

<p>TEXAS A&M UNIVERSITY SYSTEM,</p> <p style="text-align: center;"><i>Plaintiff</i></p> <p style="text-align: center;">Vs.</p> <p>BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT AND ALAN DAY, GENERAL MANAGER OF BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT,</p> <p style="text-align: center;"><i>Defendants,</i></p>	§ § § § § § § § § § § § § § § §	<p>IN THE DISTRICT COURT OF</p> <p style="text-align: center;">BRAZOS COUNTY, TEXAS</p> <p style="text-align: center;">472 JUDICIAL DISTRICT</p>
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**CITY OF BRYAN, CITY OF COLLEGE STATION AND
BRAZOS COUNTY’S ORIGINAL PETITION IN INTERVENTION**

TO THE HONORABLE JUDGE OF THIS COURT:

Intervenors City of Bryan (“Bryan”), City of College Station (“College Station”), and Brazos County (collectively the “Brazos County Entities”), file this petition in intervention pursuant to Rules 60 and 61 of the Texas Rules of Civil Procedure.

I. PARTIES

1. Intervenor, the City of Bryan, is a home rule municipality organized under Article XI, Section 5 of the Texas Constitution, located in Brazos County, Texas, that owns and operates wells in the Simsboro formation of the Carrizo Wilcox Aquifer.

2. Intervenor, the City of College Station, is a home rule municipality organized under Article XI, Section 5 of the Texas Constitution, located in Brazos County, Texas, that owns and operates wells in the Simsboro formation of the Carrizo Wilcox Aquifer.

3. Intervenor, Brazos County, is a governmental subdivision of the State of Texas.

4. Plaintiff, Texas A&M University System (“Plaintiff” or “TAMUS”) is a system of higher education and a state agency created by the Texas State Legislature, and maintains its principal place of business in College Station, Texas.

5. Defendant, Brazos Valley Groundwater Conservation District (“BVGCD”) is a conservation and reclamation district created under and subject to the authority, conditions, and restrictions of Article XVI, Section 59 of the Texas Constitution and Chapter 8835 of the Special District Local Laws Code.

6. Intervenor UW Farm is a Delaware limited liability company with its principal place of business located at 7670 Woodway Drive, Suite 200, Houston, Texas 77063, and a property owner in Robertson County.

7. Intervenor Cula d’Brazos LLC is a Texas limited liability company with its principal place of business located at 1108 Kinney Avenue, Austin, Texas 78704, and a property owner in Robertson County.

8. Intervenor RH2O LLC is a Texas limited liability company with its principal place of business located at 8529 Edinburgh Court, Montgomery, Texas 77316, and a property owner in Robertson County.

9. Intervenor L. Wiese Moore LLC is a Texas limited liability company with its principal place of business located at 2208 Churchill Loop, Grapevine, Texas 76051, and a property owner in Robertson County.

10. Intervenor Clifford A. Skiles III is a property owner in Robertson County.

11. Intervenor James C. Brien is a property owner in Robertson County. The Robertson County landowners will be collectively referred to as the “UW Intervenors.”

II. THE LAWSUIT

12. On September 13, 2024, Plaintiff filed its First Amended Petition for Writ of Mandamus and Application for Temporary and Permanent Injunctive Relief seeking an order compelling Defendant to schedule a preliminary hearing on Plaintiff's requests for hearing on various groundwater permit applications that were pending before Defendant (the "Contested Applications").

13. On November 5, 2024, UW Intervenors filed a Petition in Intervention and Response to Application for Injunctive Relief, and the UW Intervenors asserted a claim against Defendant seeking declarations regarding the Contested Applications, including a declaration that Plaintiff's requests for hearing on the applications were untimely and improper.

III. BRAZOS COUNTY ENTITIES' INTEREST IN THE LAWSUIT

14. The Cities of Bryan and College Station own and operate public drinking water systems serving most of the population within Defendant's jurisdictional boundary – Brazos and Robertson Counties. Collectively they currently serve more than 200,000 people, and as set out in the 2021 Region G Water Plan (Region G Plan), Bryan and College Station will be providing drinking water to more than 400,000 people by 2070. Substantially all of the drinking water provided by the cities comes from groundwater from the Simsboro formation of the Carrizo Wilcox Aquifer, produced from wells located in and permitted by Defendant as historic use or operating permits. The granting of the Contested Applications by Defendant would cause significant reductions in artesian head at the cities' wells that would impose significant costs, resulting in increases in the retail rates the Cities charge for water service.

15. Brazos County is a subdivision of the State of Texas responsible for carrying out the administrative and judicial functions for the State as well as the local government responsibilities for county residents living outside of municipalities. Brazos County is located wholly within

Defendant’s jurisdictional boundary. Brazos County, along with the Cities of Bryan and College Station, and Plaintiff have invested significant effort in recruiting industries and employers, including defense, life sciences, manufacturing, and other industries, to locate in Brazos County. An essential element to the attracting industries to Brazos County and promoting economic growth throughout the region is the availability of sufficient, and economically priced, water for public water supply and industrial purposes.

IV. RIGHT TO INTERVENTION

16. A party may intervene if it has a justiciable interest in a lawsuit. A party has a justiciable interest in a lawsuit when the litigation will affect its interests.

17. The Brazos County Entities’ ability to produce groundwater from their Simsboro wells and the economic vitality of the region will be adversely affected if the Contested Applications are granted or declared valid without a hearing, as requested in the UW Intervenors’ declaratory judgment claims. The Brazos County Entities are therefore entitled to intervene.

V. PRAYER

18. Intervenors City of Bryan, City of College Station, and Brazos County respectfully requests that the Court, after trial, issue a writ of mandamus directing Defendant to conduct a contested case hearing on the Contested Applications as requested by Plaintiff.

19. Intervenors City of Bryan, City of College Station, and Brazos County ask the Court to declare that the UW Intervenors’ Contested Applications were not considered at a validly constituted meeting of the BVGCD Board of Directors and that Plaintiff’s requests for contested case hearing on the Contested Applications were timely and proper.

Dated: November 6, 2024

Respectfully submitted,

/s/ C. Joe Freeland

C. Joe Freeland
State Bar No. 07417500
jfreeland@mandf.com

Mathews & Freeland, LLP
2105 East MLK, Jr. Blvd
Austin, Texas 78702
Telephone (512) 404-7800
**ATTORNEYS FOR THE
CITIES OF BRYAN AND COLLEGE
STATION AND BRAZOS COUNTY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following attorneys via the Court's electronic service system on this the 6th day of November 2024:

Lynn Sherman
Breck Harrison
JACKSON WALKER LLP
100 Congress Ave., Suite 1100
Austin, Texas 78701
lsherman@jw.com
bharrison@jw.com
**ATTORNEYS FOR TEXAS A&M
UNIVERSITY SYSTEM**

Michael Gershon
LLOYD, GOSSELINK,
ROCHELLE & TOWNSEND
816 Congress Ave., Suite 1900
Austin, Texas 78701
mgershon@lglawfirm.com
ATTORNEYS FOR ALAN DAY

Kevin T. Jacobs
Travis Gray
BAKER BOTTS
910 Louisiana Street
Houston, Texas 77002-4995
kevin.jacobs@bakerbotts.com
travis.gray@bakerbotts.com

Paulina Williams
Katie Jeffress
BAKER BOTTS
401 South 1st Street, Suite 1300
Austin, Texas 75704-1296
paulina.williams@bakerbotts.com
katie.jeffress@bakerbotts.com

Gaines West
1515 Emerald Plaza
College Station, Texas 77845
gaines.west@westwebblaw.com
**ATTORNEYS FOR UW BRAZOS VALLEY FARM, LLC
CULA D'BRAZOS LLC, RH20 LLC, L. WIESE
MOORE LLC, CLIFFORD SKILES III, AND
JAMES BRIEN**

/s/ C. Joe Freeland_____

C. Joe Freeland