

# MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

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## Directors

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

## Employees

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

**February 18, 2020**

## **MINUTES OF REGULAR BOARD MEETING AND PERMIT HEARINGS**

On this the 18th of February, 2020, a Regular Board Meeting and Permit 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
Puja Boinpally	Precinct 2
Weldon Blackwelder	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Ronnie Cooper	Precinct 4
Vanessa Cardwell	City of Fort Stockton
Jeff Sims	City of Iraan
Allan Childs, Jr.	At Large

Quorum Present.

Members Absent: Janet Groth, M.R. Gonzalez, and Larry Drgac

Others present: Ty Edwards, Mike Gershon, Allan Standen, Vince Clause, Gail Reeves, Anthony Bodnar, Paula McGuairt, Eddie McCarthy III, Glenn Honaker, Zachary Swick, Geoffrey Pike, Gladys Dorris, Randy Taylor, Mickey Perry, Abel Rodriguez, Ryan Reed, Armando & Michelle Mandujano, Judd Chism, Todd Suter, Michael Luna, Linda Gordon, and Aurora Sain/Fort Stockton Pioneer.

## **REGULAR BOARD MEETING**

- I Call to order regular Board meeting at 10 a.m. by President Jerry McGuairt.
- II Comments from **public and media**. No Comments at this time.

III Dedication and Acceptance of Painting in Honor of John D. Dorris for his Service as MPGCD Director from March 2000 to June 2019.

The Board accepted A Painting by Gladys Dorris in honor of her late husband, John Dorris, who served on the MPGCD Board from 2000 to 2019.

IV Consider and/or act on **Application for a Drilling Permit for Judd Lee Chism.**

***Recap:*** *The public hearing for this application for a drilling permit for Judd Lee Chism was held on January 21, 2020.*

*Party representing application: Judd Lee Chism*

*Protestant to application: None.*

*Public Comment: None.*

*Board Member Recusal: Alvaro Mandujano, Jr.*

*The application was declared uncontested.*

*Judd Lee Chism has made an application for a Drilling Permit for 1 well located on 159.67 acres (Property Id# 6753) Legal Description: 5270 48-8 T&P SEC 20 SE/4, approximately 5.2 miles west from the intersection of FM 1776 and Weatherby Road in Pecos County, Texas. The well is projected to be 340-400 feet in depth and drilled into the Pecos Valley Aquifer. The estimated rate of withdraw is 150+ gallons per minute and the purpose of this well will be for Livestock, Irrigation and Industrial Use. A 1,500' core test sample was completed. There have been some dry holes drilled in this area, and not much production is expected here. Water levels in the area are at 300'. MPGCD has one monitor well 1 mile due North on Weatherby Farm.*

*A motion was considered on 01-21-2020 and with a vote of 5 For, 3 Against, 2 Absent, 1 Abstention, there was no action taken.*

Weldon Blackwelder made a motion to grant the drilling permit. Motion seconded by Vanessa Cardwell. No action taken.

Vote: 5 For, 2 Against, 3 Absent, 1 Abstention.

Board Member opposition to the drilling application centers around the request for 'livestock use' being "permitted" without the property being fenced.

An Executive Session was called at 10:10 a.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.

Note: Alvaro Mandujano, Jr. did not join the Executive Session.

The Executive Session ended at 10:22 a.m. President McGuairt stated that no action was taken and no discussion was made in executive session.

Mr. Chism was present and explained that the first stage would be to sell as much water as possible for oil and gas purposes. The second stage was to do farming and that does not require fencing the property. Third stage would be to build fence and have livestock on the property. He stated that he is not trying to deplete the water supply source, and he is not shipping water out of the county. He is agreeable to removing "livestock use" from the drilling permit application.

Vanessa Cardwell made a motion to approve the drilling permit for Judd Lee Chism and exclude livestock use from the permit application. Motion seconded by Puja Boinpally. Motion carried unanimously.  
Vote: 7 For. 0 Against. 3 Absent. 1 Abstention/Mandujano.

**V Briefing and take action as necessary regarding 7D area and continued Kent and Luna permit hearings.**

MPGCD General Manager Ty Edwards reported that Pecos County WCID#1 held a board meeting and had hired Legal Counsel to address opposing their title(s). We are waiting for their results to get an official title opinion. Mr. Kent has sent an e-mail stating his 5 acres should not be included in this clouded title issue. President Jerry McGuairt reported that the Pecos County Commissioners' Court is also waiting for the results to get an official title opinion.

The regular meeting was recessed at 10:34 a.m.

**PUBLIC HEARING ON DRILLING PERMIT  
APPLICATION FOR PECOS COUNTY PRECINCT 3.**

**I Call to order at 10:34 a.m. the public hearing on Application for a Drilling Permit for Pecos County Precinct 3.**

Party representing application: Mickey Perry, Pecos County  
Precinct 3 Commissioner

Protestant to application: None.

Public Comment: None.

The application was declared uncontested.

Sworn in for Testimony: Mickey Perry

General Manager Ty Edwards: Pecos County Precinct 3 has a golf course west of Iraan, and they are requesting to drill 2 water wells. They own all the property.

The county currently has no water wells on the golf course and is receiving water from a wellfield in Crockett County. We recently began monitoring the City of Iraan's well field. Ira Yates has requested that we monitor one of his wells that is on the river. The application is administratively complete.

Testimony of Mickey Perry: (Summarized) There is money budgeted for the current water source's pipeline that comes from Crockett County. The water lines are aging and need replaced. If the Commissioners' Court will allow, I would like to use some of those funds to drill 2 wells for the golf course. We have salinity problems with our current water supply around August and September each year. With the new wells that are drilled we could combine the waters and drop the salinity levels. The water is used for the golf course and for the Iraan park area. During the hot months we pump around 700,000 gallons per month. There are several ideas that other golf courses are trying in order to cut down on the amount of water used on the course that we could try. The water quality is essential to everyone who uses the water in this area and these wells will be closely monitored. We currently have a 10-year contract with Mr. Thompson to supply the water for the golf course and park with an option to renew in 10 years. I feel that adding these two wells at the Iraan golf course will help guarantee that in 10-15-25 years from now that the golf course and park can be maintained

Allan Standen, Middle Pecos GCD hydrogeologist: You are in the Yates field and it is really shallow. The area is flooding those wells for oil and gas so you have brackish water being introduced into the area. This is an area with little data available, and there lies the concern.

Vince Clause, Middle Pecos GCD hydrogeologist: Suggest to make sure the well driller knows what he is drilling through because there is a dome where everything is coming to the surface there. There are a lot of different formations that are shallow and if the driller drills straight through until they hit the Rustler aquifer – this could potentially cause issues down the line.

Allan Standen recommended to pump hard when completing the pump test, and if the water salts up the well may need to be plugged.

General Manager Ty Edwards reported that he would be on-site for the drilling of the well and do water quality measurements, and hopefully log the well.

**II Adjourn Hearing and consider and/or act on Application for a Drilling Permit for Pecos County Precinct 3.**

President Jerry McGuairt adjourned the hearing at 10:53 a.m.

Jeff Sims made a motion to approve the application for a drilling permit for Pecos County Precinct 3. Motion seconded by Weldon Blackwelder. Motion carried unanimously. Vote: 8 For. -0- Against. 3 Absent.

**PUBLIC HEARING ON APPLICATION TO  
AMEND AN HISTORICAL AND EXISTING USE PERMIT  
FOR 2T PARTNERSHIP LTD.**

**I Call to order at 10:54 a.m. the public hearing on Application to Amend an Historical and Existing Use Permit for 2T Partnership LTD.**

Party representing application: Randy Taylor

Protestant to application: None.

Public Comment: None.

Board Member Recusal: Puja Boinpally

The application was declared uncontested.

Sworn in Testimony: None.

General Manager Ty Edwards: 2T Partnership has made application to amend and existing Historic & Existing Use Permit. It is located on 640 acres, property ID#6921, in T&P RR Co. Block 48-9 Section 30. It is approximately 16 miles West of Fort Stockton and 6 miles North of Interstate 10. This Board approved a drilling permit for Mr. Randy Taylor several months ago. The well is drilled, tested, and completed. He is asking today to add this backup well into his current permits for irrigation use. He is not asking for any more water. This is strictly a backup well. We can amend an H&E permit if it is for the same aquifer and same management zone and same use. He has just under 7,000 acre feet of water permitted on this farm. These are large irrigation wells that do 1,500 – 2,000 gallons per minute. The application is complete.

**II Adjourn Hearing and consider and/or act on Application to Amend an Historical and Existing Use Permit for 2T Partnership LTD.**

President Jerry McGuairt adjourned the hearing at 10:58 a.m.

Allan Childs made a motion to approve the amendment to the Historical and Existing Use Permit for 2T Partnership LTD. Motion seconded by Weldon Blackwelder. Motion carried.

Vote: 7 For. 0 Against. 3 Absent. 1 Recusal/Boinpally.

Additional Note: The total H&E Permit is 6,883 acre feet granted on 01-18-2006. Irrigation Use to Randy Taylor for the Stockton Farm/Estes. Edwards-Trinity aquifer. The Wells in the H&E Permit are 2005092814/Well 1; 2005092815/Well 2; 2005092816/Well 3; 2005092817/Well 4; 2005092818/Well 5; and added today is 2020020364/New Well. Now a 6 well system.

**PUBLIC HEARING ON DRILLING PERMIT  
APPLICATION FOR MANDUJANO BROTHERS.**

**I Call to order at 10:59 a.m. the public hearing on Application for a Drilling Permit for Mandujano Brothers.**

Party representing application: Armando Mandujano

Protestant to application: None.

Public Comment: Todd Suter.

Board Member Recusal: Junior Mandujano

The application was declared uncontested.

Todd Suter: He had several comments that were determined to be directed towards the Production Permit Application, and not the Drilling Permit Application. Mr. Suter said he supports the drilling permit application 100%.

General Manager Ty Edwards: Mandujano Brothers has made application for a drilling permit for 3 wells, and it is located on 640 acres, property ID#6756. The legal description is 885- 48-8 T&P section 23, 2 miles west of FM 1776 and 1 mile south of Weatherby Road. The wells are projected to be 800 – 1,000 feet in depth. Currently there are 4 wells on the property. Three of the wells (#2005092821/Well 2; #2005092822/Well 3; and #2005092823/Well 4) have a normal production permit for 800 acre feet for irrigation use received January of 2018. One of the wells (#2005092820, Well #1) Mr. Randy Taylor actually applied for a Historical & Existing Use Permit several years ago and that well has 365 acre feet for irrigation. The 4 wells have a total of 1,165 acre feet. He has lost production on a lot of these wells. He wants to drill 3 new wells, but he doesn't need any more permits. He just needs water to do what he already has. Well 1 is the well I believe he said went from 800 gpm to 125 gpm. So he is trying to make up the production he has lost. Wells are caving in and he has had to set casing and is now getting smaller flow rates. We monitor a well on Mr. Suter. I'd be more than willing to monitor any of those wells on section 23. The application is complete. He does plan on amending his permits once he has these drilled.

**II Adjourn Hearing and consider and/or act on Application for a Drilling Permit for Mandujano Brothers.**

President Jerry McGuairt adjourned the hearing at 11:14 a.m.

Allan Childs made a motion to approve the application for a drilling permit for the Mandujano Brothers. Motion seconded by Weldon Blackwelder. Motion carried. Vote: 7 For. 0 Against. 3 Absent. 1 Recusal/Alvaro Mandujano, Jr.

**PUBLIC HEARING ON APPLICATION TO  
AMEND AN HISTORICAL AND EXISTING USE PERMIT  
FOR ALVARO MANDUJANO, SR. AND MANDUJANO BROTHERS.**

I Call to order at 11:15 a.m. the public hearing on **Application to Amend an Historical and Existing Use Permit for Alvaro Mandujano, Sr. and Mandujano Brothers.**

Party representing application: Armando Mandujano

Protestant to application: None.

Public Comment: None.

Board Member Recusal: Junior Mandujano

The application was declared uncontested.

General Manager Ty Edwards: Alvaro Mandujano Sr. and Mandujano Brothers made application to amend an existing H&E permit. No additional volume of water has been requested. The application requests authorization to add: 1) a location of use to the H&E use permits, and 2) 4 existing wells as an additional points of withdrawal from the same aquifer and within the same management zone as authorized under the H&E Use Permits.

The H&E Use Permits to be amended are tied to 333 acres which are adjacent to the applicant's property associated with this application (Section 30), both of which are approximately 3 miles South of Coyanosa and 1.5 miles West of FM 1776.

There are 4 wells here that are drilled for Oil and Gas which is no longer in the area. Mandujano Brothers has recently just purchased this property. Alvaro Mandujano, Sr. has 333 acres on the South Strubi Farm, and Mandujano Brothers has the North Strubi Farm on section 30. They do not want any more production, they just want to add these wells into the rotation. They already have enough production permits. They just need to add these wells into their current permits that their Dad (Alvaro Mandujano, Sr.) has on the same farm. Alvaro Mandujano, Sr. has given them approval to do so in writing. There are additional permits that the Mandujano Brothers have on this farm on 3 other wells – he is not requesting to amend these. Just these 3 wells that are next to the property. The H&E permit totals 1,303 acre feet, and they have not been using the allocated amount of the permits.

Armando Mandujano: (Summary) It's no secret that we use a lot of water. We put out over 80 million pounds of produce a year, and close to 100 million pounds of food and fiber including cattle. In addition to that we have lost a lot of county to the oil and gas industry. In one section alone, they are taking 120 acres and putting about 100 oil wells right in the middle.

II **Adjourn Hearing and consider and/or act on Application to Amend a Historical and Existing Use Permit for Alvaro Mandujano, Sr. and Mandujano Brothers.**

President Jerry McGuairt adjourned the hearing at 11:26 a.m.

Allan Childs made a motion to approve the application to amend the Historical and Existing Use Permit for Alvaro Mandujano, Sr. and Mandujano Brothers. Motion seconded by Puja Boinpally. Motion carried.

Vote: 7 For. 0 Against. 3 Absent. 1 Recusal/Alvaro Mandujano, Jr.

**Amended Permit Recap:**

\* **01-18-2006 H&E 656.00 acre feet Irrigation Use. 1 well 2005092313 PV/ET**

\* **01-18-2006 H&E 348.00 acre feet Irrigation Use. 1 well 2005092314 PV/ET**

\* **01-18-2006 H&E 299.00 acre feet Irrigation Use. 1 well 2005092315 PV/ET**

**Note #1:** The 3 wells registered on Section 19 S/2 are registered to Alvaro Mandujano, Sr. The H&E permit applications for the 3 wells were submitted as Mandujano Brothers, and the minutes of 01-18-2006 reflect that the permit is granted to Alvaro Mandujano Sr/Thomas Strubi.

\* **02-18-2020 Amended H&E Permits to 1,303 acre feet for a 7 well system for irrigation Use from the Pecos Valley Aquifer.**

**Note #2:** On 02-18-2020 Mandujano Brothers/Alvaro Mandujano Sr. requested to amend the H&E permits by combining the individual permits into a "system-total-permit" of 1,303 acre feet and adding the 4 wells on Sec. 30 (that are registered to Mandujano Brothers and being farmed by Mandujano Brothers) with no additional acre feet requested. The permit is now for a 7-well system.

7-well system:

3 wells on Block C2 S/2 of Sec. 19 Ab#5069

Note: These 3 wells are registered to Alvaro Mandujano, Sr.

- 1) 2005092313 Strubi #1 East Well
- 2) 2005092314 Strubi #2 Filter Station
- 3) 2005092315 Strubi #3

4 Wells on Block C2 Sec. 30 Ab# 8446

Note: These 4 wells are registered to Mandujano Brothers.

- 1) 2019120907 Sec. 30 #1
- 2) 2019120908 Sec. 30 #2
- 3) 2019120909 Sec. 30 #3
- 4) 2019120910 Sec. 30 #4

**REGULAR BOARD MEETING – CONTINUED**

VI **Consider and/or act upon Minutes of Regular Meeting on January 21, 2020**

Vanessa Cardwell made a motion to approve the minutes of the regular meeting for January 21, 2020, as presented. Motion seconded by Ronnie Cooper.

Motion Carried. Vote: 7 For. -1- Abstain/Blackwelder 3 Absent.



VII Consider and/or act upon **Treasurer's Report for the Month Ending January 31, 2020.**

Puja Boinpally made a motion to approve the Treasurer's Report for the month ending January 31, 2020, as presented. Motion seconded by Vanessa Cardwell. Motion Carried Vote: 8 For. -0- Against. 3 Absent.

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

Alvaro Mandujano Jr 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 Weldon Blackwelder. 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).

Ryan Reed, attorney for Cockrell Investment Partners, L.P., reported that he is in hopes that over the next 6 months a resolution can be found regarding the rules issues and the litigation issues.

Eddie McCarthy (III), attorney for Fort Stockton Holdings, L.P., reported that he did not have anything new to report.

X Presentation by Allan R. Standen, LLC on Groundwater Levels for Pecos County.

Vince Clause, hydrogeologist for Allan R. Standen, presented the following data:

1. Fort Stockton Holdings Threshold Wells: 11 threshold wells are depicted with the '2020 Winter Water Level' and the 'Remaining Winter 4 Threshold'.
2. Water Level Decline/Gain from 2012 – 2020: Color map of Pecos County that indicates water level changes by the foot from 2012 – 2020.
3. Water Level Decline/Gain from 2019 – 2020: Color map of Pecos County that indicates water level changes by the foot from 2019 – 2020.
4. 2020 Depth to Water Level: Color map of Pecos County that indicates the depth to water level by the foot.
5. TexMesonet Weather Stations with Annual Rainfall: Pecos County map indicating the 2019 Annual Rainfall at 5 TexMesonet Stations in Pecos County, and also two stations indicating a comparison between 2018 and 2019 rainfall received.

· See Attachment A for the Charts

The District installed 10 new monitor wells in 2019. Currently the District monitors monthly static water levels in 130 water wells. Many areas of the District are still experiencing recovery from the 2011 drought, most noticeably in Management Zone 1. Groundwater level declines elsewhere since 2011 are relatively low between 0 and 9 feet except in a few isolated monitor wells

(MPGCD # 226, 230, 302, 314, 315). The 2020 water level measurements showed that most monitor wells experienced little year-over-year change when compared to their 2019 measurement. Wells with more significant drawdowns are primarily located west of Fort Stockton in Management Zone 1, in addition to MPGCD # 228 and # 305. These drawdowns can be associated with change in pumping from summer crops to winter crops in the area of influence.

**XI Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map, Water Quality Analysis and General Manager's Correspondence.**

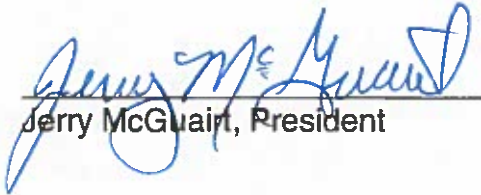
- \* Well Registrations: In 2019 we registered over 120 water wells. Our total registrations 3,259. 961 of those are Non-Exempt Wells and 2,298 Exempt wells.
- \* Data Loggers: We have installed 10 new monitor wells. We are up to 130 wells that we are checking monthly.
- \* Drought Monitor: The drought monitor report is submitted in Board Information. Pecos County is currently out of drought.
- \* Water Quality Analysis: Water analysis samples are being pulled. We pulled 94 samples last year.
- \* The General Managers' Annual Report will be on March's meeting.
- \* Pecos County Appraisal District: New Board Members have been elected and a copy of their 02-13-2020 agenda reflects their current Board of Directors.
- \* March 3, 2020 Primary: Early voting begins 02-18-2020.
- \* North of Fort Stockton: We continue to receive emails and calls from people needing water due to PCWCID#1 not able to set new taps at this time.
- \* Region F Water Planning Group: Region F will be meeting in Big Spring, TX on Thursday. We will have the initial draft for the next round of planning. It will be available for review and public comment.
- \* Clayton W. Williams: Clayton W. Williams passed away this weekend from complications from pneumonia.
- \* Pecos County WCID#1: PCWCID#1 met on 02-11-2020. An agenda is provided for your review and to show that they did have an agenda item regarding Comanche Creek. They approved attorney Kristen Fancher to research the title and assert jurisdiction on the 37 acre right of way of Comanche Creek that runs north of Interstate 10.
- \* RigData Report: The reports shows 18 rigs in Pecos County. 17 are in Cayanosa, and 1 is east of town.
- \* Administrative Insurance: The Administrative insurance that covers our decisions is renewed for another year.

**XII Directors' Comments and consider and/or act upon agenda for next meeting. No comments or items for the next agenda.**

XIII **Adjourn Board meeting.**

Jeff Sims made a motion to adjourn the meeting. Motion seconded by Weldon Blackwelder. Motion carried unanimously. Meeting adjourned at 11:57 a.m.

  
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M. R. Gonzalez, Secretary/Treasurer

  
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Jerry McGuair, President

Date Approved 03-24-2020

Minutes prepared by Melissa Mills  
And Gail Reeves