

MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

P.O Box 1644 Fort Stockton, TX 79735 Phone (432)336-0698 Fax#432-336-3407
405 North Spring Drive Fort Stockton, Texas 79735
Email: mpgcd@mpgcd.org Website: www.middlepecosgcd.org

Directors

Jerry McGuairt, President Janet Groth, Vice President M. R. Gonzalez, Secretary/Treasurer
John D. Dorris Alvaro Mandujano, Jr. Vanessa Cardwell Ronald Cooper
Weldon Blackwelder Allan Childs Jeff Sims Puja Boinpally

Employees

Ty Edwards, General Manager
Office: Gail Reeves & Melissa Mills Field Technician: Anthony Bodnar

MINUTES OF REGULAR BOARD MEETING AND PERMIT HEARING

December 18, 2018
405 North Spring Drive, Fort Stockton, Texas

On this the 18th of December, 2018, a Regular Board Meeting and Permit Hearing 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
Janet Groth	Precinct 1, Vice President
M. R. Gonzalez	Secretary/Treasurer, Prec. 2
John Dorris	Precinct 3 (Arrived at 10:55 a.m.)
Weldon Blackwelder	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Ronald Cooper	Precinct 4
Jeff Sims	City of Iraan
Allan Childs	At Large

Quorum Present.

Board members absent: Vanessa Cardwell and Puja Boinpally

Others present: Ty Edwards, Dr. Bill Hutchison, Mike Gershon, Gail Reeves, Melissa Mills, Anthony Bodnar, Paula McGuairt, Jeff Williams, Brock Thompson, Eddie McCarthy III, Mike Thornhill, Gary Bryant, Geoff Pike, Ryan Reed, Tommy Soriero, Buck Benson, Ron Green, Glenn Honaker, Oscar Hernandez, Tommy Ervin, Gerald Gordon, 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.
- II Comments from **public and media**: No comments made.

**PUBLIC HEARING ON A PRODUCTION PERMIT
FOR GERALD GORDON**

I Call to order at 10:01 a.m. the Public Hearing on **Application for a Production Permit for Gerald Gordon.**

Party representing application: Gerald Gordon

Public Comment: Mr. Frank Ligon was unable to attend the hearing. On December 11, 2018, he submitted a letter expressing opposition to the permit application as presented for 60 acre feet/year. The letter stated that the Ligon Family Partnership has wells within 1/2 mile to 1 mile from the application well which will be affected. (Mr. Ligon's letter is entered as public comment. In order to protest an application – you need to be present at the hearing.)

Protestant to application: None

Application declared uncontested.

Ty Edwards, MPGCD General Manager, presented the application. The permit application requests 60 acre feet annually for 1 well (well #2005010627) from the Edwards Trinity Aquifer for Industrial Use. The well is located at 2055 East I-10 on Survey All A FSIL, Property I.D. 15691. The specific capacity pump test has been completed, and supports the request for 60 acre feet annually.

Mr. Gerald Gordon was sworn in. He stated that he would be operating a water station with this well. He was looking at all his options available for the well use. The land he will use for Industrial Use includes 106 acres.

Manager Edwards estimated that the 60 acre feet would fill an estimated 11 trucks per day. A 10 acre feet permit would fill an estimated 2 trucks per day. Ty Edwards declared the application to be administratively complete.

II Adjourn Hearing and Consider and/or Act on **Application for a Production Permit for Gerald Gordon.**

President McGuairt adjourned the hearing at 10:23 a.m.

Ronnie Cooper made a motion to approve the application for 20 acre feet, and not 60 acre feet. Janet Groth seconded the motion.
Motion carried. Vote: 6 For. 2 Oppose. 3 Absent.

Mr. Gordon was reminded that he could return to the Board in the future if the 20 acre feet permit needed to be revised.

REGULAR BOARD MEETING – CONTINUED

The regular session reconvened at 10:28 a.m.

- III Consider and/or act upon **Minutes of Regular Meeting for November 13, 2018.**
Alvaro Mandujano, Jr., made a motion to approve the minutes as presented.
Motion seconded by Janet Groth. Motion carried unanimously.
- IV Consider and/or act upon **Accounts Payable, Treasurer’s Report and Line Item Transfers for the Month Ending November 30, 2018.**
Janet Groth made a motion to approve the Treasurer’s Report and Line Item Transfers for the Month ending November 30, 2018, as presented. Motion seconded by Jeff Sims. Motion carried unanimously.
- V Consider and/or act upon **Renewal of Directors and Officers Liability Insurance with Professional Risk Solution.**
Allan Childs made a motion to renew the Directors and Officers Liability Insurance with Professional Risk Solution. The motion was seconded by Alvaro Mandujano, Jr. Motion carried unanimously.
- VI Consider and/or take action on **Pecos County/MPGCD Office Building Lease.**
On May 14, 2018 MPGCD signed a lease for the Office Building with Pecos County. The lease term was 60 months from July 1, 2018 through June 30, 2023. The lease has an Insurance Addendum that requires MPGCD to maintain the property and liability insurance as stated in the addendum. Today the Board is considering addendums to the lease previously signed.
- 1) The term of the lease is amended as follows: 60 months and five (5) additional terms of sixty (60) months each.....
 - 2) Termination date: June 30, 2023 for the initial term, with a maximum termination date of June 30, 2048 in the event the tenant elects to exercise all additional terms.
 - 3) Amendment to B.: Tenant may make such alterations to the interior of the premises as reasonable necessary or convenient to tenant.
 - 4) Amendment to E.: #1 Alterations is amended to delete “Landlord may require that tenant, at the end of the term and at tenant’s expense, remove any physical additions and improvements, repair any alterations, and restore the premises to the condition existing at the commencement date.”
 - 5) Amendment to delete “22. Extension Option.” (Note this is addressed in amendment one, above.)

Allan Childs made a motion to accept the lease agreement amendments. Motion seconded by M. R. Gonzalez. Motion passed unanimously.

- VII Consider and/or take action on **JSA Architects** proposal for Office Renovations. Manager Edwards received a bid from JSA Architects, Inc. to add approximately a 30' extension to the North side of the existing office building. The cost estimate ranges between \$150,000 to \$200,000. The Board decision: Take no action.

Agenda item VIII and IX are being taken up after item XII.

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

- Well Registrations: Current registrations total 3,139 wells. 2,197 Exempt wells and 942 Non-Exempt wells. Jerry Alexander had 2 Exempt wells. There were 6 well transfers from Tafti (Formerly Alex Gonzalez) to Durham and Holladay. Expecting a permit application from them.
- Drought Monitor Map: In packet. Pecos County is out of drought. Most of Texas is out of the Drought.
- Water Analysis: Analysis are being pulled now throughout the County and Springs.
- Production Permits: Jagged Peak in Cohanosa started a HydroTest yesterday for their application.

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

- Texas Alliance of Groundwater Districts will have a meeting on January 22, 2019 in Austin, TX. Ty Edwards will be speaking regarding "Insurance for Legal Fees". While in Austin, he will be speaking with Pancho Nevarez, a member of the Texas House of Representatives, regarding the issues in Imperial, TX.
- 12-12-2018 Letter from Charlton Resources, LLC, requesting release of all unused funds deposited with MPGCD, for SOAH related expenses and court recorder fees.
- The annual Texas Groundwater Summit for 2019 is scheduled for August 20 – 22. It will be held in San Antonio, TX.
- A copy of the Final Judgment for Plaintiffs David Strata and Anthony Fazzino vs Defendants Brazos Valley GCD, Roe, Harris, Russ Jr, Barfknecht, Carrabba, Brien, and Cast.

At this time Jerry McGuairt left the meeting at 10:54 a.m. Janet Groth assumed the position as Presiding Officer of the Board Meeting.

Agenda items taken up out of order:

VIII Briefing on Dr. Bill Hutchison's draft report summarizing the results of groundwater data obtained from Belding Farms.

Dr. Bill Hutchison gave a Power Point Presentation titled "Processing Belding Farms Data".

- The 1st graph depicted Belding Farms Annual Pumping from 1970 to 2015, and was shown for The Edwards-Trinity Aquifer and for Rustler/Capitan Aquifers.
- Topics covered:
 - Hydrographs of Static Water Levels and Pumping Water Levels
 - End-of-Year Static Water Level comparison with Western Pecos County Groundwater Model
 - Winter Maximum Static Water Level comparison with End-of-Year
 - Drawdown
 - Cross plots with 11 Permit Monitoring wells
 - Annual pumping vs. Summer minimum groundwater elevation
- Conclusions:
 - Belding data show:
 - * Adopted thresholds are conservative and protective of Belding Wells (and other wells).
 - * Supported by Southwest Resources Institutes review of Western Pecos County Groundwater Model (recharge issues)
 - Groundwater elevations recover in January, February, and March (winter maximum vs. end-of-year)
 - Drawdown (monthly and annual) is well defined with Belding data
 - Groundwater elevations in all the wells are "connected"
 - Summer minimum data show that there was ample water in each well even during high pumping years (opportunity to lower pumps, if necessary)
- Review of Proposed Summer Thresholds:
 - "The summer threshold trigger is simply added to provide a backstop for the unlikely event that unforeseen circumstances lead to unprecedented low groundwater elevations."
 - * Graphs depict that these thresholds are considerably higher than an "unlikely event"
 - * Graphs show that Belding Farms pumped as much as 8,000 acre feet/year when groundwater elevations were much lower than the proposed thresholds.

Also available for review, Dr. Hutchison presented his 12-07-2018 Draft Review of Belding Farms Database.

IX Briefing on Cockrell Investment Partners, L.P./Belding Farms hydrogeologists' work product/memo.

Cockrell Investment Partners L.P. attorney Ryan Reed, and Hydrogeologist Dr. Ron Green: Summary of Dr. Ron Green's Report:

➤ Potential Summer Groundwater Elevation Triggers:

- Four wells to be designated as groundwater elevation trigger wells. The prison well (#2015052901), MPGCD 320 (#2014010302), S-45 (#2005021108), and S-6 (#2005020928). Threshold triggers are invoked when three of the four wells register groundwater elevations below the specified groundwater trigger elevations that are to be set. When invoked, cutbacks and contingency planning will be instituted.
- Threshold 1: At any time that three (3) of the four (4) trigger wells are simultaneously below Threshold 1 triggers, an emergency MPGCD meeting will be convened with 10 days, at which representatives from all Historic & Existing Use permit and production permit holders will be invited to meet with MPGCD staff and representatives (i.e., technical and legal consultants) to ascertain the reason for low groundwater elevations. If low groundwater elevations are attributed to a combination of drought (i.e., reduced recharge) and pumping, production permit holders in Management Zone 1 will only be authorized to produce 70% of 1/365 of their respective annual permitted pumping amount on a daily basis. Production permit holders may resume pumping their full permitted amount at the earlier of (i) written authorization from the MPGCD, or (ii) ten (10) days after three of the four trigger wells register daily groundwater elevations above Threshold 1 triggers.
- Threshold 2: At any time that three (3) of the four (4) trigger wells are simultaneously below Threshold 2 triggers, an emergency MPGCD meeting will be convened with 10 days, at which representatives from all Historic & Existing Use permit and production permit holders will be invited to meet with MPGCD staff and representatives (i.e., technical and legal consultants) to ascertain the reason for low groundwater elevations. If low groundwater elevations are attributed to a combination of drought (i.e., reduced recharge) and pumping, production permit holders in Management Zone 1 will only be authorized to produce 35% of 1/365 of their respective annual permitted pumping amount on a daily basis. Production permit holders may resume pumping 50% of 1/365 of their respective annual permitted pumping amount on a daily basis ten (10) days after three of the four trigger wells register daily groundwater elevations above Threshold 2 triggers. Production permit holders may resume pumping their full permitted amount at the earlier of (i) written authorization from the MPGCD, or (ii) ten (10) days after three of the four trigger wells register daily groundwater elevations above Threshold 1 triggers.

- **Threshold 3:** At any time that three (3) of the four (4) trigger wells are simultaneously below Threshold 3 triggers, an emergency MPGCD meeting will be convened with 10 days, at which representatives from all Historic & Existing Use permit and production permit holders will be invited to meet with MPGCD staff and representatives (i.e., technical and legal consultants) to ascertain the reason for low groundwater elevations. If low groundwater elevations are attributed to a combination of drought (i.e., reduced recharge) and pumping, production permit holders in Management Zone 1 will cease to be authorized to produce under their production permit. Production permit holders may resume pumping: (i) 35% of 1/365 of their respective annual permitted pumping amount on a daily basis ten (10) days after three of the four trigger wells register daily groundwater elevations above Threshold 3 triggers, and (ii) 70 percent of of 1/365 of their respective annual permitted pumping amount on a daily basis ten (10) days after three of the four trigger wells register daily groundwater elevations above Threshold 2 triggers. Production permit holders may resume pumping their full permitted amount at the earlier of (i) written authorization from the MPGCD, or (ii) ten (10) days after three of the four trigger wells register daily groundwater elevations above Threshold 1 triggers.
- **Historical Perspective:** Examination of the historical record of groundwater elevations indicate that the recorded groundwater elevation at the Prison Well only dipped below Threshold 1 once and that occurred in 1975, a period of excessive irrigation pumping. The recorded groundwater elevation at the MPGCD 320 only dipped below Threshold 1 during 1998-1999. The recorded groundwater elevation in 1999 was 2867.6 ft. msl, which would have exceeded the Thresholds during the time that all four wells have recorded groundwater elevations (2007-present). Given the record groundwater elevations at the Prison Well and at well MPGCD 320 (Monitor Well #320), cutbacks for the periods of record do not appear to have been likely.

Additional Comments:

- Cockrell Investment Partners, L.P./Belding Farms does not have an issue with the Winter Thresholds in the proposed rules. The issue is with Cockrell Investment Partners, L.P./Belding Farms wanting to add a 3 Part/ Summer Threshold in the proposed rules. Mr. Reed stated that it is the intention of Cockrell Investment Partners, L.P./Belding Farms to contest Rule Making Hearings that do not contain Summer Threshold(s), and will be narrowly focused on the levels, triggers, and actions to be taken.

An Executive Session was called at 12:21 p.m. by presiding officer, Vice President Janet Groth, pursuant to the Texas Open Meetings Act, Sections 551.071 of the Texas Government Code, to consult with attorney regarding agenda items VIII and IX.

The meeting was recessed for lunch at 12:21 p.m.

The Executive Session adjourned at approximately 1:00 p.m.

The regular session reconvened at 1:34 p.m. The presiding officer, Vice President Janet Groth, stated that no decisions or votes were made in executive session.

No action taken in Open Session.

XIII Directors' Comments. No Directors' comments.

XIV Consider and/or act upon **agenda for next meeting.**


- * Update on 3-D Model (A. Standen)
- * Possible Permit Hearings
- * Possible Audit Presentation

XV **Adjourn** Board meeting.

Allan Childs made a motion to adjourn the meeting. Seconded by Jeff Sims. Motion carried unanimously. The meeting adjourned at 1:36 p.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 02-19-2019