

**SOAH DOCKET NO. 900-25-04017**

|  |   |                                |
|--|---|--------------------------------|
| <b>TRANSPORT PERMIT APPLICATIONS</b>         | § | <b>BEFORE THE</b>              |
| <b>BY UW BRAZOS VALLEY FARM LLC AS</b>       | § |                                |
| <b>CO-APPLICANT WITH THE FOLLOWING</b>       | § | <b>STATE OFFICE</b>            |
| <b>RH20 LLC (BVTP-002), CLIFFORD A.</b>      | § |                                |
| <b>SKILES III (BVTP-003), JAMES C. BRIEN</b> | § | <b>OF</b>                      |
| <b>(BVTP-004), L. WIESE MOORE LLC</b>        | § |                                |
| <b>(BVTP-005), FAZZINO INVESTMENTS</b>       | § | <b>ADMINISTRATIVE HEARINGS</b> |
| <b>LP (BVTP-006), ELY FAMILY</b>             | § |                                |
| <b>PARTNERSHIP (BVTP-007), CULA</b>          | § |                                |
| <b>D’BRAZOS LLC (BVTP-008)</b>               | § |                                |

**CITY OF BRYAN, CITY OF COLLEGE STATION AND BRAZOS COUNTY’S  
RESPONSE TO APPLICANTS’ MOTION TO SET PROCEDURAL SCHEDULE  
AND ASSIGN DISCRETE DOCKET NUMBERS FOR EACH APPLICATION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Protestants, the City of Bryan, City of College Station, and Brazos County (the “Brazos County Protestants”) file this response to Applicants’ motion to set a procedural schedule and assign discrete docket numbers for each application.

**I. PROCEDURAL SCHEDULE**

The Brazos County Protestants believe that it is premature to set a procedural schedule in this matter. Order No. 1, entered by the Brazos Valley Groundwater Conservation District (“BVGCD”) on October 10, 2024, refers this matter to SOAH for mediation “prior to commencement of discovery for the contested case hearing.”<sup>1</sup> Without the benefit of discovery, there is no need for a procedural schedule at this time. Additionally, the appropriate scope and timing of this procedure cannot be determined until then, because mediation could result in settlement or the reduction of the number of issues to try in this matter. Finally, the mediation process itself could be useful for the setting of a procedural schedule if the parties have differing views on the scope or timing of this proceeding.

**II. DISCRETE DOCKET NUMBERS**

The Brazos County Protestants do not understand the need for 7 discrete docket numbers for this proceeding and are concerned that the use of 7 discrete docket numbers could unnecessarily complicate the conduct of the contested case hearing, particularly with regard to pleadings and

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<sup>1</sup> BVGCD Order No. 1, ¶ 4 (Oct. 10, 2024).

transcripts, that could lead to extra cost and the possibility of procedural errors. Nevertheless, the Brazos County Protestants will defer to the position of BVGCD since the hearing is being conducted on BVGCD's behalf.

**Dated: December 16 2024**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Joe Freeland', written over a horizontal line.

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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 SOAH's electronic service system on this the 16<sup>th</sup> day of December 2024:

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