



## Minutes

### BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

112 W 3<sup>rd</sup> Street  
Hearne, TX 77859

#### Rules of the District Hearing, Public Permit Hearing and Regular Board Meeting Thursday, May 9, 2013 at 3:00 p.m.

Board Chairman Bryan F. Russ, Jr., called the Public Permit Hearing meeting to order at 3:00 p.m.

Directors present:

Bryan F. Russ, Jr.,	President
Tom McDonald,	Vice-President
David Stratta,	Secretary
Kent Watson,	Treasurer
Stephen A. Boykin,	Director
Pete Brien,	Director
Mark Carrabba,	Director
Bill L. Harris,	Director

Staff present:

Alan M. Day,	General Manager
Monique Norman,	Attorney
Cynthia Lopez,	Office Manager
Carlos Rodriquez,	Field Operations Manager

Call meeting to order  
Pledge of Allegiance  
Declare quorum present

#### **Rules Hearing:**

Public Comment

- a) Non-agenda items
- b) Agenda items

1. The Brazos Valley Groundwater Conservation District (District), in compliance with Chapter 36 of the Texas Water Code and its Rules, will receive public comment on the proposed amendments to the Rules of the District relating to groundwater management and permits, registrations and related applications for water wells, at a public hearing at District Office, located at 112 West 3rd Street Hearne, Texas, 77859 on Thursday, May, 9, 2013 at 3:00 pm. The District Board, at the conclusion of the public hearing, will discuss comments received and consider possible adoption of the proposed rules. Written and oral public comments on the proposed rules must be submitted to the District on or prior to the hearing date. A complete copy of the current Rules of the District and proposed rule amendments are available at <http://brazosvalleygcd.org> and the District office, 112 West 3rd Street Hearne, TX 77859; (979) 279-9350.

2. Discussion and possible action on adoption of the proposed amendments to the Rules of the District relating to groundwater management and permits, registrations, and related applications for water wells. **A motion was made by David Stratta, seconded by Pete Brien to accept the Rule changes as presented. The motion carried with seven (7) votes for and one (1) Director Kent Watson opposing. After further discussion, a motion was made by Tom McDonald, seconded by Bill Harris not to make changes to Rules until a Legislative session has ended. The motion failed with three (3) for and five (5) against.**

3. Adjourn Public Hearing

**Permit Hearing:**

5. Discussion and possible action on the following Permit corrections:

- **Robertson County WSC Well #2 (BV-HU-0016)**  
Correction of aquifer of origin. Originally identified as a Carrizo well but has been determined to be a Simsboro well. **A motion was made by Pete Brien, seconded by David Stratta to correct the aquifer of origin for Robertson County WSC from the Carrizo to the Simsboro aquifer as presented. The motion carried unanimously.**
- **Robertson County WSC Well #4 (BV-HU-0018)**  
Correction of aquifer of origin. Originally identified as a Carrizo well but has been determined to be a Hooper well. **A motion was made by Bill Harris, seconded by Pete Brien to correct the aquifer of origin for Robertson County WSC from the Carrizo to the Hooper aquifer as presented. The motion carried unanimously.**

6. Discussion and possible action on the following Historic Use Permit Amendments:

- One (1) existing well (BV-HU-0015) for Robertson County WSC known as Well #1. The well is located at N 30.992448° W 96.478677°. The well produces from the Simsboro Aquifer. The applicant requests aggregation of the well with Robertson County WSC Well #2 (BV-HU-0016 and BV-OP-0131).
- One (1) existing well (BV-HU-0016) for Robertson County WSC known as Well #2. The well is located at N 30.978595° W 96.541252°. The well produces from the Simsboro Aquifer. The applicant requests aggregation of the well with Robertson County WSC Well #1 (BV-HU-0015 and BV-OP-0130). **A motion was made by Tom McDonald, seconded by David Stratta to approve the historic use permit amendments for Robertson County WSC for aggregation with wells No. 1 and No. 2 as presented. The motion carried unanimously.**
- One (1) existing well (BV-HU-0017) for Robertson County WSC known as Well #3. The well is located at N 31.123854° W 96.522844°. The well produces from the Hooper Aquifer. The applicant requests aggregation of the well with Robertson County WSC Well #4 (BV-HU-0018 and BV-OP-0132).

- One (1) existing well (**BV-HU-0018**) for Robertson County WSC known as Well #4. The well is located at N 31.229994° W 96.428004°. The well produces from the Hooper Aquifer. The applicant requests aggregation of the well with Robertson County WSC Well #3 (**BV-HU-0017**). A motion was made by **Stephen A. Boykin**, seconded by **Mark Carrabba** to approve the historic use permit amendments for Robertson County WSC for aggregation with wells No. 3 and No. 4 as presented. The motion carried unanimously.
- One (1) existing well (**BV-HU-0240**) for Steel Brook & Mineral Royalties, Ltd. (Lee Fazzino, Sr.) known as Well #1. The well is located at N 30.839552° W 96.625978°. The well produces from the Brazos River Alluvium Aquifer. The applicant requests aggregation of the well with Steel Brook & Mineral Royalties, Ltd. Well #7 (**BV-DO-0141**). A motion was made by **David Stratta**, seconded by **Tom McDonald** to approve the application for Steel Brook & Mineral Royalties, Ltd., (Lee Fazzino, Sr.) for aggregation with wells No.1 and No. 7 as presented. The motion carried with Director Pete Brien abstaining.

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

- One (1) existing well (**BV-OP-0130/BV-HU-0015**) for Robertson County WSC known as Well #1. The well is located at N 30.992448° W 96.478677°. The well produces from the Simsboro Aquifer. The applicant requests the aggregation of this well with Robertson County WSC Well #2 (**BV-HU-0016/BV-OP-0131**).
- One (1) existing well (**BV-OP-0131/BV-HU-0016**) for Robertson County WSC known as Well #2. The well is located at N 30.978595° W 96.541252°. The well produces from the Simsboro Aquifer. The applicant requests the aggregation of this well with Robertson County WSC Well #1 (**BV-HU-0015/BV-OP-0130**). A motion was made by **Tom McDonald**, seconded by **Kent Watson** to approve Robertson County WSC wells No.1 and No. 2 for aggregation from the Simsboro aquifer as presented. The motion carried unanimously.
- One (1) existing well (**BV-OP-0132/BV-HU-0018**) for Robertson County WSC known as Well #4. The well is located at N 31.229994° W 96.428004°. The well produces from the Hooper Aquifer. The applicant requests the aggregation of this well with Robertson County WSC Well #3 (**BV-HU-0017**). A motion was made by **Pete Brien**, seconded by **David Stratta** to approve Robertson County WSC wells No. 4 and No. 3 for aggregation from the Hooper aquifer as presented. The motion carried unanimously.

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

- One (1) new well Steel Brook & Mineral Royalties, Ltd. Well #7 (Lee Fazzino, Sr.) will be located at N 30.836371° W 96.632488° 0.48 miles southwest of the intersection of US Hwy. 79 and Cotropia Road in Robertson County for a total of 0 acre/feet per year for agricultural irrigation. The well will produce from the Brazos River Alluvium Aquifer.

The applicant requests aggregation with Historic Use Permit BV-HU-0240. A motion was made by David Stratta, seconded by Mark Carrabba to approve the application for Steel Brook & Mineral Royalties, Ltd., well No. 7 as presented for aggregation with Historic Use permit BVHU-0240. The motion carried with Pete Brien abstaining.

- One (1) new well for Wickson Creek Special Utility District Well #7 will be located at N 30.815683° W 96.369917° 2.40 miles SE of the intersection of OSR and Dick Elliott Road in Brazos County for a total of 400 acre/feet per year for retail public water supply use. The well will produce from the Carrizo Aquifer at a rate of 475 gpm. A motion was made by Stephen A. Boykin, seconded by Tom McDonald to approve the application for Wickson Creek as presented. The motion carried with seven (7) votes for and one (1) vote Director David Stratta against.

#### 9. Adjourn Permit Hearing

#### Regular Board Meeting:

1. Discussion and possible action on the Minutes from the April 11, 2013 Public Permit Hearing and Regular Board meeting. A motion was made by David Stratta, seconded by Pete Brien to approve the Minutes from April 11, 2013 Public Permit Hearing and Regular Board Meeting as presented. The motion carried unanimously.
2. Review and authorization of payments made for services rendered for the month of April, 2013. A motion was made by Pete Brien, seconded by David Stratta for authorization of payments made for services rendered for the month of April 2013. The motion carried unanimously.
3. Financial Reports. General Manager presented the Board with the financial reports for the month of April 2013.
4. Discussion and possible action on setting a policy dealing with delinquent accounts. A motion was made by Pete Brien, seconded by David Stratta to send out demand letters to delinquent account holders in accordance with our rules. The motion carried unanimously.
5. Discussion and possible action on setting a fee schedule for new water well application refundable deposits. A motion was made by Stephen A. Boykin, seconded by Kent Watson for the District to set the fee at \$100.00 for new water well applications a refundable deposit from the District when receiving the well long. The motion carried.

6. General Manager's Report

- Drought Monitor Report
- Well Monitoring Report
- Management Plan Update
- Legislative Update

Alan M. Day, General Manager, presented the Board with the above reports for the month of April 2013. (see attached reports from the General Manager). Carlos Rodriguez presented the Board with the observation wells report. The monitoring of one-hundred and nine (109) wells. In Robertson County sixty-four (64) and in Brazos County fort-five (45). Two wells added, one in the Calvert Bluff and one in the Carrizo aquifer. The total of monitoring wells are up to one-hundred and fifty eight (158).

7. Legal Report

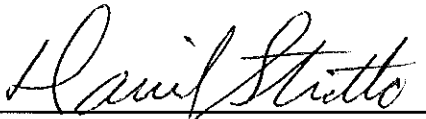
- Legislative report

Monique Norman briefed the Board on the Legislative updates.

8. Discussion of possible future agenda items.

9. Adjourn, A motion by Stephen A. Boykin, seconded by David Stratta to adjourn, Chairman, Bryan F. Russ, Jr., adjourned at 4:46 p.m.

Signed this 13th, day of June, 2013



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