

# 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 AND WORKSHOP

October 17, 2023  
405 North Spring Drive, Fort Stockton, Texas

A quorum of the District's Board of Directors held its regular Board meeting and Workshop 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 workshop were able to register by emailing [mpgcd@mpgcd.org](mailto:mpgcd@mpgcd.org) prior to 9:30 a.m. on October 17, 2023.

On this the 17<sup>th</sup> of October 2023, a Regular Board Meeting and Workshop 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	Vice President, Precinct 1
M.R. Gonzalez	Precinct 2
Puja Boinpally	Precinct 2
Weldon Blackwelder	Precinct 3
Larry Drgac	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Allan Childs	At Large
Vanessa Cardwell	City of Fort Stockton

Quorum Present

Members Absent: Jeff Sims and Ronald Cooper

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

Others attending: Buck Benson, Andrew Quesada, Paula McGuairt, Ryan Reed, Glenn Honaker, Geoff Pike, Ed McCarthy, Mike Thornhill, Mel Riggs, Gil Van Deventer, James Beach, Eddie McCarthy, Jeff Williams, Mark Tisdale, and Jimmy Bennett.

## 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 September 19, 2023**.

The draft Minutes were emailed to the Board prior to the meeting. Allan Childs made a motion to approve the Minutes for the meeting of September 19, 2023, as presented. Motion seconded by Alvaro Mandujano, Jr.

Motion passed. Vote: 9 FOR -0- Oppose 2 Absent 0 Abstain

IV Consider and/or act upon **Treasurer's Report for the Month Ending September 30, 2023**.

General Manager Ty Edwards presented the Treasurer's report to the board, Allan Childs made a motion to approve the Treasurer's Report ending September 30, 2023, as presented. Motion seconded by Larry Drgac.

Motion passed. Vote: 9 FOR -0- Oppose 2 Absent 0 Abstain

V Consider and/or act to approve **accounting of annual and sick leave** for District employees.

Annual Leave and Sick time as of September 30, 2023

Gail Reeves

108 hr Vacation

309 hr sick

Ty Edwards

81 hr Vacation

432 hr sick

Ant Bodnar

88 hr Vacation

234 hr sick

General Manager Ty Edwards presented the annual accounting of annual and sick leave to the board, Vanessa Cardwell made a motion to approve, as presented. Motion seconded by Janet Groth.

Motion passed. Vote: 9 FOR -0- Oppose 2 Absent 0 Abstain

## WORKSHOP TO REVIEW UPDATED MANAGEMENT ZONE 1 DATA

- I Called to order at 10:12 am.
- II Review of Updated Belding Farms, Fort Stockton Holdings and Monitoring Well Data Relative to Management Zone 1 Thresholds.

Bill Hutchison presented an updated Analysis of Belding Farms Data and Proposed "Anytime" Thresholds. The presentation is attached to the minutes as **Attachment A**.

- III Question or Comments.

Ryan Reed questioned the interpretation of Dr. Hutchison and asked if FSH data would be updated in the presentation.

- IV Adjourned at 11:15 am.

## REGULAR BOARD MEETING – CONTINUED

- VI Consider and/or act upon Petition to Adopt Rule submitted by Cockrell Investment Partners, L.P. pursuant to Texas Water Code section 36.1025 and District Proposed Rule 6.5.

No Action taken.

- VII Consider and/or act on **Proposed Rules** and related statutorily required Petition to Adopt or Modify Rules form.

General Manager Ty Edwards went over the proposed rules and form. The required posting and meeting were held last month.

Janet Groth made a motion to approve proposed rule 6.5 and incorporate the form as part of the rules effective December 1, 2023. Motion seconded by M.R. Gonzalez.

Motion passed. Vote: 9 FOR -0- Oppose 2 Absent 0 Abstain

- VIII Update on **San Andres efforts at RRC and TCEQ**.

A preliminary hearing with the Railroad Commission was held on September 26, 2023, in accordance with Tex. Nat. Res. Code § 89.041 to Determine the Proper Plugging of Twelve Wells, Pecos County, Texas; District 08.

The District has met with TCEQ staff and discussed the new grant program to plug wells in Pecos County. The District will continue to work with TCEQ and work through this program to help plug wells in Pecos County.

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

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>.

X Briefing and take action as necessary on following lawsuits:

A. **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)(Cockrell I);

In Cockrell I, the El Paso Court of Appeals on July 13<sup>th</sup> denied Cockrell's motion for rehearing after further briefing thereby affirming the trial court's ruling in favor of the District's decision. A new deadline to appeal to the Texas Supreme Court is September 27 by petition for review. A 2<sup>nd</sup> new deadline to appeal has been approved for October 27.

B. **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 II);

In Cockrell II, the El Paso Court of Appeals on July 10<sup>th</sup> denied Cockrell's motion for rehearing after further briefing thereby affirming the trial court's ruling in favor of the District's decision. The Court of Appeals issued a substitute opinion and judgment with its reasoning that there is no jurisdiction in the courts for Cockrell to pursue its claim, including the reason that Cockrell prematurely filed its lawsuit by not waiting for its motion for rehearing filed at the District to expire. On August 2<sup>nd</sup>, the Court of Appeals issued a revised opinion and judgment correcting typographical errors. September 25<sup>th</sup> is the deadline for Cockrell to appeal to the Texas Supreme Court. A 2<sup>nd</sup> new deadline to appeal has been approved for October 27.

C. **Cockrell Investment Partners, L.P. v. Ty Edwards, In His Capacity as General Manager, and FSH**, Case No. 08-23-00178-CV (El Paso Court of Appeals)(Cockrell III);

In Cockrell III, a hearing in front of Judge Ables occurred on May 30, 2023. The Court ruled in favor of FSH and MPGCD by granting their Pleas to the Jurisdiction. There was a disagreement with Cockrell over the finality of the trial court's judgment and fee reimbursement, which Judge Ables cleared up by signing a modified order on July 19. August 14<sup>th</sup> is the deadline for Cockrell to file its appellate brief at the Court of Appeals. Cockrell timely filed and the District and FSH's appellate briefs were timely filed September 26. On October 13 Cockrell filed a reply brief.

**D. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, Cause No. P-8626-83-CV (83<sup>rd</sup> District Court)(Cockrell IV); and**

In Cockrell IV, the lawsuit was filed on August 17<sup>th</sup> and served on September 13<sup>th</sup> by agreement. The District's answer and counterclaim was timely filed October 9<sup>th</sup>. FSH has advised that it will intervene and file plea to the jurisdiction.

**E. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, Cause No. P-13031-112-CV (112<sup>th</sup> District Court)(Cockrell V).**

In Cockrell V, the lawsuit was filed on August 23<sup>rd</sup> and served on September 13<sup>th</sup> by agreement. The District's answer and counterclaim was timely filed October 9<sup>th</sup>. FSH has advised that it will intervene and file plea to the jurisdiction.

**XI Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map, Water Quality Analysis, Petition for Rulemaking submitted under Proposed Rule 6.5 and General Manager's Correspondence**

- Tx Drought Map 10-10-2023
- Longfellow Drilling Extension approved 120 days
- 10-13-23 Rig Data report
- GMA 3 posted Agenda 10-18-23
- Region F Agenda 10-19-23
- PCWCID#1 10-10-23

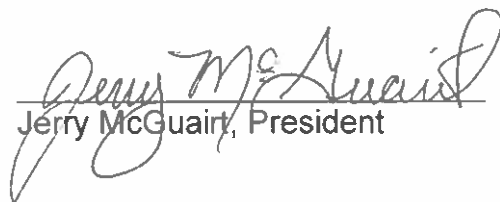
**XII Directors' Comments and consider and/or act upon agenda for next meeting.**

Next Board meetings are set for November 21 and December 19, 2023.

**XIII Adjourn Board meeting.**

Allan Childs made a motion to adjourn the meeting. Motion seconded by Puja Boinpally. Motion carried unanimously. The meeting adjourned at 11:57 a.m.

  
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M. R. Gonzalez, Secretary/Treasurer

  
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Jerry McGuairt, President

Date Approved 12-19-23