

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, April 9, 2015**, 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 March 26, 2015 Regular Meeting. **Not for public review at this time**
 - 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. 15**

- ii. Update on activities related to GMA and regional water planning
- iii. Update on efforts to assess saline Edwards desalination/ASR feasibility
- iv. Update on area roadway projects **Pg. 19**
- v. Update on activities related to the HCP and the associated draft EIS

4. Public Hearing Pg. 22

Continuation of a public hearing related to the applications filed by the City of Kyle for (1) a Class B Conditional Production Permit to increase the permitted pumpage from the Edwards aquifer for public water supply purposes from 165,000,000 gallons/year up to 350,000,000 gallons per year, and (2) a Transport permit to export the increased volume outside the District into the City of Kyle's service area. The increased pumpage requested would be from the City of Kyle's existing well No. 4, located near the intersection of RM 2770 and CR 171 in the 700 block of Kohler's Crossing, in Kyle, Texas.

Note: The Board of Directors issued an order dated February 11, 2010 partially approving Kyle's applications. The matter was appealed and on March 27, 2013 the 22nd District Court in Hays County issued a judgment remanding the applications in Cause No. 10-1267 SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District. The Board will consider the remand by the 22nd District Court in Cause No. 10-1267.

5. Discussion and Possible Action.

- a. Discussion and possible action related to an update on activities related to the Electro Purification Trinity well field located just outside of the District's boundaries. **Pg. 47**
- b. Discussion and possible action related to pursuit of the District's legislative agenda including proposed legislation to expand the District's territory. **Pg. 49**

6. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of April, 2015, 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 an item of Regular Business.

- 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 March 26, 2015 Regular Meeting.**

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 efforts to assess saline Edwards desalination/ASR feasibility**
- iv. Update on area roadway projects**
- v. Update on activities related to the HCP and the associated draft EIS**

STATUS REPORT UPDATE FOR APRIL 9, 2015 BOARD MEETING				
Prepared by District Team Leaders				
	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM				
John Dupnik				
Summary of Significant Ongoing Activities	JD	03-Apr-15	Meetings, Training, Presentations, and Conferences	External Meetings Attended: TxDOT on SH45 agreement; Region K; with Leg staffers (Howard, Watson, Rodriguez, Isaac) on HB 3405; delegates from Australian University on Tx Groundwater mgmt; Kenneth Williams; Hays Co. Commissioners Court; Tom Taggart (City of San Marcos); Con call with Jason Coleman, GM High Plains GCD; TAGD legislative subcommittee; Jason Biemer (City of Kyle); Charlotte Kucera (USFWS) on HCP status; CTRMA. Other Meetings: Austin Hydrophyllies, conference call with Sledge/Fancher; Con call with John Montgomery (Sen. Rodney Ellis); Presentations: Guest Lecture for UT GW eval class; to Charlotte Kucera (USFWS); Conferences/Training: TAGD quarterly meeting; TWCA conference; Testimony for INRC committee on HB 3405.
	JD	03-Apr-15	Ongoing Special Projects, Committees, and Workgroups	Ongoing Special Projects: TDS saline zone investigation/alternative saline zone access agreement; TxDOT supplemental agreement; City of Kyle Rehearing; GMA 10 nonvoting advisory committee framework; TWDB desal grant application; Electro Purification; Annexation bill; annexation; District HCP EIS review; SH 45 EIS review; EP technical workgroup MOU; South Mopac project; Committees and Workgroups: Region K, voting member; GMA 10, voting member; Regional WQ Plan workgroup and wastewater subgroup; TAGD legislative subcommittees on Brackish groundwater, Permitting, and ASR; Region K committee on Legislation and Policy; Region K strategy prioritization committee; Region K water supply strategy subcommittee.
	JD	03-Apr-15	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 summary notes of meetings and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leads; presided over Planning Team meetings; serve as liaison between Board and staff; support Board committees; serve as primary contact for District lobbyist; bill tracking; responding to legislators requesting information; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: Kyle hearing/settlement agreement, SH 45 supplemental agreement; annexation bill; TESPA lawsuit. Other Activities: work on draft supplemental SH45 agreement; prepare hydro field tech job description and post employment opening; hydro tech interviews; negotiate job offer to Justin Camp; bill analysis and report to Board.
	JD	03-Apr-15	Routine Activities and Day-to-Day operations	
GENERAL SERVICES TEAM				
Dana Christine Wilson				
Accounts Receivable - A	DCW	03-Apr-15	Permittee accounts carrying a past due balance;	All permittees in good standing.
Accounts Receivable - B	DCW	03-Apr-15	April billings for May monthly water use fees.	Total billed \$ 25,301.
Accounts Receivable - C Conservation Credit Donations to Camp Scholarships	DCW	03-Apr-15	Saint Andrews has taken back their conservation credit donation to the camp scholarship program - \$396.80.	Donation was made but then not given with payment. Talked to Marvin Shelton on November 25th and he said they would make up for it on their next invoice. They did not so I called back on March 9th and he answered back that his bookkeeper didn't know how to do this so I just take it off of our books and remove their donation.
Continuing Education - Required Biennial PFIA Training	DCW	03-Apr-15	The Public Funds Investment Act requires that investment training include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Act.	The Public Funds Investment Act (Chapter 2256, Texas Government Code) requires Investment Officers of local governments, including all political subdivisions to receive 10 hours of training on topics pertaining to the Act every 2 years. I take this through modules offered by Texas State University.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Financial Reporting - Website	DCW	03-Apr-15	Most current, available financial reports are posted on the District Website.	Profit and Loss Statements and Balance Sheets through February 28, 2015.
Incentive - Cross-training Shannon	DCW/SD	03-Apr-15	Per Shannon's incentive, have been cross-training on:	Billings, tax reporting, pre-pays, Quickbooks category set-ups, banking (reconciliations, transfers to and from TextPool), receiving payments, etc.
Tax Reporting - A	DCW	03-Apr-15	Annual TWC Rates for quarterly C-3 tax reporting: Previous rate was 2.3% (or \$207/per employee per year); now is 0.3% (or \$27/per employee per year).	This rate changes every March retroactive to the previous January 1.
Tax Reporting - B	DCW	03-Apr-15	Quarterly payroll tax reporting.	Texas Workforce Commission C-3, and IRS 941.
REGULATORY COMPLIANCE TEAM Kendall Bell-Enders				
City of Buda	KBE, VE	02-Apr-15	Test well - New Edwards PWS well	The City of Buda submitted a test well application. The City plans to drill potentially 4 test wells in the Garlic Creek area to determine a location for a new PWS well for their aggregate system. There will not be a new production permit associated with the new well, it will be an aggregate. All four test well applications have been deemed administratively complete and Buda is in process of drilling the first test well. They will be conducting a preliminary pump test to determine the well capacity.
No-Drought Conditions declared	KBE, VE	02-Apr-15	Drought Compliance Monitoring and Enforcement	No-drought was declared on January 29, 2015. Staff sent out email and letter to all permittees notifying them of no-drought status.
Industrial Asphalt	KBE, VE	02-Apr-15	Middle Trinity Well	District staff sent WPA/P modification comment letter to TCEQ and had a meeting with TCEQ staff to discuss. Options for using the observation well (the original production well) as the designated production well and to schedule a more thorough inspection of the well and quarry were also discussed. Staff needs to follow up with Tommy Matthews and Doug Wilcox to determine next steps forward. Industrial Asphalt submitted a minor amendment application to switch production wells; want to use original production well because the other wells casing is corroded and they can't place a pump in it. However, the original production well has higher sulfates and TDS and the special provisions in the permits will likely need to be amended to address the water quality issues. Staff is reviewing the application.
Lonestar Soccer Club	KBE	02-Apr-15	Historic Freshwater Edwards Permit	The well has been plugged but the owners have not submitted a permit amendment to retire the permit, so staff will draft a "right sizing" or permit retirement letter stating that the permit is no longer commensurate with reasonable demand and that they can request a hearing within 30-days. The 30 day period has elapsed, therefore the permit is retired and 12-M gallons of historic Edwards will go towards the General Conservation Permit and is included in the Ecological Flow Reserve.
Mesa Oaks	KBE, VE	02-Apr-15	Middle Trinity Well	Mesa Oaks has submitted a well drilling and production permit for a Middle Trinity well to be used for irrigation.
Onion Creek Golf Club	KBE, VE	02-Apr-15	Middle Trinity Well	Onion Creek Golf Club has submitted an application to drill a Middle Trinity well. The drilling application is still under review but is expected to be deemed administratively complete in the coming week.
Rulemaking	KBE, VE	02-Apr-15	District Rules and Bylaws	Staff has initiated the rulemaking process and determined a timeline, with the goal of having a concept document to the Board by June or July.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
TJ Higginbotham	KBE, VE	02-Apr-15	Class C Conditional Freshwater Edwards Application	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. Staff is expected to meet with Mr. Higginbotham and his attorney in the coming weeks to determine additional documentation and information that is needed.
EDUCATION & OUTREACH				
Robin Gary				
Central Hays County Groundwater Evaluation	RG, BH, BAS, AA	03-Apr-15	Mapping and well information compilation	BSEACD, HITGCD, and EAA collaborated on a synoptic water level snapshot from 3/16 - 3/20. Collectively, the teams visited about 65 wells. Many neighbors heard about the effort to establish baseline conditions, submitted their well information and invited GCD staff to take measurements at their wells. Summary maps of water level measurements and participating well owners have been created to address questions the Board, staff, and collaborators have asked. A spotlight has been set up to aid in dissemination of this information.
Groundwater to the Gulf	RG	03-Apr-15	Planning	Registration is already halfway full! Staff are following up with sponsors for support this year. Sponsor letters were mailed in mid-February, but no one has responded yet.
Scholarship contest opens	RG	03-Apr-15	Continued promotion	We received 20 camp scholarship applications and 4 incredibly well-written essays for the college scholarship contest. The essays are being reviewed by the panel of independent judges, and the scores will be presented to the Board at the second April Board Meeting.
Water Well Check-up	RG et al	03-Apr-15	Planning	The panel of experts has been confirmed. We will have folks to answer questions on: Water Treatment (Absolute Water); Septic System Maintenance (Agrilife Extension); Gardening (Travis County Master Gardeners); Tree Care (Texas Heritage Tree Care); Water Quality Testing (Edwards Aquifer Research and Data Center Water Quality Lab) and Hydrogeology (BSEACD staff). An ad will run in the April 8 edition of the Hays Free Press and 25 road signs will be posted starting that week also. Currently, we have about 25 people pre-registered for the sampling. Maximum is 65.
Internet Traffic Report	RG	03-Apr-15	Page views and visits to the District Website	On the District website over the past month, we've had a slight decrease in the number of page views from last month. There were 5,034 page views from 2,355 unique visits. Top pages viewed (in order of hits) are the home page (1,332 views), Trinity Well Drilling spotlight (636), drought status (372), and scholarships (217). On the District Facebook page we have 302 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Brian Smith				
Dye Tracing	BS, BH	03-Apr-15	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. Following rains in late May that brought flow to Onion Creek, dye was injected into Antioch Cave for a local trace.
Central Hays County Groundwater Evaluation	RG, BH, BAS, AA	03-Apr-15	Well and hydrogeology characterization	Meeting was held on March 4 with Electro Purification and other groundwater districts to discuss status of EP wells and their plans for completing and testing their wells.
Antioch Cave	BS, BH, AA	03-Apr-15	Onion Creek Recharge Enhancement Project	The Antioch system is open to allow recharge into the cave from potential flow events.
Water-Quality Studies	BS, BH, AA	03-Apr-15	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 will sample wells and springs as part of the Magellan Pipeline monitoring effort.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Saline Zone Studies	BS, BH	03-Apr-15	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. District staff are working with RPS on a TWDB feasibility study grant. The grant application was submitted to TWDB at the end of January and we expect to hear back at the end of March.
Drought and Water-Level Monitoring	BH, BS, AA	03-Apr-15	Drought status, monitor wells, and synoptic water level events	January 30, the District Board declared non-drought conditions. The District had been in drought since August 15, 2014. As of March 2, Barton Springs was flowing at a rate of about 78 cfs. On March 6, the water level in the Lovelady well was at 487.4 ft above msl.
Information Transfer	BS, BH, AA	03-Apr-15	Presentations, conferences, reports, and publications	District staff are working on a paper to be published by Springer on surface-groundwater interactions. Staff are working on the Vol. 2 of the Hydrogeologic Atlas.
AD-HOC TEAMS				
Technical Team	BAS	06-Mar-15	Current areas of discussion	Topics of discussion at the technical team meeting in February were the Electro Purification well field, the TWDB grant application, and the draft EIS for the HCP.
Planning Team	JD	03-Apr-15	Strategic and tactical planning and discussion topics	Routine items: reviewed current Board agenda items and identified possible future agenda items, reviewed status of current Board commitments. New Business: EP activities; Annexation update;
UPCOMING ITEMS OF INTEREST				
Hayes County Commissioners Court		7-Apr-15 9am, San Marcos		
Region K		8-Apr-15 10am, LCRA montopolis office		
1st April Board Meeting		9-Apr-15		
AGS Field Trip		11-Apr-15 8am - 5pm, Tony Burger Center		
Region K		22-Nov-15 10am, LCRA montopolis office,		
Administrative Professionals Day		22-Apr-15		
2nd April Board Meeting		23-Apr-15		
Water Well Checkup		26-Apr-15 District Office		
Growing Water in Central Texas		29-Apr-15 9am, Meadows Center, Invitation Only		
GMA 10		04-May-15 11:30 am, EAA, San Antonio		
1st May Board Meeting		14-May-15		
2nd May Board Meeting		28-May-15		
TWCA 2015 Mid-Year Conference		17-Jun-15 thru 6/19, Moody Gardens, Galveston, Texas		

March 27, 2015

Mary Stone
President, Board of Directors
Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

John T. Dupnik, P.G.
General Manager
Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748

Dear Ms. Stone and Mr. Dupnik,

As you are likely already aware, on March 4, 2015, I signed the Record of Decision (ROD) for SH 45 SW. Please find attached a copy for your convenience.

The signing of the ROD marks completion of the environmental review process for this important project. It also gives me the opportunity to assure you that SH 45 SW has been planned, and will be designed, constructed and operated, to be more protective of water quality than what is required under the 1990 Consent Decree between the Texas Department of Transportation (TxDOT) and the Barton Springs/Edwards Aquifer Conservation District (BSEACD).

Specifically, TxDOT intends to ensure that the following standards, best management practices (BMPs) and protocols are implemented:

Stormwater Treatment Performance Standard

SH 45 SW will be designed and perform to achieve a highway runoff total suspended solids (TSS) removal rate of at least ninety percent (90%) of the incremental increase in TSS load using a combination of structural and non-structural BMPs. This is a minimum standard and does not preclude TxDOT or CTRMA from using a better technology that can achieve a higher removal rate of TSS.

Structural BMPs

The following structural BMPs, at a minimum, will be used and maintained, as appropriate, to avoid or minimize the amount of pollutants in the runoff from the roadway:

- A. Permeable friction course (PFC) pavement (on majority of road surfaces);
- B. Water quality ponds;
- C. Vegetated controls such as grassy swales;

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- D. Vegetated filter strips (in areas where curbs and other stormwater conveyance infrastructure is not used); and
- E. Multiple hazardous materials traps (located at all creeks, waterways, and curveted drainage ways, and each adequately sized to contain a 10,000 gallon spill).

Non-structural BMPs

The following non-structural BMPs will be used, at a minimum, as appropriate, to avoid or minimize the amount of pollutants in the runoff from the roadway:

- A. No herbicide use within the right-of-way;
- B. Vacuum truck utilization, as determined by the independent environmental compliance manager (described below);
- C. Periodic inspections of hazardous materials traps and other permanent BMPs at a frequency not less than required under TCEQ's Edwards Aquifer Rules (30 T.A.C. Chapter 213) and the Consent Decree;
- D. Any equipment fuel or hazardous material storage, even if short-term, will be performed within a containment area to prevent the possibility of accidental discharge to groundwater;
- E. Any equipment fueling will be performed at least 200 feet away from the nearest sensitive karst feature and water crossing; and
- F. Phased construction practices, where feasible, to limit the area and duration of construction disturbance.

Protection of Karst Features and Flint Ridge Cave

A geologic assessment (GA) has been performed by TxDOT in accordance with TCEQ rules and in support of the state Environmental Impact Statement (EIS) for the purpose of identifying karst features within the SH 45 SW right-of-way that may significantly contribute to recharge of the Edwards Aquifer including Flint Ridge Cave. The GA incorporates the assessment of excavations of karst features identified during the TxDOT karst survey and investigation conducted for the state EIS. The GA provides detailed explanations for why each of the identified potential karst features are considered to be either sensitive or not sensitive.

All sensitive karst features identified in the GA that may significantly contribute to recharge of the Edwards Aquifer, including Flint Ridge Cave, shall be protected using methods that will avoid or minimize the impact to catchment areas and the quantity of interrupted recharge, to the maximum extent practicable.

TxDOT has provided a copy of the GA with the proposed method for protecting each sensitive karst feature to BSEACD so that BSEACD may evaluate the designation of the sensitive karst features, their spatial relationship to the highway alignment and BMPs, and whether the proposed method of protection is acceptable. To the extent BSEACD has any concerns with the proposed methods of protection of a sensitive karst feature, please let me know as soon as possible, and I will arrange a meeting to hopefully address any concerns. Please also be advised that BSEACD will be added to

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the list of agencies to be notified by the void discovery protocols described in the state EIS for SH 45 SW.

Construction and Post-Construction Monitoring and Reporting

An independent environmental compliance manager shall be retained to (a) be present on-site during construction of SH 45 SW to monitor construction activities and ensure that all environmental commitments in the plans and the EIS for the project are fulfilled; and (b) ensure that, upon completion of construction, all BMPs are implemented and functioning as designed. Should the BMPs fail to perform as designed, any deficiencies would be remedied and mitigated to the maximum extent practicable.

Review and Observation by BSEACD

During final design when design is still subject to change and prior to construction bidding, representatives of BSEACD will be permitted 20 business days to review and comment on any plans or subsequent, substantive changes to plans for handling of stormwater runoff, including any plans addressing phased construction practices and commitments to maintenance of the PFC material concerning whether the plans and design meet or exceed the requirements of the Consent Decree.

To the extent BSEACD raises any concerns with the plans, and if TxDOT disagrees with the concern raised by BSEACD, TxDOT and BSEACD will convene in an attempt to resolve within 30 calendar days of when BSEACD raises an issue. BSEACD will also have an opportunity to review and comment on the water pollution abatement plan for SH 45 SW as provided for in TCEQ's Edwards Aquifer Rules (30 T.A.C. Chapter 213).

Finally, representatives of BSEACD will be permitted to observe construction of SH 45 SW and will be allowed to accompany TxDOT personnel on periodic inspections of BMPs. Observations are subject to reasonable notice, pre-scheduling, and safety-related requirements.

It is my sincere belief that the above measures, in conjunction with the analyses and commitments set forth in the EIS and ROD and compliance with the TCEQ's Edwards Aquifer Rules, will ensure that the construction and operation of SH 45 SW will be fully protective of water quality. I look forward to BSEACD's continued interest and feedback on this important transportation project as it moves forward with the design phase.

Sincerely,



Carlos Swonke, P.G.
Director of Environmental Affairs Division

Item 4

Public Hearing

Continuation of a public hearing related to the applications filed by the City of Kyle for (1) a Class B Conditional Production Permit to increase the permitted pumpage from the Edwards aquifer for public water supply purposes from 165,000,000 gallons/year up to 350,000,000 gallons per year, and (2) a Transport permit to export the increased volume outside the District into the City of Kyle's service area. The increased pumpage requested would be from the City of Kyle's existing well No. 4, located near the intersection of RM 2770 and CR 171 in the 700 block of Kohler's Crossing, in Kyle, Texas.

Note: The Board of Directors issued an order dated February 11, 2010 partially approving Kyle's applications. The matter was appealed and on March 27, 2013 the 22nd District Court in Hays County issued a judgment remanding the applications in Cause No. 10-1267 SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District. The Board will consider the remand by the 22nd District Court in Cause No. 10-1267.

**APPLICATIONS BY CITY OF KYLE
FOR CLASS B CONDITIONAL
PUMPAGE PERMIT
AND ASSOCIATED TRANSPORT
PERMIT**

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**BEFORE THE BARTON SPRINGS /
EDWARDS AQUIFER
CONSERVATION DISTRICT**

**JOINT STATUS REPORT ON SETTLEMENT AND
POSITION REGARDING LIMITED HEARING FOR BSEACD
BOARD'S CONSIDERATION AND APPROVAL**

TO THE HONORABLE PRESIDING OFFICER AND BOARD OF DIRECTORS:

The Barton Springs / Edwards Aquifer Conservation District's (the "District's") General Manager ("General Manager"), Save Our Springs Alliance (the "Alliance"), and City of Kyle (the "City")(cumulatively, the three "Parties") respectfully submit this status report and agreed position regarding the limited hearing set for April 9, 2015, regarding the BSEACD Board's consideration and approval of the above-referenced applications.

The Parties are pleased to report to the District's Board of Directors ("Board") that they have reached agreement. Kyle City Council formally approved the settlement agreement (the "Agreement"). The Parties are currently coordinating (1) a review of proposed permits that the General Manager provided earlier this week to ensure the permit conditions conform to the Agreement and, (2) if the permit conditions are determined to conform to the Agreement, execution of duplicate originals of the Agreement, which should be available to the District's Presiding Officer within the next several days. As contemplated by the Agreement, the Parties propose that the Board consider, approve and issue an order and permits that reflect the findings, conclusions and permit terms agreed to in the Agreement. As expressly stated in the Agreement, each of the Parties supports and recommends that the Board take action at the limited hearing set for April 9, 2015, to approve the order and permits that are attached to the Agreement. If the Board does not approve and issue an order and permits consistent with the Parties' agreed-to order and permit at the April 9, 2015 limited hearing, the Parties agree and request that the next

procedural step would be for the District to set another limited hearing consistent with the District Court's remand and Presiding Officer's order implementing the District Court's remand.

CERTIFICATE OF CONFERENCE

The undersigned counsel has conferred with the other Parties and certifies that all Parties support and join in filing this status report and position statement.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request:

- (1) that the District's Board take into consideration this status report and position statement at its April 9, 2015 limited hearing and consider and act to approve and issue an order and permits that reflect the findings, conclusions and permit terms agreed in and attached to the Agreement; and
- (2) if the Board does not approve and issue an order and permits consistent with the Parties' agreed-to order and permits, that the District set another limited hearing subsequent to the April 9, 2015 hearing consistent with the District Court's remand and Presiding Officer's order implementing the District Court's remand.

Respectfully submitted,



Michael A. Gershon
State Bar No. 24002134
J. Troupe Brewer
State Bar No. 24082728

LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 472-0532 (facsimile)

ATTORNEYS FOR CITY OF KYLE

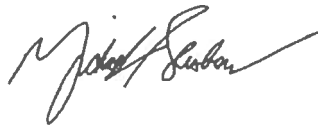
CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April, 2015, a true and correct copy of the foregoing document was sent by email and fax to the persons listed below.

William D. Dugat, III, Esq.
Attorney for the District's Board of Directors
Bickerstaff Heath Delgado Acosta, LLP
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Austin, Texas 78746
(512) 320-5638 (facsimile)
Email: bdugat@bickerstaff.com

John T. Dupnik, P.G., General Manager
Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748
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Michael A. Gershon

**AN ORDER OF THE
BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
BOARD OF DIRECTORS**

AMENDING THE PRODUCTION AND TRANSPORT PERMITS OF THE CITY OF KYLE; PROVIDING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING SPECIAL PERMIT CONDITIONS; AMENDING THE USER DROUGHT CONTINGENCY PLAN OF THE CITY OF KYLE; REPEALING ALL CONFLICTING ORDERS AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District (the District) is a Groundwater Conservation District created by an act of the 70th Legislature and subject to various requirements of State Law governing groundwater districts, including Texas Water Code Chapter 36; and

WHEREAS, the District was established for the purpose of providing for the conservation, preservation, protection, recharging and prevention of waste of groundwater and of groundwater reservoirs in the jurisdictional area of the District; and

WHEREAS, the District employs a permit-based regulatory program to effect these objectives and assure compliance with District Rules by its permittees; and

WHEREAS, the District received applications (Applications) from the City of Kyle (City, or Applicant) to amend its production and transport permits, requesting a Class B Conditional Production Permit to increase the permitted pumpage, and a Transport Permit to export the increased volume outside of the District to Kyle, Texas; and

WHEREAS, the District received a protest of amending those permits from the Save Our Springs Alliance (SOS, or Protestant); and

WHEREAS, on December 5, 7, and 8, 2009, the District Board of Directors (Board) held a contested-case hearing on the merits of these proposed permit amendments;

WHEREAS, on February 11, 2010, the District entered an order in this matter and the City appealed the order. On March 27, 2013, the 22nd District Court in Hays County issued a judgment remanding the City's applications back to the District. After appeals by SOS, the District Court's March 27, 2013 Agreed Final Judgment is now final;

WHEREAS, the District Court Order instructs the District to conduct a limited hearing consistent with the "appropriate interpretation" of the Alternative Water Supply Rule requirements established by District Rules 2-1, 3-1.4(A)(16) and 3-1.24, which the Court held had not been followed, and consistent with the first paragraph of the District Court's ruling on summary judgment issued on June 1, 2011;

WHEREAS, on April __, 2015, the District Board of Directors commenced a limited hearing as set forth in the District Court's Agreed Final Judgment on Remand, issued on March 27, 2013; and

WHEREAS, on the basis of that December 2009 evidentiary hearing and the limited hearing commenced on April __, 2015, the Board makes the following **Findings of Fact**:

1. The District is a groundwater conservation district, operating under Texas Water Code Chapter 36 and its enabling legislation now codified at Special District Local Laws Code Chapter 8802, which is charged by the Legislature to manage the groundwater resources in the District's jurisdiction, including the Barton Springs segment of the Edwards Aquifer.
2. The District has established Rules to prosecute the Legislative charge, including a Conditional Permit that allows new authorized use of the Edwards Aquifer resource only during non-drought times on a non-curtailed basis, and increasingly curtails that authorized use to protect the resource during protracted drought periods.
3. The District has established by rule a separate Transport Permit that is underlain by one or more Production Permits, but it does not have the authority to consider whether groundwater is being transported outside the District in approving or denying such permits.
4. On December 23, 2008, the City of Kyle filed applications to amend both its Production Permit to include Class B Conditional Production and its Transport Permit accordingly, with the application containing some of the information required by District Rules, including the appropriate application fees of \$500 for each of the applications.
5. After several rounds of notices of deficiency were sent by the District and timely responses containing supplemental information were provided by the Applicant, all information required for the applications under District Rules was received, and the Applications were deemed by District Staff as administratively complete on June 5, 2009 in accordance with District Rules 3-1.4.A and 3-1.6.B.
6. On June 20, 2009, a public notice was published in the Austin American-Statesman newspaper in accordance with District Rule 3-1.4.B(2), beginning a 20-day comment period. A similarly timed mailed notice was also sent to adjacent landowners in accordance with District Rule 3-1.4.B(3).
7. On July 10, 2009, a written notice of protest of the prospective permitting actions and a request for a public hearing were timely filed with the District by Save Our Springs Alliance, requesting the District to "deny the permit amendments that would enable an exceedingly large amount of groundwater withdrawal and transfer," in accordance with District Rule 4-9.13 governing protests.

8. On July 30, 2009, the General Manager made the determination to schedule a hearing and publicly noticed said hearing in the counties of the District and in the Austin American-Statesman newspaper on August 3, 2009 in accordance with District Rule 3-1.4.C and 4-9.2.
9. On August 27, 2009, a contested-case hearing was initiated by the Board, and the following were admitted as parties to the case and as participants in the evidentiary hearing on the merits: City of Kyle, Applicant; Save Our Springs Alliance, Protestant; and the General Manager of the District, representing District staff.
10. The City seeks to amend its Production Permit to include a Class B Conditional Production Permit element to increase the permitted pumpage from the freshwater portion of the Edwards Aquifer for public water supply purposes, from 165,000,000 gallons/year up to 350,000,000 gallons/year, from its existing Well No. 4, which is located near the intersection of RM 2770 and CR 171 in the 700 block of Kohlers Crossing, in Kyle, Texas.
11. The City also seeks to amend its Transport Permit to export the increased volume of groundwater authorized under the Class B Conditional Permit from the District into the City of Kyle's service area.
12. The Protestant seeks the District to deny the permit amendments on the basis of alleged lack of need for additional supplies; the Applicant failed to show that it can switch 100 percent of non-Edwards Aquifer "alternative water supply"; inconsistency with water conservation and regional water planning; the transfer of water out of the District; and adverse effects on Barton Springs' discharges that would unnecessarily risk jeopardy of the endangered salamander species at Barton Springs.
13. On October 28, 2009, the General Manager timely issued the General Manager's Statement of Position, in which the Staff presented its analysis of pertinent issues and supported its recommendation to issue the permits subject to several special conditions. An amended Statement of Position with minor revisions and amendments was also issued on November 13, 2009.
14. The City has executed contract(s) with the Guadalupe-Blanco River Authority that secure contractual rights to 2,957 acre-feet of surface water per year, of which the City is only in the position to physically take 2,500 acre-feet annually and place it into its public water system to provide alternative water supply in the event extreme drought requires curtailment of the Class B Conditional groundwater in accordance with District Rule 3-1.4.A(16).
15. The City has executed contract(s) with the City of San Marcos that secure contractual rights to 550 acre-feet of water per year, of which the City is in the

position to physically take 550 acre-feet annually and place it into its public water system to provide alternative water supply in the event extreme drought requires curtailment of the Class B Conditional groundwater in accordance with District Rule 3-1.4.A(16).

16. The total demand represented by the City's water usage for the period of Sep. 1, 2008 through Aug. 31, 2009 was 897,523,618 gallons or 2,754 acre-feet.
17. During an Edwards Aquifer Authority (EAA) Critical Stage IV Drought the City's EAA usage is limited to 84,460,579 gallons or 259 acre-feet.
18. During a District-declared Exceptional Stage Drought, the City's Historical Use Permit is limited to 99,000,000 gallons or 304 acre-feet.
19. For the City to be granted a Class B Conditional Permit for 185,000,000 gallons, the City's Alternative Water Supply must equal or exceed 897,523,618 gallons (2,754 acre-feet).
20. The City's Alternative Water Supply is 3,613 acre-feet which is the total of 2,500 acre-feet of water accessible from GBRA, 259 acre-feet from EAA, 304 acre-feet from the District, and 550 acre-feet from the City of San Marcos.
21. The District has verified that the City has in place the necessary physical infrastructure and supporting agreements and ordinances to effect the substitution of the alternative supply for 185,000,000 gallons of the requested conditionally permitted pumpage volume in accordance with District Rule 3-1.4.A(16).
22. The request for authorization for additional pumping is not subject to the current moratorium on additional Edwards pumping as the application was already on file and in process when the moratorium was declared on April 9, 2009, and such circumstance was specifically excepted in that Board order.
23. The Hydrogeologic (Pump Test) Report required by the District and submitted by the Applicant in support of the Applications show that the additional pumping from the Edwards Aquifer will take place in a transition area between the unconfined ("water table") portion and the confined ("artesian") portion of the Edwards, in an area of the aquifer with sufficiently high, but anisotropic transmissivity (hydraulic conductivity) and typical storativity, such that anticipated impacts to water levels of and interference with water production from neighboring wells will be insubstantial and practicably negligible.
24. The aquifer will go through, in a repetitive fashion, many discharge-recharge cycles during the 30-year term of the prospective Transport Permit, and the additional pumpage and transport authorized by the permit amendments will not cause permanent or long-term changes in aquifer conditions or reservoir depletion, or land subsidence.

25. The additional pumping will be curtailed in accordance with District drought-management Rules during drought, including complete curtailment during the more severe drought conditions.
26. Analytical studies by District staff confirm that with pumpage curtailment in accordance with the District's drought management rules, the acceleration of drought stages will be insignificantly small when compared to both measured variations in spring flow and the timing of likely Board action to declare changes in drought stages. However, the District recognizes that any acceleration of mandatory District-wide water use reduction caused by additional permitted pumpage, even on a conditional basis, causes some inconvenience and expense to existing permittees and aquifer users.
27. Evidence supports the conclusion that there is increased mortality and other harm to Barton Springs salamanders, an endangered species resident in the Barton Springs outlets, if springflow is reduced as a result of diminished aquifer water levels. The threshold at which such harmful effects occur is under scientific investigation. Evidence also supports the conclusion that the increase in the total amount of groundwater withdrawals caused by the amended production and transport permits would have the effect of reducing Barton Springs flow, although the effect would be minimal. The District seeks to avoid harming endangered wildlife, and the District's Management Plan states that the District will prepare and regularly update a Habitat Conservation Plan, "that protects to the maximum extent practicable, the population of endangered species affected by District groundwater management activities..." (Management Plan, Objective 4-1, Activities & Measures). The District has already spent hundreds of thousands of dollars on such a Habitat Conservation Plan. It would be contrary to the goals of the District's Management Plan to permit additional aquifer withdrawals under the amended permits that would create jeopardy for the survival of the Barton Springs salamanders. But withdrawals under the Conditional Class B Production Permit will be completely curtailed according to District Rules if springflow drops to 14 cubic feet per second (cfs), during an Exceptional Stage Drought. If scientific evidence indicates that the Rules are inadequate to protect the endangered species, the District will address the issue through the rulemaking process. There was no evidence that the amended permits would cause harm to the endangered salamanders.
28. To the extent that groundwater authorized under the Applications is used for public water supply, serving an area that has undergone tremendous population growth and is planned to continue to grow, such use is considered "beneficial use" as defined in District Rules and Chapter 36 of the Texas Water Code.
29. To the extent that the groundwater authorized under these Applications is used, such water is not intended to be and will not be transported beyond the boundaries of the City of Kyle certificated area or used for non-public water supply purposes.

30. To the extent that the groundwater authorized under these Applications is used, such use is not inconsistent with regional water planning for Region L and Region K, especially since no pumping during a drought of record recurrence is authorized.
31. To the extent that the groundwater authorized under these Applications is used, such use is contemplated by and is consistent with the District Management Plan.
32. The Applicant has implemented ordinances and other measures to effect its User Conservation Plan and User Drought Contingency Plan, and to generally conserve water, as reflected in its per capita usage of 114-118 gallons per capita per day.
33. The Applicant coordinated with District staff to update its UCP and UDCP to reflect new drought-management Rules adopted by the Board while the contested case was in process.
34. The Applicant stipulated that it has and will maintain the demonstrable ability to utilize alternative water supplies other than those based on freshwater Edwards Aquifer water, whether from the Barton Springs or the San Antonio segments, to offset the supply effects of the required curtailments. This stipulation was based upon access to and use of the full contractual rights to 2,957 acre-feet of surface water per year.
35. The Board has the authority to change its Rules, including drought-management Rules, if and when new scientific information or statutes require changes to assure the District's mission is achieved.

AND WHEREAS, upon considering these Findings of Fact, the Board makes the following **Conclusions of Law**:

1. The District has the constitutional and statutory authority to approve or deny these permit applications and has the authority under the District's Rules to set the amounts of the permits and special conditions on them.
2. Applications were properly received by the District with the appropriate fee payments.
3. The administrative completeness determination was timely and properly made.
4. The application was timely and properly noticed with notification published in a newspaper of general circulation and a mail-out to applicable adjacent landowners.
5. The protest by SOS was properly and timely made.

6. The contested case hearing was timely and properly noticed and held according to District Rules & Bylaws.
7. The General Manager's Statement of Position was timely received by all parties and provided both the regulatory and scientific basis for its recommended actions to grant the City's applications in full subject to certain special permit conditions accepted by the City.
8. The District staff made its assessment of the Applications in conformance with District Rules.
9. The Applicant met its burden of proof that its prospective additional pumping of 185 million gallons would not cause unreasonable interference with adjacent well owners/operators or unreasonable reduction in artesian pressure.
10. The Applicant met its burden of proof that its prospective additional pumping of 185,000,000 gallons requested by its permit applications was consistent with the regional water plans and with the District Management Plan.
11. The Applicant has shown by a preponderance of evidence that it has access to an alternative water supply in sufficient quantity so that it can curtail production for its prospective additional pumping of 185,000,000 gallons authorized in its Class B Conditional Permit by up to 100 percent during BSEACD-declared drought stages.
12. The District by statute is unable to consider that this water is destined for transfer out of the District in its decision-making regarding permit issuance.

NOW, IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT THAT:

SECTION 1

The recitals, facts, and conclusions in the preamble hereof are hereby found and determined to be true and correct and incorporated herein by reference as if fully set forth herein.

SECTION 2

From the effective date of this Order, the City of Kyle's Production Permit is amended to include an annual Class B Conditional Permit component of up to 185,000,000 gallons per year, subject to annual renewal at the beginning of each fiscal year of the District; and the City of Kyle's Transport Permit is amended to authorize the total amount of water to be exported from

the District as up to 350,000,000 gallons per year after being produced from the Edwards Aquifer in its existing Well #4, under both Historical and Conditional production permits, subject to the following Special Conditions:

For the Class B Conditional Production Permit:

1. The City of Kyle shall submit updates of its User Conservation Plan and User Drought Contingency Plan, reflecting both new drought-management rules, including new drought stages and curtailment requirements, and new total production amounts, i.e., including groundwater withdrawals authorized by both its existing Historical Use Production Permit and the new Class B Conditional Permit, within 60 days of issuance of the new permit.
2. The City of Kyle (City) shall not use water authorized for production under this permit for uses other than those described in the application submitted on December 23, 2008. The use of the water shall be limited to the primary use as a public water supply which may include ancillary uses for construction, commercial, or industrial purposes. Any change in the use shall constitute a major amendment to both the Production and the Transport Permit and shall not occur without prior authorization from the District.
3. On an annual basis, the City shall certify to the District and provide pertinent documentation that, in the event that all of the production authorized under the Class B Conditional Production Permit is curtailed by the District, demonstrates the following:
 - a. The City has maintained the availability of a volume of Alternative Water Supply that is derived from aggregated, accessible firm-yield water and that is greater than the projected Managed Water Demand at the end of the permit year; and
 - b. The City has maintained all necessary infrastructure, contracts, rates, and facilities necessary to replace the full volume of water authorized for production under the Class B Conditional Production Permit.

For purposes of this Special Condition, "Alternative Water Supply" shall be defined as the sum of a) the aggregate supply of water of sufficient quality to be compatible with the use of the water authorized under the Class B Conditional Production Permit from source(s) other than the freshwater part of the Barton Springs segment of the Edwards Aquifer in excess of 304 acre feet per year or the San Antonio segment of the Edwards Aquifer in excess of 259 acre feet per year; and b) the quantity of water that is equivalent to the managed reduction in demand for the water authorized under the Class B Conditional Production Permit, through planned, mandatory, and enforced water conservation practices. "Managed Water Demand" shall be considered the quantity of water that is equivalent to the minimum level of demand that can be achieved and maintained

through planned, mandatory, and enforced water conservation and other practices by the City.

This certification and documentation shall provide a confirmation, to the satisfaction of the General Manager, of the availability of the planned Alternative Water Supply and shall be submitted by August 15 of each year of the Permit term. Confirmation of the requisite Alternative Water Supply availability shall be required as a condition of permit renewal.

4. If, on the basis of new information concerning aquifer characteristics, springflow characteristics, or ecological traits, the District Board of Directors in the future changes the amount of curtailment required under its Class B Conditional Production Permit, or the drought trigger points, or both, the City of Kyle shall comply with such new Rule requirements that are established through a formal rulemaking process.

For the Amended Transport Permit:

1. The City of Kyle shall not transport, cause to transport, or sell, whether on a retail or wholesale basis, water authorized for transport under this permit to any individual or entity outside of the receiving area as described in the application submitted on December 23, 2008. The receiving area shall be limited to the area described as the "City's service area" and shall be delineated by the City of Kyle's TCEQ CCN No. 11024 boundaries, as such boundary existed as of November 1, 2009, and as is generally shown in Exhibit 1. Any change in the receiving area shall constitute major amendments of both the Production and the Transport Permit, which require authorization from the District before transport to the newly added area.

SECTION 3

This provision does not supersede or prevent any subsequent orders or rulemaking by the Board that differ in its requirements for all such permittees.

SECTION 4

All orders or resolutions, or parts thereof, heretofore passed and adopted by the Barton Springs Edwards Aquifer Conservation District are hereby repealed to the extent that said order or resolution, or parts thereof, is in conflict herewith.

SECTION 5

If any section, subsection, clause, phrase, or provision of this Order, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses,

phrases, and provisions of this Order, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

SECTION 6

This Order shall be effective immediately upon majority approval by a quorum of the Board.

**DULY PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE
BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT BY A VOTE
OF ____ TO ____, ON THIS THE ____th DAY OF APRIL, 2015.**

APPROVED BY:

Mary Stone
President, Board of Directors

ATTEST BY:

Blayne Stansberry
Secretary, Board of Directors

**SETTLEMENT AGREEMENT BY AND AMONG THE CITY OF KYLE
SAVE OUR SPRINGS ALLIANCE, INC., AND THE BARTON SPRINGS/EDWARDS
AQUIFER CONSERVATION DISTRICT'S GENERAL MANAGER**

This Settlement Agreement (the "Agreement") is made by and among the City of Kyle (the "City"), Save Our Springs Alliance, Inc., ("SOS") and the Barton Springs/Edwards Aquifer Conservation District's General Manager ("General Manager"). The City, SOS and the General Manager may be referenced collectively as the "Parties".

I. RECITALS

- A. The City is the applicant for a Barton Springs/Edwards Aquifer Conservation District ("BSEACD") Class B conditional permit to authorize the withdrawal of groundwater from the Barton Springs segment of the Edwards Aquifer in the amount of 185,000,000 gallons of water per year and for a Transport Permit in the cumulative amount of 350,000,000 of water per year ("Permits").
- B. In July of 2009, SOS submitted comments and requested a contested case hearing on the City's application for its Class B conditional permit and transport permit (the "Application"). A contested case hearing was conducted before the BSEACD's Board ("Board") in December of 2009 with the City, SOS and the General Manager as parties.
- C. On February 11, 2010, the Board entered an order in this matter and the City appealed the order to Hays County District Court.
- D. On March 27, 2013, the 22nd District Court in Hays County issued a judgment remanding the City's Application back to the Board. The District Court order instructs the Board to conduct a limited hearing consistent with the "appropriate interpretation" of the Alternative Water Supply Rule requirements established by BSEACD Rules 2-1, 3-1.4(A)(16) and 3-1.24, consistent with the first paragraph of the Court's June 1, 2011, ruling on summary judgment, which the Court held had not been followed in the December 2009 contested case hearing and memorialized in the Board's February 11, 2010 order.
- E. After appeals by SOS, the District Court's March 27, 2013 order is now final.
- F. For purposes of settling this matter, the Parties intend to request that the Board approve and issue an order and permits reflecting the findings, conclusions and permit terms agreed to by this Agreement. If the Board does not approve and issue an order and permits consistent with the Parties' agreed-to order and permits, the Parties agree that the next procedural step would be for the Board to set a limited hearing consistent with the District Court's remand and Presiding Officer's order implementing the District Court's remand.

II. OBLIGATIONS OF THE PARTIES

A. THE CITY'S OBLIGATION

1. The City agrees that its proposed finding of facts, conclusions of law and order (Order) and proposed special conditions for its conditional permit (Permit), attachments 1 and 2 to its July 11, 2014 position statement (attached hereto as Exhibits "A" and "B") are hereby amended as follows:

- a. The City withdraws its objection to SOS's party status and its proposed amendment to Conclusion of Law number 5 is withdrawn. However, the City reserves the right to challenge SOS's party status in other future proceedings.
- b. The City's following language to finding of fact number 10 is unnecessary, withdrawn and should not be included in the Board's final order:

"... and which is over 15 miles from the Barton Springs and near the southern boundary of the District's jurisdictional boundary".

- c. The definition of "Alternative Water Supply" as defined in Section 2 paragraph 3 of the City's proposed Order and for purposes of "Special Provision 3" of the City's proposed Permit should read as follows:

For purposes of this Special Condition 2, "Alternative Water Supply" shall be defined as the sum of a) the aggregate supply of water of sufficient quality to be compatible with the use of the water authorized under the Class B Conditional Production Permit from source(s) other than the freshwater part of the Barton Springs segment of the Edwards Aquifer in excess of 304 acre feet per year or the San Antonio segment of the Edwards Aquifer in excess of 259 acre feet per year; and b) the quantity of water that is equivalent to the managed reduction in demand for the water authorized under the Class B Conditional Production Permit, through planned, mandatory, and enforced water conservation practices.

The definition of "Managed Water Demand" provided in the City's proposed order shall remain intact and read as follows:

"Managed Water Demand" shall be considered the quantity of water that is equivalent to the minimum level of demand that can be achieved and maintained through planned, mandatory, and enforced water conservation and other practices by the City.

- d. The City water utility leaders will meet no less often than twice each of the following three calendar years with representatives of SOS and the

General Manager's staff to discuss opportunities for, and review actions taken by, the City, the BSEACD and others to reduce pumping from the Barton Springs segment of the Edwards Aquifer and San Antonio segment of the Edwards Aquifer.

B. THE GENERAL MANAGER'S OBLIGATIONS

1. In connection with a properly noticed limited hearing, the General Manager will recommend that the Board accept the proposed order and City's permits as modified by the amendments and additional language referenced in section II(A)(1)(a)-(c) above.
2. Representatives from the General Manager's office will meet no less often than twice each of the following three calendar years with the City's water utility leaders and representatives of SOS to discuss opportunities for, and review actions taken by, the City, the BSEACD and others to reduce pumping from the Barton Springs segment of the Edwards Aquifer and San Antonio segment of the Edwards Aquifer.
3. During a properly noticed limited hearing on the City's Applications and upon consideration of the District Court's March 27, 2013 Agreed Final Judgment and June 1, 2011 ruling on summary judgment, the agreements and positions of its General Manager, the City and SOS, and the relevant permitting criteria and evidence presented, the General Manager agrees to recommend that the Board grant the City's Application and issue permits in the amounts requested, subject to the permit conditions addressed in the Board's Order presented by the City, as amended by this Agreement.

C. SOS'S OBLIGATIONS

1. SOS supports and encourages the Board to accept the amendments and additional language referenced in section II(A)(1)(a)-(c) above and is withdrawing its protest of the City's Application for the Permits without taking a position on the application of the Alternative Water Supply Rule requirements or appropriate allocation amount. SOS will neither appeal or initiate any type of challenge to the BSEACD's decision to issue the City's permits as addressed in Section II(B) of this Agreement. To be clear, SOS supports the Board's approval and issuance of an order and permits consistent with this Agreement, and for purposes of settling this dispute only and for no other purpose.
2. **Amendments to the Permit:** The Parties recognize that SOS does not waive its right to contest amendments to the Permits to the extent those amendments seek additional withdrawal or export in an amount greater than the amounts requested in the City's Application pending on remand nor does SOS waive its right to contest any other permits sought by the City regardless of the jurisdiction the application is submitted.

3. SOS will meet no less often than twice each of the following three calendar years with the City's water utility leaders and representatives of the General Manager's office to discuss opportunities for, and review actions taken by, the City, the BSEACD and others to reduce pumping from the Barton Springs segment of the Edwards Aquifer and San Antonio segment of the Edwards Aquifer.

III. GENERAL TERMS AND CONDITIONS

- A. This Agreement is the product of collaboration of the Parties. No provision of this Agreement will be construed against any party by virtue of the involvement of that party or its attorneys in drafting this Agreement. Thus, the Parties acknowledge that each party and, if it so chooses, its counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.
- B. Governing Law; Jurisdiction and Venue. THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AS IT APPLIES TO CONTRACTS PERFORMED WITHIN THE STATE OF TEXAS AND WITHOUT REGARD TO ANY CHOICE OF LAW RULES OR PRINCIPLES TO THE CONTRARY. THE PARTIES ACKNOWLEDGE THAT THIS AGREEMENT IS PERFORMABLE IN HAYS COUNTY, TEXAS AND HEREBY SUBMIT TO THE JURISDICTION OF THE COURTS OF THAT COUNTY, AND HEREBY AGREE THAT ANY SUCH COURT SHALL BE A PROPER FORUM FOR THE DETERMINATION OF ANY DISPUTE ARISING HEREUNDER.
- C. If a party alleges that another party is not in compliance with this Agreement, then the party alleging non-compliance shall provide a written notice to the other Parties within 30 (30) days of becoming aware of the non-compliance (the "Notice"). The Notice shall include a reasonably complete description of each individual alleged non-compliance, including any available supporting documentation. SOS, the City and the General Manager shall meet within 10 business days following receipt of the Notice by the alleged non-complying party, and they shall attempt in good faith to mutually agree on an acceptable resolution to any alleged non-compliance that remains uncured at that time.
- D. For purposes of this Agreement, the Notice shall be addressed as set forth below, and shall be either (a) delivered personally as verified by a signed receipt, (b) sent by United States certified mail, postage prepaid, return receipt requested, (c) placed in the custody of Federal Express Corporation or other nationally recognized overnight carrier for next day delivery with documentation retained by the sender or (d) sent via telecopy or facsimile (fax) transmission, with a transmission receipt to be retained by the sender. Notice shall be deemed given when actually received.

Notice shall be addressed as follows:

If to the City of Kyle:

City Manager and City Attorney
City of Kyle
100 W. Center Street
Kyle, Texas 78640

If to SOS Alliance:

William G. Bunch
Executive Director
Save Our Springs Alliance
P. O. Box 684881
Austin, Texas 78768-4881
Fax: 512/477-6410

If to the BSEACD GENERAL MANAGER:

John T. Dupnik, P.G.
General Manager
Barton Springs/Edwards Aquifer Conservation District
1124 Regal Row
Austin, Texas 78748
Fax: 512/282-7016

- E. This Agreement constitutes the entire integrated Agreement by and among SOS, the City and the General Manager regarding all matters related to the Permits and fully supersedes any and all prior understandings, representations, warranties or agreements pertaining to the subject matter of this Agreement. No oral agreements, understandings or representations will change, modify or amend any part of this Agreement. This Agreement may be modified only by a written agreement fully executed by the Parties or their respective successors or assigns.
- F. Should any litigation be commenced among SOS, the City and the General Manager concerning any provision of this Agreement, the substantially prevailing party in such litigation will be entitled, in addition to such other relief as may be granted, to reimbursement of its reasonable and necessary attorneys' fees and expenses and expert witness fees, which amounts, if not agreed to by the Parties, will be determined in the same action. Because the damages for breach of this Agreement would not be easily quantified, the Parties agree that the remedies for breach of this Agreement shall be limited to specific performance of this Agreement, and such remedies may only be sought if the required Notice has been timely given and the alleged non-compliance that is the basis of the action is not cured within a reasonable time; accordingly, no monetary damages other than the attorneys' fees set forth above may be sought.

- G. All signatories to this Agreement hereby represent and warrant that they have obtained all necessary approval and authorization from the governing bodies of their respective Parties to enter into this Agreement and bind their respective Parties.
- H. The Parties will file with the Board a joint motion and accompanying order and permits reflecting the findings, conclusions and permits agreed to in this Agreement (attached hereto as Exhibit "C"), requesting that the Board approve and issue the order and permits as filed. If the Board does not approve and issue the order and permits as requested, then the Parties agree that the Board will then schedule a limited hearing consistent with the District Court's remand and Presiding Officer's order implementing the District Court's remand.

The Parties have executed this Agreement effective on the latest date set forth below:

SAVE OUR SPRINGS ALLIANCE, INC.,

By: _____
Bill Bunch, Executive Director

Date: _____

THE CITY OF KYLE

By: _____
Todd Webster, Mayor

Date: _____

**THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
GENERAL MANAGER**

By: _____
John T. Dupnik, P.G., General Manager

Date: _____



**Barton Springs/Edwards Aquifer
Conservation District**

1124 Regal Row Austin, TX 78748
(512) 282-8441

Class B Conditional Production Permit

Permit No: D140-10-01

Owner: City of Kyle

System: City of Kyle

Mail Address: P.O. Box 40
Kyle, Texas 78640

Management Zone: Eastern Freshwater Edwards

Number of Wells: 1

State Well No(s): **58-57-916**

Terms: Expires August 31 following the date of issuance. Failure to pay fees, report pumpage, or abide by Rules, Bylaws, or Special Provisions of issuance, will subject this agreement to revocation. Permittee is subject to the enforcement mechanisms available to the District including but not limited to those set out in Rules 3-1.11, 3-1.13, 3-7.11, 3-8.5, 3-8.9 for noncompliance with District Drought Rules including but not limited to mandatory reduction goals.

Authorized Groundwater Withdrawal: Only that amount of water which is required without being wasteful during the term of this agreement, but not to exceed 185,000,000 gallons.

Special Provision: See attached

This Permit is hereby issued this 9th day of April 20 10

By: _____, General Manager

PERMIT CONDITIONS AND REQUIREMENTS.

All permits are granted subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board, and the laws of the State of Texas. In addition, each permit issued shall be subject to the following conditions and requirements:

- A. The permit is granted in accordance with the provisions of S.B. 988 of the 70th Texas Legislature in conjunction with Chapter 36, Texas Water Code, and the Rules, regulations and Orders of the District as may be in effect from time to time, and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with all the terms, provisions, conditions, requirements, limitations, and restrictions embodied in the permit and with the Rules, regulations, and Orders of the District.
- B. The permit confers no vested rights in the holder and the permit is non-transferable. Written notice must be given to the District by the permittee prior to any sale or lease of the well covered by the permit. The permit may be revoked or suspended for failure to comply with its terms, which may be modified or amended pursuant to the requirements of the Act and any applicable Rules, regulations and Orders of the District.
- C. A permit shall be subject to amendment by the District of the amount of water authorized for pumpage based upon a review of the District's sustainable yield model and a determination by the District that an amendment is necessary after considering adequate water levels in water supply wells and degradation of water quality that could result from low water levels and low spring discharge.
- D. The drilling and operation of the well for the authorized use shall be conducted in such a manner as to avoid waste, pollution, or harm to the aquifer.
- E. The permittee shall keep accurate records and meter readings, on a monthly basis, of the amount of groundwater withdrawn, the purpose of the withdrawal, and, for any transporting of water outside the District, the amount of water transported and the identity and location of the recipients. Such records shall be submitted to the District office on a monthly basis, unless some other reporting period is specified in the permit, even if there is zero pumpage or transport for the time period and shall also be available for inspection at the permittee's principal place of business by District representatives. Immediate written notice shall be given to the District in the event a withdrawal or transporting of water exceeds the quantity authorized by the permit or rules. Unless the permittee can present evidence that the pumpage or transport which exceeded the permitted amount is due to an isolated incident that is not likely to be repeated and/or would not result in continued higher demands, the permittee must immediately submit an application to increase the permitted pumpage or transport volume based on the amount of pumpage or transport which exceeded the permitted amount projected for the remainder of the fiscal year.
- F. The well site or transport facilities shall be accessible to District representatives for inspection during normal business hours and during emergencies. The permittee agrees to cooperate fully in any reasonable inspection of the well site or transport facilities and related monitoring or sampling by District representatives. The well owner shall provide a twenty-four (24) hour emergency contact to the District.
- G. The application pursuant to which a permit has been issued is incorporated therein, and the permit is granted on the basis of and contingent upon the accuracy of the information supplied in that application and in any amendments thereof. A finding that false information has been supplied shall be grounds for immediate revocation of a permit. In the event of conflict between the provisions of the permit and the contents of the application, the provisions of the permit shall prevail.
- H. Driller's logs must be submitted within sixty (60) days of the drilling of a well.
- I. Monitoring of groundwater pumpage is to be accomplished in the manner specified in the District's metering policy and any modifications thereto.
- J. Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawal or transporting amounts outside of the District in excess of the amount authorized for transport, shall be punishable by civil penalties as provided by the Act and these Rules.
- K. If special provisions are inconsistent with other provisions or regulations of the District, the Special Provisions shall prevail.
- L. A Transport Permit may contain any term, condition, or limitation determined to be warranted by the District's Board based on the factors set forth in Rule 3-1.6(A), and Section 36.122(d) of the Act.
- M. Permittees will notify the District upon filing an application with the TCEQ to obtain or modify CCN to provide water or wastewater service in a service area that lies wholly or partly within the District or for which water shall be supplied from a well located inside the District.
- N. Upon request of the District, permittees that are water utilities and that are not in compliance with their permit conditions concerning water use are required to furnish the District the individual monthly water usage of all end-user customers that exceed the presumptive excessive-use criteria set forth in Section 3-3.7(C)(2) of these Rules.
- O. Permittees holding Class B or Class C Conditional Production Permits under Rule 3-1.24(D)(E) must maintain at all times the certain ability and binding commitment to switch from the to-be-permitted volume of groundwater to some alternative water supply source(s) on a 100% basis, including a) all necessary physical infrastructure and supporting agreements, rates, and tariffs required for such substitution, and b) the commitment to use the alternative supply as warranted by District-declared drought conditions.
- P. A Permit does not authorize use on property within the District other than the well owner's property without prior approval from the District for Multi-user Wells. For Permits approved for Multi-user Wells, the well owner shall be considered the sole permittee and shall be solely responsible for compliance with all applicable rules, permit conditions, and requirements including the multi-user well metering and reporting requirements pursuant to District Rule 3-2.
- Q. After notice and an opportunity for a hearing, the Permit may be reduced if the authorized withdrawal volume is deemed to be no longer commensurate with reasonable non-speculative demand or if actual production from a well is substantially less than the authorized permit amount for multiple years without any rationale that reasonably relates to efforts to utilize alternative water supplies, conserve, or improve water use efficiency.

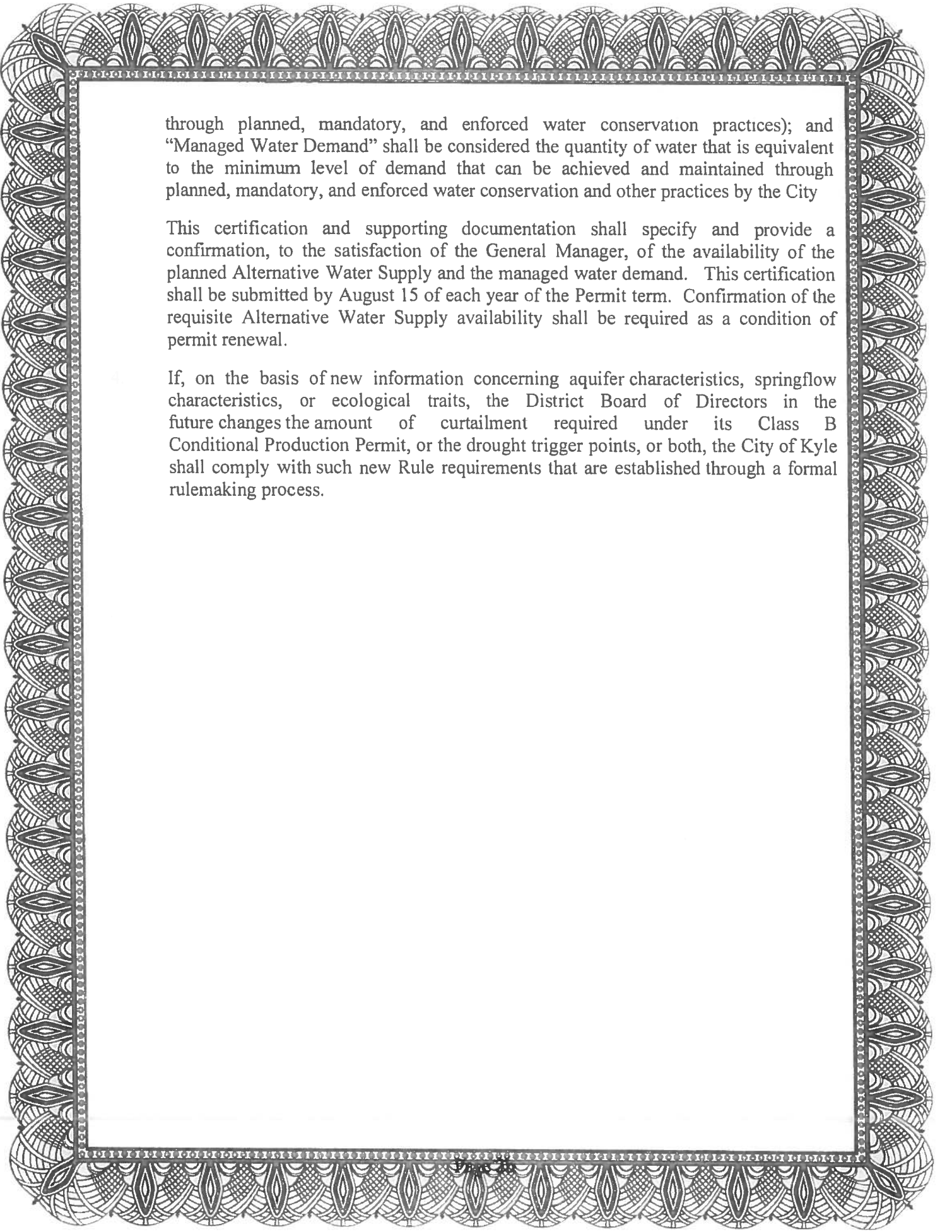
Special Provisions

From the effective date of this Permit, the City of Kyle's Production Permit is amended to include an annual Class B Conditional Permit component of up to 185,000,000 gallons per year, subject to annual renewal at the beginning of each fiscal year of the District; and the City of Kyle's Transport Permit is amended to authorize the total amount of water to be exported from the District as up to 350,000,000 gallons per year after being produced from the Edwards Aquifer in its existing Well #4, under both Historical and Conditional production permits, subject to the following Special Provisions:

1. The City of Kyle shall submit updates of its User Conservation Plan and User Drought Contingency Plan, reflecting the new authorized pumpage volume under the Class B Conditional Production Permit, within 60 days of issuance of the new permit.
2. The City of Kyle (City) shall not use water authorized for production under this permit for uses other than those described in the application submitted on December 23, 2008. The use of the water shall be limited to the primary use as a public water supply which may include ancillary uses for construction, commercial, or industrial purposes. Any change in the use shall constitute a major amendment to both the Production and the Transport Permit and shall not occur without prior authorization from the District.
3. On an annual basis, the City shall certify to the District and provide pertinent documentation that, in the event that all of the production authorized under the Class B Conditional Production Permit is curtailed by the District, demonstrates the following:
 - a. The City has maintained the availability of a volume of alternative water supply that is derived from aggregated, accessible firm-yield water and that is greater than the projected managed water demand at the end of the permit year.
 - b. The City has maintained all necessary infrastructure, contracts, rates, and facilities necessary to replace the full volume of water authorized for production under the Class B Conditional Production Permit.

For the purposes of Special Provision 3:

"Alternative Water Supply" shall be defined as the sum of a) the aggregate supply of water of sufficient quality to be compatible with the use of the water authorized under the Class B Conditional Production Permit from source(s) other than the freshwater part of the Barton Springs segment of the Edwards Aquifer in excess of 304 acre feet per year or the San Antonio segment of the Edwards Aquifer in excess of 259 acre feet per year; and b) the quantity of water that is equivalent to the managed reduction in demand for the water authorized under the Class B Conditional Production Permit,



through planned, mandatory, and enforced water conservation practices); and “Managed Water Demand” shall be considered the quantity of water that is equivalent to the minimum level of demand that can be achieved and maintained through planned, mandatory, and enforced water conservation and other practices by the City

This certification and supporting documentation shall specify and provide a confirmation, to the satisfaction of the General Manager, of the availability of the planned Alternative Water Supply and the managed water demand. This certification shall be submitted by August 15 of each year of the Permit term. Confirmation of the requisite Alternative Water Supply availability shall be required as a condition of permit renewal.

If, on the basis of new information concerning aquifer characteristics, springflow characteristics, or ecological traits, the District Board of Directors in the future changes the amount of curtailment required under its Class B Conditional Production Permit, or the drought trigger points, or both, the City of Kyle shall comply with such new Rule requirements that are established through a formal rulemaking process.

Item 5

Board discussions and possible actions

- a. Discussion and possible action related to an update on activities related to the Electro Purification Trinity well field located just outside of the District's boundaries.**

Central Hays County Groundwater Evaluation Water Level Snapshot - March 25, 2015

Water Level Snapshot Summary (3/25/2015):
 - Snapshot Dates: 3/17 - 3/20
 - 5 teams (HTGCD, EAA, BSEACD)
 - 65 wells measured

Legend

Synoptic Team

(water level elevations labeled)

Rolling Oaks

East

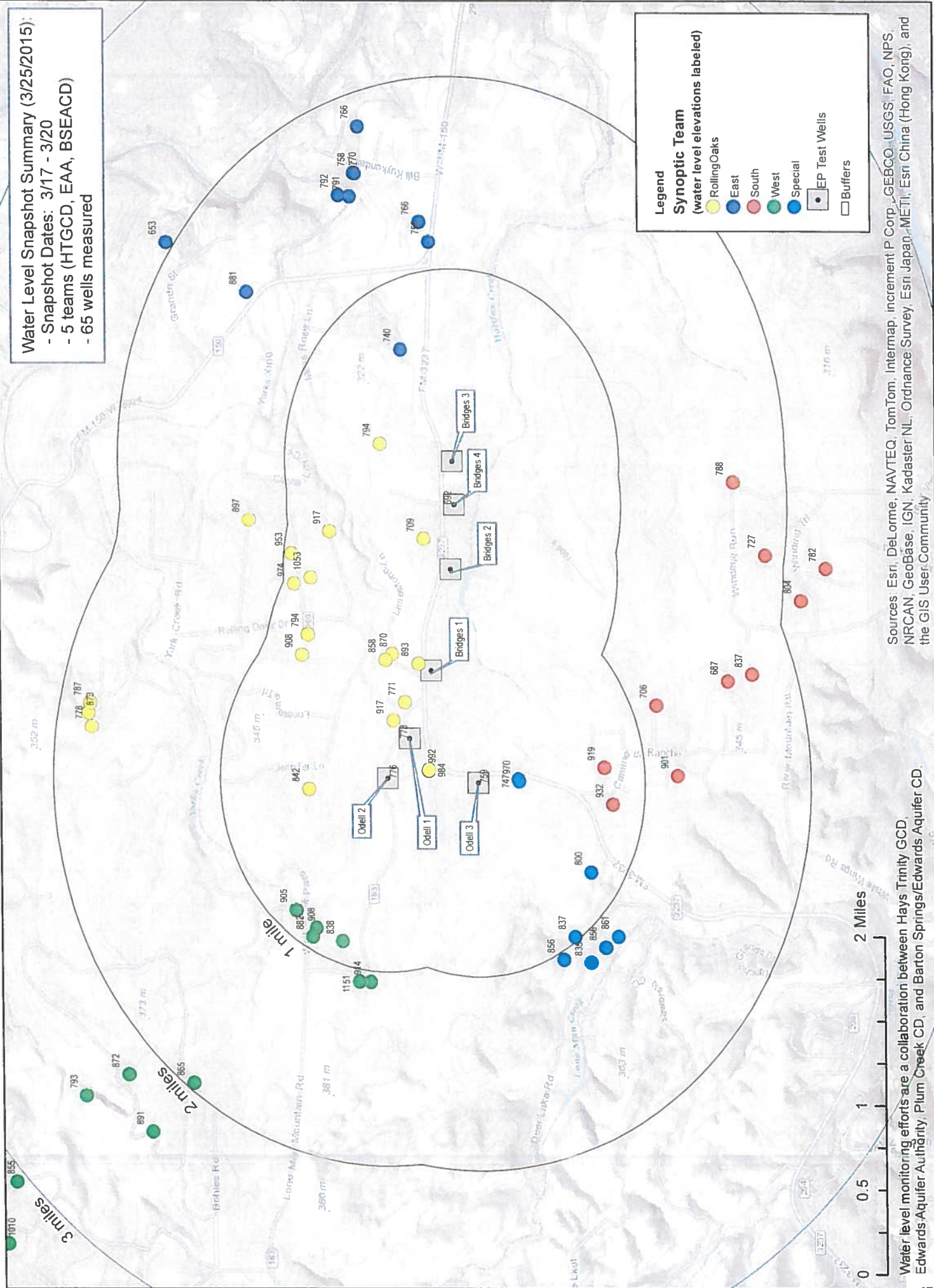
South

West

Special

EP Test Wells

Buffers



Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

Water level monitoring efforts are a collaboration between Hays Trinity GCD, Edwards Aquifer Authority, Plum Creek CD, and Barton Springs/Edwards Aquifer CD.

Item 5

Board discussions and possible actions

b. Discussion and possible action related to pursuit of the District's legislative agenda including proposed legislation to expand the District's territory.

Groundwater Bills Cheat Sheet

Bill	Authors	What it does
HB 30	Larson	2013 brackish bill. Allows TWDB to designate zones; requires GCDs to issue 30-year permits with unlimited production in those areas; can only be amended after requesting report from TWDB.
HB 200	Keffer	Amends the purpose of Ch. 36; amends DFC appeals process to add a SOAH hearing and final determination by TWDB; creates opportunity for appeal of GCD permit decision to TWDB – TWDB "determination" would go back to GCD for final decision.
HB 655 SB 1724 SB 1903	Larson Creighton Perry	TWCA consensus ASR bill. Gives exclusive jurisdiction for permitting ASR projects to TCEQ. Allows GCD to permit and apply spacing/regulations only to extent withdrawals over and above TCEQ-approved amount.
HB 898 SB 611	Ashby Perry	Well confidentiality bill. Prohibits GCD from releasing groundwater withdrawal report submitted by owner of a private well in response to a PIA request or otherwise if owner has requested confidentiality.
HB 835	Larson	TAGD brackish bill. Allows for petitions to GCDs to create zones/adopt permitting rules for zones; allows for report on petition from TWDB; allows for rates of withdrawals so as not to impact freshwater; allows for permit amendments after TWDB report.
HB 836	Larson	TWCA non-consensus brackish bill. Requires TWDB to create maps detailing TDS levels across the state; allows for petition to GCD to create zone and appeal for final determination to TWDB.
HB 930	Miller	TWCA consensus TDLR bill. Reinstates well driller apprentice program; authorizes TDLR to contract with third parties for enforcement; clarifies language and definitions.
HB 950	Lucio III	TWCA consensus SAO bill. Authorizes SAO to audit GCD financial records as with Ch. 49 districts; removes management plan review of GCDs.
HB 1191	Isaac	Buffer zone bill. Requires a person who wants to drill a well for commercial purposes w/in 5 miles of a PGMA to apply for a permit from GCD (if located w/in a GCD) and TWDB; sets issues for consideration by TWDB; requires TWDB to make final determination.
HB 1221 SB 1412	Lucio III Estes	TWCA consensus sellers' disclosure bill. Requires sellers of residential real property to note existence of GCD on sellers' disclosure form that accompanies sale of real property.
HB 1232 SB 1409	Lucio III Estes	TWDB aquifer study bill. TWDB to define the quality and quantity of groundwater statewide in map form by 12/31/16.
HB 1248 HB 1856 SB 854	Lucio III Isaac Zaffarini	TWCA consensus permitting bill. Provides for automatic renewals if no conditions change. Allows a GCD to amend a permit to carry out the purpose of Ch. 36.
HB 1635 SB 1421	Guillen Lucio II	Groundwater Protection Committee bill. Requires committee to develop brackish groundwater classification system that must be considered by GCDs and state agencies; requires RRC to submit electric logs to TWDB; requires TWDB to develop guidance.
HB 1972	Keffer	Fracking bill. Adds completions to 36.117(b)(2) exemption and deletes "solely;" requires compliance with registration, production, spacing, fee, and reporting requirements.
HB 2132	Craddick	Fracking bill #2. Adds fracking and completions to 36.117(b)(2) exemption and deletes "solely;" requires compliance with registration, production (must equal or exceed highest amount permitted), fee (limited to amount on municipal wells), and reporting requirements.
HB 2179 SB 1414	Lucio Estes	TWCA consensus contested case hearings bill; mostly aimed at clarification and clean up.
HB 2647 SB 1122	Ashby / Larson Estes	Power generation bill. Would prohibit GCDs from reducing permitted amounts for power generation facilities and related mines after 9/1/14.
HB 2767 SB 1413	Keffer Estes	TWCA consensus Ch. 36 clean up bill.
HB 3161	Cyrier	Junior priority export bill. Cleans up 36.122; adds RWPG considerations to GCD's considerations; makes operating permits associated with export permits junior in priority to other operating permits issued before export permit application.
HB 3163	Cyrier	Board member lawsuit bill. States that board member acting in individual capacity is immune from suit and liability for board actions; filing a suit equals coercion.
HB 3356	Lucio III	Retail public utility bill. Requires GCDs to base production amount for retail public utilities on service needs or service area, not tract size.
HB 3540	White	Texas Landowners Council bill. If wells experiencing "reduced capacity," requires GCDs to revise DFCs and establish common production rate/acre for permitted wells so it does not continue.
HB 3597	Keffer	TWCA non-consensus export bill. Cleans up 36.122 to state that a GCD may not be more restrictive on an exporter than on an in-district user, except for the ability to charge an export fee.
HB 3813	Keffer	Groundwater shell bill. Amends Ch. 36 purpose; makes attorneys' fees provision discretionary and authorizes fees only on issues where GCD prevails; adds TWCA non-consensus export bill.
HB 4112	Burns	Fair share bill. Adds "any other right recognized under common law, including the right to produce or save a fair share of the groundwater" to the rights listed in section 36.002.
SB 360	Estes	Takings bill. Amends PPRPA to include regulation of groundwater as potential taking.
SB 517	Uresti	Injection well notice bill. Requires applicants to provide notice to any GCD within 10 miles.
SB 1234	Ellis	Sustainability bill. Requires TWDB to include sustainability figure for aquifers in SWP.
SB 1588	Estes	Omnibus water bill. Includes TWCA consensus Ch. 36 clean-up and contested case hearings bills.

TAGD LC Positions on All High Priority Bills

HB 30	Neutral	Relating to the development of brackish groundwater.
CSHB 30	Neutral	Relating to the development of brackish groundwater.
HB 40 / SB 1165	Neutral	Relating to the express preemption of regulation of oil and gas operations and the exclusive jurisdiction of those operations by the state.
HB 139	Neutral	Relating to the posting of certain notices for political subdivisions on the comptroller's Internet website.
HB 163	Neutral	Relating to interstate cooperation to address regional water issues.
HB 200	Oppose	Relating to the regulation of groundwater.
HB 201 / SB 109	Neutral	Relating to the procedure for action by the Texas Commission on Environmental Quality on an application for a water right.
HB 361 / SB 975	Neutral	Relating to the uniform election date.
HB 365 / SB 182	Neutral	Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.
HB 484	Neutral	Relating to the eligibility of a person to be a candidate for or holder of a public elective office.
HB 632	Neutral	Relating to the planning and funding of water projects to be constructed in a region other than the region proposing the project.
HB 655 / SB 1724 /	Neutral	Relating to the storage and recovery of water in aquifers.
HB 685	Support	Relating to the production of public information available on the website of a political subdivision of this state.
HB 814 / SB 392	Neutral	Relating to posting notice of a meeting of a governmental body on the Internet instead of in a newspaper.
HB 835	Neutral	Relating to research, development and utilization of brackish groundwater resources.
HB 836	Oppose	Relating to the development of brackish groundwater.
HB 898 / SB 611	Neutral	Relating to the confidentiality of certain water well reports.
HB 928 / SB 329/	Neutral	Relating to state and local planning for and responses to drought.
HB 930	Support	Relating to water well drillers and pump installers.
HB 932 / SB 1460	Neutral	Relating to the evaluation and ranking of similar offers submitted to a governmental entity for certain construction-related contracts.
HB 950	Support	Relating to the review of groundwater conservation districts by the state auditor.
HB 1019	Neutral	Relating to publication of notice by a governmental entity on a newspaper's Internet website.
HB 1113 / SB 941	Neutral	Relating to the standard of review for a determination of standing in a contested case hearing conducted by the Texas Commission on Environmental Quality.

TAGD LC Positions on All High Priority Bills

HB 1153	Neutral	Relating to the repeal of the junior priority of a water right authorizing a transfer of water from one river basin in this state to another river basin in this state.
HB 1191	Neutral	Relating to the regulation of commercial development of groundwater in certain areas.
HB 1221 / SB 1412	Support	Relating to seller's disclosures in connection with residential real property subject to groundwater regulation.
HB 1232 / SB 1409	Support	Relating to a study by the Texas Water Development Board regarding the mapping of groundwater in confined and unconfined aquifers.
HB 1248	Support	Relating to the renewal or amendment of certain permits issued by groundwater conservation districts.
HB 1257	Neutral	Relating to the use by a political subdivision of public money for lobbying activities or lobbyists.
HB 1378	Neutral	Relating to annual financial reporting of debt information.
HB 1421 / SB 1206	Neutral	Relating to fees charged by the Coastal Plains Groundwater Conservation District.
HB 1548	Neutral	Relating to comprehensive reviews of certain special districts.
HB 1554	Neutral	Relating to a report on local government operations prepared by the comptroller.
HB 1635 / SB 1421	Neutral	Relating to the management of groundwater, including the classification of and the obtaining of information regarding groundwater and the formulation of desired future
HB 1856 / SB 854	Support	Relating to the renewal or amendment of certain permits issued by groundwater conservation districts.
HB 1965	Neutral	Relating to the calculation of the rollback tax rate of a taxing unit and voter approval of a proposed tax rate that exceeds the rollback tax rate.
HB 1972	Oppose	Relating to certain exemptions from the requirement to obtain a permit from a groundwater conservation district.
HB 2132	Oppose	Relating to certain exemptions from the requirement to obtain a permit from a groundwater conservation district.
HB 2164 / SB 883	Neutral	Relating to the applicability of certain unfunded mandates on political subdivisions.
HB 2179 / SB 1414	Neutral	Relating to hearings that concern the issuance of permits by a groundwater conservation district.
HB 2236	Support	Relating to the requirements for the casing and cementing of an oil or gas well.
HB 2310	Neutral	Relating to electronic requests made to local governments for public information under the open records law.
HB 2532	Neutral	Relating to a study on the effectiveness of regulations governing the design and construction of Type I municipal solid waste landfills overlying aquifers.
HB 2581 / SB 809	Neutral	Relating to governmental actions affecting private property rights in certain oil and gas wells.
HB 2647 / SB 1122	Oppose	Relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining.
HB 2767 / SB 1413	Support	Relating to the powers, duties, and administration of groundwater conservation districts.

TAGD LC Positions on All High Priority Bills

HB 2839	Neutral	Relating to the production of public information under the public information law.
HB 2855	Neutral	Relating to the authority of a political subdivision to prohibit an activity over which the Railroad Commission of Texas has jurisdiction.
HB 3087	Neutral	Relating to the availability of certain special purpose district financial information on a district's Internet website.
HB 3161	Neutral	Relating to prioritizing groundwater production.
HB 3163	Support	Relating to filing suit against board members of groundwater conservation districts.
HB 3198	Neutral	Relating to permitting for injection wells in certain oil and gas producing counties.
HB 3210	Neutral	Relating to the production of public information available on a publicly accessible website.
HB 3217	Neutral	Relating to the authority of a political subdivision to regulate an activity over which the Railroad Commission of Texas has jurisdiction.
HB 3356	Neutral	Relating to regulation of production of wells for retail public utilities by a groundwater conservation district.
HB 3357	Neutral	Relating to permitted methods for certain political subdivisions to post notice of a meeting.
HB 3413	Neutral	Relating to a general permit to convey water using the bed and banks of a natural stream channel.
HB 3540	Oppose	Relating to the groundwater rights of a landowner and the amount of groundwater production for which a groundwater conservation district may issue permits.
HB 3597	Neutral	Relating to exports of groundwater from a groundwater conservation district.
HB 3654 / SB 1042	Neutral	Relating to fiscal transparency and accountability of certain political subdivisions.
HB 3788	Neutral	Relating to the information required to be included in a regional water plan and the use of that information by the regional water planning group in developing the plan.
HB 3813	Neutral	Relating to the purpose and operation of groundwater conservation districts.
HB 3942 / SB 1101	Neutral	Relating to the authority to determine the supply of groundwater in certain regional water plans.
HB 4053	Neutral	Relating to posting certain comprehensive annual financial reports on the Internet.
HB 4112	Neutral	Relating to the rights of an owner of groundwater.
SB 63	Neutral	Relating to the qualifications for and time that a person may serve in certain offices.
SB 77	Neutral	Relating to the development of a climate adaptation plan by certain entities.
SB 78	Neutral	Relating to the matters to be considered in developing the state water plan.
SB 309	Neutral	Relating to public access to boundary, financial, and tax rate information of certain political subdivisions.

TAGD LC Positions on All High Priority Bills

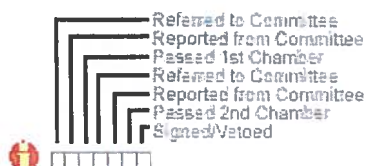
SB 343	Oppose	Relating to the conformity of local law with state law.
SB 360	Neutral	Relating to regulatory takings.
SB 413	Neutral	Relating to qualifications for membership on the Water Development Board.
SB 517	Support	Relating to notice of an application for a permit to drill an injection well in the territory of a groundwater conservation district.
SB 711	Oppose	Relating to the use by a political subdivision of public money for lobbying activities or lobbyists.
SB 991	Neutral	Relating to a requirement that the General Land Office and the Texas Water Development Board conduct a study regarding the use of wind and solar power to
SB 1079	Neutral	Relating to the regulation of water well drillers and water well pump installers.
SB 1234	Neutral	Relating to the matters to be considered in developing the state water plan.
SB 1288	Neutral	Relating to a prohibition on local solid waste management regulations that are inconsistent with a permit or regulations of the Texas Commission on Environmental
SB 1336	Neutral	Relating to the construction of laws and election dates of certain groundwater conservation districts.
SB 1411	Neutral	Relating to a water right authorizing a transfer of water from one river basin in this state to another river basin in this state.
SB 1588	Neutral	Relating to the management of the water resources of the state.
SB 1673	Neutral	Relating to the preemption of a local law by state law.
SB 1785	Neutral	Relating to governmental actions affecting the use or value of private property.
SB 1817	Neutral	Relating to a limitation on the location of solid waste facilities.
SB 1862	Oppose	Relating to the use by a political subdivision of public money for lobbying activities or lobbyists.
SB 1926	Neutral	Relating to permits to be issued for the storage and disposal of certain oil and gas waste.
SB 1990	Support	Relating to the disclosure of information about water used in hydraulic fracturing.



TAGD HIGH PRIORITY Bill Status Report

03-30-2015 - 12:59:58

- Action in the date range - Link to Related Information () - Priority



High Priority Bills

HB 30

Larson, Lyle(R)

Relating to the development of brackish groundwater.

Remarks: Substantively very similar to the brackish groundwater provisions in HB 2578 as it passed the House last session. Requires RWP's to include considerations related to large-scale desalination facilities. Changes "seawater desalination" to "seawater or brackish groundwater desalination" in Chapter 16 of the Water Code. Requires TWDB, in conjunction with GCDs and stakeholders, to identify brackish groundwater production zones that meet certain standards (and include those in the biennial desalination progress report). On a request of a person with a legally defined interest in groundwater, GCDs must adopt rules for issuing permits in these zones. Permits must be for 30 years, and may not include production limitations. GCDs could implement production limitations only to respond to significant changes in aquifer conditions and after receiving a report from TWDB. Adds "goals for the development of brackish groundwater desalination strategies in designated brackish groundwater production zones" to the list of management goals that should be included in a management plan. States that DFCs do not apply to groundwater in brackish groundwater production zones.

Bill History: 03-30-15 H Meeting set for 2:00 P.M. OR ADJ., E2.014 - House Natural Resources

HB 40

Darby, Drew(R)

Relating to the express preemption of regulation of oil and gas operations and the exclusive jurisdiction of those operations by the state.

Companions: **SB 1165** Fraser, Troy (Identical)
3-25-15 S Reported favorably from committee on Senate Natural Resources

and Economic Develop

Remarks: Expressly preempts the authority of a municipality or other political subdivision to regulate an O&G operation unless the measure regulates only surface activity incident to the O&G operation, is commercially reasonable, does not effectively prohibit an O&G operation, and is not otherwise preempted by state or federal law. States that an O&G operation is subject to the exclusive jurisdiction of the state and a political subdivision may not enact or enforce a measure that bans, limits, or otherwise regulates an O&G operation except as provided above.

Bill History: 03-23-15 H Committee action pending House Energy Resources

HB 139



Stickland, Jonathan(R)

Relating to the posting of certain notices for political subdivisions on the comptroller's Internet website.

Remarks: Requires political subdivisions to provide to the comptroller an electronic copy of notice required by law to be published in a newspaper. Requires the comptroller to post notices on the comptroller's website.

Bill History: 02-09-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 163



Larson, Lyle(R)

Relating to interstate cooperation to address regional water issues.

Remarks: Renames the Multi-State Water Resources Planning Commission to the Southwestern States Water Commission. Changes the commission from a state agency to an advisory commission to the governor and the legislature. Lays out conditions for commission composition and appointment and terms of commissioners. Changes the charge of the commission to discussing water needs from studying water needs. Changes the commission's charge to confer with Mexico from mandatory to discretionary. Eliminates the commission's authority to contract with the Mexican government.

Bill History: 03-30-15 H Recommended for Local and Consent Calendar

HB 200



Keffer, Jim(R)

Relating to the regulation of groundwater.

Remarks: 1. Adds "in order to protect property rights, balance the development and conservation of groundwater to meet the needs of this state, and use the best available science in the development of groundwater" to the purpose of Ch. 36. 2. Adds contested case process at TWDB for the appeal of a

DFC and then allows for the appeal of that determination to a district court in Travis County. 3. Authorizes a party to a permit hearing at a GCD to appeal the GCD's action to TWDB (review is limited to issues raised at GCD and to determine whether GCD's actions are consistent with 36.1132). The TWDB must issue findings and recommendations on the permit and send them to the GCD for consideration and final determination.

Bill History: 03-25-15 H Committee action pending House Natural Resources

HB 361



Springer, Drew(R)

Relating to the uniform election date.

Companions: [SB 975](#) Campbell, Donna (Identical)
3-10-15 S Introduced and referred to committee on Senate State Affairs

Remarks: Requires general or special elections to be held the first Tuesday after the first Monday in November, except as otherwise provided.

Bill History: 02-12-15 H Introduced and referred to committee on House Elections

HB 365



Elkins, Gary(R)

Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.

Companions: [SB 182](#) Bettencourt, Paul (F) (Identical)
3- 2-15 S Not heard in committee Senate Finance

Remarks: Amends Chapter 26, Tax Code and Chapter 49, Water Code to lower the rollback tax rate from 1.08 to 1.04. Allows the prior calculation only if the taxing unit is in a disaster area. Repeals Section 26.07 of the Tax Code, relating to a petition for an election on whether to reduce a proposed tax rate increase to the rollback tax rate.

Bill History: 02-12-15 H Introduced and referred to committee on House Ways and Means

HB 632



Simpson, David(R)

Relating to the planning and funding of water projects to be constructed in a region other than the region proposing the project.

Remarks: Amends Chapter 16 of the Water Code to prohibit a regional water plan from including a proposal for the construction of a water project in another regional water planning area unless at least two-thirds of the members of the regional water planning group for that area have consented to the inclusion of the proposal in the plan.

Bill History: 02-19-15 H Introduced and referred to committee

on House Natural Resources

HB 655



Larson, Lyle(R)

Relating to the storage and recovery of water in aquifers.

Companions:	SB 1724	Creighton, Brandon (F)	(Identical)
		3-23-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs	
	SB 1903	Perry, Charles (F)	(Identical)
		3-25-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs	

Remarks: Defines an ASR project as a project involving the injection of water into a geologic formation for subsequent recovery and beneficial use. Streamlines ASR permitting and relocates statutes related to ASR projects from Chapter 11 of the Water Code (related to Water Rights) to Chapter 27 of the Water Code (related to Injection Wells). Eliminates requirement for ASR developers to first conduct pilot projects. Gives TCEQ exclusive jurisdiction over ASR projects. Clarifies that a surface water right amendment is not needed to store appropriated surface water in an ASR project prior to beneficial use. Requires TCEQ when issuing ASR permits, to consider Safe Drinking Water Act compliance, the extent to which the amount of water injected can be actually recovered and the effects of commingling, the extent to which existing wells may be impacted by the project, and the potential for groundwater quality degradation. Requires TCEQ to limit the recoverable amount of water from the project to the total amount injected, and must further limit that amount if it finds unrecoverable losses will occur. If the project ultimately produces more water than the amount authorized for withdrawal by TCEQ, a GCD's spacing production, and permitting rules and fees will apply to the withdrawals above the amount authorized. Requires ASR wells to be registered with the GCD and subject to regular well registration fees. Requires wells in a single ASR project to be located on a continuous tract or two or more adjacent tracts under common ownership or contract. Requires ASR developers to meter all wells and report total injected and recovered amounts monthly to TCEQ and (if applicable) to the GCD, as well as annual water quality testing of injected and recovered water. Allows GCDs to consider ASR-related hydrogeologic conditions when planning and monitoring for the achievement of a desired future condition. Requires TCEQ to adopt rules to implement the new legislation by May 1, 2016. The EAA, Subsidence Districts, and the BSEACD are exempted from the bill.

Bill History: 04-01-15 H Meeting set for 2:00 P.M. OR ADJ., E2.010 - House Natural Resources

HB 685



Sheets, Kenneth(R)

Relating to the production of public information available on the website of a political subdivision of this state.

Remarks: States that a political subdivision complies with requests under the Public Information Act if it refers a requestor to a website maintained by the political subdivision and accessible to the public if the requested information is identifiable and readily available on that website.

Bill History: 03-26-15 H Recommended for Local and Consent Calendar

HB 814



Larson, Lyle(R)

Relating to posting notice of a meeting of a governmental body on the Internet instead of in a newspaper.

Companions: **SB 392** Burton, Konni (F) (Identical)
2- 2-15 S Introduced and referred to committee on Senate Business and Commerce

Remarks: Allows governmental bodies required by law to post notice of a meeting in the newspaper to instead post notice on the internet.

Bill History: 02-23-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 835



Larson, Lyle(R)

Relating to research, development and utilization of brackish groundwater resources.

Remarks: Authorizes a person with a legally defined interest in groundwater to file a petition with a GCD to designate a brackish groundwater management zone (or authorizes a GCD to designate a zone on its own initiative). On request of the petitioner or on its own motion, the GCD must forward the petition to TWDB and request a technical report. The GCD must hold a hearing on the petition upon receipt of the technical report from the TWDB. Once a zone is designated, the GCD must adopt rules for issuing production permits in the zone. Production limitations must be based on impacts to water outside of the zone, but a GCD could either allocate groundwater in the same way it does for other formations, or adopt rules specific to the designated zone. After requesting a report from TWDB, GCDs can implement additional restrictions if monitoring shows impacts are greater than anticipated.

Bill History: 03-04-15 H Sent to subcommittee House Natural Resources

HB 836



Larson, Lyle(R)

Relating to the development of brackish groundwater.



Remarks: Sets up a two-step process for management of brackish groundwater:

(1) Designation of "brackish groundwater production zone" (BGPZ) at GCD level with TWDB participation:

A GCD may designate or a project developer may petition a GCD to designate a BGPZ (defined areas within a groundwater reservoir where brackish groundwater can be produced for desalination without "unreasonable negative impacts" on groundwater quality and quantity, existing groundwater users, and DFCs. Designations are not allowed in formations that serve as a primary source of water supply for municipal or agricultural purposes. Designations are based on projected pumping within the formation over a specific time frame with a specific total amount of groundwater that can be produced. Project developers must include sufficient hydrogeologic data, mitigation plans, and monitoring plans to justify the creation of the zone. The GCD must hold a public hearing on the petition. At the request of the GCD or the petitioner, the Executive Administrator (EA) of the Texas Water Development Board (TWDB) must provide the GCD with its recommendation regarding the petition. The petitioner or an affected person may seek review of the GCD's decision on the petition at the TWDB. The TWDB will hold an evidentiary hearing and either grant or deny the petition.

(2) Uncontested permit process at GCD level once zone has been designated:

GCD must issue a permit authorizing production from the BGPZ. The GCD must process the permit application in the same manner as an uncontested permit application. Production limits, permit terms, and monitoring requirements must be consistent with the designation of the zone. The permit term will be equal to the expected project financing term but no longer than 30 years. Permits in a Brackish Groundwater Production Zone may be amended to reduce the amount or rate of production or change the monitoring or mitigation plan in amounts necessary to achieve the original assumptions made in the zone designation. Production and export fees may be imposed on these permits.

Includes language relating to brackish groundwater use in the drilling, exploration, and production of hydrocarbons.

Bill History: 03-04-15 H Sent to subcommittee House Natural Resources



reports.

Companions: **SB 611** Perry, Charles (F) (Identical)
3-23-15 S Voted favorably from
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks: States that a groundwater withdrawal report submitted by a well owner to a GCD that requires reporting is not subject to disclosure under the Public Information Act if the well owner has submitted a written request for confidentiality to the GCD. Once the GCD has received such a request, it may release confidential groundwater production information only if the information is summarized so that individual owners or parcels cannot be identified. Does not apply to a well that is owned or operated by a public entity, including Article 16, Section 59 districts and municipalities.

Bill History: 02-25-15 H Introduced and referred to committee on House Natural Resources

HB 928



Guillen, Ryan(D)

Relating to state and local planning for and responses to drought.

Companions: **SB 329** Hinojosa, Chuy (Identical)
2- 2-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

SB 1627 Lucio, Eddie (Identical)
3-23-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks: Requires the Water Conservation Advisory Council (WCAC) to monitor drought information and technology and recommend methods for conducting drought contingency plan evaluations. Requires wholesale and retail PWSs and irrigation districts to review and, as necessary, update their drought contingency plan and resubmit to the TCEQ. Wholesale water suppliers and retail public water suppliers that provide water service to 3,300 or more connections and all irrigation districts must include in their DCPs an evaluation of the effectiveness of strategies in the plan that have been implemented in the preceding 5 years. Requires notification to TCEW when a DCP is implemented, changed, or ceased. Requires TCEQ to put on its website a list of wholesale and retail public water suppliers that are implementing a DCP, as well as the degree of drought, whether there is a state of disaster, and the drought response state being implemented. Requires TCEQ to adopt rules consistent with the bill. Requires TWDB and the WCAC to jointly review and update the BMP guide for water conservation, including BMPs for drought response.

Bill History: 03-11-15 H Committee action pending House

Natural Resources

HB 930



Miller, Doug(R)

Relating to water well drillers and pump installers.

Remarks: Authorizes TDLR to reinstate the apprentice driller program and the apprentice pump installer program. Modernizes well log notice requirements and adds GCDs to the list of entities that receive notice of well logs in Chapter 1901. Requires a driller to supervise the recompletion, perforation, or conversion of an oil and gas well to a water well and that any such well that will be used by a public water system must comply with all applicable TCEQ requirements. Requires TDLR to establish a field operations program. TDLR may enter into a Memorandum of Understanding with a field operator to assist in the enforcement of Chapter 1901 (relating to water well drillers) or 1902 (related to water well pump installers) of the Occupations Code.

Bill History: 03-18-15 H Committee action pending House Natural Resources

HB 932



Murphy, Jim(R)

Relating to the evaluation and ranking of similar offers submitted to a governmental entity for certain construction-related contracts.

Companions: [SB 1460](#) Bettencourt, Paul (F) (Identical)
3-19-15 S Introduced and referred to committee on Senate Business and Commerce

Remarks: Allows the submitter of a bid, proposal, or request for a government contract to request that the governmental entity explain the evaluation and ranking of a submission that was not selected.

Bill History: 02-26-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 950



Lucio III, Eddie(D)

Relating to the review of groundwater conservation districts by the state auditor.

Remarks: Strikes the provisions related to SAO review of groundwater management activities in Chapter 36, leaving it to TCEQ, and amends section 36.061(b) so that it is identical to the corresponding language in Chapter 49 for other types of water districts (regarding the SAO being able to review financial transactions).

Bill History: 03-18-15 H Committee action pending House Natural Resources

HB 1019



Flynn, Dan(R)

Relating to publication of notice by a governmental

entity on a newspaper's Internet website.

Remarks: Authorizes a government entity required to provide notice in a newspaper to publish the notice on a newspaper's Internet website. Limits the expense for publishing such notice to \$25, provides for evidence of the notice, and sets specifications for the notice. Requires newspapers to establish an Internet-only option for publication and meet certain other criteria to be a qualified newspaper for notices under Chapter 2051 of the Government Code.

Bill History: 03-02-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 1153

Turner, Scott(R)

Relating to the repeal of the junior priority of a water right authorizing a transfer of water from one river basin in this state to another river basin in this state.

Remarks: Repeals the junior water rights provisions of section 11085(s) and (t) of the Water Code, relating to interbasin transfers.

Bill History: 03-03-15 H Introduced and referred to committee on House Natural Resources

HB 1191

Isaac, Jason(R)

Relating to the regulation of commercial development of groundwater in certain areas.

Remarks: Establishes buffer zones within five miles of PGMAs. Requires commercial developers desiring to drill or operate in a buffer zone to apply for approval from TWDB and any GCD in whose territory the well is located. Would apply only to wells drilled after the law takes effect.

Bill History: 03-25-15 H Meeting set for 2:00 P.M. OR ADJ., E2.010 - House Natural Resources

HB 1207

Murr, Andrew (F)(R)

Relating to the election dates for directors of the Bandera County River Authority and Groundwater District.

Remarks: Applies to Bandera County River Authority and Groundwater District. Changes the date for the election of board members from May to the uniform election date in November.

Bill History: 03-04-15 H Introduced and referred to committee on House Natural Resources

HB 1221

Lucio III, Eddie(D)

Relating to seller's disclosures in connection with residential real property subject to groundwater regulation.

Companions: SB 1412 Estes, Craig (Identical)
3-18-15 S Introduced and referred to

committee on Senate Business and
Commerce

Remarks: Amends the Texas Property Code to require sellers of residential real property to include GCD information on the disclosure form provided to potential buyers.

Bill History: 03-27-15 H Recommended for Local and Consent Calendar

HB 1232



Lucio III, Eddie(D)

Relating to a study by the Texas Water Development Board regarding the mapping of groundwater in confined and unconfined aquifers.

Companions: SB 1409 Estes, Craig (Identical)
3-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

Remarks: Requires TWDB to conduct a study to define the quality and quantity of groundwater. TWDB must produce a map showing the area and water quality of aquifers. TWDB must report results by December 31, 2016.

Bill History: 03-03-15 H Introduced and referred to committee on House Natural Resources

HB 1248



Lucio III, Eddie(D)

Relating to the renewal or amendment of certain permits issued by groundwater conservation districts.

Remarks: Requires GCDs to implement automatic renewal of production permits without a hearing so long as renewal application fees are timely paid and the permittee does not request a change that would require a permit amendment. Permittees are not entitled to automatic renewal if (1) they are delinquent in paying GCD fees, (2) there is a pending GCD enforcement for a substantive violation of the permit, an order, or a rule, or (3) the permittee has failed to pay a penalty or failed to comply after a violation. If a GCD denies an amendment request, this bill would require the GCD to offer a permittee an opportunity to renew a permit as it existed before the permit amendment process.

Bill History: 04-01-15 H Meeting set for 2:00 P.M. OR ADJ., E2.010 - House Natural Resources

HB 1257



Shaheen, Matt (F)(R)

Relating to the use by a political subdivision of public money for lobbying activities or lobbyists.

Remarks: Prohibits political subdivisions that impose a tax from spending money to lobby at the legislature. Officers and employees may still appear before committees at the committee's or a legislator's

request. An elected officer may attempt to influence the outcome of pending legislation while acting as an officer of the political subdivision.

Prohibits political subdivisions that impose taxes from spending public money on membership fees of a nonprofit state association or organization of similarly situated political subdivisions unless (1) the majority of the board approves, (2) the association exists for the betterment of local government and benefit of all local officials, (3) the association is not affiliated with a labor organization, (4) the association and its employees are not involved in lobbying, and (5) the association does not contribute anything of value to a political campaign or endorse a candidate for office. Prohibits a political subdivision from employing a lobbyist.

Bill History: 03-04-15 H Introduced and referred to committee on House General Investigating and Ethics

HB 1378



Flynn, Dan(R)

Relating to annual financial reporting of debt information.

Remarks: Requires political subdivisions to prepare an annual financial report that includes financial information for each fund and debt obligation and post it on the website.

Bill History: 03-18-15 H Committee action pending House Investments and Financial Services

HB 1421



Bonnen, Dennis(R)

Relating to fees charged by the Coastal Plains Groundwater Conservation District.

Companions: **SB 1206** Kolkhorst, Lois (F) (Identical)
3-17-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

Remarks: Local bill - track only. (Clarifies that Coastal Plains GCD may assess production fees as authorized by Chapter 36. Authorizes the GCD to assess an export fee in an amount not to exceed 150 percent of the maximum wholesale water rate charged by the City of Houston as well as other fees authorized by Chapter 36.)

Bill History: 03-09-15 H Introduced and referred to committee on House Natural Resources

HB 1548



Harless, Patricia(R)

Relating to comprehensive reviews of certain special districts.

Remarks: Requires special districts that have outstanding debt or impose a tax, assessment or fee to conduct a comprehensive review every six years. Requires

the board to publish a report that includes (1) identification of its enabling legislation, (2) the purpose of the district and the extent to which it has been achieved, (3) district activities that duplicate those of other governmental entities, (4) identification of each tax, assessment, fee, or penalty the district may impose or collect, (5) statement of revenue collected and whether it exceeds amount needed to accomplish the purpose of the district, and (6) identification of financial liabilities. The report must be posted on the district's website. Requires the district to hold a public hearing on the report. Requires districts to maintain a website or some social media forum where information can be posted.

Bill History: 03-09-15 H Introduced and referred to committee on House Special Purpose Districts

HB 1554



Shaheen, Matt (F)(R)

Relating to a report on local government operations prepared by the comptroller.

Remarks: Requires the comptroller to every 5 years prepare a report of local government operations that compiles each local government's (1) financial data, (2) statutory or constitutional authority for establishing the local government and for taxing or assessments, (3) method of governance, and (4) year and method of establishment. Requires local governments to comply with requests from the comptroller to collect information for this report.

Bill History: 03-09-15 H Introduced and referred to committee on House Ways and Means

HB 1635



Guillen, Ryan(D)

Relating to the management of groundwater, including the classification of and the obtaining of information regarding groundwater and the formulation of desired future conditions by a groundwater conservation district.

Companions: **SB 1421** Lucio, Eddie (Identical)
3-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

Remarks: Requires the Groundwater Protection Committee to develop and "adopt by rule" (??) a groundwater classification system based on salinity. The system must take into account (1) TDS in the water, (2) geographic location of the water, including potential for subsidence or negative impacts to freshwater, (3) existing laws and administrative rules, (4) existing permits and permit requirements for the withdrawal and use of the water, (5) other water quality measurements, and (6) other factors determined to be relevant by the committee. The committee would be required to update the classification system "consistent with" State Water

Plan updates. Requires TDA, the State Soil and Water Conservation Board, experiment stations, the HHSC, the Railroad Commission, TDLR, TCEQ, TWDB, and GCDs to consider the classification system in adopting rules related to groundwater. Requires the RRC to submit an annual report of collected electric logs to TWDB and adds TWDB members/employees to the list of individuals (in addition to persons authorized by the operator and RRC employees) who can view well logs during the confidentiality period. Requires TWDB to develop technical guidance documents to assist GCDs in formulating and adopting DFCs and establishing different DFCs for the different GPC classifications.

Bill History: 03-09-15 H Introduced and referred to committee on House Natural Resources

HB 1856



Isaac, Jason(R)

Relating to the renewal or amendment of certain permits issued by groundwater conservation districts.

Companions: **SB 854** Zaffirini, Judith (Identical)
3- 4-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

Remarks: TWCA Permitting Renewal Bill. Requires GCDs to implement automatic renewal of production permits without a hearing so long as renewal application fees are timely paid and the permittee does not request a change that would require a permit amendment. Permittees are not entitled to automatic renewal if (1) they are delinquent in paying GCD fees, (2) there is a pending GCD enforcement for a substantive violation of the permit, an order, or a rule, or (3) the permittee has failed to pay a penalty or failed to comply after a violation. If a GCD denies an amendment request, this bill would require the GCD to offer a permittee an opportunity to renew a permit as it existed before the permit amendment process.

Bill History: 03-11-15 H Introduced and referred to committee on House Natural Resources

HB 1965



Paul, Dennis (F)(R)

Relating to the calculation of the rollback tax rate of a taxing unit and voter approval of a proposed tax rate that exceeds the rollback tax rate.

Remarks: Adds definitions for consumer price index and inflation rate in Tax Code and amends calculations, including to account for inflation. Requires automatic rollback election (rather than if voters petition) if the tax increase exceeds the rate of inflation.

Bill History: 03-12-15 H Introduced and referred to committee on House Ways and Means

HB 1972



Keffer, Jim(R)

Relating to certain exemptions from the requirement to obtain a permit from a groundwater conservation district.

Remarks: Broadens the oil and gas exemptions in 36.117 of the Water Code. Allows an exemption for a well used to supply water for drilling or exploration operations, including completion operations. Completion operation is defined as the work conducted to establish the production of a well after the production-casing string has been set, cemented, and pressure-tested. Such exempt wells may be engaged in other purposes and need not be actively engaged in drilling or exploration operations. The well need not be located on the same lease or field associated with the drilling rig. Requires wells exempt under these rules to comply with registration, production and spacing requirements, production fees, and recordkeeping and reporting requirements.

Bill History: 03-12-15 H Introduced and referred to committee on House Natural Resources

HB 2132



Craddick, Tom(R)

Relating to certain exemptions from the requirement to obtain a permit from a groundwater conservation district.

Remarks: Amends the domestic use and oil and gas exemptions in 36.117. Wells need not produce water solely for a domestic use/livestock exemption. Broadens the requirements for eligibility under the oil and gas exemption. Qualifying wells need only supply some water for operations related to oil and gas exploration, development, or production, including fracking or drilling, completing, recompleting, stimulating, reworking, or deepening a well. Wells need not produce water solely to supply water for oil and gas operations to qualify for the oil and gas exemption. The individual seeking the exemption must be responsible for drilling or operating the well. Requires oil and gas exempted wells to comply with GCD registration, production fees, recordkeeping and reporting requirements, and drillers' log requirements. Such wells must also comply with GCD production requirements, but the allowable production must be equal to or exceed the highest production amount allowed for any other exempt or non-exempt well in the district.

Bill History: 03-13-15 H Introduced and referred to committee on House Natural Resources

HB 2164



White, James(R)

Relating to the applicability of certain unfunded mandates on political subdivisions.

Companions: SB 883 Eltife, Kevin (Identical)

3- 4-15 S Introduced and referred to
committee on Senate Finance

Remarks: Creates an unfunded mandates interagency workgroup and specifies reporting and related requirements.

Bill History: 03-16-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 2179



Lucio III, Eddie(D)

Relating to hearings that concern the issuance of permits by a groundwater conservation district.

Companions: **SB 1414** Estes, Craig (Identical)
3-18-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks: This is the TWCA contested case hearings bill. It makes a number of changes to the permit hearings process in Chapter 36, mostly aimed at clearing up confusion in the existing subchapter.

Bill History: 03-12-15 H Introduced and referred to committee on House Natural Resources

HB 2236



Romero, Ramon (F)(D)

Relating to the requirements for the casing and cementing of an oil or gas well.

Remarks: Amends section 91.001, Natural Resources Code to require a well drilled for oil or gas to be "encased with a casing that is cemented to a depth of at least 50 feet below the base of the deepest formation transected by the well that contains water that is suitable as a source of drinking water supply."

Bill History: 03-13-15 H Introduced and referred to committee on House Energy Resources

HB 2310



Leach, Jeff(R)

Relating to electronic requests made to local governments for public information under the open records law.

Remarks: Requires a political subdivision that maintains a website to maintain a link to submit an electronic request for public information.

Bill History: 03-17-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 2407



Miller, Doug(R)

Relating to the creation of the Comal Trinity Groundwater Conservation District.

Companions: **SB 963** Campbell, Donna (Identical)
3-18-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks: Local bill - track only.

Bill History: 03-17-15 H Introduced and referred to committee on House Natural Resources

HB 2532



Bell, Cecil(R)

Relating to a study on the effectiveness of regulations governing the design and construction of Type I municipal solid waste landfills overlying aquifers.

Remarks: Requires TCEQ to conduct a study to determine the effectiveness of the regulations governing the design and construction of landfills located over aquifers in this state.

Bill History: 03-24-15 H Committee action pending House Environmental Regulation

HB 2581



Springer, Drew(R)

Relating to governmental actions affecting private property rights in certain oil and gas wells.

Companions: SB 809 Taylor, Van (F) (Identical)
3- 3-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

Remarks: Adds interest in an oil or natural gas well to the definition of "private real property" in the Private Real Property Rights Preservation Act; adds "action by a political subdivision that imposes or enforces a limitation that has the effect of preventing or prohibiting the development of an oil or gas well" permitted by the RRC to the list of governmental actions covered by the act.

Bill History: 03-16-15 H Introduced and referred to committee on House Energy Resources

HB 2647



Ashby, Trenton(R)

Relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining.

Companions: SB 1122 Estes, Craig (Identical)
3-17-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

Remarks: Amends 36.117 to add an exemption for power generation facilities (and certain mines that may be exempt from production limits under 36.117 already) from permit reductions or cutbacks after September 1, 2014.

Bill History: 03-25-15 H Committee action pending House Natural Resources

HB 2767



Keffer, Jim(R)

Relating to the powers, duties, and administration of groundwater conservation districts.

Companions: **SB 1413** Estes, Craig (Identical)
3-18-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks: This is the TWCA Chapter 36 clean up bill.

Bill History: 04-01-15 H Meeting set for 2:00 P.M. OR ADJ.,
E2.010 - House Natural Resources

HB 2839



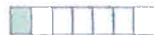
Capriglione, Giovanni(R)

Relating to the production of public information under
the public information law.

Remarks: Authorizes a political subdivision to direct a
requestor to a website where the requesting
information may be found. Addresses requests for
copyrighted information. Makes a change to the
Utilities Code.

Bill History: 03-16-15 H Introduced and referred to committee
on House Government Transparency and Operation

HB 2855



Darby, Drew(R)

Relating to the authority of a political subdivision to
prohibit an activity over which the Railroad
Commission of Texas has jurisdiction.

Remarks: Prohibits a political subdivision from adopting a
measure that prohibits or has the effect of
prohibiting an operation under the jurisdiction of
the RRC. Gives the RRC exclusive jurisdiction to
determine whether such measures violate this
prohibition. Allows a person affected by such a
measure to appeal to the RRC. The agency's
decision under this section is not appealable.

Bill History: 03-16-15 H Introduced and referred to committee
on House Energy Resources

HB 3063



Kacal, Kyle(R)

Relating to the compensation of the board of
directors of the Brazos Valley Groundwater
Conservation District.

Companions: **SB 1297** Schwertner, Charles (Identical)
3-18-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks: Local bill - track only. (Payment of board members
\$10/day for each day as acting as a director; not to
exceed \$150/ year - relates to lawsuits against
board members in their individual capacities.)

Bill History: 03-23-15 H Introduced and referred to committee
on House Natural Resources

HB 3087



Fallon, Pat(R)

Relating to the availability of certain special purpose
district financial information on a district's Internet

website.

Remarks: Requires a special purpose district to maintain a "financial transparency internet website" with information including (1) the district's budget for the district's current fiscal year and the three preceding fiscal years; (2) a comprehensive financial report for the district's three preceding fiscal years; and (3) an electronic checking account transaction register with information for the district's current fiscal year and the three preceding fiscal years. The transaction register must be available in a searchable electronic spreadsheet format with specific information and must be updated montly.

Bill History: 03-24-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 3116



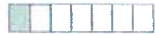
Cyrier, John (F)(R)

Relating to permit authority of the Lost Pines Groundwater Conservation District.

Remarks: Local bill - track only. (Relates to historic use in the GCD.)

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 3161



Cyrier, John (F)(R)

Relating to prioritizing groundwater production.

Remarks: Makes operating permits associated with export permits junior in priority to any other operating permits issued before the time of application for the export permit; groundwater reductions must be applied to exporters before they may be applied in-district. Adds factors that must be considered in granting an export permit.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 3163



Cyrier, John (F)(R)

Relating to filing suit against board members of groundwater conservation districts.

Remarks: Amends 36.066 to state that a district board member acting in his individual capacity is immune from suit and liability for actions taken on behalf of the board; an attempt to bring suit against an individual board members for actions taken on behalf of the board or for an official vote shall constitute coercion of a public official.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 3198



Cyrier, John (F)(R)

Relating to permitting for injection wells in certain oil



and gas producing counties.

Remarks: Requires a permit applicant at the RRC for an O&G waste disposal well permit in certain O&G division districts with 315 or more total completions in the preceding year to submit with the application a letter of support or opposition from the governing body of the county in which the well is located; requires the RRC to consider the letter.

Bill History: 03-23-15 H Introduced and referred to committee on House Energy Resources

HB 3210



King, Phil(R)

Relating to the production of public information available on a publicly accessible website.

Remarks: Authorizes a political subdivision to comply with a request for public information by directing the requestor to the political subdivision's website unless the requestor prefers otherwise.

Bill History: 03-23-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 3217



Dale, Tony(R)

Relating to the authority of a political subdivision to regulate an activity over which the Railroad Commission of Texas has jurisdiction

Remarks: Authorizes a political subdivision to adopt a measure that applies to a person or operation under the RRC's O&G jurisdiction only as provided; gives exclusive jurisdiction to determine whether the adoption or enforcement of a measure by a political subdivision falls under this section; requires the political subdivision to petition the RRC for permission before adopting the measure, authorizes the RRC to grant the petition only if the political subdivision offers "proof satisfactory to the commission that the ordinance, order, or similar measure is reasonable and enhances public safety." Repeats language for gas and pipeline industry.

Bill History: 03-23-15 H Introduced and referred to committee on House Energy Resources

HB 3356



Lucio III, Eddie(D)

Relating to regulation of production of wells for retail public utilities by a groundwater conservation district.

Remarks: Requires a GCD to determine the production amount for a retail public utility that provides retail water service inside the district by considering the service needs or service area of the retail public utility and not the tract size or acreage of a well site not located in the district.

Bill History: 03-17-15 H Introduced and referred to committee on House Natural Resources

HB 3357



Lucio III, Eddie(D)

Relating to permitted methods for certain political subdivisions to post notice of a meeting.

Remarks: Authorizes GCDs and other political subdivisions to post notice of a meeting either by providing the notice to the county clerk of the county in which the administrative office of the district or political subdivision is located or by posting notice on its website.

Bill History: 03-17-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 3405



Isaac, Jason(R)

Relating to the territory and authority of the Barton Springs-Edwards Aquifer Conservation District to regulate certain wells for the production of groundwater.

Companions: **SB 1440** Campbell, Donna (Identical)
3-12-15 S Filed

Remarks: Local bill - track only. (Adding portions of Hays Co. to the GCD.)

Bill History: 03-25-15 H Committee action pending House Natural Resources

HB 3406



Isaac, Jason(R)

Relating to the territory of the Hays Trinity Groundwater Conservation District.

Companions: **SB 1439** Campbell, Donna (Identical)
3-12-15 S Filed

Remarks: Local bill - track only. (Adding portions of Hays County to the GCD.)

Bill History: 03-25-15 H Committee action pending House Natural Resources

HB 3407



Isaac, Jason(R)

Relating to the Goforth Special Utility District

Companions: **SB 1634** Campbell, Donna (Identical)
3-23-15 S Introduced and referred to committee on Senate Intergovernmental Relations

Remarks: Local bill - track only. (Relating to eminent domain authority of the SUD.)

Bill History: 03-25-15 H Committee action pending House Natural Resources

HB 3413



Frank, James(R)

Relating to a general permit to convey water using the bed and banks of a natural stream channel.

Remarks: Authorizes TCEQ to issue a general permit for using

a natural stream channel to convey "developed water" (including groundwater) not naturally found in the natural stream channel for use in Texas.

Bill History: 03-17-15 H Introduced and referred to committee on House Natural Resources

HB 3540



White, Molly (F)(R)

Relating to the groundwater rights of a landowner and the amount of groundwater production for which a groundwater conservation district may issue permits.

Remarks: In GCDs where wells have experienced "reduced capacity", the GCD must revise DFCs and establish a common production rate per acre for permitted wells so that "reduced capacity" does not continue to occur.

Bill History: 03-18-15 H Introduced and referred to committee on House Natural Resources

HB 3597



Keffer, Jim(R)

Relating to exports of groundwater from a groundwater conservation district.

Remarks: This looks like the export bill that was considered by TWCA but did not reach 90% consensus. It cleans up 36.122 to state that a GCD may not be more restrictive on an exporter than on an in-district user, except for the ability to charge an export fee.

Bill History: 04-01-15 H Meeting set for 2:00 P.M. OR ADJ., E2.010 - House Natural Resources

HB 3654



Murphy, Jim(R)

Relating to fiscal transparency and accountability of certain political subdivisions.

Companions: **SB 1042** Bettencourt, Paul (F) (Identical)
3-11-15 S Introduced and referred to committee on Senate Finance

Remarks: Requires political subdivisions to prepare an annual financial report that includes financial information for each fund and debt obligation and post it on the website.

Bill History: 03-23-15 H Introduced and referred to committee on House Investments and Financial Services

HB 3675



Guillen, Ryan(D)

Relating to the regulation of commercial development of groundwater in certain areas.

Remarks: "Buffer zone" bill that applies only to a bracketed area in Bexar County - would require a person who seeks to operate or drill a well outside of a GCD's jurisdiction to get a permit from the nearest GCD if that well would not be exempt.

Bill History: 03-19-15 H Introduced and referred to committee on House Natural Resources

HB 3720



Schubert, Leighton (F)(R)

Relating to authorizing the Post Oak Savannah Groundwater Conservation District to use revenue from export fees to fund road and water infrastructure projects.

Companions: **SB 792** Kolkhorst, Lois (F) (Identical)
3- 2-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

Remarks: Local bill - track only. (Relating to use of export fees.)

Bill History: 03-19-15 H Introduced and referred to committee on House Natural Resources

HB 3788



Reynolds, Ron(D)

Relating to the information required to be included in a regional water plan and the use of that information by the regional water planning group in developing the plan.

Remarks: Amends 16.053, Water Code, to state that the MAG is intended to serve as a guideline and not a limit on groundwater availability for purposes of development of a RWP.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 3803



Keffer, Jim(R)

Relating to defining the occurrence of an interregional conflict between regional water plans.

Remarks: Defines "interregional conflict" as occurring when multiple adopted regional water plans include the same source of water supply as an identified and quantified recommended or alternative water management strategy and there is insufficient water available to fully implement both water management strategies.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 3813



Keffer, Jim(R)

Relating to the purpose and operation of groundwater conservation districts.

Remarks: 1. Adds "in order to protect property rights, balance the development and conservation of groundwater to meet the state's needs, and utilize the best available science" to the purpose of Ch. 36. 2. changes the attorneys' fees provision in 36.066 from "shall" to "may" and authorizes the judge to award attorneys' fees only on those issues on which the GCD prevails, placing the burden of segregating

attorneys' fees on the GCD. 3. Amends 36.122, deleting sections (f), (g), (k), (l), (m), (n), (o), and (q), and adds that a GCD "may not deny a permit based on the fact that the applicant seeks to export groundwater. A district may not prohibit the export of groundwater." to 36.122(c).

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 3858



Stephenson, Phil(R)

Relating to fees charged by the Coastal Bend Groundwater Conservation District.

Companions: **SB 1815** Kolkhorst, Lois (F) (Identical)
3-25-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

Remarks: Local bill - track only.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 3942



Paddie, Chris(R)

Relating to the authority to determine the supply of groundwater in certain regional water plans.

Companions: **SB 1101** Eltife, Kevin (Identical)
3-30-15 S Meeting set for 2:00 P.M. OR
ADJ., E1.012, Senate Agriculture, Water, and Rural Affairs

Remarks: States that if no GCD exists within the RWPG, the RWPG shall determine the supply of groundwater for regional planning purposes.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 4038



Workman, Paul(R)

Relating to the creation of the Western Travis County Groundwater Conservation District.

Remarks: Local bill - track only.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 4049



Isaac, Jason(R)

Relating to authorizing a production fee on certain non-exempt wells in the Hays Trinity Groundwater Conservation District.

Remarks: Local bill - track only.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

HB 4053



White, James(R)

Relating to posting certain comprehensive annual



financial reports on the Internet.

Remarks: Requires a political subdivision that maintains an Internet website to post continuously on the website its most recent comprehensive annual financial report.

Bill History: 03-23-15 H Introduced and referred to committee on House Government Transparency and Operation

HB 4112



Burns, DeWayne (F)(R)

Relating to the rights of an owner of groundwater.

Remarks: Adds "any other right recognized under common law, including the right to produce or save a fair share of the groundwater" to the rights listed in 36.002, Water Code.

Bill History: 03-23-15 H Introduced and referred to committee on House Natural Resources

SB 77



Ellis, Rodney(D)

Relating to the development of a climate adaptation plan by certain entities.

Remarks: Requires certain state agencies, including TCEQ and TWDB, to publish every four years a climate adaptation plan that assesses the entity's role with respect to climate change. The plan must be based on current peer-reviewed climate science and be produced in consultation with the Texas state climatologist or other climate expert employed at a Texas institution of higher education or nonprofit research institution. The plan must address vulnerability, existing programs, steps to fulfill its mission during the anticipated climate change, analysis of the effects of implementing those steps, and potential sources of funding. Requires the agencies to make the plan publicly accessible online.

Bill History: 01-26-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

SB 78



Ellis, Rodney(D)

Relating to the matters to be considered in developing the state water plan.

Remarks: Adds information that must be included in the State Water Plan, including an assessment of the best available science related to future water availability and future water use. Requires State Water Plan guidance principles to consider the best available science in forecasting future water availability and environmental flow standards and set-asides. Adds groundwater to the list of considerations under that section.

Bill History: 01-26-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 182



Bettencourt, Paul (F)(R)

Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.

Companions:

HB 365

Elkins, Gary (Identical)
2-12-15 H Introduced and referred to
committee on House Ways and Means

Remarks:

Amends Chapter 26, Tax Code and Chapter 49, Water Code to lower the rollback tax rate from 1.08 to 1.04. Allows the prior calculation only if the taxing unit is in a disaster area. Repeals Section 26.07 of the Tax Code, relating to a petition for an election on whether to reduce a proposed tax rate increase to the rollback tax rate.

Bill History:

03-02-15 S Not heard in committee Senate Finance

SB 309



Campbell, Donna(R)

Relating to public access to boundary, financial, and tax rate information of certain political subdivisions.

Remarks:

Requires the comptroller to create and make accessible online a Political Subdivision Public Information Warehouse, a database that will contain information on all active political subdivisions authorized to impose an ad valorem or sales and use tax to issue bonds, notes, or other obligations. The database must include the name of the political subdivision, its sales and use tax rate, the table of ad valorem tax rates for the most recent tax year, amount of debt, political subdivision website address, and appraisal district website address. The database may include the political subdivision's boundaries, budget, check registry, and other financial audit or annual report. Requires political subdivisions to submit relevant records to the comptroller annually. Requires political subdivisions to provide data on boundaries to the comptroller, including information form, map, and plat by September 1, 2016 and thereafter within six months of any dissolution, annexation, or consolidation of the district.

Bill History:

02-02-15 S Introduced and referred to committee on Senate Finance

SB 329



Hinojosa, Chuy(D)

Relating to state and local planning for and responses to drought.

Companions:

HB 928

Guillen, Ryan (Identical)
3-11-15 H Committee action pending
House Natural Resources

SB 1627

Lucio, Eddie (Identical)
3-23-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks:

Requires the Water Conservation Advisory Council (WCAC) to monitor drought information and

technology and recommend methods for conducting drought contingency plan evaluations. Requires wholesale and retail PWSs and irrigation districts to review and, as necessary, update their drought contingency plan and resubmit to the TCEQ. Wholesale water suppliers and retail public water suppliers that provide water service to 3,300 or more connections and all irrigation districts must include in their DCPs an evaluation of the effectiveness of strategies in the plan that have been implemented in the preceding 5 years. Requires notification to TCEW when a DCP is implemented, changed, or ceased. Requires TCEQ to put on its website a list of wholesale and retail public water suppliers that are implementing a DCP, as well as the degree of drought, whether there is a state of disaster, and the drought response state being implemented. Requires TCEQ to adopt rules consistent with the bill. Requires TWDB and the WCAC to jointly review and update the BMP guide for water conservation, including BMPs for drought response.

Bill History: 02-02-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 343



Huffines, Donald (F)(R)

Relating to the conformity of local law with state law.

Remarks: Requires local governments to restrict their jurisdiction and passage of ordinances, rules, and regulations to be in conformity with state law. Prohibits local governments from implementing ordinances, rules, or regulations that are more stringent than a statute or rule.

Bill History: 02-02-15 S Introduced and referred to committee on Senate State Affairs

SB 360



Estes, Craig(R)

Relating to regulatory takings.

Remarks: Makes comprehensive amendments to the Private Real Property Rights Preservation Act. Amends the definition of "taking" to include a series of actions within a 10-year period and expands the test for a taking that restricts or limits the owner's right to property by: (1) changing the required market value reduction from 25% to 20%, and (2) adding an alternative scenario where a taking could occur when there is a 20% reduction of revenue or income from the use or sale of the affected property. Amends the applicability section, making the following actions no longer excluded from the Act:

1. Actions taken by municipalities;
2. Actions taken to comply with federal or state

law;

3. Rules related to water safety, hunting, fishing, or control of nonindigenous or exotic aquatic resources;

4. Actions taken by a political subdivision to regulate (1) construction in floodplain areas, (2) on-site sewage facilities, or (3) prevent waste or protect rights of owners of interest in groundwater (leaves the subsidence exemption intact) and

5. Actions that are (1) taken in response to a real and substantial threat to public health and safety, (2) designed to significantly advance the health and safety purpose, and (3) that do not impose a greater burden than is necessary to achieve the health and safety purpose.

Extends the timeline for filing a takings lawsuit or a contested case. Adds a provision for damages for "temporary or permanent economic loss" for the time the taking was in effect when a taking is found to occur but has ceased or has been rescinded. Limits the attorneys' fees provision for prevailing governmental entities to only situations in which the court determines that the property owner knew that the case had no merit when it was filed. States that a governmental action requiring a takings impact assessment is void if the assessment is not prepared in compliance with the guidelines developed by the attorney general, and allows for a suit to be stayed in such an instance. Applies only to a governmental action or series of actions that commences on or after the effective date.

Bill History: 02-02-15 S Introduced and referred to committee on Senate State Affairs

SB 363



Fraser, Troy(R)

Relating to election dates for directors of the Bandera County River Authority and Groundwater District.

Remarks: Local bill. Changes election date and director terms.

Bill History: 03-30-15 S Meeting set for 2:00 P.M. OR ADJ., E1.012 - Senate Agriculture, Water, and Rural Affairs

SB 392



Burton, Konni (F)(R)

Relating to posting notice of a meeting of a governmental body on the Internet instead of in a newspaper.

Companions: **HB 814** Larson, Lyle (Identical)
2-23-15 H Introduced and referred to committee on House Government Transparency and Operation

Remarks: Allows governmental bodies required by law to post notice of a meeting in the newspaper to instead post notice on the internet.

Bill History: 02-02-15 S Introduced and referred to committee on Senate Business and Commerce

SB 413



Seliger, Kel(R)

Relating to qualifications for membership on the Water Development Board.

Remarks: Changes the required experience of the TWDB board members from one member each with experience in engineering, finance, and law or business to one member each with experience in engineering, finance and production agriculture. Also requires one board member to reside in a rural area and be a registered voter of a county with a population of less than 155,000.

Bill History: 03-30-15 S Meeting set for 2:00 P.M. OR ADJ., E1.012 - Senate Agriculture, Water, and Rural Affairs

SB 517



Uresti, Carlos(D)

Relating to notice of an application for a permit to drill an injection well in the territory of a groundwater conservation district.

Remarks: Requires applicants for an injection well to submit a copy of the application to the GCD if the proposed location of the well is within a 10-mile radius of the boundaries of a GCD.

Bill History: 02-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 611



Perry, Charles (F)(R)

Relating to the confidentiality of certain water well reports.

Companions: **HB 898** Ashby, Trenton (Identical)
2-25-15 H Introduced and referred to committee on House Natural Resources

Remarks: States that a groundwater withdrawal report submitted by a well owner to a GCD that requires reporting is not subject to disclosure under the Public Information Act if the well owner has submitted a written request for confidentiality to the GCD. Once the GCD has received such a request, it may release confidential groundwater production information only if the information is summarized so that individual owners or parcels cannot be identified. Does not apply to a well that is owned or operated by a public entity, including Article 16, Section 59 districts and municipalities.

Bill History: 03-23-15 S Voted favorably from committee on Senate Agriculture, Water, and Rural Affairs

SB 711



Burton, Konni (F)(R)

Relating to the use by a political subdivision of public money for lobbying activities or lobbyists.

Remarks: Prohibits political subdivisions that impose a tax from spending money to lobby at the legislature. Officers and employees may still appear before committees at the committee's or a legislator's request. An elected officer may attempt to influence the outcome of pending legislation while acting as an officer of the political subdivision.

Prohibits political subdivisions that impose taxes from spending public money on membership fees of a nonprofit state association or organization of similarly situated political subdivisions unless (1) the majority of the board approves, (2) the association exists for the betterment of local government and benefit of all local officials, (3) the association is not affiliated with a labor organization, (4) the association and its employees are not involved in lobbying, and (5) the association does not contribute anything of value to a political campaign or endorse a candidate for office. Prohibits a political subdivision from employing a lobbyist.

Bill History: 03-02-15 S Introduced and referred to committee on Senate State Affairs

SB 792



Kolkhorst, Lois (F)(R)

Relating to authorizing the Post Oak Savannah Groundwater Conservation District to use revenue from export fees to fund road and water infrastructure projects.

Companions: **HB 3720** Schubert, Leighton (F) (Identical)
3-19-15 H Introduced and referred to committee on House Natural Resources

Remarks: Authorizes Post Oak Savannah GCD to use export fees to design, construct, acquire, finance, improve, operate, or maintain water infrastructure and roads; sets specifications.

Bill History: 03-02-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 809



Taylor, Van (F)(R)

Relating to governmental actions affecting private property rights in certain oil and gas wells.

Companions: **HB 2581** Springer, Drew (Identical)
3-16-15 H Introduced and referred to committee on House Energy Resources

Remarks: Adds "any interest in an oil or natural gas well" to the definition of private real property in the Private Real Property Rights Preservation Act. Adds "an action by a political subdivision that imposes or enforces a limitation that has the effect of preventing or prohibiting the development of an oil or gas well that has been permitted by the Texas Railroad Commission to the list of activities subject to the act. (Leaves the groundwater regulation

exception that would be removed by SB 360 intact).

Bill History: 03-03-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

SB 854



Zaffirini, Judith(D)

Relating to the renewal or amendment of certain permits issued by groundwater conservation districts.

Companions: **HB 1856** Isaac, Jason (Identical)
3-11-15 H Introduced and referred to committee on House Natural Resources

Remarks: TWCA Permitting Renewal Bill. Requires GCDs to implement automatic renewal of production permits without a hearing so long as renewal application fees are timely paid and the permittee does not request a change that would require a permit amendment. Permittees are not entitled to automatic renewal if (1) they are delinquent in paying GCD fees, (2) there is a pending GCD enforcement for a substantive violation of the permit, an order, or a rule, or (3) the permittee has failed to pay a penalty or failed to comply after a violation. If a GCD denies an amendment request, this bill would require the GCD to offer a permittee an opportunity to renew a permit as it existed before the permit amendment process.

Bill History: 03-04-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 883



Eltime, Kevin(R)

Relating to the applicability of certain unfunded mandates on political subdivisions.

Companions: **HB 2164** White, James (Identical)
3-16-15 H Introduced and referred to committee on House Government Transparency and Operation

Remarks: Creates an unfunded mandates interagency workgroup and specifies reporting and related requirements.

Bill History: 03-04-15 S Introduced and referred to committee on Senate Finance

SB 963



Campbell, Donna(R)

Relating to the creation of the Comal Trinity Groundwater Conservation District.

Companions: **HB 2407** Miller, Doug (Identical)
3-17-15 H Introduced and referred to committee on House Natural Resources

Remarks: Local bill - track only.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 975



Campbell, Donna(R)

Relating to the uniform election date.

Companions: **HB 361** Springer, Drew (Identical)
2-12-15 H Introduced and referred to
committee on House Elections

Remarks: Requires general or special elections to be held the first Tuesday after the first Monday in November, except as otherwise provided.

Bill History: 03-10-15 S Introduced and referred to committee on Senate State Affairs

SB 1042



Bettencourt, Paul (F)(R)

Relating to fiscal transparency and accountability of certain political subdivisions.

Companions: **HB 3654** Murphy, Jim (Identical)
3-23-15 H Introduced and referred to
committee on House Investments and
Financial Services

Remarks: Requires political subdivisions to prepare an annual financial report that includes financial information for each fund and debt obligation and post it on the website.

Bill History: 03-11-15 S Introduced and referred to committee on Senate Finance

SB 1079



Eltime, Kevin(R)

Relating to the regulation of water well drillers and water well pump installers.

Remarks: Removes the requirement that an applicant pay an exam fee at the time of application. Clarifies license expiration language. Requires the Commission to set rules for renewing a license, including the payment of fees.

Bill History: 03-16-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1101



Eltime, Kevin(R)

Relating to the authority to determine the supply of groundwater in certain regional water plans.

Companions: **HB 3942** Paddie, Chris (Identical)
3-23-15 H Introduced and referred to
committee on House Natural Resources

Remarks: States that if no GCD exists within the RWPG, the RWPG shall determine the supply of groundwater for regional planning purposes.

Bill History: 03-30-15 S Meeting set for 2:00 P.M. OR ADJ.,
E1.012 - Senate Agriculture, Water, and Rural
Affairs

SB 1122

Estes, Craig(R)



Relating to the limitation on the authority to curtail groundwater production from wells used for power generation or mining.

Companions: **HB 2647** Ashby, Trenton (Identical)
3-25-15 H Committee action pending
House Natural Resources

Remarks: Amends 36.117 to add an exemption for power generation facilities (and certain mines that may be exempt from production limits under 36.117 already) from permit reductions or cutbacks after September 1, 2014.

Bill History: 03-17-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

SB 1165

Fraser, Troy(R)



Relating to the express preemption of regulation of oil and gas operations and the exclusive jurisdiction of those operations by the state.

Companions: **HB 40** Darby, Drew (Identical)
3-23-15 H Committee action pending
House Energy Resources

Remarks: Expressly preempts the authority of a municipality or other political subdivision to regulate an O&G operation unless the measure regulates only surface activity incident to the O&G operation, is commercially reasonable, does not effectively prohibit an O&G operation, and is not otherwise preempted by state or federal law. States that an O&G operation is subject to the exclusive jurisdiction of the state and a political subdivision may not enact or enforce a measure that bans, limits, or otherwise regulates an O&G operation except as provided above.

Bill History: 03-25-15 S Reported favorably from committee on Senate Natural Resources and Economic Develop

SB 1206

Kolkhorst, Lois (F)(R)



Relating to fees charged by the Coastal Plains Groundwater Conservation District.

Companions: **HB 1421** Bonnen, Dennis (Identical)
3- 9-15 H Introduced and referred to
committee on House Natural Resources

Remarks: Local bill - track only. (Clarifies that Coastal Plains GCD may assess production fees as authorized by Chapter 36. Authorizes the GCD to assess an export fee in an amount not to exceed 150 percent of the maximum wholesale water rate charged by the City of Houston as well as other fees authorized by Chapter 36.)

Bill History: 03-17-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1234



Ellis, Rodney(D)

Relating to the matters to be considered in developing the state water plan.

Remarks: Adds "an assessment of the sustainability of groundwater production from the state's major and minor aquifers" to the list of items included in the State Water Plan.

Bill History: 03-17-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1288



Estes, Craig(R)

Relating to a prohibition on local solid waste management regulations that are inconsistent with a permit or regulations of the Texas Commission on Environmental Quality.

Remarks: Prohibits a local government or other political subdivision from adopting a rule or ordinance that conflicts with or is otherwise inconsistent with the requirements for solid waste management facilities as specified by TCEQ rules or by a permit issued by the commission.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

SB 1297



Schwertner, Charles(R)

Relating to the compensation of the board of directors of the Brazos Valley Groundwater Conservation District.

Companions: **HB 3063** Kacal, Kyle (Identical)
3-23-15 H Introduced and referred to committee on House Natural Resources

Remarks: Local bill - track only. (Payment of board members \$10/day for each day as acting as a director; not to exceed \$150/ year - relates to lawsuits against board members in their individual capacities.)

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1336



Perry, Charles (F)(R)

Relating to the construction of laws and election dates of certain groundwater conservation districts.

Remarks: For certain GCDs that fall under Chapters 36 and 49, Water Code, states that Chapter 36 prevails in the event of a conflict. Amends election date for other GCDs.

Bill History: 03-30-15 S Meeting set for 2:00 P.M. OR ADJ., E1.012 - Senate Agriculture, Water, and Rural Affairs

SB 1360



Kolkhorst, Lois (F)(R)

Relating to the creation of the Aransas County Groundwater Conservation District.

Remarks: Local bill - track only.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1409



Estes, Craig(R)

Relating to a study by the Texas Water Development Board regarding the mapping of groundwater in confined and unconfined aquifers.

Companions: **HB 1232** Lucio III, Eddie (Identical)
3- 3-15 H Introduced and referred to committee on House Natural Resources

Remarks: Requires TWDB to conduct a study to define the quality and quantity of groundwater. TWDB must produce a map showing the area and water quality of aquifers. TWDB must report results by December 31, 2016.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1411



Estes, Craig(R)

Relating to a water right authorizing a transfer of water from one river basin in this state to another river basin in this state.

Remarks: Exempts transfers from a basin to an adjoining basin from the interbasin transfer rule.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1412



Estes, Craig(R)

Relating to seller's disclosures in connection with residential real property subject to groundwater regulation.

Companions: **HB 1221** Lucio III, Eddie (Identical)
3-27-15 H Recommended for Local and Consent Calendar

Remarks: Amends the Texas Property Code to require sellers of residential real property to include GCD information on the disclosure form provided to potential buyers.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Business and Commerce

SB 1413



Estes, Craig(R)

Relating to the powers, duties, and administration of groundwater conservation districts.

Companions: **HB 2767** Keffer, Jim (Identical)
4- 1-15 H Meeting set for 2:00 P.M. OR
ADJ., E2.010, House Natural Resources

Remarks: This is the TWCA Chapter 36 clean up bill.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1414



Estes, Craig(R)

Relating to hearings that concern the issuance of permits by a groundwater conservation district.

Companions: [HB 2179](#) Lucio III, Eddie (Identical)
3-12-15 H Introduced and referred to
committee on House Natural Resources

Remarks: This is the TWCA contested case hearings bill. It makes a number of changes to the permit hearings process in Chapter 36, mostly aimed at clearing up confusion in the existing subchapter.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1421



Lucio, Eddie(D)

Relating to the management of groundwater, including the classification of and the obtaining of information regarding groundwater and the formulation of desired future conditions by a groundwater conservation district.

Companions: [HB 1635](#) Guillen, Ryan (Identical)
3- 9-15 H Introduced and referred to
committee on House Natural Resources

Remarks: Requires the Groundwater Protection Committee to develop and "adopt by rule" (??) a groundwater classification system based on salinity. The system must take into account (1) TDS in the water, (2) geographic location of the water, including potential for subsidence or negative impacts to freshwater, (3) existing laws and administrative rules, (4) existing permits and permit requirements for the withdrawal and use of the water, (5) other water quality measurements, and (6) other factors determined to be relevant by the committee. The committee would be required to update the classification system "consistent with" State Water Plan updates. Requires TDA, the State Soil and Water Conservation Board, experiment stations, the HHSC, the Railroad Commission, TDLR, TCEQ, TWDB, and GCDs to consider the classification system in adopting rules related to groundwater. Requires the RRC to submit an annual report of collected electric logs to TWDB and adds TWDB members/employees to the list of individuals (in addition to persons authorized by the operator and RRC employees) who can view well logs during the confidentiality period. Requires TWDB to develop technical guidance documents to assist GCDs in formulating and adopting DFCs and establishing different DFCs for the different GPC classifications.

Bill History: 03-18-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1439



Campbell, Donna(R)

Relating to the territory of the Hays Trinity
Groundwater Conservation District.

Companions: **HB 3406** Isaac, Jason (Identical)
3-25-15 H Committee action pending
House Natural Resources

Remarks: Local bill - track only. (Adding portions of Hays
County to the GCD.)

Bill History: 03-12-15 S Filed

SB 1440



Campbell, Donna(R)

Relating to the territory and authority of the Barton
Springs-Edwards Aquifer Conservation District to
regulate certain wells for the production of
groundwater.

Companions: **HB 3405** Isaac, Jason (Identical)
3-25-15 H Committee action pending
House Natural Resources

Remarks: Local bill - track only. (Adding portions of Hays Co.
to the GCD.)

Bill History: 03-12-15 S Filed

SB 1460



Bettencourt, Paul (F)(R)

Relating to the evaluation and ranking of similar
offers submitted to a governmental entity for certain
construction-related contracts.

Companions: **HB 932** Murphy, Jim (Identical)
2-26-15 H Introduced and referred to
committee on House Government
Transparency and Operation

Remarks: Allows the submitter of a bid, proposal, or request
for a government contract to request that the
governmental entity explain the evaluation and
ranking of a submission that was not selected.

Bill History: 03-19-15 S Introduced and referred to committee
on Senate Business and Commerce

SB 1588



Estes, Craig(R)

Relating to the management of the water resources
of the state.

Remarks: Very broad omnibus water/groundwater bill.
Includes elements of CHapter 36 "clean-up" bill and
contested case hearings bill. Track closely.

Bill History: 03-23-15 S Introduced and referred to committee
on Senate Agriculture, Water, and Rural Affairs

SB 1627



Lucio, Eddie(D)

Relating to state and local planning for and responses
to drought.

Companions: **HB 928** Guillen, Ryan (Identical)
3-11-15 H Committee action pending

House Natural Resources

SB 329 Hinojosa, Chuy (Identical)
2- 2-15 S Introduced and referred to
committee on Senate Agriculture, Water,
and Rural Affairs

Remarks: Requires the Water Conservation Advisory Council (WCAC) to monitor drought information and technology and recommend methods for conducting drought contingency plan evaluations. Requires wholesale and retail PWSs and irrigation districts to review and, as necessary, update their drought contingency plan and resubmit to the TCEQ. Wholesale water suppliers and retail public water suppliers that provide water service to 3,300 or more connections and all irrigation districts must include in their DCPs an evaluation of the effectiveness of strategies in the plan that have been implemented in the preceding 5 years. Requires notification to TCEW when a DCP is implemented, changed, or ceased. Requires TCEQ to put on its website a list of wholesale and retail public water suppliers that are implementing a DCP, as well as the degree of drought, whether there is a state of disaster, and the drought response state being implemented. Requires TCEQ to adopt rules consistent with the bill. Requires TWDB and the WCAC to jointly review and update the BMP guide for water conservation, including BMPs for drought response.

Bill History: 03-23-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1634

Campbell, Donna(R)

Relating to the Goforth Special Utility District.

Companions: **HB 3407** Isaac, Jason (Identical)
3-25-15 H Committee action pending
House Natural Resources

Remarks: Local bill - track only. (Relating to eminent domain authority of the SUD.)

Bill History: 03-23-15 S Introduced and referred to committee on Senate Intergovernmental Relations

SB 1673

Huffines, Donald (F)(R)

Relating to the preemption of a local law by state law.

Remarks: Amends the Local Government Code to prohibit a local government from contradicting or undermining a state law, from regulating a subject if state law preempts it, from adopting local measures that conflict with, are more stringent than, or inconsistent with a state law, etc. Waives governmental immunity from suit on such measures

Bill History: 03-23-15 S Introduced and referred to committee on Senate State Affairs

SB 1724



Creighton, Brandon (F)(R) Relating to the storage and recovery of water in aquifers.

Companions:

HB 655	Larson, Lyle	(Identical)
	4- 1-15 H Meeting set for 2:00 P.M. OR ADJ., E2.010, House Natural Resources	
SB 1903	Perry, Charles (F)	(Identical)
	3-25-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs	

Remarks: Defines an ASR project as a project involving the injection of water into a geologic formation for subsequent recovery and beneficial use. Streamlines ASR permitting and relocates statutes related to ASR projects from Chapter 11 of the Water Code (related to Water Rights) to Chapter 27 of the Water Code (related to Injection Wells). Eliminates requirement for ASR developers to first conduct pilot projects. Gives TCEQ exclusive jurisdiction over ASR projects. Clarifies that a surface water right amendment is not needed to store appropriated surface water in an ASR project prior to beneficial use. Requires TCEQ when issuing ASR permits, to consider Safe Drinking Water Act compliance, the extent to which the amount of water injected can be actually recovered and the effects of commingling, the extent to which existing wells may be impacted by the project, and the potential for groundwater quality degradation. Requires TCEQ to limit the recoverable amount of water from the project to the total amount injected, and must further limit that amount if it finds unrecoverable losses will occur. If the project ultimately produces more water than the amount authorized for withdrawal by TCEQ, a GCD's spacing production, and permitting rules and fees will apply to the withdrawals above the amount authorized. Requires ASR wells to be registered with the GCD and subject to regular well registration fees. Requires wells in a single ASR project to be located on a continuous tract or two or more adjacent tracts under common ownership or contract. Requires ASR developers to meter all wells and report total injected and recovered amounts monthly to TCEQ and (if applicable) to the GCD, as well as annual water quality testing of injected and recovered water. Allows GCDs to consider ASR-related hydrogeologic conditions when planning and monitoring for the achievement of a desired future condition. Requires TCEQ to adopt rules to implement the new legislation by May 1, 2016. The EAA, Subsidence Districts, and the BSEACD are exempted from the bill.

Bill History: 03-23-15 S Introduced and referred to committee

on Senate Agriculture, Water, and Rural Affairs

SB 1785



Campbell, Donna(R)

Relating to governmental actions affecting the use or value of private property.

Remarks: Adds "The legislature finds that a real property owner has a vested right in property uses that is protected under the constitution of this state" to the Private Property Rights Preservation Act.

Bill History: 03-24-15 S Introduced and referred to committee on Senate State Affairs

SB 1815



Kolkhorst, Lois (F)(R)

Relating to fees charged by the Coastal Bend Groundwater Conservation District.

Companions: **HB 3858** Stephenson, Phil (Identical)
3-23-15 H Introduced and referred to committee on House Natural Resources

Remarks: Local bill - track only.

Bill History: 03-25-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1817



Zaffirini, Judith(D)

Relating to a limitation on the location of solid waste facilities.

Remarks: Limits TCEQ from issuing landfill permits in certain bracketed areas overlying certain aquifers.

Bill History: 03-25-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1862



Burton, Konni (F)(R)

Relating to the use by a political subdivision of public money for lobbying activities or lobbyists.

Remarks: Applies to political subdivisions that impose a tax. Prohibits spending money for lobbying or for member dues in organizations that lobby on behalf of such organizations. Allows for a lawsuit to challenge actions taken in contradiction of the law, creates an offense and awards proceeds.

Bill History: 03-25-15 S Introduced and referred to committee on Senate State Affairs

SB 1903



Perry, Charles (F)(R)

Relating to the storage and recovery of water in aquifers.

Companions: **HB 655** Larson, Lyle (Identical)
4- 1-15 H Meeting set for 2:00 P.M. OR
ADJ., E2.010, House Natural Resources
SB 1724 Creighton, Brandon (F) (Identical)
3-23-15 S Introduced and referred to committee on Senate Agriculture, Water,

and Rural Affairs

Remarks: Defines an ASR project as a project involving the injection of water into a geologic formation for subsequent recovery and beneficial use. Streamlines ASR permitting and relocates statutes related to ASR projects from Chapter 11 of the Water Code (related to Water Rights) to Chapter 27 of the Water Code (related to Injection Wells). Eliminates requirement for ASR developers to first conduct pilot projects. Gives TCEQ exclusive jurisdiction over ASR projects. Clarifies that a surface water right amendment is not needed to store appropriated surface water in an ASR project prior to beneficial use. Requires TCEQ when issuing ASR permits, to consider Safe Drinking Water Act compliance, the extent to which the amount of water injected can be actually recovered and the effects of commingling, the extent to which existing wells may be impacted by the project, and the potential for groundwater quality degradation. Requires TCEQ to limit the recoverable amount of water from the project to the total amount injected, and must further limit that amount if it finds unrecoverable losses will occur. If the project ultimately produces more water than the amount authorized for withdrawal by TCEQ, a GCD's spacing production, and permitting rules and fees will apply to the withdrawals above the amount authorized. Requires ASR wells to be registered with the GCD and subject to regular well registration fees. Requires wells in a single ASR project to be located on a continuous tract or two or more adjacent tracts under common ownership or contract. Requires ASR developers to meter all wells and report total injected and recovered amounts monthly to TCEQ and (if applicable) to the GCD, as well as annual water quality testing of injected and recovered water. Allows GCDs to consider ASR-related hydrogeologic conditions when planning and monitoring for the achievement of a desired future condition. Requires TCEQ to adopt rules to implement the new legislation by May 1, 2016. The EAA, Subsidence Districts, and the BSEACD are exempted from the bill.

Bill History: 03-25-15 S Introduced and referred to committee on Senate Agriculture, Water, and Rural Affairs

SB 1926



Zaffirini, Judith(D)

Relating to permits to be issued for the storage and disposal of certain oil and gas waste.

Remarks: Requires RRC to regulate through the issuance of permits the commercial storage and disposal of oil and gas wastes; includes information that must be filed with the permit application.

Bill History: 03-25-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

SB 1990



Menendez, Jose (F)(D)

Relating to the disclosure of information about water used in hydraulic fracturing.

Remarks: Requires RRC to require an operator of a hydraulic fracturing well to submit to the RRC total water volumes used, volumes used and broken down by source, and total volume of water returning to the surface after the treatment; requires RRC to maintain a website where this information will be made public.

Bill History: 03-25-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop

- End of Report -

Item 6

Adjournment