

**MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT**

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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 Billy Jackson 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**

**January 21, 2025  
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](mailto:mpgcd@mpgcd.org) prior to 9:30 a.m. on January 21, 2025.

On this the 21<sup>st</sup> of January 2025, a Regular Board Meeting and 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
Puja Boinpally	Precinct 1
M.R. Gonzalez	Precinct 2
Weldon Blackwelder	Precinct 3
Ronnie Cooper	Precinct 4
Alvaro Mandujano Jr	Precinct 4
Billy Jackson	At Large

Quorum Present

Members Absent: Larry Drgac, Jeff Sims, and Vanessa Cardwell.

District employees and consultants participating: Ty Edwards, Gail Reeves, Raymond Straub, Anthony Bodnar, and Mike Gershon.

Others attending: Joh Covington, Paula McGuairt, Ryan Reed, Billy Gonzales, Dudley McKissack, Zach Swick, , Carl Craigo, James Beach, Josh Kercho, Ed McCarthy, Glenn Honaker, Jeremiah Bihl, Mel Riggs, Jeff Williams, and Buck Benson.

## 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 November 19, 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 November 19, 2024, as presented. Motion seconded by Alvaro Mandujano, Jr.

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

IV Consider and/or act upon **Treasurer's Report for the Month Ending November 30, 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 November 30, 2024, as presented. Motion seconded by Puja Boinpally.

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

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

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

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

VI Consider and/or act upon setting **Mileage Rate for 2025.**

The IRS mileage rate has increased from last year. The new mileage rate is 70 cents per mile. Alvaro Mandujano, Jr made a motion to approve the mileage rate of 70 cents per mile. Motion seconded by Puja Boinpally.

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

VII Consider and/or act upon **2025 Meeting and Holiday Schedule.**

The Board Meeting and Holiday Schedule was presented to the Board. Puja Boinpally made a motion to approve as presented. Weldon Blackwelder seconded the motion.

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

**PUBLIC HEARING ON APPLICATION TO AMEND EXSISTING PRODUCTION  
PERMIT FOR PECOS COUNTY WATER CONROL AND IMPROVEMENT  
DISTRICT #1**

I Call to order at 10:13 a.m. the public hearing on application to amend existing production permit application for Pecos County Water Control and Improvement District #1.

Party representing application: Billy Gonzales, Dudley McKissack

Protestant to application: None

Public Comment: None

President McGuairt declared the application uncontested.

General Manager Ty Edwards presented the application to the Board. Pecos County WCID#1 has made an application to Amend an Existing Production Permit with the Middle Pecos Groundwater Conservation District. The location is approximately 20 miles west of Fort Stockton and 2.5 to 3 miles North of Interstate 10 and Kennedy Rd, in Pecos County, Texas. The purpose of the wells is currently for Public Supply and Industrial uses with an existing permit of 246-acre feet per year aggregated among 8 other wells.

The application requests authorization to add 2 additional wells and produce an additional 219-acre feet/year from the Edwards Trinity Aquifer for a total of 10 wells and total of 465 acre-feet a year.

Billy Gonzales and Dudley McKissack were sworn in and provided testimony on the need for the additional two wells and additional groundwater request. The Pecos County WCID#1 is currently in the process of designing and permitting to bid and construct a water system improvements project to increase potable water supply, water storage, pumping capabilities, transmission main capacity and distribution system capacity. The purpose of the project is to increase water system capacity for current and future customers in Fort Stockton and Pecos County only. The design pumping rates are 1,000 gallons per minute for Well No. 12 (2005061510) and 1,100 GPM for Well No. 13 (200561512). The proposed allocation increase request is to provide suitable groundwater supply capacity for future anticipated demand.

- II Adjourn hearing and consider and/or act to amend an existing production permit application for Pecos County Water Control and Improvement District #1.

President Jerry McGuairt recessed the hearing at 10:28 a.m. Ronnie Cooper made a motion to approve the amendment to the existing production permit application as presented from the Edwards Trinity Aquifer. Motion seconded by Alvaro Mandujano, Jr.

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

### **REGULAR BOARD MEETING – CONTINUED at 10:29 am**

- VIII **State legislative update** (89<sup>th</sup> Legislative Session commencing January 14, 2025).

The District updated the Board on all related bills. The District is tracking all bills filed that affect GCD's, open government or elections. We will be providing testimony as necessary and are actively involved in the Legislative Committee through TAGD.

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

A new draft tech memo has been created for the model grid and in support of model development. That tech memo and all the tech memos have been and continue to be on the District's webpage with peer review and feedback encouraged. Belding Farms Data processed 5600 data points from 1957 to 2023. TWDB had over 47,000 water levels from 1940 to 2024. EcoKai 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. While calibrating the database we realized all the data from numerous studies have not been added to the database. Several discrepancies were recognized on some of the Belding Farms' wells for elevations compared to the model grid. Belding Farms corrected the coordinates on the suspected wells and LRE updated the database.

We have finalized the pumping data and Spring locations and are beginning to look at the recharge analysis that will need to be completed. All tech memos associated with the model can be assessed at the following google link:

[https://drive.google.com/drive/folders/1HYj8JRV4omAgKPJWBta-T20hZUbtYaPS?usp=drive\\_link](https://drive.google.com/drive/folders/1HYj8JRV4omAgKPJWBta-T20hZUbtYaPS?usp=drive_link)

- X Update and possible action on **San Andres efforts at RRC and TCEQ, and MPGCD v. RRC and Commissioners**, Cause No. D-1-GN-24-005222 (200<sup>th</sup> District Court, Travis County) and second cause filed on October 11, 2024.

The Board was briefed on the regulatory hearing activity from last fall through this summer at the Railroad Commission, and ultimately the Commissioners' final action on our request that wells be added to RRC's plugging list and prioritized for plugging. The RRC denied all our requests, which is not a surprise. This procedure was required to exhaust administrative remedies before seeking a judicial opinion about RRC's jurisdiction and duty to plug. The next step was for the District to file an original petition for judicial review, declaratory relief, and mandamus relief in the Travis County District Court, which was accomplished on August 16, 2024. Because RRC undertook additional procedural steps, we were conservative to ensure that we exhausted administrative remedies and then filed a second original petition on October 11, 2024. The Railroad Commission has filed its Original Answer denying all allegations in the first lawsuit. District Judge Laurie Eiserloh with Travis County 455<sup>th</sup> District Court. The Judge recently gave a notice asking for a briefing schedule with a hearing set for March 10, 2025.

The District has met with TCEQ's senior management and program staff and discussed the new grant program to plug wells in Pecos County. TCEQ has Rulemaking set for January 29, 2025. The District will attend and make comment.

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

The Board and General Manager discussed the ongoing groundwater monitoring of the FSH threshold water levels. All wells are working and operating properly, and no wells are near any threshold water levels that would trigger cutbacks according to the FSH special permit conditions. A link to the FSH threshold water levels is available at <https://mpgcd.half.com/Dashboard>. General Manager Ty Edwards screen-shared and provided an overview of current data.

Began work on Rustler Monitor Well Recommendations and beginning scope of work on drilling of well and bid specs for same. Met on site with Jeff Williams and Raymond Straub to decide on a preliminary drilling location and source water.

Raymond Straub joined zoom and gave an update on the finalization of the drilling specs and bid sheet for all work necessary for the proposed Rustler well. Next steps will be to finalize the documents and send them to FSH for approval.

- XII **Briefing and take action as necessary on Petition for Inquiry filed at TCEQ by Cockrell Investment Partners, L.P.**

Legal Counsel Mike Gershon briefed the Board on a petition filed by Cockrell Investment Partners, LP. at TCEQ on December 30, 2024. Cockrell is an affected person as defined in Texas Water Code Section 36.3011 (as a local landowner and permit holder) and submitted its Petition for Inquiry pursuant to that statute and 30 Texas Administrative Code Section 293.23. It is Cockrell's position that the District has failed to adopt rules, the rules adopted by the District are not designed to achieve the desired future conditions and the groundwater in the management area of the District is not adequately protected by the rules it has adopted. Much of Cockrell's petition criticizes the Fort Stockton Holdings' permitting and settlement and is critical of the District's management and its approach to groundwater regulation.

TCEQ's Governor-appointed Commissioners will take up the petition on March 13, 2025, and allow oral argument by Cockrell, the District, TCEQ's Executive Director and Office of Public Interest Counsel, and other interested persons. Prior to then we can file a response seeking dismissal of the petition, as can the groundwater districts in GMA 3 and GMA 7. The deadline to respond to the TCEQ petition is Monday February 3<sup>rd</sup>. We have received a lot of calls and other outreach because of how widely distributed the petition was, and because of TCEQ staff's report at last week's Texas Alliance of Groundwater Districts' quarterly business meeting and are aware that others are working on responses.

If the Commission grants the petition, a "review panel" is appointed by the Commission to hold hearings, investigate Cockrell's allegations, and file a report with the Commission with findings and a recommendation. The statutory remedies are to dissolve the District, dissolve the Board and call an election, appoint a receiver, or order the District to take certain corrective action.

Alvaro Mandujano, Jr. motions to empower the Board President and Vice President to sign a resolution supporting the District in the Petition process at TCEQ. Motion seconded by Puja Boinpally.

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

XIII 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 filed its brief on September 13, 2024, the District and FSH filed their briefs on November 25, 2024, and Cockrell replied on January 13, 2025. We are waiting on the Court to rule on the petition.

- 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 ordered briefing on the same schedule as in Cockrell I, and all the parties filed their briefs 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, which abated the case awaiting the ruling from the Texas Supreme Court in Cockrell I and Cockrell II.

- 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. Cockrell filed Plaintiff's First Amended Petition on August 5, 2024. Remains pending without further action.

- 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. Cockrell filed Plaintiff's First Amended Petition on August 5, 2024. Remains pending without further action.

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

- Rig Data Report ending 01-18-2025 one rig in Pecos County

- Texas Drought Map for Pecos County 01-14-2025. Western Pecos County is in Extreme Drought decreasing as you go east with Moderate Drought in the far eastern part of Pecos County
- Governor Abott Plan to sell City of Houston water to West Texas
- D&O Insurance Policy renewed
- Stewardship Flyer Pecos River
- Pecos County Agenda showing Longfellow Ranch Partners Solar Farm and Wind Leases
- Water Use Reporting

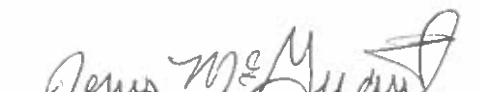
XV **Directors' Comments** and consider and/or act upon **agenda for next meeting**.

Next Board meeting is February 18, 2025. Longfellow Ranch Partners will possibly have a production permit.

XVI **Adjourn** Board meeting.

Weldon Blackwelder made a motion to adjourn the meeting. Motion seconded by Alvaro Mandujano, Jr., and the motion carried unanimously. The meeting was adjourned at 11:45 a.m.

  
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M. R. Gonzalez, Secretary/Treasurer

  
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Jerry McGuairt, President

Date Approved 2/18/2025