

## MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

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Email: [mpgcd@mpgcd.org](mailto:mpgcd@mpgcd.org)

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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 Morgan Williams/Field Technician

## MINUTES OF REGULAR BOARD MEETING and PUBLIC HEARINGS February 20, 2018

On this the 20<sup>th</sup> of February, 2018, 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
John Dorris	Vice President, Prec. 3
M. R. Gonzalez	Secretary/Treasurer, Precinct 2
Janet Groth	Precinct 1 (Left at 1:52 pm)
Puja Boinpally	Precinct 2
Weldon Blackwelder	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4(Left Approx. 1:30 p.m.)
Ronald Cooper	Precinct 4
Vanessa Cardwell	City of Fort Stockton
Jeff Sims	City of Iraan
Allan Childs	At Large

Quorum Present.

Board members absent: None

Others present: Ty Edwards, Mike Gershon, Allan Standen, Gail Reeves, Melissa Mills, Morgan Williams, Paula McGuairt, Jeff Williams, Mike Thornhill, Ed McCarthy, Brock Thompson, Gary Bryant, Darrell Peckham, Glenn Honaker, Geoff Pike, Sam Cruse, Tommy Ervin, Schuyler Wight, Mark Harral, Frank Rodriguez, Shera Davis, Shay Lyda, Gene Lyda, Gerald D. Lyda, Glenn McCorkle, Tom and Val Beard, Paul Weatherby, Kim Dillard, Robin Fisher, Davin McGinnis, Dan Rowe, Rafael Almodóvar, Phil Bozone and Jeremy Gonzalez/Fort Stockton Pioneer.

### REGULAR BOARD MEETING

I Call to order regular Board meeting at 10:00 a.m. by President Jerry McGuairt.

**PUBLIC MEETING TO ADOPT  
DESIRED FUTURE CONDITIONS OF RELEVANT AQUIFERS WITHIN  
MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT  
IN GROUNDWATER MANAGEMENT AREA 3**

- I Call to order public meeting at 10:01 a.m. by President Jerry McGuairt.

Statement made by President McGuairt:

The Desired Future Condition (DFC) adoption process requires the District to have a 90-day public comment period to allow the public an opportunity to be involved in the planning process to set the DFC's. Once the proposed DFC's are first sent back to the District from the Groundwater Management Area (GMA), that 90-day public comment period closed which was a few months ago. The District sent all the comments back to the GMA for their consideration pursuant to the Water Code. The public comment received today is offered pursuant to our obligations under the Texas Open Meetings Act.

- II Comments from **public and media:**

Glenn Honaker with Belding Farms in Pecos County: Please be mindful when setting the DFC's and preserve the historic conditions. The existing users-stakeholders in the District have concerns over future conditions and how this would impact our usage of water in the future. Study this and look at it deeply before lowering the DFCs below our Historic Usage.

End of Public Comment.

Manager Edwards reported that the levels in the Resolution presented today are the Pecos County historical low pumping levels used in the modeled pumping scenarios.

- III Consider and/or adopt by Resolution the Desired Future Conditions for the groundwater resources located within MPGCD in Groundwater Management Area 3 for the current 50-year planning period.

Weldon Blackwelder made a motion to adopt the Desired Future Conditions for the relevant aquifers within the District for Groundwater Management Area 3, as described in the attached Exhibit A. The District's Board of Directors, General Manager and professionals are further authorized to take any and all actions necessary to implement the resolution. Motion seconded by John Dorris. Motion carried.

Vote: 10 FOR. 1 OPPOSE. 0 Abstain. 0 Absent.

IV Adjourn public meeting for GMA 3 Desired Future Conditions.

The public meeting was adjourned at 10:10 a.m. by President McGuairt.

Attachment 1: Adopted Resolution

**REGULAR BOARD MEETING – CONTINUED**

The regular board meeting resumed at 10:10 a.m.

II Comments from **public and media**: No public comment.

The Regular Meeting was recessed at 10:11 a.m.

**PRODUCTION PERMIT HEARING for WEATHERBY FARMS**

I Call to order at 10:11 a.m. by President McGuairt.

Party representing application: Paul Weatherby

Protestant to application: None

Public Comment: None.

Jerry McGuairt declared the application is uncontested.

Manager Ty Edwards presented the application to the Board. The application requests 300 acre feet/year for a 6 well system located 4 Miles West of FM 1776 off Weatherby Road, South of Coyanosa on Survey T and P RR Co Block 48-8 Section 10 and 16, in Pecos County, Texas. The purpose of this well system is for Industrial Use from the Pecos Valley Aquifer. There will be a water station for water sales "Off Lease". There will be monthly reporting. Well 16-4 is a monitor well. The application is administratively complete.

**II Adjourn hearing and consider and/or act on Application for a Production Permit for Weatherby Farms.**

Jerry McGuairt adjourned the hearing at 10:18 a.m.

Weldon Blackwelder made a motion to approve the application as presented. Motion seconded by John Dorris. Motion Carried Unanimously.

11 For. -0- Oppose. 0 Absent. 0 Recusal.

**PRODUCTION PERMIT WITH AUTHORIZATION TO EXPORT HEARING  
for CODY ENERGY, LLC**

**I Call to order at 10:19 a.m. the Public Hearing on Application for a Production Permit with Authorization to Export for Cody Energy, LLC.**

As a Matter of Record: Cody Energy, LLC has made application for a Production Permit with Authorization to Export with the Middle Pecos Groundwater Conservation District for 1 well located on GH and SA Block 10 section 308 approximately 22 miles south of I-10 on Hwy 67 and 4.5 miles west of pavement, in Pecos County, Texas. The purpose of this well is for Industrial Use of 150 acre feet/year from the Edwards Trinity Aquifer.

Alvaro Mandujano, Jr. recused himself via a Disclosure Affidavit.

Party representing application: Kim Dillard/Regulatory Manager, Robin Fisher/Geologist, Dan Rowe, Rafael Almodóvar/Engineer, Davin McGinnis/Cody Energy's Attorney.

Protestants to application seeking party status:

Gerald D. Lyda/La Escalera, L.P.

Gene Lyda/Lyda Cattle Company

Glenn McCorkle/ Lyda Cattle Company

Val Beard/Leoncita Land Company & Leoncita Cattle Company

Jerry McGuairt declared the application is contested.

Gerald D Lyda was sworn in and he presented his justiciable interest. La Escalera LP hired Steve Finch, Jr.-CPG, PG, a Hydrogeologist/Geochemist with John Shomaker & Associates, Inc., to review and evaluate the Cody Energy, LLC application. Mr. Finch was unable to attend the hearing. Mr. Finch submitted a technical memorandum which Mr. Lyda used to establish justiciable interest.

Davin McGinnis, with Cody Energy, objected to the granting of party status. Mr. Finch's report calculated a drawdown of less than 1 foot at the Flat Farm well #6 after pumping 500 gpm for 2 months. We are asking for 150 acre feet, and do not believe La Escalera will be adversely affected.

Janet Groth made a motion to grant La Escalera LP/Lyda Cattle Company party status. Motion seconded by John Dorris. Motion Carried.  
Vote: 9 For. 1 Oppose. 0 Absent. 1 Recusal.

Val Beard representing Leoncita Land Company & Leoncita Cattle Company requested party status. Mrs. Beard, a lawyer, was exempted from being sworn in before testifying. Mrs. Beard testified that their cattle operation depends on the water supply, which includes water wells and Leoncita Springs which is sourced from the Edwards-Trinity aquifer.

Davin McGinnis, with Cody Energy, objected to the granting of party status due to the fact that there is no data showing their permit would affect the Springs or aquifer in general.

John Dorris made a motion to grant party status to Leoncita Land Company & Leoncita Cattle Company. Motion seconded by; Janet Groth. Motion Carried.  
Vote: 10 For. 0 Oppose. 0 Absent. 1 Recusal.

Mr. Lyda and Mrs. Beard requested to table the hearing until the next Board Meeting in order to have their hydrogeologist available for the hearing procedure. Cody Energy requested to proceed, due to a huge cost burden associated with delaying the spud in date for the exploratory oil well.

Cody Energy, LLC requested a recess of the hearing until after lunch today in order to talk with the parties and try and resolve issues.

The hearing was recess at 11:12 a.m.

The Board recessed for a break at 11:12 a.m. Reconvened at 11:20 a.m.

**REGULAR BOARD MEETING – CONTINUED**

**III Consider and/or act on Application for a Production Permit for City of Fort Stockton (Blue Ridge Farm).**

Alvaro Mandujano, Jr. recused himself via a Disclosure Affidavit.

Recap for the Record: The application requests production for a 10 well system located on City of Fort Stockton Blue Ridge Farm, approximately 27 miles West of Fort Stockton, in Pecos County, Texas. The purpose of this well system is for a combined use of Public Supply and Industrial use and request 500 acre-feet a year from the Pecos Valley Aquifer. The application was declared uncontested on 01-16-2018. On 01-16-2018 the public hearing was held, and adjourned.

Vanessa Cardwell made a motion to approve the production permit for 500 acre feet for 'Industrial Use' only. Motion seconded by Janet Groth.

Vote: 5 For. 5 Oppose. 0 Absent. 1 Recusal. No action taken.

M. R. Gonzalez made a motion to approve the permit as presented.

Manager Ty Edwards explained that well 21 is a monitor well, and if possible he would like the well removed from the permit and dedicated to being a monitor well and not used for water production. If not, he would like for the City of Fort Stockton to drill a well to be used as a dedicated monitor well and not used for water production.

City of Fort Stockton attorney Mark Harral agreed with well 21 being a dedicated monitor well and not used for water production.

Vanessa Cardwell asked Mr. Harral why the permit was asking for public supply. Mr. Harral replied saying it would be used to supply other 'public supply' entities in Pecos County like Cohanosa or Imperial.

Motion restated: M. R. Gonzalez made a motion to approve the permit for a 500 acre feet for a 9-well system for industrial and public supply use combined. Well 21 is removed from the permit and along with Well 18 (which is not a part of the 9-well system) will be dedicated as permanent monitor wells and not to be used for water production. Motion seconded by Weldon Blackwelder. Motion carried.

Vote: 10 For. 0 Oppose. 0 Absent. 1 Recusal.

The meeting was recessed for lunch at 11:59 a.m.

The regular session reconvened at 1:00 p.m.

**IV Consider and/or act upon Minutes of Regular Meeting on January 16, 2018.**

Alvaro Mandujano, Jr. abstained from the vote.

Ronnie Cooper made a motion to approve the minutes as presented. Motion seconded by Jeff Sims. Motion carried.

Vote: 10 For. 0 Oppose. 0 Absent. 1 Abstention.

**V Consider and/or act upon Accounts Payable and Treasurer's Report and Line Item Transfers for the Month Ending January 31, 2018.**

Janet Groth made a motion to approve the Accounts Payable and Treasurer's Report for the Month Ending January 31, 2018. Motion seconded by Alvaro Mandujano, Jr. Motion carried unanimously.

**VI Consider and/or act upon Transport Fee Agreement with Cody Energy, LLC**  
Note: This item was never considered. It was explained in the meeting that the transfer of water is from one property in Pecos County to another property in Pecos County. Therefore, a transport fee agreement is not needed.

**VII Consider and/or act upon Resolution to Adopt Investment Policy.**

Ronnie Cooper made a motion to approve the Resolution to Adopt the Investment Policy as presented. Motion seconded by Vanessa Cardwell. Motion carried unanimously.

**VIII Consider and/or act upon Depository Contract with Pecos County State Bank.**

Pecos County State Bank submitted a formal contract for the district deposits for the time period of March 1, 2018 through February 28, 2023.

John Dorris made a motion that MPGCD set policy and strategy to invest District funds in Demand Deposit accounts, Certificates of Deposit and other interest-bearing bank accounts at Pecos County State Bank- in compliance with the Public Funds Investment Act for the next 12 months. Motion seconded by Alvaro Mandujano, Jr. Motion carried unanimously.

- IX **Briefing and take action as necessary on Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, Cause No. P-12176-112-CV (Pecos County District Court), and implementation of the District's settlement agreement with Fort Stockton Holdings, L.P., Clayton Williams Farms, Inc., and Republic Water Company of Texas, LLC.**

Mike Gershon reported that there are no developments in the lawsuit.

Sam Cruse, attorney with Cockrell Investment Partners, LP, said that they had provided Fort Stockton Holdings, LP with a proposal to the 'Management Zone 1' rules, and that Fort Stockton Holdings, LP is reviewing the proposal. There should be further updates at the next meeting.

Ed McCarthy, attorney for Fort Stockton Holdings, L.P., concurred with Mr. Cruse.

Mike Gershon, attorney for Middle Pecos GCD, reflected on the timeline in the settlement agreement between Fort Stockton Holdings, L.P. and Middle Pecos GCD, and noted that there is no need to move forward with the 'rule making' portion of the agreement until Cockrell Investment Partners, LP and Fort Stockton Holdings, L.P. reached a conclusion with their discussions.

No action taken.

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

- Well Registrations: Current registrations total 3,106 wells. 925 of those are non-exempt. This month we have received 3 'exempt' registrations.
- Drilling Permits: 2 *Notice of Intents to Drill* have been received.
- Drought Monitor Map: The current drought monitor map presented.
- Data Loggers: Will set up meetings to get with La Escalera Ranch and with the City of Fort Stockton and discuss a path forward to install telemetry for monitor well(s).
- Water Analysis: Finished the Winter Water quality analysis.



- XI Consider and/or act upon **General Manager's Correspondence.**
- Directors and Officers Liability Insurance has been secured from Professional Risk Solutions for 02-05-2018 to 02-05-2019.
  - Edwards will attend the Groundwater Management Area 7 meeting on March 22, 2018. The 'Desired Future Conditions' will be discussed.
  - Allan Standen will be working on the January waterwell levels for Cockrell Investment Partners, Fort Stockton Holdings, and La Escalera Ranch.
- XII **Directors' comments.** No comments.
- XIII Consider and/or act upon **agenda for next meeting.**  
There may be 2 permit hearings and a rule workshop.

**Continuation of Production Permit with Authorization to Export  
Hearing for Cody Energy, LLC**

Hearing Continuance Attendance: Ty Edwards, Mike Gershon, Allan Standen, Gail Reeves, Melissa Mills, Morgan Williams, Paula McGuairt, Jeff Williams, Mike Thornhill, Ed McCarthy, Brock Thompson, Gerald D. Lyda, Tom and Val Beard, Kim Dillard, Robin Fisher, Davin McGinnis, Dan Rowe, Rafael Almodóvar, and Phil Bozone

The Permit Hearing was reconvened at 1:27 p.m.

Note: Alvaro Mandujano, Jr. left the meeting at this point and did not return.

Davin McGinnis, attorney for Cody Energy, LLC, revealed the talks with Leoncita Land Company and La Escalera Ranch, LP did not result in a settlement. Cody offered to cut the term of the permit request to a 3 month permit for 40 acre feet.

Leoncita Land Company and La Escalera Ranch, LP reinstated their request for a 30-day continuance.

Mr. McGinnis asked that the Board deny request for a continuance of the hearing. He asked the Board to consider a 3 month permit for 40 acre feet that would be non-renewable, and they would come back in 3 months with another application. There is no perceivable harm with a short 90-day/3 month permit. A continuance would cause very real and material harm.

John Dorris made a motion for a 30-Day continuance until the next regularly scheduled meeting on 03-20-2018 at 10 a.m. Motion seconded by Allan Childs.

Board Discussions ensued and resulted with the following vote:  
Vote: 1 For. 9 Oppose. 0 Absent. 1 Recusal. Motion failed.

Note: Janet Groth left the meeting at 1:52 p.m.

Weldon Blackwelder made a motion to grant 40 acre feet for a 3 month non-renewable term.

Leoncita Land Company was in agreement with the motion.

La Escalera Ranch, LP was not in agreement with the motion.

Mike Gershon stated to proceed with testimony from all parties.

**Cody Energy, LLC**

(Summarized) Testimony of Davin McGinnis, attorney for Cody Energy, LLC, stated the wells are on Brad Davis' ranch. Cody Energy offers to reduce the permit from 150 acre feet to 40 acre feet for 90 days. Robin Fisher, a geologist, put together a presentation once the application was protested for today's hearing. Her presentation includes model results from James Beach, P.G. and Brant Konetchy of WSP USA (formerly LBG-Guyton Associates). They used the same model that MPGCD uses, which only extends for 2 miles out.

President McGuairt swore in the following:

Cody Energy, LLC: Robin Fisher, Kim Dillard, Dan Rowe, Rafael Almodóvar  
La Escalera Ranch, LP: Gerald D. Lyda

Robin Fisher presented her PowerPoint testimony (Summarized):

- ~ Exhibit 1/Slide 1: Edwards-Trinity (Plateau) Aquifer and Hovey Trough Location Map.
- ~ Exhibit 2/Slide 2: Hovey Trough Watershed and Recharge from Davis and Glass Mountains
- ~ Exhibit 3/Slide 3: Location of Cody Permitted Oil & Gas well in relation to the subject well and the La Escalera wells
- ~ Exhibit 4/Slide 4: Subject Water Well Permit Compared to La Escalera Flat Farm Well Field Usage
- ~ Exhibit 5/Slide 5: Western Pecos County Groundwater Model Confirms Minimal Drawdown at the Wellbore (Assuming Maximum Permitted Volumes)
- ~ Exhibit 6/Slide 6: Western Pecos County Groundwater Model Cones of Depression (Assuming Maximum Permitted Volumes)
- ~ Note: Not an exhibit 7
- ~ Exhibit 8: Robin Fisher's Resume

Mr. McGinnis offered exhibits 1-6 and 8 for the hearing records.

Mrs. Beard/Leoncita Land Company: No objection to admitting the exhibits to the record.

Mr. Lyda/La Escalera Ranch, LP: Objected to Exhibit 5 and 6 because the work was not stamped by Mr. James Beach, a licensed Hydrogeologist.

Ms. Robin Fisher explained that she prepared the actual exhibits 5 and 6 using the information sent to her by Mr. James Beach. In exhibit 5, Mr. Beach prepared the hydrograph. Exhibit 6, his shape files were super-imposed to show the relationships spatially to the Davis Irrigation water well and the La Escalera Flat Farm well field, and other defining features like the county line and the Hovey Trough.

MPGCD Hydrogeologist Allan Standen testified that the document should be stamped.

President McGuairt admitted Cody Energies exhibits 1-4 and 8. Exhibits 5 and 6 were accepted contingent upon receiving a 'stamped by Mr. James Beach exhibit' within 48 hours.

Cody Energy, LLC Hearing Exhibits Admitted:

Exhibit 1: Edwards-Trinity (Plateau) Aquifer and Hovey Trough Location Map

Exhibit 2: Hovey Trough Watershed and Recharge from Davis and Glass Mountains.

Exhibit 3: Location of Cody Permitted Oil & Gas Well in Relation to the Subject Well and La Escalera Wells

Exhibit 4: Subject Water Well Permit Compared to La Escalera Flat Farm Well Field Usage

*NOTE for the RECORD: The original Exhibits 5 & 6 did not have the seal of Mr. Beach. Refer to the Technical Memo submitted by James Beach, P.G. on 02-21-2018, and seal authorized on 02-20-2018 for Exhibits 5 & 6. Exhibits are admitted into the record.*

Exhibit 5: Western Pecos County Groundwater Model Confirms Minimal Drawdown at the Wellbore (Assuming Maximum Permitted Volumes)

\* Technical Memo Figure 4: Simulated Water Level Decline in Mark Brad Davis Irrigation Well.

Exhibit 6: Western Pecos County Groundwater Model Cones of Depression (Assuming Maximum Permitted Volumes)

\* Technical Memo Figure 1 Simulated Water Level Decline After 1 Year of Pumping at 150 Acre-Feet per Year.

\* Technical Memo Figure 2 Simulated Water Level Decline After 5 Years of Pumping at 150 Acre-Feet per Year.

\* Technical Memo Figure 3 Simulated Water Level Decline After 10 Years of Pumping at 150 Acre-Feet per Year.

Exhibit 7: Exhibit not used.

Exhibit 8: Resume of Robin R. Fisher, Cabot Oil and Gas Corp. Senior Geologist

Testimony of Gerald D. Lyda, President of La Escalera L.P.: (Summarized)  
Along with my Brother and Sister, we own the La Escalera Ranch and have a lease with the Lyda Cattle Company. The Lyda Cattle Company has a lease for cattle, grazing, and all wildlife use on the ranch. We have owned the Ranch since 1992. The purpose of buying the Ranch was for the water. The Ranch invested in a water study by Steve Finch, Jr. with John Shomaker and Associates, Inc. (JSAI). The aquifers under the La Escalera are the Capitan

Reef, Edwards-Trinity, and Rustler. We would like to protect all of the aquifers. Mr. Lyda explained that his hydrologist Steve Finch, Jr. is not available to be present today, but has prepared a Technical Memorandum. Mr. Lyda began reading the Technical Memorandum. The primary issue with the Cody Energy permit application is that it introduces production permits for non-historical use in an area where the Board has granted "historical use permits". The La Escalera 'Flat Farm' has Historical and Existing (H&E) Use permits for 5,372 acre feet annually from the Edwards-Trinity Aquifer. Currently we cannot get more 4,600 acre feet out of it right now.

Mr. McGinnis objected to the testimony and objected to the report being offered since Mr. Finch was not available to present the Technical Memorandum. He stated that if Mr. Lyda would withdraw his objection to his exhibits 5 and 6 being admitted, then he would withdraw his objection to Mr. Lyda's exhibit.

President McGuairt over ruled the objection and admitted the JASI Technical Memorandum.

Mr. Lyda asked that the Board consider postponement of any decision for 30 days until the next Board meeting.

La Escalera LP and Lyda Cattle Company and Glenn McCorkle Hearing Exhibits Admitted:

Exhibit 1 of 1: John Shomaker & Associates, Inc. Technical Memorandum prepared by Steve Finch, Principal Hydrogeologist-Geochemist.

Val Beard/Leoncita Land Company & Leoncita Cattle Company: Did not have testimony, but did request for MPGCD to monitor the wells in the area closely.

Ty Edwards/MPGCD General Manager: Once Mr. Lyda issued his protest to the application, I asked Dr. Bill Hutchison, Ph. D, PE, PG, and Independent Consultant, and Allan Standen, PG and MPGCD Hydrogeologist, to review the Cody Energy permit application for drawdowns in the area – knowing the Board would want to know. Dr. Hutchison and Mr. Standen have submitted separate reports on the key findings. Dr. Hutchison came to the conclusion that there are no significant impacts in the Flat Farm area, and recommended that the permit be approved. Mr. Standen supported his recommendation.

**Middle Pecos Groundwater Conservation District Hearing Exhibits Admitted:**

Exhibit 1: Cody Energy, LLC Application for a Production Permit, entire file

Exhibit 2: Review of Production Permit Application prepared by Dr. William R. Hutchison, Ph.D., P.E., P.G.

Exhibit 3: Memorandum of Review of Dr. Hutchison's Report on Impact of Cody Well on La Escalera Wells prepared by Allan Standen, PG.

Closing remarks:

Mr. McGinnis/Cody Energy: Evidence shown today confirms the lack of any impact and requested that the application be approved for 90 days term/ 3 months at 40 acre feet and a non-renewable term. Cody will make a new permit request 2 months prior to the expiration of the permit.

II **Adjourn hearing and consider and/or act on Application for a Production Permit with Authorization to Export for Cody Energy, LLC.**

President McGuairt closed the evidentiary hearing at approximately 2:50 p.m.

Weldon Blackwelder made a motion that contingent upon receiving the stamped exhibits 5 and 6 from Mr. Beach within 48 hours, that the permit be approved for 40 acre feet for 3 months. Motion seconded by M. R. Gonzalez.

Mr. Dorris requested adequate monitoring at Leoncita and the surrounding area.

Motion carried.

Vote: 8 For. 1 Oppose. 1 Absent. 1 Recusal.

An Executive Session was called at 2:54 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.


The Executive Session ended at 3:14 p.m. President McGuairt stated that no decisions or votes were made in executive session.

Open session reconvened at 3:14 p.m.

**XIV Adjourn Board meeting.**

Weldon Blackwelder made a motion to adjourn the meeting. Seconded by John Dorris. Motion carried unanimously. The meeting adjourned at 3:24 p.m.

  
\_\_\_\_\_  
M. R. Gonzalez, Secretary/Treasurer

  
\_\_\_\_\_  
Jerry McGuairt, President

Date Approved 03-20-2018

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDDLE PECOS  
GROUNDWATER CONSERVATION DISTRICT  
MEETING HELD FEBRUARY 20, 2018**

**A RESOLUTION ADOPTING THE DESIRED FUTURE CONDITIONS OF  
RELEVANT AQUIFERS WITHIN THE DISTRICT IN GROUNDWATER  
MANAGEMENT AREA 3**

**WHEREAS**, the Middle Pecos Groundwater Conservation District (“District”) is partially located within Groundwater Management Area 3 (“GMA 3”) as designated by the Texas Water Development Board (“TWDB”);

**WHEREAS**, Texas Water Code § 36.108 requires the District, in coordination with the other groundwater conservation districts in GMA 3, to consider groundwater availability models and other data or information for the management area and propose for adoption desired future conditions (“DFCs”) for the relevant aquifers within GMA 3;

**WHEREAS**, the GMA 3 Districts secured hydrogeologic and engineering consulting services, held public meetings from 2013 through 2017, and conducted multiple model runs in order to consider the factors and criteria required for proposing DFCs for adoption under Texas Water Code § 36.108;

**WHEREAS**, at a public meeting held on April 26, 2016, the GMA 3 Districts adopted the proposed DFCs for the relevant aquifers within the GMA for the current 50-year regional planning period, and subsequently distributed those proposed DFCs to the GMA 3 Districts;

**WHEREAS**, each GMA 3 District took public comment and conducted the statutorily required and properly noticed public hearing on the proposed DFCs, and compiled and forwarded relevant comments received for consideration at a subsequent GMA 3 meeting;

**WHEREAS**, on October 20, 2016, the GMA 3 Districts considered the public comments received from each GMA District, unanimously approved by resolutions the DFCs, then submitted the resolutions to the TWDB along with its Explanatory Reports;

**WHEREAS**, the GMA 3 Districts reconvened upon receipt and review of comments from TWDB to correct the DFCs for the Edwards-Trinity (Plateau) and Pecos Valley Aquifers and unanimously approved the corrected DFCs by resolution;

**WHEREAS**, the GMA Districts received notification from TWDB that the DFCs resolutions and explanatory reports are administratively complete, upon correction of the DFCs as indicated above;



**WHEREAS**, the District's Board of Directors desires to finally adopt the administratively complete DFCs for the relevant aquifers within the District in GMA 3 in accordance with Texas Water Code § 36.108(d-4); and

**WHEREAS**, the Board of Directors of the District met in a public meeting, noticed properly in accordance with applicable law, and considered adoption of the DFCs for the relevant aquifers within the District in GMA 3 as described in Exhibit A and approval of this resolution.

**NOW THEREFORE BE IT RESOLVED THAT:**

The above recitals are true and correct.

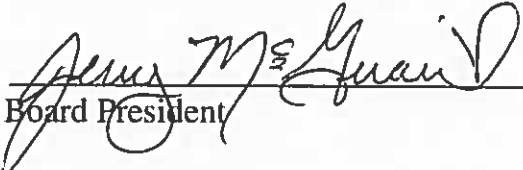
The Board of Directors for the District hereby adopts the DFCs for the relevant aquifers within the District, as described in the attached Exhibit A.

The District's Board of Directors, General Manager and professionals are further authorized to take any and all actions necessary to implement this resolution.

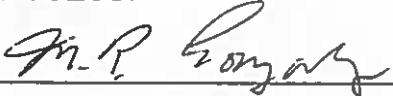
**AND IT IS SO ORDERED.**

Upon motion duly made by Director Weldon Blackwelder, and seconded by Director John Dorris, and upon discussion, the Board voted 10 in favor and 1 opposed, with 0 abstaining and 0 absent, and the motion thereby PASSED on this 20<sup>th</sup> day of February, 2018.

**MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT**

By:   
Board President

ATTEST:

  
Board Secretary

Groundwater Management Area 3  
Resolution to Adopt Desired Future Conditions  
February 20, 2018

Exhibit A

- ~ **Capitan Reef Complex Aquifer**
  - 1) Resolution 16-01 Desired Future Conditions for the Capitan Reef Complex Aquifer in Groundwater Management 3. The Resolution includes the Technical Memo 16-06 Capitan Reef Complex Aquifer.
  - 2) Capitan Reef Complex Aquifer Explanatory Report.
- ~ **Dockum Aquifer**
  - 1) Resolution 16-02 Desired Future Conditions for the Dockum Aquifer in Groundwater Management 3. The Resolution includes the Technical Memo 16-05 Dockum Aquifer.
  - 2) Dockum Aquifer Explanatory Report.
- ~ **Rustler Aquifer**
  - 1) Resolution 16-04 Desired Future Conditions for the Rustler Aquifer in Groundwater Management 3. The Resolution includes the Technical Memo 16-02 Rustler Aquifer.
  - 2) Rustler Aquifer Explanatory Report.
- ~ **Edwards-Trinity (Plateau) and Pecos Valley Aquifers**
  - 1) Resolution 17-01 Desired Future Conditions for the Edwards-Trinity (Plateau) and Pecos Valley Aquifers in Groundwater Management 3. The Resolution includes the Technical Memo 17-01 Edwards-Trinity (Plateau) and Pecos Valley Aquifers.
  - 2) Edwards-Trinity (Plateau) and Pecos Valley Aquifers Explanatory Report.

Notice: All **Exhibit A** material associated with this Resolution is available by contacting the Middle Pecos Groundwater Conservation District office at (432)336-0698 or [mpgcd@mpgcd.org](mailto:mpgcd@mpgcd.org)

COPY