

## MINUTES

### BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

112 West Third Street  
Hearne, TX 77859

#### Public Hearing and Regular Board Meeting Thursday, March 1, 2012 at 3:00 p.m.

1. Call meeting to order

Board Chairman Steve Beachy called the meeting to order at 3:00 p.m.

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

Staff present:	Ralph Crum,	General Manager
	Cynthia Lopez,	Office Manager
	Monique Norman,	Attorney
	Carlos Rodriguez,	Field Technician

2. Pledge of Allegiance

3. Discussion and possible action on the Minutes from the January 5, 2012 Public Hearing and Regular Board Meeting. **A motion was made by Bryan F. Russ, Jr., second by Tom McDonald, to approve the Minutes as presented. The motion passed unanimously.**

4. Review and authorization of payments made for services rendered for the months of January and February 2012. **A motion was made by Pete Brien, second by David Stratta, to approve the expenses for the month of January and February as presented. The motion passed unanimously.**

5. Discussion and possible action on amending the District's Rules to reflect recent changes in law to Chapter 36 of the Texas Water Code. **Chairman Steve Beachy, called for a vote to approve the rule changes. The motion passed unanimously.**

6. Discussion and possible action to clarify previous Board actions regarding permit language for permits granted after September 1, 2011 to comply with the District's current and future rules adopted to enforce statutory changes to Chapter 36 of the Texas Code, including S.B. 737. **A motion was made by Tom McDonald, second by Kent Watson, that the General Manager using the transcript of each meeting and the audio recording, is to verify the language of the board at the time a permit was approved, or the lack there of, and issue the permit in accordance without delay. Chairman Beachy, called for a vote, which resulted in 4 Directors voting in favor, and 4 Directors opposing, resulting in no action taken. Monique Norman, Attorney for the District asked as to how would we get them out? Further discussion ensued, and Bryan Russ made a motion, second by Pete Brien, to reissue the permits subject to the rules and the law. The motion passed with 7 Directors voting in favor of the motion, and 1 Director, Wayne Wilson opposing. (Proposed language attached)**

7. Discussion and possible action on the following  
**Operating Permit Application:**
  - A. One (1) existing well for Paul Garrett. The well is located at 1496 Sand Creek Road, Bryan, TX., for a total of 11 acre feet per year for hayfield irrigation on a 13 acre tract, using a sprinkler. The well produces from the Sparta Aquifer. **A motion was made by Kent Watson, second by David Stratta to approve the Operating permit application as presented for Paul Garrett. The motion carried unanimously.**
  
8. Discussion and possible action on the following  
**Historic Use Permit Application:**
  - B. One existing well for the City of Bremond. The well is located at 1909 Schubrych-Antis Road, Bremond, TX., for a total of 86 acre/feet per year for municipal water supply. The well produces from the Hooper Aquifer. **A motion was made by David Stratta, second by Stephen A. Boykin, to approve the Historic Use Permit application as presented for the City of Bremond. The motion carried, with Bryan F. Russ Jr. abstaining.**
  
9. Update and recommendation by the General Manager on the status of the Templeton Exempt well, followed by discussion and possible action by the Board. **A motion was made by Bryan F. Russ, Jr., second by Tom McDonald, to approve an expenditure by the District to equip the well for monitoring purposes if John Seifert feels it will provide sufficient data to the District. The motion passed unanimously.**
  
10. Status report on the progress of 2011 water production reporting by the General Manager, followed by discussion and possible action by the Board. **There was no action required by the Board.**
  
11. Discussion and possible action on enhancing the District's posting guidelines, pursuant to District Bylaw 2.7 (A). **A motion was made by Bryan F. Russ, Jr., second by David Stratta, that if the District Board has a committee of four members or more, that the District comply with the Open Meetings Law and post the meeting, and that the District Bylaws under (2.7) be changed. Monique Norman, Attorney for the District will revise the District Bylaws and bring back to the District Board for approval. Chairman Beachy, called for a vote, which resulted in seven (7) Director's voting for, with (1) Director, Wayne Wilson, opposing. The motion carried.**
  
12. Report by the Finance/Fee Schedule Committee meeting by Committee Chair, Steve Beachy; Followed by discussion and possible action by the Board on the District's Fee Schedule. **A motion was made by Bryan F. Russ, Jr., second by Kent Watson, to establish the export fee at the maximum rate allowed by law. Chairman Beachy, called for a vote, which resulted in seven (7) Director's voting for, with (1) Director, David Stratta, opposing. The motion carried.**
  
13. Discussion and possible action on selecting a date and location to hold a Board "Retreat" for the purpose of discussing Board relations, District mission, goals, priorities, and work plan for 2012. **President Beachy instructed Ralph Crum to try and coordinate a suitable date and venue. No action taken by the Board.**
  
14. Presidents Report:
  - Committee assignments for 2012 (see attached committee assignments)**No action taken by the Board.**

15. Update by Wayne Wilson on the Region G Water Planning Board meeting held on January 26, 2012 in Waco. Followed by discussion and possible action by the Board. **Director Wilson updated the Board on recent activities within Region G. No action taken by the Board.**
16. General Manager Report
  - Financial Reports
  - Palmer Drought Severity, Crop Moisture, Additional Precipitation Needed Indexes
  - Number of wells monitored for the months of January & February 2012

**Ralph Crum, General Manager, presented to the Board the financial reports for January and February 2012, Palmer Drought Severity, Crop Moisture, Additional Precipitation needed Indexes and number of observation wells measured for the months of January & February 2012**

17. Legal Report

- Update on the GMA 12 Desired Future Condition Petition Process
- Update on the Texas Supreme Court ruling in the Edwards Aquifer Authority vs. Day / McDaniel case

**Monique Norman, updated the Board on the Groundwater Management Area 12 (GMA 12) petition process and the Edwards Aquifer Authority vs. Day/McDaniel case.**

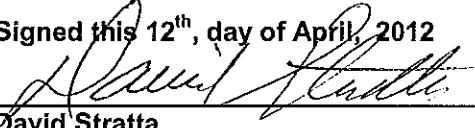
18. Hear Visitors

**Nelda Calhoun  
David Coleman, Director, Water Department City of College Station  
John Melvin, Executive Director, Brazos Valley Groundwater Rights Association  
T. Barret Lyne, Ph.D, Presentation on Complicated Water Well Completion Rules  
(see attached presentation)**

19. Discussion of future agenda items

20. Adjourn

Signed this 12<sup>th</sup>, day of April, 2012

  
**David Stratta,  
Secretary**

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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**