

MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

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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 PERMIT HEARING

May 17, 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 May 17, 2022.

On this the 17th of May 2022, a Regular Board Meeting and Public Hearing 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
Puja Boinpally	Precinct 2
M.R. Gonzalez	Precinct 2
Ronnie Cooper	Precinct 4
Jeff Sims	City of Iraan

Quorum Present

Members Absent: Larry Drgac, Weldon Blackwelder, Alvaro Mandujano, Jr., Allan Childs, Vanessa Cardwell

District employees and consultants participating: Ty Edwards, Gail Reeves, Vince Clause, Raymond Straub, Shannon English, Jill Johnson, Anthony Bodnar, and Mike Gershon.

Others attending: Paula McGuairt, Ed McCarthy, Andy Rivera, Darrell Peckham, Mel Riggs, Ryan Reed, Glen Honaker, Mel Riggs, Geoff Pike, Tommy Ervin, Mark Tisdale, and Zach Swick.

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**: No Comments
- III Consider and/or act to approve **Minutes of Regular Meeting on March 22, 2022.**

The draft Minutes were emailed to the Board prior to the meeting. Jeff Sims made a motion to approve the Minutes for the meeting of March 22, 2022, as presented. Motion seconded by Ronald Cooper.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

PUBLIC HEARING ON DRILLING PERMIT
APPLICATION FOR A&B PRESTIGE INVESTMENTS LLC

- I Call to order at 10:03 a.m. the public hearing on **Application for a Drilling Permit A&B Prestige Investments LLC.**

Party representing application: Andy Rivera

Protestant to application: None

Public Comment: None

General Manager Ty Edwards presented the application to the board. A&B Prestige Investments LLC has made application for a Drilling Permit with the Middle Pecos Groundwater Conservation District for 1 well located at 251 S Sycamore on 19.37 acres, Property Id: 20137, Legal Description: 3714 146 T&STL SEC 27 S/2 Sunny Slopes UNT INT, in Pecos County, Texas. The well is projected to be 400 feet in depth and drilled into the Edwards Trinity Aquifer. The estimated rate of withdraw is 100-150 gallons per minute and the purpose of the well will be for Irrigation and Livestock Use. The application is administratively complete.

Once the well is drilled a pump test is required to determine flow rate. A production permit will need to be submitted after the pump test is complete.

- II Adjourn Hearing and consider and/or act on **Application for a Drilling Permit for A&B Prestige Investments LLC.**

President Jerry McGuairt adjourned the hearing at 10:12 a.m. Jeff Sims made a motion to approve the drilling permit application from the Edwards Trinity Aquifer. Motion seconded by M.R. Gonzalez.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

REGULAR BOARD MEETING – CONTINUED

IV Consider and/or act upon Treasurer’s Report for the Month Ending March 31, 2022.

General Manager Ty Edwards presented the Treasurer’s report to the board. Ronald Cooper made a motion to approve the Treasurer’s Report ending March 31, 2022, as presented. Motion seconded by Jeff Sims.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

V Consider and/or act upon Treasurer’s Report for the Month Ending April 30, 2022.

General Manager Ty Edwards presented the Treasurer’s report to the board. Janet Groth made a motion to approve the Treasurer’s Report ending April 30, 2022 as presented. Motion seconded by Jeff Sims.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

Item VI moved to end of meeting

VII 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.halff.com/Dashboard>

VIII 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 had set the case for submission with oral argument for February 24, 2022. On February 15th the Court vacated oral argument as it would not materially aid in the disposition of this cause. Awaiting a decision from the court.

Cockrell 2 is at El Paso Court of Appeals. The Court Reporter’s transcripts have been filed with the court. That triggered a briefing timeline.

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

- Drought Maps 05-03-2022 and 05-10-2022. Most of the county is in Extreme Drought.
- GMA 7 Agenda and meeting held 05-05-2022.
- 2022 Estimated Tax Value received. Budget Hearings to start soon.
- Rig Data Report 05-13-2022. Pecos County has 5 rigs drilling in the County.
- Texas Groundwater Summit August 30-September 1, 2022.

VI Update on San Andres well-plugging initiative and possible action(s) by the Board regarding District's plan and exercise of legal remedies in District Court in Pecos and/or Travis Counties.

The District made public comments at the April 12, 2022 Railroad Commission meeting regarding Boehmer Lake and the sampling done on the Sloan Blair #1 well. District Consultant Raymond L Straub Jr, P.G. of Straub Corporation completed the report "Groundwater and Air Sampling of the Sloan Blair No.1 Flowing Well in Lake Boehmer" on April 11, 2022. The Sloan Blair No. 1 well is currently flowing uncontrolled and unabated, generating significant quantities of highly mineralized brine water up to and onto the land surface. This brine water contains traces of liquid and gaseous hydrocarbon constituents. Though individually they do not exceed regulatory limits, these constituents are normally associated with oil and gas reservoirs and not freshwater aquifers. The flowing well also contains elevated levels of arsenic and radionuclide constituents in exceedance of EPA primary drinking water standards. The Sloan Blair No. 1 well, while flowing brine water, also releases a nitrogen rich gas into the atmosphere which also contains both hydrogen sulfide and carbon dioxide. The hydrogen sulfide gas produced from the well, based on the analysis of the discharging gas, is potentially in lethal concentrations under the right atmospheric conditions. Currently, the H₂S gas concentrations have been measured and calculated, but the gas discharge rate volumetrics remain unknown.

During the April meeting RRC and the District agreed to a joint sampling effort. RRC and the District met at Boehmer lake on May 3rd and conducted air sampling on the well. High levels of H₂S were encountered during the joint sampling efforts and we are awaiting results from the RRC.

The District Board watched the public testimony of the RRC meeting and recent news reports on the issues surrounding Boehmer Lake. An Executive Session was called at 11:48 am.

The Executive Session ended at 12:30 pm. No decisions were made in executive session.

Puja Boinpally made a motion to exercise all legal remedies available to get certainty from a District Court or otherwise on classification of our 41 high priority San Andres Wells and Railroad Commission Jurisdiction to plug these wells. Motion seconded by Ronald Cooper.

Motion passed. Vote: 6 FOR -0- Oppose 5 Absent 0 Abstain

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

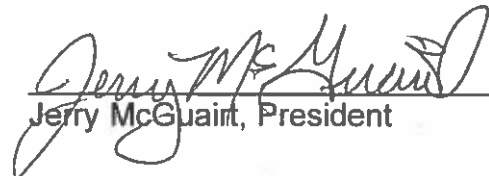
Next Board meeting will be June 21, 2022, at 10 am.

XI **Adjourn** Board meeting.

Janet Groth made a motion to adjourn the meeting. Motion seconded by Jeff Sims. Motion carried unanimously. The meeting adjourned at 12:37 a.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 6-21-22