

**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 Allan Childs Jeff Sims Puja Boinpally Larry Drgac

Employees

Ty Edwards, General Manager  
Office: Gail Reeves Field Technician: Anthony Bodnar

**FILED**  
SEP 13 2024

**NOTICE OF REGULAR BOARD MEETING<sup>1</sup>**

**September 17, 2024**  
**Call to Order at 10:00 a.m.**  
**405 North Spring Drive, Fort Stockton, Texas**

LIZ CHAPMAN  
CLERK COUNTY COURT, PECOS CO., TEXAS  
By RF 8:53am Deputy

**In accordance with the Texas Open Meetings Act, a quorum of the Board will meet in person and less than a quorum may participate by videoconference. The public may also join this meeting in person or as follows:**

**Join Zoom Meeting:**

<https://us02web.zoom.us/j/84246257395?pwd=azRUSm9uTWgwc1dKWkFPY1lueWw1dz09>

**Meeting ID: 842 4625 7395**

**Passcode: 438283**

**Toll-Free Number: 1-888-992-1129**

**Members of the public wishing to make public comment during the meeting must register in person at the time of the meeting or by emailing [mpgcd@mpgcd.org](mailto:mpgcd@mpgcd.org) prior to 9:30 a.m. on September 17, 2024.**

During this meeting the Board reserves the right to go into executive session for any of the purposes authorized under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, for any item on this agenda or as otherwise authorized by law.

**REGULAR BOARD MEETING**

- I Call to order regular Board meeting and roll call.
- II Comments from **public and media** (limit 5 minutes per person cumulative for all items addressed). Members of the public may address the Board for a limited time concerning any subject whether or not it is on the agenda (each person wishing to speak must submit a completed public comment form).<sup>2</sup>
- III Consider and/or act to approve **Minutes of Regular Meeting on August 19, 2024.**

- IV Consider and/or act to approve **Minutes of Special Meeting on Tax Rate and Cancellation of Election August 26, 2024.**
- V Consider and/or act upon **Treasurer's Report for the Month Ending August 31, 2024.**
- VI Update and possible action on **Pecos County Groundwater Flow Model** and Timeline on Tech Memos.
- VII 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).
- VIII Update on **Fort Stockton Holdings, L.P. (FSH)-MPGCD Joint Study, Threshold Water Level Update and Drilling of New Rustler Monitor on Williams Farms.**
- IX Briefing on two **Petitions** submitted on August 19, 2024, to Adopt or Modify Rules submitted by **Cockrell Investment Partners, L.P and Belding Farms, c/o** Ryan C. Reed, Attorney, and timeline for public notice, public input, and Board consideration.
  - A. **Modify rule** mandating export fees be set at statutory maximum and new rule requiring a Mitigation Fund (a) that the District shall, upon collection of the export fee or surcharge, maintain and utilize for the purposes of (1) making grants, loans, or contractual payments to achieve, facilitate, and expedite reductions in groundwater pumping, (2) developing or distributing alternative water supplies, and (3) maintaining the operability of wells significantly affected by groundwater development and (b) that requires the District to, upon application, provide permittees who demonstrate that they have been significantly affected by the production and export of water with the resources necessary to operate their wells and recoup the adverse economic impacts caused by the decline of groundwater levels.
  - B. **New Rule** addressing "Unreasonable Impacts" as follows:
 

Unreasonable Impacts: In order to help achieve a balance between production and conservation of groundwater resources, and to ensure that the District is able to achieve the Desired Future Condition, the District will consider the impacts to the Edwards Trinity Aquifer to be unreasonable if the average water level of all Monitoring Wells in Management Zone 1 on September 1 of any year is more than seven (7) feet less than the average water level of all Monitoring Wells in Management Zone 1 on September 1, 2018.

Action. If the foregoing measurements indicate unreasonable impacts, the District shall:

    1. Sends written notice to all permitholders and publish notice on Website
    2. Require permitholders to monitor and report water levels monthly
    3. Require permitholders to report lowering of pumps and new pump depth
    4. Suspend consideration of new transport/export permits

5. Schedule Board meeting within 10 days to discuss exercise of District's emergency powers, including curtailment of production by permit holders up to 50 percent

- 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)
  - 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)
  - 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)
  - 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)
  - 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)
- XI **Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map, Water Quality Analysis, and General Manager's Correspondence.**<sup>3</sup>
- XII **Directors' Comments**<sup>3</sup> and consider and/or act upon **agenda for next meeting.**
- XIII **Adjourn** Board meeting.

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<sup>1</sup> The Board may break for lunch and commence or continue the Board meeting immediately after lunch. This facility is wheelchair/parking accessible. Requests for accommodations must be made 48 hours prior to this meeting by contacting Ty Edwards at 432-336-0698.

<sup>2</sup> The Board will apply statutory law governing public comment. If more than 5 minutes (cumulative) is requested, there must be good cause in the sole discretion of the Presiding Officer. The Board is not allowed to take action on any subject presented that is not on the agenda, nor is the Board required to provide a response; any substantive consideration and action by the Board will be conducted under a specific item on a future agenda.

<sup>3</sup> No action will be taken on these agenda items. These items are on the agenda to provide the District's General Manager and Directors an opportunity to bring to the public's and each other's attention important issues pertinent to groundwater management within the District such that any substantive deliberation and formal action on any of these issues will be conducted under a specific item on a future agenda.