



Minutes
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
Public Permit Hearing, Negotiated Export Fee Hearing,
& Regular Board Meeting
District Office
112 W 3rd Street - Hearne, Texas 77859
Thursday, July 10, 2025 | 2:00 p.m.

Jayson Barfknecht, President called the meeting to order at 2:03 p.m.

Directors present:	Jayson Barfknecht	President
	Jeff Kennedy	Secretary
	Stephen Cast	Director
	Mark Carrabba	Director
	John Elliott	Director
	Gary Mechler	Director
	Lisa Rolke	Director
	Chris Zeig	Director

Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Monique Norman	Attorney
	James Beach	Hydrologist

Public Permit Hearing

Call Permit Hearing to order
Roll call of members present

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. **A motion was made by Mark Carrabba, second by Lisa Rolke to approve the Operating Permit Amendment application for Luminant – Kosse & Bremond Mines to amend the term length on the existing permit from (1) year to five (5) years as presented to the Board. The well produces from the Simsboro Aquifer. The motion passed unanimously.**

Adjourn Permit Hearing

Public Hearing

Call Permit Hearing to order @ 2:05 p.m.

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 I Brazos Valley Groundwater Conservation District \(brazosvalleygcd.org\)](https://www.brazosvalleygcd.org/Permits%20&%20Affidavits%20I%20Brazos%20Valley%20Groundwater%20Conservation%20District)

No comments received either written or oral.

Regular Board Meeting

Call meeting to order @ 2:08 p.m.

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. **A motion was made by John Elliott, second by Chris Zeig to approve the minutes for June 12, 2025 as presented to the Board. The motion passed unanimously.**
2. Discussion and possible action on the minutes of June 17, 2025, Special Called Board Meeting. **A motion was made by Mark Carrabba, second by John Elliott to approve the minutes for June 17, 2025 as presented to the Board. The motion passed unanimously.**
3. Discussion and possible action on the minutes of June 24, 2025, Special Called Board Meeting. **A motion was made by Mark Carrabba, second by Jayson Barfknecht to approve the minutes for June 24, 2025 as presented to the Board. The motion passed unanimously.**
4. Financial Report – June 2025. **A motion was made by John Elliott, second by Chris Zeig to approve the Financial Report for June 2025 as presented to the Board. The motion passed unanimously.**
5. Executive Session: @ 2:18 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;
 - 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: **Executive Session open @ 2:50 p.m.**

- 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)

A motion was made by Chris Zeig, second by Jayson Barfknecht to approve the listed transport permits as presented to the Board. The motion passed unanimously.

7. Discussion and possible action on the adoption by resolution of negotiated export fee schedule associated with the Settlement & Release Agreement executed July 7, 2025 following a public hearing. **A motion was made by Jayson Barfknecht, second by Lisa Rolke to approve the Adoption by Resolution of negotiated export fee schedule associated with the Settlement & Release Agreement executed July 7, 2025. The motion passed unanimously.**

8. Discussion and possible action on matters involving the planning and setting of Desired Future Conditions for each of the managed aquifers. **A motion was made by Jayson Barfknecht, second by John Elliott that BVGCD advocate for a GMA 12 policy allowing each individual district to set their own decadal interim DFC values as prescribed by HB 2078 and passed during the 89th Legislative Session. The motion passed unanimously.**

9. General Manager’s Report – **Alan Day, briefly gave the Board an update on the items 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

10. Discussion and possible future agenda items.

- 2024 Audit Report
- Texas A&M Permits

11. **Adjourn @ 3:20 p.m.**

Signed this 14th day of August 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**