



**Minutes**  
**BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT**  
**Permit Hearing and Regular Board Meeting**  
**District Office**  
**112 W 3<sup>rd</sup> Street - Hearne, Texas 77859**  
**Thursday, May 8, 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
	Stephen Cast	Director
	John Elliott	Director
	Lisa Rolke	Director
Director Absent:	Mark Carrabba	Director
	Chris Zeig,	Director
Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Megan Lamb	Education Coordinator
	Monique Norman	Attorney
	Mike Gershon	Attorney
	James Beach	AGS, Hydrologist

**Call Permit Hearing to order**  
**Roll call of members present;**

3. Discussion and possible action on the following **Operating Permit Application**:
  - **One (1) Operating permit for Four Star Family Limited Partnership:**

Well #3 (**BVOP-0325**): Located at: N 31.03722222 ° W 96.73972222 ° 0.91 miles SSW of the intersection of Salter Farm Road and FM 2159 in Robertson County. Total maximum annual production from the water well is 205 ac-ft/yr at a maximum rate of 375 gpm for Agricultural use. The well produces from the Brazos River Alluvium Aquifer. **A motion was made by Lisa Rolke, second by John Elliot to approve the Operating Permit application for Four Star Family Limited Partnership for a total maximum annual production of 205 ac-ft/yr at a maximum rate of 375 gpm for Agricultural use from the Brazos River Alluvium Aquifer. The motion passed unanimously.**

4. Permit Hearing on the following **Drilling/Operating Permit Application**:

- **One (1) Drilling/Operating permit for Nelda Calhoun:**

Well #2 (**BVDO-0425**): Located at: N 30.84226934 ° W 96.56323911 ° 0.43 miles SW of the intersection of Old Hearne Road and SH-6 in Robertson County. Total maximum annual production from the water well is 233.75 ac-ft/yr at a maximum rate of 300 gpm for Agricultural and Industrial uses. The well will produce from the Simsboro Aquifer. **A motion was made by Jeff Kennedy, second by John Elliott to approve the Drilling/Operating Permit application for Nelda Calhoun for a total maximum annual production of 233.75 ac-ft/yr at a maximum rate of 300 gpm for Agricultural and Industrial uses from the Simsboro Aquifer. The motion passed unanimously.**

5. 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 Permit Hearing and Regular Board Meeting April 10, 2025. **A motion was made by Stephen Cast, second by Lisa Rolke to approve the minutes of the April 10, 2025, Permit Hearing & Regular Board meeting as presented to the Board. The motion passed unanimously.**
2. Financial Report – April 2025, **A motion was made by Gary Mechler, second by Jayson Barfknecht to approve the financial reports for April 2025 as presented to the Board. The motion passed unanimously.**
3. Discussion on draft rule amendments including but not limited to requiring the installation of well seals that provide access to obtain water level measurements and registration of wells prior to service work being performed, and possible action on setting a date for a rules hearing. **A motion was made by Jeff Kennedy, second by Lisa Rolke to set the date for a Rules Hearing on June 12, 2025, as presented to the Board. The motion passed unanimously.**
4. Discussion and possible action on matters involving the planning and setting of Desired Future Conditions for each of the managed aquifers. **James Beach, Hydrologist, gave a presentation to the Board regarding the Desired Future Conditions. A motion was made by John Elliott, second by Jeff Kennedy to move the starting date for DFC's calculations from year 2000 to year 2010 coming in line with the other GMA 12 members. The motion passed unanimously.**

5. Executive Session: @ 3:12 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 89<sup>th</sup> Texas Legislature.

6. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 5. **Open session @ 4:53 p.m. A motion was made by Jayson Barfknecht, second by John Elliott to move forward in reference to the Board's Order No.1 in the current SOAH matter with the transport permit application, as listed, the Board approves formal private mediation in place of the SOAH mediation that was required to occur before discovery for the contest case hearing could begin. The motion passed unanimously.**

7. 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 -- 89<sup>th</sup> Texas Legislature
- d) District Business & Activities
- e) Management Plan Update

8. Discussion and possible future agenda items.

- Mark Nickels & Dr. Joe C. Yelderman - Baylor University Presentation

9. **Adjourn at 5:02 p.m.**

**Signed this 12<sup>th</sup> day June 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.

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