a contested case hearing, including through action that may be taken pursuant to proposed amendments to the District's Rules. The A&M System expects that the Board and the District will refrain from taking substantive action on these applications until the contested case proceedings are completed, and that such proceedings will commence promptly. However, please be advised that the A&M System is prepared to initiate litigation to protect its interests and its right to contest the permit applications, if necessary.

Regarding the letter from Upwell's legal counsel that was received just before the delivery of this letter, its claims are internally inconsistent (e.g. the votes are void, but they need to be ratified), and in no way changes the mandatory action addressed herein.

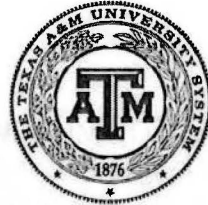
Sincerely,



Lynn R. Sherman

cc: Monique Norman
Mike Gershon

³ See Agenda Item 11 in BVGCD's Notice of a Regular Board Meeting to be held on September 12, 2024, identifying "discussion and possible action on" transport permit applications BVTP-002 – BVTP-008.



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Office of the Chancellor
THE TEXAS A&M UNIVERSITY SYSTEM

June 14, 2024

**NOTICE OF INTENT TO CONTEST TRANSPORT PERMIT APPLICATIONS
AND REQUEST FOR CONTESTED HEARING**

Brazos Valley Groundwater Conservation District (BVGCD)
Attn: Mr. Alan M. Day, General Manager
112 W 3rd Street
Hearne, Texas 77859
Via Hand Delivery

RE: Request for Contested Case Hearing; Applications by Mr. James Brien, et al¹, for Transport Permits ("Applications"); BVGCD Notice of Public Permit Hearing to be held on June 18, 2024 at the Hearne Elementary School Cafeteria located at 1210 Hackberry Street, Hearne, Texas 77859 at 6:00pm Central Standard Time ("Notice").

Dear Mr. Day and BVGCD Board Members:

This letter is written in response to the Notice regarding the above referenced Applications. A copy of the Notice is attached hereto as Exhibit "A". According to the Notice, on May 28, 2024, BVGCD received transport permit applications from seven entities and a co-applicant of UW Brazos Valley Farms, LLC seeking to transport groundwater from Robertson County to counties located along the I-35 corridor.

The Texas A&M University System (A&M System) will be adversely affected by the Applications and hereby formally requests a Contested Case Hearing on each of the Applications.

The A&M System operates seven permitted groundwater wells located within the BVGCD, three of which produce groundwater from the Simsboro aquifer. We plan to add an additional well, sourced from the Simsboro aquifer, in the near future to meet the growing education and research needs of the campuses and facilities. These wells 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.

¹ We understand the applicants include: Mr. James Brien; Clifford A. (Trey) Skiles III; RH2O LLC; L. Wiese Moore LLC; Cula d'Brazos LLC; Ely Family Partnership LP; Fazzino Investments LP; and co-applicant: UW Brazos Valley Farm LLC (collectively, the "Applicants")

The general location of our Simsboro wells (TAMUS Well Sites) are annotated onto the AGS maps attached hereto as Exhibit "B" (consisting of B-1, B-2 and B-3). As shown on these exhibits, the A&M System Simsboro wells are adversely affected by the Applications and will either need to be redrilled or have their well pumps lowered based on the proposed transport volumes. The effects of the Applications on the A&M System are unique and are different from the effect on members of the general public.

In recent years, the City of San Antonio, via Vista Ridge, implemented a similar transport scheme that withdraws up to 50,000 acre-feet annually from local surrounding aquifers and transports this water to meet the needs of the City of San Antonio. During this time period, the A&M System had to lower their pumps in the existing wells in the Simsboro formation to continue to access the permitted water. We believe the grant of the Applications will cause the groundwater levels at our Simsboro wells to decline at a greater rate than would occur absent the grant of the Applications. This will also increase the pumping horsepower to produce groundwater which will increase the A&M System's operating costs significantly. Furthermore, if the BVGCD, as a result of the increased pumping of the Applicants, imposes regulations on existing Simsboro wells, this would require the A&M System to invest in costly alternative water sources.

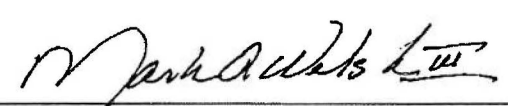
We are uniquely affected by the Applications and request that the BVGCD consider the harsh effects upon the A&M System and surrounding communities. Therefore, the A&M System requests a contested case hearing under Rule 14.3.5 of the Rules of the BVGCD. Please let this letter serve as our formal written notice of intent to contest all of the Applications including but not limited to transport applications for Ely Family Partnership LP, Fazzino Investments LP, RH20 LLC, Clifford A. Skiles III, James C. Brien, L. Weise Moore LLC and Cula d'Brazos LLC, and UW Brazos Valley Farms LLC.

If additional documentation or information is needed in this matter, please do not hesitate to reach out directly to Kelly Templin, Director, of Texas A&M-RELLIS at 979-317-1002 or email: ktemplin@rellis.tamus.edu on behalf of the A&M System.

Sincerely,



JOHN SHARP
Chancellor
The Texas A&M University System



MARK A. WELSH III
President
Texas A&M University

Attachments:

Exhibit "A" – BVGCD Hearing Notice

Exhibit "B" -- A&M System Well Locations

Exhibit "A"
BVGCD Hearing Notice



Public Permit Hearing

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT**
Hearne ISD Elementary School Cafeteria
1210 Hackberry Street
Hearne, Texas 77859
Tuesday, June 18, 2024 | 6:00 p.m.

The Brazos Valley Groundwater Conservation District is holding a public permit hearing on the permit applications listed below. Documents related to the referenced permit applications and public hearing are available for inspection, review, and copying at the Brazos Valley Groundwater Conservation District Office, located at 112 W. 3rd Street, Hearne, Texas, during office hours from 8:00 a.m. until 5:00 p.m., Monday-Friday. The documents and District's Rules are also available on the District website at brazosvalleygcd.org. Any person who intends to protest a listed permit application(s) and request a contested case hearing(s) must provide the written request to the District office by 5:00 p.m. the day before the permit hearing, at 112 W. 3rd Street in Hearne, Texas 77859. Contact the Brazos Valley Groundwater Conservation District Office for questions at email aday@brazosvalleygcd.org and 979-279-9350.

Call Permit Hearing to order
Roll call of members present

1. Permit Hearing on the following **Transport Permit Application:**

- **One (1) transport permit (BVTP-002) for RH2O LLC**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 8,130 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – RH2O LLC (**BVDO-0385**) Located at: N 30.911344° W 96.621725° 1.44 miles N of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 1,678 ac-ft/yr at a maximum production rate of 1,300 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – RH2O LLC (**BVDO-0386**) Located at: N 30.898639° W 96.639708° 1.59 miles WNW of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 2,194 ac-ft/yr at a maximum production rate of 1,700 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – RH2O LLC (**BVDO-0387**) Located at: N 30.893919° W 96.646250° 1.90 miles W of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual

production from the well will be 1,742 ac-ft/yr at a maximum production rate of 1,350 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – RH2O LLC (**BVDO-0388**) Located at: N 30.905286° W 96.639786° 1.78 miles NW of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 1,484 ac-ft/yr at a maximum production rate of 1,150 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5 – RH2O LLC (**BVDO-0389**) Located at: N 30.909286° W 96.628772° 1.49 miles NNW of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 1,032 ac-ft/yr at a maximum production rate of 800 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 8,130 acre-feet per year as part of the UWBFV Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBFV Project shall be limited to 100,000 acre-feet per year in the aggregate.

2. Permit Hearing on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-003) for Clifford A. Skiles III**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 4,800 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – Clifford A. Skiles III (**BVDO-0108**) Located at: N 30.851042° W 96.635889 0 82 miles NNW of the intersection of US-79 W and Gifford Hill Road in Robertson County. Total maximum annual production from the water well is 2,700 ac-ft/yr at a maximum rate of 2,000 gpm for Agricultural, Industrial, and Public Water Supply uses. The well produces from the Simsboro Aquifer.

Well 2 – Clifford A. Skiles III (**BVDO-0317**) Located at: N 30.854431° W 96.628822° 0.86 miles NW of the intersection of US-79 W and Gifford Hill Road in Robertson County. Total maximum annual production from the water well will be 2,100 ac-ft/yr at a maximum rate of 1,600 gpm for Agricultural, Industrial, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 4,800 acre-feet per year as part of the UWBFV

Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

3. Permit Hearing on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-004) for James C. Brien**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 4,115 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well #2 – James C. Brien (**BVDO-0315**) Located at: N 30.912966° W 96.698488° 0.99 miles SW of the intersection of Barton Farm Road and FM 1644 in Robertson County. Total maximum annual production from the water well will be 2,186 ac-ft/yr at a maximum rate of 1700 gpm for Agricultural, Industrial, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #3 – James C. Brien (**BVDO-0316**) Located at: N 30.914826° W 96.687016° 0.70 miles SSE of the intersection of Barton Farm Road and FM 1644 in Robertson County. Total maximum annual production from the water well will be 1,929 ac-ft/yr at a maximum rate of 1500 gpm for Agricultural, Industrial, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 4,115 acre-feet per year as part of the UWBVF Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

4. Permit Hearing on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-005) for L. Wiese Moore LLC**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 4,452 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – L. Wiese Moore LLC (**BVDO-0401**) Located at: N 30.871983° W 96.648675° 0.44 miles SSW of the intersection of John Reistino Road and FM 485 in Robertson County. Total maximum annual production from the well will be 2,000 ac-ft/yr at a maximum production rate

of 1,550 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – L. Wiese Moore LLC (**BVDO-0402**) Located at: N 30.867614° W 96.658967° 1.07 miles SW of the intersection of John Reistino Road and FM 485 in Robertson County. Total maximum annual production from the well will be 2,452 ac-ft/yr at a maximum production rate of 1,900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 4,452 acre-feet per year as part of the UWBFV Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBFV Project shall be limited to 100,000 acre-feet per year in the aggregate.

5. Permit Hearing on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-006) for Fazzino Investments LP**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 10,348 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – Fazzino Investments LP (**BVDO-0394**) Located at: N 30.945554° W 96.727687° 2.28 miles SSW of the intersection of New Magnolia Church Road and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,290 ac-ft/yr at a maximum production rate of 1,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – Fazzino Investments LP (**BVDO-0395**) Located at: N 30.941356° W 96.725083° 2.23 miles SW of the intersection of New Magnolia Church Road and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,290 ac-ft/yr at a maximum production rate of 1,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – Fazzino Investments LP (**BVDO-0396**) Located at: N 30.851775° W 96.662976° 1.80 miles NW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 2,710 ac-ft/yr at a maximum production rate of 2,100 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – Fazzino Investments LP (**BVDO-0397**) Located at: N 30.848652° W 96.669293° 1.98 miles NW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 2,710 ac-ft/yr at a maximum production rate of 2,100

gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5– Fazzino Investments LP (**BVDO-0398**) Located at: N 30.816412° W 96.591883° 0.89 miles SSE of the intersection of Catalina Road and FM 50 in Robertson County. Total maximum annual production from the well will be 1,187 ac-ft/yr at a maximum production rate of 920 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 6 – Fazzino Investments LP (**BVDO-0399**) Located at: N 30.816641° W 96.585293° 1.18 miles SE of the intersection of Catalina Road and FM 50 in Robertson County. Total maximum annual production from the well will be 1,161 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 10,348 acre-feet per year as part of the UWBFV Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBFV Project shall be limited to 100,000 acre-feet per year in the aggregate.

6. Permit Hearing on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-007) for Ely Family Partnership LP**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 13,873 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – Ely Family Partnership LP (**BVDO-0377**) Located at: N 30.843353° W 96.594456° 1.27 miles SW of the intersection of US-79 and FM 50 in Robertson County. Total maximum annual production from the well will be 1,484 ac-ft/yr at a maximum production rate of 1,150 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – Ely Family Partnership LP (**BVDO-0378**) Located at: N 30.838847° W 96.584083° 1.88 miles ENE of the intersection of Carter Lane and FM 50 in Robertson County. Total maximum annual production from the well will be 2,581 ac-ft/yr at a maximum production rate of 2,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – Ely Family Partnership LP (**BVDO-0379**) Located at: N 30.838158° W 96.573567° 1.10 miles WSW of the intersection of SH-6 and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 1,097 ac-ft/yr at a maximum production rate

of 850 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – Ely Family Partnership LP (**BVDO-0380**) Located at: N 30.827000° W 96.567717° 2.05 miles E of the intersection of Carter Lane and FM 50 in Robertson County. Total maximum annual production from the well will be 2,065 ac-ft/yr at a maximum production rate of 1,600 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5 – Ely Family Partnership LP (**BVDO-0381**) Located at: N 30.823175° W 96.571783° 1.82 miles ESE of the intersection of Carter Lane and FM 50 in Robertson County. Total maximum annual production from the well will be 1,419 ac-ft/yr at a maximum production rate of 1,100 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 6 – Ely Family Partnership LP (**BVDO-0382**) Located at: N 30.831378° W 96.559953° 1.05 miles S of the intersection of SH-6 and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 2,065 ac-ft/yr at a maximum production rate of 1,600 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 7 – Ely Family Partnership LP (**BVDO-0383**) Located at: N 30.815553° W 96.554250° 1.01 miles SW of the intersection of River Ridge Drive and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 1,807 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 8 – Ely Family Partnership LP (**BVDO-0384**) Located at: N 30.806858° W 96.544747° 1.46 miles S of the intersection of River Ridge Drive and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 1,355 ac-ft/yr at a maximum production rate of 1,050 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 13,873 acre-feet per year as part of the UWBFV Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBFV Project shall be limited to 100,000 acre-feet per year in the aggregate.

7. Permit Hearing on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-008) for Cula d'Brazos LLC**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 12,000 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be

metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – Cula d'Brazos LLC (**BVDO-0408**) Located at: N 30.862192° W 96.671514° 0.59 miles SSW of the intersection of N FM 1644 and FM 485 in Robertson County. Total maximum annual production from the well will be 2,839 ac-ft/yr at a maximum production rate of 2,200 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – Cula d'Brazos LLC (**BVDO-0409**) Located at: N 30.859611° W 96.678461° 0.96 miles SW of the intersection of N FM 1644 and FM 485 in Robertson County. Total maximum annual production from the well will be 2,968 ac-ft/yr at a maximum production rate of 2,300 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – Cula d'Brazos LLC (**BVDO-0410**) Located at: N 30.842994° W 96.643706° 0.60 miles NNW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,290 ac-ft/yr at a maximum production rate of 1,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – Cula d'Brazos LLC (**BVDO-0411**) Located at: N 30.839914° W 96.649878° 0.67 miles NW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,226 ac-ft/yr at a maximum production rate of 950 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5 – Cula d'Brazos LLC (**BVDO-0412**) Located at: N 30.837139° W 96.655553° 0.92 miles WNW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,161 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 6 – Cula d'Brazos LLC (**BVDO-0413**) Located at: N 30.833783° W 96.661933° 1.29 miles W of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,161 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 7 – Cula d'Brazos LLC (**BVDO-0414**) Located at: N 30.833933° W 96.648103° 0.47 miles W of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,355 ac-ft/yr at a maximum production rate of 1,050 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 12,000 acre-feet per year as part of the UWBVF Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

See Attachment A for production permits to be aggregated.

Conveyance System:

Network of wells and pipelines feeding a central collection system (tanks and impoundments) from which the water will be conveyed through pipeline infrastructure to the end users in Bell, Milam, Travis, and/or Williamson counties.

8. Discussion and possible action on the following Transport Permit Application:

- **One (1) transport permit (BVTP-002) for RH2O LLC**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 8,130 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – RH2O LLC (**BVDO-0385**) Located at: N 30.911344° W 96.621725° 1.44 miles N of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 1,678 ac-ft/yr at a maximum production rate of 1,300 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – RH2O LLC (**BVDO-0386**) Located at: N 30.898639° W 96.639708° 1.59 miles WNW of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 2,194 ac-ft/yr at a maximum production rate of 1,700 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – RH2O LLC (**BVDO-0387**) Located at: N 30.893919° W 96.646250° 1.90 miles W of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 1,742 ac-ft/yr at a maximum production rate of 1,350 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – RH2O LLC (**BVDO-0388**) Located at: N 30.905286° W 96.639786° 1.78 miles NW of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 1,484 ac-ft/yr at a maximum production rate of 1,150 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5 – RH2O LLC (**BVDO-0389**) Located at: N 30.909286° W 96.628772° 1.49 miles NNW of the intersection of Vaughn Lane and FM 485 in Robertson County. Total maximum annual production from the well will be 1,032 ac-ft/yr at a maximum production rate of 800 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 8,130 acre-feet per year as part of the UWBVF Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

9. Discussion and possible action on the following Transport Permit Application:

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 4,800 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

- **One (1) transport permit (BVTP-003) for Clifford A. Skiles III**

Well 1 – Clifford A. Skiles III (**BVDO-0108**) Located at: N 30.851042° W 96.635889 0 82 miles NNW of the intersection of US-79 W and Gifford Hill Road in Robertson County. Total maximum annual production from the water well is 2,700 ac-ft/yr at a maximum rate of 2,000 gpm for Agricultural, Industrial, and Public Water Supply uses. The well produces from the Simsboro Aquifer.

Well 2 – Clifford A. Skiles III (**BVDO-0317**) Located at: N 30.854431° W 96.628822° 0.86 miles NW of the intersection of US-79 W and Gifford Hill Road in Robertson County. Total maximum annual production from the water well will be 2,100 ac-ft/yr at a maximum rate of 1,600 gpm for Agricultural, Industrial, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 4,800 acre-feet per year as part of the UWBVF Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

10. Discussion and possible action on the following Transport Permit Application:

- **One (1) transport permit (BVTP-004) for James C. Brien**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 4,115 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, and Public Water Supply

uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well #2 – James C. Brien (**BVDO-0315**) Located at: N 30.912966° W 96.698488° 0.99 miles SW of the intersection of Barton Farm Road and FM 1644 in Robertson County. Total maximum annual production from the water well will be 2,186 ac-ft/yr at a maximum rate of 1,700 gpm for Agricultural, Industrial, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #3 – James C. Brien (**BVDO-0316**) Located at: N 30.914826° W 96.687016° 0.70 miles SSE of the intersection of Barton Farm Road and FM 1644 in Robertson County. Total maximum annual production from the water well will be 1,929 ac-ft/yr at a maximum rate of 1,500 gpm for Agricultural, Industrial, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 4,115 acre-feet per year as part of the UWBVF Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

11. Discussion and possible action on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-005) for L. Wiese Moore LLC**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 4,452 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – L. Wiese Moore LLC (**BVDO-0401**) Located at: N 30.871983° W 96.648675° 0.44 miles SSW of the intersection of John Reistino Road and FM 485 in Robertson County. Total maximum annual production from the well will be 2,000 ac-ft/yr at a maximum production rate of 1,550 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – L. Wiese Moore LLC (**BVDO-0402**) Located at: N 30.867614° W 96.658967° 1.07 miles SW of the intersection of John Reistino Road and FM 485 in Robertson County. Total maximum annual production from the well will be 2,452 ac-ft/yr at a maximum production rate of 1,900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 4,452 acre-feet per year as part of the UWBVF

Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBFV Project shall be limited to 100,000 acre-feet per year in the aggregate.

12. Discussion and possible action on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-006) for Fazzino Investments LP**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 10,348 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – Fazzino Investments LP (**BVDO-0394**) Located at: N 30.945554° W 96.727687° 2.28 miles SSW of the intersection of New Magnolia Church Road and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,290 ac-ft/yr at a maximum production rate of 1,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – Fazzino Investments LP (**BVDO-0395**) Located at: N 30.941356° W 96.725083° 2.23 miles SW of the intersection of New Magnolia Church Road and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,290 ac-ft/yr at a maximum production rate of 1,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – Fazzino Investments LP (**BVDO-0396**) Located at: N 30.851775° W 96.662976° 1.80 miles NW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 2,710 ac-ft/yr at a maximum production rate of 2,100 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – Fazzino Investments LP (**BVDO-0397**) Located at: N 30.848652° W 96.669293° 1.98 miles NW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 2,710 ac-ft/yr at a maximum production rate of 2,100 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5– Fazzino Investments LP (**BVDO-0398**) Located at: N 30.816412° W 96.591883° 0.89 miles SSE of the intersection of Catalina Road and FM 50 in Robertson County. Total maximum annual production from the well will be 1,187 ac-ft/yr at a maximum production rate of 920 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 6 – Fazzino Investments LP (**BVDO-0399**) Located at: N 30.816641° W 96.585293° 1.18 miles SE of the intersection of Catalina Road and FM 50 in Robertson County. Total maximum

annual production from the well will be 1,161 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 10,348 acre-feet per year as part of the UWBFV Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBFV Project shall be limited to 100,000 acre-feet per year in the aggregate.

13. Discussion and possible action on the following **Transport Permit Application**:

- **One (1) transport permit (BVTP-007) for Ely Family Partnership LP**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 13,873 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – Ely Family Partnership LP (**BVDO-0377**) Located at: N 30.843353° W 96.594456° 1.27 miles SW of the intersection of US-79 and FM 50 in Robertson County. Total maximum annual production from the well will be 1,484 ac-ft/yr at a maximum production rate of 1,150 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – Ely Family Partnership LP (**BVDO-0378**) Located at: N 30.838847° W 96.584083° 1.88 miles ENE of the intersection of Carter Lane and FM 50 in Robertson County. Total maximum annual production from the well will be 2,581 ac-ft/yr at a maximum production rate of 2,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – Ely Family Partnership LP (**BVDO-0379**) Located at: N 30.838158° W 96.573567° 1.10 miles WSW of the intersection of SH-6 and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 1,097 ac-ft/yr at a maximum production rate of 850 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – Ely Family Partnership LP (**BVDO-0380**) Located at: N 30.827000° W 96.567717° 2.05 miles E of the intersection of Carter Lane and FM 50 in Robertson County. Total maximum annual production from the well will be 2,065 ac-ft/yr at a maximum production rate of 1,600 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5 – Ely Family Partnership LP (**BVDO-0381**) Located at: N 30.823175° W 96.571783° 1.82 miles ESE of the intersection Carter Lane and FM 50 in Robertson County. Total

maximum annual production from the well will be 1,419 ac-ft/yr at a maximum production rate of 1,100 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 6 – Ely Family Partnership LP (**BVDO-0382**) Located at: N 30.831378° W 96.559953° 1.05 miles S of the intersection of SH-6 and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 2,065 ac-ft/yr at a maximum production rate of 1,600 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 7 – Ely Family Partnership LP (**BVDO-0383**) Located at: N 30.815553° W 96.554250° 1.01 miles SW of the intersection of River Ridge Drive and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 1,807 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 8 – Ely Family Partnership LP (**BVDO-0384**) Located at: N 30.806858° W 96.544747° 1.46 miles S of the intersection of River Ridge Drive and Old Hearne Road in Robertson County. Total maximum annual production from the well will be 1,355 ac-ft/yr at a maximum production rate of 1,050 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 13,873 acre-feet per year as part of the UWBVF Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

14. Discussion and possible action on the following **Transport Permit Application:**

- **One (1) transport permit (BVTP-008) for Cula d'Brazos LLC**

The requested total maximum groundwater to be transported from permitted production wells under current operating permits and all approved permits listed below is 12,000 acre-feet/year. The approved multi-use permits are permitted for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The amount of water produced for each purpose of use will be metered and reported separately. The transport of water out of the District is only authorized for water produced from wells associated with the following District-issued Operating Permits:

Well 1 – Cula d'Brazos LLC (**BVDO-0408**) Located at: N 30.862192° W 96.671514° 0.59 miles SSW of the intersection of N FM 1644 and FM 485 in Robertson County. Total maximum annual production from the well will be 2,839 ac-ft/yr at a maximum production rate of 2,200 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 2 – Cula d'Brazos LLC (**BVDO-0409**) Located at: N 30.859611° W 96.678461° 0.96 miles SW of the intersection of N FM 1644 and FM 485 in Robertson County. Total maximum annual

production from the well will be 2,968 ac-ft/yr at a maximum production rate of 2,300 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 3 – Cula d'Brazos LLC (BVDO-0410) Located at: N 30.842994° W 96.643706° 0.60 miles NNW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,290 ac-ft/yr at a maximum production rate of 1,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 4 – Cula d'Brazos LLC (BVDO-0411) Located at: N 30.839914° W 96.649878° 0.67 miles NW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,226 ac-ft/yr at a maximum production rate of 950 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 5 – Cula d'Brazos LLC (BVDO-0412) Located at: N 30.837139° W 96.655553° 0.92 miles WNW of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,161 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 6 – Cula d'Brazos LLC (BVDO-0413) Located at: N 30.833783° W 96.661933° 1.29 miles W of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,161 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well 7 – Cula d'Brazos LLC (BVDO-0414) Located at: N 30.833933° W 96.648103° 0.47 miles W of the intersection of US-79 and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,355 ac-ft/yr at a maximum production rate of 1,050 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

UW Brazos Valley Farm LLC is co-applicant on this transport permit. The total proposed amount of water to be transported annually is up to 12,000 acre-feet per year as part of the UWBVF Project (defined in Att. C of the application). The aggregated total groundwater authorized for transport out of the District from all District-authorized wells included in the UWBVF Project shall be limited to 100,000 acre-feet per year in the aggregate.

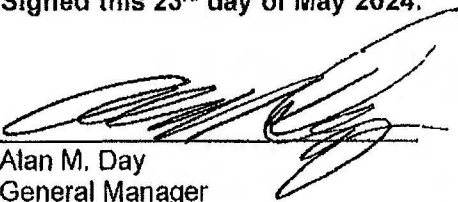
See Attachment A for production permits to be aggregated.

Conveyance System:

Network of wells and pipelines feeding a central collection system (tanks and impoundments) from which the water will be conveyed through pipeline infrastructure to the end users in Bell, Milam, Travis, and/or Williamson counties.

15. Adjourn Permit Hearing

Signed this 23rd day of May 2024.


Alan M. Day
General Manager

The Board of Directors may meet in closed session, pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071-551.076, to:

- (1) consult with attorney ;
- (2) deliberate regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (3) deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (4) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a Board member or District employee;
- (5) to receive information from employees or question employees, but not deliberate public business or agency policy that affects public business; and
- (6) to deliberate the deployment or specific occasions for implementation of security personnel or devices.

The Board may also meet in open session on these matters as required by the Texas Open Meetings Act, Texas Government Code § 551.102.

** Agenda items may be taken out of order at the discretion of the Board Chairman

Attachment A – UWBF Transport Project Permits to be Aggregated

BVDO-0108	BVDO-0254	BVDO-0255	BVDO-0256
BVDO-0292	BVDO-0293	BVDO-0294	BVDO-0295
BVDO-0296	BVDO-0297	BVDO-0298	BVDO-0299
BVDO-0300	BVDO-0301	BVDO-0302	BVDO-0303
BVDO-0304	BVDO-0315	BVDO-0316	BVDO-0317
BVDO-0377	BVDO-0378	BVDO-0379	BVDO-0380
BVDO-0381	BVDO-0382	BVDO-0383	BVDO-0384
BVDO-0385	BVDO-0386	BVDO-0387	BVDO-0388
BVDO-0389	BVDO-0394	BVDO-0395	BVDO-0396
BVDO-0397	BVDO-0398	BVDO-0399	BVDO-0401
BVDO-0402	BVDO-0408	BVDO-0409	BVDO-0410
BVDO-0411	BVDO-0412	BVDO-0413	BVDO-0414

Exhibit "B"
A&M System Well Locations

Exhibit B-1: Simulated Simsboro Drawdown in 2059 Based on the Transport Pumping Scenarios

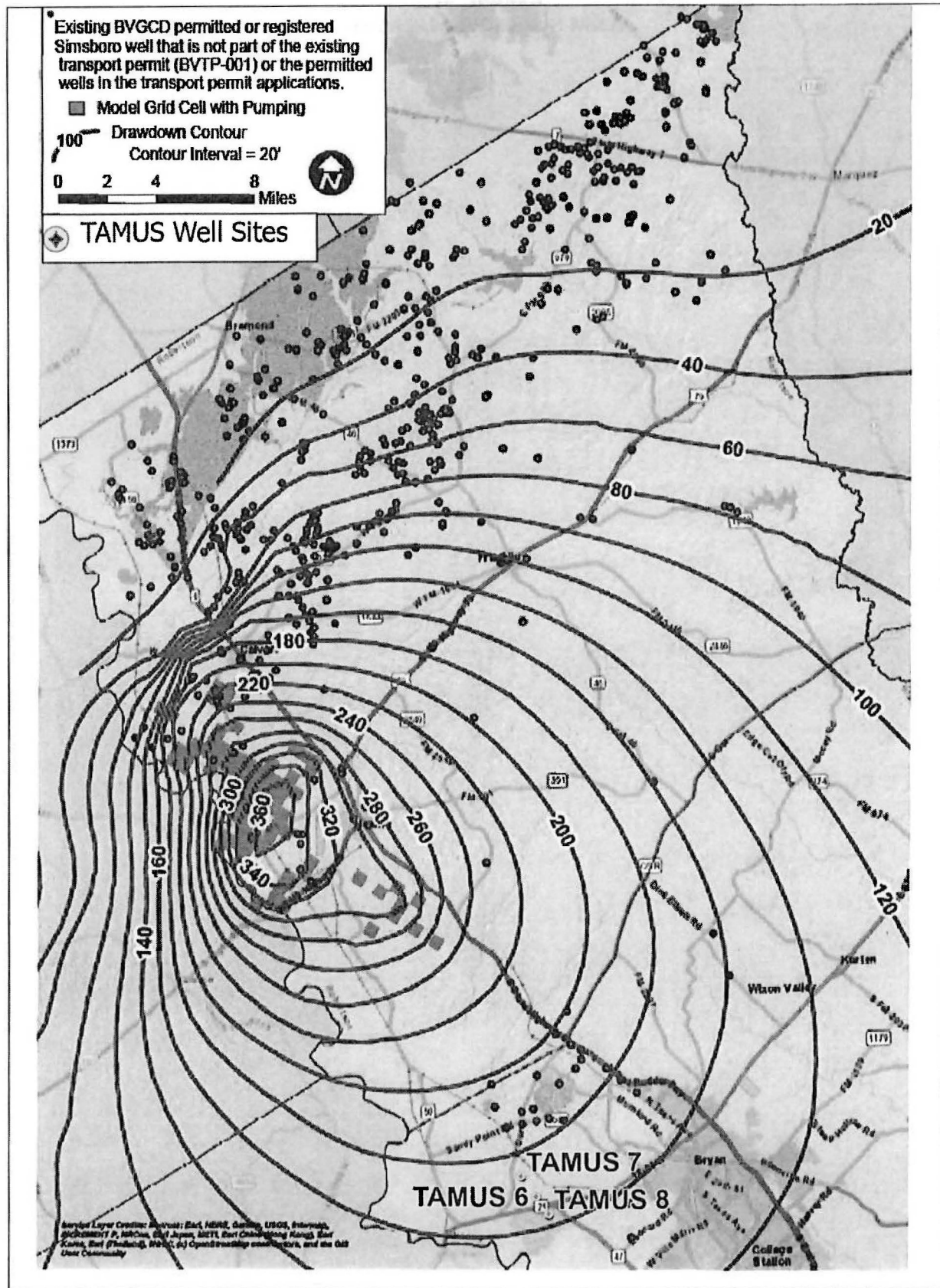


Exhibit B-2:

Simulated 2028 to 2059 Drawdown from All Pumping

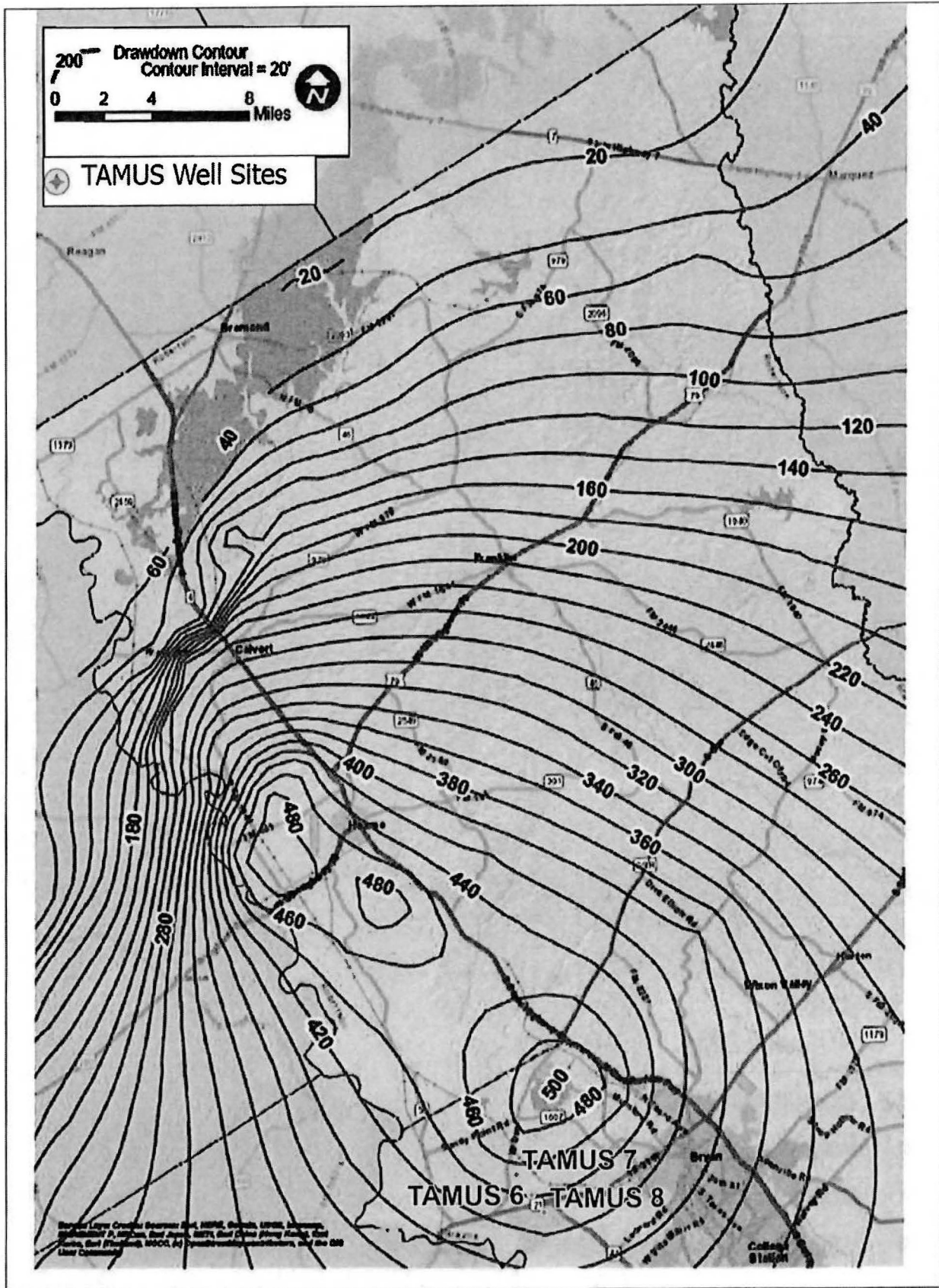
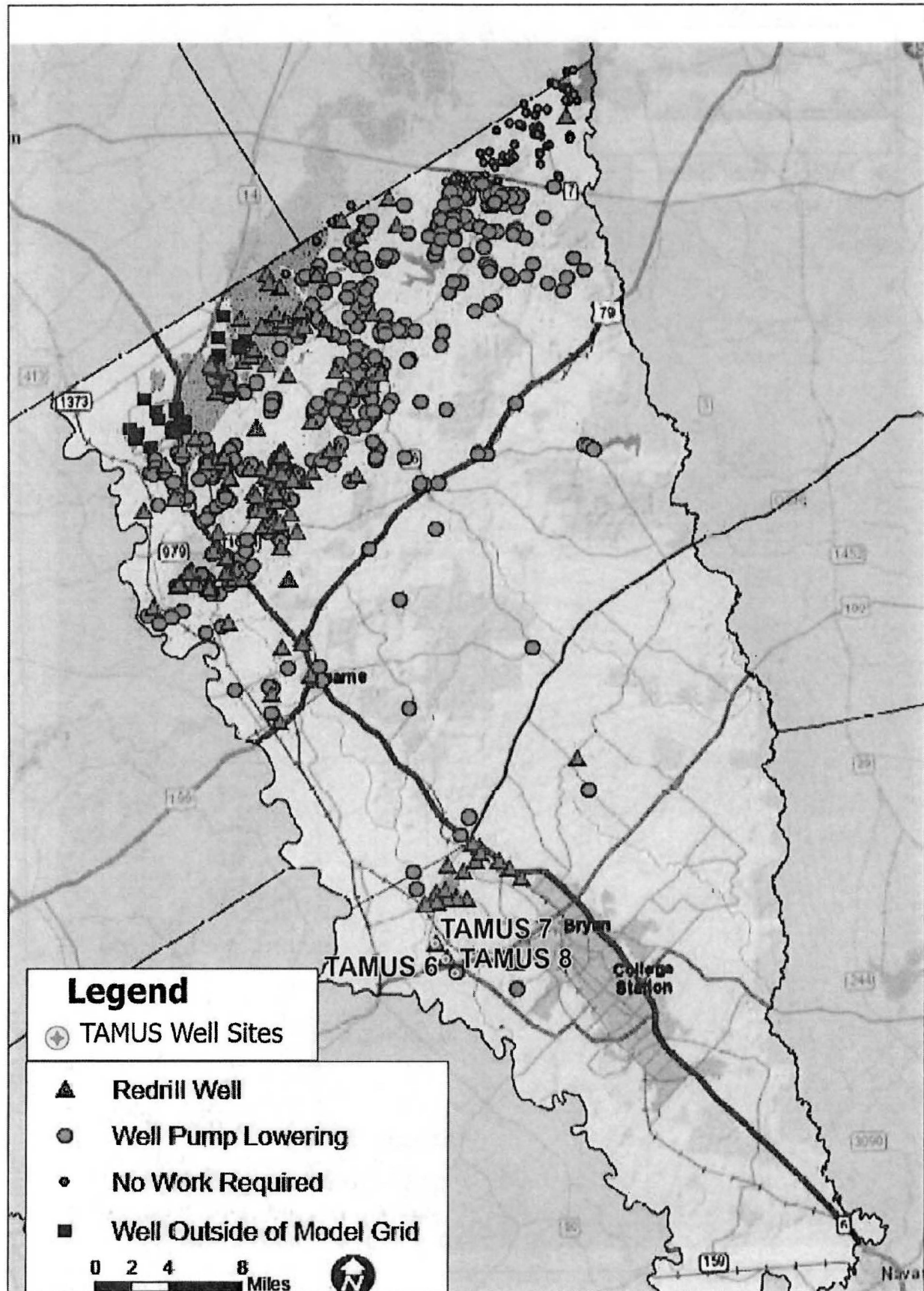


Exhibit B-3:

AGS Estimate of the Locations of BVGCD Permitted or Registered Simsboro Wells that will need to be Redrilled or have the Pump Lowered Based on All Pumping



September 5, 2024

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

RE: Request for a Contested Case Hearing

Dear Mr. Day and BVGCD Board Members:

On behalf of the Texas A&M University System, I am requesting a contested case hearing before the State Office of Administrative Hearings (SOAH) on the permit and permit amendment applications for: (1) transport permit BVTP-001;¹ (2) the seven revised transport permit applications identified in Agenda Item 11 of the BVGCD's upcoming meeting on Sept. 12, 2024 (i.e., BVTP-002 through BVTP-008); and (3) the production wells that predicate, at least in part, transport permit BVTP-001² and the transport permits BVTP-002 through BVTP-008.³ These permit applications are at issue in Agenda Items 10 and 11 in BVGCD's Notice of a Regular Board Meeting, which is to be held on Sept. 12, 2024.

Under BVGCD Rule 14.3.5(a), a contested case hearing must be requested the day before the permit hearing. Because the BVGCD Board of Directors' meetings lacked a quorum when the permit and permit amendment applications discussed in items 1 and 3 in the paragraph above were previously considered, the Board has not yet acted upon them; therefore, this request is timely.⁴ The seven revised transport permit applications at issue in item 2 above appear to be being presented for action in Agenda Item 11 anew, and this request is timely as well. The A&M System also requests the Board of Directors to 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 SOAH

¹ Noticed on Feb. 7, 2023.

² The production permits that predicate BVTP-001 are: BVDO-0254; BVDO-0255; BVDO-0256; BVDO-0292; BVDO-0293; BVDO-0294; BVDO-0295; BVDO-0296; BVDO-0297; BVDO-0298; BVDO-0299; BVDO-0300; BVDO-0301; BVDO-0302; BVDO-0303; and BVDO-0304.

³ The production permits that predicate BVTP-002 through BVTP-008 are: BVDO-0108; BVDO-0315; BVDO-0316; BVDO-0317; BVDO-0377; BVDO-0378; BVDO-0379; BVDO-0380; BVDO-0381; BVDO-0382; BVDO-0383; BVDO-0384; BVDO-0385; BVDO-0386; BVDO-0387; BVDO-0388; BVDO-0389; BVDO-0394; BVDO-0395; BVDO-0396; BVDO-0397; BVDO-0398; BVDO-0399; BVDO-0401; BVDO-0402; BVDO-0408; BVDO-0409; BVDO-0410; BVDO-0411; BVDO-0412; BVDO-0413; and BVDO-0414.

⁴ These permit hearings were held on: Jan. 13, 2022; Apr. 14, 2022; Oct. 20, 2022; Feb. 9, 2023; Mar. 9, 2023; and Sep. 14, 2023. TWC § 36.406 and BVGCD Rule 14.4(a) require that a permit hearing must be conducted by a quorum of the Board.

September 5, 2024

Page 2 of 2

pursuant to Texas Water Code, Sections 36.4051(b)(3) and 36.416(b) and BVGCD Rule 14.3(b). In advance of a preliminary hearing, the A&M System would expect to determine and provide notice as to which of these applications it was opposed and would continue to contest.

The A&M System will be adversely affected by these applications. The A&M System operates seven wells with BVGCD, three of which that produce from the same aquifer, the Simsboro, as the applications at issue would. The A&M System's wells are the sole source of municipal and operations waters needs for the College Station and RELLIS campuses, which supports 70,000 students, 13,000 faculty and staff, and over a billion dollars in cutting-edge research, and an additional well to be sourced from the Simsboro will be added in the near future to meet the growing needs of the campuses and facilities. All of these wells will be adversely affected, and if the production permits are granted at their proposed volumes, then the A&M System's wells will either need to be redrilled or have their pumps lowered. The A&M System's interest is not that of the general public, and it is uniquely—and adversely—affected by the applications.

Sincerely,



Lynn R. Sherman

cc: Monique Norman