

FILED
900-25-04017
7/7/2025 3:21 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

SOAH DOCKET NO. 900-25-04017

**TRANSPORT PERMIT APPLICATIONS §
BY UW BRAZOS VALLEY FARM LLC §
AS CO-APPLICANT WITH THE §
FOLLOWING: RH2O, LLC (BVTP-002), §
CLIFFORD A. SKILES III (BVTP-003), §
JAMES C. BRIEN (BVTP-004), L. WIESE §
MOORE, LLC (BVTP-005), FAZZINO §
INVESTMENTS, LP (BVTP-006), ELY §
FAMILY PARTNERSHIP, L.P. (BVTP- §
007), CULA D’BRAZOS LLC (BVTP-008) §**

BEFORE THE STATE OFFICE

ACCEPTED
900-25-04017
7/7/2025 3:32:49 pm
OF STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ADMINISTRATIVE HEARINGS

AGREED MOTION FOR EXPEDITED REMAND

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE SMITH:

Pursuant to a settlement agreement effective July 7, 2025, Protestants Texas A&M University System, the City of Bryan, the City of College Station, and Brazos County (collectively, “Protestants”) withdrew their contested case hearing requests on the seven pending transport applications (the “Applications”) referred to the State Office of Administrative Hearings in the above-referenced matter. (Exhibit A – withdrawals of requests for contested case hearing). The parties now jointly move that the Administrative Law Judge remand this matter to the Brazos Valley Groundwater Conservation District to process the Applications as uncontested under District Rule 14.3(a). (Exhibit B – Proposed Order). With multiple governmental bodies taking action to approve and execute, the parties have moved as expeditiously as possible. However, the District meeting to implement key elements of the Settlement and Release Agreement is scheduled for **July 10, 2025**, and accordingly, the parties respectfully request remand as soon as practicable.

Respectfully submitted on July 7, 2025:

By: *Paulina Williams*
Paulina Williams
State Bar No. 24066295
Baker Botts L.L.P.
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(512) 322-2500
paulina.williams@bakerbotts.com

COUNSEL FOR APPLICANTS

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with all other parties—which are listed below—about this motion, and all are agreed.

Additional Counsel for Ely Family Partnership, L.P. and Fazzino Investments, LP

Edmond R. McCarthy, Jr.
McCarthy & McCarthy, L.L.P.
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For Brazos Valley Groundwater Conservation District and its General Manager

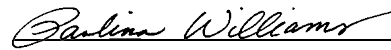
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For Brazos County, City of Bryan, City of College Station

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For Texas A&M University System

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Paulina Williams

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Agreed Motion for Remand has been e-filed and served on the following counsel/persons by electronic mail on this 7th day of July, 2025.

**Additional Counsel for Ely Family
Partnership L.P. and Fazzino
Investments, LP**

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**For Brazos Valley Groundwater
Conservation District and its General
Manager**

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**For Brazos County, City of Bryan,
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Paulina Williams

EXHIBIT A

Lynn Sherman
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lsherman@jw.com

July 7, 2025

Via Email and Mail: aday@brazosvalleygcd.org

Brazos Valley Groundwater Conservation District (“BVGCD”)
c/o Mr. Alan M. Day, General Manager
112 West 3rd Street
Hearne, Texas 77859

Re: Texas A&M University System’s Withdrawal of Request for a Contested Case Hearing for Transport Permits BVTP-C002, BVTP-C003, BVTP-C004, BVTP-C005, BVTP-C006, BVTP-C007, and BVTP-C008

Dear Mr. Day and BVGCD Board Members:

Texas A&M University System (“TAMU”) previously filed contested case hearing requests on applications for transport permits BVTP-C002, BVTP-C003, BVTP-C004, BVTP-C005, BVTP-C006, BVTP-C007, and BVTP-C008 (the “Transport Applications”). The Transport Applications were referred to the State Office of Administrative Hearings (“SOAH”) and are currently pending in SOAH Docket No. 900-25-04017.

The parties have reached a settlement of the issues in dispute concerning the Transport Applications. As a result, TAMU no longer opposes the Transport Applications and hereby formally withdraws its request for a contested case hearing on the Transport Applications.

Sincerely,



Lynn Sherman
Attorney for Texas A&M University System

MATHEWS & FREELAND, LLP

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND
BEN MATHEWS

2105 East MLK, Jr. Blvd
Austin, Texas 78759
(512) 404-7800

MARK WALKER
OF COUNSEL

July 7, 2025

Via email: aday@brazosvalleygcd.org

Mr. Alan M. Day, General Manager
Brazos Valley Groundwater Conservation District
112 West 3rd Street
Hearne, Texas 77859

Re: City of Bryan, City of College Station, and Brazos County Withdrawal of Requests for a Contested Case Hearing on Transport Permit Applications: BVTP-002, BVTP-003, BVTP-004, BVTP-005, BVTP-006, BVTP-007, BVTP-008.

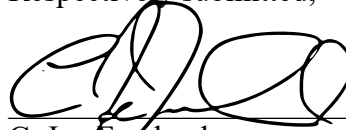
Dear Mr. Day:

On June 17, 2024, the Cities of Bryan and College Station and Brazos County, requested contested case hearings on the following transport permit applications (the Applications):

BVTP-002 (RH2O, LLC and UW Brazos Valley Farm, LLC)
BVTP-003 (Clifford A. Skiles, III and UW Brazos Valley Farm, LLC)
BVTP-004 (James C. Brien and UW Brazos Valley Farm, LLC)
BVTP-005 (L. Wiese Moore, LLC and UW Brazos Valley Farm, LLC)
BVTP-006 (Fazzino Investment, LP and UW Brazos Valley Farm, LLC)
BVTP-007 (Ely Family Partnership, LP and UW Brazos Valley Farm, LLC)
BVTP-008 (Cula d'Brazos, LLC and UW Brazos Valley Farm, LLC)

The parties to this matter have reached a settlement on the issued in dispute. The Cities of Bryan and College Station, and Brazos County, therefore, withdraw their requests for a contested case hearing on these applications.

Respectively submitted,



C. Joe Freeland
State Bar No. 07417500
**Attorneys for City of Bryan, City of
College Station, and Brazos County**

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**Transport Permit Applications by UW Brazos Valley Farm, LLC
as Co-Applicant with RH2O, LLC (BVTP-002), Clifford A.
Skiles III (BVTP-003), James C. Brien (BVTP-004),
L. Wiese Moore LLC (BVTP-005), Fazzino Investments, LP
(BVTP-006), Ely Family Partnership LP (BVTP-007),
Cula d'Brazos, LLC (BVTP-008)**

**NOTICE OF WITHDRAWAL OF PRO SE PARTY
ERMINE MICHAEL DIECKMAN**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Pro se party Ermine Michael Dieckman (“Ms. Dieckman”) has requested the Brazos Valley Groundwater Conservation District General Manager’s (“General Manager’s”) assistance with filing and serving her notice of withdrawal as a party to this proceeding. On February 5, 2025, Ms. Dieckman provided the email attached hereto as Attachment “A” to the General Manager. Undersigned counsel hereby certifies that Ms. Dieckman subsequently followed up requesting the General Manager to file and serve notice and represent to SOAH, on her behalf, that she is withdrawing.

PRAYER

WHEREFORE, premises considered, the General Manager respectfully requests that SOAH take notice of Ms. Dieckman's notice of withdrawal from this proceeding.

Respectfully submitted,

LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.
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/s/ Michael A. Gershon
Michael A. Gershon
State Bar No. 24002134
Jacobs C.S. Steen
State Bar No. 24137211
Andres Castillo
State Bar No. 24140157

Attorneys for the General Manager

CERTIFICATE OF SERVICE

I certify that on this 21st day of March, 2025, a true and correct copy of the foregoing document has been sent via eFile Texas and email to the following parties and counsel of record:

Ermine Michael Dieckman
Double E Ranch
11084 Gourd Neck Loop
Franklin, Texas 77856
361.522.3522
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Pro se

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Attorneys for Applicant UW
Brazos Valley Farm, LLC and Co-
Applicants James C. Brien, Cula
d’Brazos, LLC, Ely Family
Partnership LP, Fazzino
Investments, LP, L. Wiese Moore
LLC, RH2O, LLC and Clifford A.
Skiles III

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Attorneys for Brazos County and
Cities of Bryan College Station

/s/ Michael A. Gershon
Michael A. Gershon

Attachment "A"

FW: Withdrawing protest of transport permits

From: "Alan Day" <aday@brazosvalleygcd.org>
To: "Monique Norman" <norman.law@earthlink.net>
Cc: "Mike Gershon" <mgershon@glawfirm.com>
Subject: FW: Withdrawing protest of transport permits
Date: Feb 5, 2025 1:43 PM

Monique,

Please inform all the parties involved with the matter pending before SOAH that Mrs. Ermine Dieckmann has withdrawn from the process.

Thank you and have a great afternoon!

Alan

-----Original Message-----

From: Alan Day
Sent: Wednesday, February 5, 2025 1:39 PM
To: 'Ermine Dieckman' <edieckman001@icloud.com>
Cc: Cynthia Lopez <clopez@brazosvalleygcd.org>
Subject: RE: Withdrawing protest of transport permits

Ermine,

Thank you for your email regarding your status in the SOAH matter. I will let the attorneys know about your withdrawal from the process.

Have a great afternoon!

Alan

-----Original Message-----

From: Ermine Dieckman <edieckman001@icloud.com>
Sent: Wednesday, February 5, 2025 12:41 PM
To: Alan Day <aday@brazosvalleygcd.org>
Subject: Withdrawing protest of transport permits

Dear Mr Day,

Please accept my withdrawal as a Protestant on the 7 transport permit applications submitted and considered at the June 18 2024 permit hearing.

I appreciate your attention in this matter.

Ermine Dieckman

Sent from my iPhone

EXHIBIT B

SOAH DOCKET NO. 900-25-04017

TRANSPORT PERMIT APPLICATIONS §
BY UW BRAZOS VALLEY FARM LLC § BEFORE THE STATE OFFICE
AS CO-APPLICANT WITH THE §
FOLLOWING: RH2O, LLC (BVTP-002), §
CLIFFORD A. SKILES III (BVTP-003), §
JAMES C. BRIEN (BVTP-004), L. WIESE § OF
MOORE, LLC (BVTP-005), FAZZINO §
INVESTMENTS, LP (BVTP-006), ELY §
FAMILY PARTNERSHIP L.P. (BVTP- §
007), CULA D’BRAZOS LLC (BVTP-008) § ADMINISTRATIVE HEARINGS

[PROPOSED] ORDER REMANDING CASE

On July 7, 2025, the parties in the above-referenced matter filed an Agreed Motion for Expedited Remand notifying the Administrative Law Judge that all contested case hearing requests on the seven pending groundwater transport applications have been withdrawn. Having considered the motion, exhibits, and entire record in this case:

IT IS ORDERED that this matter is **DISMISSED** from the SOAH docket and the seven applications are **REMANDED** to the Brazos Valley Groundwater Conservation District to process as uncontested under District Rule 14.3(a).

Signed _____, 2025

Presiding Administrative Law Judge

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Marsha Smith on behalf of Paulina Williams
Bar No. 24066295
marsha.smith@bakerbotts.com
Envelope ID: 102825039
Filing Code Description: Motion to Dismiss
Filing Description: Agreed Motion for Expedited Remand
Status as of 7/7/2025 3:34 PM CST

Associated Case Party: Texas AM University System

Name	BarNumber	Email	TimestampSubmitted	Status
Patricia Estrada		pestrada@jw.com	7/7/2025 3:21:35 PM	SENT
Tolliver McKinney		tmckinney@jw.com	7/7/2025 3:21:35 PM	SENT
Lynn R.Sherman		lsherman@jw.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: Brazos Valley Groundwater Conservation District

Name	BarNumber	Email	TimestampSubmitted	Status
Michael A.Gershon		mgershon@lglawfirm.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: UW Brazos Valley Farm, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Paulina Williams		paulina.williams@bakerbotts.com	7/7/2025 3:21:35 PM	SENT
Katie Jeffress		katie.jeffress@bakerbotts.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: JamesC.Brien

Name	BarNumber	Email	TimestampSubmitted	Status
Paulina Williams		paulina.williams@bakerbotts.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: Cula d'Brazos, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Paulina Williams		paulina.williams@bakerbotts.com	7/7/2025 3:21:35 PM	SENT

Automated Certificate of eService

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Marsha Smith on behalf of Paulina Williams
Bar No. 24066295
marsha.smith@bakerbotts.com
Envelope ID: 102825039
Filing Code Description: Motion to Dismiss
Filing Description: Agreed Motion for Expedited Remand
Status as of 7/7/2025 3:34 PM CST

Associated Case Party: L. Wiese Moore LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Paulina Williams		paulina.williams@bakerbotts.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: CliffordA.Skiles

Name	BarNumber	Email	TimestampSubmitted	Status
Paulina Williams		paulina.williams@bakerbotts.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: RH2O LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Paulina Williams		paulina.williams@bakerbotts.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: ErmineMichaelDieckman

Name	BarNumber	Email	TimestampSubmitted	Status
Ermine MichaelDieckman		edieckman001@icloud.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: Ely Family Partnership LP

Name	BarNumber	Email	TimestampSubmitted	Status
Edmond R.McCarthy, Jr		ed@ermlawfirm.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: Fazzino Investments, LP

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Marsha Smith on behalf of Paulina Williams
Bar No. 24066295
marsha.smith@bakerbotts.com
Envelope ID: 102825039
Filing Code Description: Motion to Dismiss
Filing Description: Agreed Motion for Expedited Remand
Status as of 7/7/2025 3:34 PM CST

Associated Case Party: Fazzino Investments, LP

Name	BarNumber	Email	TimestampSubmitted	Status
Edmond R.McCarthy, Jr		ed@ermlawfirm.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: Brazos County

Name	BarNumber	Email	TimestampSubmitted	Status
C. JoeFreeland		jfreeland@mandf.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: City of Bryan

Name	BarNumber	Email	TimestampSubmitted	Status
C. JoeFreeland		jfreeland@mandf.com	7/7/2025 3:21:35 PM	SENT

Associated Case Party: City of College Station

Name	BarNumber	Email	TimestampSubmitted	Status
C. JoeFreeland		jfreeland@mandf.com	7/7/2025 3:21:35 PM	SENT