

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 HEARING

November 15, 2022

405 North Spring Drive, Fort Stockton, Texas

A quorum of the District’s Board of Directors held its regular Board meeting and public hearing 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 November 15, 2022.

On this the 15th of November 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	Precinct 1
M.R. Gonzalez	Precinct 2
Puja Boinpally	Precinct 2
Jeff Sims	City of Iraan
Allan Childs	At Large
Vanessa Cardwell	City of Fort Stockton

Quorum Present

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

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

Others attending: Paula McGuairt, Brett Thompson, Ed McCarthy, James Beach, Ryan Reed, Glenn Honaker, Jeff Williams, James Hoelscher, Geoff Pike, Mel Riggs and Zach Swick.

REGULAR BOARD MEETING

I Board Meeting called to order at 10:02 a.m. by President Jerry McGuairt and roll call was taken.

II **Issue Certificates of Election to Board Members.**

For the Record: President McGuairt stated that on September 8, 2022, the 11-08-2022 Election was cancelled due to all candidates being unopposed. The following candidates have been certified as unopposed and are hereby elected and presented with *Certificates of Election* as follows:

Jerry McGuairt, Precinct 1
Janet Groth, Precinct 1
M. R. Gonzalez, Precinct 2
Puja Boinpally, Precinct 2
Larry Drgac, Precinct 3
Weldon Blackwelder, Precinct 3
Alvaro Mandujano, Jr., Precinct 4
Ronald Cooper, Precinct 4
Vanessa Cardwell, City of Fort Stockton
Jeff Sims, City of Iraan

III **Administer the Statement of Elected Officer.**

The following Board Members were administered the Statement of Elected Officer by President Jerry McGuairt:

Jerry McGuairt, Precinct 1
Janet Groth, Precinct 1
M. R. Gonzalez, Precinct 2
Puja Boinpally, Precinct 2
Vanessa Cardwell, City of Fort Stockton
Jeff Sims, City of Iraan

IV **Administer Oath of Office for Board Members.**

The following Board Members were administered the *Oath of Office* by Gail Reeves, Notary Public.

Jerry McGuairt, Precinct 1
Janet Groth, Precinct 1
M. R. Gonzalez, Precinct 2
Puja Boinpally, Precinct 2
Vanessa Cardwell, City of Fort Stockton
Jeff Sims, City of Iraan

- V **Directors to draw lots for a two- or four-year service term** in accordance with Section 8851.052 of the District's enabling act.

Lots were drawn for 2- and 4-year terms.

Jerry McGuairt, Precinct 1 (2 year)
Janet Groth, Precinct 1 (4 year)
M. R. Gonzalez, Precinct 2 (4 year)
Puja Boinpally, Precinct 2 (2 year)
Larry Drgac, Precinct 3 (4 year)
Weldon Blackwelder, Precinct 3 (2 year)
Alvaro Mandujano, Jr., Precinct 4 (Did not draw)
Ronald Cooper, Precinct 4 (Did not draw)
Vanessa Cardwell, City of Fort Stockton (4 year)
Jeff Sims, City of Iraan (4 year)

- VI Consider and/or act upon **MPGCD Board Reorganization (Election of Officers)**.

Office of Secretary/Treasurer: Janet Groth nominated M.R. Gonzalez. Nominations ceased. Janet Groth made a motion to elect M.R. Gonzalez as Secretary/Treasurer. Motion seconded by Vanessa Cardwell. Motion carried unanimously by affirmation.

Office of Vice President: Jeff Sims nominated Janet Groth. Nominations ceased. Jeff Sims made a motion to elect Janet Groth as Vice President. Motion seconded by Puja Boinpally. Motion carried unanimously by affirmation.

Office of President: Vanessa Cardwell nominated Jerry McGuairt. Nominations ceased. Vanessa Cardwell made a motion to elect Jerry McGuairt as President. Motion seconded by Puja Boinpally. Motion carried unanimously by affirmation.

THEREFORE, BE IT RESOLVED that the following **officers** are **re-elected** as follows: Jerry McGuairt as President; Janet Groth as Vice President; and M. R. Gonzalez as Secretary/Treasurer.

- VII Comments from **public and media**: No Comments

**PUBLIC HEARING ON DRILLING PERMIT
APPLICATION FOR J&B HOELSCHER FARMS INC**

- I Call to order at **10:13 a.m.** the public hearing on **Application for a Drilling Permit J&B Hoelscher Farms, Inc.**

Party representing application: James Hoelscher

Protestant to application: None

Public Comment: None

General Manager Ty Edwards presented the application to the board. J&B Hoelscher Farms, Inc. has made application for a Drilling Permit with the Middle Pecos Groundwater Conservation District for 1 well located on Property Id 6714, Legal Description 875 48-8 T&P Sec 3 approximately 2 miles west of FM 1776 on Tipton Road, in Pecos County, Texas.

The well is projected to be 600 feet in depth and drilled into the Pecos Valley Aquifer. The estimated rate of withdraw is 300 gallons per minute and the purpose of the well will be for Irrigation 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 J&B Hoelscher Farms, Inc.**

President Jerry McGuairt adjourned the hearing at 10:24 a.m. Puja Boinpally made a motion to approve the drilling permit application from the Pecos Valley Aquifer. Motion seconded by Allan Childs.

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

REGULAR BOARD MEETING – CONTINUED at 10:25 am

VIII Consider and/or act to approve **Minutes of Regular Meeting of October 18, 2022.**

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 October 18, 2022, as presented. Motion seconded by M.R. Gonzalez.

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

IX Consider and/or act upon **Treasurer’s Report for the Month Ending October 31, 2022.**

General Manager Ty Edwards presented the Treasurer’s report to the Board. Puja Boinpally made a motion to approve the Treasurer’s Report ending October 31, 2022, as presented. Motion seconded by Janet Groth.

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

- X Report on Groundwater Management Area 3 and 7 meetings.

GMA 3 meeting was held on October 19, 2022 to discuss the upcoming schedule for the next round of planning. Public comments were received from Belding Farms.

GMA 7 meeting was held on October 20, 2022 to discuss the schedule for the next round of joint planning. Belding farms made public comment and discussed those comments with the Board during this item.

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

The board discussed the ongoing efforts with the flowing well problems in the Imperial area. The Board discussed the RRC meeting held on November 1, 2022 and the upcoming Senate hearing over groundwater protection.

- XII Update from **Banner Public Affairs, LLC** on efforts to secure funding to address San Andres flowing well issues.

Banner has developed a one pager to help with discussions at the federal level. To date Banner and MPGCD have meetings set up with the Texas Delegation.

The one pager is attached to these minutes as Attachment A.

- XIII Update on **Fort Stockton Holdings, L.P. (FSH)-MPGCD Joint Study and Implementation.**

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>.

Equipment has been ordered to install InSitu transducers in 6 additional monitor wells in Management Zone 1. Installation of the equipment should occur before the end of 2022.

- XIV 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. Awaiting a decision from the Court.

Cockrell 2 is at the El Paso Court of Appeals. Awaiting a decision from the Court.

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

- Rig Data Report 11-11-2022
- Tx Drought Map 11-08-2022
- Pecos County and Texas election results
- Video of Comanche Springs

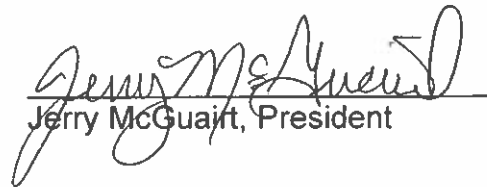
XVI **Directors' Comments** and consider and/or act upon **agenda for next meeting.**
Next Board meeting will be January 17, 2023.

XVII **Adjourn** Board meeting.

Vanessa Cardwell made a motion to adjourn the meeting. Motion seconded by Janet Groth motion carried unanimously. The meeting adjourned at 11:06 p.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 1-17-23

Middle Pecos Groundwater Conservation District

Federal Action Is Needed To Reduce Greenhouse Gas Emissions And Protect Groundwater In West Texas

In the 1940s and 50s, West Texas was a hotbed for oil wells as the Permian Basin was discovered. While many folks found oil, some of these wells came up short, and rather than plugging the wells, they were instead converted to water wells. Unfortunately, many of these wells were improperly drilled and maintained, leading to dangerous greenhouse gas emissions and contamination of groundwater and drinking water within the Pecos Valley Aquifer.

Recent samples from abandoned wells show dangerous levels of hydrogen sulfide, greenhouse gases and radionuclide constituents. Lake Boehmer, which sprung from a leaking well in 2003, has become the worst example of the out of control well problem. As seen below, Lake Boehmer is now over 60 acres and continues to grow. This flowing well water includes elevated levels of arsenic and radionuclides that are up to twenty-five times higher than EPA primary drinking water standards.

While the Railroad Commission of Texas is responsible for addressing abandoned oil wells, they have decided that water wells are not in their jurisdiction. Similarly, the Texas Commission on Environmental Quality and the Texas Water Development Board have declined to take action on these wells. It's time for the federal government to step in.

We ask that Congress and the Biden Administration use the increased funding available in the Infrastructure Investment and Jobs Act and the Inflation Reduction Act to remediate Lake Boehmer and associated wells in West Texas. It's clear that without decisive federal action, these abandoned wells will continue to release greenhouse gases and threaten the drinking water of the Pecos Valley aquifer, the Pecos River and downstream users.

