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July 14, 2026

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's Comments on the Draft BVGCD Rules

Dear Mr. Day:

Please accept this letter as the comments of the City of Bryan regarding the Draft BVGCD Rules published for the July 15, 2026, Public Rules Hearing.

Proposed Rule 7.2(d)(1)(H) – New Permit Provision – While Bryan believes that the novel use of the decadal triggers on curtailment would comply with Chapter 36, Bryan believes that the use of a simple percentage of the total DFC amount would provide better clarity to permittees and would be easier for the District to enforce. For simplicity and clarity, Bryan suggests that language be changed simply to make the curtailment of newly permitted wells a component of DFC Threshold Level 1 and make that language consistent with the existing curtailment language under DFC Threshold Level 3. Bryan suggests the following language:

- (H) The District shall curtail production from all new use production permits issued after July 15, 2026, as follows:
 - i. All affected groundwater production shall be reduced at the same time.
 - ii. Affected groundwater production shall be reduced based on a pro rata formula to be determined by the Board prior to the time the DFC Threshold Level 1 is reached, provided that no permittee shall be curtailed below one acre-foot/acre/year of the contiguous acreage associated with the permit.
 - iii. Curtailment will be based on actual production amounts and will be based on the maximum production from a well.
 - iv. The groundwater production reduction formula may be increased or decreased by the Board, based on the aquifer response to achieve the District's adopted DFCs. Curtailment will cease if the District determines that groundwater levels have recovered to levels at or above DFC Threshold Level 1.

- v. Permitting New Wells after Curtailment. New wells will be permitted pursuant to District Rules, including but not limited to Sections 6 and 7. The permit amount will be immediately reduced by the total amount of curtailments that have already occurred within non-historic permits. Upon completion and equipping of the well, the permit holder has one (1) year to provide evidence of beneficial use, which will then become the basis for the curtailment amount, pursuant to (H)(iii) above.
- x. ___ Curtailment under this rule shall be implemented through a permit provision in all District-issued permits issued after July 15, 2026. Curtailment to each permit's authorized annual production amount shall occur immediately after DFC Threshold Level 1 is triggered and the Board adopts the pro rata curtailment rate.

The City of Bryan respectfully requests that BVGCD consider these comments on the Draft Rules and incorporate Bryan's comments into the final rules.

Respectively submitted,

A handwritten signature in black ink, appearing to read 'C. Joe Freeland', is written over a horizontal line.

C. Joe Freeland
Mathews & Freeland, LLP
Attorneys for City of Bryan