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March 14, 2025

Mr. Kevin T. Jacobs  
Baker Botts, L.L.P.  
910 Louisiana Street  
Houston, Texas 77002

RE: Cause No. 24-002626-CV-472, *Texas A&M Univ. Sys., et al. v. Brazos Valley Groundwater Conservation Dist. and its Gen. Manager Alan Day, et al.*, in the 472<sup>nd</sup> Judicial District Court of Brazos County, Texas.

Dear Kevin:

This letter responds to your letter dated Sunday, March 9, 2025 concerning our clients Brazos Valley Groundwater Conservation District's (the "District's") and its General Manager's respective responses to the Landowner-Intervenors' interrogatories and requests for production.

The District stands by its objections and responses to the Landowner-Intervenors' interrogatories and requests for production. The District maintains this mandamus suit exclusively concerns whether the District is required to refer 33 (thirty-three) of Landowner-Intervenors' permit applications to the State Office of Administrative Hearings for a contested case hearing under District Rule 8.3(j) due to the Texas A&M University System's ("Texas A&M's") request for a contested case hearing in September 2024. These 33 applications are the applications acted on by the District's Board during a period of time in 2023 when the District had Board ineligibility and quorum issues. It is our position that (i) the ineligibility of Directors Elliott, Kennedy, and Zeig, (ii) District Rule 8.3(j), and (ii) the Texas A&M's interpretation of its remedies under District Rule 8.3(j) are the only live issues relevant to the scope of this proceeding. The District and its General Manager have produced all non-privileged documents, communications, and information subject to discovery and responsive to the interrogatories and requests for production in its possession at this time. Any interrogatories and requests for production on topics outside of the ineligibility of Directors Elliott, Kennedy, and Zeig, District Rule 8.3(j), and the Texas A&M's interpretation of its remedies under District Rule 8.3(j) are outside of the scope of issues to be determined in this mandamus suit.

With respect to your request for a privilege log, the District and its General Manager will produce this log by the deadline established in Texas Rule of Civil

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Procedure 193.3(b), which the District and its General Manager calculate to be March 24, 2025, 15 days from the date of the request on March 9, 2025.

With respect to your request in Request for Production No. 1, the four screenshots are of a calendar kept by Alan Day, the District's General Manager—the calendar is not labeled in the screenshot, but this letter confirms the source and substance of the calendar.

The District is supplementing its responses with information recently obtained from its Directors. These documents will be served to all of the parties today. The District and its General Manager reserve the right to amend their responses.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Gershon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael A. Gershon

cc: Ms. Paulina Williams  
Ms. Katie Jeffress  
Baker Botts, L.L.P.

Mr. Jacobs C.S. Steen *of the firm*