

# MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

P.O Box 1644 Fort Stockton, TX 79735 Phone (432)336-0698  
405 North Spring Drive Fort Stockton, Texas 79735  
Email mpgcd@mpgcd.org Website www.mpgcd.org

## Directors

Jerry McGuairt, President John D. Dorris, Vice President M. R. Gonzalez, Secretary/Treasurer  
Alvaro Mandujano, Jr. Vanessa Cardwell Ronald Cooper Janet Groth  
Weldon Blackwelder Terry Whigham Merrell Daggett

## Employees

Paul Weatherby, General Manager Ty Edwards, Assistant Manager  
Melissa Mills, Office Manager Gail Reeves, Office Assistant

**FILED**  
JUL 15 2016

## NOTICE OF REGULAR BOARD MEETING and PUBLIC HEARINGS

LIZ CHAPMAN  
CLERK COUNTY COURT, PECOS CO., TEXAS  
By: UG Def: 3:40PM

**July 19, 2016**

**Call to Order at 10:00 a.m.**

**405 North Spring Drive, Fort Stockton, Texas**

During the meeting, the Board reserves the right to go into executive session for any of the purposes authorized under the Texas Open Meetings Act, V.T.C.A., Government Code, Chapter 551, for any item on this agenda or as otherwise authorized by law.

**This meeting may be recessed to allow the Board to conduct the workshops or hearings described on this agenda and the Board may change the order in which one or more of the hearings or meeting items are considered. The Board will not commence any of the hearings earlier than the time stated on this agenda.<sup>2</sup>**

### REGULAR BOARD MEETING

- I Call to order regular Board meeting.
- II Consider and/or act upon **Appointment of New Director for City of Iraan.**
- III **Administer the Statement of Elected Officer and Oath of Office for New Director for City of Iraan.**

### PUBLIC HEARING AND BOARD ACTION ON PROPOSED RULES<sup>2</sup>

- I Call to order at 10:00 a.m.
- II The Middle Pecos Groundwater Conservation District (District) will receive public input at a hearing on proposed amendments to the District's rules intended to implement procedures (1) governing reconsideration of District decisions, prerequisites to administrative appeals and initiating lawsuits against District, and exhaustion of administrative remedies; and (2) to allow the Board to address demonstrated emergency water needs by (A) issuing emergency orders authorizing drilling and/or temporary production and/or (B) amending permits to authorize production among multiple wells to provide flexibility to entity facing emergency.
- III Adjourn hearing and consider and/or act on proposed rules.

**PUBLIC HEARING ON PROPOSED DESIRED FUTURE CONDITIONS OF  
RELEVANT AQUIFERS WITHIN  
MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT  
IN GROUNDWATER MANAGEMENT AREA 7<sup>2</sup>**

- I Call to order at 10:00 a.m.
- II In accordance with Texas Water Code § 36.108, the Middle Pecos Groundwater Conservation District (District) will receive public input at a hearing on the proposed desired future conditions (DFCs) of groundwater resources located within Pecos County and surrounding areas located within Groundwater Management Area (GMA) 7. The District's proposed DFCs for the next year 50-year regional planning cycle are:
  - Capitan Reef: total net drawdown not to exceed an average of 51 feet in 2070 compared with 2006 aquifer levels
  - Dockum: total net drawdown not to exceed 52 feet in 2070 compared with 2012 aquifer levels
  - Edwards-Trinity (Plateau) and Pecos Valley Alluvium: total net drawdown not to exceed an average of 12 feet in 2070 compared with 2006 levels
  - Rustler: total net drawdown not to exceed 94 feet in 2070 compared with 2009 aquifer levels
- III Adjourn hearing and consider and/or act on proposed desired future conditions (DFCs) of groundwater resources located within Pecos County and surrounding areas located within Groundwater Management Area (GMA) 7

**NOTICE OF PUBLIC HEARING ON PROPOSED DESIRED FUTURE CONDITIONS  
OF RELEVANT AQUIFERS WITHIN  
MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT  
IN GROUNDWATER MANAGEMENT AREA 3<sup>2</sup>**

- I Call to order at 10:00 a.m.
- II In accordance with Texas Water Code § 36.108, the Middle Pecos Groundwater Conservation District (District) will receive public input at a hearing on the proposed desired future conditions (DFCs) of groundwater resources located within Pecos County and surrounding areas located within Groundwater Management Area (GMA) 3. The District's proposed DFCs for the next year 50-year regional planning cycle are:
  - Capitan Reef: total net drawdown not to exceed an average of 4 feet in 2070 compared with 2006 aquifer levels

Dockum: total net drawdown not to exceed 52 feet in 2070 compared with 2012 aquifer levels

Edwards-Trinity (Plateau) and Pecos Valley Alluvium: total net drawdown not to exceed an average of 14 feet in 2070 compared with 2010 levels

Rustler: total net drawdown not to exceed 69 feet in 2070 compared with 2009 aquifer levels

- III Adjourn hearing and consider and/or act on proposed desired future conditions (DFCs) of groundwater resources located within Pecos County and surrounding areas located within Groundwater Management Area (GMA) 3

**PRODUCTION PERMIT HEARING for FORT STOCKTON ISD.<sup>2</sup>**

- I Call to order at 10:15 a.m. the Public Hearing on **Production Permit for Fort Stockton ISD.**
- II Adjourn hearing and consider and/or act on **Production Permit for Fort Stockton ISD.**

**Regular Meeting Continued**

- IV Comments from **public and media** (limit 5 minutes per person) - Members of the public may address the Board for a limited time concerning any subject whether or not it is on the agenda. The Board is not allowed to take action on any subject presented that is not on the agenda, nor is the Board required to provide a response.
- V Executive Session pursuant to the Texas Open Meetings Act, Section 551.074 of the Texas Government Code, to deliberate evaluation and duties of District's employees.
- VI Consider and/or take action on **Personnel Matters Discussed in Executive Session and Annual Review and Compensation of District's Employees.**
- VII Consider and/or act upon **Production Permit Amendment for Pecos SS, LLC.**
- VIII Discuss and/or approve **Transport Fee Agreement by and Between MPGCD and Pecos SS, LLC.**
- IX Consider and/or act on matters regarding the **administrative completeness of Republic Water Company of Texas, LLC's application for a production permit.**
- X Consider and/or act upon **Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending June 30, 2016.**
- XI Consider and/or act upon **Minutes of June 21, 2016.**
- XII Consider and/or act upon **Order of General Election for November 8, 2016**

- XIII Presentation by **Petro Waste Environmental LP**; consider and/or act upon Board Resolution concerning Petro Waste Environmental LP's project.
- XIV Consider and/or act upon **General Manager's 2<sup>nd</sup> Quarterly Report**.
- XV Briefing on April 25, 2016 letter complaint submitted by City Water Attorney Mark Harral/Fort Stockton to 112<sup>th</sup> District Attorney Laurie English and Attorney General of the State of Texas alleging violation of Texas Open Meetings Act and consider and/or act to waive client-attorney privilege of discussions between Board and its legal counsel during the second Executive Session on April 19, 2016, which started at approx. 11:47 a.m. and ended at approx. 12:07 p.m.
- XVI Briefing and take action as necessary on **Republic Water Company of Texas, LLC and Fort Stockton Holdings, LP lawsuit filed May 20, 2016, Cause #4:16-CV-33**.
- XVII Briefing and take action as necessary on **Republic Water Company of Texas, LLC's Request for Issuance of Writ of Mandamus** filed on May 10, 2016, in Pecos County 112<sup>th</sup> District Court, Cause # P-11956-112-CV.
- XVIII **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map and ongoing Water Quality Analysis**.
- XIX Consider and/or act upon **General Manager's Correspondence**.
- XX **Directors' comments**.<sup>3</sup>
- XXI Consider and/or act upon **agenda for next meeting**.
- XXII **Adjourn regular Board meeting**.

**Workshop on Proposed Budget and Tax Rate Call to Order  
Immediately following Regular Meeting and Public Hearings**

- I Call to Order.
- II Workshop to review **Proposed Budget for Fiscal Year ending September 30, 2017**.
- III **Adjourn workshop**.

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<sup>1</sup> The Board may break for lunch and/or dinner and commence or continue the Board hearings and/or meeting immediately after lunch and/or dinner. This facility is wheelchair and parking accessible. Requests for accommodations must be made 48 hours prior to this meeting by contacting Paul Weatherby at 432-336-0698.

<sup>2</sup> Additional more detailed notice of the public hearings required by state law and the District's rules was separately issued by the District.

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<sup>3</sup> The Board is not allowed to take action on any subject presented that is not on the agenda, nor is the Board required to provide a response.