

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 at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, June 11, 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 May 7, 2015 Special Called Meeting, May 14, 2015 and May 28, 2015 Regular Meetings. **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. 18**
- ii. Update on activities related to GMA and regional water planning
- iii. Update on area roadway projects
- iv. Update on efforts to assess saline Edwards desalination and ASR feasibility
- v. Update on activities related to the HCP and the associated draft EIS

4. Presentation

Award of the Kent S. Butler Memorial Groundwater Stewardship College Scholarship to Julia Claire Pitre. **Pg. 23**

5. Discussion and Possible Action.

- a. Discussion and possible action related to activities associated with implementation of HB 3405 and adding to the District the territory comprised of the unregulated Trinity Aquifer in Hays County. **Pg. 30**
- b. Discussion and possible action related to approval of rule concepts for implementation of HB 3405 and other legislation from the 84th Legislative Session including direction to initiate rule making and scheduling of a public hearing. **Pg. 46**
- c. Discussion and possible action related to an update on the ongoing technical evaluation of the Trinity Aquifer in Central Hays County. **NBU**
- d. Discussion and possible action related to 1) selecting a first-choice firm to provide engineering and technical support services associated with review of the SH 45 Southwest roadway design and associated stormwater controls and 2) authorizing the General Manager to negotiate and execute a contract. **Pg. 55**
- e. Discussion and possible action related to the 84th Legislative session including bills affecting the District. **Pg. 68**

6. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the _____ day of June, 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 May 7, 2015 Special Called Meeting, May 14, 2015 and May 28, 2015 Regular Meetings.**

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

STATUS REPORT UPDATE FOR JUNE 11, 2015 BOARD MEETING				
Prepared by District Team Leaders				
	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM				
Summary of Significant Ongoing Activities	John Dupnik			External Meetings Attended: Other Meetings: CTRMA on SH 45; Region K Legislative and Policy committee; Austin Hydrophylitics, Regional WQPP work group; with Intera on revising GMA 10 DFCs; with City Austin on Post Session debriefing; Presentations: Travis County Democrats (invited speaker on HB 3405); Conferences/Training: TAGD quarterly meeting Ongoing Special Projects: TDS saline zone investigation/alternative saline zone access agreement; CTRMA coordination on SH 45; TWDB desal grant application; HB 3405; annexation work plan; District HCP EIS review; SH 45 GA review; EP technical workgroup MOU; Central Hays County Groundwater Eval; 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. Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities, and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; prepared agendas and backup for and attended Board meetings; prepared GM report and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leads; track staff incentive projects; presided over Planning Team meetings; serve as liaison between Board and staff; support Board committees; serve as primary contact for District lobbyist; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: HB 3405 interpretation; Rulemaking for HB 3405; Hugginbotham application. Other Activities: recast certain staff incentive projects; bill tracking; disseminating bill progress updates; responding to legislators requesting information; meeting with legislators and staffers; coordinating with legislative consultant; provide input to Region K on ITP; prepare funding requests to Hays and Travis Counties; coordinate with CTRMA on SH 45; coordinate RFQ for SH45 engineering support; coordinating with consultant on comments from USFWS on draft HCP; coordinate team tasks for implementing HB 3405.
	JD	05-Jun-15	Meetings, Training, Presentations, and Conferences	
	JD	05-Jun-15	Ongoing Special Projects, Committees, and Workgroups	
	JD	05-Jun-15	Routine Activities and Day-to-Day operations	
GENERAL SERVICES TEAM				
Accounts Receivable - A	Dana Christine Wilson	DCW	05-Jun-15	Permittee accounts carrying a past due balance:
Accounts Receivable - B		DCW	05-Jun-15	4th Quarter Billings, and June monthly billings
Audit Related Report		DCW	05-Jun-15	Comparing other entities' Management Discussion and Analyses, a required component of our annual financial audit.
Banking - Conversion Update		DCW	05-Jun-15	Would like to start the process of transitioning from BBT to Frost Bank, for better management of our public funds.
Budget - 2015 Revision 1		DCW	05-Jun-15	Budget 2015 - Revision 1
Budget - 2015 Revision 2		DCW	05-Jun-15	Budget 2015 - Revision 2 - in process
Budget - 2016		DCW	05-Jun-15	Budget 2016 - Initial Preliminary Version
				Currently there are no past due accounts. \$270,277.00 This is to streamline the information that we submit in our audit annually as ours tends to be more informative than necessary. As time allows. Approved on May 28, 2015. Post-legislation start-up costs relating to 3405 to include annexation and other necessary start-up costs. Will start this soon for Board presentation in July/August.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Financial Reporting - Website	DCW	05-Jun-15	Most current, available financial reports are posted.	Transaction Detail by Account, Balance Sheet, and Profit and Loss Statement through April 30, 2015. Budget Revision 1 approved on 5.28.2015 has also been posted onto the website.
REGULATORY COMPLIANCE TEAM				
Kendall Bell-Enders				
City of Buda	KBE, VE	04-Jun-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. The first test well proved to have sufficient yield, therefore Buda will be submitting a well drilling/modification application to complete the well per BSEACD and TCEQ well construction standards. Buda will also be conducting a pump test and completing a hydrogeologic report for this new well.
No-Drought Conditions declared	KBE, VE	04-Jun-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.
Mesa Oaks	KBE, VE	04-Jun-15	Middle Trinity Well	Mesa Oaks has submitted a well drilling and production permit for a Middle Trinity well to be used for irrigation. The first 90-day review period has expired and they have been granted another 90-day extension. The application is due to expire on August 30, 2015.
Onion Creek Golf Club	KBE, VE	04-Jun-15	Middle Trinity Well	Onion Creek Golf Club has submitted an application to drill a Middle Trinity well. The drilling authorization was approved and the club is now waiting on site plan exemption from the City of Austin.
Annexation	KBE, VE	04-Jun-15	District Rules and Bylaws/Ruling Making and Updates	Staff has initiated a focused rulemaking process for annexation, with a concept document submitted to Board and rule language finalized and 20-day notice to be posted on June 17th, with a goal for approval by July 9th Board meeting. Staff is also in the process of updating the application forms (to include temporary permit), guidance documents, and website content in preparation for annexation.
HEB	KBE, VE	04-Jun-15	Test well - Saline Edwards Well	HEB has submitted a test well application. The test well is being constructed to determine the target production zone due to the location being on the saline interface. The completed well is proposed to be used for makeup water for a stormwater wet pond. Aquifer science staff has requested a meeting with the applicant to discuss test well.
TJ Higginbotham	KBE, VE	04-Jun-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. The application is still under review. Staff is to meet with applicant and the applicant's attorney soon.
EDUCATION & OUTREACH				
Robin Gary				
Central Tlax County Groundwater Evaluation	all staff	05-Jun-15	Mapping and well information compilation	A synoptic water level survey was performed in mid-May. Over 65 wells were measured. Approximately 15 of those were Cow Creek. 15 were Middle Trinity (above the Cow Creek), and 15 Upper Trinity. The remaining wells are either Edwards or need to be evaluated for aquifer assignment. A permanent well sounder (sonic meter) that logs measurements has been purchased continues to be tested for use in different well configurations. It could prove to be a good option for well owners who would like to track their own water level data. Thus far it has only given mediocre results. It will be deployed in several wells and verified for accuracy with manual measurements and/or transducer data.
Groundwater to the Gulf	RG	05-Jun-15	Planning	The event will be June 22-25. This will be interesting as it coincides with the start date for the annexation bill.
Scholarship contest	RG	05-Jun-15	Winners nominated	Camp scholarship winners were awarded their certificate at last month's board meeting. The college scholarship winner will attend the June 11 meeting.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Annexation	RG	05-Jun-15	Planning	The a geospatial dataset of the annexation area is being truthed to allow for map generation. A fact sheet is in process that will summarize the bill, explain who is affected, and describe necessary actions. Coordination with Hays County has begun to streamline data dissemination. A website has been set up to serve as a resource as materials are generated.
Internet Traffic Report	RG	05-Jun-15	Page views and visits to the District Website	The view statistics from the website are currently unavailable. On the District Facebook page we have 347 people who have signed up to 'Like' us.
AQUIFER SCIENCE				
Brian Smith				
Dye Tracing	BS, BH	05-Jun-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. Providing that there is flow in Onion Creek, dye will be injected into Antioch Cave later this summer or in the fall.
Central Hays County Groundwater Evaluation	RG, BH, BAS, AA	05-Jun-15	Well and hydrogeology characterization	A 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. An aquifer test involving the EP wells will likely be conducted this summer. District staff are establishing a monitoring network of nearby wells to collect data during the aquifer test.
Antioch Cave	BS, BH, AA	05-Jun-15	Onion Creek Recharge Enhancement Project	The Antioch system is open to allow recharge into the cave from recent rains.
Water-Quality Studies	BS, BH, AA	05-Jun-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 is sampling wells and springs as part of the Magellan Pipeline monitoring effort.
Saline Zone Studies	BS, BH	05-Jun-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 in June.
Drought and Water-Level Monitoring	BH, BS, AA	05-Jun-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 June 5, the water level in the Lovelady well was at 507.0 ft above msl. Because of flooding in Barton Creek, the Barton Springs gage is not reporting spring discharge.
Information Transfer	BS, BH, AA	05-Jun-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	05-Jun-15	Current areas of discussion	Topics of discussion at the technical team meeting in June were the Electro Purification well field, the TWDB grant application, effects of May rains, and Sunset Valley water planning.
Planning Team	JD	05-Jun-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: Annexation update: EP activities. Annexation tasks and team work plans
UPCOMING ITEMS OF INTEREST				
1st June Board Meeting TWCA 2015 Mid-Year Conference Texas Aquifer Conference Groundwater to the Gulf 2nd June Board Meeting		11-Jun-15 17-Jun-15 26-Jun-15 22-Jun-15 25-Jun-15	thru 6/19, Moody Gardens, Galveston, Texas. \$\$ Omni Austin Hotel at Southpark. 1440 Governor's Row, Austin, Texas. \$\$ thru 6/25	

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
District Holiday		3-Jul-15	Office closed to observe Independence Day Holiday	
1st July Board Meeting		9-Jul-15		
2nd July Board Meeting		23-Jul-15		
1st August Board Meeting		13-Aug-15		
2015 Texas Groundwater Summit		25-Aug-15	thru 8/27, San Marcos Embassy Suites and Conference Center. \$\$	
2nd August Board Meeting		27-Aug-15		
1st September Board Meeting		10-Sep-15		
2nd September Board Meeting		24-Aug-15		
Texas Deal 2015		30-Sep-15	thru 10/1, Radisson Hotel and Suites, Austin, Texas. \$\$	

Item 4

Presentation

**Award of the Kent S. Butler Memorial Groundwater
Stewardship College Scholarship to Julia Claire Pitre.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

Applicant #2

KENT S. BUTLER MEMORIAL GROUNDWATER STEWARDSHIP SCHOLARSHIP

APPLICATION FORM

Application Deadline: March 24, 2015

Scholarship Amount: \$2,500

Name of Applicant: Julia C. Pitre

Home Mailing Address: [REDACTED]

City, State, Zip: AUSTIN TX 78702

Home Phone: [REDACTED] Email: _____

Name of Parent(s) or Legal Guardian(s): Katie / David Pitre

Mailing Address (if different than above): _____

Parent's Work Phone and Email: [REDACTED]

Applicant's High School: McCallum School District: ASD

Expected Graduation Date: 6/4/15 OR Expected date of G.E.D. _____

How did you hear about the scholarship program? counselor email

Scholarship Application Checklist (please mark that you have included all 5 elements):

<input checked="" type="checkbox"/>	Completed Scholarship Application Form
<input checked="" type="checkbox"/>	Statement of Purpose – This document should be no more than one typed page and should discuss the applicant's interest and reasons for applying. DO NOT include your name on this page, but DO include the title of your essay
<input checked="" type="checkbox"/>	High School Transcript – Provide an official copy of your transcript or documentation regarding the intent to take the GED or copy of GED certificate
<input checked="" type="checkbox"/>	Groundwater Essay – Essays must discuss general groundwater issues that may include, but are not limited to, non-point source pollution, pollution prevention, water conservation, or hydrogeology.
<input checked="" type="checkbox"/>	Bibliography – Please cite your sources.

Please staple your statement of purpose, high school transcript, and essay to this application and mail documents to Scholarship Contest, BSEACD, 1124 Regal Row, Austin, TX 78748 by 5:00 p.m. on Tuesday, March 24, 2015.

I have read and agree to abide by the Rules of the Barton Springs/Edwards Aquifer Conservation District Scholarship Contest. In addition, I grant permission to the BSEACD to use part or all of my essay if it is a winner in any manner deemed appropriate by the District, which may include, but is not limited to, publication of the entire essay.

Student Signature Julia C. Pitre Date 3.24.15

Parent or Guardian Signature Kalkram Date 3/24/15

State of Texas Academic Achievement Record (Accredited)

Name: Pitre, Julia Claire

Student ID: [REDACTED]

DOB: 09/25/1996

Gender: F

Race(s): White

SSN: [REDACTED]

Grade: 12

Ethnicity: Not Hispanic or Latino

Parent/Guardian Name:

Katie Kraemer

1209 Walnut Ave Unit A

Austin, TX 78702 - 1528

Austin Independent School District

McCallum High School

5600 Sunshine Dr

Austin, TX 78756 - 1513

Phone: (512) 414 - 2519 Fax: (512) 453 - 2599

Exit-Level Assessment: Eng: Math: Sci: Soc Stud: Spring/2014

EOC
Exams:

Eng 1:
Alg 1:

Eng 2:
Bio:

US Hist: II

DAP Advanced Measures:

Schools Awarding Credit: 09/10 255000-000 10/11 255000-000 11/12 255000-000 12/13 255000-000 13/14 227901-005
14/15 227901-005

					P1	P2	Avg	Cred						P1	P2	Avg	Cred
English									Other Languages								
11/12	ENG 1 03220100 (3)				92	93	93	1 00	09/10	LATIN 1A 03430100 (3) (J)				96		96	0 50
12/13	ENG 2 03220200 (3)				97	97	97	1 00	10/11	SPAN 1B 03440100 (3) (J)					95	95	0 50
13/14	ENG 3 03220300				98	100	99	1 00	11/12	SPAN 2 03440200 (3)				97	93	95	1 00
14/15	APENGLIT A3220200 (P)				98		98	0 50	12/13	SPAN 3 03440300 (3)				95	95	95	1 00
World History/Geography									13/14	LATIN 1 03430100					98	98	0 50
11/12	W GEO 03320100 (3)				95	92	94	1 00	14/15	LATIN 2 03430200				92		92	0 50
12/13	W HIST 03340400 (3)				93	95	94	1 00	Fine Arts								
American History									11/12	ART 1 03500100 (3)				98	98	98	1 00
13/14	APUSHIST A3340100 (P)				89	91	90	1 00	12/13	ART2FBRS 03500800 (3)				96		96	0 50
Government									13/14	ART2CRMC 03500900				96	95	96	1 00
14/15	GOVT 03330100 (D) (H)				96		96	0 50	14/15	MUS1INEN 03151700				99		99	0 50
Mathematics									14/15	MUS1THY 03152700				98		98	0 50
09/10	ALG 1 03100500 (3) (H) (J)					97	97	1 00	Speech								
10/11	GEOM 03100700 (3) (H) (J)					92	92	1 00	12/13	COMMAPP 03241400 (3)				96		96	0 50
11/12	ALG 2 03100600 (3)				97	95	96	1 00	Local Credit								
12/13	PRE CALC 03101100 (3) (H)				89	86	88	1 00	13/14	LATIN 1 03430100				98		98	0 50
13/14	APCALCAB A3100101 (P)				92	88	90	1 00	13/14	OFFAID1 85000049				P			0 50
Science																	
11/12	BIO 03010200 (3)				98	99	99	1 00									
12/13	CHEM 03040000 (3)				98	98	98	1 00									
13/14	PHYSICS 03050000				94	98	96	1 00									
13/14	FORENSCI 13029500 (4)				92	92	92	1 00									
14/15	ASTRMY 03060100				95		95	0 50									
Physical Education																	
11/12	PEAA PES00054 (3)				98		98	0 50									
11/12	PEAA PES00054 (3)				98		98	0 50									
12/13	PEITS PES00055 (3)				100		100	0 50									
12/13	PEITS PES00055 (3)				100		100	0 50									
Elective																	
13/14	PSYCH 03350100				99		99	0 50									
14/15	CREAT WR 03221200				99		99	0 50									

		<u>Local</u>	<u>State</u>	<u>Total</u>		<u>Local</u>	<u>State</u>	<u>Total</u>
2009 - 2010	07	0 00	1 50	1 50	TOTAL	1 00	27 50	28 50
2010 - 2011	08	0 00	1 50	1 50				
2011 - 2012	09	0 00	7 00	7 00				
2012 - 2013	10	0 00	7 00	7 00				
2013 - 2014	11	1 00	7 00	8 00				
2014 - 2015	12	0 00	3 50	3 50				

College Board Campus Number: 440300

Date Printed: 03/24/2015

Date of Certificate of Coursework Completion

Date of Graduation:

Graduation Program Type: 1 - Recommended

Susan Sonnewille, Asst. H. Stray

Signature and Title of School Official

AAR Program Code Legend

3 - District Crs Eval from NonTxPubSch 4 - CTE - Specific Grad Requirement D - HS Crs for Dual Credit H - Honors Course J - High School Crs prior to Grd 9
P - College Board Advanced Placement

Date of Class Rank: 12/18/2014

Class Rank: 42

Class Size: 367

GPA:

Cumulative GPA GPA: 3.7564

Time for a Change in Texas: Groundwater Law and Its Shortcomings

Statement of Purpose

I am a graduating senior in high school in the process of choosing where I will attend college. While I have been awarded merit scholarships at each of the universities to which I've been accepted, it is still insufficient to meet my family's needs. This need motivated me to apply for this scholarship, in addition to my interest in groundwater resources and environmental conservation as a potential career path. I thank the Barton Springs /Edwards Aquifer Conservation District for offering this opportunity.

Time for a Change in Texas: Groundwater Law and Its Shortcomings

The lack of management of Texas groundwater is something that I have unintentionally experienced firsthand. Growing up on a small farm fueled by groundwater coming from a trusty old hand-dug well that didn't even dry up during the famous drought of the 1950s, water was something that we could count on. I knew water was important, but we had never had any problem with it. The relevance of water availability and accessibility in everyday life has always been evident to me, but never so thoroughly as when it began to run out. In 2008, when I was in fifth grade, the farm's wells began to run dry. I received a crash course I really didn't want: in natural resources, politics, and dry water faucets.

My parents' farm sits above an alluvial aquifer that, until Austin's development encroached into eastern Travis County, provided ample water for the farms and homeowners and, even the municipal water company's groundwater wells to pump as needed. Strain on the aquifer from increased demand for county parks, subdivisions, and toll road construction took their toll (no pun intended). Our farm's locally renowned 30-foot deep well, which had always kept the water table between nine and eleven feet, began to pump air. My father removed the cement lid, lowered in a ladder, and climbed down to investigate. Instead of water, he encountered raccoon carcasses, scorpions, and insect exoskeletons. The glory days were over.

I may have a sense of humor about this now, but at the time, it was grim. We had no water to wash our dishes, flush our toilet, or bathe ourselves, much less tend to the essentially more important job of watering our crops, which were, after all, the source of our physical and financial sustenance. At the time, being 12 years old, I never fully understood the technicalities and politics of water law that were the cause of the stress encompassing our lives. Since then, I've learned and been able to understand much more about groundwater law in Texas and am able to recognize the blatant issues built into the faulty system of groundwater management. The most evident issue is that Texas has no statewide groundwater regulations, despite it being one of the biggest users of groundwater of all the Western states. In my groundwater research, I came to learn the meaning and significance of a term I had heard many times while my parents were fighting in the County Court: Right of Capture. This aspect of Texas water law is what was at the base of my family's water struggles. While I experienced the negative impact of Right of Capture law personally, I also have become familiar with several other impactful cases of Right of Capture being harmful to society and know now that it serves only to uphold a faulty system, unique almost solely to the state of Texas, that allows the blaring lack of groundwater management to go untouched.

Not all areas of Texas come up so short in groundwater management; Groundwater Conservation Districts, or GCDs, are created and assigned to certain districts in attempt to regulate groundwater use. GCDs are the closest thing Texas has to the system used by most Western states, which is Reasonable Use. However, the fact remains that not all of Texas is a

part of one of these groundwater districts, as was (and remains to be) the case of our water problems. Tecolote Farm, which my parents started in 1993, sits in Eastern Travis County and has no oversight or regulatory district. Due to the fact that alluvial aquifers common to Eastern Travis County do not move near the amount of water of deeper aquifers, such as the Edwards, a Groundwater Conservation District has failed to emerge here. Therefore, when Travis County began to pump wells far larger than our own single farm well, in order to water sports fields and fill catch and release ponds at a new park, there was little that could be done to combat the drawdown effect that they caused on our water supply. As Mark Hemingway, the hydrogeologist representing our farm, said, "Our main task...needs to be to help the Commissioners understand that all the wells are drawing from the same small aquifer, and that their pumping to water soccer fields is depleting that very limited and localized resource."

The Right of Capture rule is blind to historic use of water, as well as to the purpose the water is being used for. In this sense, R.O.C. can be considered immoral law. In our personal case, our nearly twenty years of sustainable water use (drip irrigation, scheduled irrigation, consciously limited water use, etc.) was no match for the brand new fish ponds of the Metro Park, whose great surface areas are inefficient and inevitably evaporate at alarming rates. Unfortunately, in our case, my parents' three year long political battle with the county, which involved nearly a dozen hydrogeologists arguing the science, was reduced to the legal reality of the Rule of Capture.

In another case, Edwards Aquifer Authority vs. Bragg, the property rights of an individual outweighed the well-being of the population of the city of San Antonio. Bragg, a catfish owner outside of San Antonio, was pumping 43 million gallons of water per day ($\frac{1}{4}$ the total amount of what San Antonio uses in a day) and diminishing the city's wells. The 4th Court of Appeals (San Antonio, TX) ruled against the GCD, which had been calling for stricter regulation of Bragg's water usage, saying that Bragg's property rights had been violated by the call for regulation. This case shows that the Rule of Capture's place in groundwater law is not only some outdated rule that has simply not been addressed, but in fact an updated part of the system that is upheld to this day. In other words, what benefits some has been preserved to the detriment of the majority.

While my interest in groundwater use was born of my family's struggle with access to water and "the law of the biggest pump," it quickly developed into an awareness of our regional state, and global responsibilities to manage this resource. The need for conservation, suburban planning, and increased use of recycled gray water became evident in my family's situation. I realize that this story is one of hundreds and the time has never been better to reform Texas water law and retire the antiquated 1904 regulation adopted by our state in its infancy.

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Texas A&M University, Texas Cooperative Extension Service, "Questions About Groundwater Conservation Districts in Texas"

Texas Water Resources Institute, "Managing Texas Groundwater Resources"

Travis County Commissioner's Court vs. Tecolote Farm 2008-2011

University of Texas Hydrogeology Professor Jack Sharp's June 2008 class report, entitled "Hydrogeological Investigation of Tecolote Farm, Manor, Texas"

Item 5

Board discussions and possible actions

- a. Discussion and possible action related to activities associated with implementation of HB 3405 and adding to the District the territory comprised of the unregulated Trinity Aquifer in Hays County.**

AN ACT

relating to the territory, jurisdiction, and powers of the Barton Springs-Edwards Aquifer Conservation District, including its authority to regulate certain wells for the production of groundwater; imposing a cap on certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.0035 to read as follows:

Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The territory of the district includes any territory that is:

(1) inside the boundaries of:

(A) the Edwards Aquifer Authority; and

(B) Hays County; and

(2) not within the boundaries of the Plum Creek Conservation District as those boundaries existed on February 1, 2015.

(b) The Edwards Aquifer Authority has jurisdiction over any well that is drilled to produce water from the Edwards Aquifer in the shared territory described by Subsection (a).

(c) The district has jurisdiction over groundwater and any well that is drilled to produce water from any aquifer other than the Edwards Aquifer in the shared territory described by Subsection (a).

1 (d) Except for the district and the Edwards Aquifer
2 Authority, no district or authority created under Section 52,
3 Article III, or Section 59, Article XVI, Texas Constitution, has
4 authority in the shared territory described by Subsection (a) to
5 regulate the spacing of water wells or the production from water
6 wells.

7 (e) The district has jurisdiction over any well that is
8 drilled to produce water from the Edwards Aquifer or any other
9 aquifer in the territory described by Section 8802.003.

10 (f) The district's jurisdiction over any well that is
11 drilled to produce water in the territory described in Section
12 8802.003, including a well that is used to recover water that has
13 been injected as part of an aquifer storage and recovery project,
14 applies to all wells for which the district has jurisdiction in the
15 shared territory described by this section.

16 SECTION 2. Section 8802.1045, Special District Local Laws
17 Code, is amended by adding Subsection (g) to read as follows:

18 (g) This subsection applies only to a well located in the
19 shared territory described by Section 8802.0035. Notwithstanding
20 Subsection (b), the district may not charge an annual production
21 fee of more than 17 cents per thousand gallons of water authorized
22 to be produced under a permit from a well under this subsection, if
23 the water is permitted for any use other than agricultural use.

24 SECTION 3. As soon as practicable after the effective date
25 of this Act, and in conformance with the requirements of Section
26 8802.053, Special District Local Laws Code, the board of directors
27 of the Barton Springs-Edwards Aquifer Conservation District shall

1 revise the single-member districts as the board considers
2 appropriate to reflect the changes in territory made by Section
3 8802.0035, Special District Local Laws Code, as added by this Act.

4 SECTION 4. (a) In this section:

5 (1) "District" means the Barton Springs-Edwards
6 Aquifer Conservation District.

7 (2) "Maximum production capacity" means the maximum
8 production capacity of a well, which may be based on a 36-hour pump
9 test conducted at the time the well was initially constructed or
10 placed into service.

11 (b) This section applies only to the shared territory added
12 to the district by Section 8802.0035, Special District Local Laws
13 Code, as added by this Act.

14 (c) A person operating a well before the effective date of
15 this Act or who has entered into a contract before the effective
16 date of this Act to drill or operate a well that is or will be
17 located in the territory described by Subsection (b) of this
18 section and subject to the jurisdiction of the district under
19 Section 8802.0035, Special District Local Laws Code, as added by
20 this Act, shall file an administratively complete permit
21 application with the district not later than three months after the
22 effective date of this Act for the drilling, equipping, completion,
23 or operation of any well if the well requires a permit under the
24 rules or orders of the district. The person may file the permit
25 application for an amount of groundwater production not to exceed
26 the maximum production capacity of the well.

27 (d) The district shall issue a temporary permit to a person

1 who files an application under Subsection (c) of this section
2 without a hearing on the application not later than the 30th day
3 after the date of receipt of the application. The district shall
4 issue the temporary permit for the groundwater production amount
5 set forth in the application. The temporary permit issued under
6 this subsection shall provide the person with retroactive and
7 prospective authorization to drill, operate, or perform another
8 activity related to a well for which a permit is required by the
9 district for the period of time between the effective date of this
10 Act and the date that the district takes a final, appealable action
11 on issuance of a regular permit pursuant to the permit application
12 if:

13 (1) the person's drilling, operating, or other
14 activities associated with the well are consistent with the
15 authorization sought in the permit application;

16 (2) the person timely pays to the district all
17 administrative fees and fees related to the amount of groundwater
18 authorized to be produced pursuant to the temporary permit in the
19 same manner as other permit holders in the district; and

20 (3) the person complies with other rules and orders of
21 the district applicable to permit holders.

22 (e) The temporary permit issued under Subsection (d) does
23 not confer any rights or privileges to the permit holder other than
24 those set forth in this section. After issuing the temporary
25 permit, the district shall process the permit application for
26 notice, hearing, and consideration for issuance of a regular permit
27 consistent with this section. The district, after notice and

1 hearing, shall issue an order granting the regular permit
2 authorizing groundwater production in the amount set forth in the
3 temporary permit unless the district finds that authorizing
4 groundwater production in the amount set forth in the temporary
5 permit will cause:

6 (1) a failure to achieve the applicable adopted
7 desired future conditions for the aquifer; or

8 (2) an unreasonable impact on existing wells.

9 (f) In the hearing on issuance of the regular permit under
10 Subsection (e), the permit applicant bears the burden of proof.

11 (g) The holder of a temporary or regular permit subject to a
12 district order under this section to reduce the amount of
13 groundwater production from the permitted well may contest the
14 reduction by requesting a contested case hearing to be conducted by
15 the State Office of Administrative Hearings in the manner provided
16 by Sections 36.416, 36.4165, and 36.418, Water Code. The district
17 shall contract with the State Office of Administrative Hearings to
18 conduct the hearing as provided by those sections of the Water Code.
19 To the extent possible, the State Office of Administrative Hearings
20 shall expedite a hearing under this subsection. The permit
21 applicant bears the burden of proof in the hearing.

22 (h) For the State Office of Administrative Hearings to
23 recommend overturning a district order reducing the amount of
24 groundwater authorized to be produced under a temporary permit, the
25 permit holder must demonstrate by a preponderance of the evidence
26 that the production of the amount of groundwater authorized based
27 on the maximum production capacity will not cause:

1 (1) a failure to achieve applicable adopted desired
2 future conditions for the aquifer; or

3 (2) an unreasonable impact on existing wells as found
4 in the district's order.

5 (i) A person who relies on the temporary permit granted by
6 this section to drill, operate, or engage in other activities
7 associated with a water well assumes the risk that the district may
8 grant or deny, wholly or partly, the permit application when the
9 district takes final action after notice and hearing to issue a
10 regular permit pursuant to the application.

11 SECTION 5. If the addition of territory under Section
12 8802.0035, Special District Local Laws Code, as added by this Act,
13 causes the annual water use fee in Section 8802.105 to exceed \$1
14 million, the district shall not require an assessment of greater
15 than \$1 million annually as adjusted to reflect the percentage
16 change during the preceding year in the Consumer Price Index.

17 SECTION 6. (a) The legislature validates and confirms all
18 acts and proceedings of the board of directors of the Barton
19 Springs-Edwards Aquifer Conservation District that were taken
20 before the effective date of this Act.

21 (b) Subsection (a) of this section does not apply to any
22 matter that on the effective date of this Act:

23 (1) is involved in litigation if the litigation
24 ultimately results in the matter being held invalid by a final
25 judgment of a court; or

26 (2) has been held invalid by a final judgment of a
27 court.

1 SECTION 7. (a) The legal notice of the intention to
2 introduce this Act, setting forth the general substance of this
3 Act, has been published as provided by law, and the notice and a
4 copy of this Act have been furnished to all persons, agencies,
5 officials, or entities to which they are required to be furnished
6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7 Government Code.

8 (b) The governor, one of the required recipients, has
9 submitted the notice and Act to the Texas Commission on
10 Environmental Quality.

11 (c) The Texas Commission on Environmental Quality has filed
12 its recommendations relating to this Act with the governor, the
13 lieutenant governor, and the speaker of the house of
14 representatives within the required time.

15 (d) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act are fulfilled
18 and accomplished.

19 SECTION 8. It is the intent of the legislature that this Act
20 apply only to the territory described by Section 8802.0035, Special
21 District Local Laws Code, as added by this Act, and not have
22 statewide implications.

23 SECTION 9. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 3405 was passed by the House on May 8, 2015, by the following vote: Yeas 126, Nays 15, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3405 on May 29, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 3405 on May 31, 2015, by the following vote: Yeas 143, Nays 1, 1 present, not voting, and that the House adopted H.C.R. No. 149 authorizing certain corrections in H.B. No. 3405 on June 1, 2015, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3405 was passed by the Senate, with amendments, on May 22, 2015, by the following vote: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 3405 on May 30, 2015, by the following vote: Yeas 27, Nays 4, and that the Senate adopted H.C.R. No. 149 authorizing certain corrections in H.B. No. 3405 on June 1, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

FAQs on HB 3405

The following information is responsive to common questions related to HB 3405. Please note that further guidance associated with implementation of the bill is being developed and will be provided as soon as possible. If you need further information, please submit your inquiries to info@bseacd.org.

What does HB 3405 do?

- Expands the area of the BSEACD to include the unregulated portions of Hays County (see [map](#))
- Clarifies the jurisdiction of the Edwards Aquifer Authority, the Plum Creek Conservation District, and the BSEACD in the shared area
- Clarifies the authority of the BSEACD to regulate the Trinity Aquifer in the current and expanded area
- Provides authority to regulate pumping from Aquifer Storage and Recovery (ASR) wells
- Sets a fee cap of \$0.17/1k gal. on the permitted volume of permitted wells in the expanded area
- Creates a process for existing well owners to apply for a Temporary Permit within the first 90-days to continue to operate the well for up to the maximum production capacity of the well
- Allows for interim operation under a Temporary Permit from the effective date of the Act until a Regular Permit is issued
- Establishes factors for reducing the amount of a Temporary Permit when a Regular Permit is issued
- Creates a process for an applicant to contest a reduction in the Regular Permit volume with the applicant bearing the burden of proof
- Sets a fee cap for the City of Austin
- Validates prior BSEACD actions
- Clarifies that the bill is local and does not have state-wide implications

Why was HB 3405 needed?

- Without the bill, groundwater pumping in the annexed area would be unmanaged under the Rule of Capture
- Under the Rule of Capture, large capacity wells could pump an unlimited amount of water without regard to the effects on the Trinity Aquifer or existing wells
- The Trinity Aquifer is a drought-prone aquifer with limited water availability that serves as the source for area wells and the baseflow to area creeks and springs
- To provide the benefits of coordinated long-term aquifer management through a Groundwater Conservation District

What are the benefits of HB 3405?

- Provides fair and equitable management of the aquifer such that all users are considered
- Provides protection to the regional aquifer system, the existing wells, and the affected creeks and springs
- Ensures that the private property rights of all individual landowners are protected
- Allows for an objective science-based approach to permitting and coordinated long-term aquifer management
- Allows for a voice in regional water planning decisions

When does HB 3405 take effect?

- The bill has passed both chambers and is on its way to the governor's desk for signature. The bill becomes law as soon as the governor signs it or after 20 days if it's not signed.

Are any wells grandfathered?

- Certain small low-capacity domestic and livestock wells will be required to be registered but are *exempt* from permitting requirements
- All other *nonexempt* wells will be required to be permitted
- Within the first 90 days of the effective date of the act, a person operating an existing well or that has entered into a contract before the effective date of the act, will be eligible for a Temporary Permit to continue operation
- The Temporary Permits may authorize up to the maximum production capacity of the wells
- The final Regular Permit volume may be reduced from the Temporary Permit volume if the District finds that the temporary permit volume will cause: 1) failure to achieve the Desired Future Conditions or 2) an unreasonable impact on existing wells
- All wells drilled after the effective date of the act and existing wells that do not obtain a Temporary Permit will be subject to District's existing permit conditions and procedures

How does HB 3405 affect the Board of Directors?

- Early versions of the bill would have expanded the bill from 5-7 directors, The enrolled version of the bill does not expand the Board
- The expanded area will require that existing five single-member precincts are redrawn to incorporate the new area
- The two City of Austin precincts (4 and 5) will not be affected by the expanded area and will be redrawn and balanced within the current City limits
- The remaining three precincts (1, 2, and 3) will be drawn and balanced to represent the existing areas plus the new expanded area
- Sitting Directors will be able to serve out their current terms regardless of the effect of the redrawn precincts

Team Summaries of Annexation Tasks

General Management and Administration Teams

Start Up		Continuing Operations	
<i>Tasks</i>	<i>Subtasks Activities</i>	<i>Tasks</i>	<i>Subtasks Activities</i>
Task 1 Redistricting	a. Legal Cost to Redistrict b. Materials and Supplies	Task 1 General Elections (CY/FY2016)	a. Election Duties
Task 2 Policy/Rule Development	a. Rulemaking (rewrite, hearings, stakeholder meetings, revision) b. Potential Management Plan changes c. Drought management policy development	Task 2 New Directors (NO LONGER NECESSARY)	
Task 3 General Administration	a. 2 FTEs b. New Vehicle c. Facilities Upgrade	Task 3 Policy/Rule Development	a. Continued rule review and policy review and revisions as needed
Task 4 Legal Support (not related to elections)	a. Potential Lawsuit	Task 4 General Administration	a. Billing and Corrections b. Correspondence and Mail-outs c. 2 FTEs
		Task 5 Legal Support (not related to elections)	

Basis: Notes associated with GM Team costs are generally described in the summary notes above.

Aquifer Science Team

Start Up		Continuing Operations	
Tasks	Subtasks/Activities	Tasks	Subtasks/Activities
Task 1 Aquifer Characterization	a. Drill monitor well(s) b. Geophysical logging c. Conduct pump tests	Task 1 Aquifer Characterization	a. Drill monitor well(s) b. Geophysical logging c. Conduct pump tests d. Conduct dye trace studies
Task 2 Existing Data Compilation/Review	a. Consolidate existing data b. Enter data into database c. Review data	Task 2 Modeling/ Sustainable Yield Study	a. Conduct groundwater modeling b. Evaluate sustainable yield of Trinity Aquifers
Task 3 Baseline Data Collection/Analysis	a. Collect new data (water levels, water-quality data, geology) b. Enter data into database c. Review data	Task 3 Drought Trigger Study	a. Evaluate effects of drought on area b. Develop drought trigger methodology
		Task 4 Recharge/ Supply Enhancement	a. Evaluate areas for potential for recharge enhancement b. Investigate potential for alternative sources of water
		Task 5 Baseline Data Collection/Analy sis	a. Collect new data (water levels, water-quality data, geology) b. Enter data into database c. Review data

Basis:

1. The effort in the Start Up phase will be focused on compiling existing data and collecting new data, plus partial funding for installation of a multiport monitor well (~\$60,000). These studies will be conducted to perform analyses for overall aquifer characterization and calculations of potential impacts from pumping.
2. The Continuing Operations phase will involve routine field data collection and evaluation, plus some support for numerical modeling of the Trinity Aquifer.

Regulatory Compliance Team

Start-up		Continuing Operations	
Tasks	Subtasks Activities	Tasks	Subtasks Activities
Task 1 Well Inventory/ Registration	a. Well Owner notification b. Exempt Well Registration c. Database Entry	Task 1 Registration/ Onsite	a. Exempt Well Registration b. Correspondence and Mail outs c. Database Entry d. Site Visits/Meter Readings
Task 2 Initial Nonexempt Well Permitting	a. Application Review b. Pre-Inspection/Post Inspection c. Post-Inspection Sampling d. File Creation	Task 2 Enforcement/ Drought Management	a. Compliance Evaluations b. Correspondence and Mail outs c. Enforcement Actions
Task 3 Develop Technical Standards	a. Develop Technical Standards	Task 3 Permitting & Inspection	a. Forms and Guidance Documents b. Processing NDU/Exempts c. Processing Nonexempts and Amendments d. Processing Well Pluggings
		Task 4 Investigations, Projects & Rules	a. Forms and Guidance Documents b. Rule making c. Contracts and Investigative Water Quality Sampling, etc.

Basis:

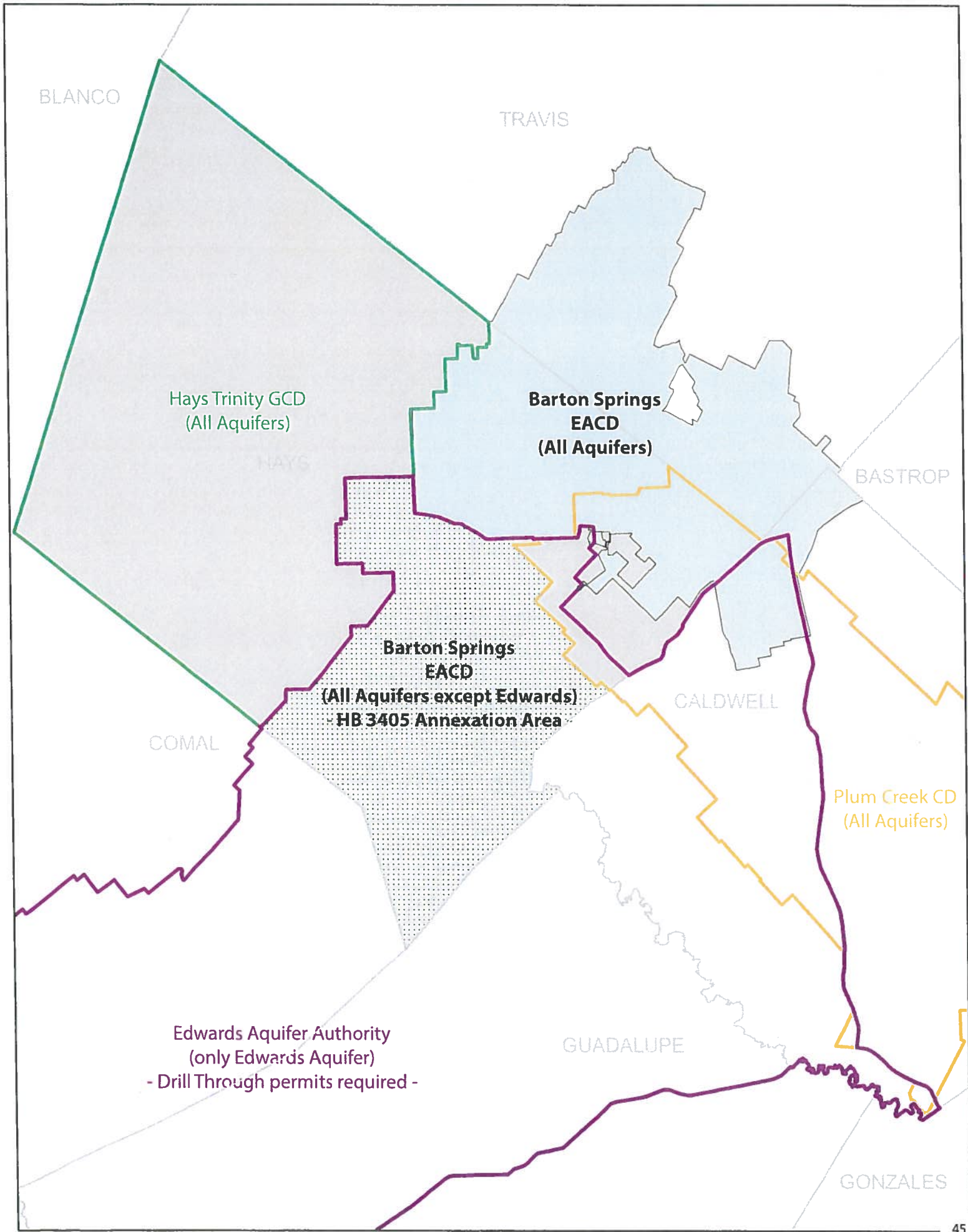
1. Many of the components of these estimates were based on the effort required for registration and permitting of all of the known wells (on public record) in the entire area.
2. The largest component of the effort in the Start Up phase involve first identifying and “inventorying” all the known wells in the area and secondly, registering and permitting all of those wells within the first year. It is likely there may be some carryover of this effort in the following years.
3. Continuing Operations estimates were derived based largely on the number of to-be permitted nonexempt wells in the area proposed for annexation as compared to the number of currently permitted District wells and that associated level of effort that may include new application reviews, inspections, drought management, water quality sampling, and possible rule making.

Education and Outreach Team

Start-up		Continuing Operations	
<i>Tasks</i>	<i>Subtasks Activities</i>	<i>Tasks</i>	<i>Subtasks Activities</i>
Task 1 Outreach Coordination (Landowner communications and contacts)	a. Introductory Meetings or Workshops b. Outreach for Rule/Policy development (Stakeholders) c. Print or Media Ads	Task 1 Event Coordination	b. Estimated 2 to 3 Booth Events or Workshops (Prep Time, Travel, and Presentation) c. Publicity through expanded area avenues (newspapers, newsletters)
Task 2 Educational Material Development	a. Education Materials Development c. Materials Printing d. Possible dispersal costs	Task 2 Landowner Communications	a. Estimated 2 to 3 School Presentations (Prep Time, Travel, and Presentation) b. Estimated 2 to 3 HOA or Civic Group Presentations (Prep Time, Travel, and Presentation) c. Meetings with individual landowners
Task 3 Web Development	d. Additional Web Development	Task 3 Educational Material Development	b. Trinity Aquifer Educational Brochure (design and printing) c. Well Owner Guide expansion to include Trinity
Task 4 GIS/Mapping	a. Update and generate maps with new area	Task 4 General Outreach	d. Scholarships e. Additional end-user assistance

Basis:

1. The majority of the effort in the Start Up phase for the Education and Outreach Team will come from coordinating landowner communications through meetings, workshops and/or information material needed to educate and inform well owners. Additional outreach will be required should the annexation be passed.
2. A key tool in providing information both pre- and post- legislation will be the District website. The Start Up phase involves funds for the development of the site to best convey that information.



Item 5

Board discussions and possible actions

b. Discussion and possible action related to approval of rule concepts for implementation of HB 3405 and other legislation from the 84th Legislative Session including direction to initiate rule making and scheduling of a public hearing.

Proposed Rule Revision Concepts

Topic Area 1:	<i>Introduction</i>
Rationale:	The Introduction will address the effective date of 8802.0035. A new Management Zone map will be incorporated to reflect annexed areas.
Rule Section(s):	Section 1

Topic Area 2:	<i>Definitions</i>
Rationale:	Minor clarifications may be needed or a few new definitions may be required.
Rule Section(s):	Section 2

Topic Area 3:	<i>Exemptions</i>
Rationale:	<p>Exemption criteria for wells in the Trinity Group Aquifer will to be clarified and effective dates updated.</p> <p>New Exemption Criteria:</p> <ul style="list-style-type: none"> - A well drilled before (the effective date of rule revision ~July 9, 2015) in Trinity Aquifer Group is exempt if registered with the District and it is used solely for domestic and livestock and is incapable of producing more than 10,000 gallons a day. - A well drilled after (the effective date of rule revision ~July 9, 2015) in Trinity Aquifer Group is exempt if registered with the District and it is used solely for domestic and livestock, is incapable of producing more than 10,000 gallons a day, and is on a tract of land larger than 10 acres.
Rule Section(s):	Section 3-1.3

Topic Area 4:	<i>Permit Applications & Administrative Complete Checklist</i>
Rationale:	The application and checklist requirements will clarify details about the pump test requirements, notice requirements, and drought delay. Other checklist requirements may be streamlined or removed.
Rule Section(s):	Section 3-1.4

Topic Area 5:	<i>Permits for Existing Wells (in jurisdiction prior to 2015 annexation)</i>
Rationale:	The Rules need to clarify that the application of the Rule applies to the jurisdictional area described in 8802.003 (pre 2015 Annexation)
Rule Section(s):	Section 3-1.5

Topic Area 6:	<i>Permits for Existing Wells (in jurisdiction after 2015 annexation)</i>
Rationale:	<p>This will be a new section of rules that applies to Temporary permits and the subsequent conversion of those Temporary Permits to Regular permits, within the jurisdictional area described in 8802.0035 (after 2015 Annexation – the new annexed area in Hays County).</p> <p>This new section of rules will include:</p> <ul style="list-style-type: none"> • application requirements, • administratively completeness requirements, • action on permits, • fee language, • permit conditions including statutory conditions expressed in HB 3405 for reducing a permit, • An interpretation of Section 4 HB3405 outlining the details of the proposed permitting process and provisions. <p><u>Details of Rule Provisions</u></p> <p>Concurrent timeframes for processing Temporary/Regular Permit Applications:</p> <ul style="list-style-type: none"> • Upon submission of the two part application (Part 1 Temporary Permit, Part 2 Regular Permit), the processing timeline for each part will start the same time and run concurrently. <ul style="list-style-type: none"> ○ 30 days to process Part 1 Temporary Permit; administratively complete applications will be issued a temporary permit within 30 days of submission. ○ 180 days to process Part 2 Regular Permit. • Regular Permits for administratively complete applications will be subject to the existing rules and processing timeframes. • Regular Permit applications and the associated Temporary Permit will expire if a Regular Permit application remains administratively incomplete after the deadline for processing applications expires. <p>Temporary Permit eligibility and Temporary Permit issuance:</p> <p>The following users are eligible to receive a temporary production permit not to exceed maximum production capacity, upon submission and review of an administratively complete application. The production volume issued in these temporary production permits will also be issued in the conversion to Regular permit if there are no adverse impacts to the DFC, no adverse impacts to surrounding wells, and no unreasonable interference.</p> <ul style="list-style-type: none"> • A person or entity operating an existing well that does not meet exempt criteria, or • A person or entity who has entered into an existing contract to operate an existing well <p>The following users are eligible to apply for and will receive a temporary drilling authorization. At the time that temporary drilling authorization is issued there will be no production volume issued for the wells that are authorized to be drilled.</p> <ul style="list-style-type: none"> • A person or entity who has entered an existing contract to drill or complete a new well <p>A well for which a temporary drilling authorization was issued, will need to apply for a production permit in a manner consistent with the District’s Rules for obtaining a regular production permit.</p>
Rule Section(s):	Section 3-1.55

Topic Area 7:	<i>Board Action on Permits</i>
Rationale:	Modify rule language pertaining to DFC and MAGs as a limiting factor for approving permits. Deemphasize the MAG as a cap. Add language to clarify that applicants may request reconsideration on expired permit applications.
Rule Section(s):	Section 3-1.6

Topic Area 8:	<i>Permit Amendments</i>
Rationale:	Remove Temporary Permit Transfer as a Minor Amendment. This is no longer applicable.
Rule Section(s):	Section 3-1.9

Topic Area 9:	<i>Permit Conditions and Requirements</i>
Rationale:	A new permit condition will be added to describe that a permit may be reduced or curtailed if it is determined that there are DFC impacts. Another new permit condition will be added to describe that a permit may be reduced if there are unreasonable impacts on existing wells.
Rule Section(s):	Section 3-1.11

Topic Area 10:	<i>Regulation of Spacing and Production</i>
Rationale:	Trinity well section will be modified to allow the District to set groundwater production limits on wells based on the results of Hydrogeologic report.
Rule Section(s):	Section 3-1.12

Topic Area 11:	<i>Revocation, Termination, Cancellation, or Modification of Permits</i>
Rationale:	Include a general provision to describe that a permit may be reduced or curtailed if it is determined the permit will cause failure to achieve the DFC. This is consistent with other related provisions.
Rule Section(s):	Section 3-1.13

Topic Area 12:	<i>City of Austin Water Use Fee</i>
Rationale:	Incorporate cap on City of Austin Water Use Fee of \$1 million/year with CPI adjustor.
Rule Section(s):	Section 3-1.19

Topic Area 13:	<i>Nonexempt Domestic Use (NDU) Requirements</i>
Rationale:	<p>The title of this rule will be changed to 'Limited Production Permit'. The conditions and requirements for this rule will be modified to relax existing requirements and will provide an option for more stringent requirements if deemed necessary by the General Manager. Conditions and requirements for existing 'NDUs' will also be relaxed to be consistent with this new rule revision.</p> <p>This revised rule will require all existing and new domestic or livestock well owners who do not meet exempt criteria to:</p> <ul style="list-style-type: none"> • Equip the well with a meter and submit annual meter readings (instead of monthly meter readings) • Produce no more than 500,000 gal/yr (which continues the same annual limitation cap that is currently in place) • Adopt and implement only a User Conservation Plan <p>If a well owner does not comply with those conditions, then in addition to the existing conditions and requirements, more stringent conditions may be imposed by the General Manager. The well owner will then be required to also :</p> <ul style="list-style-type: none"> • Submit monthly meter readings • Adopt and implement a User Drought Contingency Plan and therefore comply with drought curtailment rules and protocols.
Rule Section(s):	Section 3-1.20

Topic Area 14:	<i>Maximum Allowable Withdrawals for Management Zones</i>
Rationale:	Trinity well section will be modified to allow the District to set groundwater production limits on wells based on the results of Hydrogeologic report.
Rule Section(s):	Section 3-1.23

Content Areas with Rule Changes

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Item 5

Board discussions and possible actions

- c. Discussion and possible action related to an update on the ongoing technical evaluation of the Trinity Aquifer in Central Hays County.**

Item 5

Board discussions and possible actions

d. Discussion and possible action related to 1) selecting a first-choice firm to provide engineering and technical support services associated with review of the SH 45 Southwest roadway design and associated stormwater controls and 2) authorizing the General Manager to negotiate and execute a contract.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: June 4, 2015

To: Board of Directors

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

Re: Agenda Item 5.d. – SH 45 Request for Qualifications (RFQ) for Engineering Support

The deadline for submittals was June 1, 2015. SOQs were submitted by:

1. Don Rauschuber and Associated, Inc
2. Watershed Resources Associated, LLC
3. Southwest Engineers
4. Texas Engineering Solutions

Attached you'll find the SOQ cover letters, the SH 45 design milestones, and the RFQ.

The District review team consisting of myself and Brian Smith from staff and Bob Larsen and Blayne Stansberry as the SH 45 committee are reviewing the SOQs and will provide a recommendation to the Board at the upcoming meeting.

SH45SW Milestone Schedule

DRAFT May 2015



Ref #	Milestone	Date
1	RTG Notice to Proceed 1– Preliminary Engineering/ Data collection	November 2014
2	Record of Decision on EIS received	March 4 2015
3	SIB Loan / Toll Equity Grant	To Commission in May
4	Project Development Agreement	Draft at TxDOT
5	RTG Notice to Proceed 2 – Final Design	April 7, 2015
6	Design Issues/Workshops	April - May
7	Geotechnical Borings	May-June
8	30% drawings, bridge layouts, H&H report, cost estimate submitted	May 18, 2015
9	Mobility Authority and TxDOT review	May 19 – June 19
10	Plan Review Meeting	June 4, 2015
11	Review Comments Due	June 19, 2015
12	Re-Evaluation Document Submitted to TxDOT	June 26 2015
13	TxDOT review of Re-evaluation	June 27- July 17 2015
14	WPAP submittal to TCEQ and BSEACD	July 20, 2015
15	60% PS&E submittal	August 3, 2015
16	Mobility Authority and TxDOT review	August 4- Sept 4
17	Plan Review Meeting	August 17, 2015
18	Review comments due	September 4, 2015
19	90% PS&E submittal	October 15, 2015
20	Mobility Authority and TxDOT review	October 16 – Nov 16
21	Plan Review Meeting	October 29, 2015
22	Review Comments due	November 16, 2015
23	Final – signed and sealed PS&E	December 18, 2015
24	Prepare documents for letting	Dec 21 – Jan 26 2016
25	Board Approval for Letting	January 27 2016
26	Advertise for Letting	February 1 2016
27	Pre Bid Workshop	February 16 2016
28	Bids Due	March 8, 2016
29	Board Approval	March 30, 2016
30	Notice to Proceed	April 2016



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

**Barton Springs/Edwards Aquifer Conservation District
Request for Statements of Interest and Qualifications
For Engineering and Technical Consulting Services
RFQ No. 052115-001**

The Barton Springs/Edwards Aquifer Conservation District (District) requests statements of interest and qualifications (SOQs) from qualified firms to provide engineering and technical support services from June 15, 2015 to December, 2015 with an option to renew. The selected firm shall employ a Texas licensed professional engineer with experience in evaluating roadway design and water quality/pollution controls for stormwater runoff from roadways over the recharge zone of the Edwards Aquifer.

BACKGROUND

On January 23, 1990, the District and the Texas Department of Transportation (TxDOT) agreed and entered a Consent Decree and Partial Final Judgment (Consent Decree) with terms assigning different roles and requirements with regard to the ownership, control, and future construction of certain highways in Southwest Travis County including State Highway 45 Southwest (SH 45 SW). The stated purpose of the Consent Decree was to “allow the construction of the highway to continue and to ensure that the highways are constructed in an environmentally sensitive and prudent fashion.” More specifically, the Consent Decree and subsequent commitments by TxDOT provide the District opportunity to review and comment on any plans or subsequent, substantive changes to plans for handling of stormwater runoff.

TxDOT and the Central Texas Regional Mobility Authority (CTRMA) have agreed to enter into a Project Development Agreement (PDA) establishing the respective obligations wherein TxDOT was responsible for completing the state Environmental Impact Statement (EIS) and the CTRMA would be responsible for the design and construction of SH 45 SW subject to the EIS. TxDOT and CTRMA have also indicated to the District that they intend to ensure that SH 45 SW is designed, constructed, and operated in a manner that meets or exceeds the relevant requirements in the Consent Decree and the aquifer protection related elements of the EIS. This includes providing the opportunity for District review of and comment on the highway design and associated stormwater/pollution controls during the CTRMA’s design process and to completion of the design.

SCOPE OF CONSULTING SERVICES

The selected firm will provide engineering and technical consulting services required to perform the following tasks:

1. Conduct a comprehensive technical review of the highway design with an emphasis on: a) pollution control procedures, techniques, and devices (methods) designed to avoid and minimize the potential impacts to recharge features and recharge water quantity and quality, and b) the long-term efficacy of the design in complying with the relevant requirements of the Consent Decree and the aquifer protection related elements of the EIS. The initial review shall be performed after the design is 30% complete.
2. Prepare a technical memorandum indicating: a) methods employed in the analysis, b) the findings of the technical review including a determination of whether the design will meet or exceed the relevant requirements of the Consent Decree and the aquifer protection related elements of the EIS, c) recommendations for additional reasonable methods/practices needed to ensure the stormwater/pollution controls function long-term as designed, and d) recommendations for design improvements to employ the best available technology necessary to avoid or minimize impacts to the recharge water quality and quantity. The technical memorandum should be submitted prior to the 60% design mark.
3. Conduct a final technical review to assess the CTRMA's response to concerns identified and recommendations provided in the initial technical review.
4. Participate in and serve as the District's engineering representative at periodic meetings with CTRMA concerning SH 45 SW design progress and issue resolution, and also attend meetings with District staff and/or Board of Directors, as needed, to discuss the work and its results.
5. Provide status reports to the District as often as deemed necessary by the District, and to facilitate the timely work of the consultant.
6. The response of the District to the technical reviews is limited by the Consent Decree. The selected firm will be expected to provide expeditious review and response to the District within 20 days of receiving the plans.

EXPERIENCE AND APPROACH

The statement of interest should include a summary of experience and qualifications. The summary should include:

1. a general description of the firm and experience over the past five years,
2. a resume of the engineer(s) and/or individual(s) who will be performing the work,
3. a summary for each individual performing the work that describes their qualifications, experience, and availability,
4. a detailed description of three comparable projects over the past five years for each individual that include the evaluation and/or design of roadway water quality/pollution controls for stormwater runoff from roadways: include project name, location and construction cost,
5. a statement certifying that the applicant and/or his/her firm is not aware of any existing conflicts of interest with the District or its Board of Directors; and
6. any other information relevant to scope of consulting services.

SELECTION AND NEGOTIATION

Interview(s) with qualified offerors will be conducted by the General Manager, staff, and a subcommittee of the Board, if available, and then a more comprehensive letter proposal to the Board of Directors will be solicited from the offeror(s) judged more qualified. These letters should set forth the scope and schedule, and the reasons why a prospective offeror should be selected for negotiation of a final contract and any conditions attendant to such contractual work; these letter proposals will serve as the basis for selection of the District's (first) choice for negotiation, with the selection and the negotiated contract approved by the Board in a posted meeting.

The District will contract with the successful offering individual, group, or company for work to be completed on either a fixed-price basis or a time-and-materials basis, whichever is more favorable to the District. While the cost of the prospective work will be negotiated following contractor selection, the District has budgeted up to \$10,000 for the scope of services described. The District intends to complete negotiations with its selected contractor and award the contract by the regularly scheduled Board meeting on **June 11, 2015**.

SOQ SUBMITTAL

Interested parties are asked to submit brief SOQs, not to exceed ten pages, to the District by **5:00 pm on Monday, June 1, 2015**. SOQs may be submitted to John T. Dupnik, P.G., General Manager, at the following address:

Barton Springs/Edwards Aquifer Conservation District
Attn: Mr. John T. Dupnik, P.G.
1124 Regal Row
Austin, Texas 78748
(512) 282-8441

Or electronically to: john@bseacd.org (Subject: SH 45 SW Engineering SOQ)

Upon receipt by the District, each statement will be stamped with the date and time received. All statements become the property of the District, which will hold the contents of all statements confidential until an award is made. SOQs received after the time set for the opening will be declared late and not eligible for opening and consideration. The District is not responsible for mail, courier or other delivery methods, in-transit time or non-delivery.

Any questions about this solicitation should be submitted in writing and electronically to John T. Dupnik, P.G. at john@bseacd.org. The District in its sole discretion may choose to respond only to the questioning entity or to post such questions and response to be available to all potential offerors, e.g., via the District website.

dgr
Donald G. Rauschuber & Associates, Inc.

P.O. Box 342707
Austin, Texas 78734
Office: (512) 413-9300
Fax: (800) 823-7572

Water Engineering
Municipal Engineering

May 31, 2015

Barton Springs/Edwards Aquifer Conservation
Attn: Mr. John T. Dupnik, P.G.
1124 Regal Row
Austin, Texas 78748

**RE: REQUEST OF STATEMENTS OF INTEREST AND QUALIFICATIONS FOR
ENGINEERING AND TECHNICAL CONSULTING SERVICES
RFQ NO. 052115-001**

Dear Mr. Dupnik:

DGRA, Inc. is pleased to submit this Statement of Qualifications for providing the following professional engineering services to and on behalf of the Barton Springs/Edwards Aquifer Conservation District (the "District"):

- Conduct a comprehensive technical review of the highway design with an emphasis on pollution control procedures, techniques, and devices (methods) designed to avoid and minimize the potential impacts to recharge features and recharge water quantity and quality and the long-term efficacy of the design in complying with the relevant requirements of the Consent Decree and the aquifer protections related elements of the SH 45 EIS.
- Prepare a technical memorandum indicating: a) methods employed in the analysis, b) the findings of the technical review including a determination of whether the design will meet or exceed the relevant requirements of the Consent Decree and the aquifer protection related elements of the EIS, c) recommendations for additional reasonable methods/practices needed to ensure the stormwater/pollution controls function long-term as designed, and d) recommendations for design improvements to employ the best available technology necessary to avoid or minimize impacts to the recharge water quality and quantity. The technical memorandum should be submitted prior to the 60% design mark.
- Conduct a final technical review to assess the CTRMA's response to concerns identified and recommendations provided in the initial technical review.

- Participate in and serve as the District's engineering representative at periodic meetings with CTRMA concerning SH 45 SW design progress and issue resolution, and also attend meetings with District staff and/or Board of Directors, as needed, to discuss the work and its results.
- Provide status reports to the District as often as deemed necessary by the District, and to facilitate the timely work of the consultant.
- The response of the District to the technical reviews is limited by the Consent Decree. The selected firm will be expected to provide expeditious review and response to the District within 20 days of receiving the plans.

EXPERIENCE AND APPROACH:

- *Professional qualifications* - Don Rauschuber, P.E. (see attached *resume*) will be the Principle Engineer on District projects. Mr. Rauschuber, P.E., Texas Professional Engineers License No. 38068, has been actively practicing professional engineering services in Texas since 1975.
- *Experience of Don Rauschuber Related to District Projects* -
 1. Don Rauschuber, P.E., has over 30-years of experience and knowledge in studying, identifying, and evaluating Karst Zone features typically associated with the Barton Creek Segment of the Edwards Aquifer. For approximately 15+ years, DGRA, Inc., worked as District Engineer and/or consultant to the Barton Springs/Edwards Aquifer Conservation District. In that capacity, Don Rauschuber performed detailed and extensive recharge studies on Onion, Bear, Little Bear, Slaughter, Williamson, and Barton Creeks as they contribute to- and transverse the Edwards Aquifer Recharge Zone. Mr. Rauschuber assisted the District in the development, design, and performance of 319(h) projects conducted in the 1990s for evaluating the water quality and quantity of Edwards Aquifer recharge in Onion Creek, Bear/Litter Bear Creek, Slaughter Creek, Williamson Creek, and Barton Creek. Mr. Rauschuber was the principle design engineer on the Antioch Cave Recharge Project on Onion Creek and on other proposed recharge projects located on Onion, Bear, Little Bear, and Barton Creeks. He also has experience in identifying and classifying significant, moderate, and minor karst recharge features.
 2. In addition, Mr. Rauschuber has worked extensively with the District in the evaluation, assessment and design to BMPs used to treat highway runoff. Specifically, Mr. Rauschuber was involved, on behalf of the District, in the following highway/thoroughfare projects:

- A. Loop 1/MOPAC South from Loop 360 (Capital of Texas Highway) to S.H. 45 – This effort involved locating and assessing significant recharge features within or adjacent to TxDOT right-of-way, designing BMPs to treat highway runoff before recharging to the Barton Springs Segment of the Edwards Aquifer, and evaluating secondary impacts/threats (i.e., subdivision, residential, commercial, and industrial growth) to the Aquifer resulting from highway construction. As part of this effort involving several projects, Rauschuber was part of the District's team that developed the 1990 Consent Decree that is part of this RFQ.
- B. S.H. 45 from Loop 1 South to FM 1626 (SH 45 SW) – These efforts involved locating and assessing significant recharge features located within or adjacent to TxDOT right-of-way, designing BMPs to treat highway runoff before recharging to the Barton Springs Segment of the Edwards Aquifer and conducting an assessment, on behalf of the District of TxDOT's SH 45 SW Draft Environment Impact Statement.
- C. Loop 1/MOPAC from Loop 360 to Parmer Lane – This activity entailed the evaluation and design of BMPs to treat highway runoff on behalf of the District.
- 3. Developed and evaluated BMP design criteria and standards for the District, as part of a highway runoff/pollution reduction study conducted by UT Austin - Center for Research In Water Resources.
- 4. Planned and designed BMPs for the treatment of surface water runoff related to groundwater recharge projects for the Barton Springs Segment of the Edwards Aquifer.

● *Other Required Information –*

- 1. Location of office where majority of work will be performed – Lakeway, Texas, office of Donald G. Rauschuber & Associates, Inc.,

Business Owner – Donald G. Rauschuber, P.E.

Address: P.O. Box 342707
Austin, Texas 78734

Telephone: 512/413-9300 office
800/823-7572 fax

E-mail: dgrwater@dgrainc.com

- 2. Credentials – Don Rauschuber, P.E., resume attached

Page 4

Letter to Mr. Dupnik, P.G.

May 31, 2015

3. Statement of Firm: If selected for this Project, DGRA, Inc., will assign Don Rauschuber, P.E., to the District.

4. Hourly Rate and Related Charges:

Don Rauschuber, P.E., \$150 per man-hour

Reimbursement of direct/out-of-pocket expenses without multiplier

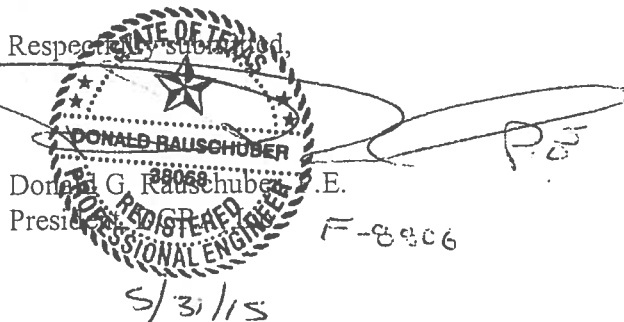
Mileage - \$0.50/mile

5. As President of DGRA, Inc., I'm not aware of any past or present conflicts of interest with the District or its Board of Directors.

I hope the District will select DGRA, Inc., to perform professional engineering services. I'm am very interested and willing to assist the District to the fullest of my expertise, experience, knowledge, capabilities, and resources.

Respectfully submitted,

Donald G. Rauschuber, P.E.
President



F-8906

Watershed Resources Associates, LLC

June 1, 2015
Barton Springs Edwards Aquifer Conservation District
Attn: John T. Dupnik, PG, General Manager
1124 Regal Row
Austin, Texas 78748

Re: Statement of Qualifications in response to:
Request for Statements of Interest and Qualifications
For Engineering and Technical Consulting Services
RFQ No. 051915-001
Proposal No.: 2015-05-01 SUBMITTED VIA EMAIL

Dear Mr. Dupnik:

Please find our Statement of Qualifications for the above referenced RFQ. Watershed Resources Associates LLC (WRA) has assembled a highly qualified team with local and national experience to provide responsive and comprehensive engineering and technical services to the Barton Springs Edwards Aquifer Conservation District (BSEACD). As the lead firm, WRA will coordinate with BSEACD and obtain direct support from Aqua Strategies, Inc.

Our team has excellent relationships with the affected public agencies and can perform as an extension of BSEACD's staff to conduct a comprehensive technical review of the State Highway 45 Southwest (SH 45 SW) stormwater quality protection design. We also have the experience to determine the long-term efficacy of the design in complying with the Consent Decree and aquifer protection elements of the EIS and can make recommendations for additional measures as needed to ensure stormwater quality treatment performance. In addition, as the project lead I have designed over 300 stormwater detention and water quality systems for private and public clients in central Texas and Maryland, with a majority of those address runoff from roads and highways.

The WRA team also understands the importance of developing and implementing effective erosion and sediment control practical practices during highway construction. During construction, the site can be vulnerable to sediment discharges as the roadway work is in a constant state of change, and large areas of land are disturbed while the permanent basins/measures are not complete. We will guide the use of appropriate sediment control measures to retain sediment and pollutants within the SH 45 right-of-way during this period. In addition, we will focus on low-maintenance best available technology stormwater treatment systems to enhance cost effective long-term operations. Thus, we have the ability to evaluate and modify proposed SH 45 design, construction, and maintenance practices to protect Edwards Aquifer water quality and quantity.

Please feel free to contact me if you have any questions or would like additional information.

Sincerely,

Tom Hegemier

Tom Hegemier, P.E., D.WRE
Principal
tom.hegemier@gmail.com



SOUTHWEST ENGINEERS

Civil | Environmental | Land Development

TBPE NO. F-1909

HEADQUARTERS

307 St. Lawrence Street, Gonzales, TX 78629
P: 830.672.7546 F: 830.672.2034

www.swengineers.com

CENTRAL TEXAS

142 Cimarron Park Loop Ste. A, Buda, TX 78610
P: 512.312.4336

June 1, 2015

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

RE: SH 45 SW Engineering SOQ

Dear Mr. Dupnik,

Southwest Engineers is pleased to submit our reply to your SOQ No. 052115-001.

The importance of this project and the need to have an engineering assessment of the proposed plans for SH 45 SW regarding its long term impact to the water quality of the Edwards Aquifer is well understood by Southwest Engineers.

Our firm is qualified to assist you in analyzing relevant requirements in the Consent Decree and the aquifer protection related elements of the Environmental Impact Statement.

We look forward to answering any questions you may have regarding our firm's qualifications.

Sincerely,

Southwest Engineers, Inc.



Chris Dringenberg
Central Texas Office Manager

TEXAS ENGINEERING SOLUTIONS

5000 BEE CAVES RD, SUITE 206
AUSTIN, TEXAS 78746
P: (512) 904-0505
F: (512) 904-0509
TBPE FIRM #11206



June 1, 2015

Barton Springs/Edwards Aquifer Conservation District
Attn: Mr. John T. Dupnik, P.G.
1124 Regal Row
Austin, TX 78748

RE: Response to RFQ No. 052115-001

Dear Mr. Dupnik and Selection Committee Members:

Thank you for reviewing the attached proposal from our civil engineering design firm. Our team is prepared to provide civil engineering and technical consulting services to the District and we believe we are well qualified to provide these services. Texas Engineering Solutions (TES) is a locally-owned, minority engineering firm that opened our doors in May 2009. We have continued to grow every year since our inception by all measurable accounts.

While TES is a relatively young company, our Texas licensed professional engineers have over 80 years of experience in the Hays and Travis County areas. Our engineers, CAD designers, and construction managers have extensive knowledge of municipal infrastructure projects including roadways, drainage, water quality, and water/sewer projects. Please consider the following:

- Hank B. Smith, P.E. will serve as our Project Manager and will be our main point of contact with the District. He has considerable experience managing the review of design projects in Central Texas and specifically the Edwards Aquifer region in south Austin, Hays County, and the surrounding areas. Mr. Smith serves as MUD/WCID Engineer for four Utility Districts within Central Texas and has lived and worked on projects in the Shadow Hollow area of South Austin for 30+ years. He has also authored publications regarding the construction activity methods that should be used over aquifers in Texas.
-
- David Fusilier, P.E. will serve as Project Engineer and will be our main technical review engineer. Mr. Fusilier has previously worked on numerous municipal improvement projects while being employed with Naismith Engineering and TES. He has detailed knowledge of the region's design requirements for civil engineering projects as well as existing State rules and regulations that affect municipal and development projects in the Barton Springs/Edwards Aquifer area.
- TES staff has extensive experience in serving as a 3rd party reviewer as part of commissioning for various projects or as District reviewer for development projects. We have the ability to closely coordinate projects with our clients, subconsultants, the general public, and regulatory agencies to ensure successful completion of the project.

We feel that the TES staff is superior in the knowledge and expertise we provide and believe that our team's solutions can compete with anyone. Our team not only offers the engineering and consulting services required to successfully complete these types of projects, but we also provide a local and minority alternative to your choices.

We look forward to serving the District and working with the other regulatory agencies to help improve the quality of life for the people living in and around the proposed transportation project.

Sincerely,

Hank Smith, P.E.
Principal & Owner

Stephen R. Delgado, P.E.
Principal & Owner

Item 5

Board discussions and possible actions

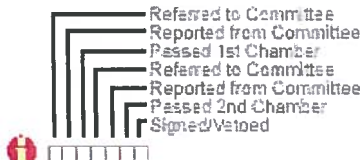
- e. Discussion and possible action related to the 84th Legislative session including bills affecting the District.**



TEXAS ALLIANCE OF GROUNDWATER DISTRICTS PASSED BILLS

06-02-2015 - 13:30:37

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



May Bills

HB 23



Davis, Sarah(R)
Huffman, Joan(R)

Relating to disclosure of certain relationships with local government officers and vendors.

Remarks: Amends Chapter 176, Local Government Code, relating to family relationships, gifts, and vendors with local governmental entities; requires entities to keep a public list of vendors required to fill out a conflict of interest questionnaire under the chapter; provides for enforcement of Chapter 176 and and creates a misdemeanor offense for noncompliance.

Bill History: 05-30-15 G Sent to the Governor

HB 30



Larson, Lyle(R)
Perry, Charles (F)(R)

Relating to the development of brackish groundwater.

Remarks: Requires RWPs 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). SUBSTITUTE ELIMINATES PROVISIONS AMENDING CHAPTER 36.

Bill History: 06-01-15 G Sent to the Governor

HB 40



Darby, Drew(R)
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: **SB 1165** Fraser, Troy (Identical)
5- 4-15 S Notes: HB 40 was laid out in lieu of SB 1165.

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: 05-18-15 G Earliest effective date

HB 163



Larson, Lyle(R)
Perry, Charles (F)(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: 05-25-15 G Sent to the Governor

HB 200



Keffer, Jim(R)
Perry, Charles (F)(R)

Relating to the regulation of groundwater.

Remarks: 1. Adds a definition for "best available science" - conclusions that are logically and reasonably derived using statistical or quantitative data, techniques, analyses, and studies that are publicly available to reviewing scientists and can be employed to address a specific scientific question. 2. 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. 3. Adds language stating that a GCD can only get attorneys' fees on those issues on which the GCD prevails. 4. Adds "After considering and documenting the factors described by Subsection (d) and other relevant scientific and hydrogeological data..." to 36.108(d-1) (related to establishing different DFCs for different areas). 4. Adds contested case hearing process for the appeal of a DFC via SOAH hearing and allows petitioner to go straight to local district court on the DFC if preferred. SUBSTITUTE REMOVES PROVISIONS RELATED TO APPEAL OF DFC OR GCD PERMIT DECISION TO TWDB.

Bill History: 06-01-15 G Sent to the Governor

HB 280



Simmons, Ron(R)
Perry, Charles (F)(R)

Relating to the information required to be posted by the Texas Water Development Board on the board's Internet website regarding the use of the state water implementation fund for Texas.

Remarks: Expands the information required to be on TWDB's website, including the amount of bonds issued and terms of the bonds, repayment status, risk assessments, check registers, a description of the investment portfolio, expenses, rates of return, system for prioritizing projects, nonconfidential information submitted as part of an application for assistance, and any other information required by board rule.

Bill History: 09-01-15 G Earliest effective date

HB 655



Larson, Lyle(R)
Perry, Charles (F)(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)
4-22-15 S Placed on the Senate Calendar
for

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: 05-25-15 G Sent to the Governor

HB 685



Sheets, Kenneth(R)
Hancock, Kelly(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: 05-27-15 G Sent to the Governor

HB 930



Miller, Doug(R)
Perry, Charles (F)(R)

Relating to water well drillers and pump installers.

Remarks: SUB: Authorizes TDLR to reinstate the apprentice driller program and the apprentice pump installer program.

Bill History: 05-30-15 G Sent to the Governor

HB 1221



Lucio III, Eddie(D)
Estes, Craig(R)

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: 05-25-15 G Sent to the Governor

HB 1232



Lucio III, Eddie(D)
Estes, Craig(R)

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: 05-28-15 G Earliest effective date

HB 1378



Flynn, Dan(R)
Bettencourt, Paul (F)(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: 06-01-15 G Sent to the Governor

HB 1421



Bonnen, Dennis(R)
Kolkhorst, Lois (F)(R)

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

Companions: **SB 1206** Kolkhorst, Lois (F) (Identical)
4-28-15 S Recommended for
Local/Uncontested Calendar

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: 05-25-15 G Sent to the Governor

HB 1819



Miller, Doug(R)
Fraser, Troy(R)

Relating to the date for the election of directors of
the Hill Country Underground Water Conservation
District.

Remarks: Changes the election date for the Hill Country
Underground Water Conservation District board
from November in even-numbered years to May in
odd-numbered years.

Bill History: 05-22-15 G Sent to the Governor

HB 2031



Lucio III, Eddie(D)
Hinojosa, Chuy(D)

Relating to the development and production of
marine seawater desalination, integrated marine
seawater desalination, and facilities for the storage,
conveyance, and delivery of desalinated marine

seawater.

Remarks: Provides for expedited and streamlined permitting and processes for large-scale marine seawater desalination projects and integrated marine seawater desalination and power projects.

Bill History: 05-29-15 G Sent to the Governor

HB 2154



Dutton, Harold(D)
Birdwell, Brian(R)

Relating to the functions and operation of the State Office of Administrative Hearings.

Companions: **SB 216** Birdwell, Brian (Identical)
3-10-15 S Introduced and referred to committee on Senate State Affairs

Remarks: Sunset bill for the State Office of Administrative Hearings.

Bill History: 09-01-15 G Earliest effective date

HB 2179



Lucio III, Eddie(D)
Perry, Charles (F)(R)

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: 05-22-15 G Sent to the Governor

HB 2230



Larson, Lyle(R)
Estes, Craig(R)

Relating to the authority of the Texas Commission on Environmental Quality to authorize an injection well used for oil and gas waste disposal to be used for the disposal of nonhazardous brine.

Remarks: Authorizes TCEQ to permit the injection of nonhazardous brine from a desalination operation or nonhazardous drinking water treatment residuals into a Class II injection well that is also permitted by the RRC.

Bill History: 09-01-15 G Earliest effective date

HB 2407



Miller, Doug(R)
Campbell, Donna(R)

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

Companions: **SB 963** Campbell, Donna (Identical)
5-12-15 H Referred to House Committee on House Natural Resources

Remarks: Local bill - track only.

Bill History: 05-29-15 G Sent to the Governor

HB 2647



Ashby, Trenton(R)
Estes, Craig(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)
4-14-15 S Committee action pending
Senate Natural Resources and Economic Develop

Remarks: SUB: Adds a new section to Chapter 36 specifying that power generation facilities may extend the implementation of permit reductions or cutbacks in certain instances.

Bill History: 05-29-15 G Sent to the Governor

HB 2767



Keffer, Jim(R)
Perry, Charles (F)(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: 05-22-15 G Sent to the Governor

HB 3163



Cyrier, John (F)(R)
Watson, Kirk(D)

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: 06-01-15 G Sent to the Governor

HB 3357



Lucio III, Eddie(D)
Eltime, Kevin(R)

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: 05-29-15 G Sent to the Governor

HB 3405



Isaac, Jason(R)

Relating to the territory and authority of the Barton



Campbell, Donna(R)

Springs-Edwards Aquifer Conservation District to regulate certain wells for the production of groundwater.

Companions: [SB 1440](#) Campbell, Donna (Identical)
5-12-15 S First placement on Senate
Intent Calendar for

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

Bill History: 06-01-15 G Sent to the Governor

[HB 3858](#)



Stephenson, Phil(R)
Kolkhorst, Lois (F)(R)

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

Companions: [SB 1815](#) Kolkhorst, Lois (F) (Identical)
4-28-15 S Recommended for
Local/Uncontested Calendar

Remarks: Local bill - track only.

Bill History: 05-22-15 G Earliest effective date

[HB 4097](#)



Hunter, Todd(R)
Kolkhorst, Lois (F)(R)

Relating to seawater desalination projects.

Remarks: Requires the commission to adopt rules that allow desalinated seawater to be used for nonpotable uses. Implements certain safeguards to prevent any commingling with and contamination of drinking water. Authorizes the commission to permit a diversion of state water from the Gulf of Mexico for desalination and use for industrial purposes. Authorizes the issuance of general permits for injection well disposal of brine produced by seawater desalination.

Bill History: 05-28-15 G Sent to the Governor

[HB 4112](#)



Burns, DeWayne (F)(R)
Perry, Charles (F)(R)

Relating to the rights of an owner of groundwater.

Remarks: SUB: Adds "any other right recognized under common law" to the rights listed in 36.002, Water Code.

Bill History: 05-26-15 G Sent to the Governor

[HB 4207](#)



Morrison, Geanie(R)
Kolkhorst, Lois (F)(R)

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

Remarks: Local Bill - track only.

Bill History: 05-29-15 G Sent to the Governor

SB 363



Fraser, Troy(R)
Murr, Andrew (F)(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: 09-01-15 G Earliest effective date

SB 374



Schwertner, Charles(R)
Dale, Tony(R)

Relating to requiring state agencies to participate in the federal electronic verification of employment authorization program, or E-verify.

Companions: **HB 183** Dale, Tony (Identical)
5-14-15 H Set on the House Calendar

Remarks: Chapter 673, Government Code, is added to require state agencies to participate in the federal E-verify program.

Bill History: 05-27-15 G Sent to the Governor

SB 551



Seliger, Kel(R)
Keffer, Jim(R)

Relating to the duty of the Water Conservation Advisory Council to submit a report and recommendations regarding water conservation in this state.

Remarks: Requires the Water Conservation Advisory Council to make recommendations for legislation to advance water conservation in the state and to submit them to the governor, lieutenant governor, and speaker of the house no later than December 1 in even-numbered years.

Bill History: 06-01-15 G Sent to the Governor

SB 733



Fraser, Troy(R)
Workman, Paul(R)

Relating to the authority of certain political subdivisions to change the date of their general elections.

Companions: **HB 947** Workman, Paul (Identical)
5-11-15 H Laid on the table - subject to call - see SB 733

Remarks: Extends the deadline to December 31, 2016 for a political subdivision to change its election date to the uniform election date.

Bill History: 06-01-15 G Sent to the Governor

SB 854



Zaffirini, Judith(D)
Lucio III, Eddie(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: 09-01-15 G Earliest effective date

SB 991



Rodriguez, Jose(D)
Larson, Lyle(R)

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 develop and desalinate brackish groundwater.

Remarks: Requires the GLO and TWDB to jointly conduct a study regarding the use of wind and solar power to develop and desalinate brackish groundwater. The agencies may coordinate with a research division of a university in conducting the study.

Bill History: 05-26-15 G Sent to the Governor

SB 1101



Eltife, Kevin(R)
Paddie, Chris(R)

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

Companions: [HB 3942](#) Paddie, Chris (Identical)
4-22-15 H Committee action pending
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: 06-01-15 G Sent to the Governor

SB 1267



Estes, Craig(R)
Clardy, Travis(R)

Relating to contested cases conducted under the Administrative Procedure Act.

Companions: [HB 1419](#) Clardy, Travis (Identical)
5- 5-15 H Committee action pending
House Judiciary and Civil Jurisprudence

Remarks: Amends provisions of the Administrative Procedure Act related to notice, motions, orders, and other matters.

Bill History: 05-26-15 G Sent to the Governor

SB 1336



Perry, Charles (F)(R)
Keffer, Jim(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: 06-01-15 G Sent to the Governor

SB 1812



Kolkhorst, Lois (F)(R)
Geren, Charlie(R)

Relating to transparency in the reporting of eminent domain authority and the creation of an eminent domain database.

Companions: [HB 3988](#) Geren, Charlie (Identical)
4-13-15 H Committee action pending
House Land and Resource Management

Remarks: Requires the comptroller to create and update at least annually a public eminent domain database of entities with the power of eminent domain and include certain information about those entities; requires entities to provide information as requested; authorizes the comptroller to adopt rules.

Bill History: 06-01-15 G Sent to the Governor

SB 2030



Seliger, Kel(R)
Price, Four(R)

Relating to the election date of the North Plains Groundwater Conservation District.

Companions: [HB 4177](#) Price, Four (Identical)
5- 8-15 H Recommended for Local and
Consent Calendar

Remarks: Local bill - track only.

Bill History: 05-26-15 G Sent to the Governor

SB 2049



Nichols, Robert(R)
Bell, Cecil(R)

Relating to qualifications of members of the board of directors of the Lone Star Groundwater Conservation District.

Companions: [HB 4195](#) Bell, Cecil (Identical)
5- 5-15 H Introduced and referred to
committee on House Natural Resources

Remarks: Local bill - track only.

Bill History: 05-26-15 G Sent to the Governor

- End of Report -

Item 6

Adjournment