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September 23, 2020

Texas Alliance of Groundwater Districts  
P.O. Box 152169  
Austin, Texas 78715

In re:       Neches and Trinity Valleys Groundwater Conservation  
              District vs. Mountain Pure TX

Dear Executive Committee:

The Neches and Trinity Valleys Groundwater Conservation District requests that TAGD file an Amicus Brief in the above cause. As provided in your Amicus Brief Policy, the following information is submitted:

- A. Neches and Trinity Valleys Groundwater Conservation District (the "District") filed suit against Mountain Pure TX, LLC ("Mountain Pure") seeking to enforce its rules and regulations because Mountain Pure was operating a well that had not been permitted. Also, Mountain Pure had not been filing reports or paying fees. In response to the suit, Mountain Pure filed a counterclaim against the District in which it claimed that the District's efforts to enforce its rules amounted to an unconstitutional "taking." The District filed a Plea to the Jurisdiction based upon several grounds including governmental immunity. The trial court denied the plea and the case was appealed to the Tyler Court of Appeals. The Tyler Court reversed the trial court's decision and dismissed the takings counterclaim. Mountain Pure has petitioned the Texas Supreme Court to consider the case. Both the District and Mountain Pure have filed briefs supporting their position in the Supreme Court. However, the Supreme Court now has requested additional briefing on the matter. It has not ruled on the petition.
  
- B. The District has sought the dismissal of the takings claim and the TAGD should do likewise.

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C. Estimated cost: \$5000.00

D. The name of the attorney proposing to file the brief on behalf of TAGD is Mike Gershon.

E. Very truly yours,



John D. Stover

Cc: Penny Hanson  
Murry Cohen

JDS/rc  
ND:4835-0819-1436 v.1