

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held in the District office, 1124 Regal Row, Austin, TX, on **Thursday, April 10, 2014**, 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. **NBU**
 2. Approval of minutes of the Board's March 27, 2014, 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. 10**
 - ii. Update on activities related to GMA and regional water planning
 - iii. Update on efforts to characterize the saline zone of the Edwards Aquifer
 - iv. Update on the progress of area roadway projects
 - v. Update on activities related to the HCP project
 - vi. Update on the activities of the District’s boundary review
- c. Directors’ Reports.** *(Note: Directors’ comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District’s Management Plan related to demonstration of effective communication with District constituents.)*

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Recognition of people doing good things for groundwater management in the District;
- Issues or problems of concern.

4. Presentations.

Presentation by the Aquifer Science Team on the progress of the 3-D visualization mapping project. **Pg. 17**

5. Discussion and Possible Action.

- a. Discussion and possible action related to the acknowledgment of departing Precinct 2 Director, Gary Franklin, and his more than eight years of service to the District. **NBU**
- b. Discussion and possible action related to filling the vacant Director position in Precinct 2. **NBU**
- c. Discussion and possible action related to amending the agreed order with Justin Foster to allow an increase in the temporary pumping authorization. **Pg. 22**
- d. Discussion and possible action related to pursuing a TWDB grant to help fund efforts to characterize the saline Edwards Aquifer. **Pg. 29**
- e. Discussion and possible action related to: 1) consideration of the draft elements of an Interlocal Agreement (ILA) with the City of Austin to coordinate activities associated with our

respective HCPs, and 2) direction to staff on continuing negotiation of the ILA with the City of Austin. NBU

6. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of April, 2014, 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 27, 2014, 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 characterize the saline zone of the Edwards Aquifer**
- iv. Update on the progress of area roadway projects**
- v. Update on activities related to the HCP project**
- vi. Update on the activities of the District's boundary review**

STATUS REPORT UPDATE FOR APRIL 10, 2014, BOARD MEETING

Prepared by District Team Leaders

		Prepared by District Team Leaders		STATUS/COMMENTS	
	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION		
GENERAL MANAGEMENT TEAM					
	John Dupnik				
	JD	04-Apr-14	Meetings, Conferences, and Presentations		External Meetings Attended: GMA 10; Region K strategy prioritization subcommittee; Kent Butler Symposium planning committee; Texas Desal. Assoc.; HCPUA and City of Buda; Jacob Cottingham (with Rep. Donna Howard's office); TDS/TWDB (Carlos Rubenstein); TAGD (Stacey Steinbach); Region K. Other Meetings Attended: with Board president to discuss Board meeting and other District business; with Dave Anderson on MAC coordination; with Kirk Holland on HCP. Training: Attended Organization Influence course. Presentations: UT law school, talk on Texas groundwater management.
	JD	04-Apr-14	Ongoing Special Projects, Committees, and Workgroups		Ongoing Special Projects: Kent Butler Summit planning; Risk Management Plan development; Revising Seller's Disclosure Notices; irrigation demand methodology; District Boundary Review; TDS saline zone investigation/alternative saline zone well locations; MAC coordination; HCP/ITP application preparation; City/BSEAGD ILA; SH 45 review, TWDB saline zone grant. Committees and Workgroups: Regional WQ Plan workgroup; TAGD legislative subcommittees on Brackish groundwater, Permitting, and ASR; Texas Desalination Association Brackish groundwater committee; GMA 10 committee on DFC explanatory reports; Region K committee on Legislation and Policy; Region K strategy prioritization committee
	JD	04-Apr-14	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; 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; supervised permitting and regulatory compliance staff and duties. Consultation with Attorney on: boundary questions, Director conflicts of interest, Quorum requirements, HCP, consent decree. Other Activities: MAC meeting planning, ILA review; Consent Decree review; budget amendment.
GENERAL SERVICES TEAM					
	Dana Christine Wilson				
Accounts Receivable - A	DCW	04-Apr-14	Permittee accounts carrying a past due balance:		Currently there are no past due accounts.
Accounts Receivable - B	DCW	04-Apr-14	March 16th billings for April monthly.		\$25,301.00
Banking - Citibank Accounts	DCW	04-Apr-14	Ongoing processes since Citibank has sold to BB&T and we are making this transition in May.		Continuing on through process. Currently we are resigning signatory authorizations.
Budget	DCW	04-Apr-14	Budget Revision 2 was approved by the Board on March 27, 2014.		Entered new numbers into Quickbooks, and processed final budget format in preparation of posting on the District website. Is now posted on the District website.
Elections	DCW	04-Apr-14	Initial tasks in progress - preparing timelines and calendars.		Robin has created the precinct maps that have been distributed to the two directors up for re-election. Draft order has been prepared for possible Board approval to call election, on July 10, 2014 (tentative date).
Financial Reporting - Website	DCW	04-Apr-14	Most current, available financial reports are posted.		Transaction Detail by Account, Balance Sheet, and Profit and Loss Statement through February 28, 2014.
HCP	DCW	04-Apr-14	Various editing and proofing tasks.		Newest task was the citations in chapter 1.1. This will be on-going until the application is submitted.

		STATUS/COMMENTS	
PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Taxes	Quarterly Taxes for January 1 through March 31 have been submitted.	04-Apr-14	This includes TWC C-3, and United States Treasury 941. TWC has a new filing requirement beginning in April to file and pay on-line only. Easiest way was to set up ACH payment. Task due by April 30; completed March 31st.
Unum Short Term Disability	Researching how to treat retirement contributions, payroll taxes, and employee-paid portion of insurance premiums during short term disability leave for 2 employees. Unum pays directly to employees on a weekly basis for short term disability leave for 11 weeks.	04-Apr-10	Two of our employees will be taking advantage of this insurance benefit.
REGULATORY COMPLIANCE TEAM			
John Dupnik			
Enforcement	Stephen Oyster (1825 Fortview Management LLC) dba Dons Grass	03-Apr-14	On 9/17/13 District staff conducted a site visit and inspection at Dons Grass located at 6240 Hwy 290 Austin, TX 78735. An inspection was conducted to inquire about the unpermitted well use and to touch base with the property owner. The well and operators of Don's Grass were previously the subject of a District enforcement action, which was informally resolved when the operators of Don's Grass rendered the well inoperable and declared their intent to relinquish the permit. The permit has since expired at which time the District continued to monitor the well's status. Staff has determined the legal owners of the property (Stephen Oyster and Jimmy Nassour) and has recommended enforcement. The District has made attempts to notify both owners of the pending investigation and has received no response from either. The NOAV was mailed on Nov 1st. On Nov 13, 2013 staff received a letter from Mr Nassour that acknowledged the receipt of the NOAV and their intentions to contest the allegations. No conversations have taken place to date. A meeting took place on 1/9/14 between Mr. Nassour and District Staff. Mr. Nassour provided a followup response on 1/20/14. District Board approved the issuance of a final revised order on 1/23/14. The final agreed order was effective 3/18/14. Mr Nassour has already demonstrated compliance with the provisions of the order.
Enforcement	Justin and Nikki Foster (Landybird Montessori School)	03-Apr-14	The Agreed order allowed for limited pumpage during the 6 months of October through March at 6000per mo. Order allows for them to request extension of deadlines if show good cause. They plan for water haul system to be completed in next few weeks. They recently requested an extension and variance for 25,000 gals. Our General Manager granted another month of 6000gal (which is line with the terms of the original.) They were informed that if they still want to request the full 25,000 gals that they will need to come before the board at the April 10th meeting. The reason for the request is that they are required by TCEQ to flush the cisterns of their water haul system. They didn't anticipate the volumes that would be needed and felt that their previous consultant didn't prepare them for that need. Have a new consultant and are moving forward.
Drought Management		03-Apr-14	The District is not in drought. Enforcement efforts will focus on Tier 1 permittees permitted for over 2 million gallons will be reserved for those occurrences that are egregious and recurrent in nature (6 months or more and level B or greater).
Wildflower Center	Middle Trinity Well	03-Apr-14	The WFC completed a two phase cleanup process which resulted in an improved flow rate of 30-40gpm. They further repaired the well annular seal and installing new liner casing. A production permit application has been submitted and they are still working on submitting some key materials of the application (namely the demand estimates).

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Industrial Asphalt	JD, KBE, VE	03-Apr-14	Middle Trinity Well	Industrial Asphalt (Tommy Matthews) held a meeting with staff on 1/27/14 to inform the District that they will be requesting a WPAP modification and intend to start storing fuel onsite instead of trucking it in daily. During an audit it was determined that a parking lot and stock pile had been placed within the buffer area, therefore requiring the modification. District staff intends to look at EAAs storage tank rules for guidance and mentioned the need for more frequent sampling of Total Petroleum Hydrocarbons (TPH) once the fuel tanks are installed. Staff also inquired about the storage of the fine sediment from the dry process and were informed that most of it is incorporated back into road base or solid as select fill. However, staff intends to look at this more closely during the permittee inspection. Staff conducted an inspection at the Industrial Asphalt site on 2/27/14. They accompanied technical consultants to collect water quality samples and they assisted in running a video camera log of the production trinity well (the original observation well). The camera run indicated significant mineralization build up and possible corrosion. There was also an obstruction present in the well. The technical consultants for Industrial Asphalt plan to have a meeting in the near future with District staff to discuss the options for using the observation well (the original production well) as the designated production well.
Farmland Operating Company - David Trotter	JD, KBE, VE	03-Apr-14	Middle Trinity Well	District staff determined the Farmland Operating System application to drill a well and produce from the Middle Trinity Aquifer, to be administratively complete on 9/17/13. The application details were presented to the Board of Directors on 10/24/13. The Board indicated concerns related to calculated volume and proposed use and recommended that the application be postponed to allow for a public hearing. A public hearing was held on 11/14/13. The applicant indicated that he would like to amend his application and requested to be permitted for a volume that would be commensurate with a new residential property on the vacant lot. The Board decided that because new information was being presented at the hearing that no action could be taken on the application at this time. The Board directed staff to further review the new application material and to communicate with the applicant on his options. Staff held a meeting to discuss options on how to proceed. The application was presented with new special provisions and was approved at the 12/12/13 Board meeting. Staff sent Mr. Trotter a followup email to provide him a recap about the details of the permit. Staff also informed him that when he has his application materials ready that can submit a minor amendment application.
Roy Seiders - Irrigation Well	JD, KBE, VE	03-Apr-14	Middle Trinity Well	Roy Seiders submitted an application for a Historic Trinity Production Permit to authorize withdrawals from a new nonexempt Middle Trinity Aquifer irrigation well. The application was determined to be administratively complete and a public comment period ended on 3/25/14. The General Manager will approve their permit for 347,117 gals/yr.
Current Active Applications	JD, KBE, VE	03-Apr-14	Mike Kelly NDU; Daniel Triston Class C Conditional; Joseph Burke NDU; Roger Martinez NDU; Mr. Rangel NDU; Manchaca Methodist Church (Conversion to District Monitor Well). Roy Seiders - Middle Trinity Irrigation	Staff has informed Daniel Triston that the District is no longer in drought and that the well drilling authorization will expire on 4/11/14. Mr. Triston has expressed interest in asking for an extension of the well drilling authorization. All other applications are not administratively complete and are currently under review.
EDUCATION & OUTREACH				
Water Well Check-up	RG	10-Mar-14	Promotion of program	This year's water well check-up was promoted through direct mail, in the Hays Free Press (3/12 and 4/2 editions), Facebook, Twitter, newsletters, and press releases. Well owners will need to drop off water samples before 10am on Wed. 4/9/2014. District will cover the cost of analysis for wells in our area.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Scholarship Program	RG	18-Mar-14	Application deadline	The Scholarship application deadline closed on Mar. 18. We received 8 essays for college essay contest (7 different schools) and received 23 applications for camp contest (9 different schools). This year, donations from permittees will allow us to award 4 5-day scholarships & 5 2-day scholarships. Board will pick winners and review judging results at April 24 meeting.
Aquifer Bulletin	RG et al	27-Mar-14	April edition released	Many thanks to terrific articles and edits from the staff. This edition of the newsletter includes articles on: Groundwater Levels on the Decline, Permitting Summary, Environmental Board Member Shift, From the GM's Desk: More Salt, Please, Habitat Conservation Plan Overview & Estimated Timeline, Hydrologic Connection Between Edwards and Trinity Aquifers, Edwards Aquifer, Storm Flows, and Your Well, and Upcoming Events.
MAC Draft HCP Review	RG, JD, DA	01-Apr-14	Feedback Facilitation Activity	Robin worked with John and Dave Anderson to develop a feedback activity to help facilitate comments from small groups during the April 14 MAC meeting. The activity focuses attention and asks for technical review of the take estimates, avoidance and minimization measures, research and mitigation measures, proposed responses for changed circumstances, and budget/program/staffing impacts.
Internet Traffic Report	RG	01-Apr-14	Page views and visits to the District Website	On the District website over the past month, we've had a increase in the number of page views from last month. There were 3,377 page views from 1,495 unique visits. Top pages viewed (in order of hits) are the home page (823 views), Scholarships (295), Newsletters (220 views), and Drought Status (212 views). On the District Facebook page we have 185 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Dye Tracing	BS, BH	04-Apr-14	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.
319(h) Grant	BS, BH, AA	04-Apr-14	Onion Creek Recharge Enhancement Project	The grant officially ended on August 31, 2011, but the District is committed to continuing upkeep and improvements to the system at Antioch and Sky Ranch. We have installed (7/15/13) a shallow monitor well near the recharge vault to help us monitor recharge. Flooding in Onion Creek on October 31 caused some minor damage to equipment at Antioch.
Water-Quality Studies	BS, BH, AA	04-Apr-14	Sampling and analysis of groundwater and surface water	The District's summer sampling program will take place in June and July of 2014. The number of wells and springs to be sampled will depend largely on the amount of funding from the TWDB. Samples for the Magellan project were collected in March.
Saline Zone Studies	BS, BH	04-Apr-14	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 TD and we are currently working on an access agreement. Walton Development has drilled a deep test well east of Kyle to study the middle and lower Trinity and the saline Edwards. They are still testing the well. A report on the Walton well to PCCD is expected by April. Staff are looking into a TWDB grant for a possible water-supply project in the Edwards saline zone.
Drought and Water-Level Monitoring	BH, BS, AA	04-Apr-14	Drought status, monitor wells, and synoptic water level events	Heavy rains on October 12 and 13 and again on October 30 and 31 led to flooding and good aquifer recharge. The Board voted to change drought status from Alarm Drought to No Drought effective November 19. As of April 4, discharge from Barton Springs was 47 cfs and the water level in Lovelady on April 4 was 481.3 ft msl. Water levels in the Lovelady monitor well continue to drop with rainfall being well below average since October.
Information Transfer	BS, BH, AA	04-Apr-14	Presentations, conferences, reports, and publications	District staff will presented two papers at the Geological Society of America, South-Central Section meeting in Fayetteville, Arkansas in mid March 2014.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
AD-HOC TEAMS				
Technical Team	BAS	04-Apr-14	Current areas of discussion	Topics of discussion at the technical team meeting in April were 3D model preview, desal investigation, saline boundary, geologic mapping projects, and Longhorn pipeline changes.
Planning Team	JD	04-Apr-14	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: Risk Management Plan, Consent Decree, HCP commitments and deliverables, BSEACD/Austin ILA, Budget
UPCOMING ITEMS OF INTEREST				
Region K meeting		9-Apr-14	10am - 3pm, LCRA montopolis offices	
Water Well Check-Up - Sample due.		9-Apr-14	Samples due in office by 10am on Apr. 9.	
1st MAC meeting - HCP 101		9-Apr-14	6-8pm, District Office	
Water Well Check-Up Info Meeting		10-Apr-14	6:30pm, Hays County Extension office, San Marcos	
1st April Board Meeting		10-Apr-14		
GMA 9 Meeting		14-Apr-14	10am-2pm, Dripping Springs City Hall, 511 Mercer Street, Dripping Springs, Texas	
2nd MAC meeting - MAC work session		14-Apr-14	6-8pm, District Office	
Mopac South NEPA/TWG Meeting		16-Apr-14	2-4pm, CTRMA Lebermann Board Room (3300 N IH 35 Suite 300 Austin, TX 78705)	
2nd April Board Meeting		24-Apr-14		
2014 Kent Butler Summit		25-Apr-14	8:30 - 4pm, Wildflower Center	
Buda, Kyle, BSEACD, Hays Co. Water Conservation Incentives Brainstorming meeting		30-Apr-14	TBD	
Austin Water Science Expo		6-May-14	thru 5-7-14, Austin Convention Center	
1st May Board Meeting		8-May-14		
GMA 10 Meeting		19-May-14	EAA Office, San Antonio	
2nd May Board Meeting		22-May-14		

Item 3

Routine Business

c. Directors' Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting. *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of likely interest to the rest of the Board, in one or more of the following topical areas:

- **Meetings and conferences attended or that will be attended;**
- **Conversations with public officials, permittees, other stakeholders, and private citizens;**
- **Kudos and recognition of people doing good things for groundwater management in the District;**
- **Concerns about specific issues or problems for groundwater management in the District.**

**Item 4
Presentation**

- 4. Presentation by the Aquifer Science Team on the progress of the 3D visualization mapping project.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

TO: BOARD OF DIRECTORS
FROM: BRIAN B. HUNT AND BRIAN SMITH
SUBJECT: 3D MODEL DEMONSTRATION
DATE: 4/3/2014

At the April 10 Board meeting, Aquifer Science staff will provide a brief demonstration of the District's 3D model.

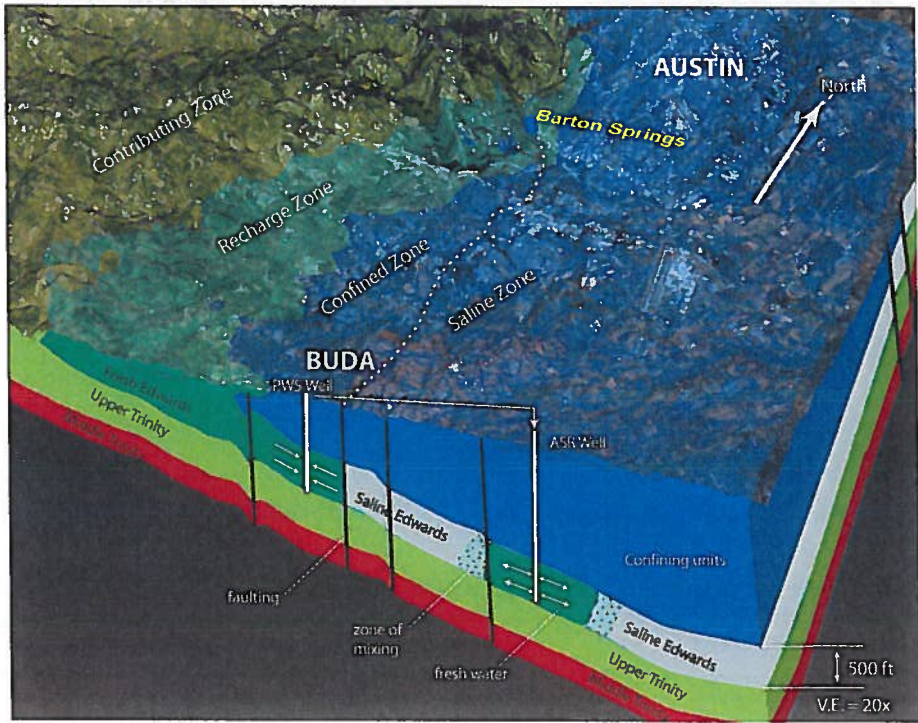
In 2008, the Board suggested the District pursue the capability of generating 3D aquifer models as one of its scientific tools to evaluate and communicate complex geologic and aquifer data. In FY2009 the District purchased 3-D modeling software called MVS (Mining Visualization System) developed by C-Tech Development Corporation. District staff completed two 3D model projects that focused on 1) Edwards Aquifer geometry, and 2) Antioch Cave.

In 2013 the Aquifer Science Team decided not to renew the software license and instead use those same allocated funds for additional modeling work by an outside consultant. Gavin Hudgeons (AMEC), with assistance from staff, developed a regional 3D geologic model of the Edwards and Trinity Aquifers in Hays and Travis Counties of central Texas.

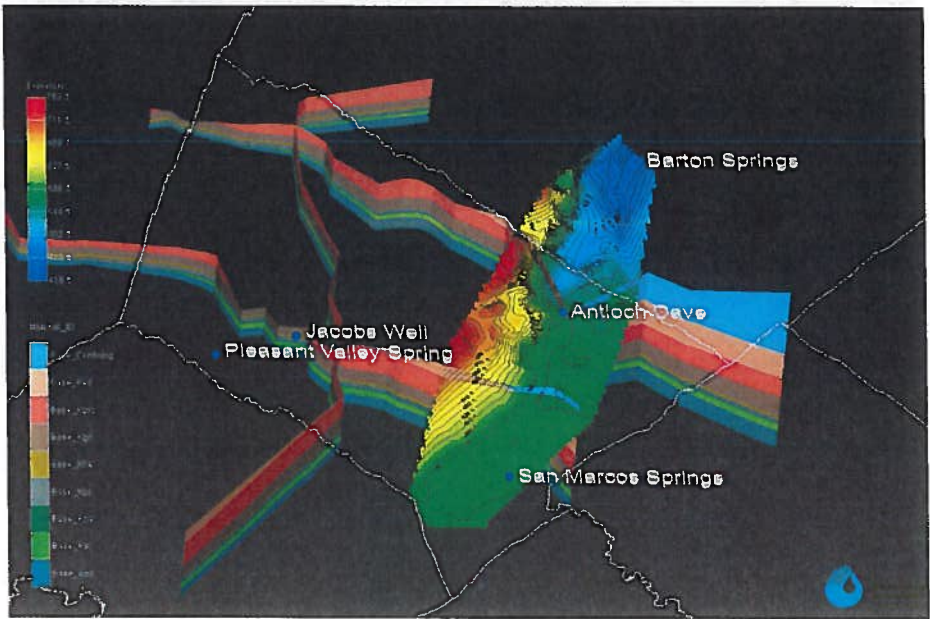
The models have proven useful in technical evaluations and in the communication of complex issues to the public.

Modest efforts (tweaking) will expand on the current capabilities and details of the existing model and outputs from the model (still images and videos). However, in the future a significant effort could include creating a highly detailed model of particular areas, such as the Saline Edwards project (around Texas Disposal Systems and the fresh-water interface).

Below are a couple of images captured from the model.



Screen captured image from the 3D model illustrating the general aquifer geometry and concepts of ASR or desalination.



Screen captured image from the regional 3D model illustrating the general aquifer geometry as cross sections and the drought water level map in the Edwards Aquifer.

Item 5

Board discussions and possible actions

- a. Discussion and possible action related to the acknowledgment of departing Precinct 2 Director, Gary Franklin, and his more than eight years of service to the District.**

Item 5

Board discussions and possible actions

b. Discussion and possible action related to filling the vacant Director position in Precinct 2.

Item 5

Board discussions and possible actions

c. Discussion and possible action related to amending the agreed order with Justin Foster to allow an increase in the temporary pumping authorization.

Kendall Bell-Enders
Regulatory Compliance Coordinator
Barton Springs/Edwards Aquifer Conservation District
124 Regal Row
Austin, TX 78748

March 4, 2014

RE: Ladybird Montessori Variance and Extension Request

Kendall,

We hope everyone at the BSEACD are doing well after a long and cold winter. We are glad to be seeing Spring arriving a little bit each week.

We have been very busy this winter finishing up our TCEQ approved public water supply over the past several months. It took longer than we thought it would due to the weather and moderate pace that our contractors took installing the tanks and pipe works. The system includes two tanks (1x 24,000gal tank and 1x 2500gal tank), two pressure tanks, and two pumps and will soon be connected to the pipe works that enter the school house. We will then have potable drinking water delivered until we can get approval for the rain water collection system to be approved by TCEQ and then installed by our contractor (We hope to be working on this by the end of the year).

The last thing that we need to do to bring our current public water supply online is to have the tanks disinfected. This is typically accomplished by filling the tanks with water and then adding a chlorine solution to the water. The treated water then sits in the tanks for a specified length of time from our water engineer and then the tanks are flushed to remove the dirt/metal filings that might be left inside the tanks from their construction. The water system can then be approved by our water engineer which is a condition that must be met as outlined by TCEQ. We would like to formal request a variance for the month of March to be allowed to pump enough water to fill our tanks (26,500 gallons) for disinfection plus another 1,000 gallons for flushing. This would be in addition to the 6,000 gallons that we have already been allowed to pump during the month of March. The total amount of additional water comes out to 27,500 gallons for the month of March. This would therefore allow for a total of 33,500 gallons of water to be pumped from our well during March.

In addition to aforementioned variance request, we would also like to request an extension for one month to be allowed to use our well with the current pump allowance of 6,000 gallons. We do not anticipate having to use the well during this month at all and this would allow us to keep operating at the school if our water tank disinfection plans hit a snag due to any unforeseen variables.

We very much appreciate the consideration of our request for a variance and an extension. We will be doing all we can to make ensure that our system is brought online as quick as possible and its implementation currently is learning lesson that we are trying to internalize as best we can. I will be obtaining my Water Operating Certification as soon as I can sign up for the class and is a requirement to operate a TCEQ approved public water system.

We will continue to keep the BSEACD up to date with our progress and we are very close to being able to support our school with our public water system instead of our well. When financially feasible, we plan to apply for a class "C" commercial use permit to allow for use of the well during times of non-drought to allow for us to use water from the well for outdoor use around the school. Obtaining this permit is not currently a priority for us as we really are mainly focused with getting our rainwater collection system in place to handle this kind of outdoor use as well.

Thank you for your assistance with our current request and for supporting our current path to water independence at Ladybird Montessori School. We very much appreciate your consideration and feedback.

Best,

Justin and Niki Foster
Ladybird Montessori School
2050 Cole Springs Rd
Buda, TX 78610
512-757-0338



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

March 24, 2014

Justin and Niki Foster
Ladybird Montessori School
2050 Cole Springs Rd
Buda, TX 78610

RE: Agreed Order Extension Request for Additional Volume

Dear Mr. & Mrs. Foster,

This letter is to inform you that your request for extension has been reviewed and approved under the following terms. The terms of the extension are:

- 6000 gallon cap for April 2014
- 6000 gallon cap for May 2014
- One of the following applications must be submitted by May 15, 2014:
 - A pumpage permit application
 - Application to temporarily cap the well

Any requests for volumes exceeding those terms will need to be presented to the Board of Directors at the **April 10, 2014 Board Meeting**. If you have any further questions, please contact the regulatory compliance program at (512)282-8441 or by email at vescobar@bseacd.org

Sincerely,

Vanessa Escobar
Regulatory Compliance Coordinator

AGREED ORDER

The Board of Directors (“Board”) of the Barton Springs/Edwards Aquifer Conservation District (“District”) has considered this agreement of the parties resolving an enforcement action regarding Buda Montessori School owned and operated by Niki and Justin Foster (“Mr. and Mrs. Foster”)

ORDERING PROVISIONS

1. The District shall not be constrained in any manner from requiring corrective action or penalties for violations that are not raised here, except as expressly provided herein.
2. Mr. and Mrs. Foster shall undertake the following compliance requirements:
 - a. As of the Effective Date of this Agreed Order or October 1, 2013, whichever is earlier, production of groundwater from the well is authorized for beneficial use for an interim period not to exceed six months. Groundwater production during this period shall not exceed the following monthly volumes:

Month	Pumpage Limit (gallons/month)
October 2013	6,000
November 2013	6,000
December 2013	6,000
January 2014	6,000
February 2014	6,000
March 2014	6,000

The monthly pumpage limits are not subject to further curtailed during District-declared drought.

b. Prior to commencement of pumping under this Agreed Order, Mr. and Mrs. Foster shall record and submit the initial meter reading to the District. Once pumping commences, Mr. and Mrs. Foster shall keep accurate records and meter readings, on a monthly basis, of the amount of groundwater withdrawn. Meter readings must be read within two days of the end of the reporting month, and submitted to the District on or before the 5th day of the following month, even if there is zero pumpage for the time period.

c. Once the interim period in 2.a. has expired, Mr. and Mrs. Foster shall cease all pumping from the well unless a Production Permit has been approved for non-exempt use. If a Production Permit is not issued, Mr. and Mrs. Foster shall submit quarterly meter readings to verify the cessation of pumpage.

3. If Mr. and Mrs. Foster fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe (not including drought), Mr. And Mrs. Foster's failure to comply is not a violation of this Agreed Order. Mr. and Mrs. Foster shall have the burden of establishing to the General Manager's satisfaction that such an event has occurred. Mr. and Mrs. Foster shall notify the General Manager within seven days after they become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The General Manager may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written showing of good cause. All requests for extensions by Mr. and Mrs. Foster shall be made in writing to the General Manager. Extensions are not effective

until Mr. and Mrs. Foster receive written approval from the General Manager. The determination of what constitutes good cause rests solely with the General Manager.

6. Except as provided elsewhere in this Agreed Order related to surviving requirements, its Ordering Provisions and other requirements shall terminate upon both a) confirmation by the District that Mr. and Mrs. Foster have satisfied all provisions of this Agreed Order, and b) the District's issuance of a regular individual Production Permit for the well, provided Mr. and Mrs. Foster intends to continue to use well at that point in time. The Agreed Order will then terminate.

7. This Agreed Order shall not be admissible against Mr. and Mrs. Foster in a civil proceeding, unless the proceeding is brought by the District to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the District's jurisdiction, or of a rule adopted or an order or permit issued by the District under such a statute.

8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by electronic, including facsimile transmission to the other parties, which shall constitute an original signature for all purposes.\

9. The Effective Date is the date of hand-delivery of the Agreed Order to Mr. and Mrs. Foster, or three days after the date on which the District mails notice of the Order to Mr. and Mrs. Foster, whichever is earlier.

Item 5

Board discussions and possible actions

d. Discussion and possible action related to pursuing a TWDB grant to help fund efforts to characterize the saline Edwards Aquifer.

Texas Water Development Board

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Request for Applications for Demonstration Projects for Near-Term Water Supplies

The Texas Water Development Board (TWDB) solicits Request for Applications from interested parties for the construction of water reuse, aquifer storage and recovery, or any other demonstration projects that will create new water supplies or otherwise increase the availability of water through use of innovative storage approaches that improve operational efficiencies. Such projects should be targeted to provide cost-effective water supplies within the next five years and provide regional benefits estimated to increase by at least 10 percent the overall amount of reliable water supply that can be made available within a region to help meet the various competing demands for water, including those of agricultural, industrial, municipal, and others. The total amount of the grants to be awarded under this request for applications by the TWDB shall not exceed \$3,000,000.


Grant Amount

The total grant amount for all projects shall not exceed \$3,000,000. Applicants will be required to provide a dollar-for-dollar matching contribution to the amount requested from TWDB. Funds that are committed and encumbered in appropriation year 2014 will need to be spent by August 31, 2016. Similarly, funds that are committed and encumbered in appropriation year 2015 will need to be spent by August 31, 2017. Funds will be awarded through a competitive statewide grants process.

Application Review

All applications received will be grouped into one of three categories: water reuse, aquifer storage and recovery, and other strategies that can create new water supplies or increase the availability of existing water. Applications will be assessed, scored, and ranked in each category by a review panel.

Application Guidelines

Applications will be evaluated in accordance with 31 Texas Administrative Code  355.5 and may include the following factors:

- Overall approach and organization
- Methodology
- Qualifications and resources
- Organization and management
- Reports and deliverables
- Assessment of proposer's ability to perform and complete the project

In addition to the general information required as part of a TWDB Request for Applications, proposals must include evidence of financial commitment from the applicant for a dollar-for-dollar cost sharing in the project and a sufficiently detailed description of the process to determine that a 10 percent increase in the overall amount of reliable water supply in the region will result from the project within the next five years.

The applicable scope of work, schedule, and contract amount will be negotiated after the TWDB selects the most qualified applicants or the desired projects for funding. Failure to arrive at mutually agreeable terms of a contract with the most qualified applicant shall constitute a rejection of the Board's offer and may result in subsequent negotiations with the next most qualified applicant. The TWDB reserves the right to reject any or all applications if staff determines that an application does not adequately meet the required criteria or if the funding available is less than that requested.

Deadline for Submission of Applications

Six double-sided, double-spaced copies on recycled paper and one digital copy (CD) of a completed application must be filed with the TWDB on or before 12:00 p.m. on April 30, 2014. Applications can be directed either in person to David Carter, Texas Water Development Board, Stephen F. Austin Building, Room 610D, 1700 North Congress Avenue, Austin, Texas, 78701; or by mail to David Carter, Texas Water Development Board, P.O. Box 13231-Capitol Station, Austin, Texas 78711-3231.

Les Trobman, General Counsel
Texas Water Development Board

- **Texas Water Development Board**, 1700 North Congress Avenue, Austin, TX 78701
- TEL: 512-463-7847

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- **Government Resources:**

- [Texas.gov](#)
- [TRAIL](#)
- [Veterans Portal](#)
- [Where the Money Goes](#)

- [American Recovery and Reinvestment Act](#)
- [TNRIS](#)
- [Water IQ](#)
- [WIID System](#)
- [Save Texas Water](#)
- [TWICC](#)
- [Water Exploration](#)
- [Texas Water Smart](#)
- [Water Data for Texas](#)

**Texas Water Development Board
Guidelines for Request for Applications**

I. GENERAL INFORMATION

1. Legal name of applicant(s).
2. Legal name of each participant.
3. Applicant's Official Representative, Name, Title, Mailing Address, Phone Number, Fax Number, if available, e-mail Address, and Vendor ID Number.
4. Is the application in response to a Request for Statement of Qualifications in the Texas Register?
Yes _ No _
5. If yes to number 4 above, list document's number and date of publication of the Texas Register.
6. A brief description of the project (not to exceed 1 page).
7. A list of potential users and their possible involvement with the project.
8. Please include a completed Historically Underutilized Business Subcontracting Plan. The forms are available at: <http://www.window.state.tx.us/procurement/prog/hub/>.

II. PROJECT INFORMATION

- Explanation of why this project is needed (not to exceed 1 page).
- Category of project (water reuse, aquifer storage and recovery, or other) for which the applicant is applying
- Explanation of how the project will provide regional benefits estimated to increase by at least 10 percent the available amount of reliable water supply within a region in the next five years
- A detailed description of how an increase of at least 10 percent of the available amount of water in a region within the next five years can be demonstrated or verified after the project has been completed
- A detailed scope of work describing each task, percent of effort per each task, a time schedule for each task, and the amount of time each team member will spend on the project (not to exceed 10 pages using Times Roman 12 font)
- A description of project-monitoring procedures.
- A detailed budget for the project including the total proposed planning cost, applicant cash contribution to the project, source(s) of cash contribution, explanation of source of local cash contribution, and total grant funds requested from the Texas Water Development Board. The budget should also include a task budget for the detailed scope of work by task (example is attached) and an expense budget for detailed scope of work by expense category (example is attached).
- A list of products (reports, plans, or other products) that the Board will receive as a result of this project.
- Qualifications and experience of project staff that are directly related to this project only and that are no more than 2 pages in length per person.

III. WRITTEN ASSURANCES

Written assurance of the following items:

- Proposed planning does not duplicate existing projects;
- Implementation of viable solutions identified through the proposed planning and identification of potential sources of funding for implementation of viable solutions will be diligently pursued;
- If proposed planning includes regional wastewater planning, the proposal will conform to the approved state water quality management plan or an amendment to the water quality management plan which will bring the proposed planning into compliance with the water quality plan is being processed for the proposed planning area; and
- If a grant is awarded, written evidence that local matching funds are available for the proposed project must be provided when the contract is executed.

IV. RESOLUTIONS

A resolution from the governing body of each applicant and/or participant:

- stating the entity's representative is authorized to apply for a grant from the Texas Water Development Board;
- granting authority for the entity to enter into a contract with the Texas Water Development Board; and
- stating the intent to commit local matching funds in cash identifying the total amount authorized to be contributed.

TASK AND EXPENSE BUDGET EXAMPLE

Task Budget

Task	Total Budget
Task 1	\$25,000.00
Task 2	\$25,000.00
Task 3	\$25,000.00
Task 4	\$25,000.00
Task 5	\$25,000.00
Total	\$125,000.00

Expense Budget

Category	Total Budget
Salaries (see note 1)	\$50,000.00
Fringe (see note 2)	\$15,000.00
Travel (see note 3)	\$1,000.00
Other Expenses (see note 4)	\$5,000.00
***Subcontractor	\$27,000.00
Profit	\$0.00
Overhead (see note 5)	\$25,000.00
Total	\$125,000.00

*****Please note that if all work is to be performed by Subcontractors, then you need only enter the total amount for subcontracted work on the Subcontractor line. You do not need to breakdown the expenses for the subcontractor at this time.**

Note 1: Salaries and Wages is defined as the cost of salaries of engineers, draftsmen, stenographers, surveyors, clerks, laborers, etc., for time directly chargeable to this contract.

Note 2: Fringe is defined as the cost of social security contributions, unemployment, excise, and payroll taxes, workers' compensation insurance, retirement benefits, medical and insurance benefits, sick leave, vacation, and holiday pay applicable thereto.

Note 3: Travel is limited to the maximum amounts authorized for state employees by the General Appropriations Act, Tex. Leg. Regular Session, 2011, Article IX, Part 5, as amended or superseded

Note 4: Other Expenses is defined to include expendable supplies, communications, reproduction, postage, and costs of public meetings directly chargeable to this CONTRACT.

Note 5: Overhead is defined as the costs incurred in maintaining a place of business and performing professional services similar to those specified in this contract. These costs shall include the following:

- Indirect salaries, including that portion of the salary of principals and executives that is allocable to general supervision;
- Indirect salary fringe benefits;

Item 5

Board discussions and possible actions

e. Discussion and possible action related to 1) consideration of the draft elements of an Interlocal Agreement (ILA) with the City of Austin to coordinate activities associated with our respective HCPs, and 2) direction to staff on continuing negotiation of the ILA with the City of Austin.

Item 6
Adjournment