

**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

**MINUTES OF REGULAR BOARD MEETING  
TO BE HELD BY VIDEOCONFERENCE AND TELECONFERENCE**

**October 20, 2020**

In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of the District's Board of Directors held its regular Board meeting by videoconference and call-in. The public was invited to join this meeting by way of videoconference and toll-free call-in. Members of the public wishing to make public comment during the meeting were able to register by emailing [mpgcd@mpgcd.org](mailto:mpgcd@mpgcd.org) prior to 9:30 a.m. on October 20, 2020. A copy of the agenda packet was made available on the District's website at the time of the meeting.

On this the 20<sup>th</sup> of October 2020, a Regular Board Meeting was held by the Middle Pecos Groundwater Conservation District with the following members present:

|                    |                            |
|--------------------|----------------------------|
| Jerry McGuairt     | President, Precinct 1      |
| Janet Groth        | Vice President, Precinct 1 |
| Puja Boinpally     | Precinct 2                 |
| M. R. Gonzalez     | Prec. 2, Sec./Treasurer    |
| Weldon Blackwelder | Precinct 3                 |
| Larry Drgac        | Precinct 3                 |
| Ronnie Cooper      | Precinct 4                 |
| Vanessa Cardwell   | City of Fort Stockton      |
| Allan Childs       | At Large                   |

Quorum Present.

Members Absent: Alvaro Mandujano, Jr., and Jeff Sims.

District employees and consultants participating: Ty Edwards, Gail Reeves, Anthony Bodnar, Melissa Mills, Allan Standen, Vince Clause, Dr. Bill Hutchison and Mike Gershon.

Others attending: Geoff Pike, Glenn Honaker, Ryan Reed, Buck Benson, Ed McCarthy, Jeff Williams, Mel Riggs, Mark Tisdale, Darrel Peckham, Sharlene Leurig, Tommy Ervin, Billy Gonzales, Nathan Heuer (Fort Stockton Pioneer).

- I Call to order regular Board meeting at 10:00 a.m. by President Jerry McGuairt.
- II Comments from public and media: No comments.
- III Consider and/or act to approve **Minutes of Regular Meeting on September 15, 2020.**

General Manager Edwards presented the minutes to the Board. After discussion Janet Groth made a motion to approve the Minutes for the meeting of September 15, 2020 as presented. Motion seconded by Vanessa Cardwell.

Motion passed. Vote: 8 FOR. -0- Oppose 2 Absent 1 Abstain/Boinpally.

- IV Consider and/or act upon **Treasurer's Report for the Month Ending September 30, 2020.**

General Manager Edwards presented the financials to the Board. After discussion Ronnie Cooper made a motion to approve the Treasurer's Report for the Month Ending September 30, 2020. Motion seconded by Larry Drgac.

Motion passed. Vote: 9 FOR. -0- Oppose 2 Absent

- V **Presentation from Texas Water Trade on science and finance programs for Comanche Springs.**

Sharlene Leurig, Chief Executive Officer for Texas Water Trade, presented a PowerPoint presentation to the Board regarding and analysis of the history, hydrogeology, policy, and economics to bring back Comanche Springs. The summarized highlights:

- Ways to reduce pumping: permit purchase and retirement; temporary leasing; incentivizing pumping from other aquifers; incentivizing conservation by shifting from flood irrigation to drip irrigation, or installing higher efficiency pivots, or switching row crops
- Economic benefits: Texas Water Trade estimates restored Comanche Springs would generate \$1.9 million/year of pledgeable revenues, and that could secure \$45 million in debt to fund infrastructure and groundwater market activities.
- Recommendations: establish a leasing market for agricultural water; identify the most-preferred alternative aquifer in Management Zone 1; evaluate appropriate locations for aquifer storage and recovery or alternative well fields outside of Management Zone 1; amend surface water rights on Comanche Creek

to enable a broader array of uses; form a special purpose entity to fund spring restoration

- **Bureau of Reclamation:** Won a \$150,000 grant for Comanche Springs to enhance understanding of aquifer communication and spring flow contributions that will support pump tests, water sampling, production of data to integrate into models of groundwater/surface water in Management Zone 1;
- **Resources to secure agreements for 2021 – 2025:** The Regional Conservation Partnership Program has received a \$2.6 million partnership 5-year funding commitment from the Natural Resources Conservation Service partnership (NRCS) for Comanche Springs that would fund on-farm water conservation to test aquifer and spring response related to irrigation efficiency systems and to crop switching payments (e.g. alfalfa to winter grain). Landowner engagement is beginning now. Also, the Texas Water Development Board Ag Conservation Grant opportunity next year is a great resource for required non-federal match.
- **Pursuit of continued funding:** Texas Outcomes-Based Finance Challenge; dedicated facilitation of financial structuring provided by Quantified Ventures; underwriting costs paid by philanthropy; applications due on November 13, 2020.

**The PowerPoint presentation is attached as Attachment A.**

**VI Update on FSH-MPGCD Joint Study and Implementation.**

Fort Stockton Holdings, L.P. has submitted funds for equipment to install transducers on the threshold monitoring wells. Installation of the transducers will begin October 26<sup>th</sup>.

**VII Update on MPGCD Groundwater Flow Model.**

Dr. Bill Hutchison explained the documentation process for the Pecos County Groundwater Model. There will be a total of 16 technical memoranda's (T M) that show detailed information. Once the TMs are completed, they will be available for public review and comments.

**VIII Briefing and take action as necessary on Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District and its Board President in his official capacity, Fort Stockton Holdings, L.P. and Republic Water Company of Texas, L.P., Cause No. P-12176-112-CV (Pecos County District Court) and/or Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District and its General Manager in his official capacity, Fort Stockton Holdings, L.P., and the Cities of Abilene, Midland and San Angelo, Cause No. P-8277-83-CV (Pecos County District Court).**

Mike Gershon, MPGCD attorney, explained that there have been developments since the last Board meeting. Cockrell has amended the petition to include Board President (Jerry McGuairt) and Republic Water Company as defendants, neither which have yet been served with citation.

MPGCD Attorney Mike Gershon reminded the Board that an upcoming hearing is set before Judge Ables on November 12<sup>th</sup> on the District's plea to the jurisdiction and FSH's plea to the jurisdiction. Additional claims were added or clarified to declare the settlement agreement should be voided as against public policy (because it compromises Cockrell/Belding Pecan Farms) and to allege that Mr. McGuairt's role as Board President was, consequently, ultra vires.

A second lawsuit challenges MPGCD's decision to renew FSH permits. The suit has been assigned to 112<sup>th</sup> Judge Cadena from Del Rio, TX.

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

- Drought Map was provided in the Board Packet. Pecos County is in Moderate Drought with some Severe drought on the South and Western boundaries as of 10-13-2020.
- Total Well Registrations are 3,282 as of 10-20-2020. Exempt 2,319 Non-Exempt 963.
- Diamond Y Springs: The Texas Nature Conservancy may fund an update to the Management Zone 1 3-D Model to include the Diamond Y Springs. Allan Standen, MPGCD hydrogeologist, and Michelle Sutherland have prepared a detailed proposal to conduct a study to include stratigraphic and fault analyses.
- Groundwater Management Area 3 (GMA 3) will have a Joint Planning Meeting on October 21, 2020. The meeting will focus on the "Proposed Desired Future Conditions" for the aquifers in GMA 3. San Solomon Springs will also be discussed.
- Webex Meeting: The meeting was to discuss the data management system from Half that may be ready in 3 to 4 months.
- 2021 Cybersecurity Awareness Training: Each Board Member should have this annual training completed by 06-14-2021.
- Well camera: The 3,500' well camera is ordered.
- Chapter 356 Brackish Groundwater Production Zone: MPGCD has made comments to the Texas Water Development Board (TWDB) stressing that there needs to be a process to allow GCD's to request changes and revision to the Brackish Zones established by TWDB.
- TWDB Groundwater Availability Modeling Program: The TWDB is developing numerical groundwater flow models (Groundwater Availability Models or "GAMs") of the major and minor aquifers in Texas. They are requesting our data for this GAM.
- Annual Report for "Annual and Sick Leave" as of 09-30-2020: This information was included in the Board's information and in the minutes as required by the employee manual #4.26 (B).

| Employee        | Vacation Hours as of 09-30-2020 | Maximum Accrual In days/hours | Anniversary Date | Accrued Sick Time as of 9-30-2020 | Accrued Comp Time as of 9-30-2020 | Adjustments Made as of 09-30-2020 |
|-----------------|---------------------------------|-------------------------------|------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Edwards, Ty     | 81                              | 15 days/136 hrs.              | 12/2/2013        | 254.00                            | N/A                               | 0.00                              |
| Mills, Melissa  | 136                             | 20 days/160 hrs.              | 11/16/2007       | 0                                 | 0                                 | 0.00                              |
| Reeves, Gail    | 136                             | 17 days/136 hrs.              | 6/3/2013         | 49                                | 0                                 | 0.00                              |
| Bodnar, Anthony | 113.04                          | 15 days/120 hrs.              | 5/7/2018         | 89.00                             | 0                                 | 0.00                              |

**X Directors' Comments and consider and/or act upon agenda for next meeting.**

Comment: Our Meeting calendar for 2020 reflects a meeting to be held on November 10<sup>th</sup>. The meeting will be held on the 3<sup>rd</sup> Tuesday of November which is November 17<sup>th</sup>.

An Executive Session was called at 11:05 a.m. by Presiding Officer Jerry McGuairt pursuant to the Texas Open Meetings Act, Section 551.071 of the Texas Government Code, to consult with attorney.

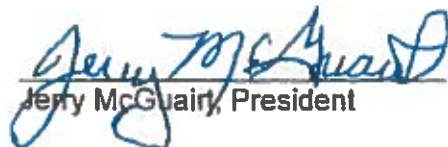
The Executive Session ended at 11:56 a.m. President McGuairt stated that no action or vote was taken in executive session.

**XI Adjourn Board meeting.**

Vanessa Cardwell made a motion to adjourn the meeting. Motion seconded by Janet Groth. Motion carried unanimously. The meeting adjourned at 11:58 a.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 11-17-20