



Public Permit Hearing
BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT
112 W. 3rd Street – Hearne, Texas
April 13, 2017, at 2:00 p.m.

Call Permit Hearing to order
Roll call of members present

Permit Hearing followed by discussion and possible action on:

Complaint by the Brazos Valley Groundwater Rights Association and Tony Fazzino, filed with the District on January 30, 2017, against **one (1) existing well for the City of Bryan Well #18 (BVDO-0003)**, located at N 30.726820° W 96.477623° 0.05 miles WNW of the intersection of Peyton Road and W. OSR in Brazos County, producing from the Simsboro Aquifer for Municipal use. Current total maximum permitted production from the well is 4,838 acre feet/year.

A motion was made by Bryan F. Russ, Jr., second by, Bill L. Harris that the District take no action at this time on Brazos Valley Groundwater Right Association and Mr. Fazzino's complaint regarding Bryan Well # 18, other than that it is in the public's interest to refer the complaint to a hearings examiner, which may be the State Office of Administrative Hearings, if requested by complainants or the City of Bryan. The hearing examiner should conduct any necessary proceedings to determine if the complaint contains justiciable issues authorized under Chapter 36 of the Texas Water Code and the District's rules, if there are any affected parties, and any other proceedings to make a recommendation to the Board for its final action on the complaint.

A motion was made by Bryan F. Russ, Jr., second by David Stratta move to delegate to the Board President and District General Manager the authority to negotiate and enter into a contract with the hearing examiner or the State Office of Administrative Hearings to conduct the proceedings related to the referred Brazos Valley Groundwater Right Association / Fazzino Complaint against the Bryan Well No. 18.

Adjourn Permit Hearing at 3:16 p.m.

Signed this 11th day of May, 2017.

David Stratta,
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**



Minutes

BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT
112 W 3rd Street, Hearne, TX 77859

Public Permit Hearing and Regular Board Meeting Thursday, April 13, 2017 at 2:00 p.m.

President, Jan A. Roe called the Board Meeting to order at 2:00 p.m.

Directors present:	Jan A. Roe	President
	Mark J. Carrabba	Vice-President
	David Stratta	Secretary
	Stephen Cast	Treasurer
	Jayson Barfknecht	Director
	Pete Brien	Director
	Bill L. Harris	Director
	Bryan F. Russ, Jr.	Director
Staff present:	Alan M. Day	General Manager
	Monique Norman	Attorney
	Cynthia Lopez	Office Manager
	Megan Haas	Ed. Coordinator / Water Resource Specialist

Public Permit Hearing

Public Comment:

- a) Non-agenda items
- b) Agenda items (1-3)

4. Discussion and possible action of the following **Operating Permit Applications:**

One (1) existing well for Tim Relyea Well #2 (BVOP-0274) located at N 30.89394167° W 96.31216493° 1.49 miles SSE of the intersection of Nichols Road and Edge Cutoff Road in Brazos County Agricultural use. Total maximum annual production from the well will be 40 acre feet. The well will produce from the Sparta Aquifer. **A motion was made by Pete Brien, second by Bill L. Harris to approve the Operating Permit application as presented for Tim Relyea. The motion passed unanimously.**

One (1) existing well for Michael & Carolyn Lampe Well #3 (BVOP-0275) located at N 30.91728918° W 96.31168617° 0.41 miles ENE of the intersection of Nichols Road and Edge Cutoff Road in Brazos County Agricultural use. Total maximum annual production from the well will be 22.4 acre feet. The well will produce from the Sparta Aquifer. **A motion was made by David Stratta, second by Pete Brien to approve the Operating Permit application as presented for Michael & Carolyn Lampe. The motion passed unanimously.**

- **One (1) existing well for Michael & Carolyn Lampe Well #6 (BVOP-0276)** located at N 30.91619083° W 96.31033756° 0.46 miles E of the intersection of Nichols Road and Edge Cutoff Road in Brazos County Agricultural use. Total maximum annual production from the well will be 22.4 acre feet. The well will produce from the Sparta Aquifer. **A motion was made by David Stratta, second by Pete Brien to approve the Operating Permit application as presented for Michael & Carolyn Lampe. The motion passed unanimously.**

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

- **One (1) existing well for Robert Smitherman Well #4 (BVDO-0214)** located at N 30.996083° W 96.398251° 0.80 miles S of the intersection of Walker Prairie Road and FM 2446 in Robertson County for Agricultural use. Permit holder seeks to amend the existing permit lengthening the permit term from 1-year to 5-years. The well produces from the Calvert Bluff Aquifer. **A motion was made by David Stratta, second by Mark Carrabba to approve the Operating Permit Amendment for a Five (5) year permit as presented for Robert Smitherman. The motion passed unanimously.**

6. Adjourn Permit Hearing

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 from the March 9, 2017 Regular Board Meeting. **A motion was made by David Stratta, second by Mark J. Carrabba to approve the Regular Board meeting minutes for March 9, 2017 as presented. The motion passed with Bryan F. Russ, Jr., abstaining due to not attending the meeting.**
2. Review and authorization of payments made for services rendered for the month of March, 2017. **A motion was made by Bill L. Harris, second by Mark Carrabba to approve the authorization of payments made for March 2017 as presented. The motion passes unanimously.**
3. Financial Report. **A motion was made by Bryan F. Russ, Jr., second by David Stratta to approve the financial reports as presented. The motion passed unanimously.**
4. Discussion and possible action on proposing a method for groundwater production projects to be included in the Brazos G Regional Water Plan under the MAG Peak Planning Factor provision. **A motion was made by Bill L. Harris, second by Pete Brien to authorize the general manager to conduct investigation, gather information necessary to propose a method for groundwater production projects as discussed and defined in item 4. The motion passed unanimously.**

5. Discussion regarding a draft rule amendment to District Rule 6.2 that would allow spacing exceptions of new non-exempt wells from existing wells to allow the new well owner to produce their production based acreage; and possible action to set a hearing date for the draft rule. **A motion was made by Mark Carrabba, second by Bill L. Harris to set a hearing date for May 11th, 2017 for a draft amendment to District Rule 6.2 as presented on agenda item 5. The motion passed unanimously.**
6. Discussion and possible action on developing Board positions on legislation filed during the 85th Legislative Session with potential impact on the District. **A motion was made by David Stratta, second by Pete Brien to authorize Alan Day, General Manager to proceed as discussed on agenda Item 6. The motion passed unanimously.**
7. General Manager's Report
 - Drought Monitor Report
 - Wells permitted pursuant to District Rule 8.3(j)
 - District Activities
 - Management Plan Update

Alan M. Day and Megan Haas updated the Board on the reports listed above. (see attached reports)

8. Discussion and possible future agenda item.
9. **Adjournment at 4:19 p.m.**

Signed this 11th day of May, 2017.

David Stratta, Secretary

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