

TEXAS A&M UNIVERSITY SYSTEM,	§	
Plaintiff	§	
	§	
and BRAZOS COUNTY, CITY OF	§	
BRYAN, AND CITY OF COLLEGE	§	
STATION,	§	
Intervenor-Plaintiffs	§	
	§	
v.	§	IN THE DISTRICT COURT
	§	
BRAZOS VALLEY GROUNDWATER	§	BRAZOS COUNTY, TEXAS
CONSERVATION DISTRICT AND ITS	§	
GENERAL MANAGER ALAN DAY,	§	472 <sup>nd</sup> JUDICIAL DISTRICT
Defendants	§	
	§	
and UW BRAZOS VALLEY FARM LLC,	§	
CULA D’BRAZOS LLC, RH <sub>2</sub> O LLC,	§	
L. WIESE MOORE LLC, CLIFFORD A.	§	
SKILES III, JAMES C. BRIEN, ELY	§	
FAMILY PARTNERSHIP L.L.P, and	§	
FAZZINO INVESTMENTS LP,	§	
Intervenor-Defendants	§	

**DEFENDANT BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT’S OBJECTIONS AND RESPONSES TO INTERVENOR-DEFENDANTS’ FIRST SET OF INTERROGATORIES**

To: Intervenor-Defendants UW Brazos Valley Farm, LLC, Cula D’Brazos LLC, RH<sub>2</sub>O LLC, L. Wiese Moore, LLC, Clifford Skiles III, James Brien, Ely Family Partnership L.L.P. and Fazzino Investments LP, by and through their counsel of record, Kevin T. Jacobs, BAKER BOTTS, 910 Louisiana Street, Houston, Texas 77002, Paulina Williams, BAKER BOTTS, 401 South 1st Street, Suite 1300, Austin, Texas 75704, and Jon Miller, RODGERS, MILLER, RODRIGUEZ & FUSCO, P.C., P.O. Box 4884, Bryan, Texas 77805.

Pursuant to Rule 197.2 of the Texas Rules of Civil Procedure, Defendant Brazos Valley Groundwater Conservation District (“Defendant”, “BVGCD”, or the “District”) serves its Objections and Responses to Intervenor-Defendants’ First Set

of Interrogatories, which responses are attached hereto and incorporated herein by reference for all purposes. Defendant reserves the right to supplement and/or amend these responses.

Respectfully submitted,

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General Manager in his official capacity

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of March, 2025, a true and correct copy of the foregoing document was served in accordance with the Texas Rules of Civil Procedure on the following counsel of record:

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**DEFENDANT BRAZOS VALLEY GROUNDWATER CONSERVATION  
DISTRICT'S OBJECTIONS AND RESPONSE TO INTERVENOR-  
DEFENDANTS' FIRST SET OF INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify all Landowner Intervenor's permits issued by the BVGCD associated with the Regional Water Project that you believe are invalid or void and the specific basis for that belief.

**RESPONSE:**

The District identifies the following 33 (thirty-three) permits that were issued in an invalid manner and not yet subsequently ratified by District Rule 8.3(j): BVDO-0315 to BVDO-0316, BVDO-0317, BVDO-0108, BVDO-0377 to BVDO-0384, BVDO-0385 to BVDO-0389, BVDO-0394 to BVDO-0399, BVDO-0401 to BVDO-0402, BVDO-0408 to BVDO-0414, and BVTP-001.

The District asserts these permits are invalid due to the discovery that three of the District's eight Directors were found to be ineligible to serve due to a statutory provision prohibiting their service on the District's Board. *See* Texas Water Code Section 36.051(b). Directors Chris Zeig, Jeff Kennedy, and John Elliott became ineligible or were ineligible to serve on the District's Board on January 1, 2023. Director Chris Zeig accepted a seat on the City of Franklin's City Council while serving on the District's Board, and Directors John Elliott and Jeff Kennedy were serving on the Boards of the Robertson County Central Appraisal District and Appraisal Review Board of the Robertson Central Appraisal District, respectively, prior to and at the time of their appointment to the BVGCD Board in January 2023.

Section 36.051(b) makes clear that these Directors were either ineligible for appointment or vacated their seat on the District's Board by serving as a member of a governing body of another political subdivision. These three Directors, during the time they were ineligible to serve on the District's Board, helped the District constitute a proper quorum at District meetings where the Board considered and voted to approve the permits previously listed in this response, and these directors further participated in the votes for those permits. Without their presence to constitute a proper quorum, these permits would not have been able to be approved. Due to the protests filed by Texas A&M in September 2024, the District has not validated the issuance of these permits in accordance with District Rule 8.3(j), and therefore, these 33 permits are still considered invalid under Texas A&M's interpretation of District Rule 8.3(j), which interpretation and issue is pending trial and ruling by the trial court in this proceeding.

**INTERROGATORY NO. 2:**

Identify all groundwater permits issued by the BVGCD between January 1, 2021 and present that you believe are invalid or void, excluding those permits identified in response to the above interrogatory. For each permit state: (i) the permit number; (ii) the permit holder; (iii) the date of issuance of the permit; (iv) the specific basis for your belief of the permit's invalidity; (v) whether the Plaintiff or any of the Brazos County Entities contested the permit; and (vi) the date the Plaintiff or the Brazos County Entities first contested each permit.

**RESPONSE:**

None at this time.

**INTERROGATORY NO. 3:**

Identify all groundwater permits issued by the BVGCD between January 1, 2021 and present that the BVGCD contends are valid. For each permit state: (i) the permit number; (ii) the permit holder; (iii) the date of issuance of the permit; (iv) the specific basis for the BVGCD's position that the permit(s) is/are valid.

**RESPONSE:**

Defendant will produce a spreadsheet in Defendant's Responses to Intervenor-Defendants Requests for Production which lists all the groundwater production permits issued by the District's Board between January 1, 2021 and the date of this response. These permits are considered valid either by issuance at a District meeting where the District had a proper quorum and a sufficient number of eligible directors to approve of the issuance of these permits, or by subsequent ratification in accordance with District Rule 8.3(j).

**INTERROGATORY NO. 4:**

Identify who first proposed the 2024 Ratification Rule, including (i) their name, (ii) their role or position; and (iii) the date it was first proposed.

**OBJECTION:**

The District objects to this interrogatory on the grounds it seeks confidential information protected by the attorney-client privilege.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

District Rule 8.3(j) was first proposed by the District’s General Counsel in August 2024.

**INTERROGATORY NO. 5:**

Identify the reason the BVGCD adopted the 2024 Ratification Rule.

**RESPONSE:**

The District adopted Rule 8.3(j) in response to the discovery that three of the District’s eight Directors were found to be ineligible to serve due to a statutory provision in the Texas Water Code prohibiting their service on the District’s Board. The District attempted to rectify the Board-ineligibility issues using the guidance of Texas case law and express statutory authority by adopting Rule 8.3(j).

**INTERROGATORY NO. 6:**

Identify all persons involved in drafting, reviewing, editing, commenting on, or providing input regarding the 2024 Ratification Rule prior to its public proposal, including for each person: (i) their role or position; (ii) the nature and substance of their involvement; (iii) the date(s) of their involvement; and (iv) all documents they reviewed or created related to the rule.

**OBJECTION:**

The District objects to this interrogatory on the grounds it seeks confidential information protected by the attorney-client privilege. The District’s response to this discovery request does not include any documents or communications that are protected by the attorney-client privilege. Furthermore, the District objects to this interrogatory as it seeks information concerning the District’s adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual Director is irrelevant and not subject to discovery because the Board’s act of adopting Rule 8.3(j) expresses the collective will of the body.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

District Rule 8.3(j) was drafted by the District's General Counsel. The District's General Counsel reviewed the Texas Water Code and the District's rules when developing District Rule 8.3(j).

**INTERROGATORY NO. 7:**

Identify all versions, drafts, or iterations of the 2024 Ratification Rule that were created, considered, or discussed prior to the publicly proposed version, including for each: (i) the specific language considered; (ii) who drafted or proposed that language; (iii) why that version was modified or rejected; and (iv) who participated in decisions to modify or reject that version.

**OBJECTION:**

The District objects to this interrogatory on the grounds it seeks confidential information protected by the attorney-client privilege and attorney work product privilege. Furthermore, the District objects to this interrogatory as it seeks information concerning the District's adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual Director is irrelevant and not subject to discovery because the Board's act of adopting Rule 8.3(j) expresses the collective will of the body.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

None at this time.

**INTERROGATORY NO. 8:**

Identify all communications or discussions regarding the need for the 2024 Ratification Rule or its potential language that occurred prior to the rule's public proposal, including: (i) the date(s) of each communication or meeting; (ii) all persons present or participating; (iii) the substance of what was discussed; and (iv) any decisions or conclusions reached.

**OBJECTION:**

The District objects to this interrogatory on the grounds it seeks confidential information protected by the attorney-client privilege. The District further objects to this interrogatory as it seeks information concerning the motives for the District's adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual Director is irrelevant and not subject to discovery because the Board's act of adopting Rule 8.3(j) expresses the collective will of the body. To that end, the District is withholding requested information that is protected from disclosure.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Based on the above-listed objections, there is nothing to respond to with respect to this interrogatory at this time.

**INTERROGATORY NO. 9:**

Identify TAMUS's first contest to any permit associated with the Regional Water Project.

**OBJECTION:**

The District objects to this interrogatory on the ground it is overbroad in scope, as it seeks information about the "Regional Water Project" that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

The substance and actual form of TAMUS's first contest to the permits at issue in this proceeding can be found in Defendant's Response to Request for Production #11.

**INTERROGATORY NO. 10:**



Identify College Station's first contest to any permit associated with the Regional Water Project.

**OBJECTION:**

The District objects to this interrogatory on the ground it is overbroad in scope, as it seeks information about the "Regional Water Project" that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

The City of College Station did not file a contest for any of the permits at issue in this proceeding.

**INTERROGATORY NO. 11:**

Identify Bryan's first contest to any permit associated with the Regional Water Project.

**OBJECTION:**

The District objects to this interrogatory on the ground it is overbroad in scope, as it seeks information about the "Regional Water Project" that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

The City of Bryan did not file a contest for any of the permits at issue in this proceeding.

**INTERROGATORY NO. 12:**

Identify Brazos County’s first contest to any permit associated with the Regional Water Project.

**OBJECTION:**

The District objects to this interrogatory on the ground it is overbroad in scope, as it seeks information about the “Regional Water Project” that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Brazos County did not file a contest for any of the permits at issue in this proceeding.

**INTERROGATORY NO. 13:**

Identify all internal discussions or communications regarding the Regional Water Project or the validity of the Landowner Intervenor’s permits.

**OBJECTION:**

The District objects to this interrogatory on multiple grounds. First, this interrogatory seeks confidential information protected by the attorney-client privilege. To that end, the District is withholding requested information that is protected from disclosure by the attorney-client privilege. The information sought involves communications or discussions that were made in confidence and in furtherance of legal advice or representation. Second, this interrogatory is overbroad in scope and unduly burdensome, as it seeks information about the “Regional Water Project” that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper. Third, the District further objects to this interrogatory as it seeks to identify internal discussions and communications concerning the validity of the 33 permits at issue in this proceeding. Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an

individual Director is irrelevant and not subject to discovery. The Board's act of adopting Rule 8.3(j), and the District's refusal to ratify the 33 permits at issue in this proceeding due to the competing interpretations of remedies afforded under Rule 8.3(j), expresses the collective will of the body, and as such, discussions and communications involving individual Directors and the validity of the 33 permits at issue in this proceeding are not discoverable. To that end, the District is withholding requested information that is protected from disclosure.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Based on the above-listed objections, there is nothing to respond to with respect to this interrogatory at this time.

**INTERROGATORY NO. 14:**

Identify all internal discussions or communications regarding the Regional Water Project or economic or developmental impacts of approving or denying the Regional Water Project permits.

**OBJECTION:**

The District objects to this interrogatory on multiple grounds. First, this interrogatory seeks confidential information protected by the attorney-client privilege. To that end, the District is withholding requested information that is protected from disclosure by the attorney-client privilege. The information sought involves communications or discussions that were made in confidence and in furtherance of legal advice or representation. Second, this interrogatory is overbroad in scope and unduly burdensome, as it seeks information about the "Regional Water Project" and "economic or developmental impacts" that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Based on the above-listed objections, there is nothing to respond to with respect to this interrogatory at this time.

**INTERROGATORY NO. 15:**

Identify why permits issued by the BVGCD during the same time period as the Regional Water Project permits, including but not limited to permits issued to the City of Bryan (including Permit Nos. BVDO-0354, BVDO-0355, BVDO-0356, BVDO-0357) and the City of College Station (including Permit Nos. BVDO-0359, BVDO-0360, BVDO-0361) are valid and/or not invalid or void.

**RESPONSE:**

Of the permits and permit amendments issued during the same time period as the Regional Water Project permits, only 54 permits issued when Directors Zeig, Kennedy, and Elliott were ineligible to serve on the District's Board are at issue. It is apparent that these 54 permits were validated by meeting the qualifications established in District Rule 8.3(j).

**INTERROGATORY NO. 16:**

Identify all third-party consultants, experts, advisors, or individuals outside of the BVGCD who were hired, retained, consulted, or engaged in discussions that refer or relate to the Regional Water Project and associated permits, UW Farm, the City of Georgetown's water supply, water supply by transport from Robertson County to Williamson, Bell, Travis, and Milam counties, and the Plaintiff or the Brazos County Entities' decision to protest the Regional Water Project permits, including but not limited to all permits at issue in this Lawsuit, from January 1, 2022 to the present.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is vague, overbroad in scope, and unduly burdensome. It is not clear what this interrogatory seeks by identifying individuals "outside of the BVGCD" who "engaged in discussions" about a wide range of topics, none of which pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

The District did not hire, retain, or consult with any third-party consultants, experts, advisors, or individuals outside of the BVGCD, other than the District’s General Counsel and the District’s attorneys in this litigation, for the purposes of drafting and implementing District Rule 8.3(j).

**INTERROGATORY NO. 17:**

Identify all communications between the BVGCD and the City of Georgetown that refer or relate to the 2024 Ratification Rule, the Landowner Intervenors, or the Regional Water Project including names and titles of individuals involved and a summary of each discussion.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. This interrogatory seeks information about the “Regional Water Project” that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

None at this time.

**INTERROGATORY NO. 18:**

Identify all communications between the BVGCD and the City of Hutto that refer or relate to the 2024 Ratification Rule, the Landowner Intervenors, or the Regional Water Project including names and titles of individuals involved and a summary of each discussion.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. This interrogatory seeks information about the “Regional Water Project” that does not pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder.

As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

None at this time.

**INTERROGATORY NO. 19:**

Identify any communications between the BVGCD and College Station that refer or relate to the 2024 Ratification Rule, the Regional Water Project and associated permits, UW Farm, the City of Georgetown's water supply, water supply by transport from Robertson County to Williamson, Bell, Travis, and Milam counties, and the Plaintiff or the Brazos County Entities' decision to protest the Regional Water Project permits, including but not limited to all permits at issue in this Lawsuit, from January 1, 2022 to the present. Provide (i) the date(s) of communications, (ii) the names and titles of individuals involved in the conversations, and (iii) a summary of each communication.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. This interrogatory seeks information about a wide range of topics regarding the "Regional Water Project", none of which pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper. Furthermore, the District objects to this interrogatory as it seeks information concerning the District's adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual Director is irrelevant and not subject to discovery because the Board's act of adopting Rule 8.3(j) expresses the collective will of the body.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Responsive communications pertaining to District Rule 8.3(j) can be found in Defendant's Response to Request for Production #13 and 14.

**INTERROGATORY NO. 20:**

Identify any communications between the BVGCD and Bryan that refer or relate to the 2024 Ratification Rule, the Regional Water Project and associated permits, UW Farm, the City of Georgetown’s water supply, water supply by transport from Robertson County to Williamson, Bell, Travis, and Milam counties, and the Plaintiff or the Brazos County Entities’ decision to protest the Regional Water Project permits, including but not limited to all permits at issue in this Lawsuit, from January 1, 2022 to the present. Provide (i) the date(s) of communications, (ii) the names and titles of individuals involved in the conversations, and (iii) a summary of each communication.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. This interrogatory seeks information about a wide range of topics regarding the “Regional Water Project”, none of which pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper. Furthermore, the District objects to this interrogatory as it seeks information concerning the District’s adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual Director is irrelevant and not subject to discovery because the Board’s act of adopting Rule 8.3(j) expresses the collective will of the body.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Responsive communications pertaining to District Rule 8.3(j) can be found in Defendant’s Response to Request for Production #13 and 14.

**INTERROGATORY NO. 21:**

Identify any communications between the BVGCD and Brazos County that refer or relate to the 2024 Ratification Rule, the Regional Water Project and associated permits, UW Farm, the City of Georgetown’s water supply, water supply by transport from Robertson County to Williamson, Bell, Travis, and Milam counties, and the Plaintiff or the Brazos County Entities’ decision to protest the Regional Water Project permits, including but not limited to all permits at issue in this Lawsuit, from

January 1, 2022 to the present. Provide (i) the date(s) of communications, (ii) the names and titles of individuals involved in the conversations, and (iii) a summary of each communication.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. This interrogatory seeks information about a wide range of topics regarding the “Regional Water Project”, none of which pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper. Furthermore, the District objects to this interrogatory as it seeks information concerning the District’s adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual Director is irrelevant and not subject to discovery because the Board’s act of adopting Rule 8.3(j) expresses the collective will of the body.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

None at this time.

**INTERROGATORY NO. 22:**

Identify any communications between the BVGCD and TAMUS that refer or relate to the 2024 Ratification Rule, the Regional Water Project and associated permits, UW Farm, the City of Georgetown’s water supply, water supply by transport from Robertson County to Williamson, Bell, Travis, and Milam counties, and the Plaintiff or the Brazos County Entities’ decision to protest the Regional Water Project permits, including but not limited to all permits at issue in this Lawsuit, from January 1, 2022 to the present. Provide (i) the date(s) of communications, (ii) the names and titles of individuals involved in the conversations, and (iii) a summary of each communication.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. This interrogatory seeks information about a wide range of topics regarding the “Regional Water Project”, none of which pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the



obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper. Furthermore, the District objects to this interrogatory as it seeks information concerning the District's adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual Director is irrelevant and not subject to discovery because the Board's act of adopting Rule 8.3(j) expresses the collective will of the body.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Responsive communications pertaining to District Rule 8.3(j) can be found in Defendant's Response to Request for Production #1 and Defendant's Response to Request for Production #16.

**INTERROGATORY NO. 23:**

Identify any communications between the BVGCD and educational institutions, municipalities, or water users in the region that refer or relate to the 2024 Ratification Rule, the Regional Water Project and associated permits, UW Farm, the City of Georgetown's water supply, water supply by transport from Robertson County to Williamson, Bell, Travis, and Milam counties, and the Plaintiff or the Brazos County Entities' decision to protest the Regional Water Project permits, including but not limited to all permits at issue in this Lawsuit, from January 1, 2022 to the present.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is vague, overbroad in scope, and unduly burdensome. It is not clear which "water users in the region" this interrogatory is seeking identify communications with without defining (a) the region and (b) the type of water user. Furthermore, this interrogatory seeks communications about a wide range of topics, most of which fail to pertain to the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper. Furthermore, the District objects to this interrogatory as it seeks information concerning the District's adoption of Rule 8.3(j). Texas case law supports the principle that the subjective knowledge, motive, and mental processes of an individual

Director is irrelevant and not subject to discovery because the Board's act of adopting Rule 8.3(j) expresses the collective will of the body.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

None at this time.

**INTERROGATORY NO. 24:**

Identify all time periods during which You contend any BVGCD Board member was ineligible to serve on the BVGCD Board, including (i) the name of each Board member, (ii) the reason each Board member was ineligible, including all statutory provisions, rules, regulations, and other legal requirements that You contend were not satisfied by any Board member during their period of claimed ineligibility, and (iii) the precise start and end dates of their alleged period(s) of ineligibility.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. This interrogatory seeks information about any Director who has ever served on the District's Board without any time limitation, which could conceivably stretch back to the District's founding and is well outside the scope of issues to be determined in this proceeding—a mandamus proceeding concerning the interpretation of a current District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Director Chris Zeig began serving on the City of Franklin's City Council on January 1, 2023, and thus vacated his seat on the District's Board upon accepting the seat on the Franklin City Council. Directors John Elliott and Jeff Kennedy were already serving on the Boards of the Robertson County Central Appraisal District and the Appraisal Review Board of the Robertson County Central Appraisal District, respectively, prior to and at the time of their appointment to the BVGCD Board on January 1, 2023. Due to their service on these respective Boards, Directors Kennedy and Elliott were ineligible to serve on the District's Board.

Section 36.051(b) of the Texas Water Code makes clear that these Directors were either ineligible for appointment or vacated their seat on the District's Board by serving as a member of a governing body of another political subdivision. All three Directors resigned from their respective positions serving on the governing bodies of other political subdivisions, and upon resignation, all three Directors once again became eligible to serve on the District's Board. Director Kennedy resigned from his position on the Appraisal Review Board of the Robertson County Central Appraisal District on July 23, 2024, Director Elliott resigned from his position on the Robertson County Central Appraisal District on July 23, 2024, and Director Zeig resigned from his position on the Franklin City Council on August 8, 2024.

**INTERROGATORY NO. 25:**

Identify how and when Jeff Kennedy, John Elliott, and Christopher Zeig became aware that a secondary governmental position may impact their ability to serve as a BVGCD Board Member.

**RESPONSE:**

Jim Mathews informed Monique Norman, the District's General Counsel, on June 17, 2025, that Chris Zeig was serving on the Franklin City Council. Following the permit hearing that same evening, John Elliott and Jeff Kennedy informed Monique Norman that they were currently serving on the Robertson County Appraisal District Board of Directors (Elliott) and the Robertson County Appraisal Review Board (Kennedy).

**INTERROGATORY NO. 26:**

Identify any ways in which the allegedly ineligible BVGCD Board members, if any, performed their legal duties as a Board member in a manner inconsistent with other Board members.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is vague and overbroad in scope. It is not clear what information this interrogatory seeks when it asks for ways that Directors Zeig, Kennedy, and Elliott acted "in a manner inconsistent with other Board members." As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

Directors Zeig, Kennedy, and Elliott lacked the legal ability to serve as Directors on the District's Board, as outlined in the District's response to interrogatory no. 24.

**INTERROGATORY NO. 27:**

Identify all votes, decisions, and other official actions taken by any allegedly ineligible Board member during their period of claimed ineligibility that You contend were invalid, including for each such action the date it occurred, and the specific matter voted upon or decided.

**RESPONSE:**

The information responsive to this interrogatory will be produced in Defendant's Responses to Intervenor-Defendants Requests for Production.

**INTERROGATORY NO. 28:**

Identify all persons that assisted in responding to the Landowners' Requests for Production to You or assisted in answering these Interrogatories.

**RESPONSE:**

Monique Norman, General Counsel for the District

Alan Day, General Manager of the District

District's Directors

Michael A. Gershon, Attorney for the District and its General Manager in his official capacity

Jacobs C.S. Steen, Attorney for the District and its General Manager in his official capacity

**INTERROGATORY NO. 29:**

Identify all groundwater permits and/or applications by Jayson Barfknecht, his family members, or entities in which he holds ownership interests.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. Mr. Barfknecht's service on the District Board was not impacted by the board ineligibility issues relevant to this proceeding. This interrogatory seeks unrelated, targeted information about an individual director and his family members, which does not pertain to the scope of issues to be determined in this proceeding —a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

None at this time.

**INTERROGATORY NO. 30:**

Identify all groundwater permits and/or applications by Gary Mechler, his family members, or entities in which he holds ownership interests.

**OBJECTION:**

The District objects to this interrogatory on the basis that it is overbroad in scope and unduly burdensome. Mr. Mechler's service on the District Board was not impacted by the board ineligibility issues relevant to this proceeding. This interrogatory seeks unrelated, targeted information about an individual director and his family members, which does not pertain to the scope of issues to be determined in this proceeding —a mandamus proceeding concerning the interpretation of a District rule and the obligations of the District thereunder. As such, this interrogatory does not seek information that is reasonably calculated to lead to the discovery of admissible evidence and is improper.

**RESPONSE:**

Subject to and without waiving the foregoing objection, the District responds as follows:

None at this time.

VERIFICATION

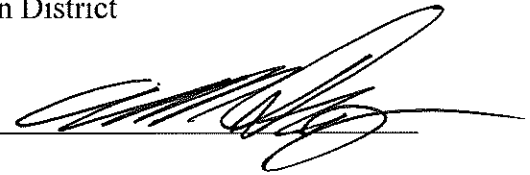
STATE OF TEXAS                   §  
   §  
COUNTY OF BRAZOS           §

BEFORE ME, the undersigned authority, on this day personally Alan Day, General Manager of the Brazos Valley Groundwater Conservation District, who, being first duly sworn, stated as follows:

“My name is Alan Day. I am capable of making this verification. I have read Brazos Valley Groundwater Conservation District’s Response to Intervenor-Defendants First Set of Interrogatories. The facts stated in it are within my personal knowledge and are true and correct.”

SIGNED this 5<sup>th</sup> day of March 2025.

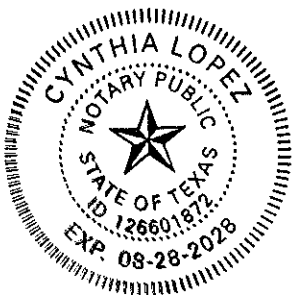
On Behalf of the Brazos Valley Groundwater Conservation District

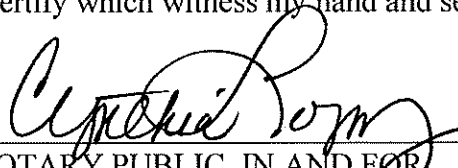
Signature: 

Name: Alan Day

Title: General Manager of Brazos Valley GCD

SWORN TO AND SUBSCRIBED BEFORE ME by the said Alan Day, on this the 5<sup>th</sup> day of March 2025, to certify which witness my hand and seal of office.



  
NOTARY PUBLIC, IN AND FOR  
THE STATE OF TEXAS