

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

Janet Groth, President Vanessa Cardwell, Vice President M. R. Gonzalez, Secretary/Treasurer
Alvaro Mandujano, Jr. Wayne Tinkler 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
June 17, 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 and hearings were able to register by emailing mpgcd@mpgcd.org prior to 9:30 a.m. on June 17, 2025.

On this the 17th of June 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:

Janet Groth	President, Precinct 1
Vanessa Cardwell	City of Fort Stockton
Wayne Tinkler	Precinct 1
M.R. Gonzalez	Precinct 2
Weldon Blackwelder	Precinct 3
Ronald Cooper	Precinct 4
Alvaro Mandujano Jr	Precinct 4
Billy Jackson	At Large
Jeff Sims	City of Iraan

Quorum Present

Members Absent: Larry Drgac, Puja Boinpally.

Jerry McQuairt participated as hold over by videoconference until his seat was filled by appointment.

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

Others attending: Adrian Dias, Angie Jackson, Eddie McCarthy, Glenn Honaker, Jeremiah Bihl, Jerry McQuairt, Mel Riggs, Ryan Reed, Mark Tisdale, Zach Swick, Gary Drgac, Wayne Tinkler, John Etridge, Ty Embrey, and Geoff Pike.

REGULAR BOARD MEETING

I Board Meeting called to order at 10:04 a.m. by Vice President Janet Groth and roll call was taken.

II Comments from **public and media**: No Comments

III Consider and/or act upon **Appointment of New Director for Precinct 1.**

The District posted notices for the open position for precinct 1 in the newspaper and on the radio for multiple weeks. We had two applicants. Zach Swick and Wayne Tinkler.

Billy Jackson made a motion to appoint Wayne Tinkler to fill the open director position for Precinct 1. Motion seconded by Jeff Sims.

Motion passed. Vote: 8 FOR -0- Oppose 2 Absent 0 Abstain

New Board Member Wayne Tinkler took his seat at the table.

IV **Administer the Statement of Elected Officer and Oath of Office for Precinct 1 Director.**

Janet Groth and Gail Reeves as Notary administered the *Statement of Officer*, and the *Oath of Office* to Wayne Tinkler.

V Consider and/or act upon **MPGCD Board Reorganization (Election of Officers).**

Vanessa Cardwell nominated Janet Groth as President. Motion seconded by Jeff Sims. Motion carried unanimously by affirmation.

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

Ronald Cooper nominated Vanessa Cardwell as Vice President. Motion seconded by Billy Jackson. Motion carried unanimously by affirmation.

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

THEREFORE, BE IT RESOLVED that the following **officers** are **reorganized** as follows: Janet Groth as, President; Vanessa Cardwell as Vice President; and M. R. Gonzalez as Secretary/Treasurer.

VI Consider and/or act to **authorize certain MPGCD representatives as signatories to MPGCD's bank account(s).**

Ronald Cooper motions to add Janet Groth to the bank signature page as Board President at Pecos County State Bank to replace Jerry McGuairt. Motion seconded by Wayne Tinkler.

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

VII Consider and/or act upon **Minutes of Regular Meeting on May 20, 2025**

The draft Minutes were emailed to the Board prior to the meeting. Vanessa Cardwell made a motion to approve the Minutes for the meeting of May 20, 2025, as presented. Motion seconded by Jeff Sims. Wayne Tinkler abstained from voting because he wasn't not on the board for the last meeting.

Motion passed. Vote: 8 FOR -0- Oppose 2 Absent 1 Abstain

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

General Manager Ty Edwards presented the Treasurer's report to the Board, Vanessa Cardwell made a motion to approve the Treasurer's Report ending May 31, 2025, as presented. Motion seconded by Ronald Cooper.

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

XIV Consider and/or act regarding negotiation of **export fee with Upton County Water District.**

John Evridge and Gary Drgac represented Upton County. John Evridge spoke and voiced concerns with the rate increase of export fees and the effect it will have on the community. Rate increases will have to be passed on to citizens of Upton County.

An executive session was called from 11:20 am to 12:05 pm to consult with our attorney pursuant to Section 551.071 of the Texas Government Code on legal matters on agenda XII, XIII and XIV.

Returning to open session, discussion was held by Directors and Attorney Mike Gershon on options. Ronnie Cooper made a motion for a Hearing to negotiate Export Fees for 2024. No second therefore motion died.

No action taken.

IX **State legislative update** (89th Legislative Session commencing January 14, 2025).

The District updated the Board on all relevant bills. The District is tracking all bills filed that affect GCD's, open government or elections.

Ty Embrey joined the meeting and gave the Board a high-level overview of the status of the Capitol. The Session ended on June 2nd and we are waiting to see what the Governor vetoes and or signs in to law.

- 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 (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 recently issued a notice asking for a briefing schedule. A hearing will be held on August 15, 2025, on RRC's plea to the jurisdiction requesting dismissal of the lawsuit.

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. TCEQ held a workshop on 02-20-2025 to discuss and solicit feedback eligible and ineligible expenses and the definition of administrative costs, how the LWWGP will fund eligible projects and how TCEQ expects to apply the prioritization criteria that will be specified in the rule and what further refinements to the prioritization criteria might be included in the RFGA.

- 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.

Williams Farms and Fort Stockton Holdings have approved the drilling of the Rustler Monitor Well. The seismic study was conducted the week of April 29- May 2, 2025. We are still awaiting the results of the study to adjust the location before we start construction.

- XII Briefing on **withdrawal of its December 23 Petition for Inquiry and a restated petition for Inquiry filed at TCEQ by Cockrell Investment Partners, L.P on March 4, 2025**, hearing before TCEQ's Commissioners on May 22, 2025, and **issuance of TCEQ Order dismissing Petition on May 27, 2025**.

Legal Counsel Mike Gershon briefed the Board on developments since the last Board meeting, including oral arguments made before TCEQ's Governor-appointed Commissioners on May 22, 2025, with oral argument by Cockrell, the District, TCEQ's Executive Director and Office of Public Interest Counsel, and FSH

At the May 22, 2025 hearing, TCEQ's Commissioners unanimously dismissed the petition for inquiry and determined MPGCD rules to be sufficient in protecting the groundwater resources in Pecos County. TCEQ's written order memorializing its dismissal was signed and issued May 27, 2025.

- 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 granted the petition to consider the appeal and take oral arguments, which have been scheduled for September 10, 2025.

- 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 took the same action 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.

- 05-22-2025 TCEQ Meeting
- 05-21-2025 GMA 3 Joint Planning Meeting
- Rig Data Report ending 06-14-2025 zero rigs in Pecos County
- Texas Drought Map for Pecos County 06-10-2025. Eastern Pecos County is abnormally dry and extending to severe drought as you go west.
- Water Use Reporting is ongoing for 2024 usage
- PCWCID#1 05-13-2025
- TPWMA May 2025 Monthly operation report

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

Next Board meeting is MONDAY August 18, 2025.

XVII Adjourn Board meeting.

Wayne Tinkler made a motion to adjourn the meeting. Motion seconded by Vanessa Cardwell and the motion carried unanimously. The meeting was adjourned at 12:33 a.m.


M. R. Gonzalez, Secretary/Treasurer


Janet Groth President

Date Approved 08/18/2025