

Conservation District's Corporate Representative, on **April 7, 2025**, beginning at 9:00 a.m. at the offices of Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701. The deposition will continue from day to day until completed.

The deposition will be taken before an officer authorized to administer oaths. The deposition will be videotaped and recorded by stenographic means. The sworn testimony may be used as evidence for any purpose in the above-captioned matter.

Brazos Valley Groundwater Conservation District shall designate one or more representatives, pursuant to Rule 199.2, who shall testify on the matters listed in **Exhibit A** of this Notice.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/Kevin T. Jacobs

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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 18, 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 email.

/s/ Kevin T. Jacobs
Kevin T. Jacobs

EXHIBIT A

DEFINITIONS

Unless otherwise specified, the following terms are used herein as defined below. Any term that is not defined herein has its usual or customary meaning.

1. “Plaintiff” or “TAMUS” refer to Texas A&M University System, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf.
2. “Lawsuit” refers to Cause No. 24-002626-CV-472; *Texas A&M University System v. Brazos Valley Groundwater Conservation District and Alan Day, General Manager of Brazos Valley Groundwater Conservation District*; in the 472nd Judicial District Court, Brazos County, Texas.
3. “Petition” refers to Plaintiff’s Original Petition for Writ of Mandamus, filed on September 12, 2024, in the Lawsuit, along with any amendments or supplements thereto.
4. “BVGCD”, “you”, and “your” refers to and is intended to include Brazos Valley Groundwater Conservation District, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf, including but not limited to its legal counsel, Monique Norman, each Board Member, and the General Manager.
5. “Day” refers to and is intended to include Alan Day, General Manager of Brazos Valley Groundwater Conservation District.
6. “UW Farm” refers to and is intended to include UW Brazos Valley Farm LLC, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf, including its parent company, Upwell Water LLC.
7. “Landowner Intervenors” refers to and is intended to include UW Farm, 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, as well as their agents, representatives, attorneys, and/or any other person or entity acting on their behalf.
8. The “2024 Ratification Rule” refers and is intended to include the rule BVGCD adopted on September 12, 2024, including Rule 8.3(j).
9. “City of College Station” refers and is intended to include the City of College Station, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf, including without limitation the City Attorneys, the City Manager, the Water Services Director, and attorneys at Mathews and Freeland.
10. “City of Bryan” refers and is intended to include the City of Bryan, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf, including without limitation the City Attorneys, City Manager, the Director Public Works, and attorneys at Mathews and Freeland.

11. “Brazos County” refers and is intended to include Brazos County, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf, including without limitation attorneys at Mathews and Freeland.
12. “City of Georgetown” refers and is intended to include the City of Georgetown, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf.
13. “City of Hutto” refers and is intended to include the City of Hutto, as well as its agents, representatives, attorneys, and/or any other person or entity acting on its behalf.
14. “Regional Water Project” refers to and is intended to include each of the forty-eight issued production permits and one issued transportation permit, secured by UW Farm and individual landowners,¹ and seven pending transportation permit applications for such landowners,² for which individual UW Farm is a co-applicant, and the related sale or conveyance of groundwater to any potential customers in the Brazos Valley Groundwater Conservation District or in Milam, Williamson, Bell, or Travis Counties.
15. “Bass Transportation Project” refers to and is intended to include the groundwater project proposed or pursued by Conservation Equity Management or any member of Conservation Equity Management’s Executive Team, or J. Kyle Bass, involving or potentially involving any groundwater resources in Groundwater Management Area 12, as defined by the Texas Water Development Board, as well as its agents, representatives, attorneys (including attorneys at McCarthy and McCarthy), and/or any other person or entity acting on behalf of the advancement of the project.
16. “2019 Regional Water Project permit applications” refers to operating permit application numbers BVDO-0254 to BVDO-0256.
17. “October 2022 Regional Water Project permit applications” refers to operating permit application numbers BVDO-0292 to BVDO-0304.
18. “February 2023 Regional Water Project permit applications” refers to operating permit application numbers BVDO-0315 and BVDO-0316.
19. “March 2023 Regional Water Project permit applications” refers to operating permit application numbers BVDO-0317, and BVDO-0108 and transport permit application number BVTP-001.

¹ James Cooper Brien (BVDO-0315 and BVDO-0316), Clifford A. Skiles III (BVDO-0317 and BVDO-0108), Ely Family Partnership LP (BVDO-0377 to BVDO-0384), RH2O LLC (BVDO-0385 to BVDO-0389), Fazzino Investments LP (BVDO-0394 to BVDO-0399), L. Wiese Moore LLC (BVDO-0401 and BVDO-0402), Cula d’ Brazos LLC (BVDO-0408 to BVDO-0414).

² James Cooper Brien (BVTP-004), Clifford A. Skiles III (BVTP-003), Ely Family Partnership LP (BVTP-007), RH2O LLC (BVTP-002), Fazzino Investments LP (BVTP-006), L. Wiese Moore LLC (BVTP-005), Cula d’ Brazos LLC (BVTP-008).

20. “September 2023 Regional Water Project permit applications” refers to permit application numbers BVDO-0377 to BVDO-0384; BVDO-0385 to BVDO-0389; BVDO-0394 to BVDO-0399; BVDO-0401 and BVDO-0402; and BVDO-0408 to BVDO-0414.
21. “Communications” means and includes any transmission, transfer, disclosure, or exchange of information between two or more persons, whether orally or in writing, including without limitation, any conversation or discussion face-to-face or by means of letter, note, memorandum, mail, personal delivery, telephone, telegraph, telex, electronic mail, telecopier, cable or some other medium, whether electronic or otherwise, and whether by chance or prearrangement, formal or informal.
22. “Documents” means each of the following that is in the possession (actual or constructive), custody or control of a party or that can be obtained by a party through the exercise of a superior right to compel production from a third person: handwritten, typewritten, printed, recorded, transcribed, punched, taped, videotaped, photocopied, photostatic, telecopied, filmed, microfilmed or otherwise prepared matter, including without limitation, drafts (however produced or reproduced), papers, books, accounts, drawings, graphs, charts, electronic mail, photographs, videotapes, phone records, text messages, posts or messages sent via any social media platform, including but not limited to Facebook, Twitter, Instagram, Snapchat, or MySpace, plans, blueprints, computer disks, telexes, telegrams, electronic or videotaped or mechanical recordings, magnetic impulses and any other data compilation from which information can be obtained or translated into reasonably usable form. Such information should be produced in computer-readable and electronically-searchable form, if practicable. Further, all drafts of responsive documents must be produced, as well as non-identical copies.
23. “Person” means any natural person, corporation, association, firm, partnership, or other business or legal entity, and the officers, employees, agents, servants, attorneys, or representatives of such entities, as the context requires.
24. The words “relate” or “relating” as used herein means and includes referring to, alluding to, responding to, concerning, connected with, commenting on, in respect of, about, regarding, discussing, describing, measuring, reflecting, supporting, analyzing, explaining, constituting, evidencing, or pertaining to.

TOPICS

In accordance with Texas Rule of Civil Procedure 199.2, Landowner Intervenors request Brazos Valley Groundwater Conservation District's Corporate Representative be prepared to testify on the following matters:

1. Permits issued by the BVGCD between January 1, 2021 and the present.
2. The BVGCD's position on the validity of permits issued between January 1, 2021 and the present, including the legal and factual bases for determining validity.
3. The BVGCD's discovery of any purported ineligibility issue with its directors, how it informed those directors, and how it attempted to remedy any purported ineligibility issue.
4. The development and adoption of the 2024 Ratification Rule, including who proposed and provided any input on the 2024 Ratification Rule, who drafted the 2024 Ratification Rule, and the reason for its development.
5. All contests to the Regional Water Project permits, including the parties who contested the permits and the dates the permits were contested.
6. The BVGCD's practices and procedures for processing contested case hearing requests before and after adoption of the 2024 Ratification Rule.
7. Other permits issued during the same time period as the Regional Water Project permits, including but not limited to Bryan's (including Permit Nos. BVDO-0354, BVDO-0355, BVDO-0356, BVDO-0357) and College Station's (including Permit Nos. BVDO-0359, BVDO-0360, BVDO-0361) permits.
8. Communications and interactions regarding the Regional Water Project permits, hearing requests, board member eligibility, and the 2024 Ratification Rule with the City of Hutto, the City of Georgetown, City of Bryan, City of College Station, Brazos County, and TAMUS.
9. Communications and interactions regarding the Bass Transportation Project.
10. The BVGCD's understanding and position regarding the eligibility of BVGCD board members and any board actions allegedly taken without a proper quorum.
11. The BVGCD's policies, procedures, and practices for verifying board member eligibility at time of appointment and during service.
12. How BVGCD board members, including Jeff Kennedy, John Elliott, and Christopher Zeig, became aware that a secondary governmental position may impact the ability of BVGCD board members to serve.

13. The BVGCD's understanding and position as to the ineligibility of BVGCD board members, including period of ineligibility and all votes, decisions, and other official actions taken by the allegedly ineligible BVGCD board members.
14. The impact of board member ineligibility on the BVGCD's operations, permit processing, and decision-making between January 2021 and the present.
15. Groundwater applications filed by Kean Register, his family members, or entities in which he holds ownership interests.
16. The BVGCD's understanding and interpretation of Rule 8.3(j).
17. The impact of TAMUS's wells in Brazos County on the City of Bryan's wells in Brazos County.
18. The impact of TAMUS's wells in Brazos County on the City of College Station wells in Brazos County.
19. The impact of the City of Bryan's wells in Brazos County on TAMUS's wells in Brazos County.
20. The impact of the City of College Station's wells in Brazos County on TAMUS's wells in Brazos County.
21. The BVGCD's understanding, position, and policies regarding board member conflicts of interest, recusal requirements, and ethical obligations under Texas law and the BVGCD's bylaws, including the specific application of these principles to Jayson Barfknecht and Gary Mechler.