

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
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 AND PUBLIC HEARINGS

January 18, 2022

405 North Spring Drive, Fort Stockton, Texas

A quorum of the District's Board of Directors held its regular Board meeting in person with videoconference optional for the public and less than a quorum of the Board. 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 January 18, 2022.

On this the 18th of January 2022, a Regular Board Meeting and Public Hearings was held by the Middle Pecos Groundwater Conservation District at the District's office at 405 North Spring Drive, Fort Stockton, Texas, with the following members present in person:

Jerry McGuairt	President, Precinct 1
Janet Groth	Vice President, Precinct 1
M.R. Gonzalez	Sec/Treasurer Precinct 2
Puja Boinpally	Precinct 2
Jeff Sims	City of Iraan
Vanessa Cardwell	City of Fort Stockton
Allan Childs	At Large

Quorum Present.

Members Absent: Weldon Blackwelder, Larry Drgac, Ronnie Copper, Alvaro Mandujano, Jr.

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

Others attending: Paula McGuairt, Ed McCarthy, Daniel Lupton, Ryan Reed, Brock Thompson, Gil Van Deventer, Glen Honaker, Zack Swick, Mel Riggs, Geoff Pike, Mike Thornhill, Mark Tisdale, Carson Barr, David P. Smith, Gary Bryant, Daniel Lupton, Jeff Williams, Zack Swick, Don Jackson, Judy Jackson, John Foley, and James Beach.

REGULAR BOARD MEETING

I Board Meeting called to order at 10:00 a.m. by President Jerry McGuairt and roll call was taken.

II Comments from **public and media**:

Don Jackson made public comment pertaining to the production permit for Clayton Kennedy. He believes the permit should be reduced to 5 ac/ft per year. 20 ac/ft per year is too much. You can always move up but it's hard to move down.

III Consider and/or act to approve **Minutes of Regular Meeting on November 16, 2021**.

The draft minutes were emailed to the Board prior to the meeting. Vanessa Cardwell made a motion to approve the Minutes for the meeting of November 16, 2021, as presented. Motion seconded by Jeff Sims.

Motion passed. Vote: 7 FOR -0- Oppose 4 Absent 0 Abstain

PUBLIC HEARING ON PRODUCTION PERMIT APPLICATION FOR J&SM INC (Doug May)

I Call to order at 10:07 a.m. the Public Hearing on **Application for a Production Permit for J&SM Inc (Doug May)**.

Party representing application: Doug May

Protestant to application: None

Public Comment: None

President McGuairt declared the application uncontested.

General Manager Ty Edwards presented the application to the Board. J&SM Inc is requesting a production permit on **1 well located on 39.61 acres (Property Id# 11277) Legal Description: 5609 165 J Campbell SEC 1**, approximately 1/2-mile South of Old Alpine Highway at 2004 S. Davis Dr., Fort Stockton, Texas. The application requests authorization to produce **36 acre-feet/year for Irrigation (30) and Livestock Use (6) from the Edwards Trinity Aquifer**.

The Drilling Permit was approved for this well at the October 2021 Board Meeting. Spring Branch Water Well drilled the well to 395 ft. An 8-hour pump test was conducted at 160 GPM. The District installed a transducer in the pumping well and had monitoring equipment in wells (#334 Carpenter and #323 Cemetery) that are full time monitoring wells in proximity to the pumping well. The well has been registered in accordance with the District rules. The well name is May Irrigation

well MPGCD # 2021122701. Bill Hutchison went over the pump test information for the pumping well and the monitor wells. No response was noticed in the 2 monitor wells from the pumping test. The application is administratively complete.

II Adjourn Hearing and consider and/or act on **Application for a Production Permit for J&SM Inc (Doug May)**.

President Jerry McGuairt recessed the hearing at 10:19 a.m. Puja Boinpally made a motion to approve the production permit application for irrigation and livestock use from the Edwards Trinity Aquifer. Motion seconded by Janet Groth.

Motion passed. Vote: 7 FOR. -0- Oppose 4 Absent 0 Abstain

**PUBLIC HEARING ON PRODUCTION PERMIT
APPLICATION FOR CLAYTON KENNEDY**

I Call to order at 10:20 a.m. the Public Hearing on **Application for a Production Permit for Clayton Kennedy**.

Party representing application: Not present because of COVID.

President McGuairt continued the hearing to the next Regularly scheduled MPGCD Board February 15th at 10 am at the District office at 405 North Spring Drive.

REGULAR BOARD CONTINUED

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

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

Motion passed. Vote: 7 FOR -0- Oppose 4 Absent 0 Abstain

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

General Manager Ty Edwards presented the Treasurer's Report to the Board. M.R. Gonzalez made a motion to approve the Treasurer's Report for the month ending December 31, 2021, as presented. Motion seconded by Jeff Sims.

Motion passed. Vote: 7 FOR -0- Oppose 4 Absent 0 Abstain

VI Consider and/or act upon setting **Mileage Rate for 2022.**

The IRS mileage rate has increase 2.5 cents from last year. The new mileage rate is 58.5 cents per mile. Janet Groth made a motion to approve the mileage rate of 58.5 cents per mile. Motion seconded by Vanessa Cardwell.

Motion passed. Vote: 7 FOR -0- Oppose 4 Absent 0 Abstain

VII Update on **San Andres well plugging initiative** and possible review and action on **well plugging agreement.**

Crane County recently had an old Gulf Oil Well blowout just north of the Pecos River. CBS 7 and other news outlets have been covering the story. The District continues to work on the flowing well issues around Imperial and plans on meeting with our County Judge and new State Representative Murr from Junction. The District plans on attempting to have legislation passed to mandate the Railroad Commission of Texas to act on classifying the flowing wells as Orphan, rank those wells accordingly and use state funds to plug the wells. The District will continue to address the problem with local stakeholders and State Agencies.

VIII Update and possible action regarding **US Fish and Wildlife Service's Draft Diamond Y Recovery Plan and MPGCD Comments.**

The District did submit comments to the US Fish and Wildlife Service regarding the Diamond Y Recovery Plan. The comments are attached as **Attachment A.**

IX Update on **Fort Stockton Holdings, L.P. (FSH)-MPGCD Joint Study, Implementation and Threshold Water Levels.**

The Board discussed the ongoing groundwater monitoring of the FSH Threshold water levels. All wells are working and operating accordingly. A link to the FSH threshold water levels is available at <https://mpgcd.half.com/Dashboard>

The District consultants have begun to look at potential Rustler Aquifer Monitoring Well locations within Management Zone 1. This new monitor well will be drilled with FSH Funds associated with the Export Permit and Settlement Agreement.

X Update and open discussion on MPGCD Groundwater Model **Tech Memo Number 4 Existing Groundwater Pumping Data.**

Dr. Bill Hutchison discussed Tech Memo Number 4 - Existing Groundwater Pumping Data. The tech memos and model files can be downloaded at

<https://drive.google.com/drive/folders/1nbz4nbnLe5Nbg2-HihvdjAzWDvh-LiCt?usp=sharing>

XI **Briefing on completion of Project #3 – Locate unregistered water wells and update registered well construction.**

District Consultant Vince Clause gave the Board an update on the completion of Project# 3. The PowerPoint presentation given to the Board is attached to the minutes as **Attachment B**.

XII **Briefing and take action as necessary on Cockrell Investment Partners, L.P. v. MPGCD and its Board President in his official capacity, FSH 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 FSH, Case No. 08-21-00200-CV (El Paso Court of Appeals).**

Cockrell 1 is at the El Paso Court of Appeals. The Court has set for submission with oral argument for February 24, 2022, at 9 AM MST through the Eighth Court of Appeals' Zoom Account. Board and public can watch on the Court's YouTube channel.

Cockrell 2 has no update. It is pending at El Paso Court of Appeals.

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

- Due to the MPGCD enabling Legislation 8 Directors who represent each Precinct will be required to run for election in November. After the election the Directors will draw lots to determine which four Directors serve two-year terms, and which four directors serve four-year terms. The other 3 Directors, At Large, City of Fort Stockton and City of Iraan, stay the same.
- Groundwater Management Area #7 Joint Planning Meeting January 20, 2022.
- Texas Drought Map, January 11, 2022, Severe Drought with Extreme Drought in the North Part of Pecos County.
- Draft GAM RUN 21-009: Modeled Available Groundwater for Aquifers in Groundwater Management Area 3.
- Application has been submitted for Insurance Renewal for Administrative Appeals.
- PCWCID#1 Agenda for January 11, 2022 was discussed.
- Rig Data Report for 01-14-2022.
- TWDB Conservation Grant Status Report for Advancing Water Conservation in Management Zone 1.

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

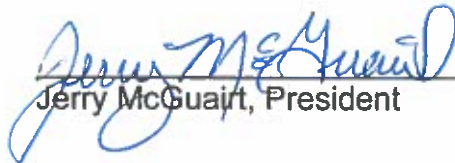
Next regular Meeting will be February 15, 2022, at 10 am.

XV **Adjourn Board meeting.**

Janet Groth made a motion to adjourn the meeting. Motion seconded by Vanessa Cardwell. Motion carried unanimously. The meeting adjourned at 11:49 a.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 2-15-22