



Minutes

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT **Public Permit Hearing and Regular Board Meeting** **District Office** **112 W 3rd Street - Hearne, Texas 77859** **Thursday, March 13, 2025 | 2:00 p.m.**

Gary Mechler, Vice-President called the meeting to order at 2:00 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

Public Permit Hearing

Call Permit Hearing to order

Roll call of members

2. Discussion and possible action on the following Operating Permit Amendment Applications:

- **One (1) existing Operating permit for UW Brazos Valley Farm, LLC:**

Well #1C (**BVDO-0136**): Located at: N 30.88748416° W 96.65056522° 0.73 miles NNW of the intersection of John Reistino Road and FM 485 in Robertson County. Total maximum annual production from the water well is 750 ac-ft/yr at a maximum rate of 750 gpm for Industrial use. Permit holder seeks to amend the existing permit changing Industrial to Agricultural use. The well produces from the Brazos River Alluvium Aquifer. **A motion was made by John Elliott, second by Mark Carrabba to approve the UW Brazos Valley Farm, LLC amendment to the existing permit changing beneficial use from Industrial to Agricultural. The motion passed unanimously.**

- **One (1) existing Operating permit for Circle X Land & Cattle:**

Well (**BVDO-0039**) Synfuels #1: Located at: N 30.9047070° W 96.2731620° 0.94 miles NNE of the intersection of SH-6 and OSR in Robertson County. Total maximum annual production from the water well is 40 ac-ft/yr at a maximum rate of 50 gpm for Industrial use. Permit holder seeks to amend the existing permit to include Agricultural and Commercial uses. The well produces from the Queen City Aquifer.

A motion was made by Mark Carrabba, second by Lisa Rolke to approve the Circle

X Land & Cattle amendment to the existing permit to include Agricultural and Commercial uses. The motion passed unanimously.

- **One (1) existing Operating permit for Circle X Camp Cooley Ltd.:**

Well **(BVDO-0026)** No Mans #3: Located at: N 31.18741868° W 96.34846124° 1.47 miles NNW of the intersection of Holly Road and Varvel Road in Robertson County. Total maximum annual production from the water well is 110 ac-ft/yr at a maximum rate of 400 gpm for Agricultural use. Permit holder seeks to amend the existing permit to include Industrial and Commercial uses. The well produces from the Simsboro Aquifer.

A motion was made by Lisa Rolke, second by John Elliott to approve the Circle X Land & Cattle amendment to the existing permit to include Industrial and Commercial uses. The motion passed unanimously.

3. Adjourn Permit Hearing

Regular Board Meeting

Call meeting to order

Pledge of Allegiance

Declare quorum present

Public Comment

a) Non-agenda items

b) Agenda items

1. Discussion and possible action on the minutes of the February 13, 2025 Regular Board Meeting. **A motion was made by Lisa Rolke, second by Mark Carrabba to approve the minutes of the February 13, 2025 meeting as presented to the Board. The motion passed unanimously.**
2. Financial Report – February 2025, **A motion was made by Jeff Kennedy, second by Chris Zeig to approve the financial reports for February 2025 as presented to the Board. The motion passed unanimously.**
3. 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 presented the Board with the Desired Future Conditions report.**

4. 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;
 - establishing Desired Future Conditions for all aquifers within the boundaries of the BVGCD
 - enforcement of meter accuracy certification by permit holders;
 - water production, export, and administrative fees; and
 - groundwater conservation district related issues in the 89th Texas Legislature.
5. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 4. **A motion was made by Lisa Rolke, second by John Elliott requesting that the General Manager use the best estimate numbers run by our hydrogeologist to present for DFC discussion, consideration, and vote at Groundwater Management Area 12 (GMA 12). The motion passed unanimously.**
6. 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) Legislative issues -- 89th Texas Legislature

- d) District Business & Activities
- e) Management Plan Update

7. Discussion and possible future agenda items.

8. Adjourn

Signed this 10th day of April 2025

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.

**** Agenda items may be taken out of order at the discretion of the Board Chairman**