



Minutes

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT Public Permit Hearing and Regular Board Meeting Thursday, July 13, 2023, at 2:00 p.m.

Stephen Cast called the meeting to order at 2:00 p.m.

Directors present:	Stephen Cast	President
	Jayson Barfknecht	Vice President
	David Stratta	Secretary
	Mark Carrabba	Director
	John Elliott	Director
	Jeff Kennedy	Director
	Gary Mechler	Director
Directors Absent:	Chris Zeig	Director
Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Megan Lamb	Education Coordinator
	Monique Norman	Attorney
	John Seifert	Hydrologist
	James Beach	Hydrologist

Public Permit Hearing

Call Permit Hearing to order

Declare quorum present.

Public Comment –

- a) Non-agenda items
- b) Agenda Items - **Audencio Naranjo, Jr., Andy Bland, Bill Hailey, Doug Lacey, and Marion Klotz**

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

- **Twelve (12) new wells for Badgerjack Resource Holdings, LP**

These are multi-use permit applications for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. Maximum annual cumulative production from the twelve (12) wells will be 16,421 ac-ft/yr. The purpose of use will be metered and reported separately.

Well #1 – Badgerjack Resource Holdings, LP (BVDO-0323) Located at: N 31.031647° W 96.670903° 1.07 miles S of the intersection of S. Tidwell Prairie Road and Sunnyside Road in Robertson County. Total maximum annual production from the well will be 1,161 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #2 – Badgerjack Resource Holdings, LP (BVDO-0324) Located at: N 31.009261° W 96.675999° 1.58 miles N of the intersection of FM 979 and Sunnyside Road in Robertson County. Total maximum annual production from the well will be 1,742 ac-ft/yr at a maximum production rate of 1,300 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #3 – Badgerjack Resource Holdings, LP (BVDO-0325) Located at: N 31.015504° W 96.662516° 1.35 miles W of the intersection of FM 979 and Elmo Road in Robertson County. Total maximum annual production from the well will be 1,742 ac-ft/yr at a maximum production rate of 1,300 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #4 – Badgerjack Resource Holdings, LP (BVDO-0326) Located at: N 31.018854° W 96.635383° 0.29 miles ESE of the intersection of FM 979 and Elmo Road in Robertson County. Total maximum annual production from the well will be 1,532 ac-ft/yr at a maximum production rate of 1,200 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #5 – Badgerjack Resource Holdings, LP (BVDO-0327) Located at: N 31.070913° W 96.496684° 0.50 miles N of the intersection of Grant Prairie Road and Lone Star Lane in Robertson County. Total maximum annual production from the well will be 1,162 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #6 – Badgerjack Resource Holdings, LP (BVDO-0328) Located at: N 31.048130° W 96.471423° 0.88 miles NNW of the intersection of US-79 and E. Boone Prairie Road in Robertson County. Total maximum annual production from the well will be 1,170 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #7 – Badgerjack Resource Holdings, LP (BVDO-0329) Located at: N 31.044044° W 96.469902° 0.61 miles NW of the intersection of US-79 and E. Boone Prairie Road in Robertson County. Total maximum annual production from the well will be 1,170 ac-ft/yr at a maximum production rate of 900 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #8 – Badgerjack Resource Holdings, LP (BVDO-0330) Located at: N 31.048451° W 96.359233° 0.42 miles SSE of the intersection of FM 1940 and Camp Creek Cemetery Road in Robertson County. Total maximum annual production from the well will be 726 ac-ft/yr at a maximum production rate of 600 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #9 – Badgerjack Resource Holdings, LP (BVDO-0331) Located at: N 31.047258° W 96.356276° 0.56 miles SE of the intersection of FM 1940 and Camp Creek Cemetery Road in Robertson County. Total maximum annual production from the well will be 726 ac-ft/yr at a maximum production rate of 600 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #10 – Badgerjack Resource Holdings, LP (BVDO-0332) Located at: N 30.959359° W 96.448018° 1.23 miles WSW of the intersection of FM 46 and Henry Prairie Church Road in Robertson County. Total maximum annual production from the well will be 1,774 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #11 – Badgerjack Resource Holdings, LP (BVDO-0333) Located at: N 30.952789° W 96.443033° 1.30 miles SW of the intersection of FM 46 and Henry Prairie Church Road in Robertson County. Total maximum annual production from the well will be 1,774 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #12 – Badgerjack Resource Holdings, LP (BVDO-0334) Located at: N 31.005677° W 96.655249° 1.31 miles SW of the intersection of FM 979 and Elmo Road in Robertson County. Total maximum annual production from the well will be 1,742 ac-ft/yr at a maximum production rate of 1,300 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

A motion was made by David Stratta, second by Jeff Kennedy to approve twelve (12) Drilling Operating permits for Badgerjack Resource Holdings, LP at 16,421 ac-ft/yr., for Agricultural, Industrial, Commercial, Municipal and Public Water Supply uses and to produce from the Simsboro Aquifer as presented to the Board. The motion passed unanimously.

- **Six (6) new wells for High Timber Resources, LP**

These are multi-use permit applications for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. Maximum annual cumulative production from the six (6) wells will be 11,870 ac-ft/yr. The purpose of use will be metered and reported separately.

Well #1 – High Timber Resources, LP (BVDO-0335) Located at: N 31.064429° W 96.644738° 1.18 miles E of the intersection of S. Tidwell Prairie Road and Owens Road in Robertson County. Total maximum annual production from the well will be 1,806 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #2 – High Timber Resources, LP (BVDO-0336) Located at: N 31.055200° W 96.642940° 1.35 miles ESE of the intersection of S. Tidwell Prairie Road and Owens Road in Robertson County. Total maximum annual production from the well will be 1,806 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #3 – High Timber Resources, LP (BVDO-0337) Located at: N 31.038877° W 96.651306° 1.49 miles NNW of the intersection of FM 979 and Elmo Road in Robertson County. Total maximum annual production from the well will be 1,806 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #4 – High Timber Resources, LP (BVDO-0338) Located at: N 31.029549° W 96.640775° 0.69 miles N of the intersection of FM 979 and Elmo Road in Robertson County. Total maximum annual production from the well will be 1,806 ac-ft/yr at a maximum production rate of 1,400 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #5 – High Timber Resources, LP (BVDO-0339) Located at: N 31.053744° W 96.597003° 1.69 miles W of the intersection of Beck Prairie Road and FM 979 in Robertson County. Total maximum annual production from the well will be 2,323 ac-ft/yr at a maximum production rate of 1,700 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #6 – High Timber Resources, LP (BVDO-0340) Located at: N 31.062202° W 96.596186° 1.69 miles WNW of the intersection of Beck Prairie Road and FM 979 in Robertson County. Total maximum annual production from the well will be 2,323 ac-ft/yr at a maximum production rate of 1,800 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

A motion was made by Gary Mechler, second by John Elliott to approve six (6) Drilling Operating permits for High Timber Resource, LP at 11,870 ac-ft/yr., for Agricultural, Industrial, Commercial, Municipal and Public Water Supply uses and to produce from the Simsboro Aquifer as presented to the Board. The motion passed unanimously.

- **Thirteen (13) new wells for Corpora Farms**

These are multi-use permit applications for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. Maximum annual cumulative production from the thirteen (13) wells will be 16,421 ac-ft/yr. The purpose of use will be metered and reported separately.

Well #1 – Corpora Farms (BVDO-0341) Located at: N 30.967123° W 96.681905° 0.42 miles E of the intersection of Wildcat Bridge Road and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,290 ac-ft/yr at a maximum production rate of 1,000 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #2 – Corpora Farms (BVDO-0342) Located at: N 30.930936° W 96.703584° 0.97 miles WNW of the intersection of Barton Farm Road and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,370 ac-ft/yr at a maximum production rate of 1,050 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #3 – Corpora Farms (BVDO-0343) Located at: N 30.931603° W 96.720836° 2.36 miles SW of the intersection of FM 1644 and New Magnolia Church Road in Robertson County. Total maximum annual production from the well will be 2,093 ac-ft/yr at a maximum production rate of 1,650 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #4 – Corpora Farms (BVDO-0344) Located at: N 30.934607° W 96.709457° 1.37 miles WNW of the intersection of Barton Farm Road and FM 1644 in Robertson County. Total maximum annual production from the well will be 1,370 ac-ft/yr at a maximum production rate of 1,050 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #5 – Corpora Farms (BVDO-0345) Located at: N 30.939189° W 96.647752° 0.71 miles NW of the intersection of Red Hill Road and Providence Road in Robertson County. Total maximum annual production from the well will be 1,449 ac-ft/yr at a maximum production rate of 1,125 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #6 – Corpora Farms (BVDO-0346) Located at: N 30.928505° W 96.667226° 1.65 miles W of the intersection of Red Hill Road and Providence Road in Robertson County. Total maximum annual production from the well will be 3,542 ac-ft/yr at a maximum production rate of 2,750 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #7 – Corpora Farms (BVDO-0347) Located at: N 30.941075° W 96.664942° 1.23 miles WNW of the intersection of Red Hill Road and Providence Road in Robertson County. Total maximum annual production from the well will be 1,449 ac-ft/yr at a maximum production rate of 1,125 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #8 – Corpora Farms (BVDO-0348) Located at: N 30.862142° W 96.648896° 1.10 miles SSW of the intersection of John Reistino Road and FM 485 in Robertson County. Total maximum annual production from the well will be 2,174 ac-ft/yr at a maximum production rate of 1,700 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #9 – Corpora Farms (BVDO-0349) Located at: N 30.866236° W 96.641341° 0.83 miles SSE of the intersection of John Reistino Road and FM 485 in Robertson County. Total maximum annual production from the well will be 2,174 ac-ft/yr at a maximum production rate of 1,700 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #10 – Corpora Farms (BVDO-0350) Located at: N 30.828601° W 96.637179° 0.47 miles SSE of the intersection of FM 1644 and US-79 in Robertson County. Total maximum annual production from the well will be 885 ac-ft/yr at a maximum production rate of 550 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #11 – Corpora Farms (BVDO-0351) Located at: N 30.830612° W 96.633565° 0.50 miles SSE of the intersection of FM 1644 and US-79 in Robertson County. Total maximum annual production from the well will be 885 ac-ft/yr at a maximum production rate of 550 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #12 – Corpora Farms (BVDO-0352) Located at: N 30.784337° W 96.560379° 1.29 miles NE of the intersection of Watts Lane and FM 50 in Robertson County. Total maximum annual production from the well will be 1,288 ac-ft/yr at a maximum production rate of 800 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

Well #13 – Corpora Farms (BVDO-0353) Located at: N 30.784810° W 96.554918° 1.56 miles NNE of the intersection of Watts Lane and FM 50 in Robertson County. Total maximum annual production from the well will be 1,288 ac-ft/yr at a maximum production rate of 800 gpm for Agricultural, Industrial, Commercial, Municipal, and Public Water Supply uses. The well will produce from the Simsboro Aquifer.

A motion was made by David Stratta, second by Mark Carrabba to approve thirteen (13) Drilling Operating permits for Corpora Farms at 16,421 ac-ft/yr., for Agricultural, Industrial, Commercial, Municipal and Public Water Supply uses and to produce from the Simsboro Aquifer as presented to the Board. The motion passed unanimously.

- **One (1) existing Operating permit for James H. Johnson**

Well #1 (BVDO-0308) Located at: N 30.845314° W 96.549168° 0.58 miles SE of the intersection of Old Hearne Road and SH-6 in Robertson County. Total maximum annual production from the water well is 100 ac-ft/yr at a maximum rate of 150 gpm for Agricultural use. Permit holder seeks to amend the existing permit increasing the maximum production rate to 200 gpm. The well produces from the Carrizo Aquifer. **A motion was made by Mark Carrabba, second by Jayson Barfknecht to approve the Operating Permit amendment for James H. Johnson increasing the maximum production rate from 150 gpm to 200 gpm as presented to the Board. The motion passed unanimously.**

5. Adjourn @ 3:04 p.m.

Regular Board Meeting

Call meeting to order

Pledge of Allegiance

Public Comment

- a) Non-agenda items
- b) Agenda items – Cathy Gaas

1. Discussion and possible action on minutes of the June 8, 2023, Regular Board Meeting. **A motion was made by Mark Carrabba, second by John Elliott to approve the minutes of the June 8, 2023 Regular Board Meeting as presented to the Board. The motion passed unanimously.**
2. Financial Report for the month of June 2023. **A motion was made by Jayson Barfknecht, second by Gary Mechler to approve the Financial Report for the month of June 2023 as presented to the Board. The motion passed unanimously.**
3. Presentation of the 2022 District Financial Audit by Russell Armagost CPA from Milberger, Nesbitt, and Ask, LLP. **Russell Armagost, CPA presented the 2022 District Financial Audit to the Board.**
4. Discussion and possible action on the adoption of the 2022 District Financial Audit. **A motion was made by John Elliott, second by Jayson Barfknecht for approval of the 2022 District Financial Audit as presented to the Board. The motion passed unanimously.**

5. Discussion and possible action to amend the 2023 District Operating Budget related to building maintenance. **A motion was made by David Stratta, second by Mark Carrabba to approve an amendment of the 2023 District Operating Budget related to building maintenance for an additional \$2,000.00 as presented to the Board. The motion passed unanimously.**
6. Discussion and possible action on amending the District Bylaws regarding director conflict of interest as enacted by the 88th Legislature and related to the passage of HB 1971. **A motion was made by Mark Carrabba, second by Jayson Barfknecht to approve the District Bylaws on conflict of interest as enacted by the 88th Legislature and related to passage of HB 1971 as presented to the Board. The motion passed unanimously.**
7. Discussion regarding draft rule amendments including, but not limited to, amendments to District Rules 2.2, 5.2(f) & (g), 6.1, 6.2, 7.1(c), 8.1, 8.3(h), 8.4(b)(3), 8.4(b)(7)(A)(4), 8.4(b)(7)(B)(4), 8.5(b), 8.7, 9.1, 9.1(c), 10.3, 10.4(d), 14.2(a), 14.2(b)(3), 14.2(d), 14.3.5, 14.4(c-2)(l)(n)&(o), 14.6, new Section 16, and possible action to set a public hearing date for the proposed draft rule amendments. **A motion was made by Mark Carrabba, second by John Elliott to approve the Public Hearing date for September 14, 2023 on the proposed draft rule amendments as presented to the Board. The motion passed with David Stratta opposing.**
8. Presentation by John Siefert, GW Consultants, addressing the impact of increased permitted pumping from the Simsboro Aquifer and the projected impact on the Desired Future Condition. **John Siefert, Groundwater Consultants, gave a brief presentation to the Board on the Desired Future Condition.**
9. General Manager's Report, **Alan Day, gave the Board a brief update on the reports listed below.**
 - a) Drought Monitor Report
 - b) Wells permitted pursuant to District Rule 8.3(j)
 - c) GMA 12 DFC Update
 - d) District Business & Activities
 - e) Management Plan Update
10. Discussion and possible future agenda items.
11. Adjourn @ 4:45 p.m.

Signed this 10th day of August 2023



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**