

# 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 Field Technician: Anthony Bodnar

## **MINUTES OF REGULAR BOARD MEETING, PERMIT HEARING AND PUBLIC HEARING ON PROPOSED DESIRED FUTURE CONDITIONS OF LOCAL AQUIFERS LOCATED WITHIN GROUNDWATER MANAGEMENT AREA 7**

**June 15, 2021**

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 in person with videoconference and call-in optional for the public. 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 June 15, 2021. A copy of the agenda packet was made available on the District's website at the time of the meeting.

On this the 15<sup>th</sup> of June 2021, 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
Alvaro Mandujano, Jr	Precinct 4
Ronnie Cooper	Precinct 4
Jeff Sims	City of Iraan
Allan Childs	At Large
Larry Drgac	Precinct 3
Vanessa Cardwell	City of Fort Stockton

Quorum Present.

Members Absent: Puja Boinpally, M.R. Gonzalez, Weldon Blackwelder

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

Others attending: Brock Thompson, Buck Benson, Ed McCarthy, Geoff Pike, Ryan Reed, Carlos Rubenstein, Daniel Lupton, Glen Honaker, Mark

Tisdale, Jeff Williams, Mike Thornhill, Schuyler Wight, James Cravens, Wayne Tinkler, Jonathan Jennings, and Nicholas Banwart

### **REGULAR BOARD MEETING**

- I Board Meeting called to order at 10:00 a.m. by President Jerry McGuairt.
- II Comments from **public and media**: No comments.

### **NOTICE OF PUBLIC HEARING ON PROPOSED DESIRED FUTURE CONDITIONS OF RELEVANT AQUIFERS WITHIN THE DISTRICT IN GROUNDWATER MANAGEMENT AREA 7**

- I Public Hearing called to order at 10:04 a.m. by President Jerry McGuairt.
- II In accordance with Texas Water Code § 36.108, the District will receive public input at a hearing on the proposed desired future conditions (DFCs) of groundwater resources located within Pecos County and surrounding areas located within Groundwater Management Area (GMA) 7. The proposed DFCs for the next year 50-year regional planning cycle are:

Capitan Reef: average drawdown not to exceed an average of 56 feet in 2070 compared with 2006 aquifer levels.

Dockum: average drawdown not to exceed 52 feet in 2070 compared with 2012 aquifer levels.

Edwards-Trinity (Plateau) and Pecos Valley Alluvium: average drawdown not to exceed an average of 14 feet in 2070 compared with 2010 levels.

Rustler: average drawdown not to exceed 94 feet in 2070 compared with 2009 aquifer levels.

**General Manager Ty Edwards** explained that a 90-Day public comment period opened on March 18, 2021, to take comments on proposed Desired Future Conditions (DFCs) for aquifers located in the district, which were adopted by designated representatives of Groundwater Management Area 7 districts at a Joint Planning meeting held on March 18, 2021, pursuant to Section 36.108 (d-2) of the Texas Water Code.

Written comments on the proposed DFCs will be accepted at any time until 5:00 p.m. on Friday, June 18, 2021.

Written comments have been received prior to today's hearing by Texas Water Trade and Belding Farms, LLC/Cockrell Investment Partners, L.P. Once the

comment period ends. All relevant comments will be summarized and submitted to GMA 7.

### **Public Hearing Comments**

**Mike Thornhill (on behalf of Fort Stockton Holdings):** Noted that past critiques have worked themselves out and the current DFCs are working since most of the pumping in Pecos County is covered by H&E use permits and that H&E use pumping is accounted for in GAM simulations used to develop the DFCs. Mr. Thornhill believes that issues related to Management Zone 1 are not a GMA 7 issue but a MPGCD issue. However, he noted that the Management Zone 1 drought triggers have been evaluated in the context of the DFCs and that they are consistent and are protective of the aquifer. Mr. Thornhill noted that new data and new models are expected for the next round of joint planning, and there is time to incorporate this information into DFCs during the next round.

**Ed McCarthy (on behalf of Fort Stockton Holdings):** Reinforced what Mr. Thornhill said regarding the potential to update and refine the DFCs during the next round with updated data and model results. Mr. McCarthy also asked that the potential for additional development in the other aquifers in the district (other than the Edwards-Trinity (Plateau) Aquifer) be considered.

**Ryan Reed (on behalf of Belding Farms/Cockrell Investments):** Noted that Belding Farms had previously submitted a letter with comments. Also emphasized that when the last round of DFCs was adopted, the contract to export water for municipal use was not in place. Consequently, Mr. Reed requested that a quantitative assessment of how pumping about 28,000 AF/yr of water on a municipal schedule would affect the DFCs.

III The Public hearing was adjourned at 10:35 a.m. by President McGuairt.

### **PUBLIC HEARING ON DRILLING PERMIT APPLICATION FOR HENDECAGON, LLC**

I Call to order at 10:35 a.m. the public hearing on **Application for a Drilling Permit for Hendecagon, LLC.**

Party representing application: Schuyler Wight

Protestant to application: None.

Public Comment: None.

Jerry McGuairt declared the application uncontested.

Manager Ty Edwards presented the drilling permit application to the Board. The application request authorization to drill 2400-2600 feet in depth into the San Andres Formation. The estimated rate of withdraw is 800 gallons per minute and the purpose of this well will be for Irrigation and Livestock Use. The well is located on Property id: 30756, Legal Description: 7621 3 H&TC Sec 30 Bar W Ranch, in **Pecos County**. The application is administratively complete.

Schuyler Wight was sworn in for testimony. Mr. Wight testified that he plans on drilling the well correctly and will have surface and intermediate casing cemented to surface. He plans on using coated casing with a good well head so he can shut in the well. Through discussions with the board and Mr. Wight, he has agreed to run a cement bond log on the well, at the applicant's expense. In turn the District has agreed to run a suite of geophysical logs at the expense of the District. An environmental bond was discussed, and Mr. Wight had concern that would be a "deal killer".

**II Adjourn Hearing at 10:59 a.m. and consider and/or act on Application for a Drilling Permit for Hendecagon, LLC.**

Janet Groth made a motion to approve the drilling permit application with the following stipulations.

- The applicant will be responsible for a cement bond log
- The applicant will be responsible to plug or repair the well if it becomes polluted or has integrity issues with the well.
- The District agrees to run a suite of geophysical logs at the District's expense

Vanessa Cardwell seconded the motion.

Motion passed. Vote: 8 FOR. -0- Oppose 3 Absent 0 Abstain.

**REGULAR BOARD MEETING – CONTINUED**

Regular meeting continued at 11:02 a.m.

**III Consider and/or act to approve Minutes of Regular Meeting on April 20, 2021.**

Minutes were emailed to the Board prior to the meeting. Allan Childs made a motion to approve the Minutes for the meeting of April 20, 2021, as presented. Motion seconded by Jeff Sims. Ronnie Copper stepped out of the meeting for a few minutes, returned after the motion was made. Vanessa Cardwell abstained from voting since she was not present at the last meeting.

Motion passed. Vote: 6 FOR. -0- Oppose 4 Absent 1 Abstain.

**IV Consider and/or act upon Treasurer's Report for the Month Ending April 30, 2021.**

General Manager Ty Edwards presented the Treasurer's Report to the Board. Allan Childs made a motion to approve the Treasurer's Report for the month ending April 30, 2021, as presented. Motion seconded by Jeff Sims.

Motion passed. Vote: 8 FOR. -0- Oppose 3 Absent 0 Abstain.

**V Consider and/or act upon Treasurer's Report for the Month Ending May 31, 2021.**

General Manager Ty Edwards presented the Treasurer's Report to the Board. Allan Childs made a motion to approve the Treasurer's Report for the month ending May 31, 2021, as presented. Motion seconded by Ronnie Copper.

Motion passed. Vote: 8 FOR. -0- Oppose 3 Absent 0 Abstain.

**VI Consider and/or act upon contribution to Trans Pecos Weather Modification Association.**

Wayne Tinkler introduced himself to the board. He is a lifetime resident of Pecos County and is currently the Board President of the Trans Pecos Weather Modification Association (TPWMA). TPWMA is attempting to find funding to lease another airplane to cloud seed the eastern portion of Pecos County. The request is \$10,000 to \$15,000 to start flying immediately through September of 2021.

Jonathan Jennings was introduced to the Board. He is the licensed meteorologist involved with TPWMA and gave a great presentation on the overall process of cloud seeding and the effectiveness of the operation. The Board and Mr. Tinkler had a lengthy discussion on the need for this project in the "Dead Zone" area of Pecos County.

Jeff Sims made a motion to approve contributing a onetime payment of \$10,000 to TPWMA to further research the effectiveness of cloud seeding for Pecos County. Ronnie Copper Second the motion.

Motion passed. Vote: 7 FOR. -1- Oppose 3 Absent 0 Abstain.

**VII Consider and/or act on an Engagement Letter with Smith & Rives, PC for the Audit for the Year Ending September 30, 2021.**

General Manager Ty Edwards presented the engagement letter for the next Audit. Ronnie Copper made a motion to approve the Engagement Letter with Smith & Rives, PC for the Audit for the year ending September 30, 2021. Motion seconded by Larry Drgac.

Motion passed. Vote: 8 FOR. -0- Oppose 3 Absent 0 Abstain.

The Board recessed for lunch at 12:15 p.m. Regular meeting continued at 1:02 p.m.

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

Installation is complete on all 11 Threshold wells associated with FSH permit. The HydroVu link is up and running and all transducers are working properly. We have ordered equipment for two more monitor well sites and anticipate installing transducers in the City of Fort Stockton's Capitan Reef Monitor well (MPGCD# 2014080601) and FSH Rustler well S-34 (MPGCD# 2005021122).

**IX Briefing and take action as necessary on Cockrell Investment Partners, L.P. v. MPGCD and its Board President in his official capacity, Fort Stockton Holdings, L.P. and Republic Water Company of Texas, L.P., Case No. 08-21-00017-CV (El Paso Court of Appeals) and/or Cockrell Investment Partners, L.P. v. MPGCD and its General Manager in his official capacity, and Fort Stockton Holdings, L.P., Cause No. P-8277-83-CV (Pecos County District Court).**

Legal Counsel Mike Gershon briefed the board on the status of Cockrell 1 and Cockell 2 lawsuits.

**X Briefing and update on the 87<sup>th</sup> Texas Legislative Session.**

Ty Embrey gave an update on legislation filed this session. Not one bill passed this session that amended Chapter 36 of the Texas Water Code. We expect up to 2 special sessions to be called with no groundwater issues on the agenda.

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

- Estimated Appraised Values Recap
- Texas Groundwater Summit is approaching August 31 – September 2
- Drought Map for Pecos County as of June 8, 2021. Abnormally Dry in the western portion of Pecos County with some Moderate drought in the Southern portion
- Update on TWDB Agricultural Water Conservation Grant recipient
- Governor Abbot extends COVID-19 Disaster Declaration for June 2021

- Pecos County Judge Joe Shuster wrote an op-ed regarding the Orphan Well issues in Pecos County. The op-ed was in the Midland Report Telegram and the Fort Stockton Pioneer
- Rig Data report for June 1, 2021. 3 Rigs drilling in Pecos County

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

Next Board Meeting is set for July 20, 2021. We will have a budget workshop and start looking at proposed tax rate.

XIII **Adjourn** Board meeting.

Allan Childs made a motion to adjourn the meeting. Motion seconded by Janet Groth. Motion carried unanimously. The meeting adjourned at 1:41 p.m.

  
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M. R. Gonzalez, Secretary/Treasurer

  
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Jerry McGuairt, President

Date Approved 7-20-21