

MINUTES

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

112 West Third Street
Hearne, TX 77859

Public Hearing and Regular Board Meeting
Thursday, April 7, 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
	John Hicks,	Treasurer
	Steve Beachy,	Secretary
	Bryan F. Russ, Jr.	Director
	David Stratta,	Director
	Kent Watson,	Director

Director Absent:	Wayne Wilson,	Director
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Staff present:	Ralph Crum,	General Manager
	Cynthia Lopez,	Office Manager
	Carlton Smith	Field Technician
	Monique Norman,	Attorney

2. Pledge of Allegiance

3. Discussion and possible action on the Minutes from the February 3, 2011, Public Hearing and Regular Board Meeting. **A motion was made by John Hicks, second by Kent Watson to approve the Minutes as presented. The motion carried unanimously.**

4. Review and authorization of payments made for services rendered for the months of February and March 2011. **A motion was made by John Hicks, second by Kent Watson, to approve the expenses for the month of February and March 2011 as presented. The motion carried with Bryan F. Russ, Jr. voting against.**

Chairman Pete Brien, recused himself from discussion on item #5, A,B,C and turned the meeting over to Vice President, Judge Tom McDonald.

5. Discussion and possible action on the following
Drilling/Operating Permit Applications:

- A. One (1) new well for Tom Rotello, Jr. The well will be located at 4505 White Switch Road at FM 159, Navasota, TX., for a total 229 acre feet per year for agriculture irrigation on a 800 acre tract known as Farm #47. The well will produce from the Brazos River Alluvium aquifer. **A motion was made by David Stratta, second by Steve Beachy to approve the Drilling/Operating permit application as presented for Tom Rotello, Jr. The motion carried, with Chairman, Pete Brien abstaining.**

B. One (1) new well for Lee Fazzino, Sr. The well will be located at Hwy 79 and Cotropia Road, Hearne, TX., for a total of 50 acre feet per year for agriculture irrigation on a 50 acre tract known as the Perrone Farm. The well will produce from the Brazos River Alluvium aquifer. **A motion was made by John Hicks, second by Bryan F. Russ, Jr. to approve the Drilling/Operating permit application as presented for Lee Fazzino, Sr. The motion carried, with Chairman, Pete Brien abstaining.**

C. One (1) new well for JM&M Farms. The well will be located at White Switch Road, Navasota, TX., for a total of 180 acre/feet per year for agriculture irrigation on a 989 acre tract. The well will produce from the Brazos River Alluvium aquifer. **A motion was made by Bryan F. Russ, Jr., second by David Stratta to approve the Drilling/Operating permit application as presented for JM&M Farms. The motion carried, with Chairman Pete Brien abstaining.**

Vice President, Judge Tom McDonald turned the meeting back over to Chairman Pete Brien.

D. One (1) new well for the Carraba Brothers, Ltd. The well will be located North of Hwy 21 and West of Hwy 50 (on the corner), Bryan, TX., for a total of 87.50 acre/feet per year for agricultural irrigation on a 175 acre tract. The well will produce from the Brazos River Alluvium aquifer. **A motion was made by John Hicks, second by Kent Watson to approve the Drilling/Operating permit application as presented for the Carraba Brothers, Ltd. The motion carried unanimously.**

E. One (1) new well for Steven Hoang. The well will be located at 2916 Old Boone Prairie Road, Franklin, TX, for a total of 25 acre/feet per year for poultry houses. The well will produce from the Calvert Bluff aquifer. **A motion was made by Judge Tom McDonald, second by John Hicks to approve the Drilling/Operating permit application as presented for Steven Hoang. The motion carried unanimously.**

F. One (1) new well for Kim Le Phuong. The well will be located at 5341 W. FM 1644, Calvert, TX., for a total of 25 acre/feet per year for poultry houses. The well will produce from the Calvert Bluff aquifer. **A motion was made by Judge Tom McDonald, second by Bryan F. Russ, Jr. to approve the Drilling/Operating permit application as presented for Kim Le Phuong. The motion carried unanimously.**

6. Discussion and possible action on the following
Operating Permit Applications:

A. One (1) existing well for Larry Conn. The well is located at 4811 W US Hwy. 79, Franklin, TX., for a total of 35 acre/feet per year for poultry houses. The well produces from the Calvert Bluff aquifer. **A motion was made by Bryan F. Russ, Jr., second by Judge Tom McDonald to approve the Operating permit application as presented for Larry Conn. The motion carried unanimously.**

Two (2) existing wells for the Josephine Loria and Sam P. Scamardo Trust. The wells are located off of FM 50, just South of Hwy., 79, Hearne, TX., for a total of 254 acre/feet per year for crop irrigation on a 127 acre farm (FSA Farm 2742). The wells produce from the Brazos River Alluvium aquifer. **A motion was made by John Hicks, second by Judge Tom McDonald to approve the Operating permit application as presented for Loria and Sam P. Scamardo Trust. The motion carried unanimously.**

- B. Eleven (11) existing wells for the Josephine Loria and Sam P. Scamardo Trust. The wells are located at 8758 FM 50, Hearne, TX., for a total of 1,300 acre/feet per year for crop irrigation on a 650 acre farm (FSA Farm 2743). The wells produce from the Brazos River Alluvium aquifer. **A motion was made by David Stratta, second by Judge Tom McDonald to approve the Operating permit application as presented for Loria and Sam P. Scamardo Trust. The motion carried unanimously.**
- C. Ten (10) existing wells for JM&M Farms. The wells are located at White Switch Road, Navasota, TX., for a total of 1,980 acre/feet per year for agriculture irrigation on a 989 acre tract. The wells produce from the Brazos River Alluvium aquifer. **A motion was made by Judge Tom McDonald, second by John Hicks to approve the Operating permit application as presented for JM&M Farms. The motion carried unanimously.**
7. Presentation by LBG-Guyton and Associates on the Districts well monitoring program, followed by discussion and possible action by the Board. **(Presentation materials attached)**
8. Update on the outcome of the Permit Review Committee meeting held on April 1st, 2011 by Committee Chairman Russ. Followed by Discussion and possible action by the Board. **A motion was made by Bryan F. Russ, Jr., second by David Stratta to accept recommendations outlined by Mr. Russ as a protocol for renewal of permit applications, as they come up. After discussion on the motion, a vote was taken which resulted in three (3) voting for, and four (4) voting against. The motion failed.**
9. Discussion and possible action on establishing a minimum annual fee for permitted production within the District. **A motion was made by John Hicks, second by Judge Tom McDonald for the District to establish a minimum annual fee of twenty-five dollars (\$25) for any permitted well. After discussion on the motion, a vote was taken which resulted in three (3) voting for and four (4) voting against. The motion failed.**
10. Discussion and possible action on what action to take when water well drillers do not comply with District rules. **During discussion, Chairman Brien asked General Manager Crum to provide suggestions for a first, second, and third offense. As a result, no action was taken and the agenda item was tabled until the next Board meeting.**
11. Discussion and possible action on pursuing grant funding from the Texas Water Development Board. **A motion by John Hicks, second by Steve Beachy to rescind the Texas Water Development grant. After discussion on the motion, a vote was taken to abandon the grant funding request from the Texas Water Development Board. The motion carried unanimously.**
12. Discussion and possible action on establishing a schedule to hold quarterly Board meetings in Brazos County. **During discussion, Director Russ asked the District's Attorney, Ms. Norman for an opinion on venue. A motion was made by Bryan F. Russ, Jr., second by Steve Beachy to table agenda item #12 until the next board meeting to give Ms. Norman time to address the issue.**
13. Discussion and possible action on the 2010 Annual Report. **A motion by John Hicks, second by Kent Watson to adopt the 2010 Annual Report. The motion carried unanimously.**

14. Generals Managers Report

- Financial Reports
- Palmer Drought Severity, Crop Moisture, Additional Precipitation Needed Indexes
- Number of wells monitored for the month of March
- Update on the TAGD, (Texas Alliance of Groundwater Districts) conference

General Manager, Ralph Crum presented the Board with the Districts financial reports, Palmer Drought Severity, Crop Moisture and Additional Precipitation Needed Indexes. Additionally, he provided the Number of wells monitored for the month of March, and lastly an update on the Texas Alliance of Groundwater Districts conference he attend on March 29 and 30th in Austin, TX.

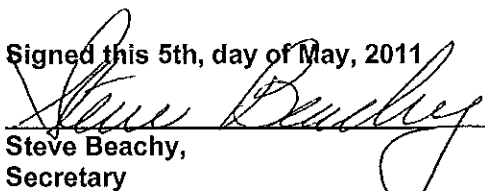
15. Legal Report

- Legislative update and briefing to the Board on Texas legislation that effects the Brazos Valley GCD and groundwater districts in general, and related information such as State recommendations and legislative relations.

Monique Norman, Attorney for the District provided the Board with an update of recent Legislative activity. (see attached)

Meeting Adjourned at 5:58 p.m.

Signed this 5th, day of May, 2011


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;
- (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.

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Agenda items may be taken out of order at the discretion of the Board Chairman