

Middle Pecos Groundwater Conservation District

Minutes of January 18, 2011

On this the 18th day of January, 2011, a Board Workshop and Meeting of the Middle Pecos Groundwater Conservation District, of Pecos County, Texas, met in the Courtroom of the Pecos County Courthouse, Fort Stockton, Texas located at 103 West Callaghan with the following members present, to-wit:

John Dorris	Vice President, Precinct 3/Presiding Officer
M. R. Gonzalez	Secretary/Treasurer, Precinct 2
Janet Groth	Precinct 1
Lynn Holland	Precinct 3
Ronald Cooper	Precinct 4
S. Evans Turpin	City of Iraan

Quorum Present.

Member Absent: Glenn Honaker, Alvaro Mandujano, Jr., Vanessa Cardwell, Houston McKenzie, Merrell Daggett

Others Present: Paul Weatherby/General Manager, Mike Gershon/MPGCD Attorney, Randy Williams/MPGCD Hydrogeologist, Kayla Carrillo/MPGCD office, Bob Varmette/Fort Stockton Pioneer, Jeff Williams, Dr. Jim Duke, Darrell Peckham/Fort Stockton Holdings Hydrogeologist, Ed McCarthy & Robert Rendell/Fort Stockton Holdings Attorneys, Gary Bryant, Gregg McKenzie, Doug May.

Regular Board Meeting

I Call to Order at 1:06 PM by Vice President John Dorris.

Public comments were called for, there were no comments.

II Consider and take action in response to **Fort Stockton Holdings, LP's supplemental filing regarding Petition for Relief to Texas Commission on Environmental Quality Pursuant to Sections 36.301, 36.303 Texas Water Code.**

Motion by Ronnie Cooper second by Lynn Holland to go into Executive Session. Executive Session 551.071 Texas Government Code- Consult with Attorneys and other matters

1:07 PM convened into executive session.

Reconvene meeting at 1:35 PM. No action taken in Executive Session.

There were no discussions.

Lynn Holland made a motion to authorize our legal council to respond to any request of TCEQ for briefing and to take any and all actions necessary to refute Fort Stockton Holdings (FSH) claims and to protect the District's interest in the TCEQ matter described in this agenda item. Motion seconded by Janet Groth.

Motion carried. For: 6 Opposed: 0 Absent: 5

III .Adjourn

Janet Groth made a motion to adjourn. Second by Evans Turpin. Motion carried.
Regular meeting adjourned at 1:37 PM.

Board Workshop on District's Proposed Rule Amendments

I **Call to Order** immediately following Regular Meeting at 1:38 PM by Vice President John Dorris.

II **Workshop to address proposed rule amendments**, including but not limited to current set of draft rules intended to implement the District's Management Plan recently approved by the Texas Water Development Board, which amendments include but are not limited to addressing the regulation of groundwater withdrawals by those Management Zones designated in the Management Plan, the threshold amount of acceptable drawdown within each Management Zone to avoid impairment of Desired Future Conditions, proportional adjustment rules, and permit restrictions and/or adjustments based on total authorized production to avoid impairment of Desired Future Conditions, and clarification of the date of the District's confirmation election; and recent comments by FSH regarding current rules.

MPGCD Hydrogeologist Charles "Randy" Williams addressed the Board.

- Brief background: the desired future condition of the Edwards Trinity and Pecos Valley Aquifer are based on the Texas Water Development Boards Edwards Trinity and Pecos Valley Aquifer groundwater availability model or GAM.
- In the management plan there are 3 zones established
 - Management Zone 1 is generally in the Leon Belding Area, includes Fort Stockton.
 - Management Zone Number 2 is generally in the Bakersfield area mostly near the county line north of I 10
 - Management Zone number 3 is in the Coyanosa area
- Groundwater Availability Models (GAM) used to establish the Desired Future Conditions (DFC) are Senario 10 for Groundwater Management Area (GMA) 7 and Senario 11 for GMA 3. Pecos County is located in GMA 7 and GMA 3.
- Comments received from Fort Stockton Holdings representatives in previous public hearings to use the GAM grids for the management zones in our management plan have been integrated.
- We requested for TWDB to re -run those same two scenarios and to make no changes and to extract for the Middle Pecos GCD the drawn down values for each of the cells in each of the management zones so that the average draw down that is part of the specification of that total average draw downs could be determined for each of the management zones moving forward in time.
- The results are reflected from the GAM runs given in TWDB's reports in task 10- 033. For the rules we have taken TWDB's results and put them in the rules in two different ways. One is a table that shows each of the management zones and the average draw down at selected years moving forward in time. These are rounded to the nearest foot in there presentation. Another way is a graphic format and we have line charts for each of the management zones using the same data.

- The rules set for every 5 years for the Board to make an assessment of what the draw down is at that point. The draw down specifications in the DFCs are draw downs based on changes from 2010 conditions. One of the first jobs the district will need to under take if you adopt these rules is to establish 2010 conditions for a base.
- You have the ability to designate the general manager to be able to determine if it will be necessary for an interim type assessments. Currently the majority of the use of the groundwater within the management zones is for irrigation that has a definite season of intensive use followed by a season of much reduced use within the management zone because it's off season for irrigation and the aquifer recovers. In these models the aquifer recovers fully by the end of the year because its computer stimulation. "On the ground" situations depend on the exact timing that the aquifer begins to recover but depending on the time that peak recovery may or may not occur with the calendar year. If you take the appearance of the spring flow as the sign of the recovery, the rules as drafted give you the ability to monitor the recovery of the aquifer whenever it may occur and its likely to occur in November 2010 to as late as February 2011. It allows you to monitor and the establish your monitor wells and do as much monitoring as you are able to do and to monitor that water level recovery and determine from the monitor results when that peak recovery was and then use that as your point of assessment.
- These rules do not pertain to the spring flow, but do give you the ability to look at one of these assessments even though the five year period may be before 2015 or maybe some point between 2015 and 2020. Say at 2018 maybe you have some reason to believe it might be good to do and assessment, the rules would give you the ability to determine as a board or to designate the general manager to do an assessment. If conditions of the aquifer look like the DFC's could be impaired, the rules give you the ability to determine if further action is necessary.
- The draft rules also state you will make comparisons by observing water levels and to take the water level data to produce a map of the water levels in the management zone. Next, take and overlay the data and your map with the GAM grid and determine what the draw down value of the center point of each of those GAM cells and then average that to come up with the single value of the average draw down within that management zone as it is given in GAM results.
- The rules are drafted to give the district the ability to look at what the 2010 conditions are as presented in scenario 10 & 11 or the 2010 conditions established by the mapping process and then compare that starting point to the values the benchmark condition of water-level change. This offers the option assessing the water-level change moving forward from a lower elevation. You are adding flexibility in the assessment of water level change with the rules.

III Adjourn

Motion by Lynn Holland and second by Janet Groth to adjourn the workshop. The motion carried, and the workshop adjourned at 2:02 PM.

M. R. Gonzalez
Secretary/Treasurer

Glenn Honaker
President

Date Approved