

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, February 11, 2016**, commencing at **6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Routine Business.**

a. Consent Agenda. *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*

1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Not for public review**
2. Approval of minutes of the Board's January 28, 2016 Regular Meeting. **Not for public review at this time**
3. Approval of a contract amendment with Alan Plummer Associates for engineering services related to the District technical review of State Highway 45 Southwest. **Pg. 13**
4. Approval of a Groundwater Management Area 10 funding agreement to support additional consultant work on analysis of the projected pumping from the Trinity Aquifer in Hays County. **Pg. 15**

b. General Manager's Report. *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)*

1. **Standing Topics.**

- i. Personnel matters and utilization
- ii. Upcoming public events of possible interest
- iii. Aquifer conditions and status of drought indicators

2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only*

under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)

- i. Review of Status Update Report – at directors’ discretion **Pg. 26**
- ii. Update on activities related to GMA and regional water planning
- iii. Update on District grant projects
- iv. Update on the activities related to the SH 45 SW roadway project
- v. Update on activities related to the HCP and the associated draft EIS

4. Public Hearing (6:15 pm)

The Board will hold a Public Hearing on an application filed by Onion Creek Golf Group L.P., 2510 Onion Creek Parkway Austin, TX 78747, for a Production Permit to withdraw up to an annual permitted volume of 127,410,000 gallons of groundwater from the Middle Trinity Aquifer from a new nonexempt irrigation well located at the Northeast corner of FM 1626 and Wayne Riddell Loop, in the Knolls of Slaughter Creek Subdivision.

5. Discussion and Possible Action.

- a. Discussion and possible action related to an application filed by Onion Creek Golf Group L.P., 2510 Onion Creek Parkway Austin, TX 78747, for a Production Permit to withdraw up to an annual permitted volume of 127,410,000 gallons of groundwater from the Middle Trinity Aquifer from a new nonexempt irrigation well located at the Northeast corner of FM 1626 and Wayne Riddell Loop, in the Knolls of Slaughter Creek Subdivision. **Pg. 32**
- b. Discussion and possible action related to approval of prospective amendments and changes to the District’s Rules and Bylaws for implementation of HB 3405, other legislation from the 84th Legislative Session, and other changes to be the subject of a public hearing on March 11, 2016. **Pg. 46**
- c. Discussion and possible action related to a request for consideration by Electro Purification, LLC to authorize under District Rule 3-1.20.D, General Permit by Rule for Test Wells, temporary production of a restricted amount of groundwater from Test Wells in the Trinity Aquifer for the purpose of aquifer testing. **Pg. 51**
- d. Discussion and possible action related to the District’s technical review of the proposed stormwater controls for State Highway 45 Southwest and comments to be submitted to the Central Texas Regional Mobility Authority. **NBU**
- e. Discussion and possible action related to direction to the District representative to Groundwater Management Area (GMA) 10 on consideration of proposed Desired Future Conditions (DFCs) and Relevant Aquifer Designations including an alternative proposed DFC for the Saline Edwards Aquifer in the Northern Subdivision of GMA 10. **Pg. 59**

6. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of February, 2016, at _____ .m.

_____, Deputy Clerk

Travis County, TEXAS

Please note: This agenda and available related documentation have been posted on our website, www.bseacd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

Routine Business

a. Consent Agenda

(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)

- 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- 2. Approval of minutes of the Board's January 28, 2016 Regular Meeting.**
- 3. Approval of a contract amendment with Alan Plummer Associates for engineering services related to the District technical review of State Highway 45 Southwest.**
- 4. Approval of a Groundwater Management Area 10 funding agreement to support additional consultant work on analysis of the projected pumping from the Trinity Aquifer in Hays County.**

AMENDMENT NO. 1
to the
AGREEMENT
between
Barton Springs/Edwards Aquifer Conservation District
and
Alan Plummer Associates, Inc.

This is AMENDMENT Number 1, to the Phase II AGREEMENT (“Agreement”) made as of October 1st, 2015 between the Barton Springs/Edwards Aquifer Conservation District (“DISTRICT”) and ALAN PLUMMER ASSOCIATES, INC. (“Contractor”) (are jointly referred to as “PARTIES”). Provisions contained in this AMENDMENT shall be considered as though they were a part of the original AGREEMENT. This AMENDMENT No. 1 shall become effective as of the February 11th, 2016 and shall have an effective date for all eligible engineering services rendered on and after the January 11, 2015. The AGREEMENT and AMENDMENT shall remain in full force until August 31, 2016 unless terminated earlier per Section II of the AGREEMENT.

The following changes are made to the original AGREEMENT:

- 1) The Scope of Services shall be modified to include the following tasks:
 - a. Complete a technical review the SH 45 Southwest Water Pollution and Abatement Plan (WPAP).
 - b. Provide written technical comments on the WPAP.
 - c. Provide status updates to the Board and Board committee as often as necessary.
- 2) COMPENSATION by the District to the Contractor for all work performed under this AMENDMENT No. 1 is to be based on the rates provided in the original AGREEMENT. Total compensation for work performed as part of this AMENDMENT No. 1 shall not exceed **\$5,000** (“Funding Limitation”) without prior approval by the DISTRICT. Services provided under this Amendment No. 1 will increase the total contract amount for services rendered by Tom Hegemier (Hegemier) under the June 15, 2015 agreement between Hegemier and the District, which was assigned to Contractor July 30, 2015 from **\$15,000** to **\$20,000**.

This AMENDMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the PARTIES have executed this AMENDMENT as of the day and year first written above.

DISTRICT:

CONTRACTOR:

John Dupnik, PG
General Manager

Date

Robert Adams, P.E.
Principal

Date

ATTEST:

APPROVED AS TO FORM

Blake Dorsett
Board Secretary

Date

William D. Dugat III
General Counsel

Date

DRAFT FOR DISCUSSION PURPOSES ONLY

INTERLOCAL AGREEMENT XX_XX_XXX-
PPEA
REGARDING JOINT FUNDING OF THE
DEVELOPMENT OF AN ELEMENT
SUPERPOSITION TOOL TO EVALUATE THE
TRINITY AQUIFER IN HAYS COUNTY

THIS INTERLOCAL AGREEMENT REGARDING JOINT FUNDING OF THE DEVELOPMENT OF AN ELEMENT SUPERPOSITION TOOL TO EVALUATE THE TRINITY AQUIFER IN HAYS COUNTY (the “Agreement”) is made effective as of February 15, 2016 (“Effective Date”) by and between the Barton Springs/Edwards Aquifer Conservation District (BSEACD), the Edwards Aquifer Authority (EAA), and the Plum Creek Conservation District (PCCD). In this Agreement, the Districts are sometimes individually referred to as a “Party” and collectively referred to as the “Parties.”

WHEREAS, each Party is a political subdivision of the State of Texas created under the authority of Article XVI, Section 59, of the Texas Constitution, and operates or exercises its powers pursuant to Chapter 36 of the Texas Water Code, and each Party’s respective enabling act; and

WHEREAS, the Parties desire to and are authorized to enter into this Agreement pursuant to the Texas Interlocal Cooperation Act, § 791.001, et seq. of the Texas Government Code Annotated (Vernon 1994 and Supp. 2000) and pursuant to their respective enabling act, Chapter 36 of the Texas Water Code, including, but not limited to, Sections 36.1086, 36.205, and 36.207 of the Texas Water Code; and

WHEREAS, each Party’s boundaries, or a portion thereof, are within Hays County; and

WHEREAS, the Parties all share an interest in either the management of the Trinity Aquifer or its interformational relationship with the Edwards Aquifer; and

WHEREAS, the Parties desire to enter into an interlocal agreement to provide funding for a third party consultant to prepare the analytic superposition tool (collectively the “Project” as further defined below); and

WHEREAS, the EAA will serve as the Contract Manager and enter into a contract (the “Contract”) with Southwest Research Institute® (the “Contractor”), whereby the Contractor shall gather and incorporate technical information and perform such other services as necessary or appropriate to undertake and complete the Project pursuant to the terms of the Contract, and the Parties shall pay for such costs of the Contract as further described herein; and

WHEREAS, the Parties desire to enter into this Agreement to: (i) memorialize the general concepts of agreement relative to providing funding for the Project and Contract, including the purposes and intent of the Parties in participating in the Project; and (ii) evidence the ultimate rights and responsibilities of the Parties;

WHEREAS, the Parties will all benefit from the Project; and

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WHEREAS, this Agreement concerns the performance of governmental functions and services; and

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements of the Parties contained in this Agreement, the Parties agree as follows:

I. DEFINITIONS

When used in this Agreement, capitalized terms not otherwise defined shall have the meanings set forth below:

1.01 “Agreement” means this “Interlocal Agreement Regarding Funding of an Explanatory Report for GMA 10.”

1.02 “Contractor” means Southwest Research Institute®.

1.03 “Contract” means the agreement executed by the EAA and the Contractor for the Contractor to undertake all work necessary to develop an analytic element superposition tool for the Trinity Aquifer in Hays County. The contract is attached as Exhibit A.

1.08 “Project” means developing an analytic element superposition tool for the Trinity Aquifer in Hays County.

1.09 “Term” means the term of this Agreement, which shall commence on the Effective Date and terminate on December 31, 2016, thereafter or as otherwise extended or terminated in accordance with the provisions herein.

1.10 “Total Contract Price” means the maximum amount the Parties shall collectively pay under the Contract for the Project, which shall not exceed \$30,089.00.

II. STRUCTURE & FUNDING OF PROJECT

2.01 General.

(a) Responsibility for the Project. The Parties acknowledge and agree that the EAA will manage the Contractor and the Contract and the Parties shall be jointly responsible for funding the Project, as set forth in this Agreement.

(b) The EAA will manage the Contractor and Contract, and assess each Party their estimated portion of expenses as evidenced in the Contract attached as Exhibit A of this Agreement, and as follows:

Total Cost of Contract	Not to exceed \$30,089.00
EAA	33% of total cost, not to exceed \$10,044.50

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BSEACD	50% of total cost, not to exceed \$15,044.50
PCCD	27% of total cost, not to exceed \$5,000.00

(c) All payments made by each Party under this Agreement shall be appropriated by each Party's Board of Directors in accordance with the applicable procedures of each Party.

2.02 Payment for Project.

The Parties agree that the process for payment of the Project invoices is for each party to pay the EAA their appropriate expense estimate as described above within 30 days of the Effective Date of this Agreement. The Contractor will submit invoices on a monthly basis for the previous month's work on the Project to the EAA. The EAA will then review each invoice and, if the expenses are appropriate, submit payment to the Contractor. If the EAA finds a discrepancy or finds clarification of an invoice submitted by the Contractor to be necessary, the EAA shall work with the Contractor to resolve the discrepancy or receive the clarification. Upon termination of the Contract, all fees due and owed to the Contractor shall be paid under the terms of this Agreement and as provided in the Contract, and any unspent funds shall be returned to the appropriate parties within 60 days.

2.03 Failure to Pay

A Party's failure to make timely payment as set forth under Section 2.02 may result in the termination of the Project.

**III.
CONTRACT**

3.01 Contract.

(a) The EAA has entered into a Contract containing terms consistent with this Agreement.

(b) The Contractor shall be responsible for the technical work related to the Project and for completion of the Project.

**IV.
PROJECT RESULTS**

4.01 Acceptance of Project Results.

After completion of the Project, the parties may jointly or independently utilize the Project results for any purposes which either party deems reasonably necessary.

**V.
GENERAL PROVISIONS**

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5.01 Recitals. The recitals in this Agreement are true and correct.

5.02 Cooperation. During the Term of this Agreement, the Parties agree to cooperate at all times in good faith to effectuate the purposes and intent of this Agreement and to carry out the purposes and intent of the Project.

5.03 Compliance with Laws. All activities of the Parties under this Agreement and the Contractor shall be in compliance with all applicable Federal, State and Local rules, laws, and regulations.

5.04 Agreement Regarding Remedies. The Parties agree that the breach of this Agreement will allow the non-breaching Party/Parties to seek all appropriate remedies provided by law.

5.05 Authority. This Agreement is made in part under the authority conferred in Chapter 791, Texas Government Code and Sections 36.1086, 36.205, and 36.207 of the Texas Water Code. Each Party represents and warrants that it has the full right, power and authority to execute this Agreement.

5.06 Severability. The provisions of this Agreement are severable and, if any provision of this Agreement is held to be invalid for any reason by a court or agency of competent jurisdiction, the remainder of this Agreement will not be affected and this Agreement will be construed as if the invalid portion had never been contained herein.

5.07 Source of Payment; Pledge to Secure Payment. The Parties represent and covenant that annual payments to be made by it under this Agreement and under the Contract shall constitute funds appropriated by each Party's Board of Directors through each Party's annual budget adopted in accordance with the applicable procedures of each Party.

5.08 Third Party Beneficiaries. Except as expressly provided for herein with regard to the Contractor and Contract Manager, nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the Parties, any rights, benefits, or remedies under or by reason of this Agreement.

5.09 Entire Agreement. This Agreement contains the entire agreement of the Parties regarding the subject matter hereof and supersedes all prior or contemporaneous understandings or representations, whether oral or written, regarding the subject matter. The Parties confirm that if further agreements regarding the Project in accordance with the Contract are contemplated, they will not be affected or limited by this Agreement.

5.10 Interpretation and Reliance. No presumption will apply in favor of any Party in the interpretation of this Agreement or in the resolution of any ambiguity of any provisions hereof.

5.11 Relationship of Parties. This Agreement is based upon the active participation of the Parties. Neither the execution nor the delivery of this Agreement shall create or constitute a partnership, joint venture, or any other form of business organization or arrangement between the Parties, except for the contractual arrangements specifically set forth in this Agreement. No Party shall have any power to assume or create any obligation on behalf of the other Party.

5.12 Amendments. Any amendment of this Agreement must be in writing and will be effective if it is signed by all Parties. The annual expenses allotted to each Party in the contract attached as Exhibit A cannot be amended without specific action being taken by the governing body of each party.

5.13 Applicable Law; Venue. This Agreement will be construed in accordance with Texas laws. Venue for any action arising hereunder will be exclusively in the appropriate court in Bexar County, Texas.

5.14 Notices. Any notices given under this Agreement will be effective if (i) forwarded to a Party by hand-delivery; (ii) transmitted to a Party by confirmed telecopy; or (iii) deposited with the U.S. Postal Service, postage prepaid, certified, to the address of the Party indicated below:

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Barton Springs/Edwards Aquifer Conservation District:

BSEACD
Attn: General Manager
1240 Regal Row
Austin, TX 78748
Telephone: (512) 282-8441
Facsimile: (512) 282-7016

Edwards Aquifer Authority:

EAA
Attn: General Manager
900 E. Quincy Street
San Antonio, TX 78215
Telephone: (210) 222-2204
Facsimile: (210) 222-9869

Plum Creek Conservation District:

PCCD
Attn: Board of Directors
P.O. Box 328
1101 W. San Antonio St.
Lockhart, TX 78644
Telephone: (512) 398-2383
Facsimile: (512) 398-7776

5.15 Counterparts; Effect of Partial Execution. This Agreement may be executed simultaneously in multiple counterparts, each of which will be deemed an original, but all of which will constitute the same instrument.

(Signature Pages Follow)

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(Signature page of Barton Springs/Edwards Aquifer Conservation District to Interlocal Agreement Regarding Funding for an Explanatory Report for GMA 10)

BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT:

By: _____

Blayne Stansberry

Title: President, Barton Springs/Edwards Aquifer Conservation District Board of Directors

Date: _____

ATTEST:

By: _____
Blake Dorsett, Board Secretary

Date: _____

APPROVED AS TO FORM

By: _____
William D. Dugat III, General Counsel

Date: _____

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(Signature page of Edwards Aquifer Authority to Interlocal Agreement Regarding Funding for an Explanatory Report for GMA 10)

EDWARDS AQUIFER AUTHORITY:

By: _____

Printed Name: _____

Title: General Manager, Edwards Aquifer Authority Board of Directors

Date: _____

DRAFT FOR DISCUSSION PURPOSES ONLY

(Signature page of Plum Creek Conservation District to Interlocal Agreement Regarding Funding for an Explanatory Report for GMA 10)

PLUM CREEK CONSERVATION DISTRICT:

By: _____

Printed Name: _____

Title: President, Plum Creek Conservation District Board of Directors

Date: _____

Exhibit A
Contractor Contract to be Attached

Item 3

Routine Business

b. General Manager's Report.

Note: Topics discussed in the General Manager's Report are intended for administrative and operational information-transfer purposes. The Directors will not deliberate any issues arising from such discussions and no decisions on them will be taken in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics.

- i. Personnel matters and utilization**
- ii. Upcoming public events of possible interest**
- iii. Aquifer conditions and status of drought indicators**

2. Special Topics.

Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.

- i. Review of Status Update Report – at directors' discretion**
- ii. Update on activities related to GMA and regional water planning**
- iii. Update on District grant projects**
- iv. Update on the activities related to the SH 45 SW roadway project**
- v. Update on activities related to the HCP and the associated draft EIS**

STATUS REPORT UPDATE FOR FEBRUARY 11, 2016 BOARD MEETING

Prepared by District Team Leaders

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM				
	John Dupnik			
	JD	2/5/2016	Meetings, Training, Presentations, and Conferences	External Meetings Attended: GMA 10 meeting; Jim Totten (Lost Pines GCD) on permitting concepts; Graham Moore and Blake Dorsett on SWIFT funding; SH45 TWG; Tom Weber (Travis County) on PGMA; USFWS on draft EIS; RWQPP work group; Jacob Cottingham (Rep. Donna Howard); Tx State student on GW policy thesis; EP on permitting options; Other Meetings: HCP committee; with Blayne and Mary on redistricting options; SH 45 committee (2 meetings); Presentations: None Conferences/Seminars: TAGD quarterly meeting
Summary of Significant Ongoing Activities				Ongoing Special Projects: TDS saline zone investigation/alternative saline zone access agreement; CTRMA coordination on SH 45 design review; TWDB RFP grant; HB 3405 implementation; District HCP/EIS review; CoA wastewater rulemaking petition; Employee Policy Manual Review; joint-regional funding of GAM extension; redistricting; groundwater stewardship awards; GMA 10 Alternative DFCs; Committees and Workgroups: Region K (voting member); GMA 10 (voting member); Regional WQ Plan workgroup; Region K Legislation and Policy committee; Region K strategy prioritization committee; Region K water supply strategy committee; Region K executive committee nomination committee; CTRMA SH 45 Technical work group; Regional Wastewater Technical Work Group; Kent Butler Summit Planning Committee; TAGD legislative committee (regional planning; ASR, brackish gw), CTRMA SH 45 ECM procurement committee
	JD	2/5/2016	Ongoing Special Projects, Committees, and Workgroups	
	JD	2/5/2016	Routine Activities and Day-to-Day operations	Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities, and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; prepared agendas and backup for and attended Board meetings; prepared GM report and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leaders; presided over Planning Team meetings; serve as liaison between Board and staff; support Board subcommittees; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: HB 3405; Redistricting; open carry policy; rulemaking; EP permitting. Other Activities: coordinate joint-funding of GAM extension; coordinate with CTRMA on SH 45; coordinate team tasks for implementing HB 3405; coordinate RFP grant project; work with GMA 10 alternative Saline Edwards DFC; 2016 Kent Butler Summit planning; interview for Reg Compliance technician position; negotiate auditor contract; review draft EIS comments; groundwater stewardship awards; redistricting coordination; coordinate SH45 stormwater review and comments; CTRMA SH45 ECM procurement committee; viewed HNRC hearing;
ADMINISTRATION TEAM				
	Dana Christine Wilson			
Accounts Receivable - A	DCW	2/5/16	Permittee accounts carrying a past due balance;	Currently there are no past due accounts (other than the Higginbotham permit which was originally billed for \$124,250 with outstanding total of \$161,425). On February 16th another \$12,425 will be charged as another late fee. Waiting for direction from Board and GM.
Accounts Receivable - B	DCW	2/5/16	Billings in process with February 16th invoice date.	3rd Quarter, and March monthly billings = \$8339,450.
Audit -Financial - Montemayor	DCW	2/5/16	Vendor Disclosure Process completed and engagement letter has been signed and returned. In process of collecting all documents and policies requested by auditor in PBC (prepared by client) list.	February 8th is first day of auditor's fieldwork.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Contracts	TR/DCW	2/5/16	New MSC (Master Services Contract) solicitation process will begin in February/March.	Consolidating 3 different contract templates into one master. This will be renewed and edited every 5 years.
Financial Reporting - Website	DCW	2/5/16	Most current, available financial reports are posted on the District website.	Balance Sheet, and Profit and Loss Statement through December 2015.
Grant Reporting - TWDB Regional Facilities Planning	DCW	2/5/16	Invoice details have been received. No invoicing has taken place.	
Tax Reporting	DCW	2/5/16	End of year tax reporting	W-2s, W-3, 1099s and 1096 all remitted.
REGULATORY COMPLIANCE TEAM Vanessa Escobar				
Temporary Permits	KBE, VE	2/11/2016	New Temporary Permits	Staff has mailed out all Temp Permit Certificates and provided an informative letter with a list of the next steps that the permittees need to complete, and the deadlines. Staff continues to process Part 2 of the application forms and 90-day extension letters have been sent out. Staff also continues to work with Temp Permittees to ensure meters are installed and meter readings are submitted. Hunter Chase Farms, the well owner that missed the Temp Permit deadline, has timely filed a Production Permit that is currently being reviewed. An event center, The Plant at Kyle, also missed the deadline and is in the process of filing a Production Permit application. Staff is reviewing application materials for the conversions to a Regular Permit. Once the materials are complete, District staff will prepare to public a combined notice and mail out notice letters. Notice is anticipated to be published in mid to late February.
City of Buda	KBE, VE	2/11/2016	Well Modification Authorization of a Test Well - New Edwards PWS well to be part of Aggregate System	A well modification application was submitted and staff is currently reviewing it. The City of Buda previously completed a test well application for a new PWS well to become part of their aggregate system. There will not be a new production permit associated with the new well, it will be an aggregate. The first test well proved to have sufficient yield, therefore Buda has submitted a well drilling/modification application to complete the well per BSEACD and TCEQ well construction standards. Staff conducted a site inspection to determine the October 2015 flood elevation at well site, the well shall be constructed 2 ft above this elevation. The application has been deemed admin. complete and Buda has published notice. A couple of emailed comments were received and staff corresponded with each of those property owners to address their concerns. Buda will be required to conduct a pump test and complete a hydrogeologic report for this new well as part of a permit condition. The Modification Permit was approved by the Board on 1/28/16. Well Drilling has not yet commenced.
Onion Creek Golf Club	KBE, VE	2/11/2016	Middle Trinity Well	Drilling has been completed on the Middle Trinity well. They have drilled the well to total depth at approx. 1,460 ft into the Cow Creek formation. Preliminary results indicate a productive well with production at approx. 300 gpm and TDS approx. 850- 900 mg/L. A production application has been submitted with a request of 175 MGY from the Middle Trinity and staff is currently reviewing. The golf course received significant damage from the recent October floods. The application was determined to be administratively complete on 1/22/16 and notice was published on 1/22/16. The 20 day comment period will end on 2/11/16 for which there is also a public hearing scheduled. Onion Creek is in negotiations with the City of Austin regarding possible retirement of 50% of Historic Edwards Permit. Until those negotiations are finalized staff will recommend that the permit be approved now for the 80 MGY with an option to automatically increase to 127 MGY upon retirement of 50% of the Edwards.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
TJ Higginbotham	KBE, VE	2/11/2016	Class C Conditional Freshwater Edwards Application	No new update. TJ Higginbotham has submitted a production permit application for a Class C Conditional Freshwater Edwards Permit for 270,000,000 gallons/year. He has an existing Edwards well that is completed per TCEQ standards for PWS. The application has been deemed administratively complete and a public hearing was held on 9/10/15. A couple of comments were received but no formal protests. The Permit with special provisions was approved on 9/10/15 and the applicant has been sent a permit certificate and invoice for production fees. The invoice due date was 11/5/15 for which the District has not yet received payment. The fees were considered late on 11/16/15. The District has not received payment of any fees; staff is considering enforcement and will bring before the Board for direction.
Drought Statue - No-Drought	KBE, VE	11/19/2015	Drought Compliance Monitoring and Enforcement	No new update. No-drought was declared on January 29, 2015. Staff sent out email and letter to all permittees notifying them of no-drought status.
EDUCATION & OUTREACH				
Central Texas Water Efficiency Network Symposium	RG	2/4/2016	Conservation, Come Drought or High Water	The District helped sponsor the 6th annual Central Texas Water Efficiency Network Symposium: Conservation, Come Drought or High Water. Over 300 people attended from all over Texas. Speakers talked about conservation strategies, economics, reuse, and conservation software experiences.
AISD Scholarship Fair	RG	2/4/2016	High school seniors event	Robin hosted a booth along with 40 other entities that offer scholarships at the 1st annual AISD Scholarship Fair at the performing arts building. Approximately 500 college seniors attended. This year may be a popular year for the Kent Butler Memorial Scholarship!
Groundwater Stewardship Awards	RG and all staff	2/4/2016	Winners announced	The Board voted on the 2015 Groundwater Stewardship Award winners at the Jan 28 Board Meeting. Winners were notified the following week. A press release was posted on 2/4/16, after all winners had been notified personally. A letter with the luncheon celebration details will go out the week of 2/8/16.
Enews Blast	RG	2/4/2016	February eNews	The February 2016 eNews was released on 2/4/2016. Articles included an update on the Needmore aquifer test, rule making timeline, groundwater stewardship award winner announcement, and information on the scholarships. People can sign-up automatically at www.bseacd.org/signup . And archived eNews can be accessed at http://www.bseacd.org/publications/newsletters/ .
Internet Traffic Report	RG	2/4/2016	Page views and visits to the District Website	The District website will be undergoing some changes in the next few months. The webserver is out-of-date and the website content management system needs to be updated. Over the last month, we've had 2,675 page views from 891 visitors. In order of hits the most visited pages were the home page (771), Drought Status (169), Maps (130) and Scholarships (103). On the District Facebook page we have 435 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Dye Tracing	BS, BH	2/4/2016	Dye tracing	Discussions are underway with the EAA and CoA about potential dye tracings in the upcoming months. Locations include sinkholes and wallets in the Blanco River. Providing that there is flow in Onion Creek, dye will be injected into Antioch Cave later this winter or in the spring.
Central Hays County Groundwater Evaluation	RG, BH, BAS, JC	2/4/2016	Well and hydrogeology characterization	District staff are establishing a monitoring network of nearby wells to collect data during the EP aquifer test. Revisions are being made to the aquifer test guidelines, and a definition for unreasonable impacts is being developed.
Antioch Cave	BS, BH, JC	2/4/2016	Onion Creek Recharge Enhancement Project	The Antioch system is open to allow recharge, and there is flow in Onion Creek due to heavy rains in October and more moderate rains in November and December.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Water-Quality Studies	BS, BH, JC	2/4/2016	Sampling and analysis of groundwater and surface water	District staff, in cooperation with the TWDB, have begun sampling wells and springs. In addition, the staff is sampling wells and springs as part of the Magellan Pipeline monitoring effort. TWDB provided additional funding for water sampling, so a number of wells and springs were sampled.
Saline Zone Studies	BS, BH	2/4/2016	Installation of multiport monitor well	Plans are moving forward for installation of a saline Edwards multiport well in conjunction with a test well installed by TDS. We are currently working on an access agreement with TDS. On July 8, the District was officially notified of an award of a regional planning grant for work on the saline Edwards, and a contract with TWDB was signed on Aug. 27. On January 5 a contract between BSEACD and Carollo Engineers was signed.
Drought and Water-Level Monitoring	BH, BS, JC	2/4/2016	Drought status, monitor wells, and synoptic water level events	January 30, 2015, the District Board declared non-drought conditions. The District had been in drought since August 15, 2014. Because of heavy rains in October and more moderate rains in November and December, the water level in the Lovelady well is rising. As of Feb 4, the water level in the Lovelady well was at 527.0 ft above msl and Barton Springs was flowing at 104 cfs.
Information Transfer	BS, BH, JC	2/4/2016	Presentations, conferences, reports, and publications	District staff finalized a paper that was published by Springer on surface-groundwater interactions. Staff are working on the Vol. 2 of the Hydrogeologic Atlas. Brian Smith attended a conference in San Juan in late January on contamination in karst and public health.
AD-HOC TEAMS				
Technical Team	BAS	2/4/2016	Current areas of discussion	Topics of discussion at the technical team meeting in February were the definition of unreasonable impacts, Needmore permitting, and upcoming aquifer tests.
Planning Team	JD	2/5/2016	Strategic and tactical planning and discussion topics	New Business: New Hire preparations; remodeling project
UPCOMING ITEMS OF INTEREST				
House Nat Resources Com. Hearing on interim charges		2/9/2016	9:30am, Burleson ISD, Burleson, Texas	
Region K Quarterly Meeting		2/11/2016	10am-2pm, LCRA offices, Montopolis Drive, Austin	
Texas Water Symposium		2/11/2016	7-8:30pm, LBJ Room of the Texas State University Student Center, San Marcos, TX.	
1st February Board Meeting		2/11/2016		
IWSCOT Winter Seminar		2/12/2016	Crown Plaza, Austin, Texas	
Presidents Day Holiday		2/15/2016	District offices closed	
2nd February Board Meeting		2/25/2016		
Groundwater Stewardship Awards Luncheon		3/4/2016		
1st March Board Meeting		3/10/2016		
2nd March Board Meeting		3/24/2016		
Austin City Council Proclamation for Craig Smith		3/31/2016		
Water Well Checkup		4/13/2016		
1st April Board Meeting		4/15/2016		
Kent Butler Summit		4/22/2016	8:30am-4pm, Wimberley Community Center	
Earth Day		4/22/2016		
2nd April Board Meeting		4/28/2016		

Item 4
Public Hearing
6:15 p.m.

The Board will hold a Public Hearing on an application filed by Onion Creek Golf Group L.P., 2510 Onion Creek Parkway Austin, TX 78747, for a Production Permit to withdraw up to an annual permitted volume of 127,410,000 gallons of groundwater from the Middle Trinity Aquifer from a new nonexempt irrigation well located at the Northeast corner of FM 1626 and Wayne Riddell Loop, in the Knolls of Slaughter Creek Subdivision.

Item 5

Board Discussions and Possible Actions

a. Discussion and possible action related to an application filed by Onion Creek Golf Group L.P., 2510 Onion Creek Parkway Austin, TX 78747, for a Production Permit to withdraw up to an annual permitted volume of 127,410,000 gallons of groundwater from the Middle Trinity Aquifer from a new nonexempt irrigation well located at the Northeast corner of FM 1626 and Wayne Riddell Loop, in the Knolls of Slaughter Creek Subdivision.

Application Summary and Staff Recommendations

DESCRIPTION OF APPLICATION

Applicant: Onion Creek Golf Group (OCGG)

Type of Application: Production Permit in Middle Trinity Management Zone

Request: Approval of a new Historical Middle Trinity Production Permit to withdraw up to 127,410,000 gallons/year for irrigation. The Production Permit, if approved, would be subject to the rules related to pumpage from wells completed in the Middle Trinity management zone.

REASON FOR REQUEST

During the October 2013 flood OCGG experienced significant damage to their golf course in addition to the destruction of the City of Austin's Water Treatment Plant, which provided OCGG with reclaimed water for irrigation. Subsequently the City of Austin decided not to rebuild the Water Treatment Plant, forcing OCGG to find alternative sources for irrigation water. The District's Board approved a well drilling authorization May 14, 2015 to drill a new Middle Trinity well to reduce their demand on City of Austin potable water, which they are temporarily receiving in place of the reclaimed water. The well was completed on July 20, 2015 in the Cow Creek formation in the Middle Trinity Aquifer at a total depth of approximately 1530 ft.

WELL/RECEIVING AREA LOCATION

The OCGG irrigation well is located on a 7-acre tract of land near the Northwest corner of FM 1626 and Wayne Riddell Loop in southern Travis County. This tract of land is owned by the Knolls of Slaughter Creek HOA and will be leased to OCGG for the purposes of owning and operating the well. Attachment A provides a map of the well location and property. The irrigation water is proposed to be used primarily for golf course irrigation with a small portion to be allocated to the HOA for their common area landscape needs.

WATER DEMAND AND PERMIT VOLUME CALCULATIONS

The total calculated irrigation demand for the entire 27-hole golf course (approx. 200 acres of greens, tees, roughs, fairways, landscape beds, etc) is 175,000,000 gallons/year (Attachment B). The irrigated demand volume was calculated based on the recent Board-approved methodology that was the product of the most current research, accepted industry standards, and plant demand data specific to the our region. The methodology serves as an objective and science-based tool to ensure that permitted volumes for requested irrigation permits are reasonable and commensurate with actual plant water demands. OCGG currently holds a Historical Freshwater Edwards Production Permit for 95,166,500 gallons/year, therefore the calculated unmet irrigation demand for the Middle Trinity Production Permit is 80,000,000 gallons/year. However, the OCGG is in discussions with the City of Austin about retiring 50% of their Freshwater Edwards Production Permit (47,583,250 gallons/year) in which the retired portion will be re-permitted under the General Conservation Permit which is preserved for the Ecological Flow Reserve. If OCGG does in fact retire half of their Freshwater Edwards Production Permit, the calculated irrigation demand will be met with approximately

127,410,000 gallons/year from the Middle Trinity Production Permit and approximately 47,583,250 gallons/year from the Fresh Edwards Production Permit.

USER CONSERVATION PLAN (UCP)/USER DROUGHT CONTINGENCY PLAN (UDCP)

OCGG submitted a UCP and UDCP on January 21, 2016. The plan contains the required elements in accordance with applicable District Rule 3-6.3 and is consistent with District guidelines.

AQUIFER TEST AND HYDROGEOLOGICAL REPORT

The pump test for the hydrogeological report required pursuant to District Rule 3-1.4.D was conducted over July 27-30, 2015. The pump test was conducted in accordance with the District's *Guidelines for Hydrogeologic Reports and Aquifer Tests Conducted Within the Jurisdictional Boundaries of the Barton Springs / Edwards Aquifer Conservation District (dated January 2007)*.

For the test, the well was pumped for 72 hours at an average rate of 324 gpm. The pump test was conducted to account for the higher volume of 127 M/year and the total pumped volume was 1,399,680 gallons, which was greater than the target volume established to adequately stress the aquifer (3X daily equivalent of requested annual permitted volume).

An analysis of the test results provided in the submitted hydrogeologic report (Wet Rock Groundwater Services, LLC) included the following pertinent conclusions:

- The production well was pumped for 72 hours at average rate of 324 gpm with 426.25 ft of drawdown (it's important to note that the top of the Middle Trinity is approx. 1150 ft in this well). There were no Trinity wells in the vicinity available for monitoring, therefore, no wells were monitored during the test.
- During the aquifer test, precipitation and stream flow on the Trinity Aquifer recharge zone from rain gauges and flow stations were monitored to determine potential influences from pumping. According to the rain gauge data, there was no precipitation during the aquifer test. The hydrographs indicate no observable influence from pumping the production well.
- A water quality sample was collected during the test; the TDS was 804 mg/l and sulfate was 438 mg/l.

District staff has reviewed the report and analysis provided and generally concurs with the conclusions. The Aquifer Science staff recommends approval of this permit based on hydrogeological considerations.

APPLICATION REVIEW

- Staff has reviewed the above referenced application and has determined that the application has satisfied all the requirements pursuant to District Rule 3-1.4.A and that the required documentation and payment of fees have been satisfied.

- Staff has determined that the applicant has sufficiently addressed the criteria and considerations for Board action in accordance with District Rule 3-1.6(A).
- Staff has confirmed that the applicant provided proper notice in accordance with District Rule 3-1.4.B. The required 20-day public comment period will expire at close of business on February 11, 2015. The application was noticed for the higher volume of 127,410,000 gallons a year. As of February 5, 2015, no protest has been received.

STAFF RECOMMENDATIONS

Staff recommends **approval** of the above-referenced Middle Trinity Production Permit for a total annual volume not to exceed 80,000,000 gallons/year with the following special provision:

Upon submission of a minor amendment application to retire 50% (47,583,250 gallons/year) of OCGG's Historic Freshwater Edwards Production Permit the General Manager will automatically (without notice and hearing) amend the Middle Trinity permitted volume from 80,000,000 gallons/year to 127,410,000 gallons/year.

Attachment A
Well Location Map

Legend

- Proposed Well Location
- OCCC Property



Scale: 0 200 400 Feet

Drawn By: BB Date: 9-26-14

Quad Name and No:
 Oak Hill, TX 30097-B7

Projection: UTM NAD 83 Z 14



Well Location Map

Onion Creek Golf
 Group, L.P.

Travis County, Texas



Wet Rock Groundwater Services, L.L.C.
 Groundwater Specialists

TBPG Firm No: 50038
 317 Ranch Road 620 South, Ste. 203
 Austin, Texas 78734 Ph: 512.773.3226
www.wetrockgs.com

Attachment B

Volume Calculation

Worksheet - Golf Courses/Sports Fields (Trinity Aquifer)

Outdoor Volume Calculator

Warm-Season Turfgrass (Roughs and Fairways)

Proposed Irrigated Area	7,801,920 sq ft	179.1 acres
Maximum Application Rate (see appl. rate)		1.87 feet
Total Outdoor Water Use		108,847,519 gallons/year

Warm-Season Turfgrass (Tees, Greens, Sports Fields)

Proposed Irrigated Area	233312 sq ft	5.4 acres
Maximum Application Rate (see appl. rate)		2.06 feet
Total Outdoor Water Use		3,598,971 gallons/year

Warm-Season Turf/Overseeded Turfgrass (Tees, Greens, Sports Fields)

Proposed Irrigated Area	535,000 sq ft	12.3 acres
Maximum Application Rate (see appl. rate)		2.37 feet
Total Outdoor Water Use		9,469,504 gallons/year

TOTAL IRRIGATION	121,915,994 gallons/year
TOTAL IRRIGATION (with distribution uniformity)	152,394,992 gallons/year

Water Features

Pool/HotTub/Ponds/Fountain area	693,034 sq. ft
Net Evaporation (see appl. rate)	33 gallons/year

Pool/HotTub/Pond Total Calculated Evaporation Loss	22,597,459 gallons/year
--	-------------------------

TOTAL OUTDOOR WATER USE	174,992,452 gallons/year
CALCULATED ANNUAL PERMITTED VOLUME	175,000,000 gallons/year



NOTICE OF PUBLIC HEARING

Notice is given that a **Public Hearing** by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the District office located at 1124 Regal Row, Austin, Texas, during its Regular Meeting on **Thursday, February 11, 2016, at 6:15 p.m.** for the following purpose:

Onion Creek Golf Group L.P., located at 2510 Onion Creek Parkway Austin, TX 78747, filed a production permit application on September 4, 2015 with the Barton Springs/Edwards Aquifer Conservation District (District) to produce up to 127,416,750 gallons a year from a newly constructed well in the Middle Trinity Aquifer. The proposed well is for irrigation use to supply water for their golf course operation. An aquifer pump test was conducted and it was determined that there would be no unreasonable interference to neighboring wells. Upon approval, the Onion Creek Golf Group would be required to comply with the provisions of a Historical Middle Trinity Production Permit to operate the new well.

The well will be located at the Northeast corner of FM 1626 and Wayne Riddell Loop, in the Knolls of Slaughter Creek Subdivision. Publication of this notice was published on January 22, 2016 in the Austin American Statesman newspaper which began a 20-day public response period for which comments, written formal protests and requests for a public hearing will be accepted by the District. The comment period will end on February 11, 2016. Parties interested in formally participating in a hearing on a contested application should refer to District Rule 4-9.13. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bseacd@bseacd.org. You may also contact the applicant, Onion Creek Golf Club LP (512)-282-2150.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of January 2016, at _____ p.m.

_____, Deputy Clerk

Travis County, TEXAS



Came to hand and posted on a Bulletin Board in the Courthouse,
Austin, Travis County, Texas on this the _____ day of

Dana DeBeauvoir
Dana DeBeauvoir
County Clerk, Travis County, Texas

By *A. Vallejo* Deputy

A. VALLEJO

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jan 29, 2016 10:54 AM

201680165

VALLEJOA: \$3.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

Accepted for Filing in:
Hays TX
On: Jan 29, 2016 at 01:12P
By:
Barbara Rodriguez



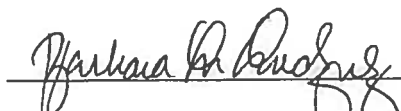
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Came to hand and posted on a Bulletin Board in the Courthouse, Hays County, Texas, on this, the 29th day of January 2016, at 1:12 p.m.

, Deputy Clerk
Hays County, TEXAS



FILED this 29th day of Jan 20 16
1:20 P M
CAROL HOLCOMB
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Manette Schmitz Deputy

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Came to hand and posted on a Bulletin Board in the Courthouse, Caldwell County, Texas, on

this, the _____ day of January 2016, at _____ p.m.

_____, Deputy Clerk

Caldwell County, TEXAS

Notice of Public Hearing

Notice is given that a Public Hearing by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District (District) will be held at the District office located at 1124 Regal Row, Austin, Texas during its Regular Meeting on Thursday, February 11, 2016 at 6:15 p.m. for the following purpose: Onion Creek Golf Group L.P., located at 2510 Onion Creek Parkway Austin, TX 78747, filed a production permit application on September 4, 2015 with the Barton Springs/Edwards Aquifer Conservation District (District) to produce up to 127,416,750 gallons a year from a newly constructed well in the Middle Trinity Aquifer. The proposed well is for irrigation use to supply water for their golf course operation. An aquifer pump test was conducted and it was determined that there would be no unreasonable interference to neighboring wells. Upon approval, the Onion Creek Golf Group would be required to comply with the provisions of a Historical Middle Trinity Production Permit to operate the new well. The well will be located at the Northeast corner of FM 1626 and Wayne Riddell Loop, in the Knolls of Slaughter Creek Subdivision. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bseacd@bseacd.org . You may also contact the applicant, Onion Creek Golf Club LP (512)-282-2150. 1-27/2016 #547668

SWORN AND SUBSCRIBED TO BEFORE ME, on
02/01/2016

Notary Public

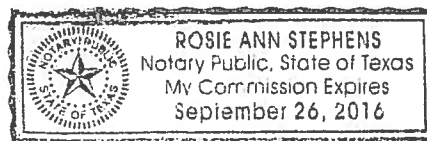
STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared Alejandro Cado. Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State that is generally circulated in Bastrop, Bell, Blanco, Brazos, Burleson, Burnet, Caldwell, Colorado, Comal, Coryell, Fayette, Gillespie, Gonzales, Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Nueces, San Saba, Travis, Washington and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published at the lowest published rate for Classified advertising in said newspaper on the following date(s), to wit: BARTON SPRINGS EDWARDS, First date of Publication 01/27/2016, Last date of Publication 01/27/2016, Web and print times Published 2, Legal Notices, 1 X 39, and that the attached is a true copy of said advertisement.

Onion Public Notice

Ad ID: 1041531

Ad Cost: 386.49



Hays Free Press

113 West Center Street § 122 N. Main St.
Kyle, Texas 78640 § P.O. Box 339 • Buda, Texas 78610

(512) 262-NEWS (Kyle office) • (512) 295-9760 (Buda office) • (512) 268-0262 (fax)

State of Texas
County of Hays

§
§

Affidavit of Publication

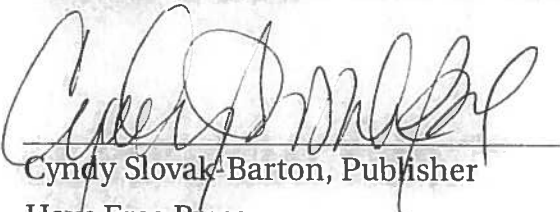
My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.

The Hays Free Press is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, Travis, and Caldwell Counties.

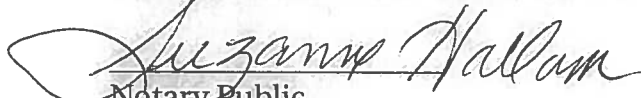
The attachment hereto was published in the Hays Free Press on the following dates at or below the classified legals rate:

Notice of Public Hearing

Union Creek


Cyndy Slovak-Barton, Publisher
Hays Free Press

Subscribed and sworn before me this the 3 day of Feb, 2015.


Notary Public
Suzanne Hallam

Item 5

Board Discussions and Possible Actions

b. Discussion and possible action related to approval of prospective amendments and changes to the District's Rules and Bylaws for implementation of HB 3405, other legislation from the 84th Legislative Session, and other changes to be the subject of a public hearing on March 11, 2016.

MEMORANDUM

Date: 2/5/16
To: Board of Directors
From: John Dupnik, Vanessa Escobar, Kendall Bell-Enders
Re: Timeline for Rulemaking

The District has started the process for updating rules related to the definitions, permit process and applications, HB 3405 process for Temporary and Regular Permits for existing wells in the Shared Territory, action on permits, permit amendments, permit conditions and requirements, modification of permits, conservation-oriented rates structure, notice and hearing process, well construction standards, and other general administrative clarifications and corrections.

Rule change concepts were presented at the January 28th Board Meeting where the Board set the hearing date for March 10th. Due to the compressed time frames and complexity of the rules, staff is requesting approval of an alternate schedule and postponement of the hearing until March 24th. Alternate process and dates are highlighted below.

Jan 28 – Rule concepts presented at Board Meeting

Feb 11 – Update on draft rules

Feb 18 – Rules language provided in Board backup for consideration at Feb 25th Board meeting

Feb 18-Mar 9 – Technical Workgroup Meeting

Feb 25 – Board Meeting – approve draft rules and set for hearing on March 24th

March 3 – Post draft rules and publish notice of hearing and 20-day public comment period

Mar 10 - Board Meeting – consider draft rules and set hearing for March 24th

Mar 16 – 180-day deadline for Temporary Permit Applications to be Administratively Complete or Incomplete

Mar 24 - Board Meeting - Hearing and possible action to adopt rules

Mar 30 - Notices for Temporary Permit Conversion to Regular Permit. March 30th is the date by which applicants must publish notice in paper and mail notice letters

Rule changes, once posted, will be available at the District office and on the website. Once the rule changes are posted and the public comment period begins, comment can be made via written comments or oral comments at the Rule Hearing.

Proposed Rule Revision Concepts 1/28/16

Topic Area :	<i>Definitions</i>
Rationale:	<p>Clarification of some existing defined terms is necessary and the incorporation of some newly defined terms is necessary to support the interpretation of the overall rules and to further clarify the regular permitting processes.</p> <p>Revised or new definitions may include: 'Recreation', 'Wildlife Management', 'Primary Use', 'Multi-Use', 'Commercial', 'Institutional', 'Municipal', 'Industrial', 'Agricultural Livestock', 'Agricultural Irrigation', 'Public Water Supply Use', 'Replacement Well', 'Well Repair', 'Alluvial Aquifers', 'Austin Chalk Aquifer', 'Other Aquifers', 'Alluvial/Chalk MZ', 'Maximum Production Capacity', 'Unreasonable Interference', 'Aquifer Testing', 'Well Owner', 'Best Available Science', 'Operating Permit'</p>
Rule Section(s):	Section 2

Topic Area :	<i>Permit Applications & Administrative Complete Checklist</i>
Rationale:	<p>The application and checklist requirements will clarify details about the Hydrogeological Report requirements, notice requirements, declarations, and drought delay. Other checklist requirements may be streamlined or removed.</p> <p>Incorporate changes that allow General Manager to extend administrative completeness time period for good cause.</p>
Rule Section(s):	Section 3-1.4 A, C, D

Topic Area :	<i>Permit Amendments</i>
Rationale:	<p>A modification to this rule will provide additional clarification that a change of use type may be considered a major or minor amendment. Clarify that, as a major amendment, a permit may be subject to recalculation of permit volume based on the new non-speculative demand for the changed use type. Additionally, add permit volume retirement as a minor amendment action.</p>
Rule Section(s):	Section 3-1.9 A

Topic Area :	<i>Permit Conditions and Requirements</i>
Rationale:	<p>A new permit condition will be added to describe that a permittee may be required as a special provision of the permit to submit or implement a mitigation plan if a mitigation plan is needed to address any potential for unreasonable interference.</p> <p>Another new permit condition will be added to describe that a permit may be modified if the initially permitted use type is no longer the primary use type.</p>
Rule Section(s):	Section 3-1.11

Topic Area :	<i>Aggregation</i>
Rationale:	<p>The rule should be clarified to state that wells of an aggregate system shall be of the same use type and consistent with the intended and permitted purpose.</p>
Rule Section(s):	Section 3-1.14

Topic Area :	<i>Fees and Payment Fees</i>
Rationale:	The rule is being reviewed to ensure that the fees and procedures are consistent throughout the rules in all sections.
Rule Section(s):	Section 3-1.22

Topic Area :	<i>Withdrawals for Management Zones</i>
Rationale:	A section will be added to the rule to address management zones for other aquifers such as Austin Chalk and Alluvial Aquifers.
Rule Section(s):	Section 3-1.23

Topic Area :	<i>Conditional Production Permits</i>
Rationale:	The section will be modified to remove the limit on the aggregate Class D permit volume and clarify that the 2.0 cfs reservation for ASR is a floor and not a ceiling.
Rule Section(s):	Section 3-1.23

Topic Area :	<i>Transfer of Groundwater Out of the District</i>
Rationale:	The rule language pertaining to requirements for a transport permit and transport fees may need be modified to take into consideration the recent HB 3405 annexation. This transfer rule did not anticipate the annexation of new areas and specifically situations of existing contiguous properties being divided by a subsequently imposed jurisdictional District boundary. Change the term 'transfer' to 'export'.
Rule Section(s):	Section 3-1.3.1

Topic Area :	<i>Cancellation of Posted Meetings</i>
Rationale:	Provide more flexibility to allow for cancellation of a posted Board meeting for good and valid reasons other than weather.
Rule Section(s):	Section 3-1.23

Topic Area :	<i>Well Construction Standards</i>
Rationale:	The well construction standards will be updated with minor fixes to provide further clarification on items such as well schematic requirements, logging and reporting requirements, replacement wells and modifications and plugging requirements.
Rule Section(s):	Section 5

Topic Area :	<i>Unreasonable Impacts and Mitigation</i>
Rationale:	<p>H.B 3405 expanded the BSEACD jurisdiction and established a procedure for issuing temporary permits to existing well owners. A procedure was also established for converting a temporary permit into a regular permit, and outlined in that procedure were only two factors for which a temporary permit volume could be reduced. A temporary permit volume may be reduced if the District finds that authorizing the full volume would cause:</p> <ol style="list-style-type: none"> (1) a failure to achieve the applicable adopted desired future conditions for the aquifer; or (2) an unreasonable impact on existing wells. <p>In response to H.B. 3405 the District intends to define “unreasonable impact” and to develop new rule language for making determinations of unreasonable impacts. The proposed revisions may include incorporating factors that the Board may consider in making the determination before taking action on a permit. Rule language will also address requirements for monitoring wells or monitoring well agreements that may be needed in some cases.</p> <p>In a situation where there is potential for unreasonable impacts there may also a need to address the potential for mitigation of impacted wells to balance with preventative measures. The District intends to define “mitigation” and to develop new rule language outlining the minimum elements of an acceptable mitigation plan and general implementation requirements.</p>
Rule Section(s):	Section 3-1.6

Other Possible Changes to Rules and Bylaws:

1. Rule 2-10 - Computing Time. Need to allow extension if final date falls on Saturday.
2. Rule 3-1.4.B - Notice. Allow consolidated notice for certain situations.
3. Bylaw 4-6 - Annual Report. Minor fixes to Annual Report requirements.
4. Bylaw 4-8.8 - Purchasing. Minor fixes to reflect purchasing policy.
5. Rules - Add language included in § 36.0015(b) regarding private property rights.
6. Rules - Aquifer storage and recovery rule to incorporate HB 3405 authority.
7. Rules - Appeal of DFC rule to incorporate § 36.1083.
8. Rules - Clean up permit renewals to address changes under §§ 36.1145 and 36.1146.
9. Bylaws – Incorporate changes to conflict of interest laws.
10. Bylaws – Incorporate changes to vendor disclosure

Item 5

Board Discussions and Possible Actions

- c. Discussion and possible action related to a request for consideration by Electro Purification, LLC to authorize under District Rule 3-1.20.D, General Permit by Rule for Test Wells, temporary production of a restricted amount of groundwater from Test Wells in the Trinity Aquifer for the purpose of aquifer testing.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: 2/5/16

To: Board of Directors

From: John Dupnik, P.G., General Manager

Re: Agenda Item 5.c. – request to pursue authorization for aquifer testing under District Permit by Rule for Test Wells.

District staff has recently met with representatives from Electro Purification (EP) to discuss permit options for aquifer testing. EP has applied for and been issued a Temporary Production Permit for 32,851,000 gallons/year (100 acre-feet/year) under the HB 3405 permitting process for the primary near-term purpose of aquifer testing to support a future Production Permit application for a higher volume for wholesale public water supply.

District staff has identified an alternative option to authorize the production for aquifer testing under the District's existing General Permit by Rule 3-1.20.D for Test wells (see excerpt of the rule attached). Under the Permit by Rule, the Board has the discretion to require an individual permit to authorize production at their sole discretion. EP is requesting approval to pursue authorization under the Permit by Rule rather than continuing to pursue the pending conversion of the Temporary Permit to a Regular Permit under the HB 3405 process (see EP letter attached).

It is the opinion of the staff that the requested purpose for aquifer testing fits with the intent of the Permit by Rule. Further, this would allow for time to complete or plug the test wells and to plan and conduct the requisite aquifer testing needed for a comprehensive technical analyses of any potential impact of the future anticipated production for wholesale public water supply.

Therefore, staff recommends that the Board allow EP to pursue authorization for this purpose under the Permit by Rule provided that a Permit by Rule application is accompanied by a request to withdraw the pending application filed under the HB 3405 permit process. Bill Dugat will be available to further discuss legal matters on this item in executive session.

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†Licensed in Texas and
Tennessee

February 4, 2016

John Dupnik
Barton Springs Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748

Via E-mail

Re: Electro Purification's HB 3405 Permit Application for 100 ac-ft

Dear John:

We appreciated your time in meeting with us yesterday to discuss the above referenced application and the District's ongoing rule-making process to implement HB 3405. As always we appreciate the time and effort your staff puts into the process.

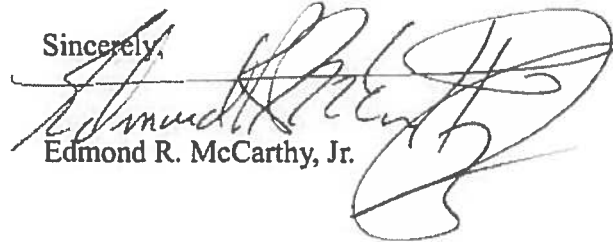
The recent changes brought about by HB 3405, as well as the District's proposed Rulemaking and the timing requirements related to pending HB 3405 application filings have put Electro Purification's project in a unique position. As we mentioned during the meeting, Electro Purification would like the District's guidance on how an application for a General Permit by Rule, pursuant to District Rule 3-1.20 would be received by the District Board and Staff. Specifically, Electro Purification is considering the possible conversion of its pending HB 3405 into a General Permit for purposes of carrying out the requisite aquifer testing program and, thereafter, filing a new regular permit application for its larger municipal supply permit consistent with its contract with the Goforth WSC.

Electro Purification remains committed to gathering scientific data about the Middle Trinity Aquifer and, in particular the lower Cow Creek formation, to ensure both that its viable project does not unreasonably impact neighboring wells, and that the aquifer will be protected. The question that has arisen, and we seek the District's guidance on, is whether the best utilization of the time and resources of both the District and Electro Purification is to rely upon the existing aquifer testing report on file with the District to support the pending HB 3405 permit application, or to withdraw that application and file for a General Permit by Rule pursuant to District Rule 3-1.20. Accordingly, Electro Purification would ask for guidance from you, your staff, and as needed, from the Board as to how pursuing our permit outside of the HB 3405 process would be received.

February 4, 2016
Page 2

If you have any questions, please do not hesitate to contact me at 512-225-5606. Thank you again for your continued assistance

Sincerely,

A handwritten signature in black ink, appearing to read 'Edmond R. McCarthy, Jr.', with a large, stylized flourish at the end.

Edmond R. McCarthy, Jr.

cc: Bill Dugat, General Counsel
Electro Purification LLC
Attn: Tim Throckmorton
Kaveh Khorzad, P.G.
Billy Gray

RULE EXERPT DOCUMENT

Excerpt of District Rule 3-1.20.D related to the District General Permit by Rule for Test Wells

3-1.20. GENERAL PERMITS BY RULE.

For wells of certain characteristics and in certain prescribed situations, the District may issue several different types of permits by rule, generally with abbreviated application documentation and timelines. General permits by rule do not require notice and public hearings and are used for administrative convenience when their use is not inconsistent with the District's overall mission. The District may issue a general permit by rule as an administrative action, provided the requirements of the permit are met.

A. GENERAL REQUIREMENTS AND CONDITIONS FOR GENERAL PERMITS BY RULE.

- (1) Unless otherwise prohibited by the District and subject to the conditions and eligibility requirements specified for each general permit, wells are authorized to operate pursuant to this Section without an individual permit from the District.
- (2) A completed Well Registration form shall be submitted with the appropriate fees in accordance with Rule 3-1.2.
- (3) Wells authorized by this Section shall be registered in accordance with Rule 3-1.1.
- (4) A well authorized pursuant to this Rule is not subject to Production Fees.
- (5) In lieu of authorization pursuant to this Rule, the Board at its sole discretion may require authorization by obtaining an individual permit.
- (6) Wells authorized pursuant to this Rule are subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board, and laws of the State of Texas.

D. TEST WELL PERMIT.

The purpose of this provision is to permit by rule the drilling and completion of test wells and the temporary production of restricted amounts of groundwater from test wells in the Middle Trinity, Lower Trinity, and Saline Edwards Management Zones.

- (1) **Conditions and Requirements.** Each authorization under this permit shall be subject to the following conditions and requirements:

- (a) The applicant shall submit, along with the appropriate fees, an application using forms provided by the District for presenting the following information:
 - i. a detailed statement describing the nature and purpose of the proposed test well,
 - ii. an aquifer test work plan to include the required information as specified in the District's Aquifer Test Guidelines,
 - iii. a map clearly indicating the location of the test well,
 - iv. a proposed well design schematic with specifications to include: the total depth, borehole diameter, casing diameter and depth, annular seal interval(s), annular sealing method, surface completion specifications, and any other pertinent well construction information,
 - i. a water well closure plan or a declaration that the applicant will (1) comply with well plugging and capping guidelines set forth in these Rules, and (2) report well closures as required in Rule 3-5, and
 - vi. any other information required by the District that is pertinent to the evaluation of the application.
- (b) Groundwater produced from the well is not in excess of the volume that is necessary to conduct an aquifer test as specified in the aquifer test work plan.
- (c) The well shall be equipped with a meter in accordance with Rule 3-2.1.
- (d) The permittee shall keep accurate records of the metered pumpage during the aquifer test. Such records shall be submitted to the District upon completion of the test.
- (e) Authorization for groundwater production under this permit by rule shall expire upon completion of the aquifer test as specified in the aquifer test work plan or six months after the approval date, whichever occurs first. Within six months of expiration, the permittee shall either plug the well in accordance with District Rules, make application for an individual Production Permit, or reapply for authorization to conduct further aquifer evaluation under this Rule.
- (f) The well shall be completed in accordance with the District's Well Construction Standards and, at minimum, shall not be open at the

surface or allow water zones of different chemical quality to commingle.

- (g) The District may require other conditions on the basis of site-specific or use-specific circumstances.
- (2) This general permit by rule is subject to the permit conditions and requirements of Rule 3-1.11 and the provisions of Rule 3-4.
- (3) This general permit is applicable to test well(s) registered on or after September 10, 2009.

Item 5

Board Discussions and Possible Actions

- d. Discussion and possible action related to the District's technical review of the proposed stormwater controls for State Highway 45 Southwest and comments to be submitted to the Central Texas Regional Mobility Authority.**

Item 5

Board Discussions and Possible Actions

e. Discussion and possible action related to direction to the District representative to Groundwater Management Area (GMA) 10 on consideration of proposed Desired Future Conditions (DFCs) and Relevant Aquifer Designations including an alternative proposed DFC for the Saline Edwards Aquifer in the Northern Subdivision of GMA 10.

Groundwater Management Area 10

Proposed Desired Future Conditions and Relevant Aquifer Designations

Aquifer	2010 Desired Future Condition Summary	2016 Desired Future Condition Summary	2010 Desired Future Condition Adopted	2016 Desired Future Condition Adopted
Austin Chalk (Uvalde County)	No drawdown (including exempt and non-exempt use).	Same	8/23/2010	TBD
Austin Chalk (Medina County)	Declared non-relevant	N/A	N/A	N/A
Buda Limestone (Uvalde County)	No drawdown (including exempt and non-exempt use).	Same	8/23/2010	TBD
Buda Limestone (Medina County)	Declared non-relevant	N/A	N/A	N/A
Edwards (BFZ) Northern Subdivision	Springflow at Barton Springs during average recharge conditions shall be no less than 49.7 cubic feet per second averaged over an 84 month (7-year) period; and during extreme drought conditions, including those as severe as a recurrence of the 1950s drought of record, springflow of Barton Springs shall be no less than 6.5 cubic feet per second averaged on a monthly basis.	Same	8/4/2010	TBD
Edwards (BFZ) Northern Subdivision Saline Zone	Well drawdown at the saline-freshwater interface (the so-called Edwards Bad Water Line) averages no more than 5 feet and does not exceed a maximum of 25 feet at any one point on the interface.	Alternate DFC - No more than 75 feet of regional average potentiometric surface drawdown due to pumping when compared to pre-development conditions.	8/4/2010	TBD
Edwards (BFZ) San Antonio Segment within Edwards Aquifer Authority	Desired future conditions and modeled available groundwater for the Edwards Aquifer within jurisdiction of the Edwards Aquifer Authority are set by the Texas Legislature (Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.02 and 2.06, 2007 Tex. Gen. Laws, 4612, 4627, and 4627; Act of May 28, 2007, 80th Leg., R.S. ch. 1430, § 12.02 and 12.06, 2007 Tex. Gen. Laws 5848, 5901, and 5903).	Same	5/28/2007	TBD

	The DFCs are specified in Sections 1.14(a), (f), (h), and 1.26 of the Edwards Aquifer Authority Act. The DFCs are specified in Sections 1.14(a), (f), (h), and 1.26 of the Edwards Aquifer Authority Act, and relate to levels in index wells (J-17 in the San Antonio pool and J-27 in the Uvalde pool) or flows in the Comal Springs and San Marcos Springs. Refer to the Edwards Aquifer Authority Groundwater Management Plan for details.			
Edwards (Kinney County)	Water level in well number 70-38-902 shall not fall below 1184 feet mean sea level.	Same	8/4/2010	TBD
Leona Gravel (Medina County)	Average drawdown of 15 feet.	Same	5/17/2010	TBD
Leona Gravel (Uvalde County)	No drawdown (including exempt and non-exempt use).	Same	8/23/2010	TBD
Leona Gravel (Medina County)	Declared non-relevant	N/A	N/A	N/A
Trinity	Average regional well drawdown not exceeding 25 feet during average recharge conditions (including exempt and non-exempt use); within Hays-Trinity Groundwater Conservation District: no drawdown; within Uvalde County: 20 feet. Not relevant in Trinity-Glen Rose GCD. Note: Hays-Trinity Groundwater Conservation District and Trinity-Glen Rose Groundwater Conservation District are no longer within the Groundwater Management Area 10 boundary.	Same	8/23/2010	TBD

Item 6

Adjournment