

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT



Public Permit Hearing

District Office

Hearne, Texas

July 10, 2025

2:00 p.m.



Public Permit Hearing

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT**
District Office
112 W. 3rd Street
Hearne, Texas 77859
Thursday, July 10, 2025 | 2:00 p.m.

Call Permit Hearing to order
Roll call of members present

1. Permit Hearing on the following **Operating Permit Amendment Application**:

- **One (1) existing Operating permit for Luminant Mining, LLC – Kosse:**

Well #6 (BVDO-0424): Located at: N 31.27352314° W 96.44390243° 0.95 miles W of the intersection of Willow Creek Road and SH 7 in Robertson County. Total maximum annual production from the water well is 71 ac-ft/yr at a maximum rate of 44 gpm for Agricultural use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) to five (5) years. The well produces from the Simsboro Aquifer.

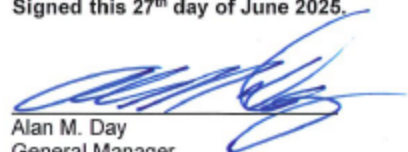
2. Discussion and possible action on the following **Operating Permit Amendment Application**:

- **One (1) existing Operating permit for Luminant – Kosse & Bremond Mines:**

Well #6 (BVDO-0424): Located at: N 31.27352314° W 96.44390243° 0.95 miles W of the intersection of Willow Creek Road and SH 7 in Robertson County. Total maximum annual production from the water well is 71 ac-ft/yr at a maximum rate of 44 gpm for Agricultural use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) to five (5) years. The well produces from the Simsboro Aquifer.

3. Adjourn Permit Hearing

Signed this 27th day of June 2025.


Alan M. Day
General Manager

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

Agenda Item # 1

Permit Hearing on the following **Operating Permit Amendment Application:**

- **Luminant Mining Company – Kosse | BVDO-0424 | Well #6 | Simsboro Aquifer | 71 ac-ft/yr | Agricultural Use | Livestock & Wildlife Uses | Lengthen Permit Term | One (1) Year to Five (5) Years**



Agenda Item # 2

Discussion & possible action on the following **Operating Permit Amendment Application:**

- **Luminant Mining Company – Kosse | BVDO-0424 | Well #6 | Simsboro Aquifer | 71 ac-ft/yr | Agricultural Use | Livestock & Wildlife Uses | Lengthen Permit Term | One (1) Year to Five (5) Years**



Worksheet for an Amendment to an Operating Permit

Luminant Mining Company, LLC – BVDO-0424

Luminant Mining Company, LLC seeks an amendment to one (1) Operating Permit for the purpose of:

- **Agricultural Use – Water for livestock & wildlife**

Well #6

Located at: N 31.27352314° W 96.44390243° 0.95 miles W of the intersection of Willow Creek Road and SH 7 in Robertson County.

Beneficial Use: **Agricultural Use – Water for livestock & wildlife**

Aquifer of Origin: **Simsboro**

Well Column: **6”**

Rate of Production: **44 gpm**

Max. Annual Production: **71 acre feet/year**

Original Permit Issued May 8, 2025

This application meets all the specifications listed in BVGCD Rule 7.1 (c) regarding production-based acreage. Below are the calculations verifying the applicant's compliance:

$71 \text{ acre feet/year} \times .62 = 44.02 \text{ gpm}$ on an average annual basis

$44.02 \times 2'/\text{gpm}$ for Simboro wells = 88.04' radius from the wellhead

$88.04' \times 88.04' \times 3.14 = 24,338.27$ square feet around the well

$24,338.27/43,560 = \mathbf{0.5587}$ contiguous acres to be assigned to the well.

The footprint of the well lie entirely within the property controlled by the applicant.

The permit holder seeks to amend Operating permit BVDO-0424 to lengthen the permit term from one (1) year to five (5) years.

It is recommended by the General Manager to approve the amendment to the Operating permit BVDO-0424 as presented.

Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District



This **Operating Permit** is granted to **Luminant Mining Company, LLC (Kosse)** (Permittee) authorizing the Permittee to operate a water well, known as **Well #6** ("Well"), at the location specified below within the Brazos Valley Groundwater Conservation District (District) for the beneficial purpose of producing water for **Agricultural** use. Permittee is authorized to operate the Well located at **N 31.27352314° and W 96.44390243°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **44 GPM** and a maximum annual production of **71 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed as specified by the District's rules.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.

This permit is issued and effective as of May 8, 2025. This permit was amended July 10, 2025 lengthening the permit term for one (1) year to five (5) years.

Special Provisions/Notes: None

Adjourn Public Permit Hearing





BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

District Negotiated Export Fee Hearing

District Office

Hearne, Texas

July 10, 2025

2:00 p.m.



Public Hearing

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

**District Negotiated Export Fee Schedule Hearing
District Office**

112 W. 3rd Street – Hearne, Texas

Thursday, July 10, 2025 – 2:00 p.m.


Notice is given that the Board of Directors of the Brazos Valley Groundwater Conservation District will hold a District Negotiated Export Fee Hearing on Thursday, July 10, 2025 @ 2:00 p.m. in the District Office.

The Brazos Valley Groundwater Conservation District is holding a public hearing Thursday, July 10, 2025 at 2:00 p.m. in the District Office located at 112 W. 3rd Street, Hearne, Texas on the adoption of negotiated export fees related to the Settlement and Release Agreement executed between the Brazos Valley Groundwater Conservation District, Upwell Water Brazos Valley Farm, LLC, Texas A&M University System, the City of Bryan, the City of College Station, and Brazos County, pursuant to § 36.122(e)(1), (e)(3), Texas Water Code and § 8835.151(c)(1), Texas Special District and Local Laws Code. Public comments will be taken during the hearing or may be submitted to the District in writing prior to the hearing. Comments may be emailed to info@brazosvalleygcd.org or mailed to P.O. Box 528, Hearne, Texas 77859.

The current District water production and export fee schedules may be viewed and downloaded from the District website at [Permits & Affidavits | Brazos Valley Groundwater Conservation District](https://www.brazosvalleygcd.org/Permits%20&%20Affidavits) ([brazosvalleygcd.org](https://www.brazosvalleygcd.org))

Contact the Brazos Valley Groundwater Conservation District Office for questions at email aday@brazosvalleygcd.org and 979-279-9350.

Signed this 1st day of July, 2025



Alan M. Day, General Manager

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**

Public Comment on Negotiated Export Fee Schedule



NEGOTIATED EXPORT FEE SCHEDULE

for

**BVTP-C001, BVTP-C002, BVTP-C003, BVTP-C004,
BVTP-C005, BVTP-C006, BVTP-C007, and BVTP-C008**

Negotiated Tier 1 Rate and Fee:

Authorized Export

Beginning on the date that UW Brazos Valley Farm LLC, or any successor(s), heir(s), representative(s), assign(s), or transferee(s) thereto (collectively, "UWBVF"), first signs a Water Supply Agreement ("WSA") to export water out of the District ("Fee Commencement Date"), under any of Transport Permits BVTP-C001, BVTP-C002, BVTP-C003, BVTP-C004, BVTP-C005, BVTP-C006, BVTP-C007, and BVTP-C008 ("Project Transport Permits"), UWBVF shall pay the Negotiated Tier 1 Fee for each of the first four years following the Fee Commencement Date. The Negotiated Tier 1 Fee due and payable to the District shall be calculated applying the rate of \$0.17/1,000 gallons for water authorized for export under the Project Transport Permits, minus the applicable water production fee rate adopted for FY 2025 (\$0.01465/1,000 gallons permitted), subject to an annual increase of three percent (3%) each calendar year. The Negotiated Tier 1 Fee shall be calculated based on 50,000 AFY, which is the collective annual export volume limitation under the Project Transport Permits, during each of the first four years following the Fee Commencement Date. Full payment of the Negotiated Tier 1 Fee on 50,000 AFY by UWBVF is a mandatory obligation under the Settlement Agreement, effective July 1, 2025, during each of the first four years following the Fee Commencement Date, regardless of whether UWBVF begins exporting water out of the District. If water is exported during the first four years following the Fee Commencement Date, UWBVF shall pay both the Negotiated Tier 1 Fee and the 10-Year Negotiated Tier 2 Fee (defined below) on water exported outside the District. Tier 1 Export Fees shall only be paid for the first four years following the Fee Commencement Date.

10-Year Negotiated Tier 2 Rate and Fee:**Metered Export**

Beginning on the Fee Commencement Date and continuing through the end of the day that is the ten-year anniversary of the Fee Commencement Date, for water exported out of the District under any of the Project Transport Permits, the export fee due and payable to the District shall be \$0.206/1,000 gallons exported (the “10-Year Negotiated Tier 2 Fee”). To be clear, the 10-Year Negotiated Tier 2 Fee becomes payable and due once water is actually exported out of the District. The District’s Board may increase the 10-Year Negotiated Tier 2 Fee rate by a maximum of three percent (3%) each calendar year after a public hearing.

Remainder of Export Permit Term Tier 2 Rate and Fee:**Metered Export**

Beginning the day after the ten-year anniversary of the Fee Commencement Date, the export fee due and payable to the District under any of the Project Transport Permits shall be the District’s duly adopted rate and fee for water exported from the District, consistent with applicable law in effect at the time (the “Remainder of Export Permit Term Tier 2 Fee”).

Adjourn Export Fee Hearing



BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT



Regular Board Meeting

District Office

Hearne, Texas

July 10, 2025

2:00 p.m.



Agenda

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT
Regular Board Meeting
District Office
112 W. 3rd Street – Hearne, Texas
Thursday, July 10, 2025 – 2:00 p.m.**

Notice is given that the Board of Directors of the Brazos Valley Groundwater Conservation District will hold a Regular Board Meeting on Thursday, July 10, 2025 @ 2:00 p.m. in the District Office.

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 June 12, 2025, Public Rules Hearing & Regular Board Meeting
2. Discussion and possible action on the minutes of June 17, 2025, Special Called Board Meeting
3. Discussion and possible action on the minutes of June 24, 2025, Special Called Board Meeting
4. Financial Report – June 2025

5. 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;
 - 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; and
 - water production, export, and administrative fees.

- 6.. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 5, including the transport permit applications recently remanded back to the District involved with SOAH DOCKET NO. 900-25-04017; TRANSPORT PERMIT APPLICATIONS BY UW BRAZOS VALLEY FARM LLC AS CO-APPLICANT WITH THE FOLLOWING:
 - RH20, LLC (BVTP-002),
 - CLIFFORD A. SKILES III (BVTP-003),
 - JAMES C. BRIEN (BVTP-004),
 - L. WIESE MOORE, LLC (BVTP-005),
 - FAZZINO INVESTMENTS, LP (BVTP-006),
 - ELY FAMILY PARTNERSHIP L.P. (BVTP-007),
 - CULA D'BRAZOS LLC (BVTP-008)
7. Discussion and possible action on the adoption by resolution of negotiated export fee schedule associated with the Settlement & Release Agreement executed July 1, 2025 following a public hearing.
8. Discussion and possible action on matters involving the planning and setting of Desired Future Conditions for each of the managed aquifers

9. General Manager's Report

- a) Drought Monitor Report
- b) Wells permitted pursuant to District Rule 8.3(j)
- c) Report on water level measurements & well/aquifer identification
- d) District Business & Activities
- e) Management Plan Update

10. Discussion and possible future agenda items.

11. Adjourn

Signed this 1st day of July 2025



Alan M. Day, General Manager

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**

Agenda Item # 1

Discussion and possible action on the minutes from the June 12, 2025, Rules Hearing & Regular Board Meeting





Minutes
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Public Rules Hearing and Regular Board Meeting
District Office
112 W 3rd Street - Hearne, Texas 77859
Thursday, June 12, 2025 | 2:00 p.m.

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

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

Public Rules Hearing

The Brazos Valley Groundwater Conservation District (District), in compliance with Chapter 36 of the Texas Water Code and its Rules, will receive public comments on proposed amendments to the Rules of the District or District policies during a Public Rules Hearing at 2:00 p.m. on Thursday, June 12, 2025, at the Brazos Valley Groundwater Conservation District Office in Hearne, Texas (112 W. 3rd Street). The proposed amendments include but are not limited to District Rules new Sections 12.5 and 12.6 regarding well completion and service work.

No comments received either written or oral.

Regular Board Meeting

Call meeting to order

Pledge of Allegiance

Declare quorum present

Public Comment

1. Discussion and possible action on the minutes of May 8, 2025, Permit Hearing & Regular Board Meeting. A motion was made by John Elliott, second by Chris Zeig to approve the minutes for May 8, 2025 as presented to the Board. The motion passed unanimously.

2. Financial Report – May 2025 A motion was made by Chris Zeig, second by Lisa Rolke to approve the Financial Report for May 2025 as presented to the Board. The motion passed unanimously.
3. Discussion and possible action 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. A motion was made by Chris Zeig, second by John Elliott to approve the rule amendments as presented to the Board. The motion passed unanimously.
4. Presentation by Mark Nickels and Dr. Joe Yelderman providing the Board a final report of results related to the Brazos River Alluvium Aquifer groundwater/surface water interaction study sponsored by the Brazos Valley GCD and conducted by Baylor University. A final report to the Board members on the Brazos River Alluvium Aquifer groundwater/surface water interaction study was presented.
5. Presentation by Advanced Groundwater Solutions detailing the average artesian head change for each aquifer, comparison of the average head change for each aquifer, and the compliance with the corresponding Desired Future Condition. James Beach, Advanced Groundwater Solutions, gave a presentation to the board members on the average artesian head change for each aquifer, comparison of the average head change for each aquifer, and the compliance with the corresponding Desired Future Conditions.
6. Discussion and possible action on matters involving the planning and setting of Desired Future Conditions for each of the managed aquifers. No action taken.

7. Review, discussion, and possible action on the readoption of the District Investment Policy. A motion was made by John Elliott, second by Lisa Rolke to approve the adoption of the District Investment Policy as presented to the Board. The motion passed unanimously.
8. Executive Session: @ 2:05
 - 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
 - water production, export, and administrative fees; and
 - groundwater conservation district related issues in the 89th Texas Legislature.
9. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 8. **Reopen the Executive Session @ 4:25 p.m. No action taken.**
10. Update of legislative matters occurring during the 89th Legislative Session affecting groundwater districts. **No action taken.**
11. General Manager's Report, Alan Day, briefly gave the Board a update on the reports listed below.
- a) Drought Monitor Report
 - b) Wells permitted pursuant to District Rule 8.3(j)
 - c) Report on water level measurements & well/aquifer identification
 - d) District Business & Activities
 - e) Management Plan Update

12. Discussion and possible future agenda items.
13. Adjourn @ 5:34 p.m.

Signed this 10th day of July 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

Agenda Item # 2

Discussion and possible action on the minutes from the
Special Called Board Meeting | June 17, 2025





Minutes
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Special Called Board Meeting
District Office
112 W 3rd Street - Hearne, Texas 77859
Tuesday, June 17, 2025 | 9:00 a.m.

Jayson Barfknecht, President called the meeting to order at 9:00 a.m.

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

Call meeting to order
Pledge of Allegiance
Declare quorum present
Public Comment

- a) Non-agenda items**
- b) Agenda items**

1. Executive Session: **9:02 a.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;
 - District Rule 8.3 regarding the permitting of wells;
 - water production, export, and administrative fees; and
2. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 1, including but not limited a Settlement and Release Agreement. **Executive Session open @ 9:34 a.m.**

A motion was made by Jayson Barfknecht, second by Lisa Rolke to approve the general concepts presented to the Board in Executive Session on June 17, 2025, of the Settlement and Release Agreement between the Brazos Valley Groundwater Conservation District (BVGCD) Board , it's General Manager, Texas A&M University System, Brazos County, City of Bryan, and the City of College Station on the listed matters;

(1) and to instruct legal counsel and the General Manager to finalize the Full and Final Settlement Agreement to be presented to the Board for discussion and possible action at the next posted Board meeting.

3. Discussion and possible future agenda items.
4. Adjourn @ 9:45 am

Signed this 10th day of July 2025

Jeff Kennedy
Secretary

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 - (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

Agenda Item # 3

Discussion and possible action on the minutes from the
Special Called Board Meeting | June 24, 2025





Minutes
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Special Called Board Meeting
District Office
112 W 3rd Street - Hearne, Texas 77859
Tuesday, June 24, 2025 | 9:05 a.m.

Jayson Barfknecht, President called the meeting to order at 9:00 a.m.

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

Call meeting to order
Pledge of Allegiance
Declare quorum present
Public Comment

- a) Non-agenda items**
- b) Agenda items**

1. Executive Session: @ 9:05 a.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;
- District Rule 8.3 regarding the permitting of wells;
- water production, export, and administrative fees; and

2. Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 1, including but not limited a Settlement and Release Agreement. **Executive Session open @ 10:32 a.m.**

A motion was made by Lisa Rolke, second by Mark Carrabba that the Board approves the Full and Final Settlement and Release Agreement related to the listed matter, as noticed in Agenda item 1, and the associated Memorandum of Understanding between the Texas A&M University System, the City of Bryan, the City of College Station, Brazos County, and the District, and that legal counsel may make minor non-substantive changes to the agreement. The motion passed on a 6-1 vote with Stephen Cast opposing.

3. Discussion and possible authorizing the General Manager to have repair work done on the back wall of the District Office related to a water leak. **A motion was made by Mark Carrabba, second by Jayson Barfknecht to approve up to \$12,000 for repairs to the back outside wall due to water leak as presented to the Board. The motion passed unanimously.**
4. Discussion and Possible future agenda items.

Signed this 10th day of July 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**

Agenda Item # 4

Discussion & possible action on the Financial Report
May 2025



1:03 PM
07/02/25
Accrual Basis

Brazos Valley Groundwater Conservation District
Monthly Deposits Report
June 2025

Type	Date	Name	Account	Amount
Deposit	06/02/2025	Higginbottom Farms (Moore Brazos Holdings	Pymt Rec'd	2,696.60
Deposit	06/09/2025	Texas A&M University System	Pymt Rec'd	5,329.11
Deposit	06/09/2025	UW Brazos Valley Farm, LLC	Pymt Rec'd	1,868.04
Deposit	06/10/2025	SouthStar Bank CD	Interest Income	3,278.21
Deposit	06/16/2025	Tri-County SUD	Pymt Rec'd	374.20
Deposit	06/16/2025	1980 Phillips Group, LLC	Pymt Rec'd	130.33
Deposit	06/16/2025	City of Franklin	Pymt Rec'd	599.82
Deposit	06/16/2025	City of Hearne	Pymt Rec'd	886.73
Deposit	06/16/2025	City of Hearne	Pymt Rec'd	2,285.01
Deposit	06/16/2025	Sanderson Farms, LLC	Pymt Rec'd	2,746.48
Deposit	06/16/2025	Scamardo, Edward & Luke	Pymt Rec'd	24.10
Deposit	06/16/2025	Fazzino, John W.	Pymt Rec'd	229.10
Deposit	06/18/2025	City of Bryan	Pymt Rec'd	43,145.40
Deposit	06/27/2025	Texas A&M University System	Pymt Rec'd	13,420.31
Deposit	06/27/2025	City of College Station	Pymt Rec'd	32,529.82
Deposit	06/27/2025	Wickson Creek SUD	Pymt Rec'd	5,689.40
Deposit	06/27/2025	Wellborn SUD	Pymt Rec'd	2,107.85
Deposit	06/27/2025	Wellborn SUD	Pymt Rec'd	2,148.49
Deposit	06/27/2025	Twin Creek WSC	Pymt Rec'd	295.76
Deposit	06/27/2025	Kemp Road, LLC	Pymt Rec'd	100.00
Deposit	06/27/2025	City of Bremond	Pymt Rec'd	360.90
Deposit	06/27/2025	Miramont Country Club	Pymt Rec'd	1,077.95
Deposit	06/27/2025	Cumberland, Miles & William	Pymt Rec'd	14.62
Deposit	06/27/2025	1633 Farms	Pymt Rec'd	661.23
Deposit	06/30/2025	Prosperity Bank Checking	Interest Income	49.49
Deposit	06/30/2025	Well Assistance Fund - BVGCD	Interest Income	11.78
				\$ 122,060.73

*Interest Income

*Application Fee

2:03 PM
07/02/25

Brazos Valley Groundwater Conservation District

Balance Sheet

June 30, 2025

Accrual Basis

ASSETS

Current Assets

BVGCD Well Assistance Fund	47,780.57
District Operating Fund	192,722.09

Certificates of Deposits

SouthStar Bank, SSB-CD	117,460.60
SouthStar Bank, SSB-CD	142,396.49
SouthStar Bank, SSB-CD	285,337.53
SouthStar Bank, SSB-CD	296,866.40

Total Certificates of Deposit **842,061.02**

Total Current Assets - Checking & CD's **1,082,563.68**

Accounts Receivable

Accounts Receivable -306.56

Total Accounts Receivable **-306.56**

Other Current Assets

Accrued Interest Receivable -3,733.99

Total Other Current Assets **-3,733.99**

Total Current Assets **1,078,523.13**

Fixed Assets

Field Equipment	15,269.81
Computer Equipment	22,180.59
Accumulated Depreciation	-68,117.42
Land	2,400.00
Vehicles	141,708.65
Office Building	305,343.02
Office Equipment	28,007.33

Total Fixed Assets 446,791.98

TOTAL ASSETS **1,525,315.11**

LIABILITIES & EQUITY

Liabilities	
Current Liabilities	-43,980.67
Total Liabilities	<u>-43,980.67</u>

EQUITY

Opening Bal Equity	218,313.12
Retained Earnings	1,400,139.22
Net Income	-72,639.44
Total Equity	<u>1,545,812.90</u>

TOTAL LIABILITIES & EQUITY **1,525,315.11**

Brazos Valley Groundwater Conservation District
Budget Expenditures
June 2025

	<u>CURRENT MONTH INCOME</u>	<u>YEAR TO DATE INCOME</u>		
	Jun-25	Jun-25		
Ordinary Income/Expense				
Application	\$100.00	\$4,700.00		
Water Use Fee Income	\$118,621.25	\$664,809.01		
Interest on CD's/NOW Acct.	\$3,339.48	\$23,617.92		
Other	\$0.00	\$3,595.71		
Total Income	\$122,060.73	\$696,722.64		
	<u>CURRENT MONTH EXPENSES</u>	<u>YEAR TO DATE EXPENSES</u>	<u>BUDGET FOR FY2025</u>	<u>PERCENTAGE OF BUDGET</u>
	Jun-25	Jun-25		
EXPENSE				
5200 SUPPLIES				
5210 Computing / Software/Website	\$1,034.00	\$5,151.12	\$9,000.00	57.23%
5220 Office Supplies	\$387.91	\$4,770.93	\$12,000.00	39.76%
5230 Postage	\$0.00	\$525.90	\$1,500.00	35.06%
5240 Public Education	\$4,160.00	\$17,131.37	\$53,100.00	32.26%
5250 Field Service Equipment	\$157.71	\$1,420.40	\$5,700.00	24.92%
5260 Miscellaneous/Supplies	\$0.00	\$0.00	\$500.00	0.00%
5300 PROFESSIONAL SERVICES				
5310 Legal (General)	\$91,736.34	\$269,575.85	\$80,000.00	336.97%
5315 Legal (SOAH / Litigation)	\$0.00	\$0.00	\$100,000.00	0.00%
5320 Engineering / Hydrologist-AGS	\$18,735.47	\$94,057.11	\$130,000.00	72.35%
5325 Engineering / Hydrologist (Well Assistance)	\$0.00	\$0.00	\$70,000.00	0.00%
5330 ArcGIS Program/Hosting	\$0.00	\$17,670.78	\$11,000.00	160.64%
5340 Annual Audit	\$0.00	\$3,200.00	\$10,000.00	32.00%
5360 Information/Technology	\$0.00	\$0.00	\$7,000.00	0.00%
5370 Legislative Consultant	\$5,000.00	\$25,000.00	\$60,000.00	41.67%
5380 Design and Construction Administration-GL	\$0.00	\$2,160.42	\$10,000.00	21.60%

5400 OTHER SERVICES				
5410 Miscellaneous Services	\$362.50	\$2,818.66	\$5,000.00	56.37%
5420 Bonds /Liability Insurance	\$0.00	\$320.00	\$7,000.00	4.57%
5430 Memberships	\$0.00	\$155.00	\$4,000.00	3.88%
5440 Travel / Training	\$312.85	\$5,657.03	\$10,000.00	56.57%
5450 Utilities	\$305.19	\$2,046.40	\$5,000.00	40.93%
5460 Telephone / ISP/ Web Hosting	\$217.97	\$1,307.84	\$3,000.00	43.59%
5470 Advertising / Meetings	\$0.00	\$528.67	\$1,500.00	35.24%
5480 Vehicle Fuel / Maintenance (General)	\$1,980.40	\$5,111.13	\$8,000.00	63.89%
5485 Vehicle Fuel / Maintenance (Well Asst.)	\$0.00	\$0.00	\$4,000.00	0.00%
5490 Part-Time Employee (General - Crabtree)	\$2,850.00	\$19,100.00	\$20,250.00	94.32%
5491 Part-Time Employee (Well Asst. - Crabtree)	\$0.00	\$0.00	\$20,000.00	0.00%
5495 Part-Time Employee (Office)	\$2,166.47	\$10,559.72	\$13,000.00	81.23%
5500 GRANT PROGRAMS /OTHER EXPENSES				
5510 AG Irrigation RT-New / Soil MS	\$0.00	\$0.00	\$10,000.00	0.00%
5530 BV Water Smart	\$0.00	\$32,000.00	\$32,000.00	100.00%
5540 Water Well Plugging	\$0.00	\$1,750.00	\$10,000.00	17.50%
5550 BRAA GW/SW Study	\$0.00	\$0.00	\$30,000.00	0.00%
5560 Depreciations	\$0.00	\$0.00	\$30,000.00	0.00%
5570 Building Maintenance	\$200.80	\$13,146.70	\$5,000.00	262.93%
5580 UAAL (Unfunded Acct. Accrued Liability)	\$0.00	\$0.00	\$7,000.00	0.00%
5600 SALARIES & BENEFITS				
5610 Salaries	\$21,642.96	\$165,595.54	\$336,012.73	49.28%
5620 Medicare/SS	\$1,820.93	\$13,520.40	\$29,132.31	46.41%
5630 Health Benefits	\$4,016.42	\$24,098.52	\$63,458.88	37.98%
5640 Retirement Benefits	\$4,858.62	\$22,337.06	\$46,436.96	48.10%
TOTAL MONTHLY EXPENSES	\$161,946.54	\$760,716.55	\$1,259,590.88	60.39%

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
 INVESTMENT / COLLATERALIZATION REPORT, AUTHORIZATION AND REVIEW
 Operating Funds / Certificates of Deposit / Pledged Securities

Prepared for the period from June 1, 2025 thru June 30, 2025

CERTIFICATES OF DEPOSIT	RATE (apy)	PURCHASE VALUE	TERM IN DAYS	WAM	BEGIN VALUE FOR PERIOD	INTEREST THIS PERIOD	DEPOSITS/ WITHDRAWALS	ENDING VALUE FOR PERIOD	DATE OF PURCHASE	DATE OF MATURITY
SSB 3500000649	4.50%	\$ 293,588.19	71	25.12	\$ 293,588.19	\$ 3,278.21	\$ -	\$ 296,866.40	3/10/2025	9/10/2025
SSB 3500000603	4.50%	\$ 114,908.34	98	13.72	\$ 117,460.60	\$ -	\$ -	\$ 117,460.60	4/7/2025	10/7/2025
SSB 3500000184	4.50%	\$ 245,000.00	130	43.74	\$ 282,288.28	\$ -	\$ -	\$ 282,288.28	5/8/2025	11/8/2025
SSB 3500000477	4.00%	\$ 132,434.49	109	18.50	\$ 142,396.49	\$ -	\$ -	\$ 142,396.49	4/18/2025	10/18/2025
				101.08						
		<u>\$ 785,931.02</u>			<u>\$ 835,733.56</u>	<u>\$ 3,278.21</u>	<u>\$ -</u>	<u>\$ 839,011.77</u>		
DOA (PB)	0.30%				\$ 240,891.22	\$ 49.49	\$ (23,544.17)	\$ 217,396.54		
DWAF (PB)	0.30%				\$ 47,768.79	\$ 11.78	\$ -	\$ 47,780.57		
TOTALS					\$ 1,124,393.57	\$ 3,339.48	\$ (23,544.17)	\$ 1,104,188.88		

PLEGGED SECURITIES AT PROSPERITY BANK (A) & SOUTHSTAR BANK (B)

CUSIP	SIMPLE APR/Coupon	Safekeeping	BEGIN PERIOD MKT VALUE	YIELD THIS PERIOD	ENDING PERIOD MKT VALUE	DATE OF MATURITY	FACE VALUE	MOODY/S&P/FITCH RATINGS
(A) 3138W0X61	2.50	FHLB	\$ 42,391.28	\$ (831.14)	\$ 41,560.14	1/1/2028	\$ 929,263.00	AAA/AA+/AAA
(A) 3138WDYL9	2.50	FHLB	\$ 42,703.67	\$ (1,903.12)	\$ 40,800.55	1/1/2030	\$ 500,000.00	AAA/AA+/AAA
(A) 31418DW65	2.00	FHLB	\$ 495,325.85	\$ (88,710.23)	\$ 406,615.62	2/1/2041	\$ 750,000.00	AAA/AA+/AAA
(A) 31418D5F5	1.50	FHLB	\$ 150,290.34	\$ (28,154.13)	\$ 122,136.21	10/1/2041	\$ 200,000.00	AAA/AA+/AAA
(B) 189522GK5	3.00	TIB	\$ 274,280.21	\$ (7,987.95)	\$ 266,292.26	2/1/2031	\$ 275,000.00	NR/AA-/NR
(B) 414199RC5	2.50	TIB	\$ 265,000.00	\$ (43,558.18)	\$ 221,441.82	9/1/2035	\$ 265,000.00	A2/AA/NR
(B) 34682SFC1	2.00	TIB	\$ 275,635.06	\$ (56,904.90)	\$ 218,730.16	9/1/2034	\$ 275,000.00	A1/AA/NR
TOTALS			\$ 1,545,626.41	\$ (228,049.65)	\$ 1,317,576.76		\$ 3,194,263.00	

The securities pledged and listed above are sufficient to cover the District's Investments for the Operating Fund, Money Market Account, and Certificates of Deposit.

All District investments are in compliance with BVGCD Investment Policy strategies.

Collateralized levels - Prosperity Bank -4,027%, SouthStar Bank - 120% collateralized;

Alan M. Day, General Manager / District Investment Officer

Chris Zeig/Asst. District Investment Officer

% of Portfolio

26.89%

10.64%

25.57%

12.90%

75.98%

CD Total

Collateralized levels - Prosperity Bank -4,027%, SouthStar Bank - 120%

19.69%

4.33%

24.02%

Cash Total

	<u>Jun 25</u>
Advanced Groundwater Solutions, LLC	18,724.25
Alan Day	375.35
ATMOS Energy	89.44
Brazos WiFi	104.00
City of Hearne - Electric	215.75
Discount Tire	1,448.00
Hearne Ace Hardware LLC	74.47
IMPAC	532.40
Intuit Quick Book	1,034.00
John Crabtree	2,850.00
KBTX Media	4,160.00
Lloyd Gosselink Rochelle & Townsend, P.C.	75,486.34
Megan J. Lamb	136.15
Mike's Pest Control	100.00
Monique Norman	16,250.00
QuickBooks Payroll Service	11.22
Raquel Sanchez	200.00
Sabrina T. Brown	5,000.00
State Office of Administrative Hearings	51.98
TCDRS	4,858.62
TML Health Benefits Pool	4,016.42
Tru Service Company	200.80
UBEO	335.00
Verizon	113.97
	<hr/>
TOTAL	<u>136,368.16</u>

Brazos Valley Groundwater Conservation District

7/2/2025 12:25 PM

Register: Well Assistance Fund - BVGCD

From 06/01/2025 through 06/30/2025

Sorted by: Date and Order Entered

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
06/30/2025			Interest Income	Interest June 2025			11.78	47,780.57

Agenda Item # 5

- 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;



Agenda Item # 5

- Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
 - 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; and
 - water production, export, and administrative fees; and



Agenda Item # 6

Discussion and possible action on items listed and deliberated in Executive Session, as noticed above in Agenda Item 5, including the transport permit applications recently remanded back to the District involved with SOAH DOCKET NO. 900-25-04017; TRANSPORT PERMIT APPLICATIONS BY UW BRAZOS VALLEY FARM LLC AS CO-APPLICANT WITH THE FOLLOWING:

- RH2O, LLC (BVTP-002),
- CLIFFORD A. SKILES III (BVTP-003),
- JAMES C. BRIEN (BVTP-004),
- L. WIESE MOORE, LLC (BVTP-005),
- FAZZINO INVESTMENTS, LP (BVTP-006),
- ELY FAMILY PARTNERSHIP L.P. (BVTP-007),
- CULA D'BRAZOS LLC (BVTP-008)



Item 6 – Approval of Transport Permits | Settlement Agreement

Seven (7) transport permit applications were processed and presented at a Public Permit Hearing held June 18, 2024, in Hearne, Texas. Each of those permit applications was contested by several entities. The Board voted to send the permit applications to the State Office of Administrative Hearings (SOAH) to obtain a Proposal for Decision. Below is a listing of the applicants, preliminary permit numbers and requested transport permit volume:

Applicant	Permit Number	Transport Volume (ac-ft/yr)
RH20, LLC	BVTP-002	8,130
Clifford A. Skiles III	BVTP-003	4,800
James C. Brien	BVTP-004	4,115
L. Wiese Moore, LLC	BVTP-005	4,452
Fazzino Investments, LP	BVTP-006	10,348
Ely Family Partnership, LP	BVTP-007	13,873
Cula d'Brazos, LLC	BVTP-008	12,000

All contestant claims against the above listed permit applications have been withdrawn, rendering the permit applications actionable. The Settlement & Release Agreement executed July 7, 2025, prescribed that the seven (7) applications be remanded back to the District from SOAH. Once the District has jurisdiction over the permits, the transport permit applications are to be approved and will become a consolidated transport permit with each of the seven permits a part of that consolidation. The new permit numbers to be assigned are as follows:

- RH20, LLC (BVTP-C002)
- Clifford A. Skiles III (BVTP-C003)
- James C. Brien (BVTP-C004)
- L. Wiese Moore, LLC (BVTP-C005)
- Fazzino Investments, LP (BVTP-C006)
- Ely Family Partnership, LP (BVTP-C007)
- Cula d'Brazos, LLC (BVTP-C008)

Each of the listed transport permits are to be consolidated with BVTP-001 issued to UW Brazos Valley Farm, LLC with a transport permit volume of 49,999 ac-ft/yr. Collectively, the eight (8) transport permits are capped at a maximum of 50,000 ac-ft/yr of exported volume outside of the District.

It is the recommendation by the General Manager and District legal staff to approve the seven listed transport permit applications as presented.

Agenda Item # 7

Update of legislative matters occurring during the 89th Legislative Session affecting groundwater districts



Item 7 – Adoption of Negotiated Export Fee Schedule | Settlement Agreement

The Brazos Valley Groundwater Conservation District Enabling Act allows export fees to be assessed as follows:

Sec. 8835.151. FEES. (a) The board by rule may impose a reasonable fee on each well that is not exempt from regulation by the district and for which a permit is issued by the district. The fee may be based on: (1) the size of column pipe used by the well; or (2) the actual, authorized, or anticipated amount of water to be withdrawn from the well.

(c) In addition to the fee authorized under Subsection (b), the district may impose a reasonable fee or surcharge for an export fee using one of the following methods: (1) a fee negotiated between the district and the transporter; or (2) a combined production and export fee not to exceed 17 cents for each thousand gallons for water used.

The District and UW Brazos Valley Farm, LLC have agreed to a negotiated export fee schedule which is attached. The adoption of the schedule is to be done by resolution and following an export fee hearing. The hearing was held Thursday, July 10, 2025.

It is the recommendation by the General Manager and District legal counsels to adopt the agreed upon negotiated export fee schedule by resolution as presented.



**A RESOLUTION OF THE
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
ADOPTING EXPORT FEES
No. 7-10-25.7**

WHEREAS, the Brazos Valley Groundwater Conservation District (“District”) is charged by the Texas Legislature with providing for the conservation, preservation, protection, and prevention of waste of groundwater, and of groundwater resources in Brazos and Robertson counties, Texas, under Texas Water Code § 36.0015;

WHEREAS, the District is authorized to make and enforce fair and impartial rules to manage groundwater resources as scientifically necessary to conserve and protect groundwater resources within the District’s boundaries under Texas Water Code § 36.101;

WHEREAS, pursuant to the District’s Enabling Act, Chapter 8835 of the Texas Special District Local Laws Code, Texas Water Code § 36.122, and District Rule 9.1, the District may impose an export fee on applicable wells, within the legal limits, including a fee negotiated between the District and the exporter;

WHEREAS, the current Schedule of Fees sets forth a two-tier export fee structure with a Tier 1 fee that applies to water authorized for transport but not transported and a Tier 2 fee that applies to water produced, metered, and transported;

WHEREAS, in lieu of the District’s export fee provided for in the District’s Schedule of Fees, the District has negotiated an export fee to apply to Transport Permits BVTP-C001, BVTP-C002, BVTP-C003, BVTP-C004, BVTP-C005, BVTP-C006, BVTP-C007, and BVTP-C008 (“Project Transport Permits”) that (i) aligns with the District’s objectives, (ii) reflects the negotiations achieving a comprehensive settlement in connection with these permits and their related operating permits, (iii) is material consideration for Permittees’ release of claims against the District in the settlement agreement, and (iv) is set forth in the attached “Negotiated Export Fee Schedule”; and

WHEREAS, the District held a public hearing on the Negotiated Export Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT THAT:

The District adopts the attached Negotiated Export Fee Schedule to be applied to the Project Transport Permits.

PASSED AND APPROVED this the 10th day of July 2025.

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Jayson Barfknecht, President Date

Jeff Kennedy, Secretary Date

NEGOTIATED EXPORT FEE SCHEDULE

for

**BVTP-C001, BVTP-C002, BVTP-C003, BVTP-C004,
BVTP-C005, BVTP-C006, BVTP-C007, and BVTP-C008**

Negotiated Tier 1 Rate and Fee:

Authorized Export

Beginning on the date that UW Brazos Valley Farm LLC, or any successor(s), heir(s), representative(s), assign(s), or transferee(s) thereto (collectively, "UWBVF"), first signs a Water Supply Agreement ("WSA") to export water out of the District ("Fee Commencement Date"), under any of Transport Permits BVTP-C001, BVTP-C002, BVTP-C003, BVTP-C004, BVTP-C005, BVTP-C006, BVTP-C007, and BVTP-C008 ("Project Transport Permits"), UWBVF shall pay the Negotiated Tier 1 Fee for each of the first four years following the Fee Commencement Date. The Negotiated Tier 1 Fee due and payable to the District shall be calculated applying the rate of \$0.17/1,000 gallons for water authorized for export under the Project Transport Permits, minus the applicable water production fee rate adopted for FY 2025 (\$0.01465/1,000 gallons permitted), subject to an annual increase of three percent (3%) each calendar year. The Negotiated Tier 1 Fee shall be calculated based on 50,000 AFY, which is the collective annual export volume limitation under the Project Transport Permits, during each of the first four years following the Fee Commencement Date. Full payment of the Negotiated Tier 1 Fee on 50,000 AFY by UWBVF is a mandatory obligation under the Settlement Agreement, effective July 1, 2025, during each of the first four years following the Fee Commencement Date, regardless of whether UWBVF begins exporting water out of the District. If water is exported during the first four years following the Fee Commencement Date, UWBVF shall pay both the Negotiated Tier 1 Fee and the 10-Year Negotiated Tier 2 Fee (defined below) on water exported outside the District. Tier 1 Export Fees shall only be paid for the first four years following the Fee Commencement Date.

10-Year Negotiated Tier 2 Rate and Fee:**Metered Export**

Beginning on the Fee Commencement Date and continuing through the end of the day that is the ten-year anniversary of the Fee Commencement Date, for water exported out of the District under any of the Project Transport Permits, the export fee due and payable to the District shall be \$0.206/1,000 gallons exported (the “10-Year Negotiated Tier 2 Fee”). To be clear, the 10-Year Negotiated Tier 2 Fee becomes payable and due once water is actually exported out of the District. The District’s Board may increase the 10-Year Negotiated Tier 2 Fee rate by a maximum of three percent (3%) each calendar year after a public hearing.

Remainder of Export Permit Term Tier 2 Rate and Fee:**Metered Export**

Beginning the day after the ten-year anniversary of the Fee Commencement Date, the export fee due and payable to the District under any of the Project Transport Permits shall be the District’s duly adopted rate and fee for water exported from the District, consistent with applicable law in effect at the time (the “Remainder of Export Permit Term Tier 2 Fee”).

Special Provision:

- (a) The payment of the Negotiated Tier 1 Fee shall be made for the full first annual amount due and be remitted to the District within 60 (sixty) calendar days of execution of the Water Supply Agreement. Thereafter, for each of years 2-4, payments of the Negotiated Tier 1 Fee shall be made in accordance with the District’s rules on payment timing.

Agenda Item # 8

Discussion and possible action on matters involving the planning and setting of Desired Future Conditions for each of the managed aquifers



Item 8 | DFC Considerations for 4th Planning Round

GMA 12 planning group met June 27, 2025, to further discuss the Desired Future Conditions (DFCs) of the shared aquifers. GMA 12 members discussed several pumping scenarios using the Sparta/Queen City/Carrizo-Wilcox Groundwater Availability Model (GAM) and results, including predicted water levels, water budgets and DFC planning for the current round of joint planning and model runs previously presented and discussed. The scenarios included:

- GMA 12 joint effort producing combined GAM Run PS4-2
- BVGCD “Best Estimate” Scenario
- BVGCD “Bridge Run”
- POSGCD 500-year run using district information provided by Fayette County GCD, Mid-East Texas GCD, and Lost Pines GCD

Each district provided modified pumping files that reflected issued permits that we adjusted over time to achieve the current DFC. Four (4) districts model runs were done independently with no outside interference from GMA 12 members. Brazos Valley GCD did not use the above-described methodology but rather opted to use pumping files associated with the “Best Estimate” Scenario. This allowed member districts to understand the impact of increase pumping in BVGCD on their own DFCs. PS4-2 produced a different DFC for BVGCD as compared to the original model run. Factors contributing to the difference include:

1. Moving the start time from the year 2000 up to 2010 bringing the District in line with the other GMA 12 members
2. Moving the planning horizon up from 2000-2070 to 2010-2080 as mandated by TWDB
3. Pumping file modifications made by the other districts
4. No variance has yet to be included in any model runs to date

James Beach (AGS), on behalf of BVGCD, presented results of our “best estimate” run and would like for the members to consider these results in their decisions.

Modifications made in creating the “Best Estimate” Run pumping files included:

1. Population and industrial growth predicted by TWDB for Brazos & Robertson counties
2. 50,000 ac-ft of pumping from Vista Ridge which includes 41,000 ac-ft of Simsboro pumping with onset of April 2020
3. Adjustment of pumping in the grid cell containing Goodland Farm to more accurately reflect historical pumping at a maximum of 5,000 ac-ft/yr
4. Use of the Georgetown ramp up values provided to the District

As stated above, PS4-2 and “Best Estimate” yielded different DFC results:

- PS4-2 Simsboro DFC in 2070 = 274'
- PS4-2 Simsboro DFC in 2080 = 288'
- “Best Estimate” Simsboro DFC in 2070 = 329'

BVGCD continued to advocate for 329' of average artesian reduction across the BVGCD to accommodate the growing pressure to meet the future needs and not exceed the Simsboro DFC. It was presented that the socio-economic impact on the entities in Brazos and Robertson counties, as well as areas along the I-35 corridor, will be substantial. Impacts to the local Simsboro wells have been thoroughly studied and plans for mitigation are in place.

The group discussed the potential of documenting the level of curtailment in pumping files in the explanatory report. Details of the curtailment process were not discussed. The consultants also included pumping estimates for counties without GCDs in the PS4-2 Run.

BVGCD placed an action item on the agenda regarding adoption of DFCs based on PS4-2 but asked that the matter be tabled to allow the District time to digest PS4-2 results and make an apples-to-apples assessment.

GMA 12 members are waiting for POGCD Board to approve the financial agreement below. District-by-district cost breakdown would be:

- Brazos Valley 30%
- Lost Pines 30%
- Post Oak Savannah 30%
- Mid-East Texas 5%
- Fayette County 5%

This matter will be on the agenda for the next meeting to be finalized.

Other matters that continue to be decided upon for this planning round include:

1. The General Manager asked AGS to compare and correlate the PS4-2 and “Best Estimate” DFC value created. AGS is to provide the Board with an apples-to-apples assessment as soon as possible.
2. Expression of DFCs for BVGCD in Planning Round #4
 - Average Artesian Reduction across the District
 - % of Remaining Available Drawdown
 - Both
3. Protocol to identify interim values for the desired future conditions:
 - Are to adopt under Subdivision (1) for time periods not to exceed 10 years solely to assist the districts in monitoring interim progress in achieving the desired future conditions adopted for the approximately 50-year planning period.

- Each individual district is best suited to know when pumping is expected to come online and the projected effect. HB 2078 gave no specific method to be used by GMA 12 to determine the interim values at 10-year intervals.
- Establishing the method to be used for this determination will require only a majority vote of member districts. Only the final adoption of the DFCs requires a super-majority vote (4 of 5).
- It is the recommendation by the General Manager and District Hydrologist to propose a protocol to GMA 12 allowing each district to establish its own interim DFC values.

The next GMA 12 meeting is scheduled for Friday, August 29, 2025, in Milano, Texas.

Agenda Item # 9

General Manager's Report

- a) Drought Monitor Report
- b) Wells permitted pursuant to District Rule 8.3(j)
- c) Report on water level measurements & well/aquifer identification
- d) District Business & Activities
- e) Management Plan Update

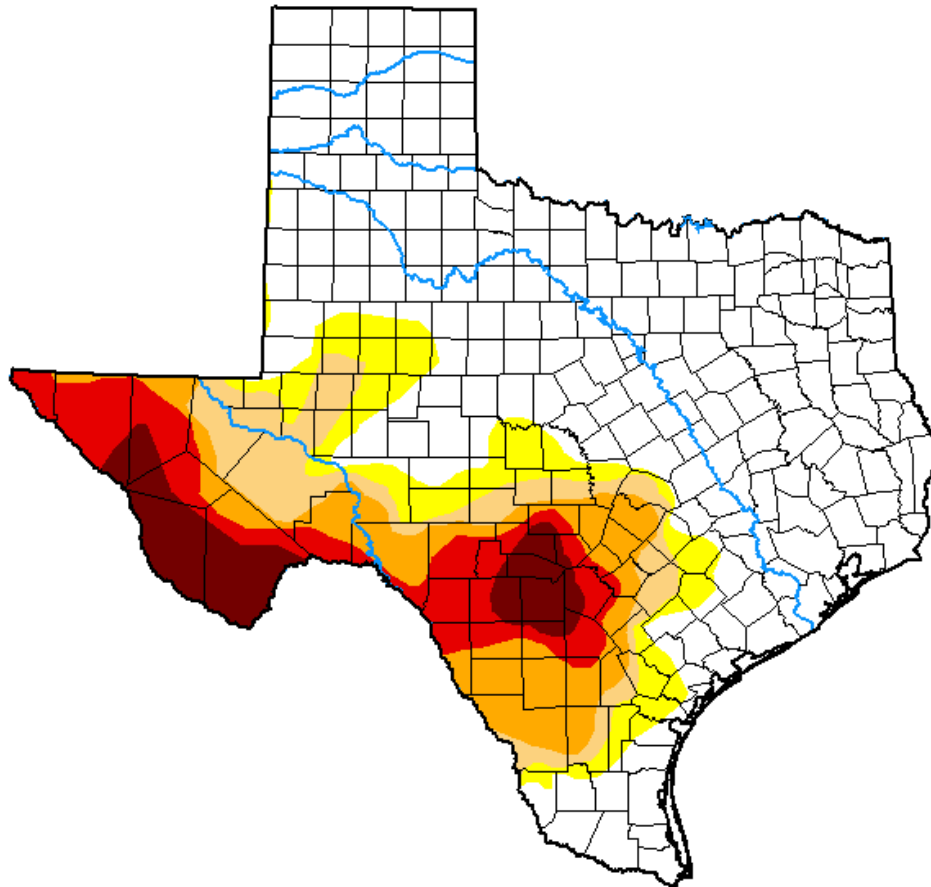


U.S. Drought Monitor Texas

July 1, 2025
(Released Thursday, Jul. 3, 2025)
Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	62.15	37.85	29.50	22.20	13.48	5.75
Last Week <i>06-24-2025</i>	61.81	38.19	29.50	23.26	14.61	9.06
3 Months Ago <i>04-01-2025</i>	14.77	85.23	67.65	45.93	28.87	13.76
Start of Calendar Year <i>01-07-2025</i>	36.81	63.19	43.63	21.45	13.26	6.30
Start of Water Year <i>10-01-2024</i>	26.09	73.91	34.39	16.62	8.91	3.36
One Year Ago <i>07-02-2024</i>	53.95	46.05	25.62	12.86	5.04	0.00



Intensity:



The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

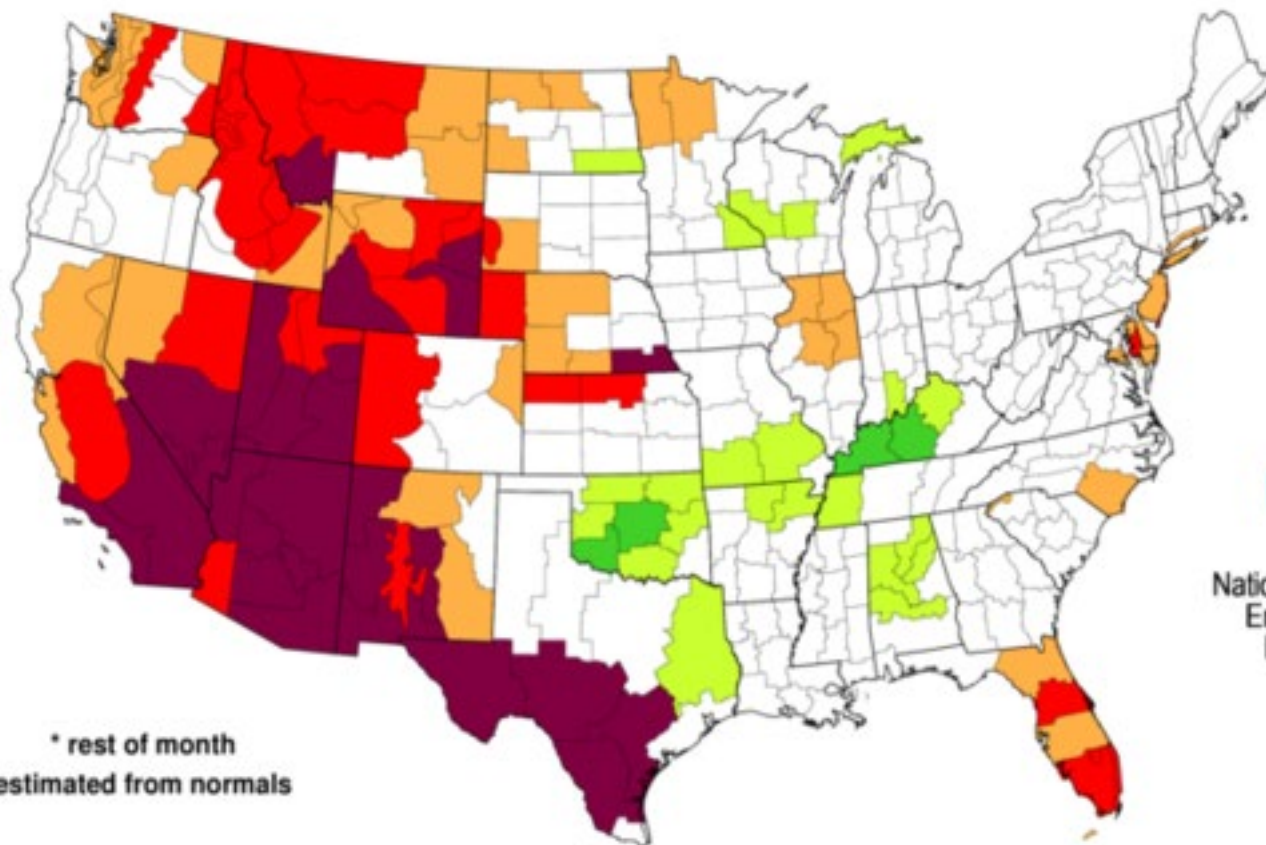
Curtis Riganti
National Drought Mitigation Center



droughtmonitor.unl.edu

Palmer Drought Index Long-Term (Meteorological) Conditions

June 2025: through June 28 2025*



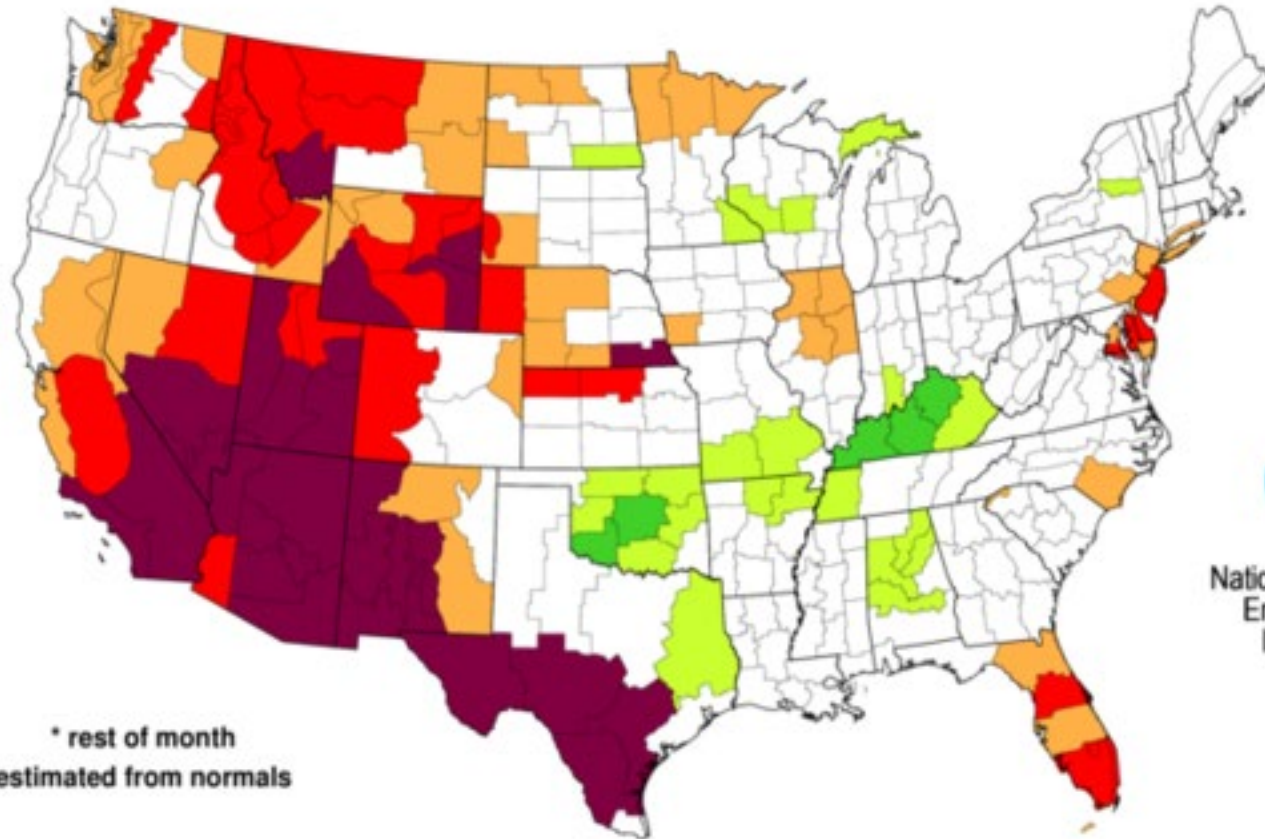
National Centers for
Environmental
Information

* rest of month
estimated from normals

extreme drought	severe drought	moderate drought	mid-range	moderately moist	very moist	extremely moist
						
-4.00 and below	-3.00 to -3.99	-2.00 to -2.99	-1.99 to +1.99	+2.00 to +2.99	+3.00 to +3.99	+4.00 and above

Palmer Hydrological Drought Index Long-Term (Hydrological) Conditions

June 2025: through June 28 2025*



National Centers for
Environmental
Information

* rest of month
estimated from normals

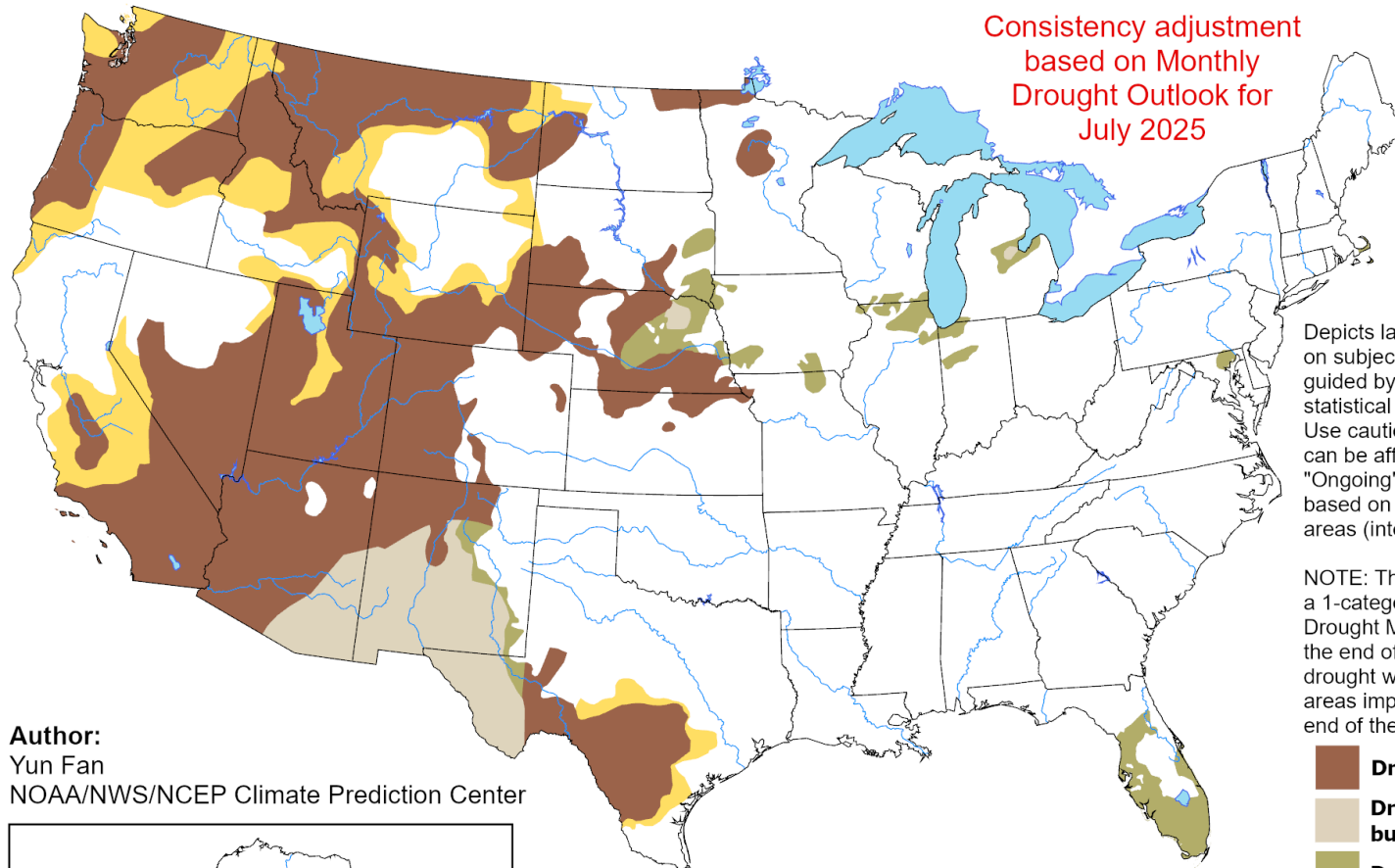
extreme drought	severe drought	moderate drought	mid-range	moderately moist	very moist	extremely moist
						
-4.00 and below	-3.00 to -3.99	-2.00 to -2.99	-1.99 to +1.99	+2.00 to +2.99	+3.00 to +3.99	+4.00 and above

U.S. Seasonal Drought Outlook

Drought Tendency During the Valid Period

Valid for July 1 - September 30, 2025
Released June 30, 2025

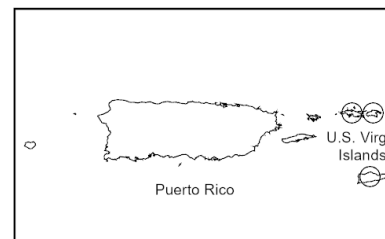
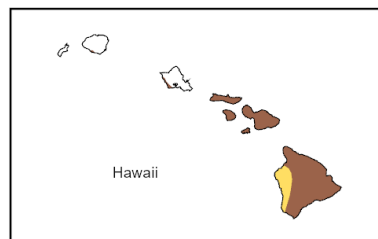
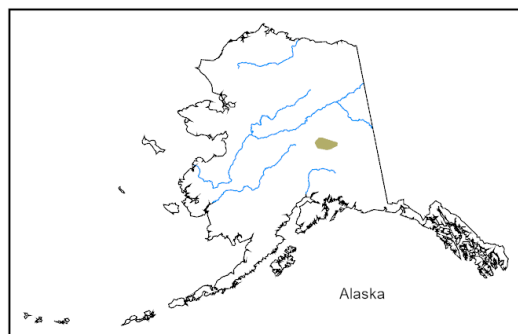
Consistency adjustment
based on Monthly
Drought Outlook for
July 2025



Depicts large-scale trends based on subjectively derived probabilities guided by short- and long-range statistical and dynamical forecasts. Use caution for applications that can be affected by short lived events. "Ongoing" drought areas are based on the U.S. Drought Monitor areas (intensities of D1 to D4).

NOTE: The tan areas imply at least a 1-category improvement in the Drought Monitor intensity levels by the end of the period, although drought will remain. The green areas imply drought removal by the end of the period (D0 or none).

Author:
Yun Fan
NOAA/NWS/NCEP Climate Prediction Center



- Drought persists**
- Drought remains, but improves**
- Drought removal likely**
- Drought development likely**
- No drought**



<https://go.usa.gov/3eZ73>

Wells permitted - District Rule 8.3(j) - June 2025					
<u>Permit #</u>	<u>Permittee</u>	<u>Aquifer</u>	<u>Permitted Amt.</u>	<u>Type of Use</u>	<u>Date</u>
GM Permitted - (June 2025) -0.00 ac-ft					
GM Permitted - (Total 2025) -167.78 ac-ft					
Board Permitted Wells (2025) - 438.75 ac-ft					
BRAA	1 permit - 205 ac-ft/yr				
Calvert Bluff	1 permit - 96.78 ac-ft/yr				
Simsboro	2 permits - 304.75 ac-ft/yr				

As of 7-10-25	Hooper	Simsboro	Calvert Bluff	Carrizo	Queen City	Sparta	Yegua-Jackson	BRAA
2011 MAG	316.00	96,185.00	1,755.00	5,496.00	529.00	7,923.00	7,071.00	N/A
2016 MAG	2,000.00	96,198.00	1,757.00	5,494.00	1,200.00	9,019.00	6,854.00	137,351.00
2021 MAG	2,139.00	147,245.00	1,725.00	5,499.00	1,269.00	13,402.00	7,091.00	130,657.00

Acre Feet Permitted (All)	1,910.01	335,752.96	1,645.31	10,816.88	1,590.30	13,277.85	3,973.80	96,911.23
Acre Feet Used 2024	1,078.64	51,750.52	200.88	1,045.97	91.19	3,168.50	1,087.59	N/A
Acre Feet Used 2023	1,077.52	54,630.15	340.13	1,079.16	133.83	3,955.31	1,104.59	N/A
Acre Feet Used 2022	1,044.94	58,313.28	250.82	1,575.09	92.83	4,288.33	1,260.70	N/A
Acre Feet Used 2021	918.22	51,127.64	133.46	955.61	45.30	3,161.20	948.24	N/A
Acre Feet Used 2020	745.86	53,163.83	230.45	1,061.68	102.62	3,389.46	1,253.18	N/A
Acre Feet Used 2019	699.98	50,528.07	176.89	992.40	400.88	3,869.64	1,278.11	N/A
Acre Feet Used 2018	809.07	55,228.86	130.27	825.25	146.54	4,499.56	1,183.12	N/A
Acre Feet Used 2017	756.18	53,325.82	271.98	630.11	237.46	4,241.37	1,509.54	N/A
Acre Feet Used 2016	909.16	54,237.29	132.32	761.72	99.62	4,152.91	1,565.41	N/A
Acre Feet Used 2015	1,084.25	56,638.46	160.00	665.50	189.78	4,122.06	1,664.27	N/A
Acre Feet Used 2014	1,065.07	62,946.34	183.50	852.28	496.57	5,358.33	2,533.23	N/A
Acre Feet Used 2013	794.24	64,106.92	81.77	806.43	64.40	3,402.06	1,438.37	N/A
Acre Feet Used 2012	955.67	53,327.02	72.35	848.67	69.00	3,176.87	1,418.78	N/A
Acre Feet Used 2011	621.47	69,377.78	152.91	1,562.36	581.76	4,336.69	1,658.95	N/A
Acre Feet Used 2010	914.01	63,984.53	58.36	745.62	0.45	3,279.09	1,396.34	N/A
Acre Feet Used 2009	611.06	68,586.31	13.14	730.41	31.56	3,432.25	1,599.18	N/A

Permitted Wells by Aquifer (1059)	13	205	40	19	16	64	36	666
Permits by Aquifer (1077)	18	212	40	19	19	67	36	666
Robertson Permitted Wells (696)	13	171	40	16	6	12	0	438
Robertson Permits (709)	18	178	40	16	6	13	0	438
Brazos Permitted Wells (363)	0	34	0	3	10	52	36	228
Brazos Permits (368)	0	34	0	3	13	54	36	228
Secondary Permitted Amount	233 (5)	1,594.76 (7)	0	0	14 (3)	15 (3)	0	N/A

Water Level Measurements Taken – 2025

	<u>2025 (All)</u>	<u>2025 (Monitor)</u>
BRAA	44	40
Calvert Bluff	63	30
Carrizo	28	26
Hooper	28	27
Queen City	28	21
Simsboro	265	127
Sparta	36	33
Yegua-Jackson	25	16
Total	517	320

All identified Exempt Wells measured in 2025 57

New Exempt Wells measured in 2025 34

Simsboro Water Level Measurements (UW Subset) 150

Simsboro Wells (Total)	685
Simsboro Wells (Confirmed)	554
Simsboro Wells (To be Confirmed)	131

Continuous Water Level Measurement Locations

Joey Zieg	Active
Andy Bland	Active
City of Hearne – POW	Active
WSUD – Blackjack	Active
City of Calvert – Well #5	Active
WCSUD – Wheelock Well	Active
City of College Station – Well #3	Inactive (Well is being refurbished)

GENERAL MANAGER'S REPORT
From June 13– July 9, 2025

Presented July 10, 2025

Stats:

- Monthly Management Plan Update (see File Browser)
- Registered during June 2025
 - a. Exempt Registrations – Brazos (4), Robertson (2), O/G or Rig Supply (0)
Total – 6
2025 Totals – Brazos (35), Robertson (73), O/G or Rig Supply (10)
Total – 118
 - b. GM Permit Applications – 0 (2 for 2025)
 - c. 5-year Permit Applications – 0 (2 for 2025)
 - d. Amended Existing Permits – 0 (9 for 2025)
 - e. Permits Relinquished – 0 (3 for 2025)
 - f. Wells Set to be Plugged & Permits Relinquished – 0 (13 for 2025)
 - g. 30-year Transport Permit Applications – 0 (0 for 2025)

Requests/Complaints:

June 2025 TPIA Requests – 1

Transport Applications Received – 0

Transport Applications Deemed Administratively Complete – 0

Meetings and Public Education:

- Attended (Alan) TAGD Spring Business Meeting June 10-11, 2025, in Pflugerville Texas
- Spent numerous days (Alan) working with District counsels and parties involved in the mediated settlement of TAMUS v. BVGCD and all related matters including well assistance agreement
- Special Called Board Meeting – June 17, 2025
- Special Called Board Meeting – June 24, 2025
- District 2024 In-office Audit of 2024 District financials – June 25, 2025
- Attended GMA 12 DFC Planning Meeting June 27, 2025, in Milano, Texas
- Deposition preparation for Fazzino Investments v. BVGCD June 30, 2025 in Austin, Texas
- Began interviewing applicants for the Educational Coordinator & Conservation Outreach position available
- Met with (Alan) Paul Kirby (Daniel B. Stephens) regarding possible contracting of some water level measuring tasks

General Business:

- Continued collecting monitoring well water level data and verifying DFC water level measurements throughout May
- Began the weekly/bi-weekly water level data collection on the Simsboro well subset within five (5) miles of the proposed UWBVF pumping project
- Continued to obtain base information on additional Simsboro wells identified within the boundaries of Robertson County and added to the existing mitigation list.
- Continued to measure selected Simsboro wells and obtain weekly static water level data from seven (7) recorder wells
- Invoiced 2024 invoices (monthly) July 2, 2025
- Invoiced 2025 invoices (monthly) July 2, 2025
- Completed exempt wells in Brazos and Robertson counties were geo-tagged, photographed, and an inspection of surface completion conducted as completion notification occurred (submission of driller's log)
- Mailed all Certificates of Registration to well owners with recently located wells found in the TCEQ archived water well log database
- Continued locating wells based of archived well logs housed in the TCEQ and TWDB databases
- Non-exempt permit holders continue to report monthly water production directly to the ArcGIS database
- ArcGIS map/data program updating of exempt well locations and well data

Upcoming Meetings/Activities:

- Day Deposition for Fazzino Investments v. BVGCD July 16, 2025, in Waco, Texas
- Submit 2024-2025 water level measurements to TWDB August 6, 2025
- Post Oak Savannah GCD Groundwater Summit August 7, 2025, in Caldwell, Texas
- Texas Groundwater Summit – August 18-21, 2025 – San Antonio, Texas
- GMA 12 DFC Planning Meeting – August 29, 2025, Milano, Texas
- Fazzino Investments LP v. BVGCD – June 22, 2026 – Waco, Texas

**BVGCD Management Plan Objectives
June 2025**

Goal/Objective	Performance Standard	Status
1a: Permitting of all existing and new non- exempt wells constructed in the District. Encourage registration of exempt wells.	The number of new non-exempt wells permitted in the District.	0 permitted – June 2025 Total 2025 - 4
	The number of exempt wells registered in the District.	25 registered – June 2025 (B) – 4; (R) – 2; (O/G or Rig supply) – 0 Total 2025 – 118; (B) – 35 (R) – 73 (O/G or Rig Supply) – 10
1b: Regulation of groundwater production by permitted well through metering.	Number of applications made for permitted use.	0 application(s) – June 2025 Total 2025 – 4
	Type of application made for permitted use.	0 application(s) – June 2025 Total 2025 – 4
	Number of permits issued by the District.	0 issued – June 2025 Total 2025 – 4
	Type of permit issued by the District.	4 permit(s) issued through June 2025 Industrial – 2; Agricultural – 2; Total 2025 – 4
	Amount of groundwater permitted (acre ft.)	0 ac/ft. GW permitted June 2025 Total GW permitted (2025) – 606.53 ac-ft Total by Aquifer 2025; CB – 96.78; Simsboro – 304.75; BRAA – 205;
	Amount of actual annual production from each metered well as compared to permitted production	Spreadsheet of total actual production for each metered well (by aquifer) compared to permitted amount of production will be included in the 2025 Annual Report
1c: Assessment of available groundwater (by aquifer) using monitoring data collected (water levels/water use/water quality)	Number of wells in well monitoring network.	222 wells
	Major aquifer wells monitored.	148 (Carrizo-Wilcox group)
	Minor aquifer wells monitored.	74 (Queen City/Sparta/Yegua-Jackson/BRAA)
	Water quality tests by aquifer.	0 tests – June 2025 Total 2025 – 0
	Progress Report of groundwater availability.	Permitted production vs. actual production provided at each permit hearing.
2a: Water use fees to encourage conservation-oriented use.	Amount of fees generated (Historic/Non-Exempt Operating)	Total to be invoiced (2024 production) - \$834,710.79 Total invoiced (2025 permitted) - \$480,125.18 Total Fees collected - \$664,809.01
	Amount of fees generated by Agricultural Use permits	Total to be invoiced (2024 production) - \$416.99 Total invoiced (2025 permitted) - \$9,394.75

**BVGCD Management Plan Objectives
June 2025**

	Amount of fees generated by Historic/Non-Exempt Industrial Operating Permits	Total to be invoiced (2024 production) - \$40,981.45 Total invoiced (2025 permitted) - \$62,695.76
	Amount of fees generated by Historic/Non-Exempt Municipal Public Water Supply permits	Total to be invoiced (2024 production) - \$693,828.28 Total invoiced (2025 permitted) - \$353,541.08
	Amount of fees generated by Historic/Non-Exempt Rural Water Supply Permits	Total to be invoiced (2024 production) - \$78,760.25 Total invoiced (2025 permitted) - \$53,390.52
	Amount of fees generated by Steam Electric Generation	Total to be invoiced (2024 production) - \$1,583.85 Total invoiced (2025 permitted) - \$2,579.82
	Amount of fees generated by transport fees	Total to be invoiced (2024 production) - \$0.00 Total invoiced (2025 permitted) - \$0.00
	Amount of fees generated by BRAA fees for 2021	Total to be invoiced (2024 production) - \$19,139.97 Total invoiced (2025 permitted) - \$19,139.97
2b: Review District Rules to decrease amount of waste.	Annual review of rules for possible amendments addressing reduction of waste.	Rule revisions considered 5-8-25. Rules Hearing & adoption of rules on well seals & well registration 6-12-25
2c: Provide information to public and schools on eliminating wasteful practices.	Website page dedicated to wise use of water.	District website contains a conservation page dedicated to the wise use of water. BVWaterSmart website, sponsored by BVGCD, contains many videos promoting conservation as well as lawn watering recommendations. 50 producers @ Tri-County Winter Crop Meeting (52) 1-14-25; Presentation to CS Rotary Club (24) 2-6-25; Brazos County Master Gardener Rainwater Harvesting Workshop 2-15-25; Brazos County (40) CC 4-1-25; Robertson County (25) CC 4-1-25; Robertson County water supply entities (study) (20) 4-8-25; Bryan City Council Workshop (25) 4-8-25; Greater Brazos Partnership 5-29-25 (27)
	Provide water curriculum to local schools and in-school presentations encouraging wise use of water and the significance of aquifers.	See attached for school listings.
3a: District will map any region where more than 100 feet of drawdown has occurred since the year 2000 and assess the potential for land subsidence.	Consider the "Identification of the Vulnerability of the Major and Minor Aquifers of Texas to Subsidence with Regard to Groundwater Pumping" when considering subsidence during GMA 12 joint planning.	Identified two (2) sites for data collection. One in each of Brazos and Robertson counties. TXBX is operable collecting data continuously. HGSD having data interpreted as part of their subsidence network.
4a: Encourage use of surface water supplies to meet needs of user groups in the District	Attend Regional Water Planning Group Meeting (minimum of 1 meeting/year).	Attended 1-14-24 Sub-Regional Meeting (Alan); Attended 2-13-25 (Megan); Attended (Alan) 5-6-25
5a: Determine if natural spring flows may be impacted by increased groundwater	Springs found in District.	No springs identified at this time.

**BVGCD Management Plan Objectives
June 2025**

pumping.		
	Monitoring wells established when spring flows found.	N/A at this time
6a: Palmer Drought Severity Index (PDSI) will be provided to Board members monthly.	Monthly assessment of drought conditions impacting Drought Contingency Plan.	Current 2025 PDSI/Crop Moisture Index/State Drought Monitor/U.S. Seasonal Drought Outlook attached. Website drought maps updated weekly. Sending weekly updates to board members via email.
	Plan triggers.	Reviewed, revised, and adopted November 8, 2012.
6b: 100% of permittees required by the State of Texas to submit Drought Contingency Plans will submit such plans when applying for a permit for well production.	Review 100% of DCP's when a severe drought Condition is reached as per PDSI.	All permits requiring State of Texas Drought Contingency Plans are reviewed at time of application
	Date severe drought condition reached.	N/A
	Number of DCP's to be reviewed.	0 reviewed
6c: Develop a District Drought Contingency Plan (adopted 11-8-12).	Review for effectiveness and updates annually.	Reviewed, revised, and adopted November 8, 2012.
7a: 100% of water permit applicants will submit a water conservation plan or agree to comply with the District Water Conservation Plan.	Number of permits for production received requiring water conservation plans.	0 permit received – June 2025
	Number of water conservation plans submitted.	0 submitted – June 2025 Total for 2025 – 0 submitted
	Number of water conservation plans reviewed.	0 reviewed – June 2025 Total for 2025 – 0 reviewed
	Number of permittees agreeing to abide by District's water conservation plan.	0 entities abiding by DWCP – June 2025 Total for 2025 –4 abiding by DWCP
7b: Develop a system for measurement and evaluation of groundwater supplies.	Minimum of 2 wells/aquifer.	Outlined by aquifer below. 222 monitor wells
	Brazos River Alluvium	Number of Monitoring Wells/Number 23 wells/40 readings
	Calvert Bluff	Number of Monitoring Wells/Number 28 wells/30 readings
	Carrizo	Number of Monitoring Wells/Number 21 wells/26 readings

**BVGCD Management Plan Objectives
June 2025**

	Hooper	Number of Monitoring Wells/Number	19 wells/27 readings
	Queen City	Number of Monitoring Wells/Number	17 wells/21 readings
	Simsboro	Number of Monitoring Wells/Number	80 wells/127 readings
	Sparta	Number of Monitoring Wells/Number	24 wells/33 readings
	Yegua-Jackson	Number of Monitoring Wells/Number	10 wells/16 readings
		Total number of well year-to-date monitor readings	320 combined readings for all aquifers January 1 through December 31, 2025
7c: Assist in obtaining grant funds for the implementation of water conservation methods.	Number of meetings held with State Agencies		Met (virtually) with TWDB Ag Conservation team on Ag Grant Program 2-19-24
	Number of meetings held with Federal Agencies		
	Number of meetings of the Grants subcommittee		
	Number of grant applications received		0
	Number of water conservation grants approved by Board of Directors		2 – The City of College Station and Wickson Creek SUD were granted funds (\$32,500) by the BVGCD to maintain ET weather stations, remote rain gauges and a website to inform public on lawn irrigation recommendations (2019). Grants approved for both Remote Control Access (New) Agricultural Irrigation Pivot Systems & Agricultural Soil Moisture Sensor (\$10,000) December 12, 2024
8a: Develop baseline water quality data and a system for continued evaluation of groundwater quality.	Water quality tests conducted		Long term water quality reports taken by the TWDB compiled by WSP USA. Will be summarized for Board use. BVGCD water quality information made available from TWDB will be incorporated into the inactive ArcGIS web portal.

**BVGCD Management Plan Objectives
June 2025**

<p>8b: Require all water permittees that are subject to well vulnerability studies prior to constructing a well to provide evidence of the study to the District prior to construction.</p>	<p>Number of wells requiring well vulnerability studies.</p>	<p>0</p>
	<p>Number of well vulnerability studies received.</p>	<p>1 – Study of all public water supply wells and their vulnerability to artesian head reduction and necessity for redrilling or pump lowering (AGS) – March 2025</p>
	<p>Well plugging efforts*</p>	<p>2 (\$1,750)</p>
	<p>Number of water Permittees provided with wellhead protection information. Conduct in-school presentation addressing aquifer contamination and protection.</p>	<p>All well owners (exempt and non-exempt) that have drilled, permitted, or registered a well on or after January 1, 2014, were sent 2 information sheets detailing new owner responsibilities and well head protection information. All subsequent new well or newly registered well owners are provided the same wellhead protection. See attached school listings.</p>
<p>9a: Evaluate water level monitoring data and determine if change conforms to adopted DFCs for each aquifer.</p>	<p>Once every 3 years (for each aquifer):</p> <ul style="list-style-type: none"> • Report water level data obtained • Average artesian head change • Comparison of changes to DFCs • Progress on conforming to DFCs 	<p>DFC compliance presentation given (AGS) June 12, 2025</p>
	<p>Once annually (for each aquifer):</p> <ul style="list-style-type: none"> • Report total permitted GW production • Report total estimated annual GW production • Compare this data to the MAG 	<p>Presented to the Board at each Board meeting in a spreadsheet format. 1-9-25; 2-13-25; 3-13-25; 4-10-25; 5-8-25; 6-12-25; 7-10-25;</p>

**BVGCD Management Plan Objectives
June 2025**

Taught aquifer science/water conservation/aquifer protection/watersheds to:

- 380 – 5th grade Pecan Trail Intermediate School 1-7 thru 1-8-25
- 65 – 4th grade Bowen Elementary School 1-10-25
- 85 – 4th grade Fannin Elementary School 1-17-24
- 80 – 4th & 5th grade Mumford Elementary School 1-20-25
- 65 – 7th & 9th grades Brazos Christian Academy 1-23-25
- 85 – 4th grade Branch Elementary School 1-24-25
- 450 – 7th grade SFA Middle School 1-27 thru 1-30-25
- 105 – 4th grade Franklin Elementary School 1-31-25 & 2-7-25
- 80 – 4th grade Creek View Elementary School 2-3-25
- 120 – 4th grade Spring Creek Elementary School 2-4-25
- 100 – 4th grade Bonham Elementary School 2-5-25
- 105 – 4th grade River Bend Elementary School 2-6-25
- 80 – 4th grade Mitchell Elementary School 2-7-25
- 125 – 4th grade Greens Prairie Elementary School 2-10-25
- 100 – 4th grade Forest Ridge Elementary School 2-11-25
- 90 – 4th grade Henderson Elementary School 2-12-25
- 80 – 4th grade Houston Elementary School 2-18-25
- 110 – 7th grade Franklin Middle School 2-19 & 2-20-25
- 65 – 4th grade Navarro Elementary School 2-24-25
- 25 – 4th & 5th grades Calvert Elementary School 2-25-25
- 120 – 4th grade Ross Elementary School 2-26-25
- 85 – 4th grade Kemp Elementary School 2-28-25
- 95 – 4th grade Rock Prairie Elementary School 3-5-25
- 125 – 7th grade SFA Middle School 1-27 thru 3-20 & 3-21-25
- 120 – 4th grade Southwood Valley Elementary School 3-28-25
- 40 – 5th grade Bremond Elementary School 1-7 thru 3-31-25
- 120 – 5th grade Bremond Elementary School 1-7 thru 4-7-25

**BVGCD Management Plan Objectives
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85 – 4th grade South Knoll Elementary School 4-11-25

41 – 7th grade Mumford Middle School 4-14 & 4-15-25

50 – 5th grade Hearne Elementary 4-17-25

325 – 7th grade A&M Consolidated Middle School 4-29 to 5-2-25

325 – 7th grade College Station Middle School 4-29 to 5-1-25

375 – 7th grade Wellborn Middle School 5-5 to 5-7 & 5-9-25

Agenda Item # 10

Discussion and possible future agenda items



Agenda Item # 11

Adjourn

