

UW Brazos Valley Farm LLC

June 3, 2024

By Email and Hand Delivery

Brazos Valley Groundwater Conservation District
112 West 3rd Street
Hearne, TX 77859

Re: Transport Permit Applications for each of: Clifford A. Skiles III; Cula d'Brazos LLC; Ely Family Partnership LP; Fazzino Investments LP; James C. Brien; L. Wiese Moore LLC; and RH2O LLC (each an "Applicant") with UW Brazos Valley Farm LLC ("UWBVF", co-applicant) (collectively, the "Applicants")

To the Brazos Valley Groundwater Conservation District:

The Brazos Valley Groundwater Conservation District ("BVGCD") has scheduled and noticed a public hearing¹ for June 18, 2024, for the above-referenced seven groundwater transport permit applications.

In the event that a timely and properly filed contested case hearing request is received by BVGCD with respect to any one or more of the above-referenced applications, the above-referenced Applicants hereby request that BVGCD contract with the State Office of Administrative Hearings ("SOAH") to conduct such hearing, including any preliminary hearing with respect to party status. BVGCD Rule 14.4(c-1). If such a contract becomes necessary, (1) Applicants request that any hearing be a consolidated, single proceeding but that each application be given a unique docket number, as each application is unique notwithstanding UWBVF's co-applicant status, and (2) UWBVF acknowledges that it will pay the costs associated with the contract for the hearing and understands it would need to coordinate at the appropriate time a deposit with the District of an amount sufficient to pay the contract. BVGCD Rule 14.4(c-1)(3).

Please reach out to me at (646) 961-3272 with any questions.

¹ Per BVGCD rules, the June 18, 2024 public hearing is not a preliminary hearing for an evidentiary proceeding and the deadline to request that BVGCD contract with SOAH has not yet been established. However, for clarity and efficiency on the potential path forward, Applicants submit this request on a contingent basis.

On behalf of the Applicants,



David Lynch
UWBVF

cc:

Ed McCarthy, McCarthy & McCarthy LLP for Ely Family Partnership LP
and for Fazzino Investments LP

Doug Caroom, Bickerstaff Heath Delgado Acosta LLP for James C. Brien
and L. Wiese Moore LLC

Russ Johnson, McGinnis Lochridge for Cula d'Brazos, LLC

Dr. Skiles

Kevin Pennell, Pennell Law Firm PLLC for RH2O LLC