



Minutes
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Regular Board Meeting
District Office
112 W 3rd Street - Hearne, Texas 77859
Thursday, April 10, 2025 | 2:00 p.m.

Jayson Barfknecht, President called the meeting to order at 2:00 p.m.

| | | |
|--------------------|-------------------|-----------------------|
| Directors present: | Jayson Barfknecht | President |
| | Gary Mechler | Vice-President |
| | Jeff Kennedy | Secretary |
| | Mark Carrabba | Director |
| | Stephen Cast | Director |
| | John Elliott | Director |
| | Lisa Rolke | Director |
| Director Absent: | Chris Zeig, | 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) Non-agenda items

b) Agenda items

1. Discussion and possible action on the Minutes of the Permit Hearing and Regular Board Meeting March 13, 2025. **A motion was made by Lisa Rolke, second by Mark Carrabba to approve the minutes of the March 13, 2025 Permit Hearing & Regular Board meeting as presented to the Board. The motion passed unanimously.**
2. Financial Report – March 2025, **A motion was made by John Elliott, second by Lisa Rolke to approve the financial reports for March 2025 as presented to the Board. The motion passed unanimously.**
3. Discussion and possible action on matters involving the planning and setting of Desired Future Conditions for each of the managed aquifers. **A motion was made by Jeff Kennedy, second by Mark Carrabba to declare the Gulf Coast Aquifer “non-relevant” for the 2026 DFC Planning Cycle as it relates to the Brazos Valley Groundwater Conservation District. The motion passed unanimously.**

4. Executive Session: @ 2:20 p.m.

- 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. Open session @ 2:56 p.m.

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.

- Desired Future Conditions

8. Adjourn at 3:01 p.m.

Signed this 8th day of May 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**