

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

July 20, 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 prior to 9:30 a.m. on July 20, 2021. A copy of the agenda packet was made available on the District's website at the time of the meeting.

On this the 20th of July 2021, a Regular Board Meeting was held by the Middle Pecos Groundwater Conservation District with the following members present:

Jerry McGuairt	President, Precinct 1
Alvaro Mandujano, Jr	Precinct 4
Jeff Sims	City of Iraan
Allan Childs	At Large
Weldon Blackwelder	Precinct 3
Larry Drgac	Precinct 3
Puja Boinpally	Precinct 2
Vanessa Cardwell	City of Fort Stockton

Quorum Present.

Members Absent: Janet Groth, M.R. Gonzalez, Ronnie Cooper

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

Others attending: Ed McCarthy, Ryan Reed, Buck Benson, Christina Wisdom, Sharlene Leurig, Robert Mace, Gilbert Van Deventer, Daniel Lupton, Glen Honaker, Mark Tisdale, Jeff Williams, Mike Thornhill, James Cravens, Jonathan Jennings, Ernest Woodward and Steven Sims

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.
- III Consider and/or act to approve **Minutes of Regular Meeting on June 15, 2021**.

Minutes were emailed to the Board prior to the meeting. Allan Childs made a motion to approve the Minutes for the meeting of June 15, 2021, as presented. Motion seconded by Vanessa Cardwell. Puja Boinpally abstained from voting since she was not present at the last meeting.

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

- IV Consider and/or act upon **Treasurer's Report for the Month Ending June 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 Progress Report from **Trans Pecos Weather Modification Association**.

Jonathan Jennings gave an update to the Board. 5 Operation Days have occurred in Pecos County over the last month with fair results. He will continue to update us with semi daily weather forecasts and another board update in August. Jeff Sims voiced his concerns with the cloud seeding program not flying far enough into the eastern part of Pecos County.

- VI Update on **San Andres flowing** well issues around Imperial area.

General Manager Edwards gave an update on the progress made on C-111 (Artesian Well on corner of 1450 and 1053). Schuyler Wight has gained control of the well and cemented in a well head. MPGCD staff have ran a camera downhole on 3 occasions in the last month to get a better idea of downhole integrity. Plugging plans will start soon on C-111.

Railroad Commission has been in communication over Boehmer Lake (C-94). The Groundwater Division at the Railroad Commission has started an investigation into plugging this well with state funds. The District discussed budgeting some funds to help with the San Andres issues in the Imperial area.

VII Consider and/or act to provide guidance regarding **applicability and effect of District's permitting rules regarding voluntary groundwater pumping forbearance program for permit holders within Management Zone 1.**

MPGCD Attorney Mike Gershon reviewed the issue and a proposed resolution with the Board. Mr. Gershon expressed his legal opinion that the District's rules do not detrimentally affect the status of any groundwater wells and groundwater permits held by landowners that would participate in Texas Water Trade's groundwater pumping forbearance program, nor would any landowner's participation in the program. This item is on the agenda to give the landowners and groundwater pumpers in Management Zone 1 the certainty that groundwater permits will not be reduced or taken away if they choose to participate in the forbearance program with Texas Water Trade. Several Board Members expressed their agreement with Mr. Gershon's interpretation of the rules and did not see the need for the resolution. It was repeatedly declared by the District's General Manager, various Directors and the District's attorney during this agenda item that permits will not be reduced or be taken away if the landowners participate in the forbearance program.

Vanessa Cardwell made a motion to approve the resolution. The motion was not seconded. Motion failed. Public comment was offered by Ed McCarthy, Sharlene Leurig and Christina Wisdom.

VIII Consider and review **2021-2022 draft budget and draft estimated values.**

Draft estimated values and draft budget was handed out to the Board. Several new items were discussed including a well plugging item to start addressing the flowing well issues around Imperial. Certified Values are expected to be received within the next week. We will update the budget and have the workshop and proposed tax rate hearings at the next board meeting in August.

IX 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) first week of August.

X 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 Cockrell 2 lawsuits. Waiting on the Court of Appeals to rule if oral argument will be allowed.

- XI Consider and/or act regarding suggested revisions, if any, on **proposed Desired Future Conditions of groundwater resources located within Pecos County** and surrounding areas located within GMA 7.

Oral and written comments have been received from Belding Farms, LLC/Cockrell Investment Partners, L.P., and Texas Water Trade. Those comments have been summarized and sent to GMA 7. The next GMA 7 meeting will be Thursday July 29, 2021. We anticipated having our draft responses complete and ready for that meeting. No action taken.

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

- Texas Water Development Board letter of Administratively Completeness for GMA 3 DFC's
- Governor Abbott's Office approved a request by the Office of the Attorney General to lift the suspension of certain provisions of the Open Meetings Act
- PCWCID#1 update on Grant and future water taps
- Edwards completed Public Funds training that is required every 2 years
- Rig Data report shows 2 rigs drilling in Pecos County
- Texas Groundwater Summit Draft Agenda
- Texas Drought Map shows Pecos County with NO drought after the July rains

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

Next Board Meeting will be August 17, 2021. We will have our Budget Workshops and Proposed Tax Rate Hearings. The District will have a public meeting for the DFC's for GMA 3.

- XIV **Adjourn** Board meeting.

Vanessa Cardwell made a motion to adjourn the meeting. Motion seconded by Allan Childs. Motion carried unanimously. The meeting adjourned at 11:41 a.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 8-17-21