

MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

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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 HEARING

April 18, 2023

405 North Spring Drive, Fort Stockton, Texas

A quorum of the District's Board of Directors held its regular Board meeting and 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 or hearing were able to register by emailing mpgcd@mpgcd.org prior to 9:30 a.m. on April 18, 2023.

On this the 18th of April 2023, a Regular Board Meeting and Hearing were 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 |
| Larry Drgac | Precinct 3 |
| Weldon Blackwelder | Precinct 3 |
| Alvaro Mandujano, Jr | Precinct 4 |
| Ronald Cooper | Precinct 4 |
| Jeff Sims | City of Iraan |
| Vanessa Cardwell | City of Fort Stockton |

Quorum Present

Members Absent: Allan Childs

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

Others attending: Mark Harral, Lynn Harrel, Angie Miles, Natalie Kincaid, Richard Newsom, Gerald D. Lyda, Steve Finch, Debbie Teich, John Allison, Glen McCorkle, Babs Kneupper, Don Kneupper, Gail Kincaid, Brad Kincaid, Brandon Sides, Raymundo Franco, Beverly Franco, Trent Huckaby, Foster Cox, DA Harrel, Mel Riggs, Perry Curnett, Sam Curnett, Leah Beard, Kirby Warnock, JP Moore, Diane Moore, Sarah McKenzie, Kevin

Kneupper, Autumn Kneupper, Paula McGuairt, Brett Thompson, Carl Craigo, Ed McCarthy, Mark Tisdale, Ryan Reed, James Beach, Steven Sims, Geoff Pike, Matt Trela, Buck Benson, and Stephanie Wong.

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 21, 2023**.

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 21, 2023, as presented. Motion seconded by Janet Groth.

Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

PUBLIC HEARING ON DRILLING PERMIT APPLICATION FOR LONGFELLOW RANCH PARTNERS, LP.

I Call to order at **10:04 a.m.** the public hearing on **Application for a Drilling Permit Longfellow Ranch Partners, LP.**

Longfellow Ranch Partners, LP has made application for a **Drilling Permit** with the Middle Pecos Groundwater Conservation District for **9 possible wells** approximately **25 miles South of Fort Stockton on US Highway 285 and 1 ½ mile North of Century Gas Plant on the North Side of Puckett Rd,** in Pecos County, Texas. The wells are projected to be **300 – 1200 feet in depth and drilled into the Edwards Trinity Aquifer. The estimated rate of withdrawal for the proposed wells is a combined total of 700-800 gallons per minute and the purpose of the wells will be for irrigation, Domestic, Livestock and Industrial uses.**

Party representing application: Brandon Sides

Protestants to the application who provided sworn testimony and who were determined by the Board to have "party status":

BG&L Ranch Co.- Gail and Brad Kincaid, Leah Beard

Weldon Blackwelder made a motion to approve party status. Motion seconded by Jeff Sims. Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

Harral - Each as Individual owners, Trustee and Subsequent Trustee of the Harral Trusts. Jake Harral, Kati Harral, Kristi Harral, Kellie Harral, Angela Harral, Beth Holstein Sparks, Holstein Trusts, Will Holstein, and Bige Holstein.

Alvaro Mandujano, Jr. made a motion to approve party status. Motion seconded by Jeff Sims. Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

Huckaby - Russ Huckaby, Kurt Huckaby, Trent Huckaby

Alvaro Mandujano, Jr. made a motion to approve party status. Motion seconded by Janet Groth. Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

Franco – Raymundo and Beverly Franco

Vanessa Cardwell made a motion to approve party status. Motion seconded by Weldon Blackwelder. Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

J.P. Moore

Janet Groth made a motion to approve party status. Motion seconded by Vanessa Cardwell. Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

Puckett Ranches – Perry Curnutt

Janet Groth made a motion to approve party status. Motion seconded by Alvaro Mandujano, Jr. Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

Public Comment in opposition: Kirby Warnock, Gail Kincaid, Perry Curnutt, Sarah McKenzie, Raymundo and Beverly Franco, JP Moore, Gail and Brad Kincaid, Trent Huckaby.

Puja Boinpally made a motion to close the preliminary hearing at 10:46 am. Motion seconded by M.R. Gonzalez. Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

The hearing was continued to May 16, 2023, at 10:00 am at the MPGCD District Office at 405 North Spring Drive.

II Adjourn Hearing and consider and/or act on **Application for a Drilling Permit for Longfellow Ranch Partners, LP.**

Hearing was continued to next month. No Action.

REGULAR BOARD-CONTINUED at 11:06 am

IV Consider and/or act upon **Treasurer's Report for the Month Ending March 31, 2023.**

General Manager Ty Edwards presented the Treasurer's report to the Board. Vanessa Cardwell made a motion to approve the Treasurer's Report ending March 31, 2023, as presented. Motion seconded by Ronald Copper.

Motion passed. Vote: 10 FOR -0- Oppose 1 Absent 0 Abstain

V Update on **San Andres well plugging initiative** and update from **Banner Public Affairs, LLC.**

The board discussed the ongoing efforts with the abandoned well problems in the Imperial area. Representative Murr and Senator Blanco have filed HB 4256. This bill creates a 2-year grant program with \$40 Million available for well plugging in Pecos County.

Brett Thompson with Banner Public Affairs gave the Board an update on the successful meetings with staff at the Department of Interior (DOI), and the Texas Congressional delegation.

OUTREACH

- Rep. Tony Gonzales letter to US Department of Interior (DOI) on behalf of MPGCD
- Sen. Cornyn staff call to DOI on behalf of MPGCD
- DOI Comments submitted by the District
- Meeting with Sean Mason, Gov. Abbott Texas DC Office
- Meeting with Peter Gallagher, Director of Orphan Wells, DOI

FUNDING OPPORTUNITIES

APPROPRIATIONS

Rep. Gonzales' office has become a champion for the funding of the MPGCD abandoned wells. Importantly, he is a Republican and his party is now in control of the House of Representatives, and he sits on the House Appropriations Committee, which controls all federal spending. We have continued to follow up with his staff and also the staff of Appropriations Chair Kay Granger.

- **\$2 Million MPGCD Appropriations Earmark Request** - to create MPGCD comprehensive plan and audit for well remediation and funds to cap up to 20 wells. Because this is an earmark request, if funded, it is effectively a grant directly to the MPGCD to plan and cap its wells. It would not require the lengthy application and vetting process that other government grants typically do. The

next step will be for Rep. Gonzales to work with the House Appropriations Committee to secure funding.

SOURCE POLLUTION FUNDING

Through our research, we've also identified that MPGCD qualifies for various federal source water protection programs due to the fact the wells located within MPGCD's boundaries are currently contaminating the Pecos Valley aquifer and there are public water systems drawing from this aquifer. These programs could provide hundreds of thousands to millions of dollars to MPGCD for the monitoring and remediation of these wells. We are working to identify the best of these programs and will work with MPGCD to secure funding. The 11 funding sources/programs include eight from the EPA, and the remainder from other federal agencies (the United States Department of Agriculture's Natural Resource Conservation Service and US Forest Service, and the Federal Emergency Management Agency). We had a good conversation with key staff at EPA who suggested MPGCD request technical assistance to potentially access clean water and drinking water funds provided under the Bipartisan Infrastructure Law.

VI State legislative update (88th Legislative Session commencing January 10, 2023).

Ty Embrey gave the board an update on groundwater legislation and where we are in the process. All Groundwater and Local Government Bills are being tracked.

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 on the District's webpage.

Equipment has been installed in 6 additional monitor wells in Management Zone 1. A total of 23 monitoring locations including Comanche Springs are active and operating appropriately.

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).

The El Paso Court of Appeals has rendered an opinion affirming the District's decision on Cockrell I. The Court has considered this cause on the record and concludes there was no error in the trial court's judgment.

The El Paso Court of Appeals has rendered an opinion affirming the District's decision on Cockrell II. The Court has considered this cause on the record and concludes there was no error in the trial court's judgment.

Cockrell has filed motions for rehearing in both appeals, and the Court of Appeals requested briefing and responses to both motions. Responses were filed April 10th in Cockrell I and are due May 8th in Cockrell II.

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

- Diamond Y Future Monitoring program
- TC Kincaid Drilling Application
- Pecos County Drought Map for April 11, 2023. Most of eastern Pecos County is in Moderate Drought and the western half is Abnormally dry.
- Rig Data Report 01-14-2023 for Pecos County shows 6 rigs drilling

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

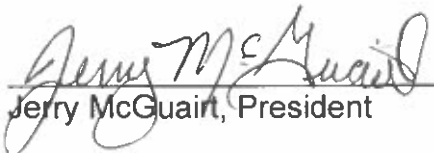
Next Board meeting will be May 16, 2023 at the District Office.

XI Adjourn Board meeting.

Jeff Sims made a motion to adjourn the meeting. Motion seconded by Alvaro Mandujano, Jr. motion carried unanimously. The meeting adjourned at 12:04 p.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuair, President

Date Approved 5-16-23