

EXHIBIT 3



Agenda

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT
Regular Board Meeting
District Office**

**112 W. 3rd Street – Hearne, Texas
Thursday, September 12, 2024 – 2:00 p.m.**

Notice is given that the Board of Directors of the Brazos Valley Groundwater Conservation District will hold a Regular Board Meeting on Thursday, September 12, 2024 @ 2:00 p.m. in the District Office.

Call meeting to order

Pledge of Allegiance

Declare quorum present

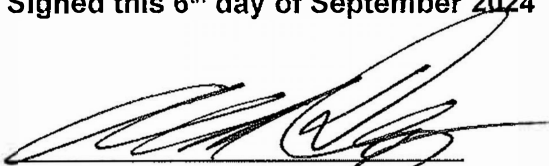
Public Comment

- a) Non-agenda items
- b) Agenda items

1. Discussion and possible action on the minutes of the August 8, 2024 Rules Hearing, Public Permit Hearing & Regular Board Meeting.
2. Financial Report – August 2024
3. Presentation of the 2023 District Financial Audit by Russell Armagost CPA from Milberger, Nesbitt, and Ask, LLP.
4. Discussion and possible action on the adoption of the FY2023 District Financial Audit.
5. Discussion & possible action to amend the 2024 District Operating Budget
6. Presentation by Mark Nickels updating the Board on progress related to the Brazos River Alluvium Aquifer groundwater/surface water interaction study sponsored by the Brazos Valley GCD and being conducted by Baylor University.
7. Discussion and possible action to ratify payment to Albo LLC for the contracted demolition of the building at 213 S. Magnolia Street, Hearne, Texas.
8. Discussion and possible action on the Personnel Committee recommendation for contracted services for FY2025.
9. Executive Session:
 - Texas Government Code 551.071 – To receive attorney-client privileged information regarding District rule amendments including, but not limited to, amendments to District Rules 2.2, 5.2(f) & (g), 6.1, 6.2, 7.1(c), 8.1, 8.3(h) & (j), 8.4, 8.5(b), 8.7, 8.8, 8.9, 9.1, 10.3, 10.4(d), 14.2, 14.3.5, 14.4, 14.6, and Section 16.

- Texas Government Code 551.071 – To receive attorney-client privileged information regarding pending transport permit applications for groundwater from the Simsboro Aquifer.
 - Texas Government Code 551.071 - To receive attorney-client privileged information regarding 2024 & 2025 export permit fee structure.
10. Discussion and possible action, following noticed Public Rules Hearing, on proposed District rule amendments including, but not limited to, amendments to District Rules 2.2, 5.2(f) & (g), 6.1, 6.2, 7.1(c), 8.1, 8.3(h) & (j), 8.4, 8.5(b), 8.7, 8.8, 8.9, 9.1, 10.3, 10.4(d), 14.2, 14.3.5, 14.4, 14.6, and Section 16.
 11. Discussion and possible action on the following pending aggregated transport permit applications for groundwater from the Simsboro Aquifer: (BVTP-002) for RH2O LLC; (BVTP-003) for Clifford A. Skiles III; (BVTP-004) for James C. Brien; (BVTP-005) for L. Wiese Moore LLC; (BVTP-006) for Fazzino Investments LP; (BVTP-007) for Ely Family Partnership LP; and (BVTP-008) for Cula d'Brazos LLC, all of whom are co-applicants with UW Brazos Valley Farm LLC.
 12. General Manager's Report
 - a) Drought Monitor Report
 - b) Wells permitted pursuant to District Rule 8.3(j)
 - c) Simsboro Mitigation Management Zone Update
 - d) GMA 12 DFC Update (GAM Run presentation for GMA 12)
 - e) District Business & Activities
 - f) Management Plan Update
 13. Discussion and possible future agenda items.
 14. Adjourn

Signed this 6th day of September 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**

Item 10 – Consideration & Adoption of Proposed District Rule Revisions

The current set of rules were properly noticed, public comment taken on each proposed revision, and adopted by the Board on September 14, 2023. It was later determined by District staff that three (3) of the current board members had either been ineligible for appointment to the board at the time of their appointment or had become ineligible since the original appointment date. This led to a lack of quorum during the September 14, 2023 board meeting invalidating the action taken by the Board related to the rules.

District staff reinitiated the process for rulemaking by properly posting notice on July 16, 2024 for a Public Rules Hearing on August 8, 2024. The proposed rule revisions have been distributed to the requested distribution list and placed on the District website for public review and comments.

This agenda item is posted as an action item for adoption of proposed rule revisions following the Public Rules Hearing held on August 8, 2024 prior to the Regular Board Meeting. Date of the effective rules is proposed to be retroactive to September 14, 2023.

It is the recommendation of the General Manager that the proposed rule revisions originally developed by the Rules Committee, the Board, District Staff, and vetted by the public be adopted.

EXHIBIT 4

August 8, 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 in advance and in lieu of Board Action on Agenda Items 5 and 6 at the Regular Board Meeting of the Brazos Valley Groundwater Conservation District (BVGCD) scheduled for Thursday, August 8, 2024.

Dear Mr. Day and BVGCD Board Members:


On behalf of the Texas A&M University System (“A&M System”) I am requesting that the Brazos Valley Groundwater Conservation District (“BVGCD”) Board of Directors *postpone any action on Agenda Item 5 pertaining to the District Rule amendments and Agenda Item 6 pertaining to the aggregated transport permit applications*, which are posted on the agenda for the Board’s August 8th regular meeting. Such a postponement will afford an opportunity for those, like the A&M System, who would otherwise oppose Agenda Items 5 & 6 to negotiate with the applicants whose permit applications are the ultimate subject of Agenda Items 5 & 6 in an attempt to reach an amicable resolution and thereby eliminate the need for further opposition and challenges by affected parties.

The A&M System has a lot at stake relative to both of the agenda items referenced above. It operates seven wells, three of which are sourced from the Simsboro aquifer with another planned to follow, that 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. In addition, Texas A&M has future water-dependent opportunities of national and even international significance that can fully materialize only if an adequate supply of water is available to serve them. All of this inures and will continue to inure to the benefit of the communities in the region and the State of Texas as a whole. As a result, it is imperative that the A&M System ensure an adequate water supply is available to meet its needs long term. It is in this vein that the A&M System requests the postponement of BVGCD Board of Directors’ action of Agenda Items 5 & 6 to explore options with the permit applicants.

However, in the same vein, if the BVGCD Board of Directors is *not* inclined to postpone acting on Agenda Item 5 and/or Agenda Item 6 and is inclined to take action on one or both of them or prepares to do so, the A&M System, hereby formally contests each of the permit

applications that is ultimate subject to the agenda item to be acted upon and formally requests the Board of Directors 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 State Office of Administrative Hearings pursuant to Texas Water Code, Sections 36.4051(b)(3) and 36.416(b) and BVGCD Rule 14.3(b). In advance of the preliminary hearing, the A&M System would expect to determine and provide notice as to which applications it was opposed and would continue to contest.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn R. Sherman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lynn R. Sherman

cc: Monique Norman

EXHIBIT 5

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

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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,

A handwritten signature in black ink, appearing to read "Lynn R. Sherman". The signature is fluid and cursive, with the first name "Lynn" and last name "Sherman" clearly distinguishable.

Lynn R. Sherman

cc: Monique Norman