



**Minutes**  
**BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT**  
**Regular Board Meeting**  
**District Office**  
**112 W 3<sup>rd</sup> Street - Hearne, Texas 77859**  
**Thursday, February 13, 2025 | 2:00 p.m.**

**Jayson Barfknecht, President called the meeting to order at 2:13 p.m.**

Directors present:	Jayson Barfknecht	President
	Gary Mechler	Vice-President
	Jeff Kennedy	Secretary
	Chris Zeig	Treasurer
	Mark Carrabba	Director
	Stephen Cast	Director
	John Elliott	Director
	Lisa Rolke	Director
Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Megan Lamb	Education Coordinator
	Monique Norman	Attorney

**Regular Board Meeting**

Call meeting to order

Pledge of Allegiance

Declare quorum present

Public Comment:

- a) Agenda Items: Paulina Williams, Attorney for UW Brazos Farm & Robertson County landowners
- b) Non-Agenda Items

1. Discussion and possible action on the minutes of the January 9, 2025 Regular Board Meeting. **A motion was made by Chris Zeig, second by Mark Carraba to approve the minutes of the January 9, 2025 Regular Board meeting as presented to the Board. The motion passed unanimously.**
2. Financial Report – January 2025 **A motion was made by John Elliott, second by Chris Zeig to approve the financial report for the month of January 2025, as presented to the Board. The motion passed unanimously.**
3. Presentation by Mark Nickels updating the Board on progress related to the Brazos River Alluvium Aquifer groundwater/surface water interaction study sponsored by the Brazos Valley GCD and being conducted by Baylor University. **Mark Nickels, Baylor University graduate student, updated the Board on the ongoing work being conducted on surface water/groundwater interaction on behalf of the District.**
4. Discussion and possible action on the approval and adoption of the 2024 District Annual Report. **A motion was made by Mark Carrabba, second by Lisa Rolke to approve**

**the adoption of the 2024 District Annual Report as presented to the Board. The motion passed unanimously.**

5. Presentation, discussion and possible action related to matters involving the planning and setting of Desired Future Conditions for each of the managed aquifers. **James Beach, PG, Advanced Groundwater Solutions, LLC made a presentation on the Desired Future Conditions (DFC's)**
  
6. Executive Session:
  - Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
    - pending transport permit applications for groundwater from the Simsboro Aquifer: (BVTP-002) for RH2O LLC; (BVTP-003) for Clifford A. Skiles III; (BVTP-004) for James C. Brien; (BVTP-005) for L. Wiese Moore LLC; (BVTP-006) for Fazzino Investments LP; (BVTP-007) for Ely Family Partnership LP; and (BVTP-008) for Cula d'Brazos LLC, all of whom are co-applicants with UW Brazos Valley Farm LLC; ongoing settlement discussions, and related mediation by the State Office of Administrative Hearings as required by District Board Order No. 1;
    - pending contested permit applications for groundwater from the Simsboro Aquifer: (BVDO-0108, BVDO-0317) for Clifford A. Skiles III; (BVDO-0315, BVDO-0316) for James C. Brien; (BVDO-0377, BVDO-0378, BVDO-0379, BVDO-0380, BVDO-0381, BVDO-0382, BVDO-0383, BVDO-0384) for Ely Family Partnership LP; (BVDO-0385, BVDO-0386, BVDO-0387, BVDO-0388., BVDO-0389) for RH2O LLC; (BVDO-0394, BVDO-0395, BVDO-0396, BVDO-0397, BVDO-0398, BVDO-0399) for Fazzino Investments LP; (BVDO-0401, BVDO-0402) for L. Wiese Moore LLC; (BVDO-0408, BVDO-0409, BVDO-0410, BVDO-0411, BVDO-0412, BVDO-0413, BVDO-0414) for Cula d'Brazos LLC; and BVTP-001 for UW Brazos Valley Farm LLC;
    - pending Writ of Mandamus filed by the Texas A&M University System in Brazos County District Court, Cause No. 24-002626-CV-472, and related court filings;
    - pending lawsuit Fazzino Investments, LP v. Brazos Valley Groundwater Conservation District, CASE NO. 6:25-cv-00001, filed in the United States District Court for the Western District of Texas, Waco Division;
    - enforcement of meter accuracy certification by permit holders;
    - water production, export, and administrative fees; and
    - groundwater conservation district related issues in the 89<sup>th</sup> Texas Legislature.
  
7. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 6. Executive Session opened up at 4:24 p.m. (Chris Zeig is no longer in attendance). **A motion was made by Lisa Rolke, second by Mark Carrabba to make changes to the 2025 fee schedule for production fees. The new wording will be agricultural fee rate will be assessed for the permit, unless and until**

**the well is produced for other permitted purpose(s) during the applicable year, in which case the applicable production fee rate for the non-agricultural use will be charged for the entire authorized production for the entire year. The motion passed unanimously.**

8. General Manager's Report, **Alan Day**, presented the Board with the reports listed below.

- a) Drought Monitor Report
- b) Wells permitted pursuant to District Rule 8.3(j)
- c) GMA 12 DFC Update
- d) Legislative issues -- 89<sup>th</sup> Texas Legislature
- e) District Business & Activities
- f) Management Plan Update

9. Discussion and possible future agenda items.

10. Adjourn @ 4:36 p.m.

**Signed this 13<sup>th</sup> day of March 2025**

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Jeff Kennedy  
Secretary

The Board of Directors may meet in closed session, pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071-551.076, to:

- (1) consult with attorney ;
- (2) deliberate regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (3) deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (4) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a Board member or District employee;
- (5) to receive information from employees or question employees, but not deliberate public business or agency policy that affects public business; and
- (6) to deliberate the deployment or specific occasions for implementation of security personnel or devices.

The Board may also meet in open session on these matters as required by the Texas Open Meetings Act, Texas Government Code § 551.102.