

TEXAS A&M UNIVERSITY SYSTEM,	§	
	§	
<i>Plaintiff,</i>	§	
	§	IN THE DISTRICT COURT OF
vs.	§	
	§	
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT AND ALAN DAY, GENERAL MANAGER OF BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT,	§ § § § §	
	§	BRAZOS COUNTY, TEXAS
<i>Defendants,</i>	§	
	§	
vs.	§	
	§	
UW BRAZOS VALLEY FARM LLC, CULA D’BRAZOS LLC, RH2O LLC, L. WIESE MOORE LLC, CLIFFORD A. SKILES III, JAMES C. BRIEN, ELY FAMILY PARTNERSHIP L.L.P., AND FAZZINO INVESTMENTS LP,	§ § § § § § § § §	472nd JUDICIAL DISTRICT
	§	
<i>Intervenors.</i>	§	
	§	

LANDOWNER INTERVENORS’ EXPERT DISCLOSURES

TO: Plaintiff Texas A&M University System, by and through its attorneys of record, Lynn Sherman and Breck Harrison, Jackson Walker LLP, 100 Congress Avenue, Suite 1100, Austin, Texas 78701.

Defendants Brazos Valley Groundwater Conservation District and Alan Day, General Manager of Brazos Valley Groundwater Conservation District, by and through their attorneys of record, Michael A. Gershon and Jacobs C.S. Steen, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

Intervenors Brazos County, City of College Station, and City of Bryan, by and through their attorneys of record, C. Joe Freeland, Mathews & Freeland, LLP, 2105 East MLK, Jr. Blvd., Austin, Texas 78702.

Pursuant to Rule 195.5 of the Texas Rules of Civil Procedure, Intervenors UW Brazos Valley Farm LLC, Cula d’Brazos LLC, RH2O LLC, L. Wiese Moore LLC, Clifford A. Skiles III,

James C. Brien, Ely Family Partnership L.L.P., and Fazzino Investments LP (collectively, the “Landowner Intervenors”) serve the attached expert disclosures. Landowner Intervenors reserve the right to amend and supplement the attached disclosures in accordance with the Texas Rules of Civil Procedure.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ Kevin T. Jacobs

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**RODGERS, MILLER, RODRIGUEZ
AND FUSCO, P.C.**

Jonathan E. Miller
Texas Bar No. 14093000
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P. O. Box 4884
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**ATTORNEYS FOR UW BRAZOS VALLEY FARM
LLC, CULA D'BRAZOS LLC, RH2O LLC, L.
WIESE MOORE LLC, CLIFFORD A. SKILES
III, JAMES C. BRIEN, ELY FAMILY
PARTNERSHIP L.L.P., AND FAZZINO
INVESTMENTS LP**

CERTIFICATE OF SERVICE

I hereby certify that, on March 14, 2025, a true and correct copy of the above and foregoing was served on all known counsel of record via the Court's electronic filing system and/or by email as follows:

Lynn Sherman
Breck Harrison
JACKSON WALKER LLP
100 Congress Ave., Suite 1100
Austin, Texas 78701
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bharrison@jw.com

Attorneys for Plaintiff TAMUS

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Austin, Texas 78702
jfreeland@mandf.com

*Attorneys for Intervenors City of Bryan,
City of College Station, and Brazos County*

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Jake Steen
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TOWNSEND
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mgershon@lglawfirm.com
jsteen@lglawfirm.com

*Attorneys for Brazos Valley Groundwater
Conservation District & Alan Day*

/s/ Kevin T. Jacobs
Kevin T. Jacobs

LANDOWNER INTERVENORS' EXPERT DISCLOSURES

- (a) Disclosures. Without awaiting a discovery request, a party must provide the following for any testifying expert:
- (1) the expert's name, address, and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
 - (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;
 - (B) the expert's current resume and bibliography;
 - (C) the expert's qualifications, including a list of all publications authored in the previous 10 years;
 - (D) except when the expert is the responding party's attorney and is testifying to attorney fees, a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition; and
 - (E) a statement of the compensation to be paid for the expert's study and testimony in the case.

RESPONSE:

1. Bryan A. Garner
8133 Inwood Road
Dallas, Texas 75209
(214) 691-8588

Mr. Garner is an attorney, legal lexicographer, grammarian, and expert on legal drafting who has been practicing in the profession for over 40 years. Mr. Garner will offer opinions and testimony on subject matters within his areas of expertise, including standards of legal drafting, composition, and grammar. Without limiting the foregoing, Mr. Garner will offer opinions and testimony regarding the composition and grammar of Rule 8.3(j) adopted by the Brazos Valley Groundwater Conservation District on September 12, 2024 (the "2024 Ratification Rule"). It is Mr. Garner's

opinion that that 2024 Ratification Rule does not allow the relief that Texas A&M University System (“TAMU”) seeks in this case.

Generally speaking, Mr. Garner will offer testimony concerning the opinions, and the bases therefore, set forth below:

- i. The diction and grammar used in the 2024 Ratification Rule, including the reference to District Rule 14.3.5(a) in the 2024 Ratification Rule;
- ii. BVGCD’s intent and purpose behind the 2024 Ratification Rule, as exemplified in the Rule’s text and history, as applicable; and,
- iii. The intended impact of the composition, diction, and grammar used in the 2024 Ratification Rule with respect to ineligible directors and BVGCD’s prior actions, including the circumstances of this dispute.

In addition to the above, Mr. Garner may testify regarding any other issue that arises in the proceeding related to his expertise. Mr. Garner may also offer his analysis of opinions expressed by persons called as witnesses by other parties to this proceeding. Landowner Intervenors reserve the right to supplement or modify this disclosure.

A list of documents that have been provided to, reviewed by, or prepared by or for Mr. Garner in anticipation of his testimony is attached as **Exhibit 1** and is incorporated fully herein.

A copy of Mr. Garner’s curriculum vitae is attached as **Exhibit 2** and his publication history is attached as **Exhibit 3**. Both documents are incorporated fully herein.

A list of all other cases in which, during the previous four years, Mr. Garner has testified as an expert at trial or by deposition is attached as **Exhibit 4**.

Mr. Garner charged an initial reading fee of \$8,250. His engagement fee is \$15,250 and his billing rate is \$2,450 per hour and \$2,650 per hour for any day on which testimony is planned.

2. Bob Harden, P.E.
Harden Hydrology & Engineering, PLLC
8704 Glenlake Drive
Austin, Texas 78730
(512) 791-1153

Mr. Harden is a hydrologist with Harden Hydrology & Engineering, PLLC. He has over 30 years of experience in hydrologic planning and design, regulatory review, groundwater permitting, groundwater/surface water interactions, industrial groundwater and surface water control systems, water supply development (including engineering design for public water systems, construction management, and resources management), groundwater and surface water modeling, and groundwater rights. Mr. Harden has been a licensed professional engineer (Texas No. 79290) since 1994. Mr. Harden earned a Bachelor of Science in Civil Engineering from The

University of Texas at Austin in 1988 and a Master of Science in Civil Engineering/Water Resources from The University of Texas at Austin in 1992.

Mr. Harden will offer opinions and testimony on subject matters within his areas of expertise, including groundwater permitting, aquifer conditions, and water-supply projects. It is Mr. Harden's opinion that Texas A&M University System ("TAMU") has acted inequitably with respect to the mandamus relief it seeks. Generally speaking, Mr. Harden will offer testimony concerning the opinions, and the bases therefore, set forth below:

- i. Groundwater rights in Texas, the process for obtaining groundwater permits generally and within the BVGCD, and the role of permits in developing water-supply projects;
- ii. Relative view of compliance with relevant rules and statutes between Landowner Intervenor and other permittees who received permits during a similar timeframe;
- iii. Comparative view of potential impacts relative to TAMU or Brazos County Intervenor's wells from other permits issued during a similar timeframe and the Landowner Intervenor's permits that TAMU seeks to belatedly challenge; and
- iv. The Landowner Intervenor's permits and actions taken in reliance on those permits.

In addition to the above, Mr. Harden may testify regarding any other issue that arises in the proceeding related to his expertise. Mr. Harden may also offer his analysis of opinions expressed by persons called as witnesses by other parties to this proceeding. Landowner Intervenor reserve the right to supplement or modify this disclosure.

A list of documents that have been provided to, reviewed by, or prepared by or for Mr. Harden in anticipation of his testimony is attached as **Exhibit 5** and is incorporated fully herein.

A copy of Mr. Harden's curriculum vitae, his publication history, and a list of all other cases in which, during the previous four years, Mr. Harden has testified as an expert at trial or by deposition are attached as **Exhibit 6**. All documents are incorporated fully herein.

Mr. Harden will be compensated at a rate of \$275/hour for his work in this matter.

Pursuant to Texas Rule of Civil Procedure 195.5(4)(A), the following materials have been provided to Mr. Garner in anticipation of his testimony:

1. A true and correct copy of the current BVGCD Rules, as amended on September 12, 2024;
2. True and correct copies of the two previous versions of BVGCD Rules, as amended on September 14, 2023, and as amended on September 10, 2020;
3. All parties' original and amended pleadings; and,
4. All parties' briefing in support and/or in response to Intervenors' Traditional Motion for Summary Judgment, dated November 8, 2024.

CAUSE NO. 24-002626-CV-472

TEXAS A&M UNIVERSITY SYSTEM,	§	
	§	
<i>Plaintiff,</i>	§	
	§	IN THE DISTRICT COURT OF
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	§	
BRAZOS VALLEY GROUNDWATER	§	
CONSERVATION DISTRICT AND	§	
ALAN DAY, GENERAL MANAGER OF	§	
BRAZOS VALLEY GROUNDWATER	§	
CONSERVATION DISTRICT,	§	
	§	BRAZOS COUNTY, TEXAS
<i>Defendants,</i>	§	
	§	
vs.	§	
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UW BRAZOS VALLEY FARM LLC,	§	
CULA D’BRAZOS LLC, RH2O LLC, L.	§	
WIESE MOORE LLC, CLIFFORD A.	§	
SKILES III, JAMES C. BRIEN, ELY	§	472nd JUDICIAL DISTRICT
FAMILY PARTNERSHIP L.L.P., AND	§	
FAZZINO INVESTMENTS LP,	§	
	§	
<i>Intervenors.</i>	§	
	§	

Exhibit 2

BRYAN A. GARNER
8133 Inwood Road
Dallas, Texas 75209
(214) 691-8588 bgarner@lawprose.org

- Employment** President, LawProse Inc.; Dallas, Texas; December 1990–present
Have taught more than 3,900 public & private CLE programs since January 1991;
consultant on legal-writing & drafting projects (briefs, corporate documents, etc.);
frequent expert witness on legal linguistics
Distinguished Research Professor of Law, Southern Methodist University
(teaching since 1990, current title since 2009)
Garner & Garner LLP, 2018–present (appellate practice)
Lecturer in Law, University of Texas School of Law, 2015–2021
Visiting Associate Professor of Law, University of Texas at Austin, 1988–1990
Associate at Carrington, Coleman, Sloman & Blumenthal, Dallas, 1985–1988;
Hiring Committee, 1987–1988
Law clerk to Judge Thomas M. Reavley, Fifth Circuit, 1984–1985
- Author** *Garner's Modern English Usage* (Oxford Univ. Press, 2016)
The Chicago Guide to Grammar, Usage, and Punctuation (Univ. of Chicago Press, 2016)
Garner's Dictionary of Legal Usage (Oxford Univ. Press, 3d ed. 2011; 2d ed. 1995; 1st ed. 1987)
(foreword by Judge Thomas M. Reavley)
Making Your Case: The Art of Persuading Judges (West, 2008) (coauthored with Justice Antonin Scalia)
Reading Law: The Interpretation of Legal Texts (West, 2012) (coauthored with Justice Antonin Scalia)
Nino and Me: My Unusual Friendship with Justice Antonin Scalia (Simon & Schuster, 2018)
The Law of Judicial Precedent (Thomson Reuters, 2016) (coauthored with 12 appellate judges)
(foreword by Justice Stephen Breyer)
Garner on Language and Writing (ABA, 2009) (foreword by Justice Ruth Bader Ginsburg)
Guidelines for Drafting and Editing Legislation (RosePen, 2016)
(under the auspices of the Uniform Law Commission) (foreword by Judge Harriet Lansing)
Garner's Guidelines for Drafting and Editing Contracts (West, 2019)
The Winning Brief (Oxford Univ. Press, 3d ed. 2014; 2d ed. 2004; 1st ed. 1999)
The Winning Oral Argument (West, 2009)
Legal Writing in Plain English (Univ. of Chicago Press, 2d ed. 2013; 1st ed. 2001)
The Elements of Legal Style (Oxford Univ. Press, 2d ed. 2002; 1st ed. 1991)
(foreword by Charles Alan Wright)
The Redbook: A Manual on Legal Style (West, 4th ed. 2018; 3d ed. 2013; 2d ed. 2006; 1st ed. 2002)
Ethical Communications for Lawyers (LawProse, 2009)
Securities Disclosure in Plain English (CCH, 1999)
HBR Guide to Better Business Writing (Harvard Business Review, 2013)
The Rules of Golf in Plain English (Univ. of Chicago Press, 4th ed. 2016; 3d ed. 2013; 2d ed. 2008;
1st ed. 2004) (coauthored with Jeffrey Kuhn)
Garner's Modern American Usage (Oxford Univ. Press, 3d ed. 2009; 2d ed. 2003; 1st ed. 1998)
(abridged as *The Oxford Dictionary of American Usage and Style* (2000))
Quack This Way: David Foster Wallace and Bryan A. Garner Talk Language and Writing (RosePen, 2013)
Taming the Tongue in the Heyday of English Grammar (1711–1851) (Grolier, 2021)
Hardly Harmless Drudgery: Landmarks in English Lexicography (Godine, 2024) (with Jack Lynch)
- Chief Editor** *Black's Law Dictionary* (Thomson-Reuters & West, 12th ed. 2024; 11th ed. 2019; 10th ed. 2014; 9th ed.
2009; 8th ed. 2004; 7th ed. 1999; and all pocket & abridged eds. since 1995)
A New Miscellany-at-Law, by Sir Robert Megarry, retired Vice Chancellor of England & Wales (2005)
(completed & edited the book for ailing 96-year-old friend)
Texas, Our Texas: Remembrances of the University (Eakin Press, 1984)
- Consultancies** Drafting and style consultant to:
- Standing Committee on Rules of Practice and Procedure, Judicial Conference of the U.S. (restyled amendments to federal rules, including rewrites of the Civil Rules, Appellate Rules, and Criminal Rules), 1992–1999 (appointed by Rehnquist C.J.), 2015–present (appointed by Roberts C.J.)
 - U.S. Judicial Conference (restyled the Rules for Judicial-Conduct and Judicial-Disability Proceedings), 2007–2008
 - 11th Circuit Court of Appeals (restyled criminal & civil jury instructions), 2008–2013
 - 10th Circuit Court of Appeals (restyled local rules), 1998

- Consultancies** Drafting and style consultant to:
- Supreme Court of Delaware (restyled Delaware civil & criminal jury charges), 1996–2003
 - Supreme Court of Texas (restyled Texas Rules of Appellate Procedure), 1995–1996
 - California Judicial Council (restyled California Rules of Appellate Procedure and Judicial Council Rules), 1997–2000
 - California State Bar Court (restyled procedural rules for lawyer discipline), 2009–2010
 - California Political Reform Commission (restyling the California Political Reform Act), 2016
 - Lexicographic consultant to the Oxford Dictionary Department, Oxford, England, on legal terms, including for the *Oxford English Dictionary*, 1988–present
- Journalism** Contributing editor, *National Review*, since 2020 (column: “Garner the Grammarian”) Editorial Advisory Board, *The Green Bag* (journal), 2004–present; columnist for *Green Bag Almanac* Columnist, “Garner on Words,” *ABA Journal*, Aug. 2012–present Consultant and contributor to *The Chicago Manual of Style* (15th & later eds.) (author of chapter 5, “Grammar and Usage”) Founding Editor, *The Scribes Journal of Legal Writing* (editor in chief, 1990–2000)
- Professional Activities** Founder and Chair, American Friends of Dr. Johnson’s House (since 2022) Board of Directors, Center for American and International Law (Plano, Texas), 2015–2023 (Chair, Communications Committee, 2020–2023) Board of Trustees, Dr. Johnson’s House, 17 Gough Street, London (2020–present) Board of Directors, Texas Law Review Association, 2000–2009 President, American Society of Legal Writers (Scribes), 1997–1999 (board member, 1991–2018) Life Member, American Law Institute (member since 1992) Reporter and lead reviser, Special Committee on Bylaws and Council Rules, 1993–1994 Chair, Plain-Language Committee, State Bar of Texas, 1989–1995 Life Fellow, Texas Bar Foundation Member, Philosophical Society of Texas, 1993–present (2d vice president, 2024; chair, Nonfiction Prize, 2016–present; chair, Book Prizes generally, 2021–present) Member, American Antiquarian Society, 2021–present Visiting Scholar: University of Salzburg, June 1995, July 1998; University of Glasgow, July 1996; University of Cambridge, Wolfson College, July 1997 Admitted to practice in U.S. Supreme Court and all federal circuits
- Honors** 2025 Outstanding Alumnus Award, Friar Society, University of Texas at Austin 2025 Texas Institute of Letters 2023 Honorary President, Samuel Johnson Society of the West (San Marino, Cal.) 2020 Lifetime Achievement Award, American Society of Legal Writers 2015 Exemplary Legal Writing Award, *Green Bag Almanac*, for *Black’s Law Dictionary* (10th ed.) 2015 Bernie Siegan Award, Federalist Society, San Diego Chapter 2011 Canyon High School Hall of Fame (Canyon, Texas) 2010 Burton Award: Legal-Writing and Reference-Book Author of the Decade (Washington, D.C., presented at the Library of Congress) 2010 Benjamin Franklin Book Award, Independent Book Publishers Association (for *Garner on Language and Writing*, 2009) 2009 Burton Award: Outstanding Book in Law (Washington, D.C.) (for *Making Your Case: The Art of Persuading Judges*, coauthored with Justice Antonin Scalia) 2005 Lifetime Achievement Award, Center for Plain Language (Washington, D.C.) 2000 Scribes Book Award for Research and Writing (for *Black’s Law Dictionary*, 7th ed.) 1998 Outstanding Young Texas Ex Award 1997 Clarity Award for Clear Legal Writing, State Bar of Michigan (for role as principal stylistic reviser of the Federal Rules of Appellate Procedure) 1994 Henry C. Lind Award, Association of Reporters of Judicial Decisions (for significant contributions to the improved reporting of American judicial decisions)
- Education** B.A., 1980, University of Texas at Austin Phi Beta Kappa; Special Honors in Plan II J.D., 1984, University of Texas at Austin *Texas Law Review*, associate editor, 1983–1984; Friar Society, Abbot, 1983–1984 Honorary degrees: LL.D., Stetson University College of Law, Gulfport, Florida, 2010 LL.D., University of LaVerne, Ontario, California, 2007 LL.D., Western Michigan University Cooley Law School, Lansing, Michigan, 2000
- Clubs** Century Association (N.Y.), Grolier (N.Y.), Johnsonians (N.Y.), Cosmos (Washington, D.C.)

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TEXAS A&M UNIVERSITY SYSTEM, §

Plaintiff, §

vs. §

BRAZOS VALLEY GROUNDWATER §
CONSERVATION DISTRICT AND §
ALAN DAY, GENERAL MANAGER OF §
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CONSERVATION DISTRICT, §

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vs. §

UW BRAZOS VALLEY FARM LLC, §
CULA D’BRAZOS LLC, RH2O LLC, L. §
WIESE MOORE LLC, CLIFFORD A. §
SKILES III, JAMES C. BRIEN, ELY §
FAMILY PARTNERSHIP L.L.P., AND §
FAZZINO INVESTMENTS LP, §

Intervenors. §

IN THE DISTRICT COURT OF

BRAZOS COUNTY, TEXAS

472nd JUDICIAL DISTRICT

Exhibit 3

Publications of Bryan A. Garner

Author (Books)

- The Etceter: The Life and Art of Oskar Stoessel* (forthcoming, Godine, 2025).
- Hardly Harmless Drudgery: Landmarks in English Lexicography* (Godine, 2024).
- The Chicago Manual of Style* (sole author of 143-page chapter “Grammar and Usage”) (Chicago, 18th ed. 2024; 17th ed. 2017; 16th ed. 2010; 15th ed. 2003).
- Essentials for Drafting Clear Legal Rules* (2024) (coauthored with Joseph Kimble).
- The Redbook: A Manual on Legal Style* (West, 5th ed. 2023; 4th ed. 2018; 3d ed. 2013; 2d ed. 2006; 1st ed. 2002).
- Legal Writing in Plain English* (Univ. of Chicago Press, 3d ed. 2023; 2d ed. 2013; 1st ed. 2001).
- Taming the Tongue in the Heyday of English Grammar (1711–1851)* (Grolier, 2021).
- Garner’s Modern English Usage* (Oxford Univ. Press, 5th ed. 2022; 4th ed. 2016; 3d ed. [Garner’s *Modern American Usage*] 2009; 2d ed. 2003; 1st ed. 1998) (abridged as *The Oxford Dictionary of American Usage and Style* (2000)).
- Garner’s Coursebook on Drafting and Editing Contracts* (West, 2020).
- Garner’s Guidelines for Drafting and Editing Contracts* (West, 2019).
- Nino and Me: My Unusual Friendship with Justice Antonin Scalia* (Simon & Schuster, 2018).
- Garner’s Modern English Usage* (Oxford Univ. Press, 2016).
- The Chicago Guide to Grammar, Usage, and Punctuation* (Univ. of Chicago Press, 2016).
- The Law of Judicial Precedent* (Thomson Reuters, 2016) (coauthored with 12 appellate judges, including Justice Neil Gorsuch and Justice Brett Kavanaugh) (foreword by Justice Stephen Breyer).
- Guidelines for Drafting and Editing Legislation* (RosePen, 2016) (under the auspices of the Uniform Law Commission) (foreword by Judge Harriet Lansing).
- The Rules of Golf in Plain English* (Univ. of Chicago Press, 4th ed. 2016; 3d ed. 2013; 2d ed. 2008; 1st ed. 2004) (coauthored with Jeffrey Kuhn).
- The Winning Brief* (Oxford Univ. Press, 3d ed. 2014; 2d ed. 2004; 1st ed. 1999).
- HBR Guide to Better Business Writing* (Harvard Business Review, 2013).
- Quack This Way: David Foster Wallace and Bryan A. Garner Talk Language and Writing* (RosePen, 2013).
- Reading Law: The Interpretation of Legal Texts* (West, 2012) (coauthored with Justice Antonin Scalia).
- Garner’s Dictionary of Legal Usage* (Oxford Univ. Press, 3d ed. 2011; 2d ed. 1995; 1st ed. 1987) (foreword by Judge Thomas M. Reavley).
- Garner on Language and Writing* (ABA, 2009) (foreword by Justice Ruth Bader Ginsburg).
- The Winning Oral Argument* (West, 2009).
- Making Your Case: The Art of Persuading Judges* (West, 2008) (coauthored with Justice Antonin Scalia).
- Ethical Communications for Lawyers* (LawProse, 2009).
- The Elements of Legal Style* (Oxford Univ. Press, 2d ed. 2002; 1st ed. 1991) (foreword by Charles Alan Wright).
- Family Law Terms* (West Group, 2001).
- Criminal Law Terms* (West Group, 2000).
- Basic Law Terms* (West Group, 1999).
- Securities Disclosure in Plain English* (CCH, 1999).
- Business Law Terms* (West Group, 1999).
- Guidelines for Drafting and Editing Court Rules* (Administrative Office of the United States Courts, 1996). Reprinted in 169 F.R.D. 176–218 (1997).

Chief Editor

- Reavley on Law, Judging, and the Good Life* (RosePen, 2022).
- Black’s Law Dictionary* (Thomson-Reuters & West, 12th ed. 2024; 11th ed. 2019; 10th ed. 2014; 9th ed. 2009; 8th ed. 2004; 7th ed. 1999; and all pocket & abridged eds. since 1995).
- A New Miscellany-at-Law*, by Sir Robert Megarry, retired Vice Chancellor of England & Wales (2005).

Texas, Our Texas: Remembrances of the University (Eakin Press, 1984).

Author (articles)

ABA Journal

- When Editing, Good Direction Makes Everyone's Life Easier*, 52 ABAJ (Feb. 1, 2025).
Point-Heading Problems, 52 ABAJ (Jan. 2025).
Bryan Garner's 2024 Legal Writing Tips, 52 ABAJ (Dec. 23, 2024).
When Writing Motions and Briefs, Typography Matters, 52 ABAJ (Dec. 1, 2024).
Some Lawyers Don't Write Memos Anymore, and That's a Bad Idea, ABAJ (Nov. 2024).
Guard Against Poor Legal Research with These 3 Writing Practices, 52 ABAJ (Oct. 1, 2024).
Lawyers as Explainers: Remember, You Are Writing for Intelligent People, 51 ABAJ (Aug. 1, 2024).
In Some Lawyers' Hands, the Lexicographer Rule Can Run Amok, 51 ABAJ (June 1, 2024).
New Legalese: You May Have Heard a Deepfake, But What About 'Twiqbal'?, 51 ABAJ (Apr. 1, 2024).
Can You Spot the Wrong Words in Bryan Garner's Quiz?, 51 ABAJ (Feb 1, 2024).
Bryan Garner's 2023 Legal Writing Tips, 51 ABAJ (Dec. 21, 2023).
Blissful Ignorance: Bad Writers May Be Happier than Good Ones, 51 ABAJ (Dec. 1, 2023).
Bring Some Brio to Your Writing to Add Clarity, Says Bryan Garner, 51 ABAJ (Oct. 1, 2023).
Legal Interpretation: A Quiz Based on Recent Cases, 50 ABAJ (Aug. 1, 2023).
Will 'Chatbot Lawyer' Make It into Black's Law Dictionary?, 50 ABAJ (June 1, 2023).
Was the First English-Language Dictionary Penned by a Legal Lexicographer?, 50 ABAJ (Apr. 1, 2023).
How to Frame a Legal Issue: Part II, 50 ABAJ (Feb. 1, 2023).
Bryan Garner's 2022 Legal Writing Tips, 50 ABAJ (Dec. 22, 2022).
4 Dogmas Debunked: How to Frame a Legal Issue, Part I, 50 ABAJ (Dec. 1, 2022).
Word Game: 'The Denotations Might Be the Same; the Connotations Are Entirely Different', 50 ABAJ (Oct. 1, 2022).
4 Principles of Legal Writing Bryan Garner Learned from Clerking at the 5th Circuit, 49 ABAJ (Aug. 1, 2022).
How to Verify Proper Spelling and Understand That Words Change Over Time, 49 ABAJ (June 1, 2022).
Grammar Rules: The Case of the Unhyphenated Phrasal Adjectives, 49 ABAJ (Apr. 1, 2022).
Bryan Garner Shares Brief-Writing Advice from the Late Supreme Court Justice Wiley B. Rutledge, 49 ABAJ (Feb. 1, 2022).
Bryan Garner's 2021 Legal Writing Tips, 49 ABAJ (Dec. 13, 2021).
How to Effectively Use Legal Dictionaries, 49 ABAJ (Dec. 1, 2021).
Bryan Garner Touts the Michigan Bar Journal's Celebration of Plain English, 49 ABAJ (Oct. 1, 2021).
How to Budget Your Day While Moving Through Your Motions, 48 ABAJ (Aug. 1, 2021).
How to Craft Your Legal Writing on the Clock, 48 ABAJ (June 1, 2021).
Your Recipe for Effective Legal Writing, 48 ABAJ (Apr. 1, 2021).
If You Can Give Good Directions, You Can Probably Write a Good Brief, 48 ABAJ (Feb. 1, 2021).
Polish Your Writing Skills with Bryan Garner's 2020 Advice, 48 ABAJ (Dec. 23, 2020).
There's a Formula for Effectively Explaining Caselaw, 48 ABAJ (Dec. 1, 2020).
Do You Use 'Good English'? Test Your Grammatical Skills with This 20-Question Quiz, 48 ABAJ (Oct. 1, 2020).
How to Make the Most of Your Time During the Pandemic, 47 ABAJ (Aug. 1, 2020).
'Good English' Always Has Been a Path to the Legal Profession, 47 ABAJ (June 1, 2020).
If You're a Lawyer Who's Not Writing and Editing Like a Pro, Get to Work, 47 ABAJ (Apr. 1, 2020).
Legal Writers Can Learn a Lot from These Unparalleled Unpublished Opinions, 47 ABAJ (Feb. 1, 2020).
The Gentle Art of Impeaching Adversaries, 47 ABAJ (Sep. 1, 2019).
Is Jargon a 'Perversion of Language'? Jeremy Bentham on Legislation and Legal Style, 46 ABAJ (July 1, 2019).
Language to Live By: 19th Century Author's Posthumous Advice on Use of Words and Meaning, 46 ABAJ (June 2019).
You Have a Point There: Test Your Punctuation Skills with a Little Quiz, 46 ABAJ (May 1, 2019).
Old-Fashioned Textualism Is All About Interpretation, Not Legislating from the Bench, 46 ABAJ (Apr. 1, 2019).
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Other Publications

- Dictionaries as Authorities: Can They and Should They?*, J. Dictionary Society of N. Am. (2021).
- On Judicial Supremacy*, *Wall St. J.* (Sep. 8, 2021).
- "The Dictionary Wars" Review: Fighting Words*, *Wall St. J.* (May 28, 2019).
- An Unlikely Celebrity*, *Wall St. J.* (Oct. 22, 2018).
- Bryan A. Garner Reviews "Ruth Bader Ginsburg: A Life" by Jane Sherron De Hart*, *Wall St. J.* (Oct. 21, 2018).
- This Handwritten Will Is Not Brought to You by the Letter "H,"* 31 *Prob. & Prop.* 64 (2017).
- 12 Months of Reading*, *Wall St. J. Abstracts* (Dec. 10, 2016).
- Memorandum: Is Ted Cruz Eligible for the Presidency?*, *Atlantic Online* (Jan. 14, 2016).

- Whether “Whether” Causes Problems for Legal Writers, Above the Law* (Apr. 17, 2015).
- What’s the Easiest Way to Improve Most Transactional Drafting?, Above the Law* (Mar. 20, 2015).
- The Importance of Attentive Reading*, 18 TYL 4 (2013–2014).
- Bryan A. Garner on America’s Unwritten Constitution: The Precedents and Principles We Live By*, Los Angeles Review of Books (Dec. 9, 2012).
- The Opinion Pages: Which Language and Grammar Rules to Flout*, N.Y. Times (Sept. 27, 2012).
- Webinar: Language*, Int’l Herald Trib. (Mar. 1, 2010).
- Webinar*, N.Y. Times (Feb. 28, 2010).
- Webinar*, N.Y. Times (Feb. 25, 2010).
- Telling the Good from the Bad*, 88 Mich. B.J. 48 (Dec. 2009).
- The Ongoing Struggles of Garlic-Hangers*, in 3 *Forum: A Publication of the ALSC* 20–32 (Spring 2009).
- A Texan Fowler?*, English Today (Oct. 17, 2008).
- Harmless Drudgery?*, Book Review: *The Yale Edition of the Works of Samuel Johnson, vol. xviii: Samuel Johnson on the English Language*, Essays in Criticism 65–72 (Jan. 2007).
- Legal Lexicography: A View from the Front Lines*, in *Language and the Law: Proceedings of a Conference* 109–124 (2003).
- Calling for a Truce in the Descriptivist–Prescriptivist Wars*, English Today (Mar. 2003).
- Legal Lexicography: A View from the Front Lines*, English Today (Jan. 2003).
- What’s the Plural of Mouse? “Wired Style” Likes “Mouses,”* San Diego Union-Tribune (Mar. 14, 2000).
- Review: Capturing Netspeak, But Not Reining It In*, N.Y. Times (Mar. 9, 2000).
- A Simple Matter of Conjugational Infidelity*, Wall St. J. (Dec. 20, 1999).
- Reconstructing Lindley Murray’s Bibliophilic Legacy*, Bookman’s Weekly 73–74 (Jan. 13, 1997).
- Guidelines for Drafting and Editing Court Rules*, 169 F.R.D. 176 (1997).
- Ten Questions for Bryan Garner*, Scrivener 1, 6–7 (Fall 1996).
- Book Review: R.W. Burchfield, *The New Fowler’s Modern English Usage* (Oxford & N.Y.: Oxford University Press, 1996). Reviewed in *Gleanings of the H.W. Fowler Society*, vol. 8, p. 16 (Spring 1997).
- Planning an In-House Writing Workshop?: Reflections from a Veteran CLE Instructor*, 40 CLE J. & Register 5–11 (1993).
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- Book Review: *The University of Chicago Manual of Legal Citation* (Chicago: Lawyers Co-operative, Bancroft-Whitney & Mead Data 1989). Reviewed in *Texas Bar Journal*, vol. 52, no. 10, p. 1221 (Nov. 1989). See also my letter to the editor, vol. 54, no. 4, p. 357 (April 1990).
- The Hearsay Rule and Its Exceptions*, Bryan A. Garner & Barbara M.G. Lynn, CLE Presentation (Apr. 1988) (course booklet, Univ. Houston CLE: How to Offer and Exclude Evidence).
- UTmost Interviews John Simon*, UTmost 36–40 (Winter 1984).
- Learned Length and Thund’ring Sound: A Word-Lover’s Panegyric*, 3 Verbatim 1–3 (Winter 1984).

Shakespeare

- Shakespeare's Latinate Neologisms*, 15 *Shakespeare Studies* 149-70 (1982) (reprinted in *A Reader in the Language of Shakespearean Drama* (John Benjamins 1987)) (abridged as *Shakespeare as Latinate Wordmaker*, 33 *Shakespeare Newsletter* 40 (Winter 1983)).
- Latinate Past Participles as Metrical and Stylistic Variants in Shakespeare*, 19 *Language and Style* 242-47 (1986).
- Shakespeare's Learned Language*, 33 *The Shakespeare Newsletter* 40 (Winter 1983).
- Etymological Overlap: Analogous Derivatives in English*, 10 *Verbatim* 20-21 (Autumn 1983).
- Latin-Saxon Hybrids in Shakespeare and the Bible*, 10 *Studies in the Humanities* 39-44 (June 1983) (abridged as *Shakespeare's Latin-Saxon Hybrids*, 33 *Shakespeare Newsletter* 40 (Winter 1983)) (reprinted in, *A Reader in the Language of Shakespearean Drama* (John Benjamins 1987)).
- Shakespeare's The Taming of the Shrew, V.II.54*, 41 *Explicator* 16-17 (Spring 1983).
- A Note on Holofernes' Pronunciamentos*, 20 *American Notes & Queries* 100-01 (Mar./Apr. 1982).
- Meretricious Words, or the Queen's English*, 8 *Verbatim* 1-5 (Winter 1982).
- A Note on the Ambiguity of Macbeth's "Intrenchant"*, 20 *American Notes & Queries* 39-43 (Nov./Dec. 1981) (reprinted in 21 *American Notes & Queries* 36-40 (Nov./Dec. 1982)).

CAUSE NO. 24-002626-CV-472

TEXAS A&M UNIVERSITY SYSTEM, §

Plaintiff, §

vs. §

BRAZOS VALLEY GROUNDWATER §
CONSERVATION DISTRICT AND §
ALAN DAY, GENERAL MANAGER OF §
BRAZOS VALLEY GROUNDWATER §
CONSERVATION DISTRICT, §

Defendants, §

vs. §

UW BRAZOS VALLEY FARM LLC, §
CULA D’BRAZOS LLC, RH2O LLC, L. §
WIESE MOORE LLC, CLIFFORD A. §
SKILES III, JAMES C. BRIEN, ELY §
FAMILY PARTNERSHIP L.L.P., AND §
FAZZINO INVESTMENTS LP, §

Intervenors. §

IN THE DISTRICT COURT OF

BRAZOS COUNTY, TEXAS

472nd JUDICIAL DISTRICT

Exhibit 4

Cases in Which Bryan A. Garner Has Testified

1. Over the years, I have testified in many cases as an expert—in open court, by deposition, and by affidavit. I have also served as a consultant on the interpretation of legal texts and the English language more generally. During the past four years, I have not testified in a lawsuit. I understand *case* as used in Federal Rule of Civil Procedure 26(a)(2)(B)(v) not to include arbitrations; my editions of *Black's Law Dictionary* support this reading.
2. For some time now, my hourly rate has been \$2,450 for expert-witness work and \$2,650 for days involving live testimony. I receive an initial reading fee of \$8,250 and, if I undertake the engagement, an engagement fee of \$15,250.
3. I declare under penalty of perjury that the foregoing report is true and correct. Signed this 14th day of March 2025, in Dallas County, Texas.


Bryan A. Garner


Date

Pursuant to Texas Rule of Civil Procedure 195.5(4)(A), the following materials have been provided to Mr. Harden in anticipation of his testimony:

1. A list of all permits that the Brazos Valley Groundwater Conservation District (“BVGCD” or the “District”) considered and issued during the following meeting and hearing dates: February 9, 2023; March 9, 2023, August 10, 2023, September 14, 2023; October 12, 2023; and May 16, 2024; and
2. Permit applications and supporting documents submitted to the BVGCD and considered in advance of permit hearings during the following dates: February 9, 2023; March 9, 2023, August 10, 2023, September 14, 2023; October 12, 2023; and May 16, 2024.

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SKILES III, JAMES C. BRIEN, ELY §
FAMILY PARTNERSHIP L.L.P., AND §
FAZZINO INVESTMENTS LP, §

Intervenors. §

IN THE DISTRICT COURT OF

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472nd JUDICIAL DISTRICT

Exhibit 6

Mr. Harden has over 30 years of specialized experience in the field of hydrology. His experience spans both surface and groundwater hydrology including hydrologic design, regulatory review and permitting, regulatory program development, industrial groundwater and surface water control, water supply development, construction management, resource management, and expert witness experience in Texas, the United States, and overseas. His experience includes work for municipalities, water supply corporations, local, state and federal agencies, state river authorities, private landowners, and other entities representing a range of industries including mining, oil and gas, power production, agriculture, land development, and manufacturing. Specific work experience involves both regional and site-specific groundwater and surface water investigations, water supply planning, well and well field design engineering, pollution investigations involving oil and gas production, rainfall-runoff and drainage evaluations, drainage and control structure design, floodplain delineation, groundwater flow and contaminant transport modeling, surface water runoff and hydraulic flow modeling, construction management, water rights acquisition, and due diligence investigations. Expert witness testimony includes groundwater management, well and production permitting, surface water handling and drainage control systems, causes of flooding and inundation, water quality contamination, hydraulic fracturing operations, environmental permitting, water rights valuation, and property condemnation cases. Mr. Harden has provided deposition and court room testimony in local, State, and Federal courts and invited testimony to the Texas Legislature. On many occasions, Mr. Harden has presented both detailed technical as well as more general informational presentations to public stakeholders including landowner interest groups, groundwater conservation districts, city councils, state agencies, groundwater management areas, regional water planning groups, water suppliers, and water related conferences.



Education

B.S., Civil Engineering, 1988,
 The University of Texas at Austin
 M.S., Civil Engineering/Water Resources, 1992,
 The University of Texas at Austin

Registration/Certification

Licensed Professional Engineer, State of Texas

Professional Affiliations

National Society of Professional Engineers
 Texas Society of Professional Engineers
 American Water Works Association
 National Groundwater Association

Professional Experience Summary

2021 – Present

Hydrologist / Engineer
 President
 Harden Hydrology & Engineering, PLLC
 Austin, Texas

Professional Experience Summary (con't)

2017 – 2021

Hydrologist / Engineer
 President
 Harden Hydrology, LLC
 Austin, Texas

2000 - 2017

Hydrologist / Engineer
 Vice President
 R.W. Harden and Associates, Inc.
 Austin, Texas

1992 - 2000

Hydrologist / Engineer
 R.W. Harden and Associates, Inc.
 Austin, Texas

1989 - 1992

Assistant Engineer
 Railroad Commission of Texas
 Austin, Texas

Scientific Reports / Papers (partial listing of public domain work)

- Harden, B. 2022, Aquifer Impact Study: Technical Report provided to Post Oak Savannah Groundwater Conservation District in conjunction with Sandow Lakes Ranch 15,000 acre-feet per year groundwater permit amendment application. Prepared for Sandow Lakes Ranch I, LP.
- Harden, B. 2022, Aquifer Impact Study: Technical Report provided to Post Oak Savannah Groundwater Conservation District in conjunction with Sandow Lakes Ranch 9,000 acre-feet per year groundwater permit application. Prepared for Sandow Lakes Ranch I, LP.
- Harden, B. 2021, Aquifer Impact Study: Technical Report provided to Post Oak Savannah Groundwater Conservation District in conjunction with ALCOA 25,000 acre-feet per year groundwater permit amendment application. Prepared for ALCOA USA, Corp.
- Harden, B., 2014, Managing Uncertainty in Life and Water Supplies: Paper provided to CLE International Water Law Conference in Austin, Texas.
- Harden, B., 2013, Restructuring the Groundwater Management Template Regarding DFCs, MAGs, and GMAs: Paper provided to CLE International Water Law Conference in Austin, Texas.
- R.W. Harden & Associates, 2011, Response to Section 12.146 Reclamation Plan: Protection of the Hydrologic Balance Surface Water, Permit No. 1F - Revision Application Sandow Mine, Milam County, Texas. Prepared for ALCOA, Inc.
- Beach, J., Harden, B, Thornhill, M., 2011, Hydrogeologic, Geochemical and Groundwater Modeling Evaluation of the Leon-Belding Area in Pecos County: Prepared for Fort Stockton Holdings, L.P. by R.W. Harden & Associates, Inc., LBG-Guyton Associates, and Thornhill Group, Inc.
- R.W. Harden & Associates, 2011, Response to Section 12.146 Reclamation Plan: Protection of the Hydrologic Balance, Permit No. 1F - Revision No. 15 Revised Postmine Land Use Plan Sandow Mine, Milam County, Texas. Prepared for ALCOA, Inc.
- Beach, J., Harden, B, Thornhill, M., 2011, Groundwater Availability Assessment for the Edwards-Trinity (Plateau) Aquifer in Western Pecos County with Focus on Leon-Belding Area: Prepared for Fort Stockton Holdings, L.P. by R.W. Harden & Associates, Inc., LBG-Guyton Associates, and Thornhill Group, Inc.
- R.W. Harden & Associates, 2008, Response to Section 12.146 Reclamation Plan: Protection of the Hydrologic Balance Surface Water, Permit No. 1E - Renewal Application Sandow Mine, Milam County, Texas. Prepared for ALCOA, Inc.
- Bené, J., Griffin, S., Harden, B., Nicot, J, 2007, Northern Trinity/Woodbine Groundwater Availability Model Assessment of Groundwater Use in the Northern Trinity Aquifer Due to Urban Growth and Barnett Shale Development: Prepared for the TWDB by R.W. Harden & Associates, Inc., with Bureau of Economic Geology, and Freese and Nichols, Inc.
http://www.twdb.texas.gov/publications/reports/contracted_reports/doc/0604830613_BarnetShale.pdf.
- Bredenhoef, J., Ford, J., Harden, B., Mace, R., and Rumbaugh, III, J., 2004, Review and interpretation of the Hueco Bolson groundwater model: Prepared for El Paso Water Utilities.
- Bené, J., Harden, B., O'Rourke, D., Donnelly, A., and Yelderman, J., 2004, Northern Trinity/Woodbine Groundwater Availability Model: Prepared for the TWDB by R.W. Harden & Associates, Inc., with Freese and Nichols, Inc, HDR Engineering, Inc., LBG Guyton Associates, USGS, and Dr. Joe Yelderman, Jr.,
http://www.twdb.state.tx.us/groundwater/models/gam/trnt_n/TRNT_N_Model_Report.pdf.
- Dutton A., Harden, B., Nicot J., D., O'Rourke, D., 2003, Groundwater Availability Model for the Central Part of the Carrizo-Wilcox Aquifer in Texas: Prepared for the TWDB by Bureau of Economic

Geology, with R.W. Harden & Associates, Inc., and HDR Engineering, Inc.,
http://www.twdb.texas.gov/groundwater/models/gam/czwx_c/czwx_c_full_report.pdf.

R.W. Harden & Associates, 2001, Section 6 – Surface Water, Alcoa Sandow Min Permit 1E Mine Permit Revisions No. 1. Prepared for Aluminum Company of America.

R.W. Harden & Associates, 2000, Carrizo-Wilcox Groundwater Flow Model and Simulation Results: Prepared for Brazos G Regional Water Planning Group.

R.W. Harden & Associates, 1998, Probable Hydrologic Consequences Determination and Monitoring Plan Surface Water, Permit No. 1D - Renewal\Revision Application Sandow Mine, Milam County, Texas. Prepared for Aluminum Company of America.

R.W. Harden & Associates, 1997, Probable Hydrologic Consequences Determination and Monitoring Plan, Surface Water, Permit No. 1D, 100 Acre IBR Sandow Mine, Milam County, Texas. Prepared for Aluminum Company of America.

R.W. Harden & Associates, 1996, Probable Hydrologic Consequences Determination and Monitoring Plan, Groundwater – Underburden, Permit No. 1c - Renewal\Revision Application Sandow Mine, Milam County, Texas. Prepared for Aluminum Company of America.

Presentations (partial listing)

Bell County Water Symposium, 2018, Trinity Oasis Lower Trinity Aquifer (30 Day Aquifer/Pump Test), Texas A&M University – Central Texas, Killeen, Texas.

Rethinking Texas Water Policy, 2018 The Bush School of Government & Public Service, Texas A&M University, Panel Presentation Understanding the Science: Texas' Major Aquifers & Hydrologic Characteristics, <https://www.youtube.com/watch?v=kvzddruxQTY>. College Station, Texas.

Are We Really Out of Water?, 2018 Conroe Lake Conroe Chamber, The Science of Dipping Artesian Aquifers, Montgomery, Texas.

East 1488 Community Association Town Hall Meeting, 2016, Bear Branch Elementary School, Magnolia Texas.

Representative Jason Isaac's Town Hall Meeting, 2015, Effects of Electro Purification Proposed Pumping, Wimberley, Texas.

Texas Desalination Association 3rd Annual Conference, 2015, Advancing the Use of the Regulation of Brackish Groundwater, Austin Texas. http://www.texasdesal.com/wp-content/uploads/2016/02/BobHarden_BrackishDesal.pdf.

CLE International Water Law Conference, 2013, Restructuring the Groundwater Management Template Regarding DFCs, MAGs, and GMAs, Austin Texas.

National Groundwater Association Annual Summit, 2013, The Largest Transfer of Groundwater Rights in Texas History, San Antonio, Texas.

CLE International Water Law Conference, Managing Uncertainty in Life and Water Supplies, 2013, Austin, Texas.

Texas Landowners Council, Texas Land & Water Conference, 2011, Presentation on Groundwater Management, Alpine Texas.

Texas Landowners Council, East Texas Land & Water Meeting, 2009, Presentation on Groundwater Management, Carthage, Texas.

Presentations (con't.)

CLE International Water Law Conference, 2005, Groundwater Aquifer Life Cycles – Implications for Long-Term Planning and a Case for Equitable Distribution of Groundwater Production Rights, Austin, Texas.

Mississippi Department of Environmental Quality, Proposed Nissan Automobile Assembly Plant, Stakeholders Meeting, 2002, Characteristics of the Sparta Aquifer in Central Mississippi, Jackson, Mississippi.

Expert Witness Testimony (partial listing)

State Office of Administrative Hearings, Docket Nos: 965-23-21218 & 965-23-21219. 2024. Applications by SLR I, :{ for a new 9,000 AF/YR Simsboro and Hooper Drilling and Operating Permit and a new 15,000 AF/YR Simsboro Operating Permit. Provided deposition testimony, prefiled testimony, and hearing testimony before SOAH judges.

Panola County Court At Law, Cause No. 2016-323 and Cause 2016-325. 2022. Billy C. Carter and Dorris M. Carter vs. Anadarko E&P Onshore LLC, and J. Roque, LTD and Crystal Road Management LLC vs. Anadarko E&P Onshore LLC and CCI East Texas Upstream LLC. Deposition testimony concerning groundwater contamination resulting from oil and gas activity.

Austin Valuation Consultants, LTD, 2021, Expert witness report regarding hydrologic concerns of Cook Property acquisition in Palo Pinto County, Texas.

State Office of Administrative Hearings, Docket No: 962-19-1978, 2019, Wintergarden Groundwater Conservation District contested case hearing for Applications of Black Mountain Sand. LLC Permit No. 18-349 in Dimmit County, Texas: Provided pre-filed and deposition testimony concerning effects of proposed groundwater production permit.

State of Louisiana 27th Judicial District Court, 2018, Amber Sylvester, et al. v. Destin Operating Co. Inc. et al.: Deposition and court room testimony concerning causes of flooding resulting in fatality in automobile accident near Opelousas, Louisiana.

State Office of Administrative Hearings, Docket No: 958-17-3121, 2017: Prefiled testimony provided in Lone Star Groundwater Conservation District Desired Future Condition Petition Hearing.

State Office of Administrative Hearings, Docket No. 582-15-2082, 2017, Texas Commission on Environmental Quality contested case hearing for 130 Environmental Park Solid Waste Disposal Facility in Caldwell County, Texas: Provided deposition and live testimony concerning surface water resources and increased risk for flooding affecting downstream reservoir dam safety.

Texas Railroad Commission, 2017, Contested Case Permit Hearing for Petro Waste Disposal Facility in McMullen County: Provided deposition and live testimony at permit hearing involving floodplain delineation, hydraulic design of sedimentation ponds, shallow groundwater seepage, and other surface water quantity and quality concerns of oil waste disposal facility.

Texas Senate, Agriculture, Water & Rural Affairs Committee, 2017: Invited testimony relating to joint planning activities of State of Texas Groundwater Management Areas.

Texas House, Natural Resource Committee, 2015, HB 30: Invited testimony relating to brackish groundwater regulation.

Texas Commission on Environmental Quality, 2010: Certified statement submitted on behalf of Mesa Water, LP, in GMA 1 Desired Future Condition Petition Hearing.

United States District Court for the Western District of Oklahoma, Case No. CIV-04-457-BA, 2007, City of Guymon, Oklahoma v. Cal Farley's Boys Ranch: Provided deposition and court room testimony involving condemnation and valuation of plaintiff's groundwater estate.

University of Texas at Austin in 1988 and a Master of Science in Civil Engineering/Water Resources from The University of Texas at Austin in 1992.

Mr. Harden will offer opinions and testimony on subject matters within his areas of expertise, including groundwater permitting, aquifer conditions, and water-supply projects. It is Mr. Harden's opinion that Texas A&M University System ("TAMU") has acted inequitably with respect to the mandamus relief it seeks. Generally speaking, Mr. Harden will offer testimony concerning the opinions, and the bases therefore, set forth below:

- i. Groundwater rights in Texas, the process for obtaining groundwater permits generally and within the BVGCD, and the role of permits in developing water-supply projects;
- ii. Relative view of compliance with relevant rules and statutes between Landowner Intervenor and other permittees who received permits during a similar timeframe;
- iii. Comparative view of potential impacts relative to TAMU or Brazos County Intervenor's wells from other permits issued during a similar timeframe and the Landowner Intervenor's permits that TAMU seeks to belatedly challenge; and
- iv. The Landowner Intervenor's permits and actions taken in reliance on those permits.

In addition to the above, Mr. Harden may testify regarding any other issue that arises in the proceeding related to his expertise. Mr. Harden may also offer his analysis of opinions expressed by persons called as witnesses by other parties to this proceeding. Landowner Intervenor reserve the right to supplement or modify this disclosure.

A list of documents that have been provided to, reviewed by, or prepared by or for Mr. Harden in anticipation of his testimony is attached as **Exhibit 5** and is incorporated fully herein.

A copy of Mr. Harden's curriculum vitae, his publication history, and a list of all other cases in which, during the previous four years, Mr. Harden has testified as an expert at trial or by deposition are attached as **Exhibit 6**. All documents are incorporated fully herein.

Mr. Harden will be compensated at a rate of \$275/hour for his work in this matter.

Expert Witness Testimony (con't.)

Texas Railroad Commission, 2002, Contested Case Permit Hearing for Three Oaks Mine in Bastrop & Lee Counties: Provided live testimony at permit hearing concerning probable hydrologic consequences of proposed lignite mine on surface water quantity and quality.

Panhandle Groundwater Conservation District Joint Permit Hearing, 2000, Production and Transportation Permits for Courson Family Land Partnership, Mesa Water LP, Quixx Corporation: Provided sworn testimony regarding groundwater conditions and potential future effects of permit application production.

Travis County District Court, 1995, Ramos, et. al. v. State of Texas, et. al. Cause Number D-1-GN-95-011181: Deposition testimony involving causes of flooding during flash flood event that led to a human fatality in the Arroyo Roma in South Texas.