

**IN RE: APPLICATIONS OF ALCOA  
USA CORP. TO AMEND DRILLING  
AND OPERATING PERMIT NO. 0148  
AND FOR A TRANSPORT PERMIT**

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**BEFORE THE  
POST OAK SAVANNAH  
GROUNDWATER CONSERVATION  
DISTRICT**

**REQUEST OF BLUE WATER 130 PROJECT, L.P. FOR PARTY STATUS**

TO THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT:

COME NOW Blue Water 130 Project, L.P. (“Blue Water 130”) and pursuant to Texas Water Code Section 36.415 and Post Oak Savannah Groundwater Conservation District (the “District”) Rules 7.5.3, 8.3.3 and 14.2.4, timely files this Request for Party Status regarding the ALCOA USA Corp.’s (“ALCOA”) Applications to Amend District Drilling and Operating Permit No. 0148 and for a Transfer Permit.<sup>1</sup> In support of its request, Blue Water 130 shows the following.

**I. REQUEST FOR PARTY STATUS**

Blue Water 130 seeks party status to protect its property rights in groundwater leases and permit rights and interests in the Simsboro aquifer, the same formation authorized for production under the current ALCOA permits and that is the subject of ALCOA’s permit applications at issue here. While the position of Blue Water 130 has not been determined at this time, Blue Water 130 meets the requirements for requesting party status and participation in the hearing process on ALCOA’s applications. Blue Water 130 holds extensive groundwater lease and permit rights for the production of municipal water supply from the Simsboro aquifer, including wells in the same aquifer as ALCOA’s well field and ALCOA’s additional well sites in Milam County that will be directly affected by the proposed long-term production volumes for municipal use referenced in

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<sup>1</sup> This request for party status is timely filed pursuant to District Rules 7.5.3 and 14.2.4 because it is filed at least five business days prior to the scheduled July 27, 2021, hearing. Blue Water 130 respectfully notes a discrepancy between the published Notice of Public Hearing which specifies that timely request for party status is required at least five days prior to the hearing whereas the District Rules require five business days advanced written requests to participate.

ALCOA's Applications. Blue Water 130's groundwater rights encompass thousands of acres and provide the basis for District Drilling and Operation Permit No. POS-D&O/A&M-0001a and District Transport Permit No. POS-T-0001a that provide for a total of 20,000 acre-feet of annual production from the Simsboro formation of the Carrizo-Wilcox aquifer.

Blue Water 130's legal rights and economic interests are within the District's regulatory authority and will be affected by the Board's decision on the Alcoa applications in a manner not common to members of the public. These legal rights include, but are not limited to, those rights in Blue Water 130's groundwater leases. Moreover, the subject District permits confer an economic interest in Blue Water 130 because this underlying groundwater rights and permits and the supporting transportation system is the product of substantive economic investment over many years, resulting in investment-backed expectations that could potentially be adversely affected by the District's actions on the ALCOA Applications. Blue Water 130's interests include assuring that the District's processing and potential grant of ALCOA's proposed drilling and operating permit amendment and transport application is nondiscriminatory *vis a vis* the District's regulatory treatment of Blue Water 130 and other District permittees.

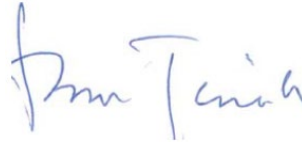
ALCOA's permit amendment and transport permit applications, if granted and depending on what conditions and requirements are imposed if they are granted, will directly impact Blue Water 130's legal rights and economic interests in their leases, wells and permits and may affect the productivity of Blue Water 130's lease and permit rights.

Based on the foregoing, Blue Water 130 has unique justiciable interests not common to the public that will not, and cannot, be adequately represented by any other potential protestant.

### III. PRAYER

WHEREFORE, Blue Water 130 Project, L.P. requests that the District hold a preliminary hearing on ALCOA's application, that Blue Water 130 be granted the right to appear and participate in such hearing, that the District determine Blue Water 130 to have party status to any contested case hearing, and that the District grant all other relief to which Blue Water 130 shows itself to be entitled.

Respectfully submitted,

By: 

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**ATTORNEYS FOR BLUE WATER 130 PROJECT L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served as indicated on this 20<sup>th</sup> day of July, 2021, to the following:

**VIA FIRST CLASS MAIL**

ALCOA USA Corp.  
Attention: Tommy E. Hodges, P.E.  
3990 John D. Harper Road  
PO Box 1491  
Rockdale, TX 76567-1491

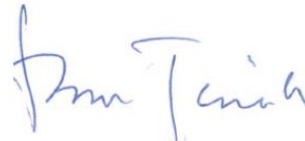
**VIA EMAIL AND FIRST-CLASS MAIL**

Gary Westbrook  
General Manager  
Post Oak Savannah Groundwater Conservation District  
310 East Avenue C  
Milano, TX 76556

**VIA EMAIL**

Barbara Boulware-Wells  
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*Representatives for Post Oak Savannah GCD*



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Paul M. Terrill III