

## MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

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### 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 Allan Childs Jeff Sims Puja Boinpally

### Employees

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

## Minutes of April 26, 2017

On this the 26<sup>th</sup> of April, 2017, a Special Called board meeting was held by the Middle Pecos Groundwater Conservation District in the office located at 405 North Spring Drive, Fort Stockton, Texas, with the following members present, to-wit:

Jerry McGuairt	President, Precinct 1
John Dorris	Vice President, Precinct 3
M. R. Gonzalez	Secretary/Treasurer, Precinct 2
Puja Boinpally	Precinct 2
Weldon Blackwelder	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Ronald Cooper	Precinct 4
Vanessa Cardwell	City of Fort Stockton
Jeff Sims	City of Iraan
Allan Childs, Jr.	At Large

Quorum Present.

Board members absent: Janet Groth

Others present: Ty Edwards, Gail Reeves, Harvey Gray, Melissa Mills, Jeff Williams, Brock Thompson, Ed McCarthy, Jr., Mike Thornhill, Paula McGuairt, Kirby Warnock, Oscar Hernandez, Alan Murphy, Glenn Honaker, Samantha Medney/CBS 7 News, and Bob Beal/Fort Stockton Pioneer.

### SPECIAL-CALLED BOARD MEETING

- I Call to order at 1:01 p.m. by President Jerry McGuairt.
- II **Comments from public and media**  
Kirby Warnock showed a power point presentation about the history of his family's farm located in the 7-D area that was *farmed before and not able to farm after* the flow of Comanche Springs.

III Consider and take action as necessary on matters involving Fort Stockton Holdings, LP (FSHLP), Republic LLC and Clayton Williams Farms, Inc.'s settlement and following, related pending lawsuits and contested hearing:

- **Republic LLC's state-court lawsuit**, Court of Appeals Case No. 08-17-00001-CV
- **FSHLP v. Pecos County, MPGCD, et al.**, Court of Appeals Case No. 08-15-00382-CV
- **In re the Application of Republic LLC**, State Office of Administrative Hearings Docket No. 959-17-3195

Board action may include response to settlement proposal.

An Executive Session was called at 1:08 p.m. by Presiding Officer Jerry McGuairt pursuant to the Texas Open Meetings Act, Sections 551.071 of the Texas Government Code, to consult with attorney (by phone).

The Executive Session ended at 2:04 p.m. President McGuairt stated that no decisions or votes were made in executive session.

Note: Board Member Puja Boinpally left the meeting at 2:05 p.m. A quorum remained.

Open session reconvened at 2:22 p.m.

Alvaro Mandujano, Jr. moved to approve a settlement agreement and delegate authority to the Board President and Secretary to execute that settlement agreement that reflects the document that Ty Edwards has before us today and that we reviewed with legal counsel with the following edits:

(1) Republic Water Company of Texas LLC's entire payment must be made the day of the remand hearing by wire transfer confirmed by the District before 5:00 p.m. Central Daylight Savings Time and before we actually issue the permit that day.

(2) Language on page 8 reflects two things:

#1 - that certain actions occur after Board approval of applications – not issuance of the permit; and

#2 - after the Board acts to approve Fort Stockton Holdings LP's applications, then, contemporaneous with Republic Water Company of Texas LLC's and Fort Stockton Holdings LP's e-filings and confirmation that we've received Republic Water Company of Texas' funds by wire transfer, the District will issue the new and amended permits to Fort Stockton Holdings LP.

Motion seconded by Vanessa Cardwell.


Vote: **For:** 8 - Dorris, McQuairt, Gonzalez, Mandujano, Cooper, Cardwell, Sims, and Childs. **Against:** 1 - Blackwelder. **Absent:** 2 - Groth and Boinpally

Note: Four duplicate originals of the MPGCD Counterproposal dated 4/26/17 were signed by President Jerry McQuairt and Secretary M. R. Gonzalez. All four originals were handed to Mr. Ed McCarthy.

- IV **Directors' comments.** No comments.
- V Consider and/or act upon **agenda for next** meeting. No action or discussion.
- VI **Adjourn Board meeting.**

Weldon Blackwelder made a motion to adjourn the meeting. Seconded by Vanessa Cardwell. Motion carried unanimously. The meeting adjourned at 2:25 p.m.

  
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M. R. Gonzalez, Secretary/Treasurer

  
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Jerry McQuairt, President

Date Approved 6-20-17