

**MIDDLE PECOS**  
**Groundwater Conservation District**  
P. O. Box 1644, Fort Stockton, Texas 79735  
Phone: 432/336-0698; Fax: 432/336-3407  
Email: [mpgcd@mpgcd.org](mailto:mpgcd@mpgcd.org)

**PETITION TO ADOPT OR  
MODIFY A DISTRICT RULE**

**Instructions:** This Petition to Adopt or Modify a District Rule form must be completed as required by District Rule 6.5 and filed at the District office. Each rule adoption or modification requested must be submitted on a separate Petition to Adopt or Modify a District Rule form.

A person unable to comply with any procedures under District Rule 6.5, or to provide the information required by this form, may file a written explanation as to why compliance with the required procedure(s) is not possible along with a written request that the District waive the specific procedure(s). The written explanation and written request must be submitted to the District Office at the same time as this Form.

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*Additional information may be attached to this form.*

- 1. Text of Proposed Rule or Rule Modification** (underline words proposed to be added to the text of the current rules and strike through words proposed to be deleted from the text of the current rules):

Proposed New Rule entitled "Unreasonable Impacts":

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 permit holders and publish notice on Website
2. Require permit holders to monitor and report water levels monthly
3. Require permit holders 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.

**2. Written Explanation of the Intended Purpose of the Proposed Rule or Rule Modification:**

To ensure that the District is protecting groundwater for all permit holders and achieving the DFC, Cockrell requests that the District adopt the Proposed Rule to establish measures that will be implemented when pumping in the District causes unreasonable impacts on permittees. Under section 36.113(d) of the Water Code, the District is required to consider whether use of water unreasonably affects existing resources and permittees when it considers permits. The Proposed Rule requires the District to define unreasonable impacts and implement protections for the benefit of all permittees when pumping of the aquifer creates unreasonable impacts. The seven (7) foot draw-down represents a proactive measurement of the actual impact of production on the aquifer, and is fifty percent (50%) of the planned draw-down over the next 25 years. Fifty percent (50%) of the planned draw-down is an objective measurement intended to identify needed action to ensure that the established DFC will be complied with and remains a viable target by 2050.

**3. Allegation of Injury or Inequity that could Result from Failure to Adopt Proposed Rule  
or to Modify Current Rule:**

The District does not define unreasonable impacts or address how it intends to achieve the DFC. Without significant rulemaking changes and in light of additional pumping from exports, unreasonable impacts resulting from increased production, including long-term damage to the aquifer and its ability to adequately recover after the summer irrigation season, may occur. All permittees, including Belding Farms, will experience a loss or degradation of water if the District does not protect against unreasonable impacts. The best way to prevent unreasonable impacts is to ensure that the District is on track to comply with the DFC. If the DFC is exceeded, permittees will be met with costs to drill deeper and retrofit wells, as well as the economic impacts of loss of water or degradation of water quality.

**4. Description of Petitioner(s) Real Property Interest in Groundwater in the District (attach proof of real property interest in groundwater located within the District for each petitioner):**

Cockrell is a landowner within the District. Cockrell/Belding Farms owns a 2,205 acre commercial pecan orchard consisting of approximately 77,000 trees. For its orchard, Cockrell utilizes its substantial water rights in the Edwards-Trinity Aquifer, which supports its pecan orchard.

Cockrell currently has a Historic Existing Use Permit that was issued in July 2006 for 16 wells in the amount of 15,528.846 acre feet, which is used to, among other things, supply water/irrigation requirements for its pecan orchard consisting of approximately 77,000 trees. In fact, Cockrell's 2,205-acre orchard is a part of 6,663.18 acres owned and leased by Cockrell.

**Petitioner(s) Information** (Please include information for additional petitioners as appropriate).

**Petitioner #1:**

Cockrell Investment Partners, LP and Belding Farms, c/o Ryan C. Reed, Attorney  
(210) 222-9494; rreed@pulmanlaw.com

First Name	Last Name	Phone Number	Email Address	
<u>Pulman, Cappuccio &amp; Pullen, LLP, 2161 NW Military Hwy, Suite 400, San Antonio, TX 78213</u>				
Physical Address		City	State	Zip code

Pulman, Cappuccio & Pullen, LLP, 2161 NW Military Hwy, Suite 400, San Antonio, TX 78213  
Mailing Address

/s/ Ryan C. Reed 08/19/2024

*Signature* *Date*

**Petitioner #2:**

First Name	Last Name	Phone Number	Email Address	
<u>Physical Address</u>				
Physical Address		City	State	Zip code

<u>Mailing Address</u>		City	State	Zip code
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*Signature* *Date*

**Petitioner #3:**

First Name	Last Name	Phone Number	Email Address	
<u>Physical Address</u>				
Physical Address		City	State	Zip code

<u>Mailing Address</u>		City	State	Zip code
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*Signature* *Date*

*Additional information may be attached to this form.*