

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 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
February 18, 2025
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 February 18, 2025.

On this the 18th of February 2025, a Regular Board Meeting 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 2
Weldon Blackwelder	Precinct 3
Alvaro Mandujano Jr	Precinct 4
Billy Jackson	At Large
Vanessa Cardwell	City of Fort Stockton

Quorum Present

Members Absent: Larry Drgac, Jeff Sims, M.R. Gonzalez, and Ronald Copper.

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

Others attending: Joh Covington, Paula McGuairt, Ryan Reed, Zach Swick, Devin Tracy, Carl Craigo, James Beach, Ed McCarthy, Jeremiah Bihl, Mel Riggs, Jeff Williams, Ira Yates, Josh Kercho, Andrew Simonsen, Steven Sims, Mark Tisdale, and Geoff Pike.

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**:

Ira Yates provided comments on produced water reuse for the Pecos River and attending the Desal Conference in Houston.

III Consider and/or act upon **Financial Audit for the Year ending 09-30-2024**.

Rocky Rives with Smith and Rives, PC Certified Public Accountants presented the audit to the Board and answered all questions. The opinion rendered is an unmodified opinion which is the best that can be rendered. The financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the major fund, and the aggregate remaining fund information of the MPGCD, as of September 30, 2024, and the respective changes in financial position thereof for the year ended in conformity with the "GAAP" (generally accepted accounting principles), including those principles generally accepted for government entities in the United States of America. There are no findings that require disclosure or corrective action in the audit report.

Puja Boinpally made a motion to approve the Financial Audit for year ending 09-30-2024 as presented. Motion seconded by Alvaro Mandujano, Jr.

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

IV Consider and/or act to approve **Minutes of Regular Meeting on January 21, 2025**.

The draft Minutes were emailed to the Board prior to the meeting. Alvaro Mandujano, Jr made a motion to approve the Minutes for the meeting of January 21, 2025, as presented. Motion seconded by Puja Boinpally.

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

V Consider and/or act upon **Treasurer's Report for the Month Ending January 31, 2025**.

General Manager Ty Edwards presented the Treasurer's report to the Board, Alvaro Mandujano, Jr made a motion to approve the Treasurer's Report ending January 31, 2025, as presented. Motion seconded by Weldon Blackwelder.

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

VI Consider and/or act upon **Depository Contract and Districts Investment Policy with Pecos County State Bank.**

Pecos County State Bank is contracted for the District deposits for the period of March 1, 2023, through February 28, 2028, but we need to approve the investment policy each year.

Janet Groth makes a motion to set policy and strategy to invest District funds in Demand Deposit accounts, Certificates of Deposit, and other interest-bearing bank accounts at Pecos County State Bank in compliance with the Public Funds Investment Act and Public Funds Collateral Act of chapters 2256 and 2257 of the Texas Government Code for the next 12 months. Vanessa Cardwell seconded the motion.

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

VII Update from **Freese and Nichols on Pecos County Water Levels and Rainfall Report.**

Vince Clause with Freese and Nichols presented the 2024 Pecos County Water Level and Rainfall report to the Board. The report is attached to the minutes as **Attachment A.**

VIII Consider and/or act upon **General Manager's 2024 Annual Report.**

The 2024 annual report was presented to the board. Puja Boinpally made a motion to accept the 2024 Annual Report with the annual Financial Audit. Motion seconded by Alvaro Mandujano, Jr. The Annual report is available on the District website.

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

IX **State legislative update** (89th 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.

Governor Abbott Announces Texas-Size Investment in water infrastructure as an emergency item for the 89th Legislative Session during his State of the State address in Austin.

X 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 existing groundwater pumping data, recharge, aquifer parameters, boundary flows, spring locations, and surface water. We have begun working on groundwater evapotranspiration, model run specifications, Model calibration datasets, model calibration, groundwater budget, and model sensitivity. All tech memos associated with the model can be assessed at the following google link:

https://drive.google.com/drive/folders/1HYj8JRV4omAgKPJWBta-T20hZUbtvaPS?usp=drive_link

- XI 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 (200th 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 455th 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 held a

Rulemaking hearing on January 29, 2025. The District attended the hearing and made comments.

XII 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 gave an update on the finalization of the drilling specs and bid sheet for all work necessary for the proposed Rustler well. Waiting on final approval from FSH and Belding Farms.

XIII 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 the 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. 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. Comments in opposition to Cockrell's petition have been filed at TCEQ by City of Fort Stockton, Pecos County, PCWCID#1, Reeves County GCD, and jointly by all the districts in GMA 7 and separately GMA 3.

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 regarding its rules.

XIV 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 13th Cockrell filed a reply brief. On May 14th 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 (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 were timely filed October 9th. 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 (112th District Court)(Cockrell V).

In Cockrell V, the lawsuit was filed on August 23rd and served on September 13th by agreement. The District's answer and counterclaim were timely filed October 9th. 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.

XV 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 02-04-2025 four rig in Pecos County
- Texas Drought Map for Pecos County 02-04-2025. Western Pecos County is in Extreme Drought decreasing as you go east with Moderate Drought in the far eastern part of Pecos County
- Water Use Reporting
- Region F Notice 02-20-2025

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

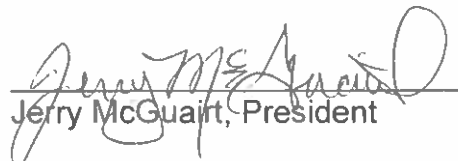
Next Board meeting is March 18, 2025. Longfellow Partners Permit is scheduled for April Board Meeting.

XVII Adjourn Board meeting.

Janet Groth made a motion to adjourn the meeting. Motion seconded by Weldon Blackwelder and the motion carried unanimously. The meeting was adjourned at 11:57 a.m.



M. R. Gonzalez, Secretary/Treasurer



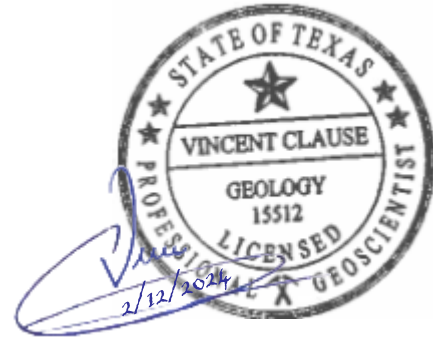
Jerry McGuairt, President

Date Approved 4/15/25

Choose Office

www.freese.com

TO:	Mr. Ty Edwards, General Manager Middle Pecos Groundwater Conservation District 405 North Spring Drive Fort Stockton, Texas 79735
FROM:	Vince Clause, PG, GISP
SUBJECT:	Annal Water Level and Rainfall Update in support of the General Manager's Report
PROJECT:	MPG24752 – Hydrogeological Consulting Services
DATE:	February 12, 2025



1. 2024 Rainfall

According to the United States Drought Monitor for Pecos County, TX, the year began with less than 40% of Pecos County experiencing drought conditions (Figure 1, Water Data for Texas, 2025). By the end of 2024, however, 100% of the County was under a drought declaration, with nearly 90% facing severe or extreme drought. Throughout the County and surrounding areas, most TexMesonet stations recorded a decline in annual rainfall (Figure 2). At the Fort Stockton Pecos County Airport station, the 2024 rainfall total was nearly 70% below its historic annual rainfall average (Figure 3).

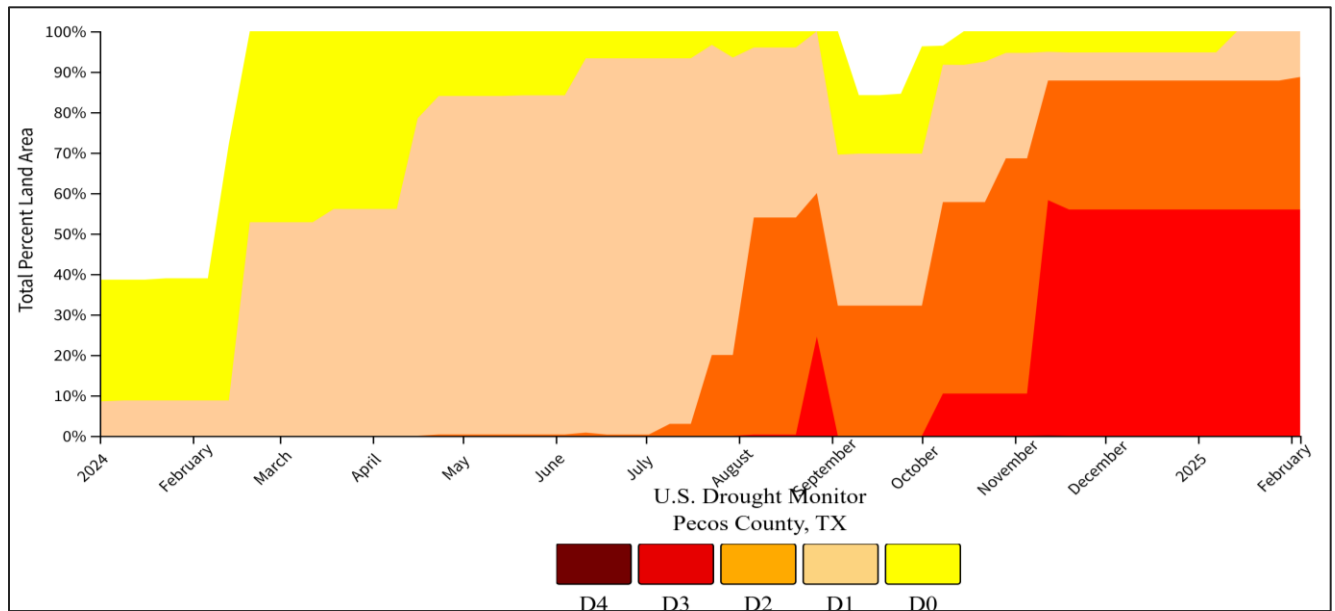


Figure 1 - United States Drought Monitor for Pecos County, Texas from 1/1/2024 to 2/1/2025. D0 = Abnormally Dry, D1 = Moderate Drought, D2 = Severe Drought, D3 = Extreme Drought, D4 = Exceptional Drought.

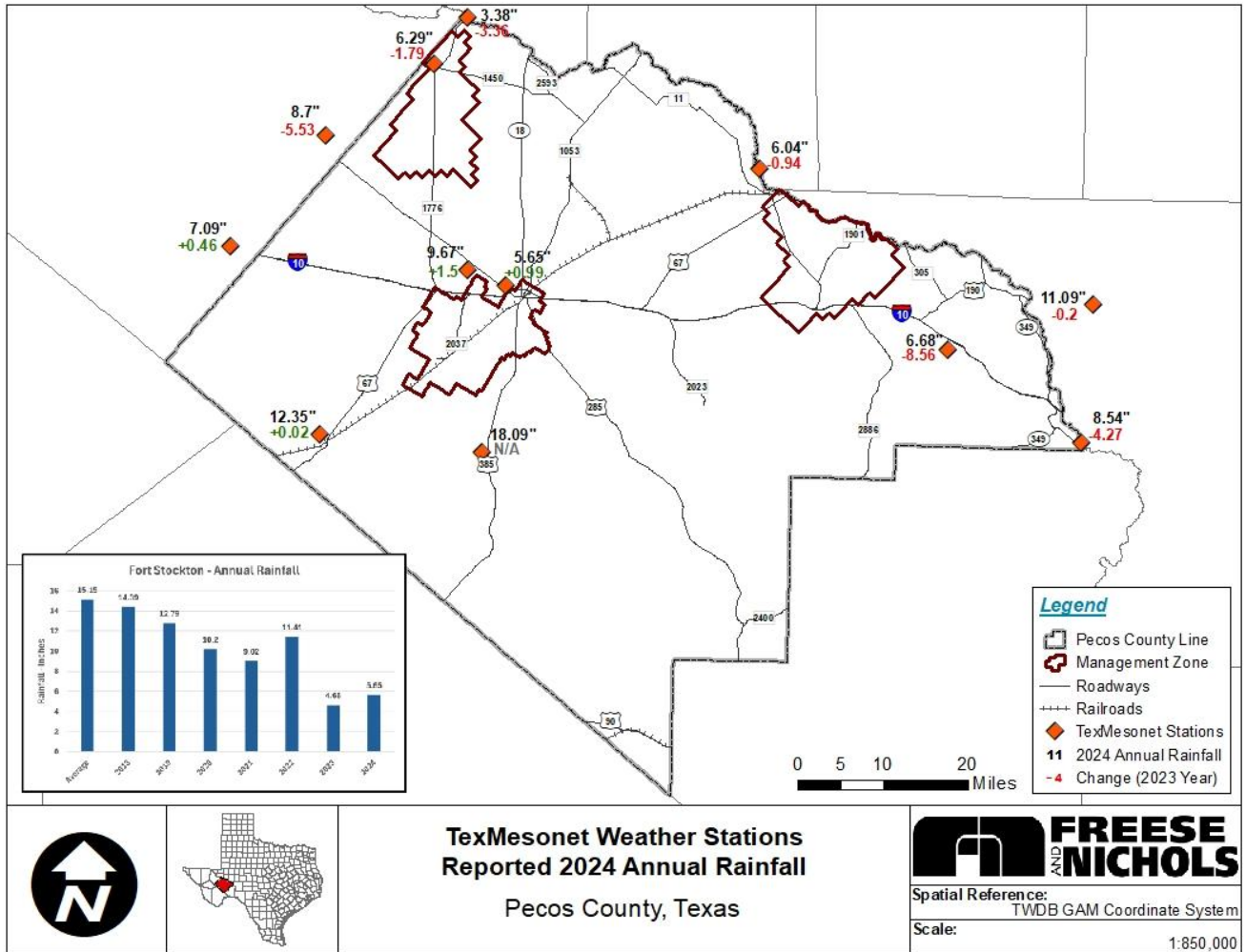


Figure 2 - TexMesonet weather stations across Pecos County, TX and surrounding areas with reported rainfall totals and change from prior year.

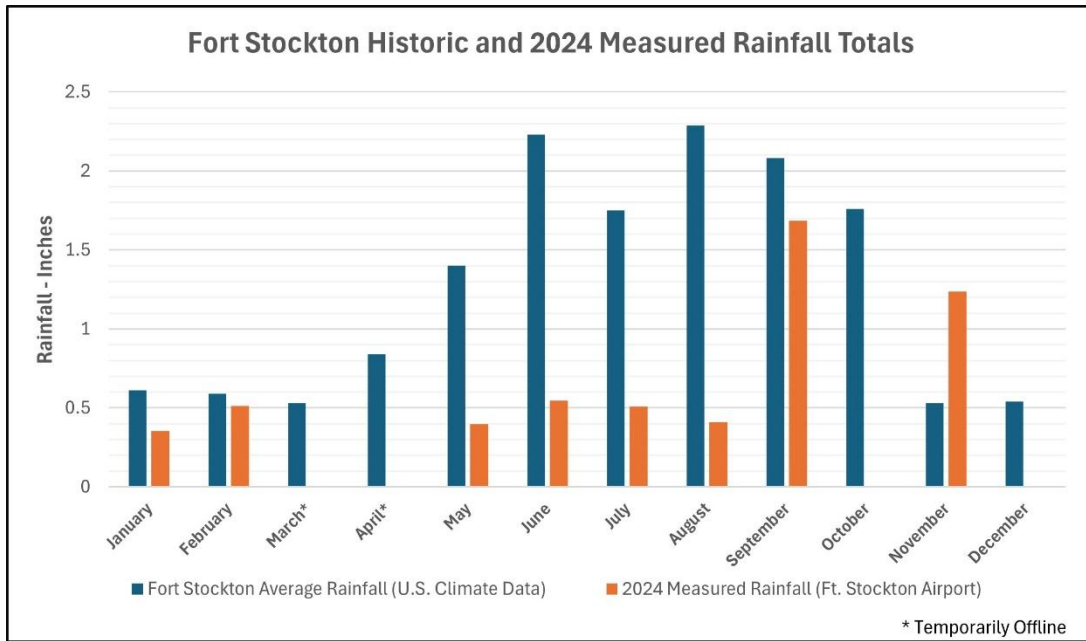


Figure 3 – Fort Stockton, Pecos County, TX Historic and 2024 Measured Rainfall Totals. Historic rainfall data according to the U.S. Climate Data and Center and measured rainfall according to TexMesonet KFST station data.

2. 2024 Water Levels

Steady water level declines and seasonal fluctuations consistent with drought were observed across the County (Figure 4). In areas with minimal pumping, water levels remained relatively constant. Whereas, areas with irrigated croplands (Management Zone 1 and 3) showed relatively mild drawdowns.

Currently, 139 water wells are monitored in Pecos County, with 58% (81 of 139) remaining stable or showing a gain (recovery) when compared to their 2024 winter measurement (Figure 5). Of the 58 wells experiencing drawdowns, 52 demonstrated less than 10 feet of decline while only two wells had declines over 20 feet.

When comparing 2012 to 2025 water level measurements, the general trend is flat to slightly downward, with most drawdown observed in Management Zone 3 and along the Reeves County Line (Figure 6). Monitor well #230 (“Allison Ranch Generator Well”) in southern Pecos County has shown the most significant decline over the period. This has been previously discussed in prior General Manager Reports, and more recently has shown signs of stability.

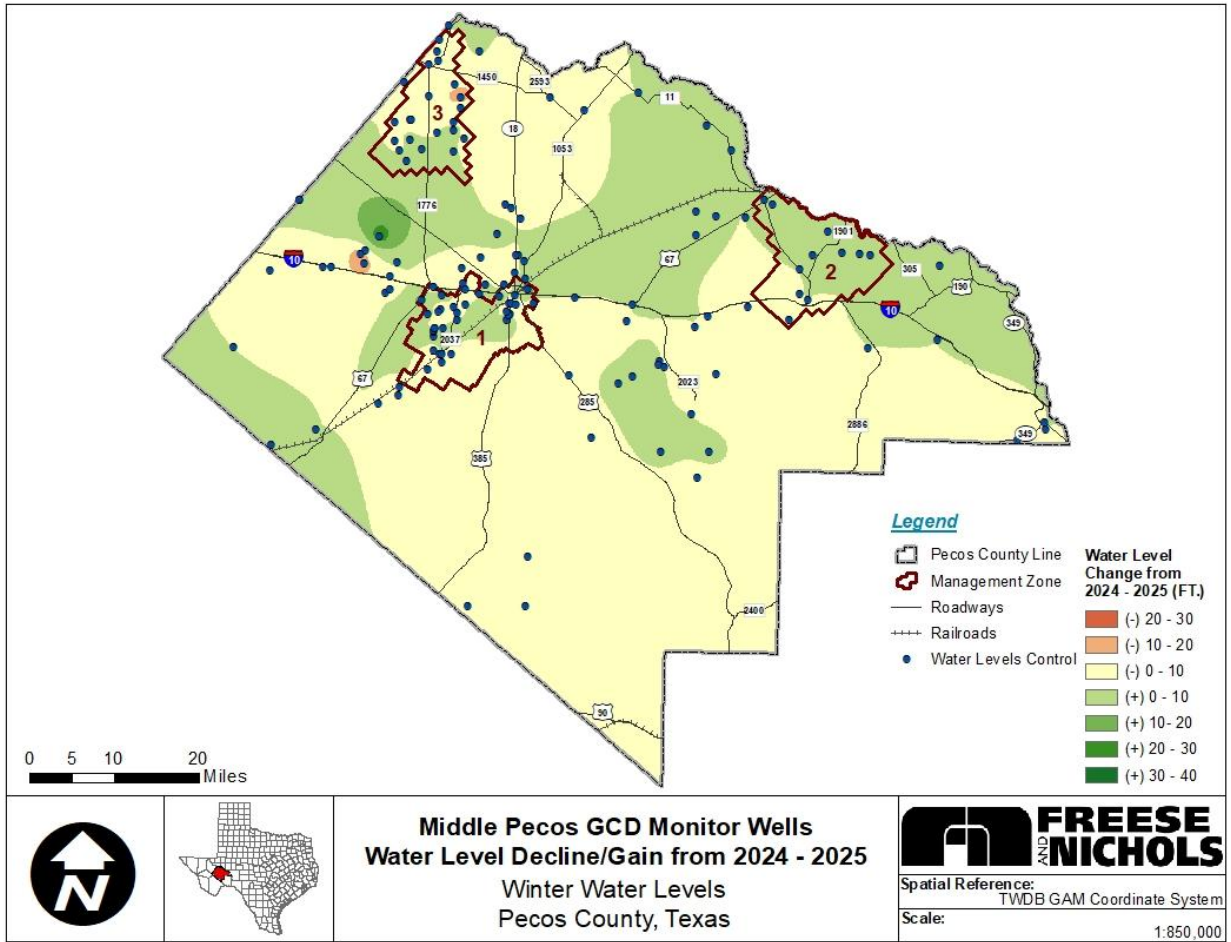


Figure 4 – Pecos County, TX Water Level Decline/Gain from 2023 – 2024. Gains are visible as shades of green while declines are illustrated as yellow to shades of red.

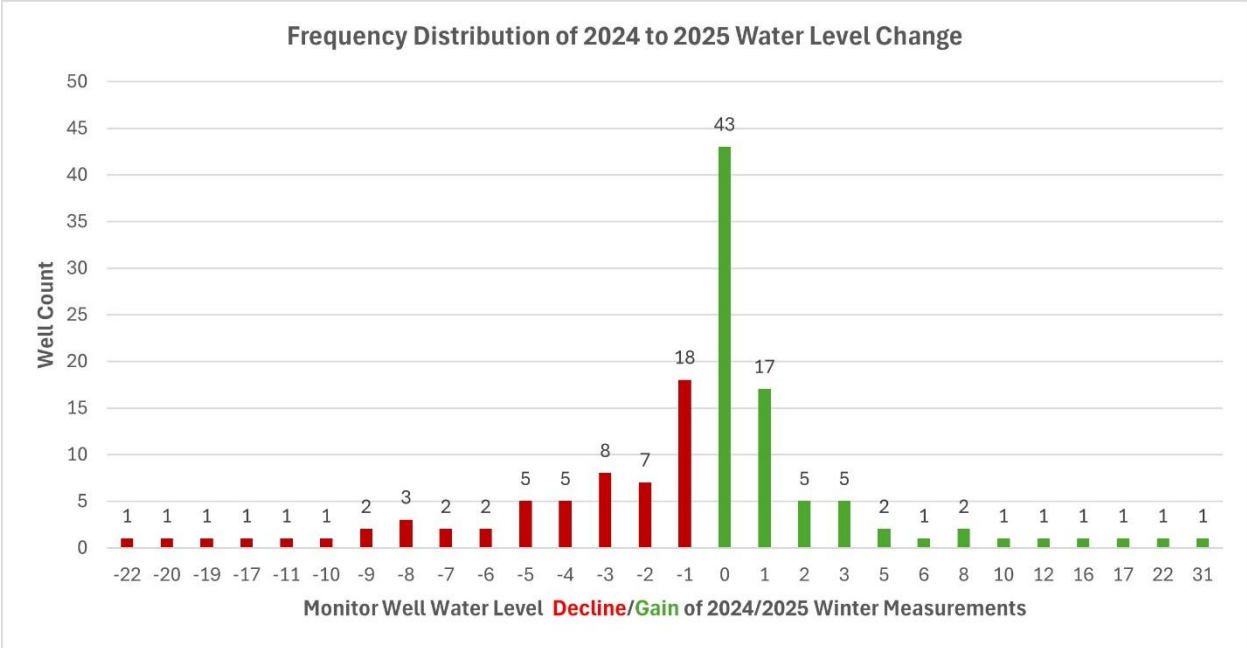


Figure 5 – Monitor well winter water level change from 2024 to 2025. Red illustrates a year-over-year decline while green illustrates a water level gain (recovery). This chart includes data from the monitor wells where 2024 and 2025 winter measurements were available.

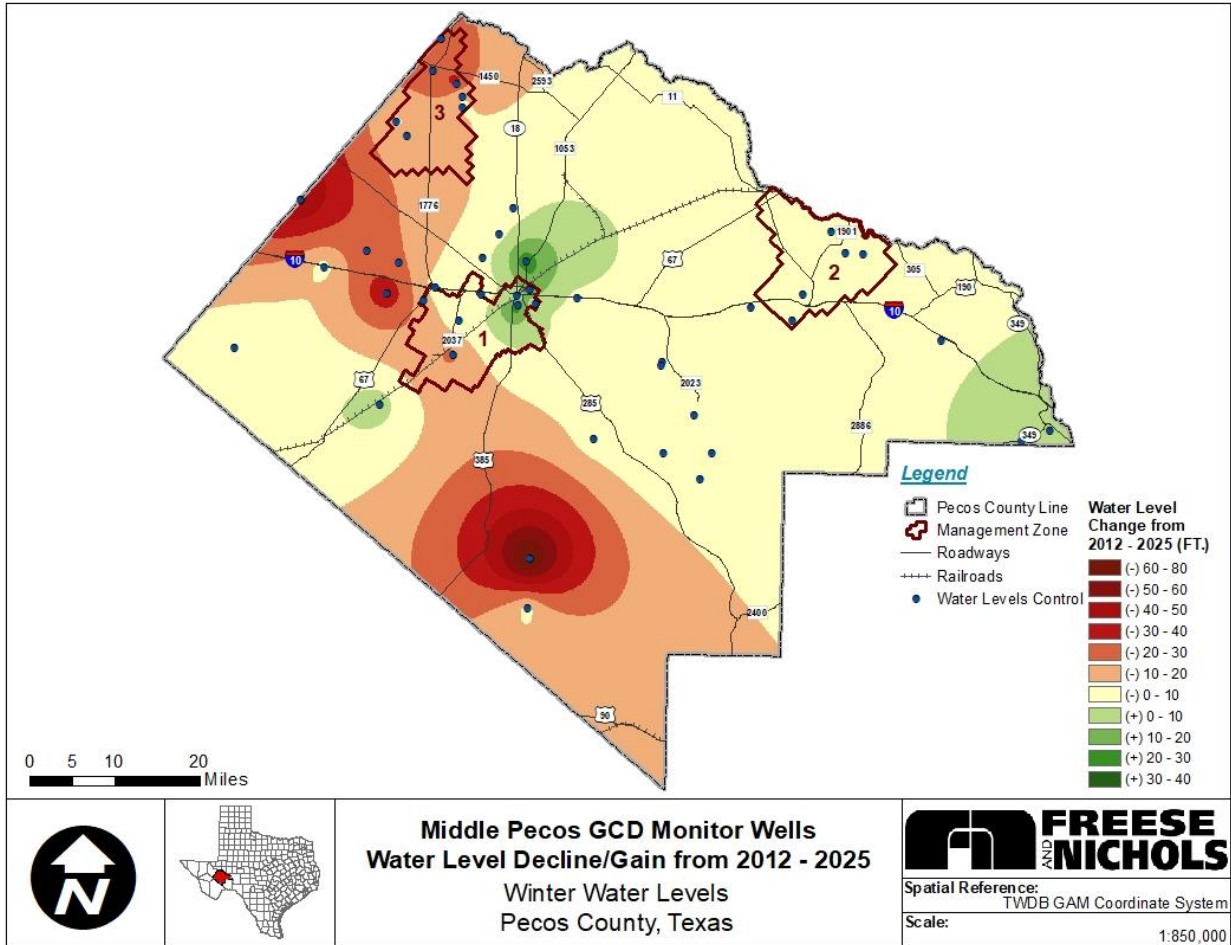


Figure 6 - Pecos County, TX Water Level Decline/Gain from 2012 - 2025. Gains are visible as shades of green while declines are illustrated as yellow to shade of red.

3. Management Zone 1 Threshold Wells

Management Zone 1 Threshold Wells are continuously monitored, and data is provided by telemetry in HydroVu (Figure 7). Water levels demonstrate relative year-over-year consistency as they are mostly in line with 2022 and 2023 measurements. All threshold wells will be evaluated on April 1st for Winter 1 – 4 water level threshold trigger levels.

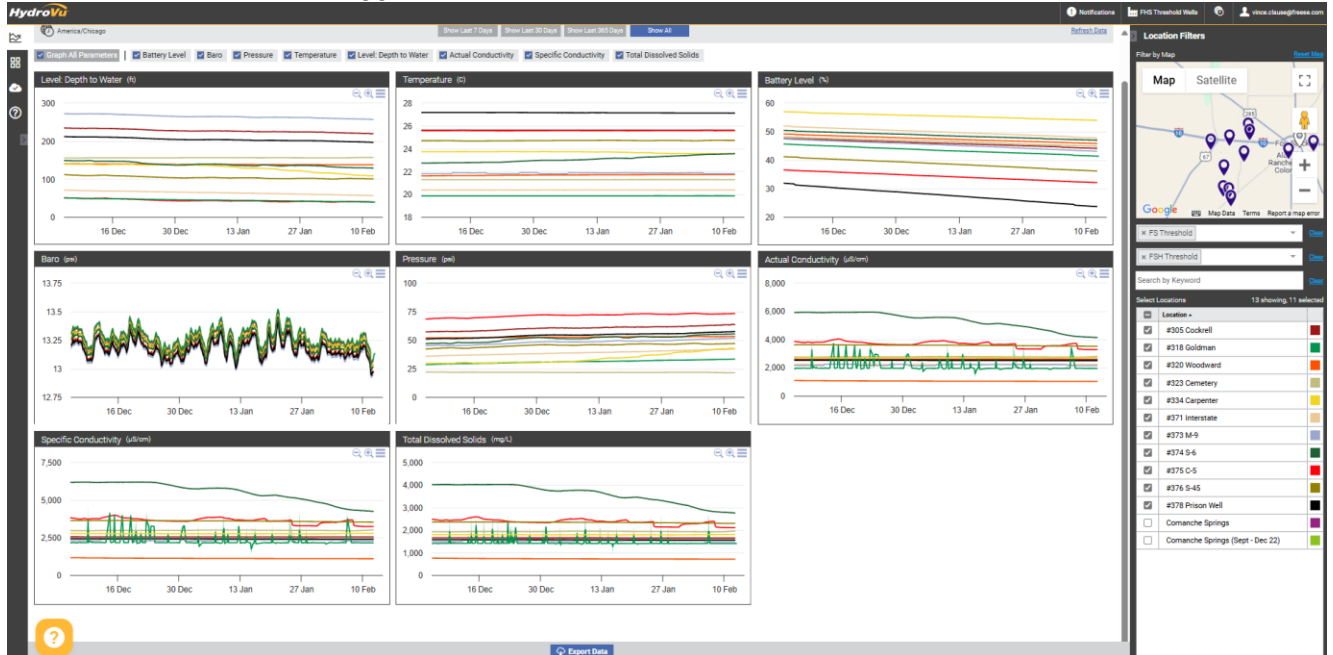


Figure 7 - HydroVu Threshold Well Dashboard. The HydroVu dashboard provides continuous reporting of water level depth, temperature, pressure, conductivity, and total dissolved solids.

4. References

Middle Pecos Groundwater Conservation District Groundwater Database. Water Level Data
Downloaded on February 4th, 2025.

U.S. Climate Data. Climate data for Fort Stockton, Texas. Data was downloaded on February 4th,
2025. (<https://www.usclimatedata.com/climate/fort-stockton/texas/united-states/ustx0473>)

Water Data for Texas. Drought Monitor Drought Dashboard. Data was downloaded on February 4th,
2025.

Supplemental 2024 Water Level Figure

