



## Minutes

### BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

#### Public Permit Hearing and Regular Board Meeting

#### District Office

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

Thursday, October 10, 2024 | 2:00 p.m.

**Jayson Barfknecht, President called the meeting to order at 2: p.m.**

Directors present:	Jayson Barfknecht	President
	Gary Mechler	Vice-President
	Jeff Kennedy	Secretary
	Chris Zeig	Treasurer
	Mark Carrabba	Director
	Stephen Cast	Director
	John Elliott	Director
	Lisa Rolke	Director
Staff present:	Alan M. Day	General Manager
	Cynthia Lopez	Office Manager
	Megan Lamb	Education Coordinator
	Monique Norman	Attorney

#### **Preliminary Hearing Notice**

Call Preliminary Hearing to order

Public Comment: **Paulina Williams – UW Brazos Valley Farm LLC**

#### **TRANSPORT PERMIT APPLICATIONS:**

RH2O LLC (5 wells) (BVTP-002)

Clifford A. (Trey) Skiles III (2 wells) (BVTP-003)

James Brien (2 wells) (BVTP-004)

L. Wiese Moore LLC (2 wells) (BVTP-005)

Fazzino Investments LP (6 wells) (BVTP-006)

Ely Family Partnership LP (8 wells) (BVTP-007)

Cula d'Brazos LLC (7 wells) (BVTP-008)

**Co-applicant:** UW Brazos Valley Farm LLC (UWBVF) (16 wells in its applied-for transportation permit for 49,999 acre-feet/year (BVTP-001)).

**A motion was made by John Elliott, second by Lisa Rolke to contest the applicants listed above as presented to the Board. The motion passed unanimously.**

## Public Permit Hearing

Call Permit Hearing to order  
Roll call of members present

### 2. Discussion and possible action on the following **Operating Permit Amendment Applications:**

- **Four (4) existing Operating permits for Wildfire Energy LLC:**

Well #1 (**BVDO-0223**) Peters Frac Pond WW #1: Located at: N 30.775011° W 96.353463° 1.34 miles WNW of the intersection of Dilly Shaw Tap Road and FM 2776 in Brazos County. Total maximum annual production from the water well is 150 ac-ft/yr at a maximum rate of 700 gpm for Industrial use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) to five (5) years. The well produces from the Sparta Aquifer.

Well #2 (**BVDO-0224**) Peters Frac Pond WW #2: Located at: N 30.778786° W 96.349116° 1.19 miles NW of the intersection of Dilly Shaw Tap Road and FM 2776 in Brazos County. Total maximum annual production from the water well is 150 ac-ft/yr at a maximum rate of 700 gpm for Industrial use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) to five (5) years. The well produces from the Sparta Aquifer.

Well #3 (**BVOP-0304**) Tortuga 1H: Located at: N 30.67248242° W 96.43073809° 0.89 miles SW of the intersection of FM 1687 and FM 2818 in Brazos County. Total maximum annual production from the water well is 75 ac-ft/yr at a maximum rate of 75 gpm for Industrial use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) to five (5) years. The well produces from the Sparta Aquifer.

Well #4 (**BVOP-0305**) Tortuga FW #2: Located at: N 30.67699401° W 96.42932916° 0.60 miles SW of the intersection of FM 1687 and FM 2818 in Brazos County. Total maximum annual production from the water well is 40 ac-ft/yr at a maximum rate of 75 gpm for Industrial use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) to five (5) years. The well produces from the Sparta Aquifer. **A motion was made by Mark Carrabba, second by John Elliott to approve the operating permit amendments for Wildfire Energy LLC from (1) to (5) years as presented to the Board. The motion passed unanimously.**

- **One (1) existing Operating permit for BioXRG, Inc.:**

Well #1 (**BVDO-0422**) Located at: N 30.64944444° W 96.40750000° 0.34 miles S of the intersection of Shiloh Road & Stone City Drive in Brazos County. Total maximum annual production from the water well is 40 ac-ft/yr at a maximum rate of 30 gpm for Industrial use. Permit holder seeks to amend the existing permit lengthening the permit term from one (1) to five (5) years. No additional water production is being requested. The well produces from the Yegua-Jackson Aquifer. **A motion was made by Lisa Rolke, second by Chris Zeig to approve the operating permit amendments for BioXRG, Inc., from (1) to (5) years as presented to the Board. The motion passed unanimously.**

### 3. Adjourn Permit Hearing

## Regular Board Meeting

Call meeting to order

Pledge of Allegiance

Declare quorum present

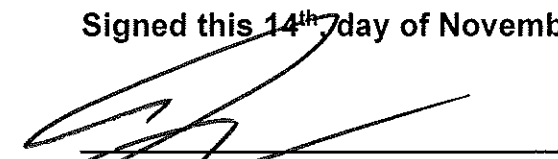
Public Comment:

- a) Non-Agenda Items,
- b) Agenda Items

1. Discussion and possible action on the minutes of the September 12, 2024 Public Permit Hearing & Regular Board Meeting. **A motion was made by Chris Zeig, second by Mark Carrabba to approve the Minutes of the September 12, 2024 Public Permit Hearing and Regular Board meetings as presented to the Board. The motion passed unanimously.**
2. Financial Report – September 2024 **A motion was made by Mark Carrabba, second by Chris Zeig, to approve the financial report for the month of September 2024 as presented to the Board. The motion passed unanimously.**
3. Discussion & possible action to amend the 2023 District Operating Budget **A motion was made by Lisa Rolke, second by Chris Zeig to amend the 2022 District Operating Budget as presented to the Board. The motion passed unanimously.**
4. Presentation of the 2023 District Financial Audit by Russell Armagost CPA from Milberger, Nesbitt, and Ask, LLP. **Russell Armagost presented the Audit for 2023.**
5. Discussion & possible action on adoption of the 2023 District Financial Audit **A motion was made by John Elliott, second by Lisa Rolke to approve the 2023 District Financial Audit as presented to Board. The motion passed unanimously.**
6. Discussion and possible action on the Personnel Committee recommendation for Financial Auditing contracted services for FY2025. **A motion was made by Mark Carraba, second by Chris Zeig to approve Seidel Schroeder to audit the financial statements ending December 31, 2024 for the District. The motion passed unanimously.**
7. Discussion and possible action on the Building Committee recommendation for contracting Engineering and Architectural services for FY2025. **No action taken.**
8. Executive Session:
  - Texas Government Code 551.071 – To receive attorney-client privileged information regarding:
    - pending transport permit applications for groundwater from the Simsboro Aquifer;
    - pending Writ of Mandamus filed by the Texas A&M University System in Brazos County District Court, Cause No. 24-002626-CV-472; and
    - 2024 & 2025 water production and export permit fee structure.

9. Discussion and possible action on the following pending aggregated transport permit applications for groundwater from the Simsboro Aquifer: (BVTP-002) for RH2O LLC; (BVTP-003) for Clifford A. Skiles III; (BVTP-004) for James C. Brien; (BVTP-005) for L. Wiese Moore LLC; (BVTP-006) for Fazzino Investments LP; (BVTP-007) for Ely Family Partnership LP; and (BVTP-008) for Cula d'Brazos LLC, all of whom are co-applicants with UW Brazos Valley Farm LLC. **No action taken.**
10. Discussion and possible action on the pending Writ of Mandamus filed by the Texas A&M University System in Brazos County District Court, Cause No. 24-002626-CV-472. **No action taken**
11. General Manager's Report, **Alan Day presented the Boad briefly on the reports listed below.**
  - a) Drought Monitor Report
  - b) Wells permitted pursuant to District Rule 8.3(j)
  - c) Simsboro Mitigation Management Zone Update
  - d) GMA 12 DFC Update (GAM Run presentation for GMA 12)
  - e) District Business & Activities
  - f) Management Plan Update
12. Discussion and possible future agenda items.
13. Adjourn

**Signed this 14<sup>th</sup> day of November 2024**



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 Jeff Kennedy  
 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