



## MINUTES

### BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

112 West Third Street  
Hearne, TX 77859

Public Hearing and Regular Board Meeting  
Thursday, November 3, 2011 at 3:00 p.m.

1. Call meeting to order.

Board Chairman Pete Brien called the meeting to order at 3:00 p.m.

Directors presented:	Pete Brien,	Chairman
	Tom McDonald,	Vice-Chairman
	Steve Beachy,	Secretary
	Stephen A. Boykin,	Director
	David Stratta,	Director
	Bryan Russ, Jr.,	Director
	Kent Watson,	Director
	Wayne Wilson.	Director

Staff present:	Ralph Crum,	General Manager
	Cynthia Lopez,	Office Manager
	Monique Norman,	Attorney

2. Pledge of Allegiance

3. Discussion and Possible action on the resignation of Director, John Hicks.

4. Administer the Oath of Office to newly appointed Director, Stephen A. Boykin. **Judge Jan Roe, administered the Oath of Office to newly appointed Director, Stephen A. Boykin, who will represent Robertson County industrial interests.**

5. Discussion and possible action on the Minutes from the October 13, 2011 Public Hearing and Regular Board Meeting. **A motion was made by Wayne Wilson., second by Judge Tom McDonald, to approve the Minutes from the October 13, 2011 Public Hearing and Regular Board Meeting as presented. The motion passed with corrections to agenda item #11 to reflect (The motion carried with seven (7) votes and one (1) Director, Wayne Wilson opposing) and agenda item #9 Director, David Stratta, (moved to take those two items from the table and reconsider them).**

6. Review and authorization of payments made for services rendered for the month of October 2011. **A motion was made by Wayne Wilson, second by David Stratta, to approve the expenses for the month of October 2011 as presented. The motion passed with seven (7) Directors and one (1) Director, Bryan Russ, Jr., opposing.**

7. Presentation by Russell Armagost of Durst, Milburger and Ask, LLP on findings of the audit for fiscal year 2010. Followed by discussion and possible action by the Board. **Mr. Armagost presented each of the Board of Directors with a copy of the 2010 Annual Independent Auditor's Report (see attached). He stated that the District's finances are in order and the District continues to be in excellent financial condition.**

Chairman Pete Brien, recused himself from discussion on agenda items # 8 A&B, and turned the meeting over to Vice President, Judge Tom McDonald.

8. Discussion and Possible action on the following  
**Drilling/Operating Permit Applications:**

A. One (1) new well for Dale Carpenter. The well will be located on Dunns Fort Road, Hearne, TX., for a total of 100 acre/feet per year for agricultural irrigation on a 200 acre tract. The well will produce from the Queen City Aquifer. **A motion was made by David Stratta to approve the application. However there was not a second, resulting in no action taken.**

B. One (1) new well for Knife River Corporation. The well will be located at 8477 Boyd Ln, Bryan, TX., for a total of 90 acre/feet per year for Industrial Use on a 300 acre gravel washing site. The well will produce from the Sparta Aquifer. **A motion was made by Steve Beachy to approve the application. However there was not a second, resulting in no action taken.**

Vice-President Tom McDonald turned the meeting back to Chairman, Pete Brien

C. One (1) new well for Charles McGuire. The well will be located at 16897 Pine Tree Road, Kurten, TX., for a total of 100 acre/feet per year for agricultural irrigation and providing water for livestock on a 650 acre tract. The well will produce from the Sparta. **A motion was made by Steve Beachy, second by David Stratta, to approve the Drilling/Operating permit application for Charles McGuire as presented. After a call for discussion, Bryan Russ, Jr., asked for an amendment to the motion to include previously used wording pertaining to SB737, seconded, by David Stratta. The amendment motion passed unanimously.**

D. One (1) new well for Kyle Greenwood. The well will be located at 9188 Steep Hollow Road, Bryan, TX., for a total of 60 acre/feet per year for agricultural irrigation and providing water for horses on a 90 acre tract. The well will produce from the Yegua-Jackson aquifer. **A motion was made by David Stratta, second by Judge Tom McDonald to approve the Drilling/Operating permit application for Kyle Greenwood as presented. Subject to changing the District's Management Plan and Rules, to abide by new state law, (SB 737- Effective September 1, 2011). The motion passed, with Director, Wayne Wilson, abstaining.**

E. One (1) new well for Capstone – CS, LLC. The well will be located at 2300 Cottage Lane, College Station, TX., for a total of 82 acre/feet per year for commercial irrigation for a 41 acre development. The well will produce from the Yegua-Jackson aquifer. **A motion was made by Kent Watson, second by Steve Beachy to approve the Drilling/Operating permit application for Capstone – CS, LLC as presented with the reduction of 22 acre/feet per year. Subject to changing the District's Management Plan and Rules, to abide by new state law, (SB 737- Effective September 1, 2011). The motion passed with five (5) Directors. Two (2) Directors, David Stratta and Bryan Russ, Jr., opposed and one (1) Director, Wayne Wilson abstaining due to the special language.**

9. Discussion and Possible action on the following  
**Operating Permit Application:**

- A. One (1) existing well for Robert Lee Scasta. The well is located at 9900 East OSR, (Old San Antonio Road), Hearne, TX., for a total of 60 acre/feet per year for Agricultural irrigation on a 219 acre tract. The well produces from the Sparta aquifer. **A motion was made by Bryan Russ, Jr., second by David Stratta to approve the Operating permit application for Robert Lee Scasta as presented. Subject to changing the District's Management Plan and Rules, to abide by new state law, (SB 737- Effective September 1, 2011). The motion passed, with Director, Wayne Wilson, abstaining.**

10. Discussion and possible action on the following  
**Operating Permit Amendments:**

- A. Two (2) existing wells for the King Ranch, Brazos River L.L.C. The wells are located at FM 159, Navasota, TX., The applicant requests an additional 100 acre/feet per year for each well, to bring the total for both wells to 400 acre/feet per year for agricultural irrigation, on a 200 acre tract. The wells produce from the Brazos River Alluvium Aquifer. **A motion was made by David Stratta, second by Steve Beachy, to approve the Operating Permit Amendment application as presented for the King Ranch Brazos River L.L.C. The motion passed, with Director, Wayne Wilson, abstaining.**
- B. One (1) existing well for Optim Energy, (Twin Oaks Power Plant). The well is located at 13065 Plan Road, Bremond TX. No additional water production is requested. The well is permitted for use as potable/industrial supply. The applicant requests to add agricultural use. The well produces from the Hooper Aquifer. **A motion was made by Bryan Russ, Jr., second by Wayne Wilson to approve the Operating Permit Amendment application as presented for Optim Energy, (Twin Oaks Power Plan). The motion passed unanimously.**

Chairman Pete Brien, recused himself from discussion on agenda items #10 C and turned the meeting over to Vice President, Judge Tom McDonald.

- C. Two (2) existing wells for OSR Water Supply Company known as Well #1 & Well #2. Well #1 is located at 13299 OSR, (Old San Antonio Road), Bryan, TX., and Well #2 is located at 9254 FM 2549, Bryan, TX. The applicant requests a total increase in production of 1,750 acre/feet per year total for Retail Public Water Supply. Applicant also requests an increase in maximum capacity for Well #1 to 1,400 GPM, and that production from both wells be aggregated. The wells produce from the Simsboro Aquifer. **A motion was made by Bryan Russ, Jr., second by Stephen A. Boykin, to approve the Operating Permit Amendments for OSR Water Supply Company. After much discussion Kent Watson moved to amend the motion, second by Wayne Wilson, to include a "Special Amendment Provision" for OSR Water Supply Company that would be attached to the permit (see attached). The motion passed with 4 votes for the amended motion, and 3 votes opposing the amendment. A vote to grant the permit to OSR Water Supply Company as amended passed with 4 votes for and 3 votes opposing.**

11. Update by the Management Plan Committee on the results of the committee meeting, which met to review "permitted vs. produced" water within the District, and how to permit future requests under newly enacted laws in Chapter 36 of the Texas Water Code, including §36.1132 of the Texas Water Code. Followed by discussion and possible action by the Board. **Director, Bryan Russ, Jr. briefed the Board on the outcome of the committee meeting and said additional work is needed, and he would schedule additional meetings for the Management Plan Committee.**

12. Update by the Rules Committee on the results of the committee meeting to review District Rules, including amending the Rules to comply with newly enacted laws in Chapter 36 of the Texas Water Code, including §36.1132 of the Texas Water Code. Followed by discussion and possible action by the Board. **Director, Judge Tom McDonald, briefed the Board on the Rules Committee, stating that the committee is dependent on progress made in the management committee. They would continue to work together with additional meetings scheduled as needed.**
13. Discussion and Possible action on adopting a District Personnel Policy. **A motion was made by Bryan Russ, Jr., second by Kent Watson to table agenda item #13 until the next Board meeting. The motion passed unanimously**
14. General Managers Report
  - Financial Reports
  - Palmer Drought Severity, Crop Moisture, and Additional Precipitation Needed indexes
  - Number of wells monitored for the month of October 2011

**Ralph Crum, General Manager updated the Board on the financial reports and advised the President, to assign another Director to help prepare the Budget for 2012, as John Hicks was no longer serving on the Board as Treasurer. President, Pete Brien, assigned Steve Beachy, Secretary to help with the Budget for 2012. He proceeded in providing the status of the PDSI, Drought Severity and Crop Moisture indexes, additional precipitation needed, the fifteen (15) wells monitored for Robertson County and thirteen (13) wells monitored for Brazos County. He also introduced to the Board the hired field technician person for the District, Carlos Rodriguez.**

15. Legal Report

- Discussion on pending issues within Groundwater Management Area 12 (GMA 12).

**Monique Norman, briefed the Board on GMA 12 DFC petition proceedings, that there will be a February hearing on the End Op and Environmental defense petitions. Monique, handed a copy of the Proposed Joint Defense agreement between the groundwater districts and GMA 12 for their review and advised that she would be signing and submitting, asked the Board if they had discussions or objections on changes.**

16. Hear Visitors

17. Adjourn

**Signed this 15<sup>th</sup>, day of December, 2011**

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**Steve Beachy  
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;  
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**