

# 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](mailto:mpgcd@mpgcd.org) Website: [www.middlepecosgcd.org](http://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

July 16, 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](mailto:mpgcd@mpgcd.org) prior to 9:30 a.m. on July 16, 2024.

On this the 16<sup>th</sup> of July 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
Weldon Blackwelder	Precinct 3
Alvaro Mandujano, Jr.	Precinct 4
Ronald Cooper	Precinct 4
Allan Childs	At Large
Jeff Sims	City of Iraan

Quorum Present

Members Absent: Larry Drgac, Vanessa Cardwell, M.R. Gonzalez

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

Others attending: Mark Tisdale, Paula McGuairt, Buck Benson, Ed McCarthy, Mel Riggs, Ryan Reed, Michael Rice-City of Abilene, Jeremiah Bihi-City of Abilene, Jeff Williams, Carl Craigo-City of Midland, Lyndsey Adams, and Matt Trela.

## 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 May 21, 2024.**

The draft Minutes were emailed to the Board prior to the meeting. Janet Groth made a motion to approve the Minutes for the meeting of May 21, 2024, as presented. Motion seconded by Puja Boinpally.

Motion passed. Vote: 8 FOR -0- Oppose 3 Absent 0 Abstain

IV Consider and/or act upon **Treasurer's Report for the Month Ending May 31, 2024.**

General Manager Ty Edwards presented the Treasurer's report to the Board. Ronald Cooper made a motion to approve the Treasurer's Report ending May 31, 2024, as presented. Motion seconded by Weldon Blackwelder.

Motion passed. Vote: 8 FOR -0- Oppose 3 Absent 0 Abstain

V Consider and/or act upon **Treasurer's Report for the Month Ending June 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 June 30, 2024, as presented. Motion seconded by Ronald Cooper.

Motion passed. Vote: 8 FOR -0- Oppose 3 Absent 0 Abstain

VI Briefing and take action as necessary on **United States Fish and Wildlife Service's Recovery Plan and Recovery Implementation Strategy for the Diamond Y Spring Invertebrates.**

The District had a meeting with US Fish and Wildlife Service to go over the Recovery Plan for Diamond Y Spring, and the Service's new approach with a Recovery Implementation Strategy" document. The District made comments on the draft plan in Early 2022 and will be working closely with USFWS and the Nature Conservancy to better understand the spring system and the species associated with it, and to ensure that when the Service's Plan and Strategy documents are finalized by the Service and U.S. Department of Justice that they accurately reflect the District's role and efforts.

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

Dr. Bill Hutchison gave an update on the progress of the model update.

A new draft tech memo has been created for the model grid. That tech memo and all the tech memos are on the District's webpage with peer review and feedback encouraged. We have been processing all the groundwater data. Belding Farms Data processed 5600 data points from 1957 to 2023. TWDB had over 47,000 water levels from 1940 to 2024. Eco Kia transducer data from FSH joint study had over 500,000 data points for 2021-2024. LRE and the Halff data management system had 15,000 groundwater data points. This data is being processed and the tech memos will be updated.

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 TMI/ Update
1	Overview of Technical Memoranda	11/30/2020	5/3/2024 (v3)	v2: Updated text (JSA Capitan model files), updated list of TM's, v3 updates associated with updated model grid	NA
2	Model Grid	11/06/2020	5/3/2024 (v2)	Need reference for Allan Standen's geologic model v3: 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, TDIS, IC, Solver)				8/31/2024
13	Model Calibration Datasets				8/31/2024
14	Model Calibration				11/30/2024
15	Groundwater Budgets				12/31/2024
16	Model Sensitivity				12/31/2024

VIII 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. The Judge ruled in favor of the RRC and denied the District's request to hold a hearing on the merits. This RRC position is not a surprise, and the procedure was required to exhaust administrative remedies before seeking a judicial opinion about RRC's jurisdiction and duty to plug.

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

IX Update on **Fort Stockton Holdings, L.P. (FSH)-MPGCD Joint Study, Implementation, Threshold Water Level Update and Drilling of New Rustler Monitor Well on Williams Farms.**

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.

Began work on a Rustler Monitor Well Recommendations and beginning scope of work on drilling of well and bid specs for same.

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

In Cockrell I, Cockrell timely filed its petition by review. The Court will determine whether to grant, dismiss, refuse, or deny the petition. At least one Justice requested responses to the petition for review, and subsequently, at least three Justices asked for briefing on the merits before deciding how to rule on the petition. To be clear, the Court has not yet decided whether to accept the appeal and issue a decision. Cockrell Investment Partners' briefing deadline is September 13<sup>th</sup> and the District's and FSH's deadline to respond is November 4<sup>th</sup>.

**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 Court has taken the same procedural position as in Cockrell I, and all the parties have the same briefing deadlines as in Cockrell I.

**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 13<sup>th</sup> Cockrell filed a reply brief. On May 14<sup>th</sup> the Court set for submission without oral argument for June 4, 2024. Waiting for a decision from the Court.

**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 were 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 were 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, and General Manager's Correspondence.**

- 2025 Jurisdiction allocation for PCAD Budget
- 2024 TAGD Cybersecurity Certificate and compliance
- Notice of Deadline to file application for place on the ballot MPGCD
- 07-13-2024 Rig Data Report Pecos County
- Tx Drought Map 07-09-2024
- Rustler Monitor Well Recommendations and beginning scope of work on drilling of well
- APEX groundwater pumping update

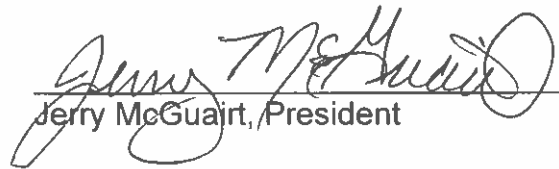
XII **Directors' Comments** and consider and/or act upon **agenda for next meeting**.

Next Board meeting is set for Monday August 19, 2024.

XIII **Adjourn** Board meeting.

Weldon Blackwelder made a motion to adjourn the meeting. Motion seconded by Puja Boinpally. Motion carried unanimously. The meeting was adjourned at 11:14 a.m.

  
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M. R. Gonzalez, Secretary/Treasurer

  
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Jerry McGuairt, President

Date Approved 08/19/24