

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

May 21, 2024

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 21, 2024.

On this the 21st of May 2024, a Regular Board Meeting 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 |
| Puja Boinpally | Precinct 2 |
| Alvaro Mandujano, Jr. | Precinct 4 |
| Allan Childs | At Large |
| Vanessa Cardwell | City of Fort Stockton-participated virtually |
| Jeff Sims | City of Iraan |

Quorum Present

Members Absent: Larry Drgac, Weldon Blackwelder, M.R. Gonzalez, Ronald Cooper

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

Others attending: Mel Riggs, Paula McGuairt, Glenn Honaker, Ed McCarthy, Mel Riggs, Ryan Reed, Jeremiah Bihl, Revis Dagget, Zach Swick, Jeff Williams, Schuyler Wight, Carl Craigo-City of Midland, Shane Kelton- City of San Angelo, Lyndsey Adams, and Geoff Pike.

REGULAR BOARD MEETING

I Board Meeting called to order at 10:00 a.m. by Vice-President Janet Groth and roll call was taken.

II Comments from public and media:

Revis Dagget made comment about the Final Lower Pecos Land and Water Conservation Plan.

III Consider and/or act to approve Minutes of Regular Meeting on April 16, 2024.

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 April 16, 2024, as presented. Motion seconded by Puja Boinpally.

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

IV Consider and/or act upon Treasurer's Report for the Month Ending April 30 , 2024.

General Manager Ty Edwards presented the Treasurer's report to the Board. Puja Boinpally made a motion to approve the Treasurer's Report ending April 30 2024, as presented. Motion seconded by Jeff Sims.

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

V Update and possible action on Pecos County Groundwater Flow Model and Timeline on Tech Memos.

MPGCD Model - Technical Memoranda
5/3/2024 version 07

| Tech Memo Number | Subject | Draft 1 Completion Date | Most Recent Draft and Completion Date | Notes | Expected Completion of Initial TMW Update |
|------------------|---|-------------------------|---------------------------------------|---|---|
| 1 | Overview of Technical Memoranda | 11/30/2020 | 5/3/2021 (v3) | v2: Updated text (JSA Capitan model files), updated list of TMs, v3: updates associated with updated model grid | NA |
| 2 | Model Grid | 11/30/2020 | 5/3/2024 (v2) | Need reference for Allan Stauden's geologic model v2: updated model grid | NA |
| 3 | Grid Implementation (DISU) | 12/1/2020 | 5/3/2024 (v2) | v2: updated model grid | NA |
| 4 | Existing Groundwater Pumping Data | 12/27/2021 | 2/4/2022 (v4) | v2: Corrected typo. v3: Updated and corrected JSAI model interpretation v4: Corrected a reported error in MPGCD database for one well in 2020, revised affected figures in main report and in Appendix C. | 7/31/2024 (need to update data) |
| 5 | Groundwater Pumping (WEL) | | | | 8/31/2024 |
| 6 | Recharge (WEL or RCH) | | | | 7/31/2024 |
| 7 | Aquifer Parameters (NPF) | | | | 7/31/2024 |
| 8 | Boundary Flows (GHB) | | | | 7/31/2024 |
| 9 | Springs (DRN) | | | | 7/31/2024 |
| 10 | Surface Water (RIV) | | | | 7/31/2024 |
| 11 | Groundwater Evapotranspiration (EVT) | | | | 7/31/2024 |
| 12 | Model Run Specifications (NAM, OC, TDF, IC, Solver) | | | | 8/31/2024 |
| 13 | Model Calibration Datasets | | | | 8/31/2024 |
| 14 | Model Calibration | | | | 11/30/2024 |
| 15 | Groundwater Budget | | | | 12/31/2024 |
| 16 | Model Sensitivity | | | | 12/31/2024 |

VI Update and Possible action on **San Andres efforts at RRC and TCEQ.**

A prehearing conference 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 conference was continued to allow for more briefing and introduction of evidence regarding jurisdiction. A second prehearing conference was held on February 6, 2024, which required extensive argument, witness testimony, and examination and questioning by the Judge and accompanying Technical Examiner. Briefs have been filed and are awaiting a ruling by the Judge.

The District has met with TCEQ and discussed the new grant program to plug wells in Pecos County. Awaiting TCEQ rulemaking.

VII 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.halff.com/Dashboard>. Ty screen-shared and provided an overview of current data.

VIII 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. 23-0742 (Texas Supreme Court)(Cockrell I);**

In Cockrell I, Cockrell timely filed its petition by review. The Court requested responses to the Petition for Review, which were timely and separately filed by the District and FSH on February 27th. The Court will determine whether to grant, dismiss, refuse, or deny the petition. If granted, the Court is expected to request briefing on the merits by all the parties.

B. **Cockrell Investment Partners, L.P. v. MPGCD and its General Manager in his official capacity, and FSH, Case No. 23-0593 (Texas Supreme Court)(Cockrell II);**

In Cockrell II, the parties are on the same procedural timeline as in Cockrell I. Cockrell timely filed its petition by review. The Court requested responses to the Petition for Review, which were timely and separately filed by the District and FSH on February 27th. The Court will determine whether to grant, dismiss, refuse, or deny the petition. If granted, the Court is expected to request briefing on the merits by all the parties.

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, the District Court ruled in favor of FSH and MPGCD by granting their Pleas to the Jurisdiction. Cockrell appealed and timely filed its appellate briefs, then the District and FSH's appellate briefs were timely filed. On October 13th Cockrell filed a reply brief. On May 14th the Court set for submission without oral argument for June 4, 2024.

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

In Cockrell IV, the lawsuit was filed on August 17th and served on September 13th by agreement. The District's answer and counterclaim was timely filed October 9th. 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 (112th District Court)(Cockrell V).

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

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

- Imperial School well update on log from PSI Wireline Inc. and perforating well
- Texas House Interim Charges
- Final Lower Pecos Land and Water Conservation Plan
- 05-18-2024 Rig Data Report Pecos County
- 05-22-2024 GMA 3 Meeting
- Tx Drought Map 05-14-2024
- Dailey Forecast for Cloud Seeding 05-21-2024
- P-13 proposed well Schuyler Wight
- Rustler Monitor Well Recommendations and beginning scope of work on drilling of well

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

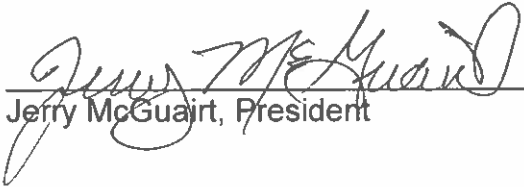
Next Board meeting is set for Tuesday, June 18, 2024.

XI **Adjourn** Board meeting.

Puja Boinpally made a motion to adjourn the meeting. Motion seconded by Allan Childs. Motion carried unanimously. The meeting was adjourned at 10:53 a.m.



M. R. Gonzalez, Secretary/Treasurer



Jerry McGuairt, President

Date Approved 7-16-24