

CAUSE NO. 24-002626-CV-472

TEXAS A&M UNIVERSITY SYSTEM,	§	
	§	
Plaintiff	§	
	§	IN THE DISTRICT COURT
v.	§	
	§	BRAZOS COUNTY, TEXAS
BRAZOS VALLEY GROUNDWATER	§	
CONSERVATION DISTRICT AND	§	472 nd JUDICIAL DISTRICT
ITS GENERAL MANAGER	§	
ALAN DAY, in his official capacity	§	
	§	
Defendant	§	

**DEFENDANT BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT AND ITS GENERAL MANAGER'S
ORIGINAL ANSWER**

Defendant Brazos Valley Groundwater Conservation District and its General Manager Alan Day, in his official capacity (collectively, the “District”), file this Original Answer and respectfully shows as follows:

I. GENERAL DENIAL

The District denies each and every allegation in Texas A&M University System’s (“TAMUS’s”) First Amended Original Petition for Writ of Mandamus and Application for Temporary and Permanent Injunctive Relief and demands strict proof thereof.

**II. REQUEST FOR COURT COSTS AND PROFESSIONAL FEES
PURSUANT TO TEXAS WATER CODE § 36.066(g) AND (h)**

If the Court denies TAMUS’s requests for relief or if the District prevails on some of the issues, then the District is entitled to a statutorily mandated award of fees for costs of court and expenses for attorneys and experts and associated costs in accordance with section 36.066(g) and (h) of the Texas Water Code. The District respectfully requests that

an opportunity be provided to submit a fee application, affidavit, and evidence of these fees and costs and to conduct a hearing if the parties are unable to reach agreement on the section 36.066 award.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the District respectfully requests that the Court grant the following relief:

- (1) order that TAMUS take nothing by this lawsuit and that the District recover its costs and fees for attorneys and experts if it prevails in accordance with Texas Water Code § 36.066(g) and (h), including an opportunity for the District to submit a fee application, affidavit, and evidence of its § 36.066(g) and (h) costs and fees; and
- (2) order such other relief to which the District may be entitled at equity or law.

Respectfully submitted,

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Attorneys for Brazos Valley Groundwater
Conservation District and its General Manager
Alan Day in his official capacity

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2024, a true and correct copy of the foregoing document was served in accordance with the Texas Rules of Civil Procedure on the following counsel of record:

Mr. Lynn Sherman
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Attorneys for Texas A&M
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/s/ Michael A. Gershon
Michael A. Gershon

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Taylor Niblett on behalf of Michael Gershon

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Filing Description: both

Status as of 10/21/2024 10:23 AM CST

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