

**MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT**

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405 North Spring Drive Fort Stockton, Texas 79735  
Email: [mpgcd@mpgcd.org](mailto:mpgcd@mpgcd.org) Website: [www.mpgcd.org](http://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 Allan Childs Jeff Sims Puja Boinpally

**Employees**

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

**MINUTES OF REGULAR BOARD MEETING and PUBLIC HEARINGS**

**December 12, 2017**

On this the 12<sup>th</sup> of December, 2017, a Regular Board Meeting and Public Hearings were 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
M. R. Gonzalez	Secretary/Treasurer, Precinct 2
Puja Boinpally	Precinct 2
Alvaro Mandujano Jr.	Precinct 4
Ronald Cooper	Precinct 4
Vanessa Cardwell	City of Fort Stockton

**A Quorum of 6 Present.**

Board member absent: John Dorris, Janet Groth, Weldon Blackwelder, Jeff Sims, and Allan Childs.

Others present: Ty Edwards, Mike Gershon, Dr. Bill Hutchison, Morgan Williams, Gail Reeves, Melissa Mills, Paula McGuairt, Mike Thornhill, Eddie McCarthy III, Gary Bryant, Glenn Honaker, Geoff Pike, Sam Cruse, Tommy Soriero, Jr., Tommy Ervin, Schuyler Wight, Mark Harral, Aaron Ramos, Frank Rodriguez, Kenneth McIntyre, Doug May, George Hansard, Gil Van Deventer, Dennis Owens, Mario, Ernest Woodward, Ray Durham, Samuel Hermosillo, and Jeremy Gonzalez/Fort Stockton Pioneer.

I Call to order regular Board meeting at 10:07 a.m. by President Jerry McGuairt.

II Comments from public and media: No public comment.

III Consider and/or act upon **Minutes of Regular Meeting on October 17, 2017.**

Alvaro Mandujano, Jr. made a motion to approve the minutes as presented.  
Motion seconded by Vanessa Cardwell. Motion Carried Unanimously.

**PRODUCTION PERMIT HEARING for Oscar Galindo and Samuel R. Hermosillo**

I Call to order at 10:10 a.m. the Public Hearing on **Application for a Production Permit for Oscar Galindo and Samuel R. Hermosillo.**

Party representing application: Samuel R. Hermosillo and Ray Durham

Protestant to application: None

Public Comment: None.

President McGuairt declared the application uncontested.

Manager Ty Edwards presented the application to the Board. The application requests a production permit for a 4 well system located at Old Feed Yard 2 Miles West of Fort Stockton on Old Alpine Highway on Survey J Campbell, Block 165, Section 1, in Pecos County, Texas. The purpose of this well system is for a combined use of Domestic (5 acre feet), Livestock (15 acre feet) and Industrial (30 acre feet) for a total of 50 acre feet annually from the Edwards Trinity Aquifer.

The industrial use is for a water station that will be located on Ellyson Blvd. and the Old Alpine Highway. And also for dust control as trucks are transporting Zeolite from Marfa to Fort Stockton, TX for processing.

Manager Ty Edwards declared the application administratively complete.

II Adjourn hearing and consider and/or act on **Application for a Production Permit for Oscar Galindo and Samuel R. Hermosillo.**

Jerry McGuairt adjourned the hearing at 10:22 a.m.

Ronnie Cooper made a motion to approve the application as presented. Motion seconded by Alvaro Mandujano, Jr. Motion Carried Unanimously.

6 For. -0- Oppose. 5 Absent.

**PRODUCTION PERMIT HEARING for CITY OF FORT STOCKTON**

**I Public Hearing on Application for a Production Permit for City of Fort Stockton (Blueridge Farm).**

Alvaro Mandujano, Jr. recused himself via a Disclosure Affidavit. This left only 5 Directors to consider and vote on the application which is not a quorum. This public hearing is continued until the next meeting on January 16, 2018.

**II Adjourn hearing and consider and/or act on Application for a Production Permit for City of Fort Stockton (Blueridge Farm).**

Public hearing is continued until the next meeting on January 16, 2018.

**REGULAR BOARD MEETING – CONTINUED**

Agenda Item out of order:

**II Public Comment:** Gil Van Deventer requested an update on the status of the flowing wells around Imperial, TX. He was told that questions were not allowed at this time, only public statements.

**IV Consider and/or act upon Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending October 31, 2017.**

Vanessa Cardwell made a motion to approve the Treasurer's Report and Line Item Transfers and Accounts Payable for the month ending October 31, 2017. Motion seconded by Ronnie Cooper. Motion Carried Unanimously.

**V Consider and/or act upon Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending November 30, 2017.**

Ronnie Cooper made a motion to approve the Treasurer's Report and Line Item Transfers and Accounts Payable for the month ending November 30, 2017. Motion seconded by Vanessa Cardwell. Motion Carried Unanimously.

Note: Agenda items VI and VII were combined and considered together.

**VI Consider and/or act upon Purchasing Telemetry Equipment for Comanche Springs.**

**VII Consider and/or act upon Purchasing Telemetry Equipment for Santa Rosa Spring.**

Agenda Items VI and VII were considered together:  
 Alvaro Mandujano, Jr. made a motion to purchase telemetry equipment for Comanche Springs and for Santa Rosa Springs. Motion seconded by M. R. Gonzalez. Motion Carried Unanimously.

**VIII Update on the Accounting for Annual Leave and Sick Leave as of 09-30-2017.**

The Board was given an update on the accounting for annual leave and sick leave as of 09-30-2017.

Accounting for Annual and Sick Leave as of 09-30-2017				
Today's Date: 09-30-2017				
Prepared By: mkmills				
Employee	Vacation Hours as of 09-30-2017	Accrued Sick Time as of 09-30-2017	Accrued Comp Time as of 09-30-2017	Adjustments Made as of 09-30-2017
Edwards, Ty	81.57	158.00	N/A	0.00
Mills, Melissa	134.25	176.12	16.13	0.00
Reeves, Gail	46.77	191.94	0	0.00

No action needed or taken.

**IX Consider and/or act upon 2018 Meeting and Holiday Schedule.**

Vanessa Cardwell made a motion to approve the 2018 Meeting and Holiday Schedule. Motion seconded by Puja Boinpally. Motion Carried Unanimously.

**X Briefing and take action as necessary on Cockrell Investment Partners, L.P v. Middle Pecos Groundwater Conservation District, Cause NO. P-12176-112-CV.**

On 11-13-2017 MPGCD entered a plea to the Jurisdiction and Original Answer of Defendant.

Original Answer: The District denies each and every allegation in Plaintiff Cockrell's Original Petition and demands strict proof thereof.

Prayer: 1) Court to grant the Plea to the Jurisdiction and dismiss Cockrell's administrative appeals; 2) order that Cockrell take nothing by this lawsuit and that the District recover its costs and attorneys' fees if it prevails in accordance with Texas Water Code § 36.066(g) and (h), including an opportunity for the District to submit a fee application, affidavit, and evidence of its Section 36.066(g) and (h) costs and fees; and 3) order such other relief to which it may be entitled at equity or law.

Mike Gershon, MPGCD attorney, reported that Cockrell Investment Partners LP has indicated that they do not intend to proceed with the lawsuit if talks that are ongoing with Fort Stockton Holdings LP resolve their issues.

Sam Cruse, attorney for Cockrell Investment Partners LP, reported that Cockrell and Fort Stockton Holdings, LP met about 3 weeks ago and discussed the proposed MPGCD rules and are working on a compromise. Talks are still in progress. Eddie McCarthy III, attorney representing Fort Stockton Holdings, LP, agreed with the statement(s) made by Sam Cruse.

No action taken.

- XI Discuss and/or act upon Setting up an email address for each [Director@mpgcd.org](mailto:Director@mpgcd.org)

No action taken due to lack of interest in the subject.

- XII **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map and ongoing Water Quality Analysis.**

- Well Registrations: Several registrations have been received from Parsley Energy.
- Drought Monitor Map: The current drought monitor map presented. It has not been updated since we received 4" of snow on Wednesday.
- Production Permits: We will have 3 next month.
- Drilling Permits: Parsley has requested to drill 8 wells for Oil and Gas Use.
- Data Loggers: Two data loggers will be installed on the Springs.
- Water Analysis: The Winter Water quality analysis is beginning.
- We have requested that Prisoners be used to clean up under the bridges at the Pecos River in Pecos County. We will pay for the meals for about 6 prisoners for 2 days.

**XIII Consider and/or act upon General Manager's Correspondence.**

- October 2017 Texas House of Representatives, 85<sup>th</sup> Legislature, Interim Committee Charges were presented to the Board.
- 2017 Interim Legislative Charges for the Senate were presented to the Board.
- Regarding a Capitan Well that blew out: E-mail updates on the progress for the groundwater monitoring well were presented to the Board for their review of the progress on the drilling activities performed by Pearl Resources and PDS Drilling and updates from Mark Moore with Approach Environmental, LLC.
- General Manager Ty Edwards reported that Devon Energy is plugging several of the flowing San Andres wells. 2 to 4 of the wells have been plugged currently. H<sub>2</sub>S gas is flowing at 200 ppm in some of the water.
- Boehmer Lake needs to be plugged. It may take around \$5 million dollars for plugging. Mr. Edwards will get with Representative Nevárez to see if funding is available for the plugging(s). The Railroad Commission is aware of the situation.
- Belding Pecan Farm will pull 3 wells and camera them, and may want to fix or replace them. 2 wells are in the Rustler Aquifer, and 1 well in the Capitan Reef Aquifer.
- Texas Mesonet Program: The Texas Water Development Board is partnering with other entities to develop a statewide earth observation data collection network called TexMesonet. The data collected can be viewed at [www.texmesonet.org/viewer](http://www.texmesonet.org/viewer). Information collected will include temperature, precipitation, wind speed, relative humidity, barometric pressure, solar radiation, soil moisture, soil temperature, and evapotranspiration. 5 sites are slated for Pecos County so far and include 2/La Escalera Ranch, 1/Ty Edwards, 1/John Dorris, 1/Pecos County and Reeves County line. Contact Ty Edwards if interested in participating in the program.

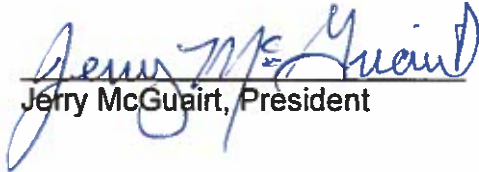
**XIV Directors' comments. No comments.**

- XV Consider and/or act upon agenda for next meeting.**  
Permit Hearing for the City of Fort Stockton, plus 3 more permits that have been submitted.

XVI **Adjourn Board meeting.**

Vanessa Cardwell made a motion to adjourn the meeting. Seconded by Puja Boinpally. Motion carried unanimously. The meeting adjourned at 11:11 a.m.

  
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M. R. Gonzalez, Secretary/Treasurer

  
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Jerry McGuairt, President

Date Approved 1-16-18