

IN THE MATTER OF

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BEFORE THE BRAZOS VALLEY

CITY OF BRYAN

GROUNDWATER

WELL NO. 18 AND BV-DO-003

CONSERVATION DISTRICT

**CITY OF BRYAN’S SUPPLEMENTAL RESPONSE TO COMPLAINT FILED BY
BVGRA AND TONY FAZZINO**

The City of Bryan files this supplemental response to the complaint filed by Brazos Valley Groundwater Rights Association (“BVGRA”) and Tony Fazzino and in support thereof would show the following:

I. Nature of the Complaint

BVGRA and Tony Fazzino have filed a “complaint” that seeks an adjudicative hearing to remove the protection from acreage-based production limits provided by the District’s rules to an existing well. The complaint alleges that the City of Bryan’s permit application filed June 8, 2006 falsely states that Bryan’s Well 18 was completed prior to the adoption of BVGCD’s acreage-based production limits and that notice was not provided to adjoining property owners prior to the original issuance of the permit. The complaint requests that Bryan’s Well 18 permit (BV-DO-003) be revoked and that the District require Bryan to obtain water rights from adjacent landowners before the permit can be reissued. In the alternative, the complaint requests that BVGCD initiate proceedings to involuntarily amend Bryan’s permit to limit production from Well 18 to an amount that does not drain neighboring properties. The relief requested through this complaint is not authorized under either Chapter 36 of the Texas Water Code or the rules of the District. The City of Bryan previously filed a response to the complaint on February 3, 2017 and an objection to the Notice of Public Permit Hearing on March 1, 2017.

II. Bryan’s Well No. 18 Is an Existing Well and Is Not Subject to Acreage-Based Production Rules

BVGCD’s Rule 7.1(c) imposes an acreage-based production limit on *new*, non-exempt wells. This acreage based production limit does not apply to an *existing well* as defined by the Rules. “Existing well” means:

“A groundwater well within the District’s boundaries, for which *drilling* or *significant development* of the well *commenced* before the effective date of these Rules.”

Bryan's Well 18 is an existing well under either of the criteria specified in the rule. Bryan commenced drilling of Well 18 before the effective date of the rules. Bryan also commenced significant development of Well 18 before the effective date of the rules. Accordingly, the decision of the BVGCD board in 2006 to grant a permit for Bryan's Well 18 as an existing well in 2006 was legal and proper.

The affidavit of Michael Weisinger attached at Exhibit 1 summarizes the drilling activities that occurred on Bryan's Well 18 prior to the December 2, 2004 effective date of the District's first rules. Attachment 1 of Mr. Weisinger's affidavit is a photo taken by him on November 22, 2004 at the Well 18 site showing the drilling operation that commenced on that date. Attachment 2 to his affidavit is the amended state well report showing that drilling on Well 18 commenced on November 22, 2004.

The affidavit of Glenn Jones attached as Exhibit 2 summarizes the City of Bryan's other significant development activities regarding Well 18 prior to the District's adoption of its first set of rules. These activities include:

- On February 25, 2003 the City of Bryan approved a contract with Camp Dresser and McKee for site selection and land acquisition for the Well 18 site.
- On June 20, 2003 the City of Bryan purchased the land for the Well 18 site.
- On November 25, 2003 the Bryan City Council approved a contract with Camp Dresser and McKee for design and construction services related to the Well 18 project.
- On May 7, 2004 Camp Dresser and McKee submitted to Brazos Valley Groundwater Conservation District written notification of the City of Bryan's intent to construct Well 18.
- On September 28, 2004 Camp Dresser and McKee submitted to the Texas Commission on Environmental Quality for review and approval design plans for the City of Bryan's Well 18 project.
- On September 28, 2004 Camp Dresser and McKee notified Brazos Valley Groundwater Conservation District in writing that the City of Bryan was advertising for bids to construct Well 18 and that construction was anticipated to commence in November 2004 and complete in June 2005.
- On October 26, 2004 the City of Bryan approved a contract with Weisinger Inc. to drill Well 18.

- On November 9, 2004 the Texas Commission on Environmental Quality conditionally approved the City of Bryan's plans for construction of proposed Well 18.
- During the period of November 1–November 21, 2004 Weisinger Inc. mobilized to the Well 18 project site, cleared, graded, and filled the site, and installed wooden crane mats needed to support the drilling rig.
- On November 23, 2004 Camp Dresser and McKee notified the Brazos Valley Groundwater Conservation District that drilling of Well 18 had commenced and estimated that it would be completed and ready for use by June 2005.

Because Bryan's Well 18 is an existing well under the District's rules it is not subject to the acreage-based production limits sought through the requested relief in the complaint. Revocation of Bryan's permit is not justified and would do nothing to change the status of Well 18 under the District's rules or to alter the fact that the rules requiring acreage-based production limits apply solely to new wells and not to existing wells.

III. The Alleged False Statement is Immaterial, Inadvertent and Did Not Mislead the District

The District's rules define an existing well as one for which either drilling or significant development *commenced* before the effective date of the rules, not in terms of when the well was *completed*. Accordingly, the alleged false statement concerning when the well was completed is not material to the determination of whether the Well 18 constitutes an existing well.

The alleged false statement in Bryan's application was not only immaterial--it was also inadvertent. As demonstrated by the affidavit of Glenn Jones, the City of Bryan communicated frequently and openly with the District concerning its plans to drill Well 18. On May 8 and September 28, 2004 the City informed the District of its plans to drill Well 18, specifying in the September 28 letter the planned start and completion dates of November 2004 and June 2005 respectively. On November 23, 2004, the *District was notified in writing that drilling had commenced* and that the estimated completion date was June, 2005. When Bryan filed its permit application on June 8, 2006 it provided the District not only the application form containing the alleged false statement concerning the completion date, but also the state well report showing that Bryan's Well 18 was completed on October 8, 2005. Based on this record of communication with the District in which Bryan twice estimated the completion date of Well 18 to be in June, 2005 and confirmed completion in October 2005 when it submitted its permit application, no reasonable person would infer that the City was attempting to mislead the District when it application provided erroneous, but immaterial information about the date of completion of Well 18.

More importantly, the records of the District demonstrate that the District did not rely on and was not misled by the alleged false statement concerning when Well 18 was completed. Exhibit 3 contains an excerpt from District records concerning Bryan's Well 18 provided by the District's manager. These records show the "well drilled date" for Well 18 to be 10/8/05. This is the same date shown for well completion in the well report submitted by Bryan with its June 8 submittal of its original application. These records make it clear that the District did not rely on the alleged false representation concerning when well 18 was completed. Moreover there was no need to rely on the representation concerning when Well 18 was completed because the District had already received written confirmation that the drilling of Well 18 had commenced before the first Rules were adopted. Under the Rules as adopted Well 18 is an existing well.

IV. The Relief Requested In the Complaint is Not Authorized By Chapter 36 or the Rules of the District

The complaint fails to identify a single provision of the District's Rules or Water Code Chapter 36 that support its request that the District require the City of Bryan to obtain water rights from adjacent landowners before its Well 18 permit can be reissued or that the District involuntarily amend Bryan's Well 18 permit to limit production to an amount that does not drain neighboring properties. This failure to cite such authority from the Rules of the District or Chapter 36 is not surprising, because no such authority exists. Accordingly there is no legal basis to consider these claims.

Although section 36.002 of the Water Code recognizes a landowner's ownership interest in groundwater, its statutory declaration of the nature of those rights falls far short of supporting the relief requested in the complaint. Through enactment of 36.002 the Legislature determined that a landowner's ownership interest entitles the landowner to drill for and produce groundwater below his property *subject to the well spacing and tract sizes requirements adopted by a District* and to have other rights recognized under the common law.¹ The Legislature further clarified that a landowner's rights of ownership of groundwater below the surface of his property does not affect the common law defenses to liability under the rule of capture.² Accordingly a well on a neighboring tract of land that produces water drained from below the landowner's property does not subject the neighbor to liability for such drainage absent malice, wanton waste or negligently caused subsidence.³ The complaint in this case makes no such allegations.

¹ Texas Water Code §36.002(b) and §36.002(d)

² Texas Water Code §36.002 (b-1) (2)

³ *Edwards Aquifer Authority v Day*, 369 S. W.^{3d} 814, 826 (Tex. 2012); *Houston & T. C. Ry. Co., v East*, 81 S. W. 279 (Tex. 1904) ; *Friendswood Development Company. v Smith Southwest Industries Inc.* 50 S.W. 2d 21 (Tex. 1978)

Although Chapter 36 and the rules of the District do not support the requested relief to curtail production from Bryan's Well 18, they do provide the protection afforded to an existing well from acreage-based production limits. Texas Water Code §36.116(b) expressly authorizes a groundwater conservation district that regulates groundwater production based on tract size or acreage to preserve existing use before the effective date of the Rules to the maximum extent practicable. In adopting its first rules, BVGCD's Board elected to provide such protection. BVGCD's first rules distinguished between new and existing wells and make acreage-based production limits applicable solely to new wells.⁴ Those same rules remain in effect today and have been relied on by parties making investment decisions in groundwater production facilities thus creating investment-backed expectations that are entitled to constitutional protection.

V. Complainants Have Failed to Exhaust Administrative Remedies With Regard to Drainage Claim.

Complainant Tony Fazzino alleges that groundwater beneath his property is being drained by Bryan's Well 18 and requests that the District require Bryan to obtain water rights from adjacent landowners or that it involuntarily amend Bryan's Well 18 permit to limit production to an amount that does not drain neighboring properties. Complainant Fazzino has failed to exhaust his administrative remedies with regard to these claims. Mr. Fazzino did not own the property he claims is being drained until December 28, 2012 more than five years after Bryan obtained its permit and began producing groundwater. Mr. Fazzino has never attempted to file a permit application until after his complaint was filed and has never been denied a permit by the District.

On February 14, 2017 complainant Fazzino filed a permit application seeking permits for nine groundwater wells that would produce 40,500 acre feet of groundwater per year which he claimed would be put to beneficial use, but not identifying where. Following receipt of the District's letter identifying deficiencies in his application, complainant Fazzino filed an amended application on April 4, 2017 seeking a permit for a single well that would produce 4,500 acre feet per year. That application has not been deemed administratively complete. Until the District renders its final decision on complainant Fazzino's permit application, he has not suffered legal injury required to have standing and has not exhausted his administrative remedies with regard to his alleged drainage claim.

VI. The Reissued Notice of Hearing is Legally Invalid

On February 27, 2017 the District's General Manager issued a notice of "Public Permit Hearing" to consider the complaint filed by BVGRA and Tony Fazzino. On March 1, 2017 the City of Bryan responded that the filing of a third party complaint does not give rise to a permit hearing as authorized under Rule 14.1(a). Bryan noted that a third party complaint could give

⁴ BVGCD Rule 1.1(15)(29); BVGCD Rule 7.1(c);

rise to a hearing under the category of “other matters” as authorized under Rule 14.1(c) if the Board determines a hearing to be in the public interest. However, as Bryan pointed out the Board had made no such determination at that time.

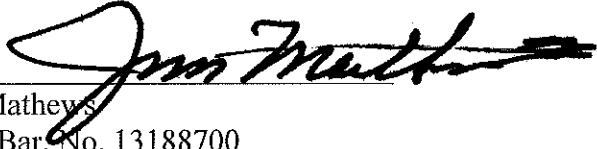
On April 13, 2017 the District’s General Manager issued a revised notice of public permit hearing. This notice stated that the permit hearing was “pursuant to District Rule 14.1(a) and (c) in the public interest...” Bryan renews its objection that a permit hearing cannot be invoked under District Rule 14.1(a) by the mere filing of a third party complaint. Bryan also objects to a permit hearing under 14.1(c) “in the public interest” because the Board has made no determination that a hearing on the complaint is in the public interest.

VII. Conclusion

The City of Bryan requests that the Board of the Brazos Valley Groundwater Conservation District deny the request for an adjudicative hearing to consider revocation of the City of Bryan’s Permit BVDO-003 and all other relief requested in the complaint related to a requirement that Bryan obtain water rights from landowners adjacent to its Well 18 or that the Board limit production from Well 18 to an amount that does not drain neighboring properties and for such other relief to which the City of Bryan is entitled.

Respectfully submitted,

MATHEWS & FREELAND, L.L.P.

By: 
Jim Mathews
State Bar No. 13188700
8140 North MoPac Expressway
Westpark II, Suite 260
Austin, TX 78759
Telephone (512) 404-7800
Facsimile (512) 703-2785
jmathews@mandf.com

**ATTORNEYS FOR
THE CITY OF BRYAN**

CERTIFICATE OF SERVICE

I certify that on April 10, 2017, a copy of the foregoing pleading was served on all parties of record in this proceeding via hand delivery, email, facsimile, or United States Mail.


Jim Matthews

Douglas G. Caroom
Bickerstaff, Heath, Delgado, Acosta LLP
3711 S. Mopac Expy., Suite 1-300
Austin, TX 78746
Facsimile: (512)320-5638
Attorneys for BVGRA and Anthony Fazzino

Exhibit 1

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

AFFIDAVIT OF MICHAEL WEISINGER

BEFORE ME, the undersigned authority, on this day appeared Michael Weisinger, the Vice President of Weisinger Inc., a person known to me, and after being sworn under oath deposed and testified as follows:


1. My name is Michael Weisinger. I am over the age of 18, and fully qualified to make this affidavit.
2. I am Vice President of Weisinger Inc., a company that specializes in water well drilling and construction services.
3. In 2004 and 2005 I served as the onsite project manager for the drilling and construction of the City of Bryan's Well 18 project.
4. The City of Bryan executed a contract with Weisinger Inc. to drill Well 18 on or about October 26, 2004.
5. During the period of November 1–November 21, 2004, Weisinger Inc. mobilized to the project site and completed construction needed to commence drilling. This included clearing, grading, and filling the site and installation of wooden crane mats needed to support the drilling rig.
6. On November 22, 2004 drilling for Bryan's Well 18 commenced. On that date we drilled, installed, and cemented approximately 100 feet of conductor casing. The photograph at Attachment 1 of this affidavit was taken by me on November 22, 2004 and is a true and accurate record of this event.
7. On April 6, 2017 the state well report for Well 18 was amended at my request to show that the drilling of well 18 started on November 22, 2004. A copy of the well report is at Attachment 2.

FURTHER AFFIANT SAYETH NOT.



Michael Weisinger

SWORN AND SUBSCRIBED to before me by Michael Weisinger on this
6, April 2017.



Notary Public
In and for the State of Texas



Affidavit of Michael Weisinger

Attachment 1



Affidavit of Michael Weisinger

Attachment 2

STATE OF TEXAS WELL REPORT for Tracking #71146

Owner: City of Bryan	Owner Well #: 18
Address: P.O. Box 1000 Bryan, TX 77805	Grid #: 59-21-1
Well Location: OSR & Peyton Road Bryan, TX	Latitude: 30° 43' 40" N
Well County: Brazos	Longitude: 096° 28' 31" W
	Elevation: No Data

Type of Work: New Well	Proposed Use: Public Supply
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Drilling Start Date: **11/22/2004** Drilling End Date: **10/8/2005** Plans Approved by TCEQ - **YES**

	Diameter (in.)	Top Depth (ft.)	Bottom Depth (ft.)
Borehole:	36	0	100
	24	0	800
	16	800	2322

Drilling Method: **Mud (Hydraulic) Rotary**

Borehole Completion: **Filter Packed; Under-reamed**

	Top Depth (ft.)	Bottom Depth (ft.)	Filter Material	Size
Filter Pack Intervals:	2127	2770	Gravel	12-20

	Top Depth (ft.)	Bottom Depth (ft.)	Description (number of sacks & material)
Annular Seal Data:	0	190	257-Cement
	0	2322	2256-cement

Seal Method: **Positive Displacement**

Distance to Property Line (ft.): **No Data**

Sealed By: **Advanced Oil Svc**

Distance to Septic Field or other concentrated contamination (ft.): **No Data**

Distance to Septic Tank (ft.): **No Data**

Method of Verification: **No Data**

Surface Completion: **Surface Slab Installed**

Water Level: **220.75 ft. below land surface on 2005-11-01** Measurement Method: **Unknown**

Packers: **none**

Type of Pump: **Turbine** Pump Depth (ft.): **500**

Well Tests: **1 Pump** Yield: **3503 GPM with 93.92 ft. drawdown after 36 hours**

Water Quality:

<i>Strata Depth (ft.)</i>	<i>Water Type</i>
2328-2750	Desirable

Chemical Analysis Made: **Yes**

Did the driller knowingly penetrate any strata which contained injurious constituents? **No**

Certification Data: The driller certified that the driller drilled this well (or the well was drilled under the driller's direct supervision) and that each and all of the statements herein are true and correct. The driller understood that failure to complete the required items will result in the report(s) being returned for completion and resubmittal.

Company Information: **Weisinger Water Well, Inc.**

**2200 East Davis
Conroe, TX 77301**

Driller Name: **James Edward Murphy**

License Number: **3153**

Comments: **45.39 specific capacity @ 3503 gpm after 1 hour
30" underreamed 2322-2770
12-20 Unimin Gravel**

**Amended 12/15/05 ref#2702
TWDB assigned SWN 5921108.**

Report Amended on 4/6/2017 by Request #21125

Lithology:
DESCRIPTION & COLOR OF FORMATION MATERIAL

Casing:
BLANK PIPE & WELL SCREEN DATA

<i>Top (ft.)</i>	<i>Bottom (ft.)</i>	<i>Description</i>	<i>Dia. (In.)</i>	<i>New/Used</i>	<i>Type</i>	<i>Setting From/To (ft.)</i>
0	8	dirt	24	N	Surface Casing	0-800
8	60	clay	16	N	Surface Casing	800-2322
60	100	shale	10	N	Blank Liner	2122-2328
100	150	clay	10	N	Pipe Base Screen	2328-2520 .025
150	245	Sand	10	N	Blank Liner	2520-2530
245	274	dark clay	10	N	Pipe Base Screen	2530-2588 .025
274	305	clay,sandy clay	10	N	Blank Liner	2588-2598
305	336	sandy clay	10	N	Pipe Base Screen	2598-2606 .025
336	356	sand	10	N	Blank Liner	2606-2612
356	428	dark clay	10	N	Pipe Base Screen	2612-2647 .025
428	460	shale,sand	10	N	Blank Liner	2647-2654
460	490	sand,shale,sand	10	N	Pipe Base Screen	2654-2690 .025
490	525	dark clay	10	N	Blank Liner	2690-2704
525	560	clay,sandy shale	10	N	Pipe Base Screen	2704-2750 .025
			10	N	Blank Liner & BPV	2750-2770

560	585	shale,sand
585	615	sand,clay sandy
615	650	sandy,shale
650	680	sandy shale,sand
680	710	sand,shale
710	740	sand
740	771	sand,shale streak
771	802	shale
802	833	sand
833	864	shale & sand streak
864	900	shale
900	1060	shale,sand streaks
1060	1090	shale
1090	1120	shale,sandy shale
1120	1155	shale,sand
1155	1200	sand
1200	1240	shale,sand streaks
1240	1300	sandy shale
1300	1492	sticky shale
1492	1556	shale & sand streaks
1556	1587	shale & lignite
1587	1619	shale
1619	1635	sand
1635	1650	shale & sand streaks
1650	1680	shale
1680	1713	shale & sand streaks
1713	1745	shale & sand
1745	1810	sand
1810	1840	sand & shale
1840	1871	shale & sandy shale
1871	1960	sand
1960	1980	shale
1980	2000	sand
2000	2030	hard shale
2030	2090	shale
2090	2155	shale,sand streaks
2155	2182	shale,hard shale

2182	2215	shale
2215	2250	shale & sand streaks
2250	2320	shale
2320	2400	sand
2400	2412	shale
2412	2435	course sand
2435	2440	sand
2440	2465	sand & shale
2465	2495	shale
2495	2515	sand
2515	2527	shale
2527	2558	shale,sand
2558	2619	sand
2619	2651	shale,sand
2651	2685	shale
2685	2746	sand
2746	2809	shale
2809	2880	sand
2880	2900	hard shale

IMPORTANT NOTICE FOR PERSONS HAVING WELLS DRILLED CONCERNING CONFIDENTIALITY

TEX. OCC. CODE Title 12, Chapter 1901.251, authorizes the owner (owner or the person for whom the well was drilled) to keep information in Well Reports confidential. The Department shall hold the contents of the well log confidential and not a matter of public record if it receives, by certified mail, a written request to do so from the owner.

Please include the report's Tracking Number on your written request.

Texas Department of Licensing and Regulation
P.O. Box 12157
Austin, TX 78711
(512) 334-5540

Exhibit 2

STATE OF TEXAS

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COUNTY OF BRAZOS

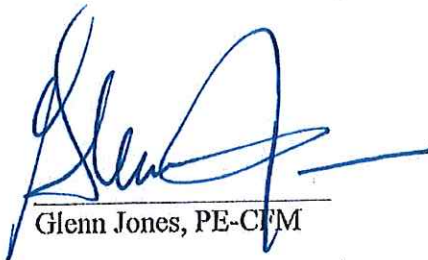
AFFIDAVIT OF GLENN JONES, PE-CFM

BEFORE ME, the undersigned authority, on this day appeared Glenn Jones, the owner of J4 Engineering, a person known to me, and after being sworn under oath deposed and testified as follows:

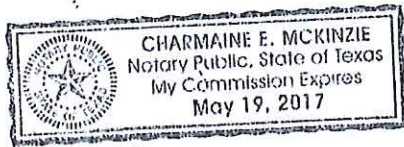
1. My name is Glenn Jones, PE-CFM. I am over the age of 18, and fully qualified to make this affidavit.
2. I am the owner of J4 Engineering, a construction, engineering, and consulting services firm located in the Bryan-College Station area that specializes in site development, construction management, and utility design services.
3. During the period 2004 through 2005 I was employed as the plant operations manager in the City of Bryan's water services department. In this capacity I was actively involved in the management of the project to develop and construct Bryan's Well 18.
4. The City of Bryan commenced significant development of Well 18 prior to the adoption of the Brazos Valley Ground Water Conservation District's first set of rules. These significant development activities included:
 - On February 25, 2003 the City of Bryan approved a contract with Camp Dresser and McKee for site selection and land acquisition for the Well 18 site.
 - On June 20, 2003 the City of Bryan purchased the land for the Well 18 site.
 - On November 25, 2003 the Bryan City Council approved a contract with Camp Dresser and McKee for design and construction services related to the Well 18 project.
 - On May 7, 2004 Camp Dresser and McKee submitted to Brazos Valley Groundwater Conservation District written notification of the City of Bryan's intent to construct Well 18. (Attachment 1)
 - On September 28, 2004 Camp Dresser and McKee submitted to the Texas Commission on Environmental Quality for review and approval design plans for the City of Bryan's Well 18 project.
 - On September 28, 2004 Camp Dresser and McKee notified Brazos Valley Groundwater Conservation District that the City of Bryan was advertising for bids to construct Well 18 and that construction was anticipated to commence in November 2004 and complete in June 2005. (Attachment 2)

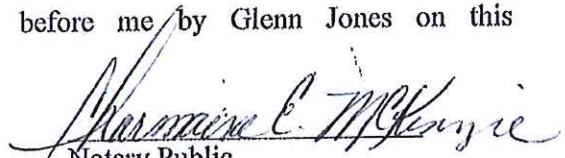
- On October 26, 2004 the City of Bryan approved a contract with Weisinger Inc. to drill Well 18.
- On November 9, 2004 the Texas Commission on Environmental Quality conditionally approved the City of Bryan's plans for construction of its proposed Well 18.
- During the period of November 1–November 21 Weisinger Inc. mobilized to the Well 18 project site, cleared, graded, and filled the site, and installed wooden crane mats needed to support the drilling rig.
- On November 23, 2004 Camp Dresser and McKee notified the Brazos Valley Groundwater Conservation District that drilling of Well 18 had commenced and estimated that it would be completed and ready for use by June 2005. (Attachment 3)

FURTHER AFFIANT SAYETH NOT.


 Glenn Jones, PE-CFM

6th SWORN AND SUBSCRIBED to before me by Glenn Jones on this
 , April 2017.




 Notary Public
 In and for the State of Texas

Affidavit of Glenn Jones

Attachment 1



12357-A Nita Trace Parkway, Suite 210
Austin, Texas 78727
tel: 512 346-1100
fax: 512 345-1483

May 7, 2004

Mr. Bill Riley
General Manager
Brazos Valley Groundwater Conservation District
P.O. Box 528
Hearne, Texas 77859

Subject: Notification of Intent to Install a New Groundwater Well

Dear Mr. Riley:

On behalf of the City of Bryan, Texas, CDM is sending a notification of intent to install a new groundwater well to supplement the City's current water supply. The location of the proposed new well (Number 18) is shown in the attached map.

This well will be drilled into the Simsboro aquifer. The well is proposed to have a pumping capacity of 3,000 gpm. We have indicated a buffer of 6,000 ft (based on spacing requirements of 2 ft/gpm) around the proposed well location and have compared that to the location of other wells drilled into the Simsboro aquifer. The only well within the 6,000 foot spacing buffer is another City of Bryan well.

The City of Bryan currently operates eight wells with a combined nominal capacity of 25 MGD. The addition of Well No. 18, the City's ninth operating well, will increase the City's nominal capacity to 28 MGD. The City has historically experienced max day demands of 20-21 MGD. This new well will provide for future water demands in the City of Bryan.

If you have any questions or need additional information, please feel free to contact me at (512) 346-1100.

Very truly yours,

Patrice A. Melançon, P.E.
Project Engineer
Camp Dresser & McKee Inc.

ATTACHMENT(S)

cc: Allen Woelke /
Charlene Heath, City of Bryan
Glenn Jones, City of Bryan

Document code

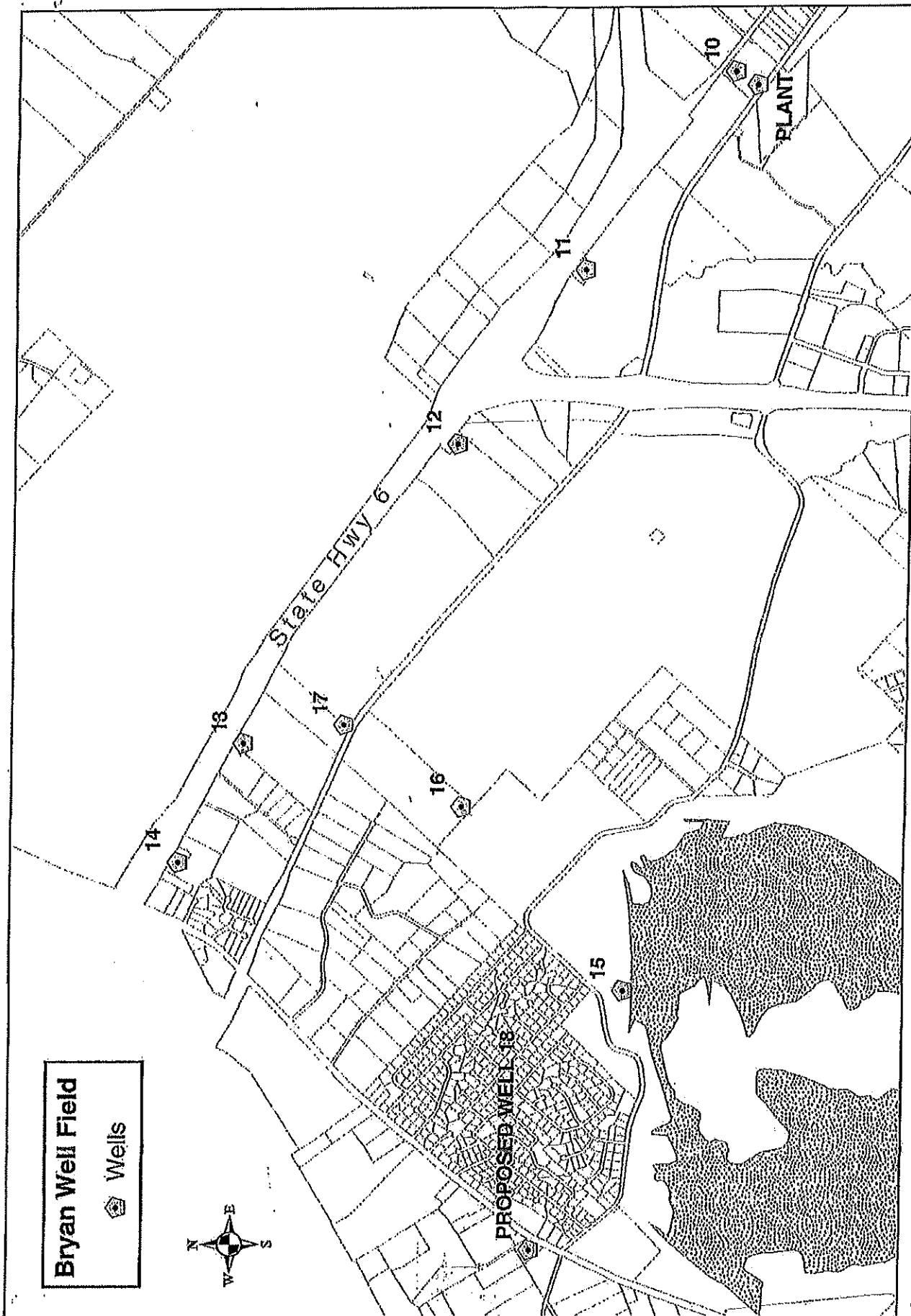


Figure 1-1. Well Field

CDM

Affidavit of Glenn Jones

Attachment 2



12357-A Hilda Traco Parkway, Suite 210
Austin, Texas 78727
tel: 512 346-1100
fax: 512 346-1403

September 28, 2004

Mr. Bill Riley
General Manager
Brazos Valley Groundwater Conservation District
P.O. Box 528
Hearne, TX 77859

Subject: Notification of Intent to Install a New Groundwater Well
Notice of Public Advertisement

Dear Mr. Riley:

In a letter dated May 7, 2004, we informed the Brazos Valley Groundwater Conservation District (the District) of the City of Bryan's intent to drill a new municipal water well at 2788 Old San Antonio Road (OSR). This letter is to inform you that the City is currently advertising for bids to construct this new well. Bids will be received on October 6, 2004. We anticipate that construction will begin in November 2004 and that the new well will be completed by June 2005.

Once a contractor is selected and a schedule is completed, we will provide more specific information for this project.

If requested, we will submit a set of plans and specs to the District for record purposes.

If you have any questions regarding this new well, please contact me.

Sincerely,

Allen D. Woelke, P.E.
Vice President
Camp Dresser & McKee Inc.

ATTACHMENT

cc: Charlene Heath, City of Bryan

Affidavit of Glenn Jones

Attachment 3

Letter No. 18
611-06-0305



12357-A Plata Trace Parkway, Suite 210
Arlington, Texas 78727
tel: 512 346-1100
fax: 512 345-1403

November 23, 2004

Mr. Bill Riley
General Manager
Brazos Valley Groundwater Conservation District
P.O. Box 528
Hearne, TX 77859

Re: Notification of Intent to Install a New Groundwater Well
Notice of Commencement of Construction

Dear Mr. Riley:

In a letter dated September 28, 2004, we informed the Brazos Valley Groundwater Conservation District (the District) of the City of Bryan's advertisement for bids to construct a new water well in the Simsboro unit of the Carrizo-Wilcox Aquifer in Brazos County. Bids were received on October 6, 2004. The project was awarded to Weisinger Water Well, Inc. of Conroe, Texas.

In a letter dated November 9, 2004, we received approval from the Texas Commission on Environmental Quality to construct the well.

Construction of the well improvements commenced on November 1, 2004, with site improvements to allow the drilling rig to set up on the well site. On November 23, 2004, drilling for the new well commenced. The new well is estimated to be approximately 3,000 feet deep and we estimate that it will be completed and ready for use by June 2005.

If requested, we will submit a set of plans and specs to the District for record purposes. If the District needs any other information at this time please let me know.

If you have any questions regarding this new well, please contact me.

Sincerely,

Allen D. Woelke, P.E.
Vice President
Camp Dresser & McKee Inc.

cc: Charlene Heath, City of Bryan

Exhibit 3

From: Alan Day <aday@brazosvalleygcd.org<<mailto:aday@brazosvalleygcd.org>>>
Date: April 5, 2017 at 8:06:01 AM CDT
To: Jayson Barfknecht <jbarfknecht@bryantx.gov<<mailto:jbarfknecht@bryantx.gov>>>
Subject: RE: Well Information

Jayson,

Attached is the information you requested.

Have a great day!

Alan

From: Barfknecht, Jayson E [<mailto:jbarfknecht@bryantx.gov>]
Sent: Tuesday, April 04, 2017 3:06 PM
To: Alan Day
Subject: Well Information

Alan

Can you send me the district's basic database information on the following: Bryan's well 18 (BVDO-0003), College Station's well 7 (BVDO 0013), and Wellborn's well 2 (BVDO -0014)? If available, please include permittee, permit number, well name, date drilled, location (long. and lat.) and amounts produced since annually since well completion.

Please let me know if you have any questions (cell or email).

Owner	Company Name	Primary Permit	Well Name	Permitted Amt	Well Date Drilled	Well Aquifer	Well Latitude	Well Longitude	Production Yr	Production Gals.
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2008	507626000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2009	643867000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2010	1184704000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2011	1260157000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2012	773711000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2013	875032000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2014	277408000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2015	374186000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2016	625068000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2017	142350000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2018	257160000
Barfknecht	City Of Bryan	BVDO-0003	City of Bryan - Well #18	4838	10/8/2005	Simsboro	30.72682015	-96.47762263	2019	72266000
Cast	Wellborn Special Utility District	BVDO-0014	Wellborn SUB - OSR #2	1935	10/14/2009	Simsboro	30.85176505	-96.508283	2010	85594000
Cast	Wellborn Special Utility District	BVDO-0014	Wellborn SUB - OSR #2	1935	10/14/2009	Simsboro	30.85176505	-96.508283	2012	32026000
Cast	Wellborn Special Utility District	BVDO-0014	Wellborn SUB - OSR #2	1935	10/14/2009	Simsboro	30.85176505	-96.508283	2013	39462000
Cast	Wellborn Special Utility District	BVDO-0014	Wellborn SUB - OSR #2	1935	10/14/2009	Simsboro	30.85176505	-96.508283	2014	39462000
Cast	Wellborn Special Utility District	BVDO-0014	Wellborn SUB - OSR #2	1935	10/14/2009	Simsboro	30.85176505	-96.508283	2015	39462000
Cast	Wellborn Special Utility District	BVDO-0014	Wellborn SUB - OSR #2	1935	10/14/2009	Simsboro	30.85176505	-96.508283	2016	44657000
Cast	Wellborn Special Utility District	BVDO-0014	Wellborn SUB - OSR #2	1935	10/14/2009	Simsboro	30.85176505	-96.508283	2017	83191000
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2009	481608370
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2010	1133897413
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2011	1423914766
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2012	129312856
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2013	1452679317
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2014	1266388308
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2015	1074489007
Coleman	City Of College Station	BVDO-0013	City of College Station - Well #7	4839	3/26/2009	Simsboro	30.7058442	-96.48853	2016	1141581965