

April 22, 2026

VIA ELECTRONIC MAIL

Mr. Gary Westbrook, District Representative for Post Oak Savannah GCD
Mr. Elvis Hernandez, District Representative for Lost Pines GCD
Mr. David Van Dressar, District Representative for Fayette County GCD
Mr. David Bailey, District Representative for Mid-East Texas GCD
Groundwater Management Area 12

Re: Groundwater Management Area 12 Desired Future Conditions

Dear Groundwater Management Area No. 12 Representatives:

This letter addresses Post Oak Savannah GCD's PowerPoint presentation and position taken at this past Thursday's GMA meeting, and our concern that the five GMA 12 districts are not undertaking a meaningful, fully informed analysis of the relevant statutory criteria as it relates to the Simsboro Aquifer DFCs. This letter is written on behalf of our client Brazos Valley GCD.

Groundwater Management Area 12 is quickly approaching the May 1, 2026 deadline to adopt the proposed desired future conditions (DFCs) for the relevant aquifers. The DFCs for the Simsboro Aquifer are the last to be decided, which only affect Brazos Valley GCD, Lost Pines GCD, and Post Oak Savannah GCD. Since the October 10, 2025 GMA meeting, GMA 12 has been on the path to propose the DFCs from GAM Run PS4-2, which had provided DFCs in the Simsboro Aquifer of 367 feet for Post Oak Savannah GCD, 283 feet for Brazos Valley GCD, and 253 feet for Lost Pines GCD. In light of significant increases in water demand from explosive growth within GMA 12 and the broader region, several adjustments to the pumping assumptions in that model were discussed at the November 2025 GMA 12 meeting—with a vote in favor of running the model with those assumptions. It was not until the most recent GMA 12 meeting, on April 16, 2026, that the requested GAM run was presented. That run, "the PS4-2modv.8 GAM Run," provided a DFC in the Simsboro Aquifer of 369 feet for Post Oak Savannah GCD, 283 feet for Brazos Valley GCD, and 261 feet for Lost Pines GCD.

After the PS4-2modv.8 GAM Run was presented, the Post Oak Savannah GCD representative requested an additional GAM run using information apparently based on assumptions from its own OPMAN model. In doing so, Post Oak Savannah GCD was clear to propose that this new GAM run would only reduce the production input from Brazos Valley GCD while leaving the Simsboro Aquifer DFCs in Post Oak Savannah GCD and Lost Pines GCD untouched. Brazos Valley GCD greatly appreciates that this request did not get a second nor was it acted upon by the other district representatives. However, we remain deeply concerned with this request, which would compromise the water needs within that part of our groundwater management area with the most concentrated population (i.e., Brazos and Robertson Counties),

where there are ample water supplies in the Simsboro formation and a responsible regulatory program in place at Brazos Valley GCD.

During Post Oak Savannah GCD's presentation at the latest GMA 12 meeting on April 16, 2026, several claims were made about Brazos Valley GCD, which Brazos Valley GCD disputes. These claims, raised for the first time and at the 11th hour of this DFC-planning cycle, attempted to discredit and criticize BVGCD's efforts over the last year to provide information about production characteristics within its district and its advocacy for DFCs based on the Potential PS4-3 model run. Post Oak's criticisms are misplaced and rely on inaccurate or misleading information.

First, Brazos Valley GCD extensively modeled the effects of the Upwell Water transport permit applications, as well as the associated production permit applications, both which were posted on Brazos Valley GCD's website and presented at public hearings and meetings. Modeling work prepared during the settlement process has been publicly available but was never requested by Post Oak Savannah GCD. Brazos Valley GCD has openly shared its pumping filings throughout this round of DFC planning and would respectfully request for Post Oak Savannah GCD to do the same, so that we can ensure the process is scientifically thoughtful and fair and, most importantly, so that all five of the districts' representatives can make a fully informed decision on Simsboro DFCs based on the statutory considerations.

Second, the characterization that Brazos Valley GCD's socioeconomic study relies on income that can be generated by selling water is inaccurate. On March 9, 2026, Brazos Valley GCD distributed to GMA 12 a Socioeconomic Impact Study of Simsboro Aquifer Desired Future Conditions for Brazos and Robertson Counties, prepared by WestWater Research. This socioeconomic study was provided to GMA 12 as part of the required considerations under Section 36.108(d) and (d-2) of the Texas Water Code, of the "socioeconomic impact reasonably expected to occur" and the required "balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area." Unlike most of the other districts in GMA 12, Brazos Valley GCD has a sizeable current population of about 267,000 residents, and Bryan-College Station is one the nation's fastest growing areas. The study produced by WestWater Research evaluated the projected economic impact of reducing the ability to produce from the Simsboro formation in large part by in-district users for in-district use, and was intended to focus the GMA 12 members' attention on the economic consequences of a more restrictive DFC for the Simsboro formation in accordance with the requirements of Texas Water Code § 36.108(d)(6). This study demonstrates that the growth for in-district use would be substantially hampered by the PS4-2 DFCs. Unlike the characterization by Post Oak Savannah GCD, the study focuses on the economic loss if water is not available to stakeholders located geographically within the Brazos Valley GCD and does not base its results from revenue generated for selling water outside of its boundaries. Post Oak Savannah GCD's failure to recognize this fact reveals that it has not substantively considered WestWater's study, listened to WestWater's presentation, or considered the socioeconomic impacts expected to occur as a result of the DFCs it prefers.

Third, the Brazos Valley GCD has a regulatory deadline in District Rule 8.5(b)(3) for wells to be drilled or the permit expires. Any comments about “speculative” permits are unfounded. A number of permits issued by Brazos Valley GCD will likely expire on September 14, 2026. Potential production from these permits was considered by GMA 12 in Scenario PS4-1, first presented on April 23, 2025, which simulated impacts of production from all permits in each district in GMA 12. Therefore, the expiring permits will reduce production pressure in the Simsboro formation modeled during this GMA 12 development process.

Fourth, Brazos Valley GCD has expressed on numerous occasions over the past several years a desire to partner with neighboring districts to plan for and collaborate on regional mitigation. Brazos Valley GCD will be interested to observe and potentially follow Post Oak Savannah GCD’s lead on how it mitigates the regional effects of the Vista Ridge project across district boundaries—currently the only large-volume export project producing in GMA 12—in the spirit of the recently enacted HB 1689 and Texas Water Code § 36.207(c). With the rising interest in developing groundwater within GMA 12, Brazos Valley GCD is ready to get to work on meaningful mitigation planning efforts with Post Oak and all the GMA 12 districts. Bear in mind that Brazos Valley GCD takes mitigation very seriously, as reflected not only in the commitment in our rules but in the additional mitigation measures provided for in the settlement with Upwell Water and its local landowners.

Lastly, Post Oak Savannah GCD’s suggestion to submit DFCs to the Texas Water Development Board without the associated WEL pumping files does not satisfy the required § 36.108(d) DFC considerations, and is inconsistent with TWDB’s own Rules 356.31(b) and 356.32(6). Brazos Valley GCD has concerns about passing this responsibility off to the TWDB without the full set of data. This proposal would delegate several important regulatory and planning functions to the TWDB, which are the responsibility of GCDs under Chapter 36, and may result in the TWDB not considering permits, local knowledge, management decisions, and GCD rules and guidance when determining MAGs to the detriment of all districts in GMA 12.

Each of the five districts understandably must represent its constituents’ interests yet, at the same time, be transparent about relevant information and forthcoming about its various assumptions and reasons for supporting a particular DFC. Brazos Valley GCD looks forward to collaboratively working through these concerns over the next several days in preparation for the next GMA 12 meeting on April 27, 2026.

Sincerely,



Michael A. Gershon
Special Counsel, Brazos Valley
Groundwater Conservation District

cc: Ms. Natasha Martin, Lost Pines GCD General Counsel
Ms. Monique Norman, Brazos Valley GCD and Fayette County GCD General Counsel
Mr. Greg Ellis, LPGCD Special Counsel and Mid East Texas GCD General Counsel
Ms. Kristen Fancher, Post Oak Savannah GCD General Counsel

Mr. Jayson Barfknecht, Board President
Mr. Alan Day, General Manager
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