



January 29, 2025

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Petition for Inquiry Filed by Cockrell Investment Partners, L.P. Against Middle Pecos Groundwater Conservation District

Dear Commissioners:

My name is Frank Rodriguez III, and I am the City Manager for the City of Fort Stockton and have been serving in my role since 2017. I have lived and worked in the Fort Stockton area for decades, and understand firsthand the importance of responsible groundwater management for our City and the broader West Texas region.

The City of Fort Stockton is the largest public water supplier in Pecos County and holds several groundwater production permits issued by the Middle Pecos Groundwater Conservation District (MPGCD). As such, the City, its Public Works Department, and City Council have long been engaged with MPGCD and are greatly in tune with the groundwater management efforts of MPGCD. Prior to my role as City Manager, I was aware of the City's opposition to Fort Stockton Holdings' (FSH's) water export project and the City's alignment with MPGCD in litigation against FSH. Over the years, we have actively participated in discussions, policy decisions, and legislative matters related to groundwater, and we have consistently supported MPGCD's approach to responsible groundwater regulation.

It is surprising to me to learn that the pecan farm owned by Houston-based Cockrell has filed a Petition for Inquiry with TCEQ and is accusing MPGCD of inadequately protecting groundwater. This accusation is simply not reflective of reality.

Our City Council and Mayor have for years consistently supported MPGCD's regulatory approach to groundwater management, not just at the local level but also at the state level through legislative testimony, and in the courts. We protested Fort Stockton Holdings' application to export nearly 50,000 acre-feet of water, and entered the lawsuit to defend MPGCD's denial of FSH's application. In 2017, when I became City Manager, our City joined with the District, Pecos County, Pecos County Water Control and Improvement District No. 1, Brewster County Groundwater Conservation District, Fort Stockton Holdings' lessor, and other families to settle the FSH permitting lawsuit. I recall that the settlement reduced FSH's authorized export down to 28,400 acre-feet per year and included some of the most stringent restrictions ever included in an MPGCD permit.

Throughout this process, the City worked with water law experts Russ Johnson at McGinnis Lochridge & Kilgore and Drew Miller at Kemp Smith, and hydrogeology experts at

Daniel B. Stephens & Associates, to help us carefully evaluate any impact to the City from FSH's proposed groundwater export. After consulting with these experts and the other involved parties, it became clear that the settlement terms were appropriate and in the best interest of our community and the parties involved.

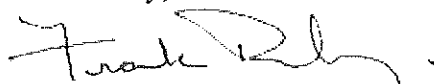
From the City's perspective, it appears that Cockrell's effort at TCEQ is not truly about groundwater protection—it is an attempt to undermine the FSH export project. I can personally attest that the District is a well-run organization, led by dedicated professionals. I have an excellent working relationship with its General Manager, Ty Edwards, and am confident in the District's ability to regulate groundwater responsibly. The claim that MPGCD's rules fail to protect Desired Future Conditions in Groundwater Management Areas 3 and 7 is baseless, given that I know millions of dollars have been spent on working with some of the state's top hydrogeologists and engineers to advise the District on designing an effective regulatory program.

It is important to point out these lawsuits reflect the contentiousness of large-volume water pumping projects and each party's intent to protect their own interests. Cockrell has filed five lawsuits and three petitions for rulemaking urging MPGCD to see things its way. It is wholly inappropriate for Cockrell to now turn to and burden TCEQ to try to unravel MPGCD's regulatory program, which has buy-in from the City, other local public water suppliers, County, countless permit holders, and other important regional and local stakeholders. The applicable Petition for Review statute appears to require districts to meet their statutory mandate, and a minimum one at that—MPGCD has gone well beyond any minimum requirements under state law to develop and implement an effective regulatory program.

We strongly encourage the Commissioners of TCEQ to see through Cockrell's attempt to disparage and attack MPGCD as a blatant effort to dismantle the Fort Stockton Holdings export project, which is currently under contract to supply water to the cities of Abilene, Midland, and San Angelo. We respectfully request that this petition be denied.

I understand that our response ought to be certified. My sworn statement below is intended to meet that requirement.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Rodriguez III", with a stylized flourish at the end.

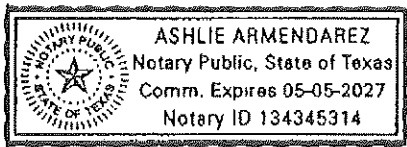
Frank Rodriguez III
City Manager

CERTIFICATION

STATE OF TEXAS §
COUNTY OF Pecos §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Frank Rodriguez III., who, being by me duly sworn on oath deposed and said that he is the City Manager of the City of Fort Stockton, and that every factual statement in this response is within his personal knowledge and is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on the 24th day of January 2025, to
certify which witness my hand and official seal.



Armiu Armenta
Notary Public in and for the State of Texas

My commission expires: 05/05/2027

cc: Mayor Paul Casias
Mayor Pro Tem James Warnock
Council Members
City of Fort Stockton

Service List (served as required by TCEQ rules and TCEQ's notice dated January 6, 2025)

Mailing List
Middle Pecos Groundwater Conservation District
TCEQ Docket No. 2025-0017-MIS

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**Groundwater Conservation Districts within
Groundwater Management Area 7:**

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**Groundwater Conservation Districts within
Groundwater Management Area 3:**

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For the Executive Director:

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Docket Clerk

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<https://www.tceq.texas.gov/goto/eFilings>

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