

## NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held in **the District office**, 1124 Regal Row, Austin, TX, on **Thursday, October 25, 2012**, 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 up to \$7500 in capital expenditures for interior office renovations. **NBU**
    3. Approval of minutes from the Board's October 11, 2012, Regular Meeting and Public Hearing. **Not for public review at this time**
    4. Approval of the staff selection for the recipient of the annual Permittee of the Year Award. **NBU**
    5. Approval to extend the times of office closing over the holidays. **NBU**
    6. Approval of the staff's individual incentive compensation projects for FY 2013. **Pg. 10**
    7. Validation of rule language reflecting the final set of Board-requested changes before the Rule Amendments were adopted on October 11, 2012. **Pg. 13**
  - b. **General Manager's Report.** Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will

not take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics.

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

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

- i. Review of Status Update Report – at directors’ discretion. **Pg. 18**
- ii. Update on GMA 9 and GMA 10 activities.
- iii. Update on the Austin Court of Appeals decision in *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District*.

c. Directors’ Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

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

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

4. **Board Discussion and Possible Action.**

- a. Discussion and possible action on assessing the status of drought triggers and declaring a Stage II-Alarm Drought. **Current drought chart distributed at meeting**
- b. Discussion and possible action related to applications submitted by Noel Kelly for two new Edwards NDU wells proposed to serve as shared multi-user wells providing for domestic use on four lots in Kellywood Estates, including whether they should be considered an NDU well or wells requiring a production permit. **Pg. 27**
- c. Update, discussion and possible action related to pursuit of the District’s legislative agenda and to other legislative initiatives that potentially could affect the District. **NBU**

- d. Discussion and possible action related to the proposed TWC Ch. 356 rules of the Texas Water Development Board and providing District comments on those proposed rules if warranted. **NBU**
  
- e. Discussion and possible action related to the November 6, 2012, director elections including: approval of joint election agreements and election services contracts with Hays, Caldwell and Travis Counties; approval of election day polling places; approval of locations, dates and times of early voting; ratification of Board President's actions on election matters, adopting orders or amendments to prior Board orders in connection with the election; and, any other action necessary for the November 6, 2012, director elections. **NBU**

**5. Adjournment.**

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the \_\_\_\_\_ day of October, 2012, at \_\_\_\_\_ .m.

\_\_\_\_\_, Deputy Clerk

Travis County, TEXAS

**Please note:**

This agenda and available related documentation have been posted on our website, [www.bscacd.org](http://www.bscacd.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.**
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- 7. Validation of rule language reflecting the final set of Board-requested changes before the Rule Amendments were adopted on October 11, 2012.**

## 2013 Incentive Projects for Staff

### John Dupnik

1. Joint project with Dana: Develop and execute an orientation program for the Assistant General Manager that reviews requirements and approaches for all administrative processes of the District, and the roles of various staff, including the GM, in those processes; to be completed by January 31, 2013.
2. Develop a master schedule for new assessments and reporting requirements for both Board and staff arising from the newly adopted Management Plan; to be completed by November 30, 2012.
3. Recommend an overall staffing plan for the District, including schedule, salaries and wages, team structure, budget amendments to accommodate any required office space improvements and new salaries and wages, as of both mid FY 2013 and mid-FY 2014; to be completed by January 31, 2013.

### Brian Smith

1. Complete the initial feasibility studies of the Saline Edwards Aquifer in the region, to include:
  - a. installation/modification of monitoring well(s) and aquifer testing by March 2013, and
  - b. development of a useful model or other calculations to depict the effects of saline production on freshwater resources and evaluate the efficacy of ASR in impact mitigation, by August 2013.
2. Joint project with Brian Hunt: Prepare 1) a technical report for the scientific community, and 2) a companion technical implementation guidance document for permittees and well-drilling contractors, each of which summarize the state of knowledge of hydrogeologic controls on the production and chemistry of groundwater from the Trinity Aquifers in the District and of factors to consider in its prospective use; drafts to be completed by February 15, 2013.

### Brian Hunt

1. Joint project with Robin: Export, attribute, and organize the potentiometric maps from historic synoptic surveys in geodatabase format, by May 31, 2013. To include:  
For Edwards:

- Drought of Record potentiometric surface
- High flow potentiometric surfaces
- Low flow potentiometric surfaces

For Trinity:

- 2009 Middle Trinity potentiometric surface
  - 2009 Lower Trinity potentiometric surface
2. Joint project with Brian Smith: Prepare 1) a technical report for the scientific community, and 2) a companion technical implementation guidance document for permittees and well-drilling contractors, each of which summarize the state of knowledge of hydrogeologic controls on the production and chemistry of groundwater from the Trinity Aquifers in the District and of factors to consider in its prospective use; drafts to be completed by February 15, 2013.

### **Robin Gary**

1. Joint project with Brian Hunt: Export, attribute, and organize the potentiometric maps from historic synoptic surveys in geodatabase format, by May 31, 2013. To include:

For Edwards:

- Drought of Record potentiometric surface
- High flow potentiometric surfaces
- Low flow potentiometric surfaces

For Trinity:

- 2009 Middle Trinity potentiometric surface
  - 2009 Lower Trinity potentiometric surface
2. Prepare, publish, and track distribution of the BSEACD Well Owners Guide; first edition available by March 31, 2013

### **Kendall Bell-Enders**

1. Joint project with Shannon DeLong: Clean up and reorganize the NDU permittee database to be more useful / searchable, and contact permittees to verify current data, fill in missing data, and confirm permit status of at least 2/3 of the NDUs; to be completed by August 31, 2013.
2. Identify a local or nearby professional development course of personal interest and District utility, e.g., project management; time management, etc.; gain approval to register by John D; and attend and complete the course by February 28, 2013.



### **Dana Wilson**

1. Joint project with John: Develop and execute an orientation program for the Assistant General Manager that reviews requirements and approaches for all administrative processes of the District, and the roles of various staff, including the GM, in those processes; to be completed by January 31, 2013.
2. Develop a Standard Operating Procedure-style guide for future November director elections, including detailed timeline/milestones, time-defined District activities and submittals, role/products of third parties, and county-specific differences in guidance; to be completed by February 28, 2013.

### **Shannon DeLong**

1. Joint project with Kendall Bell-Enders: Clean up and reorganize the NDU permittee database to be more useful / searchable, and contact permittees to verify current data, fill in missing data, and confirm permit status of at least 2/3 of the NDUs; to be completed by August 31, 2013.
2. Develop a standard operating procedural guide to the payroll entry process, and cross-train Dana in its implementation, to be complete by June 30, 2013.

### **Tammy Raymond**

1. Develop and maintain a spreadsheet-style tracking and recurring communication system for all staff commitments that arise from Board meetings, work sessions, and public hearings, including summary of commitment, classification by standard types of commitment, responsible staff member, when generated, and when and how delivered/satisfied; to be in use no later than December 1, 2012.
2. Develop and maintain a staff-accessible tracking system for all individual task orders under our IDQ/IDD support contracts, including at least contract/TO number, contractor firm, general scope, billing type, milestones including at minimum product delivery date, contractor project manager and contact info, responsible District monitor, and completion status; to be in use no later than January 1, 2013.

## Addendum No. 3

### Final Board Amendments to Rules Before Adoption on 10-11-12.

#### 3-1.24. CONDITIONAL PRODUCTION PERMITS.

- E. Class C Conditional Permits. Class C Permits shall be designated in accordance with the following criteria and shall be subject to the following provisions.
- (2) Monthly groundwater production shall be limited to the monthly baseline permitted volumes established in the approved UDCPs of each individual permit. **For permits issued prior to October 11, 2012, this provision shall not be enforced until after October 11, 2013.**

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#### 3-6.1. CONSERVATION-ORIENTED RATE STRUCTURE.

The District encourages all water utilities to employ conservation-oriented rate structures as a matter of course.

A. Certification.

~~Within two years of the effective date of these Rules~~ **On or before October 11, 2014**, or upon the next water utility rate hearing ~~after the effective date~~, whichever is earlier, and then upon approval of each ensuing amendment of rates or rate structure, all permittees with wells classified for public water supply use shall provide a certification to the District that describes in detail either their then-approved existing rate structure or, for investor-owned utilities, the proposed rate structure in an application then-pending with TCEQ. Such certification shall include an explanation of why the utility considers that their selected design of the rate structure for selling water to their customers is effective in reducing water demand for that customer base, especially during District-declared drought stages. This information will be evaluated qualitatively by the District as to the relative effectiveness of various components of the rate structure on a case-by-case basis, using actual pumpage and drought compliance history, widely accepted utility guidelines, and applicable TCEQ standards. The District's findings in this assessment shall be timely conveyed to the permittee for their future use, and at their discretion.

B. Requests for Extension or Exception.

Within six months of the expiration of the applicable certification period, a water utility may make a request to the District for either a time extension for making the certification or an exception to the need to utilize conservation-oriented rates. These requests must include the rationale for such requests and why such requests should be granted. The request will be granted by the Board if the Board finds the circumstances merit such consideration.

C. Use of Effectiveness Assessment.

At the end of the two-year certification period plus any extension period requested by the utility and granted by the Board, the assessed degree to which any non-excepted utility is or is not using an effective conservation-oriented rate structure ~~may be a~~ shall be one of the key considerations in determining whether the utility permittee is making a good-faith effort to comply with what part of the range of fines and penalties would be assessed for any violations of drought management rules ~~by that utility, in accordance with Rule 3-7.10.~~

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**3-7.5. USER DROUGHT CONTINGENCY PLANS.**

Each permittee is required to prepare, adopt and implement User Drought Contingency Plans (UDCPs) consistent with these Rules.

A. Contents of UDCP. UDCPs shall consider, as a minimum, the following:

- (9) UDCP special provisions for Conditional Production Permits shall include:
  - (e) For Class C Conditional Production Permits, a monthly baseline permitted volume applicable during non-drought conditions.

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**3-7.6. PERMITTEE RESPONSIBILITIES.**

B. Implementation of User Drought Contingency Plans. Upon notification from the District that drought stages are triggered, permittees not granted a variance from the Drought Rules are required to initiate action according to their UDCP. Conditional Production Permits may have additional mandatory compliance requirements pursuant to District Rule 3.7.6(C) below, including temporary curtailment of pumpage or cessation of pumpage.

- (4) Implementation of User Drought Contingency Plans during an Emergency Response Period (ERP).
  - (a) During an ERP declared after (thirty six (36) months from the effective date of these Rules) October 11, 2015, each permittee with a Historical Production Permit whose Edwards well is located within a Freshwater Edwards Management Zone is required to curtail monthly permitted pumpage by 50%, as measured on a three-month average basis, beginning three months after declaration of an ERP. For the initial three-month period

following declaration of ERP, the curtailments required by a Stage IV Exceptional Drought will continue to apply.

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C. Special Drought Requirements of Conditional Production Permits.

(1) Compliance with Drought Stages. All Conditional Production Permits shall comply with all applicable drought rules and protocols required elsewhere in this Section dealing with "Drought," and in addition the requirements and conditions as enumerated below:

(a) No-Drought Status.

(i) Permittee's Conditional Production Permits shall comply with all applicable drought rules and protocols required under this Rule 3-7 "Drought," of this Section including the Stage I Water Conservation Period measures specified in their User Drought Contingency Plans.

(ii) Permittees with Class C Conditional Production Permits shall limit monthly production to the monthly baseline permitted volumes established in the approved UDCP. For permits issued prior to October 11, 2012, this provision shall not be enforced until after October 11, 2013.

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**3-7.10. ENFORCEMENT/PENALTIES DURING DROUGHT.**

Pursuant to Rule 3-8, the District may initiate enforcement actions and assess penalties for each act of violation of this Section and for each day of violation, as appropriate and warranted. Each day a violation continues may be considered a separate, specific violation. Penalties shall be assessed within the ranges specified in this Section.

A. Penalty Assessment Criteria. In determining the amount of a civil penalty to be assessed within the ranges presented, the District will consider the following factors:

- (1) The severity or seriousness of the violation,
- (2) Whether the violation was willful, intentional, or could have been reasonably anticipated and avoided,

- (3) Whether the violator acted in good faith to avoid or mitigate the violation, ~~for example, the use of an effective conservation-oriented rate structure,~~ or to correct the violation after it became apparent, and compensate those affected,

## **Item 3**

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**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.**

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- i. Review of Status Update Report – at directors' discretion.**
- ii. Update on GMA 9 and GMA 10 activities.**
- iii. Update on the Austin Court of Appeals decision in *SOS Alliance v. City of Kyle, Goodman et al., and the***

**STATUS REPORT UPDATE FOR OCTOBER 25, 2012, BOARD MEETING**

Prepared by District Team Leaders

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
<b>GENERAL MANAGEMENT TEAM</b>				
	W F Holland			
<b>Summary of Significant Ongoing Activities</b>	WFH	17-Oct-12	General Manager activities and notes	<p>GM activities of note since last report: Assisted in elections process activities and decision-making. Continued to fine-tune rule language to address comments received by Board and public, and assisted in finalizing the adopted Rules. Met with lobbyist and legislative staffers to discuss desal hill. Attended webinar for RWQPP participation. Promulgated task order to provide assistance in establishing MAC for the HCP. Prepared and held preliminary discussions with consultant for engineering cost estimates of restricted discharge options. Participated in port-mortem on TAGD Texas Groundwater Summit. Helped prepare agendas for upcoming TAGD Executive Committee and quarterly Membership meetings. Continued coordination and adoption of the Management Plan, and prepared notifications as part of process for its promulgation. Met with member of public to discuss water management concerns. Met with UT rep to discuss joint geologic map digitization project. Met with prospective buyer of permittee property to identify additional water options. Met with consultant of HCPUA to discuss local GW valuation. Participated in planning and bidding process for office remodeling. Solicit and conduct interviews for new-hire hydrogeologist, and approved offer. Began orientation of and transition to institute the new Assistant General Manager role. Completed setting staff's 2013 individual incentive projects. Participated in monthly Technical Team meeting and followed up with stakeholders on technical topics. Coordinated with Team Leaders on current work areas. Reviewed technical reports prepared by staff. Held one on ones with Team Leaders. Prepared agendas for and attended Board meetings, and reviewed and revised Minutes and prepared meeting summaries of same. Provided continued coordination and oversight of various internal and project team activities (below).</p>
<b>Potential Future Board Considerations</b>	WFH	17-Oct-12	Possible future Board agenda items (not necessarily next Board meeting)	<p>Declare drought. Approve capital expenditure for office remodeling. Consider extending office closed days during holidays. Consider staff selection of Permittees of the Year. Authorize submittal of adopted management plan to TWDB for approval, after proper notices to GMA GCDs and RWPGs. Comment on TWDB Ch 356 rules. Canvass election results and swear-in newly elected directors. Elect Board officers. Consider options for addressing remanded Kyle case. Briefings on various ongoing or recently completed staff projects and initiatives. Amend budget, as necessary. Approve specific task-orders in various work areas to supplement staff resources. Approve ILA(s) with COA for HCP related activities, and set public hearing on same. Approve permit applications. Review new or revised Management Plans of other GCDs in GMAs 9 and 10. Consider progress on and revisions to legislative agenda.</p>
<b>GENERAL SERVICES TEAM</b>				
	Dana Christine Wilson			
<b>Election 2012</b>	DCW	18-Oct-12	Continued duties as Election Administrator through December 17th.	<p>Period for publishing notice of election October 7 through 27, last day to post notice of election October 16. Posted in all 3 counties (Caldwell, Hays, and Travis) and published in 3 newspapers (Austin American-Statesman, Lockhart Post-Register, and Hays Free Press.)</p>

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Accounts Receivable	DCW	18-Oct-12	November monthly invoices mailed out on October 9th with conservation credit /credit memos - with statement date of October 16th (due on November 5th and late on November 16th).	Total invoices amount - \$25,301.21.
Conservation Credits / Accounts Receivable	DCW	18-Oct-12	Conservation credits applied totalled \$37,526.04. Overpayment fees applied totalled \$52,84.	Permittees total conservation credits are \$23,453.78. City of Austin received 60% of that total amounting to \$14,072.26 ( not to exceed \$15,000 as stated in the settlement agreement).
Accounts Receivable / Drought Management Fees	DCW	18-Oct-12	All DMFs for FY 2012 have now been received/paid. Tracking has been completed.	Total FY 2012 DMFs assessed (and collected) is \$9650. Transfer being made to Contingency where Enforcement/Reserve funds are defined. Total DMFs to date are \$34,650 (2009 - \$21,300; 2011 - \$3,700; 2012 - \$9650.
Audit 2012	DCW	18-Oct-12	FY 2012 annual financial audit to begin in early November.	Documents being compiled for auditor.
Tax Reporting	DCW	18-Oct-12	Quarterly Taxes - C3 and 941 for period July 1 through September 30, 2012.	Completed and submitted 9/30/2012.
Pension / Trust Accounting	DCW	18-Oct-12	Trust Accounting/ Retirement Plan Compliance Testing / Census Packet Questionnaire	Annual payroll consensus reporting in process, as required by Department of Labor, and the Internal Revenue Service.
Administration - Policy - District Management Plan	DCW/JD	18-Oct-12	Management Plan now includes the incorporation of TW/DB comments.	Indices and other steps being taken for finalization/completion of process.
Administration - Policy - Employee Policy Manual	DCW	18-Oct-12	Updating the employee policy manual.	To include several sub-policies, and updates and edits.
Administration	DCW	18-Oct-12	Completion of U.S. Department of Finance, Economics and Statistics Administration, U.S. Census Bureau "2012 Census of Governments Survey of Local Government Finances - Special Agencies" (for FY 2011).	Submitted on October 4, 2012 as required and authorized by Title 13, United States Code, Section 161. Purpose: the information collected serves in developing national economic and public policy by measuring public activity, providing statistics about government organization, public employment and government finance.
Administration - Contracts	DCW	18-Oct-12	MSC Spreadsheet for IDD Master Services Contracts Task Orders	In process of numbering the accounts.
<b>REGULATORY COMPLIANCE TEAM</b>				
Enforcement	John Dupnik			
	JD, KBE	17-Oct-12	Circle C (GreyRock) Golf Club	GEOS Consulting submitted a preliminary aquifer test work plan on behalf of Grey Rock, which does not require approval until modification is complete. Staff will continue to work with Grey Rock on next steps which include the well recompletion, pump test planning, water quality sampling, and processing of a production permit application.
Drought Management	JD, KBE	17-Oct-12	Drought Compliance Monitoring and Enforcement	The District is currently in "no drought" status. There are no pending enforcement cases. However, staff is preparing for the impending drought.
Rule Development and Review	JD, KH	17-Oct-12	Identify scope and develop provisions for future possible rule changes.	After reconvening the public hearing and extending the comment period, the Board approved the Revised Rules and Bylaws on October 11, 2012. Staff notified the permittees via email and regular mail. In addition, notification of the new rules was provided through a press release and posting of related information on the District's website.
Well Drilling in Austin	JD	17-Oct-12	Assist the City in developing processes and protocol for well permitting.	Austin City Counsel unanimously approved a new ordinance requiring the registration of private wells in the city. Staff will continue to assist with implementation as warranted.



	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Sky Ranch Water Quality Protection Land/City of Austin	JD	17-Oct-12	Well Modification	City of Austin staff has requested a variance on well recompletion for a Trinity monitoring well located on the Sky Ranch - Water Quality Protection Land. After meeting with the CoA staff and reviewing their write-up describing the purpose of the variance request, District staff has accepted the variance citing the unique requirements of the well for research and study of aquatic life.
Avana Well	JD, KBE	17-Oct-12	Well plugging	A plugging application is expected to be filed soon. Avana is working with the Well Spec Company to determine the appropriate plugging method.
The Inn on Onion Creek	JD, KBE	17-Oct-12	Permitting options for additional supply	Staff met with the prospective owner of The Inn on Onion Creek (for the second time) and his lawyer to discuss permitting options for additional water supply. The prospective owner has plans to expand the business.
Wildflower Center well	JD, KBE	17-Oct-12	Well Modification, Middle Trinity Production Permit	Staff has been discussing well modification and Middle Trinity Production Permit options with The Wildflower Center. The well would need to be recompleted to comply with well construction standards before a production permit could be issued. The WFC is working with Well Spec Company in submitting an application for a pump test under the general permit to determine water quality and yield before moving forward.
KBDJ/Summit Materials	JD, KH	17-Oct-12	Middle Trinity Production Permit	Staff has a scheduled pre-application meeting with Summit Ridge Materials to discuss the permitting process for a Middle Trinity Production Permit. An application is expected to be filed shortly.
Current Active Applications	JD, KBE	17-Oct-12	Mr. Burrus Class C Conditional, Small Middle School Monitor well, Mike Kelly NDU, Ray Stevens NDU, Daniel Triston Class C Conditional	Mr. Burrus has decided not to move forward with the Class C Conditional permit. Mr. Triston submitted an application for a Class C Conditional permit for landscape irrigation and domestic use. Mr. Noel Kelly submitted applications for two new Edwards NDU wells proposed to serve as shared multi-user wells providing for domestic use on four lots in Kellywood Estates. All other applications are not administratively complete and are currently under review.
<b>EDUCATION &amp; OUTREACH</b>				
Groundwater to the Gulf	RG	16-Oct-12	Strategic planning meeting	G2G partners worked on restructuring activities for the 2013 G2G. This year we will likely expand to a 4-day training with each day based on a theme: conservation, ground water/recharge, surface water, and coastal.
Creek Cleanup	RG	13-Oct-12	Williamson Creek Cleanup	The creek cleanup was cancelled due to rain. The new date will be Saturday, Nov. 3, 2012 from 9:30 to 12:00. Volunteers were notified and the website has been updated.
Central Texas Water Efficiency Network	RG	11-Oct-12	Monthly meeting	CTWEN partners have started preparations for the 2013 Water Efficiency Seminar which will be held in late February. The group had a demo from reps for Kineticco Water Softening Systems. No major drought issues of note.
Sewage Spill Research	RG	26-Sep-12	Texas State University Advanced GIS Class	The TSU Advanced GIS team focused on looking at sewage leaks, septic systems, and trends in the Barton Springs segment of the Edwards Aquifer submitted the pro. This is a continuation of project last semester dealing with the same topic, but focused on the San Antonio segment of the Edwards Aquifer.
Texas Living Waters	RG	08-Oct-12	Website revamp	Robin met with other stakeholder advisory group members to suggest website revisions focused on content, audience, data availability, and collaboration for the <a href="http://www.texaswatermatters.org/">www.texaswatermatters.org/</a> website revamp effort by Sierra Club, National Wildlife Federation, and the Galveston Bay Foundation.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Internet Traffic Report	RG	18-Oct-12	Page views and visits to the District Website	On the District website over the past month, we've had substantial increase in visitors and page views from last month (namely due to newsletter release, election research, and job posting). There were 4,610 page views from 1,731 unique visits. Top pages viewed (in order of hits) are the home page (1,111 views), Newsletters (264 views), Drought Status (227 views), and the Maps page (209 views). On the District Facebook page we have 84 people who have signed up to 'Like' us and have reached 269 with posts this month.
<b>AQUIFER SCIENCE</b>				
Brian Smith				
Dye Tracing	BS, BH	18-Oct-12	Dye tracing	A report on the Blanco River dye traces conducted in 2009 was finalized by EAA in August 2012. District staff were included as authors on this report. A dye trace was conducted by the District in February in the sinkhole that opened in the bottom of the sedimentation pond at the Arbor Trails shopping center. Initial results of the dye trace indicate that dye injected into the sinkhole reached Barton Springs in a few days. A draft report is under internal review.....
319(h) Grant	BS, BH	19-Oct-12	Orion Creek Recharge Enhancement Project	The grant officially ended on August 31, but the District is committed to continuing upkeep and improvements to the system at Antioch and Sky Ranch. A final QAPP for the CWQMN sites has been submitted to TCEQ.
Water-Quality Studies	BS, BH	20-Oct-12	Sampling and analysis of groundwater and surface water	Some periodic sampling funded by the TWDB, NWF, and BSEACD has occurred at some sites in recent months. Results are pending.
Saline Zone Studies	BS, BH	21-Oct-12	Installation of multipoint monitor well	Plans are moving forward for installation of a saline Edwards multipoint well in conjunction with a test well installed by TDS.
Drought and Water-Level Monitoring	BH, BS	22-Oct-12	Drought status, monitor wells, and synoptic water level events	As of October 18, 2012, flow at Barton Springs is at about .39 cfs and depth to water in the Lovelady well is 482.93 ft-nsf (Alarm is 478 ft-nsf). Staff will be measuring discharge at Barton Springs to confirm discharge measurements.
Information Transfer	BS, BH	23-Oct-12	Presentations, conferences, reports, and publications	Aquifer Science staff will present 4 papers at the GCAGS conference that will be held in Austin in October 2012..
<b>AD-HOC TEAMS</b>				
Technical Team	BAS	20-Sep-12	Current areas of discussion	Key topics of discussion for September were saline zone studies and Woodcreek (Wimberley) well sampling. Science staff from Interra visited the District during the Sept. meeting to discuss various projects.
Planning Team	WFH	17-Oct-12	Strategic and tactical planning and discussion topics	Consider re- and new staffing needs and plans. Review/revise AGM transition plan. Prepare master list of Board and Staff new reports and processes specified in new MP. Reconcile current year and next-year budgeted expenditures. Will be evaluating how policy, procedure, and documentation need to be revised to conform to current SAO audit emphases.
<b>UPCOMING ITEMS OF INTEREST</b>				
Gulf Coast Association of Geological Societies Annual Convention, Austin, TX		21-Oct-12	Through 1-2/12: at Austin Convention Center (BAS..BH)	
UT's 2012 Drought Forum		22-Oct-12	Through 10/23: 8 AM to 5 PM both days. AT&T Conference Center at UT (KH, JD.??)	
Public Hearing by TWDB on Proposed 356 Rules		22-Oct-12	1:30 PM, Room 1-170 of the Stephen F. Austin State Office Building	
Workshop on policy options for disposal of desal concentrate in the arid West (WaterReuse Research Foundation grant project)		25-Oct-12	Through 10/26/12: in El Paso (BD attending)	

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Plum Creek CD, Public Hearing on their revised Drought Management Plan		25-Oct-12	1 PM, PCCD's new offices on San Antonio St. Lockhart	
Second October Board Meeting		25-Oct-12		
TWCA Fall Conference and Membership Meeting		25-Oct-12	Through 10/26/12: at Crowne Plaza Riverwalk, San Antonio	
UT Hot Science, Cool Talks: Last Call at the Oasis by Dr. Jay Famiglietti		26-Oct-12	Student Activities Center (SAC), Lecture at 7:00pm Pre-lecture Fair starts at 5:45pm.	
Edwards Aquifer Monitoring Technical Group (new)		26-Oct-12	8:30 AM - 12:30 PM, 3rd Floor Conference Room, One Texas Center (BH, BAS, JD)	
3rd Annual Rainwater Revival		27-Oct-12	10am-4pm, Boerne Convention and Community Center	
TAGD Quarterly Meeting, Speakers and Business Sessions		30-Oct-12	through Noon, 10/31; at Lone Star GCD office, in Conroe (KH, JD)	
Texas State University Advanced GIS team progress report presentation - sewage spill analysis		31-Oct-12	10:00-10:50am at TSU room ELA 315	
2012 Texas Water Law Institute		01-Nov-12	through 11/2/12, at AT&T Conference Center, UT Austin (KH, CS, ??)	
RWQPP Working Group, Bimonthly Meeting		02-Nov-12	11 AM - 1 PM, Cannoli Joe's, SV (CS, KH, JD?)	
Williamson Creek Cleanup		03-Nov-12	9:30am-12:00pm, meet beside World Market on Brodie, Please RSVP with Robin.	
Written comments on TWDB Ch. 356 rulemaking due		04-Nov-12	Or Monday, Nov 5	
General Election Day		06-Nov-12	Including Director Precincts 1, 3, and 4	
Austin Youth River Watch 25th Anniversary Awards Luncheon and Picnic		10-Nov-12	11:30-1:00: Luncheon 11:30-1 (8 seats), Family friendly picnic 1-4 (free)	
Veterans Day Holiday - Office Closed		12-Nov-12		
Leadership Austin panel on water issues		14-Nov-12	10-11 AM, at AMD's Lone Star campus; KH on panel	
SOAH hearing on Jeremiah Venture TLAP		14-Nov-12	Time TBD; at SOAH main office	
November Board Meeting		15-Nov-12	Canvass election results and declaring winners (must be between 11/14-11/19); Swearing-in of and administering the Oath of Office to the three election winners	
Thanksgiving Holidays - Office Closed		22-Nov-12	and 11/23/12.	

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GMA 10 Committee meeting, for annual review of all member GCDs' Management Plans		03-Dec-12	11:30-1:30, at EAA Conference Center, SA (JD, KH)	
Austin Geological Society Meeting, with panel on the impact of the Day decision, including KH		03-Dec-12	7 PM, at BEG (KH, BH, JD?, GP?)	
BSEACD Holiday Open House		07-Dec-12	6 PM - 8:30 PM, at Craig Smith's house (1908 Barton Parkway, 78704); RSVP through Tammy before 12/1	
December Board Meeting		13-Dec-12	Election of Board Officers	
Austin Watershed Protection Ordinance Stakeholders Meeting, to discuss issues raised in Env Board presentation on 12/5		14-Dec-12	11 AM - 1 PM, Austin City Hall, Staff Bullpen	
Last Day of Mandatory Election Office Hours		17-Dec-12		
Christmas Holidays - Office Closed Monday, Tuesday, and Wednesday		24-Dec-12	Through 12/26; at least, Board will consider additional days of closure	

## **Item 3**

### **Routine Business**

**c. Directors' Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.**

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

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

## **Item 4**

### **Board discussions and possible actions**

- a. Discussion and possible action on assessing the status of drought triggers and declaring a Stage II-Alarm Drought.**

## **Item 4**

### **Board discussions and possible actions**

**b. Discussion and possible action related to applications submitted by Noel Kelly for two new Edwards NDU wells proposed to serve as shared multi-user wells providing for domestic use on four lots in Kellywood Estates, including whether they should be considered an NDU well or wells requiring a production permit.**



**Barton Springs  
Edwards Aquifer**  
CONSERVATION DISTRICT

**MEMORANDUM**

Date: October 17, 2012  
To: Board of Directors  
Thru: John T. Dupnik, P.G.  
From: Kendall Bell-Enders  
Re: Application for two Nonexempt Domestic Use wells for Mr. Noel (Mike) Kelly on property located in Sec 2, Lots 2B and 2D of Kellywood Estates.

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**Application:** The District has received applications for two Nonexempt Domestic Use (NDU) wells for the above referenced applicant and properties. Given the spacing limitations of the lots and the limited authorized pumpage allowable for individual NDU wells, the applicant has applied for authorization to drill *two* domestic Multi-User Wells that produce from the Fresh Water Edwards under the Nonexempt Domestic Use permit-by-rule.

**Site Information:** The site consists of a four, one acre lots located in Kellywood Estates just west of the intersection of Brodie Lane and Wyldewood Road and just north of the Shady Hollow subdivision. The applicant obtained authorization from the City of Austin to re-subdivide a 4.243 acre lot into four lots that are approximately one acre each. The site is located just outside of the Aqua Texas – Shady Hollow service and outside of the City of Austin’s full purpose jurisdiction but within its two-mile ETJ.

**Background:** In March of 2011, Mr. Kelly (the applicant) applied for authorization to drill and produce from a single Middle Trinity well under the Nonexempt Domestic Use permit-by-rule to supply the four new lots pending re-subdivision. The applicant needed to satisfy the City’s requirements for demonstration of adequate water availability that was needed for plat approval. Due to the unique circumstances, the staff requested direction from the board on whether the request should be authorized under the NDU permit-by-rule or under an individual permit. The Board determined that the applicant met the eligibility requirements for an NDU authorization and the application was approved. The City of Austin’s Zoning and Platting Commission (ZAP) approved the re-subdivision on March 15, 2011, however the authorized Trinity NDU well was never drilled and the one-year drilling authorization has since expired.

The applicant has deviated from the original plan referenced above and has now submitted an application for two Edwards NDU wells proposed to serve as shared Multi-user Wells providing for domestic use on four lots. The applicant meets the eligibility for NDU authorization by virtue of not being located in the service area of a water provider, however, the NDU authorization would be for two Multi-user Wells to supply water to all four lots instead of the more typical case of one well for one lot. The applicant is aware that groundwater production would be limited to a maximum of



500,000 gallons annually per well. The applicant has also been briefed on the recently adopted rule that stipulates requirements for permits approved for Multi-user Wells including: 1) the well owner is the permittee and is responsible for complying with all District rules, and 2) all connections must be sub-metered..

**Board Action:** Considering the unique circumstance of this requested authorization, the Board may choose to invoke provisions of District Rule 3-1.20.A(5) which states:

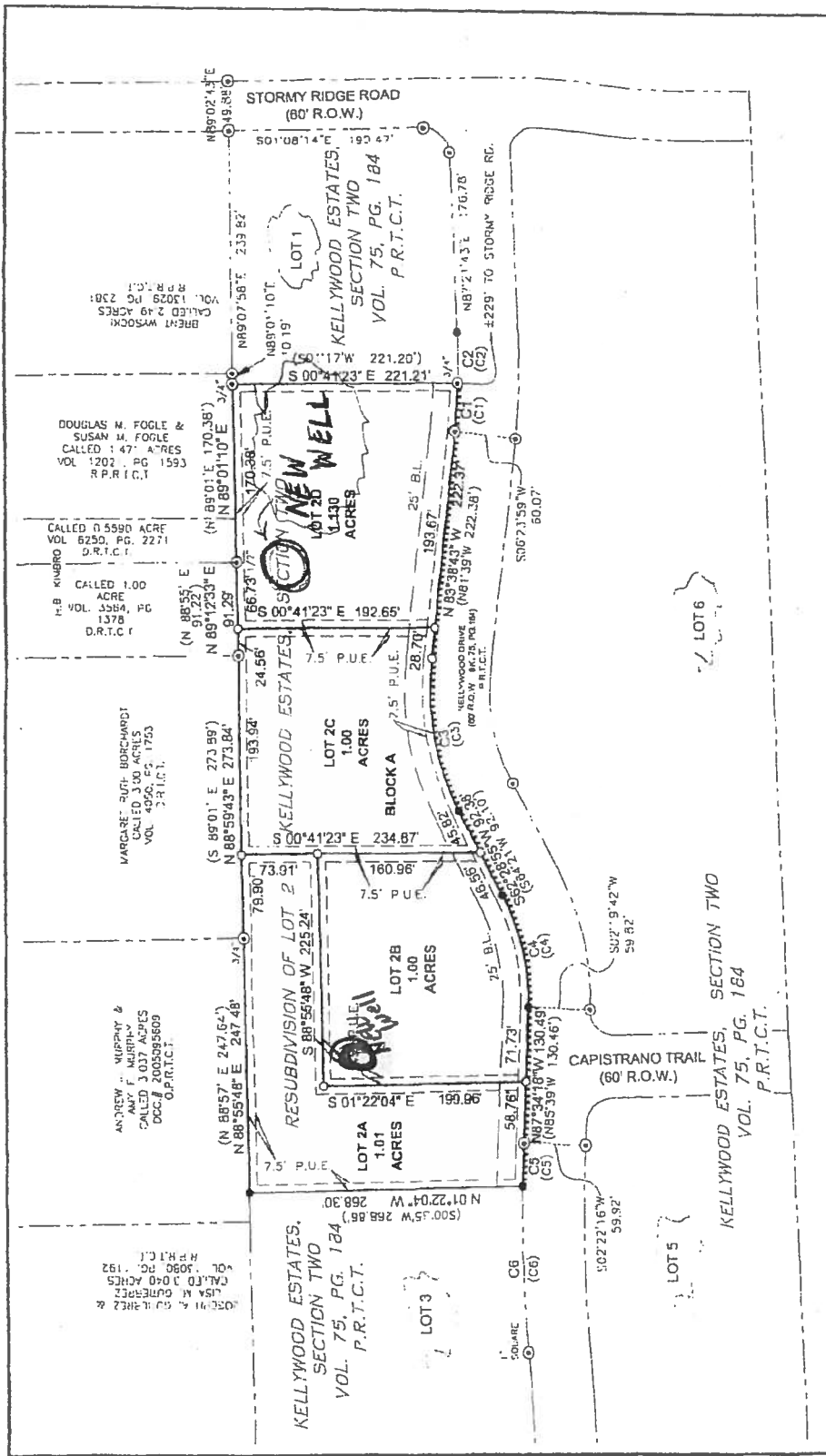
*“In lieu of authorization pursuant to this rule [3-1.20 – General Permits by Rule], the Board at its sole discretion may require authorization by obtaining an individual permit.”*

Staff requests direction from the Board on whether the request should be authorized under the NDU permit-by-rule or permitted under an individual permit which would be subject to public notice, possibly a public hearing, and possibly Board action for approval.

**Staff Recommendation:** Staff believes that the wells and the proposed use are within the intent of rule and recommends that the Board determine that the proposed wells are eligible for authorization under the NDU general permit-by-rule.

180,477 SQ. FT. (4.14 ACRES) - TOTAL

D.E. DRAINAGE EASEMENT  
D.R.I.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS  
P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS  
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS



New Re Sub of Lot 2

2





## **Item 4**

### **Board discussions and possible actions**

**c. Update, discussion and possible action related to pursuit of the District's legislative agenda and to other legislative initiatives that potentially could affect the District.**

## **Item 4**

### **Board discussions and possible actions**

**d. Discussion and possible action related to the proposed TWC Ch. 356 rules of the Texas Water Development Board and providing District comments on those proposed rules if warranted.**

## **Item 4**

### **Board discussions and possible actions**

**e. Discussion and possible action related to the November 6, 2012, director elections including: approval of joint election agreements and election services contracts with Hays, Caldwell and Travis Counties; approval of election day polling places; approval of locations, dates and times of early voting; ratification of Board President's actions on election matters, adopting orders or amendments to prior Board orders in connection with the election; and, any other action necessary for the November 6, 2012, director elections.**

**Item 5**

**Adjournment**