

## NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, July 30, 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. **NBU**
    2. Approval of minutes of the Board's July 16, 2015 Regular Meeting. **Not for public review at this time**
  - b. **General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)*
    1. **Standing Topics.**
      - i. Personnel matters and utilization
      - ii. Upcoming public events of possible interest
      - iii. Aquifer conditions and status of drought indicators
    2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*
      - i. Update on Team activities and highlights
      - ii. Update on regulatory and enforcement activities
      - iii. Update on activities related to annexation of the Shared Territory
      - 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. Public Hearing (6:15)**

The Board will hold a public hearing on the Proposed FY 2016 Budget and Proposed FY 2016 Fee Schedule.

**5. Discussion and Possible Action.**

- a. Discussion and possible action related to approval of the Proposed FY 2016 Budget. **Pg. 12**
- b. Discussion and possible action related to approval of the FY 2016 Fee Schedule by Resolution #073015-01. **Pg. 23**
- c. Discussion and possible action related to conditional renewal of all annual Production Permits for FY 2016 contingent on compliance with District rules and renewal requirements. **Pg. 32**
- d. Presentation, discussion, and possible action related to Aquifer Science Team projects. **NBU**
- e. Discussion and possible action related to activities associated with the District review of State Highway 45 Southwest design plans. **Pg. 36**

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

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

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

**7. Adjournment.**

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the \_\_\_\_\_ day of July, 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](http://www.bseacd.org). If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

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

**Item 1**

**Call to Order**

## **Item 2**

### **Citizen Communications**

## **Item 3**

### **Routine Business**

#### **a. Consent Agenda**

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

- 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- 2. Approval of minutes of the Board's July 16, 2015 Regular Meeting.**

## **Item 3**

### **Routine Business**

#### **b. General Manager's Report.**

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

##### **1. Standing Topics.**

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

##### **2. Special Topics.**

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

- i. Update on Team activities and highlights**
- ii. Update on regulatory and enforcement activities**
- iii. Update on activities related to annexation of the Shared Territory**
- 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**

## **Item 4**

### **Public Hearing (6:15)**

**The Board will hold a public hearing on the Proposed FY 2016 Budget and Proposed FY 2016 Fee Schedule.**



## **Item 5**

### **Board Discussions and Possible Actions**

- a. Discussion and possible action related to approval of the Proposed FY 2016 Budget.**



**Barton Springs  
Edwards Aquifer**  
CONSERVATION DISTRICT

**MEMORANDUM**

**Date**                **July 10, 2015 / July 30, 2015**  
**To**                    **BSEACD Board of Directors**  
**From**                **Dana**  
**Through**            **John Dupnik, GM**  
**Re**                    **2016 Draft Proposed Budget**

We are presenting the draft 2016 proposed budget for your review. All line items that have any change from its previous amount are highlighted with a red-filled box on the left and a green-filled box on the right.

Revenue amounts show a significant increase from our previous budget. This is based on staff's pumpage analysis and best estimate of projected permitted pumpage that we can reasonably anticipate for the upcoming fiscal year. The budgeted permitted pumpage amount has increased considerably from 2,843,154,546 gallons to 4,378,148,424 gallons (an increase of 1,543,993,878 gallons). This increase in anticipated permitted pumpage is largely attributed to the anticipated large temporary permits in the newly annexed area and some large permit applications that are currently pending. The corresponding increase in anticipated permit revenue coupled with the newly acquired TWDB/Regional Facilities Planning Grant results in a significant increase over the previous budget.

Please note in the revenues portion on the first page of the proposed budget that the City of Austin fee amount is not based on the normal formula calculation that would have put their annual contribution at \$1,116,428; but instead will be maintained at an amount of \$1,000,000 per year pursuant to the fee cap promulgated by HB 3405.

We are not asking for any transfers this year to fund the budget. We are instead transferring funds back INTO the reserves in the amount of \$122,000 in preparation of annexation-related contingencies. September 21<sup>st</sup> is an important date as it is the deadline for temporary permits in the new Shared Territory. At this point we will be able to better estimate what our actual revenue may look like. So office remodeling, new vehicle purchase, and the hiring of 2 new FTEs will be on hold until after that time.

The hiring of 2 new FTEs is accounted for in several line items of this budget version that we are presenting. The line items that are affected by the addition of these 2 FTES are as follows:

Salaries and Wages	Payroll Taxes
TML Workers' Compensation Insurance	Smartphone Reimbursements
Dues and Memberships	Professional Development
Computer Hardware for 2 New Work Stations	Texas Workforce Commission Taxes
Group Health Insurances - (Medical/Health, Dental Life and Vision)	Office Remodel

Conservation credits are presented as last year's numbers as this remains an unknown amount until October, after September meter readings are received that report the August pumpage.

The Regional Facilities Planning Grant has a 14-month span and expenses are not expected to start accruing until after September 1, 2015. There is a second TWDB grant opportunity that we intend to apply for during Fiscal Year 2016, but that cannot be factored into the budget at this time.

## Notes to Proposed Draft 2016 Budget

### REVENUE/INCOME:

No transfers out of reserves are being requested at this time.

One transfer for \$122,000 requested to be deposited into reserves.

### EXPENSES:

#### Large Increases/Expense Requests

Office Remodel - Phase I	\$75,000
New Vehicle	\$25,000
Legal-Redistricting	\$35,000
Legal-Election	\$20,000
HCP Completion Project	\$30,000
Grants - Regional Facilities Planning	\$25,000
Grants - Multi-port Well Project	\$160,000
Special Projects Annexation Project - Central Hays County Westbay Well	\$60,000
Special Projects Annexation Project - Trinity Modeling	\$50,000

#### Total Actual Expenses for the past 8 years

2015 (July 10 to date)	\$1,258,537
2014	\$1,444,668
2013	\$1,405,974
2012	\$1,231,036
2011	\$1,392,481
2010	\$1,536,692
2009	\$1,514,022
2008	\$1,431,280

#### End-of-Year Cash Balances (all accounts including TexPool)

2015 (July 10 to date)	\$1,325,196
2014	\$1,192,175
2013	\$1,188,185
2012	\$1,138,598
2011	\$1,265,780
2010	\$938,149 *
2009	\$1,294,917
2008	\$1,318,527

\*large difference due to A/R reporting for \$152,000

**Summary-Level  
DRAFT Proposed FY 2016 Initial Budget**

**Draft Proposed Budget Version D**

**I. PROJECTED REVENUES FOR FISCAL YEAR 2016**

**Projected Permitted Pumpage Volume  
4,378,148,424**

Category %	Total
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**Total Projected Income:**

<b>A.</b> Projected Water Production Fee Revenue	\$917,074	43.28%	
COA Water Use Fee Assessment	\$1,000,000	47.20%	
Transport Fee	\$124,000	5.85%	
<b>B.</b> Other Fees	\$14,350	0.68%	
<b>C.</b> Other Income	\$400	0.02%	
<b>D.</b> Grant Income	\$185,000	8.73%	
<b>E.</b> Transfers into Current Income from Limited use Funds	\$0	0.00%	
Transfers out of Current Income into Limited use Funds	-\$122,000	-5.76%	
		<b>100.00 %</b>	<b>2,118,824</b>

**II. PROJECTED EXPENDITURES FOR FISCAL YEAR 2016**

<b>A.</b> Operational Expenses	\$280,422	13.24%	
<b>B.</b> Salaries, Wages and Compensation	\$871,057	41.11%	
<b>C.</b> Employment Taxes, Insurance and Benefits	\$260,361	12.29%	
<b>D.</b> Professional Services	\$166,000	7.84%	
<b>E.</b> Team Expenditures (net of staff labor)			
General Management and Administration Teams	\$83,550	3.94%	
Education and Community Outreach Team	\$27,750	1.31%	
Aquifer Science Team	\$58,000	2.74%	
Regulatory Compliance Team	\$51,500	2.43%	
<b>F.</b> Grants and Special Projects Expenditures	\$295,000	13.92%	
<b>G.</b> Capital Expenses	\$25,000	1.18%	
		<b>100.00 %</b>	<b>2,118,640</b>

**III. PROJECTED POSITION**

<b>A.</b> Current Year Operations			
Total Projected Expenditures	\$2,118,640		
Total Projected Revenues	\$2,118,824		
Current Net Gain/Loss			<b>\$184</b>
<b>B. LIMITED USE FUNDS - RESTRICTED</b>			
TexPool Contingency	\$731,006	94.18%	
TexPool Reserve	\$45,204	5.82%	
		<b>100.00 %</b>	<b>776,210</b>

## **Item 5**

### **Board Discussions and Possible Actions**

- b. Discussion and possible action related to approval of the FY 2016 Fee Schedule by Resolution #073015-01.**

**Barton Springs/Edwards Aquifer Conservation District**  
**DRAFT Fiscal Year 20165**  
**Fee Schedule**

To be Effective September 1, 20154.

**I. PERMIT FEES AND WATER PRODUCTION USE FEES**

**A. Permit and Application Fees**

**\$50.00 Application Fee** – assessed to all new limited production permit (LPP) non-exempt domestic use (NDU), monitor, ~~and~~ ~~and~~ test wells subject to the general permits by rule outlined in District Rule 3-1.20, and additional aquifer pump tests (a non-refundable, one-time fee assessment). For monitoring wells, multiple wells that are similar in well design, construction, location, and purpose will be assessed an additional \$10 fee for each monitoring well.

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

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

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

**B. Water Production Use Fees**

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

~~**\$0.17 per 1,000 gallons** for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a~~ Temporary Production Permit.

**\$0.46 per 1,000 gallons** for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Conditional Permit or a Conditional Permit authorized by material amendment.

**\$0.08 per 1,000 gallons** for annual permitted or authorized pumpage for water to be withdrawn from a well or an aggregate of wells in the Saline Edwards Management Zone.

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

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

**C. Transport Fees**

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

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

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

~~**Production Permit Minor Amendments** (a non-refundable fee assessment):~~

~~Production Permit - minor amendments to increase pumpage authorized by individual permits –~~

**To be** Board-approved 7.3024.20142015

~~\$400.00 (a non-refundable fee assessment);~~

All other minor amendments -

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

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

**Production Permit Major Amendments**

~~major amendments to increase pumpage volumes - \$500.00 (a non-refundable fee assessment);~~

Production Permit – major amendments to increase pumpage volumes -

\$500.00 (a non-refundable fee assessment);

Well Modification – major amendment to alter the physical or mechanical characteristics that increase capacity of an existing well -

\$625.00 (a non-refundable fee assessment)

**E. Excess Pumpage Fee**

Permittees who exceed their annual permitted pumpage shall be assessed an excess pumpage fee for groundwater withdrawn in excess of the permitted volume in accordance with the following schedule:

An excess of **500,000 gallons or less:**

\$0.17 per 1,000 gallons for a Historical Permit, ~~or~~ a Conditional Permit not authorized by material amendment, or a Temporary Production Permit.

\$0.46 per 1,000 gallons for new Conditional Permits and Conditional Permits authorized by material amendment.

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

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

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

**F. Regulatory/Drought Management Fees**

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

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

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

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

~~\* For aggregated multiple well systems, an average outside diameter of production wells.~~

**G. Variance Requests Fee – General and Drought**

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

**II. WELL CONSTRUCTION FEES**

To be Board-approved 7.30.24.20142015



**A. Well Development Application - per well**

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

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

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

**\$125.00** - Drilling or modifying all exempt wells including closed loop geothermal well systems consisting of ten wells or less within the same system and of like well design and construction. Also assessed on previously unpermitted existing wells applying for a pumpage permit for 12,000,000 gallons or less (a non-refundable fee assessment).

**\$10.00** -- Assessed for each additional well (above the first ten wells) of the same closed loop geothermal well system ~~or monitoring well system~~ and with the same well design and construction.

**B. Well Construction Inspection Fee**

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

**C. Well Abandonment / Capping Application Fee**

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

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

**III. OTHER FEES**

**Meter Verification / Inspection Fee - \$50.00**

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

**Special Fees -- \$80.00 per hour**

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

**Returned Check Fee - \$25.00**

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

**Accounting Fee - \$50.00 per hour**

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

| **IV. FEE REFUNDS**

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

**Barton Springs/Edwards Aquifer Conservation District**  
**DRAFT Fiscal Year 2016**  
**Fee Schedule**

To be Effective September 1, 2015.

**I. PERMIT FEES AND PRODUCTION FEES**

**A. Permit and Application Fees**

**\$50.00 Application Fee** – assessed to all new limited production permit (LPP), monitor, and test wells subject to the general permits by rule outlined in District Rule 3-1.20, and additional aquifer pump tests (a non-refundable, one-time fee assessment). For monitoring wells, multiple wells that are similar in well design, construction, location, and purpose will be assessed an additional \$10 fee for each monitoring well.

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

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

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

**B. Production Fees**

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

**\$0.17 per 1,000 gallons** for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a Temporary Production Permit.

**\$0.46 per 1,000 gallons** for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Conditional Permit or a Conditional Permit authorized by material amendment.

**\$0.08 per 1,000 gallons** for annual permitted or authorized pumpage for water to be withdrawn from a well or an aggregate of wells in the Saline Edwards Management Zone.

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

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

**C. Transport Fees**

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

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

**Minor Amendments**

Production Permit - minor amendments to increase pumpage authorized by individual permits –  
**\$400.00** (a non-refundable fee assessment)

All other minor amendments - **\$ 50.00**

To be Board-approved 7.30.2015

## Major Amendments

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

Well Modification – major amendment to alter the physical or mechanical characteristics that increase capacity of an existing well -  
**\$625.00** (a non-refundable fee assessment)

### E. Excess Pumpage Fee

Permittees who exceed their annual permitted pumpage shall be assessed an excess pumpage fee for groundwater withdrawn in excess of the permitted volume in accordance with the following schedule:

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

\$0.46 per 1,000 gallons for new Conditional Permits and Conditional Permits authorized by material amendment.

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

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

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

### F. Regulatory/Drought Management Fees

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

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

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

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

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

## II. WELL CONSTRUCTION FEES

### A. Well Development Application - per well

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

**\$125.00** - Drilling or modifying all new limited production permits (LPPs), and monitor and test wells subject to the general permits by rule outlined in District Rule 3-1.20.

**\$500.00** - Drilling or modifying all nonexempt wells including Temporary Authorizations. This does not apply to limited production permits (LPPs), and test wells subject to the general rule by permit outlined in District Rule 3-1.20. This fee is also assessed on previously unpermitted nonexempt existing wells applying for a pumpage permit for more than 12,000,000 gallons (a non-refundable fee assessment).

**\$125.00** - Drilling or modifying all exempt wells including closed loop geothermal well systems consisting of ten wells or less within the same system and of like well design and construction. Also assessed on previously unpermitted existing wells applying for a pumpage permit for 12,000,000 gallons or less (a non-refundable fee assessment).

**\$10.00** - Assessed for each additional well (above the first ten wells) of the same closed loop geothermal well system or monitoring well system and with the same well design and construction.

**B. Well Construction Inspection Fee**

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

**C. Well Abandonment / Capping Application Fee**

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

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

**III. OTHER FEES**

**Meter Verification / Inspection Fee - \$50.00**

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

**Special Fees - \$80.00 per hour**

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

**Returned Check Fee - \$25.00**

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

**Accounting Fee - \$50.00 per hour**

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

**IV. FEE REFUNDS**

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

STATE OF TEXAS

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RESOLUTION # 073015-01

COUNTY OF TRAVIS

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT  
THAT ADOPTS THE FISCAL YEAR 2016 FEE SCHEDULE**

**WHEREAS**, the Barton Springs/Edwards Aquifer Conservation District (the "District") has the authority under Chapter 36, Texas Water Code and District Rule 3-1.16 to establish reasonable fees; and

**WHEREAS**, the Board of Directors of the District is responsible for establishing reasonable fees to manage and operate the District and support the District's groundwater management programs; and

**WHEREAS**, fees must be established that, when combined with the City of Austin water use fee assessment, will provide adequate revenues to fund continuing operations and planned programs, retire debt, maintain adequate contingencies, and to help offset current and future project costs by building upon current reserves; and

**WHEREAS**, the District is required by District Bylaw 4-8.6 to hold a public hearing prior to adopting or amending a Fee Schedule, and the District has held a properly noticed public hearing on the proposed fee schedule on July 30, 2015 prior to acting on this Resolution; and

**WHEREAS**, the adoption of this Resolution meets the requirements of District Rules & Bylaws and State law for the adoption of the District's Annual Fee Schedule and Fee Schedule amendments; and

**WHEREAS**, the Board of Directors of the District desires to address its mandate to conserve, preserve, protect, and enhance the Barton Springs segment of the Edwards Aquifer by adequately funding District programs for scientific research on water quality and quantity, recharge enhancement, public education and information, aquifer protection, to prevent waste of groundwater, protect the rights of owners of interest in groundwater, and other essential activities;

**NOW, THEREFORE, WE, THE BOARD OF DIRECTORS OF THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT, DO HEREBY ADOPT THE Proposed Fiscal Year 2016 Fee Schedule** as allowed under its enabling legislation codified at Special District Local Laws Code, Chapter 8802; Chapter 36 of the Texas Water Code; and other State laws.

The motion passed with \_\_\_ ayes and \_\_\_ nays.

**PASSED AND APPROVED** on July 30, 2015 **TO BE EFFECTIVE** for September 1, 2015.

\_\_\_\_\_  
Mary Stone, Board President

\_\_\_\_\_  
Blayne Stansberry, Board Secretary

## **Item 5**

### **Board Discussions and Possible Actions**

**c. Discussion and possible action related to conditional renewal of all annual Production Permits for FY 2016 contingent on compliance with District rules and renewal requirements.**

Formula Audited 5/17/2013 Board approved renewals 7/25/2014 FY 2016 Permitted Billing Worksheet (Last Updated 7/24/2015) 2,843,154,546 Budgeted Permitted Pumpage	Historical		Class A		Class B		Class C		Annual Fee Total	Pay Cycle	Water Use Invoice Amount	Annual Permit Fee	# of Wells	DMF by Bore Size
	Edwards	Trinity	MA	GALLONS		DOLLARS								
	17 cent rate	17 cent rate	17 cent rate	46 cent rate	46 cent rate	17 cent rate	46 cent rate							
Aqua Texas (Bear Creek)	12,098,000								\$2,056.66	12	\$171.39	\$50	2	\$250
Aqua Texas (Bliss Spillar (was Chup. SW C Hills)	12,875,000	38,625,000							\$8,755.00	12	\$729.58	\$50	21	\$250
Aqua Texas (Leisurwoods)	88,764,000								\$15,069.88	12	\$1,257.49	\$50	6	\$250
Aqua Texas (Moordiand)	6,000,000								\$1,020.00	12	\$85.00	\$50	2	\$250
Aqua Texas (Ohun Creek)	36,300,000								\$6,171.00	12	\$514.25	\$50	3	\$250
Aqua Texas (Shady Hollow)	80,000,000								\$13,600.00	12	\$1,133.33	\$50	2	\$250
Atroy's Double Water System	52,800,000								\$8,976.00	12	\$748.00	\$50	2	\$250
Associated Drilling	2,000,000								\$340.00	1	\$340.00	\$50	1	\$250
Barton Properties	400,000			400,000					\$68.00	1	\$252.00	\$50	1	\$250
Bear Creek Office Park	750,000								\$127.50	1	\$127.50	\$50	1	\$250
Buda   Kyle Church of Christ	200,119								\$34.02	1	\$34.02	\$50	1	\$500
Cunitix Materials, Inc	214,291,000								\$36,429.47	4	\$9,107.37	\$50	2	\$250
Cimarron Park Water Company	118,000,000								\$20,060.00	4	\$5,015.00	\$50	2	\$250
City of Austin Water Wastewater									\$725,004.00	4	\$181,251.00	\$0	0	\$250
City of Buda	275,000,000								\$46,750.00	4	\$11,687.50	\$50	4	\$250
City of Hays (Elliott Ranch)	45,000,000			9,450,000					\$7,650.00	4	\$2,999.25	\$50	2	\$250
City of Hays Water Department	14,000,000								\$2,618.00	4	\$654.50	\$50	2	\$250
City of Kyle - Transport Fee (350,000,000 gallons at 31 cents)	165,000,000			185,000,000					\$28,050.00	4	\$9,429.17	\$50	1	\$500
City of Sunset Valley	18,590,000								\$3,160.30	4	\$790.08	\$50	1	\$250
Conal Tackle	643,750								\$143.44	1	\$143.44	\$50	1	\$250
Cook Waldev/Forest Oaks	5,000,000								\$850.00	4	\$212.50	\$50	2	\$250
Conarstone (aka Trolier)		980,000							\$166.60	1	\$166.60	\$50	1	\$250
Cresedmoor Maha WSC	213,696,000								\$39,951.15	12	\$3,330.10	\$50	6	\$500
Creekside Villas (EMAIL ONLY)	350,900,000				1,998,200				\$819.17	4	\$229.79	\$50	1	\$500
Goroth Special Utility District	0								\$59,653.00	4	\$14,913.25	\$50	5	\$500
Gunn, Robert	30,000,000								\$5,100.00	4	\$1,275.00	\$50	2	\$250
Hays C.I.S.D (Hays High School)	421,875								\$71.72	1	\$71.72	\$50	1	\$250
Hays CISD (Boucon Hill)	4,820,550								\$819.48	4	\$204.87	\$50	1	\$250
Hays County Youth Athletic	300,000			300,000					\$186.00	1	\$186.00	\$50	1	\$250
Hays Hills Baptist Church	600,000								\$102.00	1	\$102.00	\$50	1	\$250
Hunt Enterprises (Earl Hunt)	18,000,000								\$3,060.00	4	\$765.00	\$50	1	\$0
Huntington Utility (now SWWC)									\$230.00	1	\$230.00	\$50	1	\$100
Iglesia de Maranatha (Mission Cristiana Maranatha)									\$1,702.00	1	\$1,702.00	\$50	1	\$0
Independence Park	1,300,000								\$340.00	1	\$340.00	\$50	1	\$0
Industrial Asphalt	0								\$221.00	1	\$221.00	\$50	1	\$250
Inn Above Onion Creek   The	5,500,000								\$0.00	1	\$0.00	\$50	1	\$250
Jackie's Dance & Gymnastics	100,000								\$835.00	4	\$693.75	\$50	1	\$250
Johnson, Gilbert C	350,000								\$0.31	1	\$0.31	\$50	1	\$250
Krelichmar, Alta Mae* (agricultural irrigation)									\$56.10	1	\$56.10	\$50	1	\$250
Krelichmar/Railroad Bar B Q									\$17.00	1	\$17.00	\$50	1	\$250
Lockaway Self Storage (aka Tanglewood)		100,000							\$69.00	1	\$69.00	\$50	1	\$250
Ladybird Montessori School (EMAIL AND MAIL INVOICES)		6,700,000					150,000		\$1,139.00	1	\$1,139.00	\$50	1	\$250
LBJ Wildflower Center	2,000,000								\$340.00	4	\$85.00	\$50	1	\$250
Loughhead, Scott (Crestview RV)	1,000,000								\$170.00	1	\$170.00	\$50	1	\$250
Louden, Bob - The Painted Horse Pavilion	120,000								\$20.40	1	\$20.40	\$50	1	\$250
McCoy Corporation	2,000,000								\$340.00	4	\$85.00	\$50	1	\$250
Malone Addition	600,000								\$102.00	1	\$102.00	\$50	1	\$250
Manchaca Baptist Church	100,000								\$17.00	1	\$17.00	\$50	1	\$250
Manchaca Bible Fellowship Church	4,232,000								\$719.44	1	\$719.44	\$50	1	\$250
Manchaca Optimist Youth Sports Complex	26,730,000								\$4,544.10	4	\$1,136.03	\$50	8	\$250
Marbridge														



FY 2016 Permittee Billing Worksheet (Last Updated 7.24.2015) 2,843,154,546 Budgeted Permitted Pumpage	GALLONS				DOLLARS		Annual Fee Total	Pay Cycle	Water Use Invoice Amount	Annual Permit Fee	# of Wells	DMF by Bore Size
	17 cent rate	46 cent rate	46 cent rate	46 cent rate	17 cent rate	46 cent rate						
Monarch Utilities water use fee	224,400,000		100,000,000			\$46,000,000	12	\$7,012.33	\$50	4	\$250	
Monarch Transport fee for partial permit (50,000,000)						\$15,500,000	1	\$15,500.00				
Mountain City Oaks Water Systems (J & N Cattle)	43,164,000					\$7,337.88	12	\$611.49	\$50	1	\$250	
Myrtle Oak Water Co-op	7,700,000					\$1,309.00	12	\$109.08	\$50	2	\$250	
Neuro Institute	5,825,000					\$956.25	4	\$239.06	\$50	1	\$250	
Oak Forest Water Supply Company	7,000,000	16,500,000	2,000,000			\$920.00	4	\$1,228.75	\$50	2	\$250	
Onion Creek Country Club (email and mail invoices)	95,166,500					\$16,178.31	4	\$4,044.58	\$50	3	\$250	
Onion Creek Kennels	466,838			383,162		\$78.36	1	\$255.62	\$50	1		
Onion Creek Memorial Park, Inc	590,625					\$100.41	1	\$100.41	\$50	1		
Park Hills Baptist Church	420,000					\$71.40	1	\$71.40	\$50	1		
Poker Company The	500,000					\$85.00	1	\$85.00	\$50	1		
Professional Contract Services Inc. (PCSI)				1,331,000		\$0.00		\$612.26	\$50	2		
Randolph Austin Company	585,000					\$99.45	1	\$99.45	\$50	1		
Rosas, Benjamin (aka Lowden Mobile Home Park)	1,000,000					\$170.00	1	\$170.00	\$50	1		
Ruby Ranch Water Supply Company	24,200,000	20,300,000	7,000,000			\$7,565.00	4	\$2,788.25	\$50	5	\$250	
Rudy's Country Store	1,875,000					\$318.75	1	\$318.75	\$50	1	\$250	
Stripes LLC #1548 (Sac N Pac)	150,000					\$25.50	1	\$25.50	\$50	1		
Schukrocht, Glen				480,000		\$220.80	1	\$220.80	\$50	1		
Seiders, Roy (Middle Trinity Irrigation - new in June 2015)		436,117				\$74.14	1	\$74.14	\$50	1		
Shoal Creek Properties	10,586,725					\$230.00	1	\$230.00	\$50	1		
Slaughter Creek Across Water Company	517,500					\$87.98	4	\$219.95	\$50	1		
Soabebe, E Y	400,000					\$68.00	1	\$68.00	\$50	1		
Southern Hills Church of Christ	562,500					\$95.63	1	\$95.63	\$50	1		
St. Alban's Episcopal Church						\$2,720.00	4	\$680.00	\$50	2	\$250	
St. Andrew's School (8m Middle Trinity 8m Lower Trinity)		16,000,000				\$17.00	1	\$17.00	\$50	1	\$100	
St. John's Presbyterian	100,000					\$280.37	1	\$280.37	\$50	2		
Texas Properties Inc	1,649,250					\$9,307.50	4	\$2,326.88	\$50	1	\$500	
Texas Lehigh Cement (Plant)	825,000					\$140.25	4	\$35.06	\$50	1		
Texas Lehigh Cement (Spectrum)	1,500,000					\$17.00	1	\$17.00	\$50	1		
Texas Lehigh Cement Co (Howe)	100,000					\$102.00	1	\$102.00	\$50	1		
Thames, Michael Custom Homes (Office)	600,000			900,000		\$2,040.00	12	\$170.00	\$50	1	\$250	
Travis County (aka Manchaca Frohfall)	12,000,000					\$170.00	4	\$42.50	\$50	2		
Twin Oaks Ranch Church Camp	1,000,000					\$67.64	1	\$67.64	\$50	1		
Uplifting Properties (Cairitz Changy & Chang)	387,889			602,111		\$30.60	1	\$177.80	\$50	1		
V F W Post No 3377	180,000			320,000		\$5,380.70	4	\$1,345.18	\$50	3	\$250	
Village of San Leanna	29,013,600					\$850.00	4	\$212.50	\$50	1	\$250	
Weatherford Thomas	5,000,000					\$51.00	1	\$143.00	\$50	1		
Whittington, Keith (Dr. Milton Otto)	300,000			200,000		\$92.00	1	\$92.00	\$50	1		

TOTAL PUMPAGE VOLUME FOR BILLING		2,342,987,721	101,641,117	25,407,200	132,579,548	188,700,000	2,148,200	2,793,463,786	\$419,889.44	\$148,776.76	\$1,417,670.20	\$4,400	161
TOTAL PUMPAGE VOLUME W/ AGRICULTURE (Kreichmar's 100,000)		same as above						2,793,463,786			\$1,417,670.20		
TOTAL PUMPAGE VOLUME W/ NATURE CENTER (16M)		2,358,987,721						2,809,463,786					
TOTAL PUMPAGE VOLUME W/ GREY ROCK (35M)								2,844,463,786					
A, B, C and MA													
348,834,948													
Total		17	2,470,036,038										
		46	323,427,748										

## **Item 5**

### **Board Discussions and Possible Actions**

- d. Presentation, discussion, and possible action related to Aquifer Science Team projects.**

## **Item 5**

### **Board Discussions and Possible Actions**

- e. Discussion and possible action related to activities associated with the District review of State Highway 45 Southwest design plans.**



**Barton Springs  
Edwards Aquifer**  
CONSERVATION DISTRICT

**MEMORANDUM**

**Date:** July 23, 2015  
**To:** Board of Directors  
**From:** John T. Dupnik, P.G., General Manager  
**Re:** SH 45 SW Stormwater Quality Management

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**Activities Since Previous Board Meeting**

- The BSEACD Consultant developed a conceptual design for Hazardous Materials Traps (HMT) and vegetated filter strips that can manage small spills while at the same time support an improved water quality approach. This concept design was shared with the City of Austin Watershed Protection Department and the highway water quality design team. At the time of this update, no comments have been received from the City of the highway designers.
- A technical Water Quality Working Group formed and includes representatives from BSEACD, City of Austin Watershed Protection Department, TexDoT, CTRMA, and the highway and water quality design team. This small group will evaluate technical criteria and options to achieve water quality management that is superior to the Consent Decree goals while assessing options to the suggested BMP measures in the Decree. It is anticipated that the first meeting will focus on the risk, design, and approach in developing alternative HMT options that can enhance the stormwater quality design effort.
- The Consultant, Tom Hegemier, P.E., joined the firm Alan Plummer Associates, Inc. and will continue to perform in the same capacity with the BSEACD.
- The Highway design team continues to prepare the 60% complete design plans and anticipates this milestone being completed by early to mid-August.

**Next Steps:**

- Field reconnaissance with the highway and water quality design engineers will take place on Friday, July 24.
- The Water Quality Working Group will hold their first technical meeting on July 30, 2015.

## Item 6

### Director's Reports

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

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

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

**Item 7**

**Adjournment**