

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting & Public Hearing** 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 14, 2011, 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).**
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. **Not for public review**
 2. Approval of minutes from the March 24, 2011, Regular Meeting. **Not available at this time**
 3. Approval of a correction to the March 10, 2011, Board meeting minutes. **Not available at this time**
 4. Approval of a technical correction to the authorized pumpage amount in the Agreed Order for the Manchaca Optimist Youth Sports Complex production permit. **Pg. 14**
 - 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 on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.
 1. Personnel matters and utilization;
 2. Upcoming public events of possible interest;
 3. Aquifer conditions and status of drought indicators;
 4. Discussion related to current staff work areas and specific activities of staff teams and directors. 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. Update on recent team activities.
- ii. Update on the status of the annexation of Ridgewood Village Water System by Travis County Water District No. 10.
- iii. Update on the status of the discussions between City of Hays and Oak Forest WSC concerning the use of their emergency interconnect.
- iv. Update on the status of the evidentiary hearing process for TCEQ's recommendation concerning GCDs in the Hill Country PGMA.

4. Public Hearing.

The Board will hold a Public Hearing concerning a proposed amendment of the District's fiscal year 2011 Fee Schedule to consider a reduction in the application fee for minor amendments to Non-exempt Domestic Use Permits. Note: At the conclusion of this Public Hearing the Board may approve the amendment of the FY 2011 Fee Schedule. **Pg. 22**

5. Board Discussion and Possible Actions

- a. Discussion and possible action on approval of an amendment to the FY 2011 Fee Schedule. **Pg. 25**
- b. Discussion and possible action on assessing status of drought triggers and declaring a Stage II-Alarm Drought. **Pg. 29**
- c. Discussion and possible action related to scheduling a work session on objectives and performance standards to be included in the next revision of the Management Plan. **NBU**
- d. Update, discussion, and possible action related to developments concerning the District's legislative agenda and other relevant legislative initiatives that potentially affect the District. **Pg. 33**
- e. Discussion and possible action relating to *City of Kyle v. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District, Cause No. 10-1267, 22nd District Court, Hays County, Texas.* **NBU**

6. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of April, 2011, 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

- 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 from the March 24, 2011 Regular Meeting.**
- 3. Approval of a correction to the March 10, 2011, Board meeting minutes.**
- 4. Approval of a technical correction to the authorized pumpage amount in the Agreed Order for the Manchaca Optimist Youth Sports Complex production permit.**

BACK UP MATERIAL FOR

Routine Business 3a. Consent Agenda

Items 1 and 2 and 3

NOT FOR PUBLIC REVIEW AT THIS TIME

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING MANCHACA OPTIMIST YOUTH SPORTS COMPLEX PERMITTEE	§ § § § §	BEFORE THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
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AMENDED AGREED ORDER

**I.
JURISDICTION AND STIPULATIONS**

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 Manchaca Optimist Youth Sports Complex under the authority of Texas Water Code Ch. 36. The Board and Manchaca Optimist Youth Sports Complex together stipulate that:

1. Manchaca Optimist Youth Sports Complex owns and operates a permitted non-agricultural irrigation well in Travis County, Texas.
2. Manchaca Optimist Youth Sports Complex provides irrigation water service from water supplied by a well permitted by the District.
3. The District and Manchaca Optimist Youth Sports Complex agree that the District has jurisdiction to enter into this Agreed Order and that Manchaca Optimist Youth Sports Complex is subject to the District’s jurisdiction.
4. The District has the authority to require timely payment of water uses fees, rescind installment payment option, and suspend Production Permits in accordance with Rules 3-1.16.C, 3-8.7.C, and 3-1.13 respectively.
5. Manchaca Optimist Youth Sports Complex received notice of the violations alleged in Section II on or about January 26, 2011.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Manchaca Optimist Youth Sports Complex of any violation alleged in Section II, nor of any statute or rule.
7. Any notice and procedure that might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The District and Manchaca Optimist Youth Sports Complex have agreed on a settlement of the matters alleged in this enforcement action.
9. The District may, without further notice or hearing, seek further enforcement proceedings if the General Manager determines that Manchaca Optimist Youth Sports Complex has not complied with one or more of the terms or conditions of this Agreed Order.
10. This Agreed Order shall terminate upon compliance with all of the terms and conditions set forth in this Agreed Order.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As a permittee of the District, Manchaca Optimist Youth Sports Complex is alleged to have failed to make timely payment of water use fees in violation of its permit and District Rule § 3-1.16.C.

III.

DENIALS

Manhaca Optimist Youth Sports Complex generally denies the allegation in Section II.

IV.

ORDERING PROVISIONS

1. Manhaca Optimist Youth Sports Complex shall undertake the following compliance requirements:
 - a. Limit its total annual water withdrawals to the new authorized usage of ~~4,232,000~~3,195,000 gallons annually, which will become its new permitted volume in FY 2011 and henceforth. This volume will be the basis for calculating future water use fees beginning in FY 2012.
 - b. Make payment of the negotiated and reduced past due water-use fees ~~that are based on the new authorized water use for FY 2011 in Section IV.1.a above, without the associated late fees previously accrued from past due balances but with the annual permit fee,~~ in the aggregate amount of \$593.00 and agree to pay future annual water use and permit renewal fees in the amount of \$769.44 beginning in FY 2012, ~~within 30 days of the signature date of this agreement;~~ and
 - c. Loss of installment payment option requires timely lump-sum payment of annual water use fees upon the next permit renewal in each of the following two permit terms.

2. This Agreed Order, issued by the Board, shall not be admissible against Manchaca Optimist Youth Sports Complex 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.
3. 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 facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
4. The effective date is the date of hand-delivery of the Order to Manchaca Optimist Youth Sports Complex, or three days after the date on which the District mails notice of the Order to Manchaca Optimist Youth Sports Complex, whichever is earlier.

SIGNATURE PAGE

Barton Springs Edwards Aquifer Conservation District

For the Board

Date

ATTEST:

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the District, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by Manchaca Optimist Youth Sports Complex ;
- Lawsuit for contempt, injunctive relief, additional penalties, and/or attorney fees, or referral to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to civil trial for any future enforcement actions; and
- District seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or Typed)
Authorized Representative of
Manchaca Optimist Youth Sports Complex

Date

Manchaca Optimist Youth Sports Complex

Historical Permitted Pumpage:

4,232,000 gallons/year

UDCP Appd Year:
Water Use For:

2011
Irrigation

	Percentage of annual pumpage based on comparable well use	Baseline	Drought Stage Target Pumpage Volume (all units in gallons/month)						
			Stage I Water Con. Period 10% Reduction (Voluntary)	Stage II Alarm Stage 20% Reduction	Stage III Critical Stage 30% Reduction	Stage IV Exceptional 40% Reduction	Emergency Response Period 90% Reduction		
September	11.0%	465,520	418,968	372,416	325,864	279,312	46,552		
October	10.5%	444,360	399,924	355,488	311,052	266,616	44,436		
November	9.8%	414,736	373,262	331,789	290,315	248,842	41,474		
December	4.0%	169,280	152,352	135,424	118,496	101,568	16,928		
January	1.6%	67,712	60,941	54,170	47,398	40,627	6,771		
February	1.3%	55,016	49,514	44,013	38,511	33,010	5,502		
March	4.8%	203,136	182,822	162,509	142,195	121,882	20,314		
April	9.0%	380,880	342,792	304,704	266,616	228,528	38,088		
May	12.0%	507,840	457,056	406,272	355,488	304,704	50,784		
June	10.8%	457,056	411,350	365,645	319,939	274,234	45,706		
July	12.0%	507,840	457,056	406,272	355,488	304,704	50,784		
August	13.2%	558,624	502,762	446,899	391,037	335,174	55,862		
Totals:			3,808,800	3,385,600	2,962,400	2,539,200	423,200		

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. Personnel matters and staff utilization**
- 2. Upcoming events of possible interest**
- 3. Aquifer conditions.**
- 4. Discussion related to current staff work areas and specific activities of staff teams and directors**

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.

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Item 4

Public Hearing

The Board will hold a Public Hearing concerning a proposed amendment of the District's fiscal year 2011 Fee Schedule to consider a reduction in the application fee for minor amendments to Non-exempt Domestic Use Permits. Note: At the conclusion of this Public Hearing the Board may approve the amendment of the FY 2011 Fee Schedule.

Utility District No. 2 and all other interested persons are hereby invited to attend any meeting of the Board of Directors.

First Date Published: 25-Mar-11

NOTICE OF MEETING PLACES TO THE RESIDENTS AND TAXPAYERS OF COTTONWOOD CREEK MUNICIPAL UTILITY DISTRICT NO. 1 AND TO ALL PERSONS INTERESTED IN THE MEETINGS OF THE BOARD OF DIRECTORS OF SUCH DISTRICT: NOTICE IS HEREBY GIVEN that the Board of Directors of Cottonwood Creek Municipal Utility District No. 1 has established meeting places and District offices outside the boundaries of the District at: (a) Armbrust & Brown, PLLC, 100 Congress Avenue, Suite 1300, Austin, Texas; (b) Armbrust & Brown, PLLC, 100 Congress Avenue, Suite 950, Austin, Texas; (c) 100 Congress Avenue, Suite 285, Austin, Texas; (d) Schroeder Engineering Co., 1015 Bee Cave Woods, Suite 203, Austin, Texas; (e) Crossroads Utility Services LLC, 2601 Forest Creek Drive, Round Rock, Texas; and (f) ShadowGlen Recreation Center, 11525 ShadowGlen Trace, Manor, Texas, which meeting places are hereby declared to be public places open to the public. All residents and taxpayers of Cottonwood Creek Municipal Utility District No. 1 and all other interested persons are hereby invited to attend any meeting of the Board of Directors.

First Date Published: 25-Mar-11

Public Hearing The Barton Springs/Edwards Aquifer Conservation District Board of Directors will hold a Public Hearing in its regularly scheduled meeting on **Thursday, April 14, 2011**, at 1124 Regal Row, Austin, TX 78748. The Board Meeting will commence at 6:00 p.m., and the Public Hearing will be held shortly thereafter. The Board is holding a Public Hearing concerning a proposed amendment of the District's fiscal year 2011 Fee Schedule to consider a reduction in the application fee for minor amendments to Non-exempt Domestic Use Permits. At the conclusion of this Public Hearing the Board may approve the amendment of the FY 2011 Fee Schedule. The proposed revision to the fee schedule is available for inspection and copying in the District office at 1124 Regal Row, Austin TX 78748. For more information about these items, please contact the District at (512) 282-8441.

First Date Published: 25-Mar-11

COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION NOTICE IS HEREBY GIVEN that at its regular meeting to commence at 9:00 a.m. on Tuesday, April 26, 2011, at its regular meeting place in the Commissioners Court Room on the first floor, 314 West Eleventh Street, Austin, Texas, the Commissioners Court of Travis County, Texas (the "County"), proposes to pass an order and to take such other actions as may be deemed necessary to authorize the issuance of one or more series of taxable and/or tax-exempt interest bearing certificates of obligation of the County in a maximum aggregate principal amount not exceeding \$45,000,000, with each such series bearing interest at any rate or rates, not to exceed the maximum interest rate now or hereafter allowed by law, as shall be determined within the discretion of the Commissioners Court on or before the date of issuance and maturing no later than March 1, 2032, for the purpose of evidencing the indebtedness of the County for (i) acquiring and installing computer equipment, including acquiring and installing a financial services computer system; (ii) acquiring and installing telecommunications equipment, including upgrades to existing telecommunications equipment; (iii) improving and renovating existing County administrative and justice facilities; (iv) improving and renovating County jail facilities; (v) improving and renovating County Sheriff facilities; (vi) constructing and improving County roads, including bridge construction, utility relocation, and safety and signalization improvements, and acquiring right-of-way in connection therewith; (vii) acquiring County vehicles, including emergency services vehicles; (viii) improvements to County parks; (ix) constructing and improving sidewalks for County roads; (x) acquiring land, including any buildings or structures thereon, if any, in downtown Austin for justice and administration purposes; and (xi) paying professional and engineering fees related to the above- described purposes, and the costs of issuance with respect to such certificates of obligation, including but not limited to fees for professional services and incidental expenses related to such purposes. The County proposes to provide for the payment of such certificates of obligation by the levy of ad valorem taxes and a limited pledge of revenues of the County's solid waste disposal system. **COMMISSIONERS COURT TRAVIS COUNTY, TEXAS**

First Date Published: 25-Mar-11

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PLACE AN AD ONLINE!



PUBLIC HEARING

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The proposed revision to the fee schedule is available for inspection and copying in the District office at 1124 Regal Row, Austin TX 78748. For more information about these items, please contact the District at (512) 282-8441.

Hayden Press 4/6/11

Item 5

Board discussions and possible actions

- a. Discussion and possible action on approval of an amendment to the FY 2011 Fee Schedule.**

**Barton Springs/Edwards Aquifer Conservation District
Fiscal Year 2011
Fee Schedule**

To Be Effective ~~September 1, 2010~~ April 14, 2011.

I. PERMIT AND WATER USE FEES

A. Permit and Application Fees

\$50.00 Application Fee – assessed to all new non-exempt domestic use (NDU), monitor, and test wells subject to the general permits by rule outlined in District Rule 3-1.20 (a non-refundable, one-time fee assessment).

\$500.00 Production Permit Application Fee - assessed to all new Production Permits for non-exempt wells not covered by Rule 3-1.20 - general permits by rule (a non-refundable fee assessment).

\$500.00 Transport Permit Application Fee – assessed to all new Transport Permit applications for non-exempt wells (a non-refundable fee assessment). This is in addition to production permit application fee, if applicable.

\$50.00 fee assessed to all permittees for renewing annual permits (a non-refundable fee assessment).

B. Water Use Fees

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a Historical Permit or a Conditional Class A or B Permit not authorized by material amendment.

\$0.42 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Conditional Class B Permit, or Conditional Class A or B Permit authorized by material amendment.

\$1.00 per acre foot for Agricultural Wells for annual permitted pumpage for water to be withdrawn from a well or aggregate of wells.

Water Use Fees are assessed annually based on the current permitted pumpage volume of certain non-exempt wells. Permits are issued annually for non-exempt wells and are explicit as to the volume of water permitted to be withdrawn from a well or aggregate of wells over a specific time period.

C. Transport Fees

\$0.31 per 1,000 gallons - assessed annually to all permittees who are transporting water out of the District. Transport fees are based on the volume authorized to be transported outside the District boundaries, in addition to the water use fee associated with the production of that water (a non-refundable fee assessment).

D. Pumpage Permit Amendments– Minor / Major (see District Rules for clarification).

Change of Ownership – change of ownership on all non-exempt wells - **\$50.00**

Pumpage Permit Minor Amendments (a non-refundable fee assessment):

- minor amendments to increase NDU pumpage authorized by District Rule 3-1.20.B - \$50.00

- minor amendments to increase pumpage authorized by individual permits - \$400.00

Pumpage Permit Major Amendments – major amendments to increase pumpage volumes - **\$500.00**
(a non-refundable fee assessment).

E. Excess Pumpage Fee

Permittees who exceed their annual permitted pumpage by more than 500,000 gallons shall be assessed an excess pumpage fee for groundwater withdrawn in excess of the permitted volume in accordance with the following schedule:

An excess of **500,000 gallons or less:** \$0.17 per 1,000 gallons for Historical Permit or a Conditional Class A or B Permit not authorized by material amendment.

\$0.42 per 1,000 gallons for new Conditional Class B permitted groundwater and Conditional Class A or B water authorized by material amendment.

An excess of **more than 500,000 gallons:**

Up to 25% of permitted pumpage -	\$0.50 per 1,000 gallons plus the applicable production fee*
25% to 100% of permitted pumpage -	\$1.00 per 1,000 gallons plus the applicable production fee*
Over 100% of permitted pumpage -	\$2.00 per 1,000 gallons plus the applicable production fee*

* Applicable production fee means the higher rate associated with any authorized pumpage.

F. Regulatory/Drought Management Fees

During periods of District-declared drought starting after two full months of a drought period, a drought management fee will be imposed on permittees permitted for more than 2,000,000 gallons annually (excludes all uses under general permits). This regulatory fee will be paid annually in arrears, as a condition of permit renewals at the beginning of each fiscal year. The fee will be assessed per full month of declared drought, with a credit of that same fee amount per month applied for each month that the permittee does not exceed its monthly mandated restriction in the prevailing UDCP. Fees will be assessed in accordance with the following schedule:

For production zone casing with outside diameters nominally 5.0 inches or less * - **\$100.00/month**

For production zone casing with outside nominally between 5.0 inches and 10.0 inches* - **\$250.00/month**

For production zone casing with outside diameters nominally greater than 10.0 inches* - **\$500.00/month**

* for aggregated multiple-well systems, an average outside diameter of production wells.

G. Variance Requests Fee – General and Drought

An applicant may, by meeting eligibility requirements of Section 3-1.25 or Section 3-7.10 and by written petition to the Board, request a variance from the requirements of District Rule 3-1, except Sections 3-1.20, 3-1.22, 3-1.23, and 3-1.24, or District Rule 3-7, respectively, Variance request fees - \$100.00.

II. WELL CONSTRUCTION FEES

A. Well Development Application - per well

A well development application fee is assessed to drill or modify any well in the District. It is also assessed when classifying existing wells as non-exempt and bringing them into compliance with the permitting process. The first assessment of this fee also registers the well with the District. The classifications of the various well types are as defined in the District's prevailing Rules & Bylaws.

\$125.00 – Drilling or modifying all new non-exempt domestic use, monitor, and test wells subject to the general permits by rule outlined in District Rule 3-1.20.

\$500.00 - Drilling or modifying all new non-exempt wells. This does not apply to non-exempt domestic use, monitor, and test wells subject to the general rule by permit outlined in District Rule 3-1.20. This fee is also assessed on previously unpermitted non-exempt existing wells applying for a pumpage permit for more than 12,000,000 gallons (a non-refundable fee assessment).

\$125.00 - Drilling or modifying all exempt wells. Also assessed on previously unpermitted existing wells applying for a pumpage permit for 12,000,000 gallons or less (a non-refundable fee assessment).

B. Well Construction Inspection Fee

\$125.00 - Assessed to all wells constructed within the District including well modifications. District staff provides inspection for compliance with District Rules and standards.

C. Well Abandonment / Capping Application Fee

\$50.00 - This fee is for application and site review of proposed abandonment procedures, inspections, and registration on abandonment of exempt wells (a non-refundable fee assessment).

\$125.00 – This fee is for application and site review of proposed abandonment procedures, inspections, and registration on abandonment of all non-exempt wells (a non-refundable fee assessment).

III. OTHER FEES

Meter Verification / Inspection Fee - \$50.00

Assessed only when a permitted user fails inspection after being advised that meters must be installed or calibrated, or when a permittee fails to submit the required meter readings and District personnel must visit the well site or take the meter readings. May be assessed as many times as permitted user fails to comply with Board Orders or District Rules to come into compliance (a non-refundable fee assessment).

Special Fees – \$80.00 per hour

Fee rate will be based on time required for such things as plan review, type of project, fieldwork required, and inspection time. These fees may be applicable to a variety of special cases including closed loop heat exchange wells, special or innovative well developments or closures, and special inspections or requests from local government or private entities.

Returned Check Fee - \$25.00

The District will assess the person writing the returned check a \$25.00 fee for each check returned by the District depository due to insufficient funds, account closed, signature missing, or any other problem causing such a return. This fee will be charged each time a check is returned. If bank charges to the District's account exceed \$25.00, the District shall assess the higher of the two amounts (a non-refundable fee assessment).

Accounting Fee - \$50.00 per hour

Anyone requesting that the District conduct any accounting, other than the routine accounting normally done by the District, shall be assessed an accounting fee of \$50.00 per hour of District staff time spent on the accounting. Accounting fees will not be assessed if District generated errors are found in the Permittee's account.

IV. FEE REFUNDS

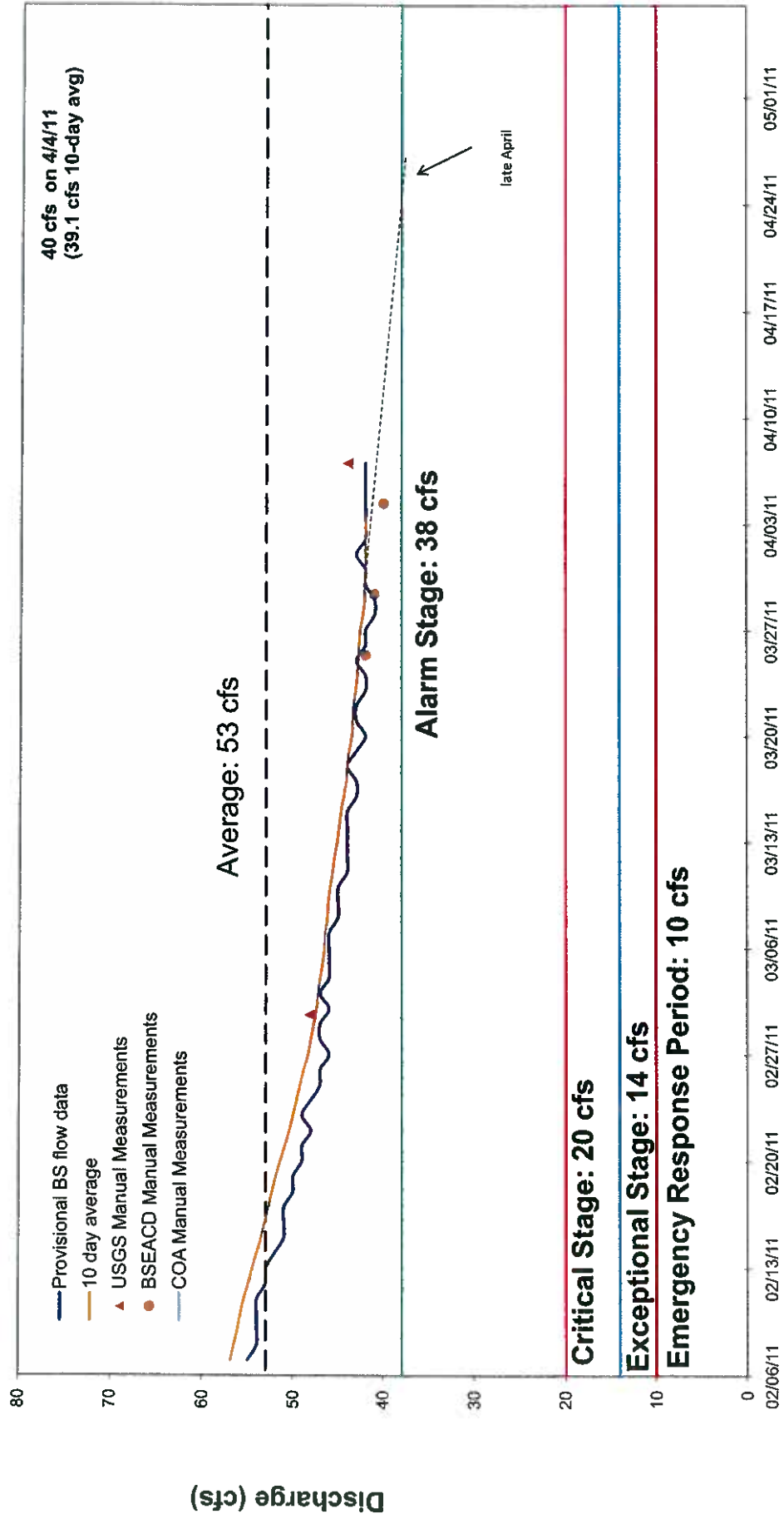
The General Manager or a specifically designated representative may approve a refund of any fee for which no District service has been provided at the time of the request for refund is submitted. Requests for refunds must be submitted in writing to the District office and can be mailed, faxed, hand-delivered, or sent by e-mail. Fee payers who feel they have been unfairly denied a refund may request that the matter be reviewed by the Board.

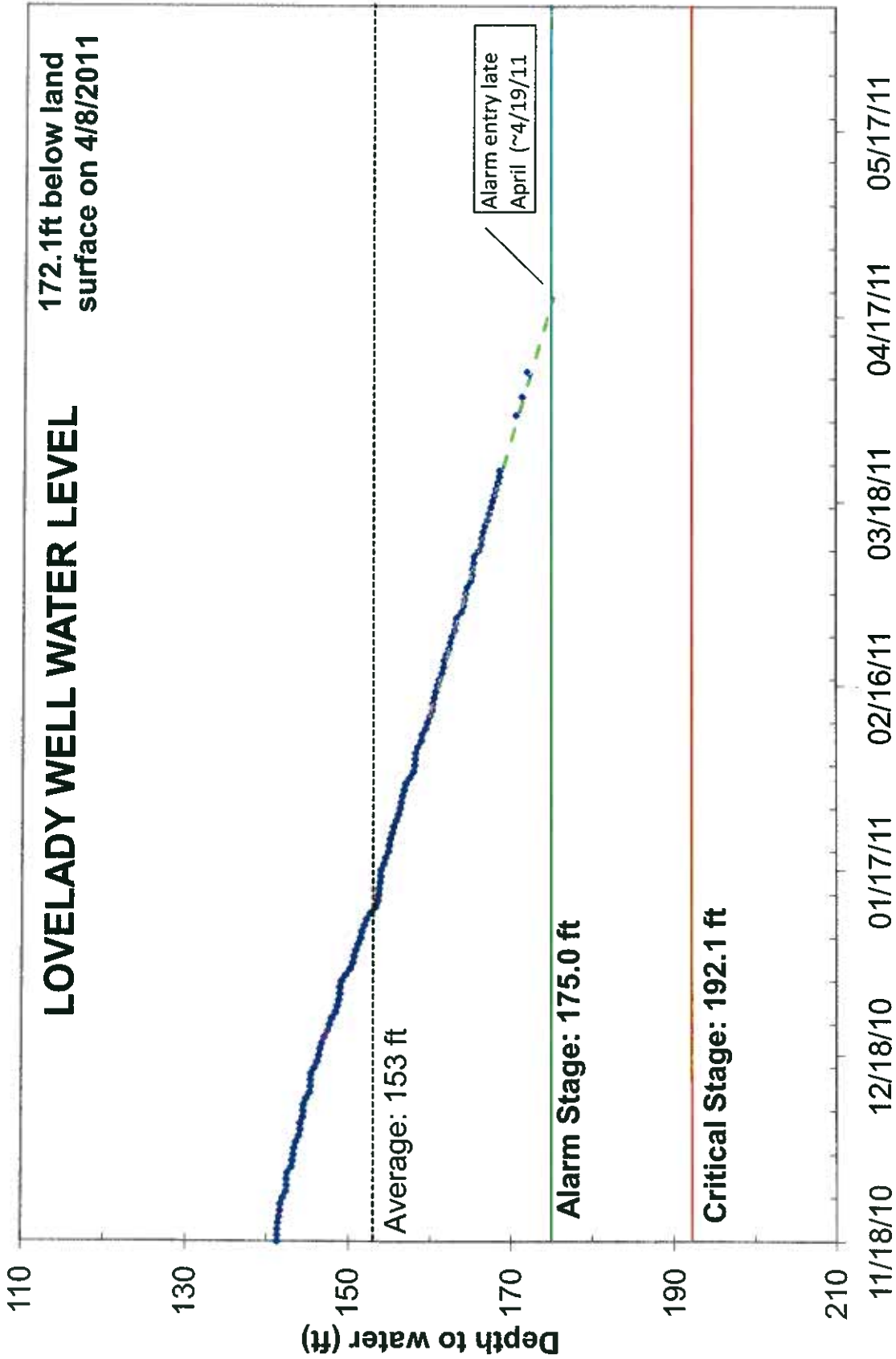
Item 4

Board discussions and possible actions

- b. Update, discussion and possible action on assessing status of drought triggers and declaring a Stage II-Alarm Drought.**

BARTON SPRINGS FLOW





Item 4

Board discussions and possible actions

- c. Discussion and possible action scheduling a work session on objectives and performance standards to be included in the next revision of the Management Plan.**

Item 4

Board discussions and possible actions

- d. Update, discussion, and possible action related to developments concerning the District's legislative agenda and other relevant legislative initiatives that potentially affect the District.**

UPDATE ON LEGISLATION THAT AFFECTS BSEACD

BSEACD-Initiated Bills

Bill Number(s) (Author)	Subject	Progress	Comment
SB292 (Watson) HB1281(Workman)	2 director precincts linked to fixed urban core, not Austin city limits	SB passed by Senate, out of HNRC and sent to House L&C; HB out of HNRC and sent to House L&C.	TJ Higginbotham continues opposition in House, for reasons apparently unrelated to bill. House L&C won't take up any SBs for 10-14 days.
SB 433 (Hegar) HB 1060 (Kleinschmidt)	Bastrop Co. de-annexation	SB passed by Senate, in HNRC but not yet scheduled for hearing; HB passed by House, not yet sent to Senate	No opposition known.
SB 467 (Wentworth) SB 1148 (Wentworth)	UIC changes to allow certain types of injection into or through Edwards (fresh and saline)	Both in SNRC; SB 1148 will be left behind in lieu of SB 467, which will have hearing requested with committee substitute, but not yet scheduled	Working with Wentworth's office on revising language for the CSSB drafted by Leg Council. Private party wants ability to inject stormwater and RWH water into fresh Edwards; EAA OK, with non-degradation. Timing concern.
SB 853 (Watson)	Direct-discharge restrictions	In SNRC, not yet scheduled for hearing	CSSB request in Leg Council to allow residential irrigation of high-quality effluent. SOS will oppose bill; City, both? Co. support. Development community will like amendment, but still may oppose. Timing concern.

Other Bills That Directly Affect BSEACD Potentially More Than Some Other GCDs

Bill Number(s) (Author)	Subject	Latest Status	Relation to/Issue for BSEACD	Remedial Actions by BSEACD and Others
HB 1755 (Callegari)	Removes "geographic area" as basis for different DFCs and rules of a GCD	CSHB had HNRC hearing with lots of GCD opposition, left pending.	CSHB would allow our MZs. Touchy subject for many single-county GCDs	Amended language for CSHB that would allow MZs and DFCs based on geology, but still needs tweaking. Author seems willing to amend based on WFH testimony.
SB 692 (Estes) HB 2311 (D Miller)	Prohibits any permits for D&L exempt use wells	SB passed by Senate, in House; HB heard in HNRC on 4/5, left pending	Our Drilling Authorization before exempt well install would be disallowed; no basis for ensuring WCS and setbacks by a "permit", so will likely be part of registration.	We will pursue our amendment for a fix in committee or floor amendment in House with Doug Miller, but chances deemed poor. TWCA champions, including GCDs, oppose any changes.
SB 691 (Estes) HB 2420 (T King)	Clarifies exemption is based on use. Prohibits any permit for D&L by well capable of no more than 25K	SB passed by Senate, now in HNRC; HB out of HNRC, not yet calendared	Same as above, plus no provision for 10K exemption basis. We will depend on primacy of enabling leg to avoid reduction in regulated wells.	We will pursue our amendment for a fix in committee or floor amendment, but chances deemed poor. TWCA champions, including GCDs, oppose any changes.
HB 3193 (Martinez-Fischer)	Brackish GW not GW for Ch 36.	In HNRC, no hearing scheduled	Removes Saline Zone from our regulatory universe; Ch 36 doesn't apply.	Have expressed our opposition as introduced, and requested to have BSEACD bracketed out. SAWS isn't

Bill Number(s) (Author)	Subject	Latest Status	Relation to/Issue for BSEACD	Remedial Actions by BSEACD and Others
				pushing this.
HB 3194 (Martinez-Fischer)	Required auto-renewal of GCD permits if no change in well, pumpage, or use	Heard in HNRC on 4/5, left pending. Author states he will work on bill amendment.	Prevents us from using compliance status in permit renewal decision. Also may inadvertently weaken drought curtailments.	WFH testimony in opposition. Will suggest amendment language to author to fix. But others oppose on different grounds (minimum permit terms.)
HB 3602 (Garza)	Storm-water in (BSEACD) RZ must be treated to 85% TSS removal	In HNRC; captioning problem noted. May be withdrawn	Erroneously targets ONLY BSEACD RZ	Author's office and GEAA (champion) are trying to fix it to include all EA RZs. EAA supports it (have other authority too)
SB 1350 (Watson)	Exclusion of Lakeway & Bee Cave from HC PGMA	In SNRC; no hearing scheduled	Potentially affects area to be included in TCEQ order for PGMA	None required by us.
HB 3822 (Workman)	Excludes ALL of SW Travis Co. from Hill Country PGMA	HNRC hearing scheduled for 4/12	Removes need for BSEACD to consider area to be annexed under a potential TCEQ order for PGMA	None required by us. Because it will not have GCD per TCEQ order, Travis Co. and area residents may oppose.

Other Bills That Have Potential for Significant Consequences for GCDs

Bill Number(s) (Author)	Abbreviated Subject	Latest Status	Issue for GCDs	Remedial Actions
SB 332 (Fraser) SB 667 (Duncan) HB 1730 (Ritter) HB 1731 (Ritter)	Vested property rights and groundwater management requirements	CSSB 332 passed by Senate, heard in HNRC with much testimony, left pending. This bill is in lieu of all other related bills listed, which are being left behind.	Increased chance of litigation and takings claims for dissatisfied applicants; costs to GCDs	CSSB 332 better, balancing landowner rights and GCD regulation, but still problematic and considered unnecessary. HNRC seems to want to amend to avoid increased litigation.
HB 2398 (S Miller)	Absolute ownership and control of GW by landowner	Heard In HNRC on 4/5, left pending in committee	Increased chance and costs of litigation as part of normal GW management	Point out the adverse effect with SB 332 to HNRC members.
SB 1201 (Patrick)	GCD actions not excluded from takings claims	In State Affairs Committee, no hearing scheduled	Increased chance of litigation for takings claims as result of normal GW management	None deemed required (yet.)
SB (Shapiro) - HB 1319 (similar) (Laubenberg)	Standardized calculation of water use and conservation results	SB passed by Senate, in House; HB out of HNRC, not yet calendared	Good bill, but will require our permittees and us to report use by a new, common methodology	None required. Some environmental groups believe it is too constraining and will inhibit conservation.
HB 3784 (Callegari)	GCD officials must file	Referred to Govt & Efficiency	Undetermined	None planned, unless directed

Bill Number(s) (Author)	Abbreviated Subject	Latest Status	Issue for GCDs	Remedial Actions
	personal financial statements	Reform Committee		by Board
SB 998 (Seliger)	High SW use areas in PGMA do not require GCDs	In SNRC, no hearing scheduled yet	Affects area for which TCEQ might order a GCD in HC PGMA	None planned, unless directed by Board; Watson may request amendment for "SW within municipality" as test.
SB 660 (Hinojosa) HB 3530 (Ritter)	TWDB Sunset Review bill, including DFC provisions	SB passed by Government Organization but not yet calendared; HB in HNRC, now scheduled for hearing on 4/12.	Prescribed specs for DFC notices, adoption, use, and amendments	None planned, unless directed by Board

Item 4

Board discussions and possible actions

e. Discussion and possible action related to *City of Kyle v. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District*, Cause No. 10-1267, 22nd District Court, Hays County, Texas.

Item 6

Adjournment