

## NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting** before the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the Manchaca Fire and Rescue, located at 665 Farm to Market 1626, Austin Texas, on **Thursday, December 12, 2019**, commencing at **4:00 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 meet in 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 November 14, 2019 Regular Meeting and Public Hearing. Not for public review at this time**
    - 3. Approval of an amendment to the Interlocal Agreement between the Barton Springs/Edwards Aquifer Conservation District and the Hays Trinity Groundwater Conservation District related to the construction of a monitor well in the Trinity Aquifer by extending the project completion date from December 31, 2019 to August 31, 2020. Pg. 9**
    - 4. Approval of the Master Technical Services Agreement Work Order Number 1, Revision 3 (no-cost time extension) with INTERA Incorporated related to the groundwater and water well management system – the database. Pg. 12**
    - 5. Approval of a resolution honoring Daryl Slusher, Assistant Director of Austin Water Utility, for his many years of support to the Barton Springs/Edwards Aquifer Conservation District. Pg. 14**
  - b. General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda for consideration. 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.)*

## **Topics**

1. Personnel matters.
2. Aquifer conditions and status of drought indicators.
3. Upcoming public events of possible interest.
4. Review of Status Report Update – at directors’ discretion. **Pg. 16**
5. Update on projects and activities of individual teams.
6. Update on the Habitat Conservation Plan.
7. Update on Sustainable Yield Study of the Trinity Aquifer.
8. Update on GMA and regional water planning activities.
9. Update on the Budget. **Pg. 28**
10. Update on the State Office of Administrative Hearings proceedings for the Electro Purification LLC permit application.

## **4. Presentations.**

Presentation by the District’s financial auditor on the FY 2019 Annual Financial Audit Report.

## **5. Discussion and Possible Action.**

- a. Discussion and possible action related to the receipt and approval of the FY 2019 Annual Financial Audit report provided by the District’s financial auditor. **NBU**
- b. Discussion and possible action related to approving the District’s FY 2019 Annual Report, including Appendix B, and submitting it to the TCEQ. **Pg. 44**
- c. Discussion and possible action related to the Protestant’s (Trinity Edwards Springs Protection Association) motion for rehearing of the application of Needmore Water LLC for a Regular Permit. **Pg. 119**
- d. Discussion and possible action related to the employment and duties of the Interim General Manager, the Assistant General Manager and a new General Manager. **NBU**
- e. Discussion and possible action related to the election of Board Officers. **NBU**

## **6. Directors’ Reports.**

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;
- Board committee updates;

- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

## **7. Adjournment.**

**Please note:** This agenda and available related documentation, if any, have been posted on the District 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.

**AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT RELATED TO  
CONSTRUCTION OF A MONITOR WELL IN THE TRINITY AQUIFER**

This is Amendment No. 1 to the Interlocal Agreement (ILA) between the Barton Springs/Edwards Aquifer Conservation District (BSEACD), and the Hays Trinity Groundwater Conservation District (HTGCD) (collectively the Districts) dated December 13, 2018. This amendment extends the deadline for constructing and gathering data from the monitor well under Article 3 of the ILA and changes the points of contact for purposes of notice under Article V of the ILA. All other provisions will remain as in the existing ILA.

**ARTICLE 3  
OBLIGATIONS OF BSEACD**

Hereinafter, Article III, shall be modified by changing paragraph 3.2 to read as follows

**3.2** If HTGCD is unable to or does not otherwise complete the construction and initiate data collection of the monitor well by August 31, 2020, HTGCD shall return the monies paid by BSEACD within thirty (30) days of the construction and monitoring deadline.

**ARTICLE 5  
NOTICE**

Hereinafter, Article V, shall be modified by changing the points of contact under paragraph 5.1 to read as follows

**5.1** Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests, or communications related to non-compliance issues required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the Districts at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

**BSEACD:** Barton Springs Edwards Aquifer Conservation District  
Attn: Dana Christine Wilson, Administrative Manager  
1124 Regal Row  
Austin, TX 78748  
(512) 282-8441  
(512) 282-7016 (fax)  
Email: [dana@bseacd.org](mailto:dana@bseacd.org)

**WITH COPY TO:** Bill Dugat  
Bickerstaff, Heath, Delgado, Acosta

3711 South MoPac Expwy, Bldg. 1, Suite 300  
Austin, TX 78746  
(512) 472-8021  
[bdugat@bickerstaff.com](mailto:bdugat@bickerstaff.com)

HTGCD: Linda Kaye Rogers, HTGCD Board President  
PO Box 1648  
Dripping Springs, TX 78620

No other changes to the ILA are hereby authorized.

The parties have executed this agreement on the \_\_\_\_\_ day of December 2019.

**Hays Trinity Groundwater Conservation District:**

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: December \_\_\_\_, 2019

**Barton Springs Edwards Aquifer Conservation District:**

By: \_\_\_\_\_  
Blayne Stansberry  
Board President

Date: December \_\_\_\_, 2019

**ATTEST:**

By: \_\_\_\_\_  
Blake Dorsett  
Board Secretary

Date: December \_\_\_\_, 2019

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
William D. Dugat III  
Attorney for BSEACD

Date: December \_\_\_\_, 2019

**THIRD AMENDMENT TO ATTACHMENT A: MASTER TECHNICAL SERVICES AGREEMENT - WORK ORDER**

**BETWEEN Barton Springs Edwards Aquifer Conservation District and INTERA Incorporated.**

This AGREEMENT (Agreement) is made as of 12 December 2019 by INTERA Incorporated (INTERA), a Texas Corporation and Barton Springs Edwards Aquifer Conservation District (CLIENT).

**WITNESSETH:**

INTERA and the CLIENT are parties to a Master Technical Services Agreement (the MTSA) entered into as of 12 October 2017, and amended December 13, 2018 pursuant to which INTERA is to provide certain services to the CLIENT and

INTERA and the Client agreed to a Work Order under the MTSA dated October 12, 2017, amended December 13, 2018, and June 13, 2019 under which INTERA is developing a Digital Repository and Interactive Portal for District Records and Operations and

INTERA and the CLIENT wish to amend the Work Order as expressly provided in this THIRD Amendment to extend the term of the Work Order with no additional costs, and except as so expressly provided herein, for the Work Oder to remain in full force and effect according to its terms.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

**ARTICLE A: AMENDMENTS**

A.1: TERM is amended as follows:

2.0. TERM is replaced in its entirety with the following:

“The term of this Work Order will commence on 12 October 2017 and will continue until 31 August 2020 unless sooner terminated by the Client and as provided in the Master Agreement.”

**ARTICLE B. EFFECTIVENESS**

This THIRD Amendment is effective as of 12 December 2019. Except as expressly set forth in this THIRD Amendment, the Work Order remains unchanged and in full force and effect.

**ARTICLE C. COUNTERPARTS AND EXECUTION**

This THIRD Amendment may be executed in any number of counterparts, all of which taken together shall be deemed to constitute one and the same document. This THIRD Amendment may be executed and delivered by facsimile and/or by electronic mail.

IN WITNESS WHEREOF, the parties have caused this THIRD Amendment to be executed

by their duly authorized representatives:

Barton Springs Edwards Aquifer  
Conservation District

INTERA Incorporated

By: \_\_\_\_\_  
Name: Blayne Stansberry  
Title: Board President  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Wade Oliver  
Title: Senior Hydrogeologist  
Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Name: Blake Dorsett  
Title: Board Secretary  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Name: William D. Dugat III  
Title: Attorney  
Date: \_\_\_\_\_



STATE OF TEXAS

§

RESOLUTION #121219-01

COUNTIES OF TRAVIS

§

HAYS AND CALDWELL

§

**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT**

**RESOLUTION HONORING DARYL SLUSHER**

**WHEREAS**, the Barton Springs/Edwards Aquifer Conservation District (the District) is a Groundwater Conservation District created by an act of the 70<sup>th</sup> Legislature and subject to various requirements of State Law governing groundwater districts, including Texas Water Code Chapter 36; and

**WHEREAS**, the District was established for the purpose of providing for the conservation, preservation, protection, recharging and prevention of waste of groundwater and of groundwater reservoirs in the Barton Springs segment of the Edwards Aquifer (Aquifer); and

**WHEREAS**, Daryl Slusher has served in a leadership capacity at the City of Austin Water Utility since 2007; and

**WHEREAS**, Daryl Slusher has strongly encouraged and maintained an open and productive inter-governmental relationship between the City of Austin and the District; and

**WHEREAS**, Daryl Slusher has been an environmental leader for the City, dedicated public servant, steadfast steward of the Aquifer, and supporter of the District.

**THEREFORE**, the Board of Directors, of the Barton Springs/Edwards Aquifer Conservation District honors Daryl Slusher for his leadership, public service, stewardship of the Barton Springs segment of the Edwards Aquifer, and support of the District.

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

**PASSED AND APPROVED** this 12th day of December, 2019.

\_\_\_\_\_  
Blayne Stansberry, Board President

ATTEST:

\_\_\_\_\_  
Blake Dorsett, Board Secretary

## **Item 3**

### **Routine Business**

- 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.)*

#### **Topics**

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**STATUS REPORT UPDATE  
FOR THE DECEMBER 12, 2019 BOARD MEETING**

**Summary of Significant Activities - Prepared by District Team Leaders**

**GENERAL MANAGEMENT TEAM**

Staff: ARM

November 15 – December 12, 2019

**Meetings:**

- December 12 Board meeting and December 10 GMA 10 meeting.

**Presentations:** None.

**Conference calls:**

- USFWS, Tanya Sommer, regarding the Validation monitoring protocol and the first HCP Annual Report.
- COA, Watershed Protection Department, regarding presentation at SBCA happy hour and first annual HCP collaboration meeting.
- COA, Heather Cooke, on the Water Use Fee methodology.

**Committees:**

- Attended GMA 10 Committee meeting– discussion items included GMA 9 and GMA 10 boundaries, the Hill Country Trinity Brackish Groundwater Study, David Caldwell (Medina County GCD) was approved by the committee to become the GMA 10 representative to the Region K Planning Group, BSEACD, Comal Trinity, Medina County, and Plum Creek CD presented summaries and overviews of their Management Plan and other priorities. Regarding the DFC, Explanatory Report, besides BSEACD, no other GCD will be revising their DFCs. At the next meeting, the committee will discuss a specific timeline to meet the TWDB Proposed DFC May 2021 deadline. Future meetings will also include discussions and presentations on similar/dissimilar rules – with the goal to share information and learn from each other. The next meeting is scheduled for March 23, 2020.

**Special Projects:**

- Worked with HTGCD on relating to the extension of the ILA to construct a monitoring well.
- Continue to finalize list of individuals for the HCP Management Advisory Committee. Many of the previous members have agreed to continue on in their role. The full slate of members will be brought to the Board for consideration and approval at the January board meeting. The MAC is proposed to meet on January 28, 2020 to review the draft of the first HCP Annual Report.
- Held HCP Annual Report planning meeting.

### **Routine Activities and Day-to-Day Operations**

- Provided general oversight of staff activities and oversight of day-to-day operations
- Held staff meeting to discuss the November 14 Board meeting
- Approved administrative documents
- Prepared agendas and backup for December 12 Board meeting
- Prepared GM report for Board meeting
- Held Planning team meeting on December 3
- Consultation with Attorney on Needmore, EP, Board meeting agenda

# REGULATORY COMPLIANCE TEAM

Staff: VE, KBE, and ES  
December 6, 2019

## **Sustainable Yield**

The RC team and Aquifer Science Team developed a process overview that outlines the timeline, milestones, and steps involved with completing the policy discussions, stakeholder aspects, and technical aspects the sustainable yield effort.

## **DFC Planning**

The RC team is actively collaborating in planning discussions with the Aquifer Science Team, neighboring GCDs, GMA 10 representatives, and TWDB staff. We are working on preparing a timeline and planning strategy for our immediate and long-term goals related to DFC revisions and DFC monitoring compliance. Discussions will continue as we continue to attend GMA meetings and prepare to develop presentations, bring information to the Board and engage additional stakeholders.

## **State Office Administrative Hearing (SOAH) Matters**

Electro Purification Production Permit:

- The SOAH hearing on the merits currently set to convene April 2020 pending the ALJ's decision to abate the schedule. ALJ to decide 11/22
- Motion for Summary Disposition - District response due 11/22; ALJ public hearing and decision expected in Dec 2019/Jan 2020
- TBD - Pre-filed testimony, Deposition Prep

Needmore Water LLC Conversion to a Regular Permit:

- The District approved the permit with special conditions as recommended on 7/29/19. Protestants filed a Motion for Rehearing which will take place on December 12, 2019.

## **House Interim Charges**

Speaker Bonnen just released the [interim charges for the House committees](#). Speaker Bonnen is focused on all committees having fewer charges and that committees oversee the implementation of bills that passed last session. There is one HNRC charge that relates to groundwater, specifically the joint planning and DFC process.

Charges of Interest:

- Monitor the joint planning process for groundwater and the achievement of the desired conditions for aquifers by groundwater conservation districts.
- Monitor the and oversee the agencies' implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:
  - **HB 720**, which relates to appropriations of water for recharge of aquifers and use in aquifer storage and recovery projects. Monitor the rulemaking process for the permitting of unappropriated flows for aquifer storage and recovery projects by the Texas Commission on Environmental Quality (TCEQ).
  - **HB 721**, which relates to reports on aquifer storage and recovery and aquifer recharge projects. Monitor the implementation by the TWDB of legislation to encourage the development of aquifer

storage and recovery and aquifer recharge projects, including the completion of a statewide study of the state's aquifers' suitability for aquifer storage and recovery and aquifer recharge projects.

- **HB 722**, which relates to the development of brackish groundwater. Monitor the designation of Brackish Groundwater Production Zones by the TWDB and the adoption of rules by groundwater conservation districts for the production of brackish groundwater from those Zones.
- **HB 807**, which relates to the state and regional water planning process. Monitor the appointment of the Interregional Planning Council by the TWDB and the Council's progress toward increasing coordination among Regional Water Planning Groups.

### **Senate Interim Charges**

Lt. Governor Patrick released the [interim committee charges for the Senate committees](#). The Senate Committee on Water and Rural Affairs are all joint charges with Senate Natural Resources. Could see reorganized or combined committees, more information to come.

#### **Charges of Interest:**

- **Eminent Domain:** Examine current law regarding the balance of private property rights and continued improvement in oil and gas infrastructure. Make recommendations to ensure stability between private property owner protections and emergent oil and gas infrastructure.
- **Future Water Supply:** Examine current laws, processes, and water storage options and availability. Make recommendations promoting the state's water supply, storage, availability, valuation, movement, and development of new sources.
- **Groundwater Regulatory Framework:** Study the state's groundwater regulatory framework and make recommendations to improve groundwater regulation, management, and permitting.

### **SH 45 SW/ Mopac Intersections Roadway Projects**

Staff held a SH 45 wrap up discussion meeting with CTRMA in mid-November. Staff is working a article write up of the project success to be completed in January 2020. Mopac project is still under construction and quarterly environmental storm water inspections are performed by District staff and Dave Fowler. Aquifer Science is still involved in regular site visits to review karst features and advise on mitigation of those features.

### **Database Development Intera Contract**

Intera continues to work on modules for completion and deployment. Testing of modules that are completed and deployed will begin in Spring 2020.

### **Strategic Planning Discussions**

RC team staff are preparing team priorities to identify core functions, management goals, and long-term project efforts. This will help inform upcoming work session discussions with the full Board.

### **Permitting: Administratively Complete Applications:**

- City of Buda Well Drilling
- City of Hays Well rehab/ Well Plugging
- Exempt/ LPP domestic wells

**Permitting: Pre Application Meetings (Soon to be Filed):**

<b>Application Type</b>	<b>Entity</b>
Change of Owner	Twin Creek to Creedmoor Change of Owner
Well Drilling Authorization	Gragg Tract #4, #5
Individual Production Permit	Ruby Ranch Class D (ASR 2020)
Individual Production Permit	Stone Ridge Resident (Irrigation)
Combo Drilling/Production Permit	Travis Co Fire Station (Fire/Irrigation)
Combo Drilling/Production Permit	HEB (new irrigation for pond)
Combo Drilling/Production Permit	Mad Rooster/ Greg Schwartz (Commercial)
Production Permit Amendment	Inn Above Onion Creek (Commercial)
Production Permit Amendment	Log Cabin Plaza/Diana Espiritu (Commercial)
Test Well	Creedmoor Trinity Test Well (PWS 2020)
Test Well	Maxwell WSC (PWS 2020)

**Other Project Efforts/ Planning Discussions**

- Internal coordination on preparation and planning for Annual Reports including Management Plan Annual Report & USFWS HCP Annual Report. (General Management Team/Regulatory Compliance Team)
- Staff is tracking the development of TCEQ rulemaking efforts for the recently passed ASR S.B. 483 (Buda ASR bill)

**Drought Compliance – No Drought**

## **AQUIFER SCIENCE TEAM**

Staff: BAS, BH, and JC (LC for ILA)  
December 6, 2019

### **Central Hays County Groundwater Evaluation - Well and Hydrogeology Characterization**

Aquifer Science staff are continuing to work on enhancing the monitor well networks in the EP and Needmore areas and are continuing to collect water-level and water-quality data from wells in these areas. This includes the installation of new continuous water-level devices (WellIntell) on wells and working on getting the Needmore monitor data available in real-time.

### **Sustainable Yield Evaluation of the Trinity Aquifers**

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity. We are working with Hays County to install Trinity monitor wells in the Jacob's Well area. Work on the District's own numerical modeling is ongoing. We are members of a technical committee to guide the development of a numerical groundwater model of the aquifers influenced by the Blanco River. Planning and funding of the Blanco River/Trinity model are close to being finalized. It is expected that Southwest Research Institute will do most of the modeling work. A project page about the study was added to the website, and a presentation about the study was made to the Board at the October 10 meeting.

### **Alternative Water Supplies (ASR and Desalination)**

Ruby Ranch has completed testing of injection of Edwards water into their Trinity well. Ruby Ranch submitted a final report on the ASR pilot testing to the TCEQ and the District on October 9, 2019. Buda is expected to start drilling a Trinity well in the fall/winter of 2019 for their ASR project.

### **Drought and Water-Level Monitoring**

With very little rainfall over the past five months, water levels and springflow are decreasing. On 12//19, the Lovelady well had a level of 505.7 ft msl, which is about 21 ft lower than one month ago. Barton Springs is flowing at 55 cfs, down about 34 cfs from one month ago.

### **Presentations, Conferences, Reports, and Publications**

Aquifer Science staff have three chapters in a recently released Geological Society of America (GSA) Memoir on the Edwards Aquifer. One chapter has been published online as an open document and copies of that chapter have been given to the Board. Paper copies of the book have been delivered to our office. Two abstracts have been submitted for the 16<sup>th</sup> Sinkhole Conference that will be held in San Juan, PR in April 2020. Presentation about the Sustainable Yield Study was made to the Regional Water Quality Plan Working Group on November 8, 2019.



## **Travis County ILA - Hydrogeologic Atlas of Western Travis County**

A final draft of atlas project is being edited based on a first round of technical peer review. We anticipate publication in January 2020. A second phase of work complimenting Phase 1 has begun.

## EDUCATION TEAM

Staff: RHG and JV  
December 6, 2019

### **Neighborhood Site Visits**

Community response was exceptionally positive. Staff visited 46 wells in 6 days and were able to get eline measurements at 38 of the wells—many of these were never measured before. In the coming weeks, we'll convert the depth-to-water measurements to water-level elevations and compare them to readings from monitor wells. This Neighborhood Site Visit water level snapshot will help ensure that our monitoring network is representative of water levels in the neighborhoods and enhance that network where there are data gaps. These data will be useful as we track long-term water level changes due to drought and wet periods. Results letters have been mailed to participating well owners. This year's participants included 17 wells Falconwood/Summer Mt. Ranch/Hugo area, 13 wells in the Hilliard area, and 16 wells in the Saddleridge area just outside the BSEACD and in collaboration with Hays Trinity GCD. In addition to site visits, staff have measured water levels at monitor wells and several LPPs through their site inspections.

### **Trinity Aquifer groundwater, wells, and springs presentations**

Two presentations are scheduled and one is pending with Wimberley Village Public Library (Dec. 4, completed), Kyle Public Library (Dec. 10), and San Marcos Public Library (pending). The presentations will be a wrap-up for the neighborhood site visits and as general information about groundwater studies, monitoring network, wells, and conservation. The District and individual libraries are promoting the events. As a result, the Facebook events and Well Owner Education page have seen heavy traffic this month (over 1,500 views of the Wimberley library event page alone). The Wimberley library presentation was well received and a pdf of the presentation is available on the Well Owner Resources page under the Education tab on the District website. Recruiting of media for the Kyle library presentation is underway.

### **Annual report – FY 19 Digital Outreach Stats**

Staff have been compiling metrics for the annual report. The FY19 digital tracking shows lots of interest for the eNews, social media, and website. Specifically, eNews bulletins were opened over 13,400 times from over 2,900 subscribers; Facebook posts were viewed 27,900 times; Twitter posts made 17,800 impressions; and the web pages were viewed 39,700 times.

### **Other meetings and activities:**

- **GM Job Posting:** Staff have posted the job description and circulated it through a wide variety of organizations and networks including Indeed.com, BSEACD website/Facebook/Twitter/eNews, TAGD, Texas Water Foundation, San Marcos River Foundation, Central Texas Water Efficiency Network, South Central Texas Water Resources Interest Group, Austin EcoNetwork, SBCA, TWCA, Wimberley Valley Watershed Association, Hill Country Alliance, GMA 9 & 10, and the Regional Water Quality Planning Group. All Directors and staff are encouraged to share personally with colleagues.
- **Kent Butler Summit planning:** The District hosted at KBS planning meeting on 11/20 with Austin Water, Austin Watershed, Hill Country Alliance staff. Format this year will likely be an invitation-only workshop focused on need/strategies/successes for Investing in the Natural

Infrastructure of the Hill Country and will take place in Spring 2020 and will be hosted at the Onion Creek Management Unit of the Water Quality Protection Lands.

- **Scholarship program:** Conservation credit donations from City of Austin, Creedmoor Maha, Goforth, and Cook-Walden: Forest Oaks mean this year's scholarships will again be numerous! Thank you letters have been sent to all donors. Materials for this year's college scholarship are updated and will be shared at the AISD Scholarship fair later this month. Permittees' conservation credit donations will help support this program again this year.
- **Region K:** Robin is the designated alternate for the GMA 10 representative for Region K. She will fill in until a new lead rep can attend planning meetings. The last meeting focused on approving water management strategies for water user groups (including Buda, Creedmoor, and Hays Co. general) to give direction to the consultant to finalize draft chapters for approval in January and February. The draft plan will be approved in Feb 2020. Next meetings are Jan 15, Feb 5, and Feb 18.
- **Central Texas Water Efficiency Network:** Greg Wukasch from SAWS was the invited speaker for the monthly meeting (11/14) and shared communication practices, tips, and tricks for water utilities.
- **Whirlpool Cave Tour:** Justin and Jackie assisted the Watershed Protection Department with a middle school cave tour at Whirlpool. Ah-ha moments were many, and students relished in exploring a new environment and learning about the inner workings of the recharge zone.
- **Barton Springs Bathhouse Revisioning:** The District is tracking the revisioning process to ensure that educational space is preserved in the revamp of the bathhouse.

#### **Internet Traffic Report - Page views and visits to the District Website**

In Nov, the District website had 2,429 total page views by 1,939 unique sessions. Top sites in order of number of views were the Home Page (564), Staff (127), GM Job Posting (121), Board Members (76), Maps (72) Newsletters (61). The District Facebook page now has 856 likes and 972 followers. The most popular FB posts were the GM Job Posting (329) and the CoA Parks Announcement for the Bathhouse Revamp (168) and the Trinity Groundwater Presentation at Wimberley Library event has been seen over 1,000 times.

## ADMINISTRATION TEAM

Staff: SD, TR, and DW  
November 15 – December 6, 2019

### Accounts Receivable

December monthly, and 2<sup>nd</sup> quarter cycle billings, along with conservation credit memos and overpumpage fees, were mailed out on November 15<sup>th</sup> (due on December 5 and late on December 16<sup>th</sup>). January monthly cycle billing will be mailed out by December 15<sup>th</sup> (due on January 5 and late on January 16) for \$29,147.

### Annual Report – Management Plan Appendix B Report

Internal coordination, preparation and planning for the Annual Report that includes the financial audit as Appendix A, and the Management Plan Appendix B. The deadline for completion and presentation to the Board is December. This is an agenda item for the December Board Meeting.

### Audit – Annual Financial

Began on Monday, September 30, and is currently in process through the December Board Meeting presentation. This is an agenda item for the December Board Meeting.

### Audit – Annual Payroll Audit for TML with R Dylong and Associates

Completed on November 8, 2019.

### Conservation Credit – Camp Scholarship Donation Process

This item was on the October 10, 2019 Board Meeting agenda. Credit Memos were created for the board-approved credits, and went out with the following cycle billing on Thursday, October 17 (October billing for November monthly), and letters are being sent to eligible permittees to request the donation of their conservation credit to the District's Camp Scholarship program.

#### Current Donations (Total \$9357.28)

Creedmoor	\$1373.61
Goforth	749.00
Cook-Walden	54.15
AWU-CoA	7180.52

### Contracts

Amendment: Hays Trinity GCD ILA. Monitor Well Construction. Termination date needs to be extended past December 31 or BSEACD \$10,000 contribution required to be returned.

This is an agenda item for the December Board Meeting.

## Financial Reporting – Website

Transparency Star-related. Most current, available financial reports are to be posted. Balance Sheet, Profit and Loss Statements, and Check Registers (Operating and Payroll) through October 2019 have been posted on the District website.

## Southwest Travis County ILA Phase II – FY 2020

Executed ILA received, and initial invoice of \$50,000 has been submitted to Travis County (10.14.19) within 30 days of contract execution, as stipulated in the agreement. The additional \$25,000 will be invoiced “no sooner than 60 days after the initial payment.”

Still waiting on payment as of December 6.

*The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, daily phone answering, monthly adjusting journal entries, contract/grant/and project tracking, monthly meter reading reporting; etc. These types of tasks are not listed here because they are so repetitive. Administration status reports are generally smaller than the other teams as we list only the extraordinary tasks.*

## UPCOMING DATES OF INTEREST

- Texas Groundwater Invertebrate Forum: November 15 (San Marcos)
- GMA 9 Meeting: November 18, 2019 (Bulverde)
- Texas Water Symposium – One Water Projects in Motion: November 21 (San Marcos)
- Thanksgiving Holiday – District Offices closed: November 28 and 29
- GMA 10 Meeting: December 2, 2019 (San Antonio)
- Board Meeting: December 12, 2019
- Christmas Holiday – District Offices closed: December 24, 25, 26
- Region K Meetings: January 15, February 5, and February 18, 2020 (Austin)
- Texas Groundwater Association conference: January 21-24, 2020 (Frisco)
- TAGD Regular Business Meeting: January 30 -31 2020 (Austin)

## **Financial Reports**

### **December 12, 2019 Board Meeting**

- 1. Profit and Loss Budget vs Actual**  
FY 2020 (9/1/2019 - 11/30/2019)  
  
(excel-exported collapsed version)
  
- 2. Profit and Loss Previous Year Comparison**  
FY 2020 (9/1/2019 - 11/30/2019)  
  
(excel-exported collapsed version)
  
- 3. Balance Sheet Previous Year Comparison**  
November 2019
  
- 4. November 2019 Check Register**

**1. Profit and Loss Budget vs Actual  
(excel-exported collapsed version)  
FY 2020 (9/1/2019 - 11/30/2019)**



**BSEACD**  
**Profit Loss Budget vs. Actual**

	<u>Sept 1 - Nov 30, 2019</u>	<u>Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense			
Income			
4300.0 · PROJECT INCOME	58,000.00	75,000.00	77.33%
4400.0 · Interest Income	4,031.33	12,000.00	33.59%
4625.0 · MISCELLANEOUS INCOME	3,689.08		
4800.0 · USAGE AND PRODUCTION FEES	855,967.37	1,700,024.00	50.35%
4810.0 · OTHER FEES	1,737.58	9,800.00	17.73%
<b>Total Income</b>	<b>923,425.36</b>	<b>1,796,824.00</b>	<b>51.39%</b>
Expense			
6000.0 · UTILITIES	4,901.55	23,000.00	21.31%
6005.0 · Print/Copy/Photo Services	206.24	2,000.00	10.31%
6007.0 · Postage Freight Shipping	306.89	2,500.00	12.28%
6010.0 · Office Supplies	1,677.46	9,000.00	18.64%
6011.0 · Comp Hardware-Plotter Supplies	62.44	5,000.00	1.25%
6014.0 · Software Acquisition & Upgrades	846.76	6,000.00	14.11%
6015.0 · IT Monthly Maintenance	3,000.00	12,000.00	25.0%
6016.0 · Meeting Expense	309.61	1,000.00	30.96%
6019.0 · Subscriptions/Publications	0.00	4,200.00	0.0%
6020.0 · Advertising	630.04	4,000.00	15.75%
6021.0 · MISCELLANEOUS EXPENSES	116.43	1,000.00	11.64%
6022.0 · Accounting System Operation	1,646.17	6,000.00	27.44%
6023.0 · MAINTENANCE	2,738.93	17,900.00	15.3%
6025.4 · Facilities Repairs	929.39	5,000.00	18.59%
6040.0 · LEASES	2,309.07	10,650.00	21.68%
6065.0 · DIRECTOR EXPENSES	26.96	2,500.00	1.08%
6066.0 · Directors Compensation	5,050.00	40,000.00	12.63%
6075.0 · DUES & MEMBERSHIPS	2,715.00	6,100.00	44.51%
6080.0 · EDUCATION AND OUTREACH	2,113.41	13,950.00	15.15%
6081.0 · REGULATORY COMPLIANCE	0.00	17,500.00	0.0%

**BSEACD**  
**Profit Loss Budget vs. Actual**

	Sept 1 - Nov 30, 2019	Budget	% of Budget
6084.92 · GENERAL MANAGEMENT	680.00	19,000.00	3.58%
6089.0 · AQUIFER SCIENCE	3,952.56	56,300.00	7.02%
6090.0 · Conservation Credits	0.00	23,297.00	0.0%
6100.0 · INSURANCE - DISTRICT	2,700.35	5,700.00	47.38%
6150.0 · INSURANCE - GROUP	38,909.07	156,114.00	24.92%
6160.0 · LEGAL SERVICES	45,566.48	150,000.00	30.38%
6168.11 · SOAH - EP	1,828.13		
6170.0 · PROFESSIONAL SERVICES	20,886.24	51,000.00	40.95%
6179.0 · LEGISLATION	1,000.00	12,000.00	8.33%
6180.0 · PROF DEVELOPMENT & SUPPORT	2,303.67	13,500.00	17.06%
6199.0 · SALARIES AND WAGES	221,126.65	968,313.00	22.84%
6203.0 · TAXES & BENEFITS	43,313.23	152,226.00	28.45%
6690.0 · Reconciliation Discrepancies	-0.05		
6800.0 · PROJECTS	69.65		
<b>Total Expense</b>	<b>411,922.33</b>	<b>1,796,750.00</b>	<b>22.93%</b>
<b>Net Ordinary Income</b>	<b>511,503.03</b>	<b>74.00</b>	

**CAPITALIZATION INDICATES ACCOUNTS THAT HAVE SUB-CATEGORIES.**

Those sub-categories have been collapsed.

**PROJECT INCOME:**

Shows 58,000 received from Hays County. This is not included in our initial budget but will be added in Revision 1.

The budgeted \$75,000 is for the TC ILA; funds not yet received.

**USAGE AND PRODUCTION FEES:**

Production fees received are \$492,814. CoA water use fees received are \$252,752; however, additional CoA fees of \$245,571 have been received that will appear in the December financials.

**2. Profit and Loss  
Previous Year Comparison  
(excel-exported collapsed version)  
FY 2020 (9/1/2019 - 11/30/2019)**

**BSEACD**

**Profit and Loss Prev Year Comparison**  
September through November 2019

	Sept 1 - Nov 30, 2019	Sept 1 - Nov 30, 2018	\$ Change	% Change
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
4300.0 · PROJECT INCOME	58,000.00	0.00	58,000.00	100.0%
4400.0 · Interest Income	4,031.33	6,884.19	-2,852.86	-41.44%
4625.0 · MISCELLANEOUS INCOME	3,689.08	15,196.70	-11,507.62	-75.72%
4800.0 · USAGE AND PRODUCTION FEES	855,967.37	787,288.31	68,679.06	8.72%
4810.0 · OTHER FEES	1,737.58	4,187.25	-2,449.67	-58.5%
<b>Total Income</b>	<b>923,425.36</b>	<b>813,556.45</b>	<b>109,868.91</b>	<b>13.51%</b>
<b>Gross Profit</b>	<b>923,425.36</b>	<b>813,556.45</b>	<b>109,868.91</b>	<b>13.51%</b>
<b>Expense</b>				
6000.0 · UTILITIES	4,901.55	6,902.26	-2,000.71	-28.99%
6005.0 · Print/Copy/Photo Services	206.24	256.12	-49.88	-19.48%
6007.0 · Postage Freight Shipping	306.89	708.23	-401.34	-56.67%
6010.0 · Office Supplies	1,677.46	2,084.63	-407.17	-19.53%
6010.2 · Office Furniture	0.00	758.14	-758.14	-100.0%
6011.0 · Comp Hardware-Plotter Supplies	62.44	5,025.97	-4,963.53	-98.76%
6014.0 · Software Acquisition & Upgrades	846.76	986.48	-139.72	-14.16%
6015.0 · IT Monthly Maintenance	3,000.00	3,000.00	0.00	0.0%
6016.0 · Meeting Expense	309.61	1,649.63	-1,340.02	-81.23%
6017.0 · EXTERNAL MTGS & SPONSORSHIPS	0.00	1,000.00	-1,000.00	-100.0%
6019.0 · Subscriptions/Publications	0.00	156.00	-156.00	-100.0%
6020.0 · Advertising	630.04	706.34	-76.30	-10.8%
6021.0 · MISCELLANEOUS EXPENSES	116.43	107.57	8.86	8.24%
6022.0 · Accounting System Operation	1,646.17	738.25	907.92	122.98%
6023.0 · MAINTENANCE	2,738.93	3,386.20	-647.27	-19.12%
6025.4 · Facilities Repairs	929.39	0.00	929.39	100.0%
6040.0 · LEASES	2,309.07	2,838.06	-528.99	-18.64%
6065.0 · DIRECTOR EXPENSES	26.96	1,691.35	-1,664.39	-98.41%
6066.0 · Directors Compensation	5,050.00	7,400.00	-2,350.00	-31.76%
6075.0 · DUES & MEMBERSHIPS	2,715.00	2,615.00	100.00	3.82%
6080.0 · EDUCATION AND OUTREACH	2,113.41	7,332.47	-5,219.06	-71.18%

**BSEACD**

**Profit and Loss Prev Year Comparison**  
September through November 2019

	Sept 1 - Nov 30, 2019	Sept 1 - Nov 30, 2018	\$ Change	% Change
6081.0 - REGULATORY COMPLIANCE	0.00	5,183.99	-5,183.99	-100.0%
6084.92 - GENERAL MANAGEMENT	680.00	4,860.00	-4,180.00	-86.01%
6089.0 - AQUIFER SCIENCE	3,952.56	9,965.25	-6,012.69	-60.34%
6100.0 - INSURANCE - DISTRICT	2,700.35	1,444.38	1,255.97	86.96%
6150.0 - INSURANCE - GROUP	38,909.07	36,946.26	1,962.81	5.31%
6160.0 - LEGAL SERVICES	45,566.48	27,528.49	18,037.99	65.53%
6168.11 - SOAH - EP	1,828.13	1,760.00	68.13	3.87%
6168.2 - SOAH - Needmore	0.00	920.00	-920.00	-100.0%
6170.0 - PROFESSIONAL SERVICES	20,886.24	12,408.40	8,477.84	68.32%
6179.0 - LEGISLATION	1,000.00	0.00	1,000.00	100.0%
6180.0 - PROF DEVELOPMENT & SUPPORT	2,303.67	0.00	2,303.67	100.0%
6184.0 - DISCRETIONARY FUNDS	0.00	1,500.00	-1,500.00	-100.0%
6199.0 - SALARIES AND WAGES	221,126.65	216,625.20	4,501.45	2.08%
6203.0 - TAXES & BENEFITS	43,313.23	43,450.13	-136.90	-0.32%
6690.0 - Reconciliation Discrepancies	-0.05	213.65	-213.70	-100.02%
6800.0 - PROJECTS	69.65	5,197.97	-5,128.32	-98.66%
<b>Total Expense</b>	<b>411,922.33</b>	<b>417,346.42</b>	<b>-5,424.09</b>	<b>-1.3%</b>
<b>Net Ordinary Income</b>	<b>511,503.03</b>	<b>396,210.03</b>	<b>115,293.00</b>	<b>29.1%</b>

**3. Balance Sheet  
Previous Year Comparison  
November 2019**

**Barton Springs Edwards Aquifer  
Balance Sheet Prev Year Comparison  
As of November 30, 2019**

	Nov 30, 19	Nov 30, 18	\$ Change	% Change
<b>ASSETS</b>				
<b>Current Assets</b>				
Checking/Savings				
1000.0 - Cash in Bank-Checking BB&T	55,859.43	107,096.00	-51,236.57	-47.8%
1010.0 - Cash in Bank - Payroll BB&T	43,155.76	49,208.52	-6,052.76	-12.3%
1030.0 - TexPool Funds - General				
1030.1 - Aquifer Protection Reserve	52,050.00	52,050.00	0.00	0.0%
1030.2 - Deposits Held	61,560.00	0.00	61,560.00	100.0%
1030.21 - Cash Flow Reserve	150,000.00	0.00	150,000.00	100.0%
1030.0 - TexPool Funds - General - Other	169,686.76	225,569.72	-55,882.96	-24.8%
<b>Total 1030.0 - TexPool Funds - General</b>	<b>433,296.76</b>	<b>277,619.72</b>	<b>155,677.04</b>	<b>56.1%</b>
1040.0 - TexPool Funds - Contingency	593,741.72	812,436.78	-218,695.06	-26.9%
1045.0 - TexPool Funds - Reserve	60,578.14	59,312.61	1,265.53	2.1%
<b>Total Checking/Savings</b>	<b>1,186,631.81</b>	<b>1,305,673.63</b>	<b>-119,041.82</b>	<b>-9.1%</b>
<b>Accounts Receivable</b>				
1200.0 - Accounts Receivable	309,794.00	261,935.90	47,858.10	18.3%
<b>Total 1200.0 - Accounts Receivable</b>	<b>309,794.00</b>	<b>261,935.90</b>	<b>47,858.10</b>	<b>18.3%</b>
<b>Total Accounts Receivable</b>	<b>309,794.00</b>	<b>261,935.90</b>	<b>47,858.10</b>	<b>18.3%</b>
<b>Other Current Assets</b>				
1100.0 - Petty Cash	300.00	300.00	0.00	0.0%
1300.0 - Pre-paid Expenses	11,116.45	10,784.77	331.68	3.1%
1499.0 - Undeposited Funds-A/R payments	18,643.49	27,174.90	-8,531.41	-31.4%
<b>Total Other Current Assets</b>	<b>30,059.94</b>	<b>38,259.67</b>	<b>-8,199.73</b>	<b>-21.4%</b>
<b>Total Current Assets</b>	<b>1,526,485.75</b>	<b>1,605,869.20</b>	<b>-79,383.45</b>	<b>-4.9%</b>
<b>Fixed Assets</b>				
1400.0 - Field Equipment	376,487.89	376,487.89	0.00	0.0%
1410.0 - Office Equipment & Furniture	19,722.90	19,722.90	0.00	0.0%
1410.1 - Computer Hardware & Software	13,529.69	13,529.69	0.00	0.0%
1420.0 - Vehicles	78,339.03	78,339.03	0.00	0.0%
1430.0 - Accumulated Depreciation	-583,153.24	-583,153.24	0.00	0.0%
1440.0 - Land (Antioch Cave)	165,415.00	165,415.00	0.00	0.0%
1445.0 - Office Building	268,588.04	268,588.04	0.00	0.0%
<b>Total Fixed Assets</b>	<b>338,929.31</b>	<b>338,929.31</b>	<b>0.00</b>	<b>0.0%</b>
<b>Other Assets</b>				
1500.0 - Organizational Costs	300,783.26	300,783.26	0.00	0.0%
1510.0 - Accumulated Amortization	-300,783.26	-300,783.26	0.00	0.0%

**Barton Springs Edwards Aquifer  
Balance Sheet Prev Year Comparison  
As of November 30, 2019**

	Nov 30, 19	Nov 30, 18	S Change	% Change
1600.0 - Deposits Paid (Utilities)	71.00	71.00	0.00	0.0%
Total Other Assets	71.00	71.00	0.00	0.0%
<b>TOTAL ASSETS</b>	<b>1,865,486.06</b>	<b>1,944,869.51</b>	<b>-79,383.45</b>	<b>-4.1%</b>
<b>LIABILITIES &amp; EQUITY</b>				
Liabilities				
Current Liabilities				
Other Current Liabilities				
2010.0 - Rebates Payable - Cons Credits	19,148.06	21,502.02	-2,353.96	-11.0%
2110.0 - Direct Deposit Liabilities	1,035.00	1,267.00	-232.00	-18.3%
2220.0 - Federal Income Tax Withheld	-1,035.00	-1,267.00	232.00	18.3%
2250.0 - TWC Payable	0.53	19.60	-19.07	-97.3%
2270.0 - Payroll Liabilities	0.10	0.00	0.10	100.0%
2300.0 - Accrued Vacation Payable	67,097.48	61,863.71	5,233.77	8.5%
Total Other Current Liabilities	86,246.17	83,385.33	2,860.84	3.4%
Total Current Liabilities	86,246.17	83,385.33	2,860.84	3.4%
Total Liabilities	86,246.17	83,385.33	2,860.84	3.4%
Equity				
3000.0 - Fund Balance	902,309.60	1,099,846.89	-197,537.29	-18.0%
3000.3 - Invested in Capital Assets	365,127.26	365,127.26	0.00	0.0%
3110.0 - Reserve for Petty Cash	300.00	300.00	0.00	0.0%
Net Income	511,503.03	396,210.03	115,293.00	29.1%
Total Equity	1,779,239.89	1,861,484.18	-82,244.29	-4.4%
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>1,865,486.06</b>	<b>1,944,869.51</b>	<b>-79,383.45</b>	<b>-4.1%</b>



**4. November 2019  
Check Register**

Operating Account Check Register

Type	Date	Num	Name	Memo	Amount	Balance
Check	11/05/2019	25210	Barton Publications	Public Hearing Ad for Buda ASR	-102.50	133,471.77
Check	11/05/2019	25211	Home Depot	Travis County ILA Field Supplies	-69.65	133,369.27
Check	11/05/2019	25212	Jan-Pro of Austin	Office Cleaning Services - November	-260.00	133,299.62
Check	11/05/2019	25213	Integritek	Hard Drive for KBE computer	-62.44	133,039.62
Check	11/05/2019	25214	Unum Life Insurance Co.	Life Insurance Premium - October	-1,114.29	132,977.18
Check	11/05/2019	25215	Integritek	IT, Phone, Anti-virus, Office 365	-1,756.74	131,862.89
Liability Check	11/07/2019	EFT	Reliance Trust Company	Bi-weekly Retirement and Loan Pmt	-5,861.27	130,106.15
Liability Check	11/07/2019	EFT	United States Treasury	74-2488641	-8,482.47	124,244.88
Deposit	11/07/2019			Deposit (Permittee payments and Hays Co \$58,000)	68,918.57	115,762.41
Transfer	11/12/2019			Funds Transfer (due to high balance-moved into General)	-75,000.00	184,680.98
Check	11/13/2019	25216	The Hartford	Crime Policy	-1,188.00	109,680.98
Check	11/13/2019	25217	Austin American-Statesman	Public Hearing Ad for Buda ASR	-425.04	108,492.98
Check	11/13/2019	25218	Time Warner Cable	Internet	-145.11	108,067.94
Check	11/13/2019	25219	Ameritas Life Insurance Corp.	Vision Insurance Premium -December	-128.76	107,922.83
Check	11/13/2019	25220	Barton Publications	Public Hearing Ad for Buda ASR	-102.50	107,794.07
Check	11/13/2019	25221	State Office of Administrative Hearings	October 2019 SOAH EP Fees and Fringe	-1,781.25	107,691.57
Check	11/13/2019	25222	BB&T	Various Charges	-388.61	105,910.32
Transfer	11/14/2019			Funds Transfer Payroll	-27,000.00	105,521.71
Check	11/15/2019	25223	Bickerstaff	Legal - General, Personnel, Needmore, EP, Permian Pipeline	-15,094.65	78,521.71
Check	11/15/2019	25224	Montemayor Britton Bender PC	FY 2019 Annual Financial Audit - Progress billing	-6,400.00	63,427.06
Check	11/19/2019	25225	Tammy Raymond	Petty Cash Fund Replenishment	-169.15	57,027.06
Check	11/19/2019	25243	CIT Technology Fin Serv, Inc	Copier Lease	-680.50	56,857.91
Check	11/19/2019	25242	SledgeLaw Group	Needmore Legal Hearings, and Monthly Legislation	-10,842.18	56,177.41
Check	11/19/2019	25241	Ready Refresh by Nestle	Water Delivery	-56.89	45,335.23
Check	11/19/2019	25240	Enoch Kever PLLC	Legal EP	-300.00	45,278.34
Check	11/19/2019	25229	Premiere Global Services	Conference Calls	-110.04	44,978.34
Check	11/19/2019	25230	Fidelity Security Life Insurance Company	Supplemental Gap Insurance	-972.18	44,868.30
Check	11/19/2019	25231	City of Austin	Water	-22.56	43,896.12
						43,873.56

Operating Account Check Register

Check	11/19/2019	25232	Orsak Landscape Services	Lawn Maintenance	-65.00	43,808.56
Check	11/19/2019	25233	CTRMA Processing	Tolls	-2.50	43,806.06
Check	11/19/2019	25234	Travis County Alarm Permit	Annual permit (11/1/2020 - 12/31/2021)	-50.00	43,756.06
Transfer	11/19/2019			Funds Transfer (to increase checking balance)	60,000.00	103,756.06
Deposit	11/19/2019			Deposit (Permittee payments and TML \$3675 Explorer))	24,339.35	128,095.41
Liability Check	11/21/2019	EFT	Reliance Trust Company	Bi-weekly Retirement and Loan Pmt	-5,860.77	122,234.64
Liability Check	11/21/2019	EFT	United States Treasury	74-2488641	-8,317.29	113,917.35
Liability Check	11/21/2019	25228	MetLife	Dental Insurance Premium - December	-487.33	113,430.02
Liability Check	11/21/2019	25226	AFLAC	Employee -paid Supplemental November Insurance	-186.08	113,243.94
Liability Check	11/21/2019	25227	United Healthcare	Health Insurance Premium - December	-14,201.90	99,042.04
Check	11/21/2019	25235	Brian Hunt	Employee Expense Reimbursement	-250.92	98,791.12
Check	11/21/2019	25236	Suzanne Schwartz	Contracted Meeting Facilitation	-680.00	98,111.12
Check	11/21/2019	25237	Brian Smith	Employee Expense Reimbursement	-865.30	97,245.82
Check	11/22/2019	25238	Montemayor Britton Bender PC	FY 2019 Audit Payment	-650.00	96,595.82
Check	11/25/2019	25239	Groundwater Management District Assn	Annual District Membership Dues	-350.00	96,245.82
Check	11/25/2019	25244	Staples	Office Supplies	-235.32	96,010.50
Check	11/25/2019	25245	Bickerstaff	Legal - General, Personnel, EP	-4,472.60	91,537.90
Check	11/25/2019	25246	Piney Bowes Global Financial Svcs, LLC	Postage Lease for 12/10/19 - 3/9/20	-267.57	91,270.33
Transfer	11/27/2019			Funds Transfer Payroll & Vacation	-35,000.00	56,270.33
Check	11/27/2019	25247	Pedemales Electric Cooperative	Electricity	-410.90	55,859.43
					<u>-77,612.34</u>	<u>55,859.43</u>
<b>TOTAL</b>					<u><u>-77,612.34</u></u>	<u><u>55,859.43</u></u>

## **Item 4**

### **Presentation**

**Presentation by the District's financial auditor on the FY 2019 Annual Financial Audit Report.**

## **Item 5**

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

- a. Discussion and possible action related to the receipt and approval of the FY 2019 Annual Financial Audit report provided by the District's financial auditor.**

## **Item 5**

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

- b. Discussion and possible action related to approving the District's FY 2019 Annual Report, including Appendix B, and submitting it to the TCEQ.**



**Barton Springs  
Edwards Aquifer**  
CONSERVATION DISTRICT

**ANNUAL REPORT  
FISCAL YEAR 2019**

(To be Board-approved December 12, 2019)

**BOARD OF DIRECTORS (August 31, 2019)**

Blayne Stansberry, President	Precinct 2	November 2014 – November 2022
Craig Smith, Vice President	Precinct 5	May 1998 - November 2022
Blake Dorsett, Secretary	Precinct 3	November 2012 - November 2020
Mary Stone, Director	Precinct 1	February 2008 - November 2020
Robert D. Larsen, Ph.D., Director	Precinct 4	May 2003 - November 2020

**DISTRICT STAFF**  
**August 31, 2019**

Alicia Reinmund-Martinez

General Manager

Administration Team

Dana Wilson

Senior Administrative Manager  
and Team Leader

Tammy Raymond

Senior Administrative Specialist

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Aquifer Science Team

Brian Smith

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Education and Community Outreach Team

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Regulatory Compliance Team

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## 1.0 BACKGROUND

The Barton Springs/Edwards Aquifer Conservation District (District) Bylaws require the District Board President or the District General Manager to report on the status of the District and its programs annually to the Board and to the Texas Commission on Environmental Quality (TCEQ). This document is the Annual Report for Fiscal Year 2019, covering the period from September 1, 2018 to August 31, 2019.

According to District Bylaw 4-6, this report shall include:

- The status of the aquifer and the District's programs,
- A financial report to include the report of the annual audit and the security of any District investments,
- A review and evaluation of professional services rendered to the District,
- A status report of any capital projects of the District, and
- The evaluation of the District's long-range plans pursuant to §36.107 (now §36.1071) of the Texas Water Code (TWC).

This introductory section provides an overview of the District, and summarizes the mission and vision of the District and its Board-established critical success factors. Other major report sections that follow include a summary of the active programs in FY 2019; a recap of other specific information required by statute, including an assessment of performance in terms of objectives and performance standards identified in the prevailing Management Plan (MP); and a financial summary. The annual audit report conducted by an independent audit firm is included in its entirety as Appendix A. The Board's assessment of progress toward the MP's objectives by performance standards and the basis for that assessment are included as Appendix B.

### 1.1 General Information About the District

The District was created in 1987 by the 70<sup>th</sup> Texas Legislature, under Senate Bill 988. Its statutory authorities include Chapter 52 (later revised to Chapter 36) of the TWC, applicable to all groundwater conservation districts (GCDs) in the state, and the District's enabling legislation, now codified as Chapter 8802, Special District Local Laws Code (SDLLC). The District's legislative mandate is to conserve, protect, and enhance the groundwater resources located within the District boundaries. The District has the power and authority to undertake various studies, assess fees on groundwater pumpage and transport, and to implement structural facilities and non-structural programs to achieve its statutory mandate. The District has rulemaking authority to implement its policies and procedures and to help ensure the management of groundwater resources. The District is not a taxing authority. Its only sources of income are groundwater production fees, including a water use fee supplement paid by the City of Austin (CoA); administrative processing fees; and occasional grants from various local, state, and federal programs for special projects.

Upon creation in 1987, the District's jurisdictional area encompassed approximately 255 square miles and was generally defined to include all the area within the Barton Springs segment of the Edwards Aquifer with an extended area to the east to incorporate the service areas of the Creedmoor-Maha Water Supply Corporation (WSC), Goforth Special Utility District (SUD), and Monarch Utilities. In this area, designated as the "Exclusive Territory," the District has authority over all groundwater resources. In 2015, the 84<sup>th</sup> Texas Legislature House Bill 3405 expanded the District's jurisdictional area to include the portion of Hays County located within the boundaries of the Edwards Aquifer Authority (EAA) excluding the overlapping area in the Plum Creek Conservation District (see Figure 1). The newly annexed area designated as "Shared Territory," excludes the Edwards Aquifer and includes all other aquifers, including the underlying Trinity.

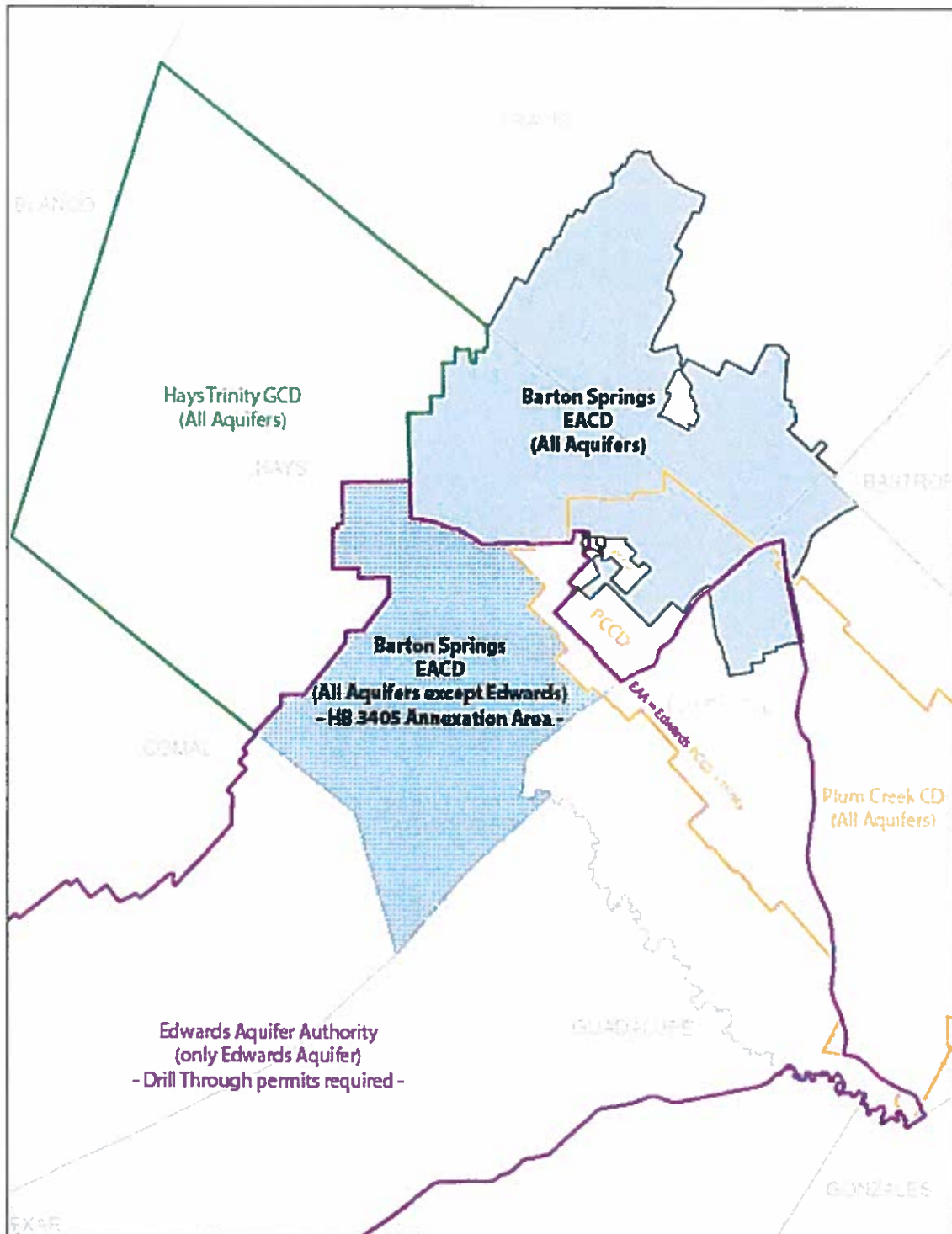
The District serves southern Travis County, central and eastern Hays County, and portions of northwestern Caldwell County. The District's jurisdictional area including the Shared Territory encompasses approximately 420 square miles and includes both urban and rural areas.

Water from the Barton Springs segment of the Edwards Aquifer serves as the primary water source for public water supply, industrial, and commercial purposes in the District, and is a major source of high-quality base flow to the Colorado River via discharge through the Barton Springs complex. The Barton Springs complex provides the only known habitat for the listed endangered Barton springs and Austin blind salamanders under the federal Endangered Species Act (ESA), requiring all activities that would or could adversely affect the species to represent optimal conservation efforts. The Trinity Aquifer, underlying the Edwards, is an important primary water resource in some parts of the District and is increasingly being developed as an alternative water supply to the oversubscribed Edwards Aquifer in both the Exclusive and Shared Territory. Some wells in the District also produce water from the Taylor and Austin Chalk formations as well as various alluvial deposits along river and stream banks.

A five-member Board of Directors (Board) governs the District. The Directors are elected in even-numbered years to staggered four-year terms from the five single-member precincts that comprise the District. As a result of legislation in 2011 and subsequent Board action in late FY 2011, director elections were moved from the May local elections date to the November general elections date.

In FY 2019, there was no District election. District elections occur every two years. The next election is set to be held in November of 2020 for District Director Precincts 1, 3, and 4.

In accordance with District Bylaws, the Board elects its officers for one-year terms in December of each year. The elected officers in December 2018 were Blayne Stansberry, President; Craig Smith, Vice President; and Blake Dorsett, Secretary. As a local political subdivision of the State of Texas, all meetings of the Board are conducted in accordance with the Open Meetings Act, and the District's business is subject to the Texas Public Information Act.



**Figure 1 - The District's territory including the expanded Shared Territory and the adjacent Groundwater Conservation Districts and their respective jurisdiction over aquifers.**

## 1.2 District Mission and Vision Statements

The District Board has assessed and articulated not only the mission of the District but also its vision and overarching strategic purpose.

The mission of the District is largely mandated by and adapted from its enabling legislation and statutes:

*"The Barton Springs/Edwards Aquifer Conservation District, as the responsible public agency and authority, is committed to conserving, protecting, recharging, and preventing waste of groundwater and to preserving all aquifers within the District."*

The vision of the District provides a succinct statement of the ultimate, continuing goal of the District, describing the standard by which it will execute its mission:

*"The Barton Springs/Edwards Aquifer Conservation District will excel in its operations and administration so that it is considered the model and standard for other groundwater districts."*

The overarching strategic purpose articulates more action-oriented direction consistent with the mission and vision:

*"We will manage the District aquifers to optimize the sustainable uses of groundwater in satisfying community interests."*

## 1.3 District Critical Success Factors

The District has established a set of continuing "critical success factors" that flow from and are generally consistent with the goals and objectives MP. These critical success factors include:

- Providing sound science to support and form the basis of policy and tactical decisions made by the District that affect water supply users and endangered species habitats;
- Being highly efficient, accurate, and fair in administering staff activities related to all District programs;
- Developing and instituting an equitable and consistently administered regulatory program that is required to serve our mission;
- Becoming a respected and effective part of the state and local political landscape for water resource management and its stakeholder communities;
- Serving our permittees, stakeholders, and the public at large as a readily accessible source of first resort for reliable information about local water, groundwater, aquifer science, water use and conservation; and
- Providing the programmatic and resource basis for innovative, cost-effective solutions to augment the sustainable quantity of water in the District and to protect the quality of District waters required for various existing uses.

## 2.0 DISTRICT PROGRAM AREAS AND TEAM HIGHLIGHTS FOR FY 2019

The District continues to successfully use a team-oriented organizational structure in which all staff members are assigned to a primary team but also support other teams as needs arise. Each staff member works under the direct supervision and directly reports to their respective team leaders who are responsible for executing team-specific responsibilities and duties. Each team leader works under the supervision of and directly reports to the General Manager (GM). All staff members ultimately report to the GM for administrative supervisory purposes.

This section of the report summarizes the operational teams that existed throughout FY 2019, and provides some highlights and notable achievements for each. Appendix B contains more information and details on the work undertaken by these teams in support of the various goals, objectives, and performance standards identified in the applicable 2017 District MP.

### 2.1 General Management Team

Alicia Reinmund-Martinez served as the District's GM throughout FY 2019. Holland Groundwater Management Consultants offered GM support as needed through August 31, 2019.

The GM is responsible for the day-to-day business of the District and is an *ex-officio* member of all the other teams. The key areas of functional responsibilities for the GM include staff management and development, programmatic planning and execution, stakeholder relationship development and cultivation, and financial administration of the District. The GM:

- Ensures that the policies and direction of the Board are implemented effectively, appropriately, and efficiently;
- Provides leadership both inside and outside the District organization in accomplishing the mission, vision, and goals of the District; and
- Serves as an advocate for the staff with the Board, and an advocate for the Board with the staff.

#### **In FY 2019, some highlights for the office of the GM:**

- The State Auditor's Office (SAO) evaluated the implementation of the District's State Statutory Requirements and Management Plan for the first time in 19 years. The GM, Administration and Regulatory Compliance Teams provided the required financial and programmatic information. The SAO gave the District a "Low" rating or low risk for both areas of evaluation.
- After the sediment plume incident at Barton Springs Pool, the District staff worked hour by hour with the geo-thermal well driller to ensure no further problems and collaborated with the CoA on establishing protocols for wells to be drilled in the Risk Management Zone.
- Organized meeting between neighboring GCDs and Kinder Morgan (KM) to inform the pipeline company of the sensitivity of the Karst aquifers in the Hill Country. Organized KM presentation to the Board and made presentations at two Hays County meetings – informing the public of the BSEACD's concerns with the pipeline.

- Reduced end-of-year spending to ensure District checking and General Fund accounts remained in the positive, and developed a FY 2020 Budget that reflected a decrease of more than \$300,000 from FY 2019 to ensure a positive net balance.
- Worked with the Board Personnel Committee to revise the District's Employee Policy Manual (EPM). The Board adopted the new EPM on May 23, 2019. The new EPM was presented to staff shortly after Board adoption.
- Held routine (usually twice a month) meetings with the Team Leaders to discuss District's current priorities and Board meeting agenda items, and conducted end-of-year performance evaluations and evaluations of FY 2019 incentive projects, which are linked to the FY 2019 District Objectives.
- Held fall and spring staff retreats to tour and learn about Jacob's Well, the Narrows, and Shields Ranch. As a part of the retreats, staff were given presentations from the president of the Wimberley Valley Water Association and the External Relations Officer at Shields Ranch.
- Served as the primary point of contact and coordinated with Brian Sledge of SledgeLaw Group, PLLC, the District's legislative consultant, to monitor bills of interest to the District. Efforts included bill tracking and analysis, and meeting and providing information to legislators. The SledgeLaw Group provided a legislative debriefing report to the Board of Directors at the June 13, 2019 meeting.
- Served as the District Representative to Groundwater Management Area (GMA) 10, including related interfaces with the Texas Water Development Board (TWDB). This year, discussions at meetings included desired future conditions (DFC) monitoring activities and discussions on the GMA 10's evaluation needs for the development of the 2022 DFCs.
- Participated actively in regional water planning group activities, including serving as the GMA 10's voting representative to Region K and serving on the Unique Stream Segments Committee. Meetings included presentations and discussions on the water management strategies, updates to non-Modeled Available Groundwater availability, the draft of some chapters to the Region K report, and summary of the bills that were approved in the 86<sup>th</sup> legislative session,
- On April 11, 2019, the Board of Directors approved an Interlocal Agreement between the District and the CoA to collaborate and coordinate on routine and planned activities relative to each entity's respective Habitat Conservation Plan (HCP). The first HCP Annual Report will be submitted to the U.S. Fish and Wildlife Service (USFWS) in February 2020.

## 2.2 Administration Team

Ms. Dana Wilson, Senior Administrative Manager, serves as the Administration Team Leader, with Ms. Tammy Raymond, Senior Administrative Specialist, and Ms. Shannon DeLong, Senior Accountant Specialist, as team members for administrative programs support.

The Administration Team is responsible for banking, accounting, timekeeping and payroll administration, records retention and management, facilities and vehicle fleet management, personnel and human resources administration, contracts administration, director compensation and reimbursement administration, and state/federal grant administration.

### **In FY 2019, some highlights for the Administration Team included:**

- District Board and staff members maintained their financial resources in a manner that maximizes liquidity while maintaining the greatest return on District fund balances by investing in securities or investment pools that operate in low risk investments and are backed by the state and/or federal government.
- Contracted for and participated in the independent annual financial audit, including the provision of all financial records and preparation of the Management Discussion and Analysis. Year-end reports are submitted to the TCEQ and the State Pension Board, as required by law.
- Maintained District financial records to receive a clean financial audit in December 2018 (see Appendix A), and a second “low risk” clean financial report from the State Auditor’s Office that began in February 2019 with the final report date in July 2019.
- Developed and monitored the District annual budgets. For FY 2019, there were four versions. The initial budget was brought before the Board in a public hearing held on August 9, 2018 where it was approved. The Board approved Budget Revision 1 on March 14, 2019; Budget Revision 3 on June 27, 2019; and Budget Revision 3 on July 25, 2019.
- Continued the eternal process of electronically scanning historical hard-copy records for archival purposes.
- Administrative staff is responsible for proper maintenance, management, retention, and disposition of all District records; inventory of District property (asset management); and capital depreciation. Administration preserved and protected all public documents in accordance with state and federal laws, the adopted District Records Retention Schedule, and with the Texas State Library regulations; and maintained the District’s reference material library.
- Supported the revisions to the EPM and sub-policies that were finalized and approved on May 23, 2019.
- Assisted the District’s information technology (IT) consultant in making improvements to the IT infrastructure to standardize productivity tools and improved security, and resolving various staff IT issues. In FY 2019, the District organized and scheduled the migration of all of its computer equipment to Windows 10 (due to the current operating systems no longer to be supported after January 2020). The actual migration happened in October 2019 (FY 2020).
- Continued monthly District transparency efforts, specifically in the area of finance (on the District’s web-site Transparency tab), since achieving a Financial Transparency Star Award from the Texas Comptroller’s office in FY 2017.



- The District issued a total of \$19,148.06 in conservation credits in FY 2019 (\$11,967.54 issued to 23 permittees, and \$7,180.52 issued to the CoA). Permittees donating credits back to the District's camp scholarship fund include Cook-Walden/Forest Oaks (\$54.15), Creedmoor-Maha WSC (\$1,373.61), and Goforth SUD (\$749.00). The CoA also donated their \$7,180.52 credit to the District's camp scholarship fund. Total donations combined equal \$9,357.28.

## 2.3 Aquifer Science Team

Dr. Brian Smith, P.G., Principal Hydrogeologist, serves as the leader of the Aquifer Science Team which is involved in various internally- and externally-funded groundwater research and assessment programs. The team is supported by Brian Hunt, P.G., Senior Hydrogeologist; Justin Camp, Hydrogeologic Technician; Lane Cockrell, Hydrogeologist (two-year contract, beginning July 2018); and from time to time other staff members, including interns.

To protect and manage the groundwater resources of the District's aquifers, the District continued an active research program that is designed to better understand the hydrogeology and hydrodynamics of aquifers in the District, and to advise the Board on policy-related decisions.

In FY 2019, the Aquifer Science Team worked on many projects, developed new technical reports and memos, presented technical talks, published technical papers, and attended technical conferences including:

- South Central Texas Water Research Interest Group bi-annual meeting at Southwest Research Institute (SWRI), San Antonio (December 4, 2018)
- EAA Distinguished Lecturer: Dr. Todd Halihan (October 5, 2018; SWRI, San Antonio)
- Brian Hunt and Brian Smith gave a presentation about groundwater demand for the Trinity Aquifers to the South Texas Geological Society in San Antonio (November 14, 2018).
- Attended the Bell County Water Symposium (November 15, 2018).
- Capital Area Council of Governments (CAPCOG) Flood Forecasting Subcommittee Meetings (Kyle, February 28, 2018 – present)

Presented technical information and studies to the public and students:

- Travis County Commissioners Court related to an Interlocal Agreement (ILA) (July 3, 2018)
- Barton Springs University (September 26, 2017)
- Hydro-Geo Workshop, EAA sponsor, Cave Without A Name (October 6-7, 2018)
- Texas A&M Kingsville (April 5, 2018)
- Presentation to Hays County Historical Commission (March 28, 2019)
- Led portion of field trip for hydrogeology students of the University of Texas (UT) Jackson School of Geosciences with Dr. Bayani Cardenas (November 10, 2019).
- Austin Cave Festival at the Wildflower Center (February 23, 2019)

**In FY 2019, other highlights for the Aquifer Science Team included:**

- Maintained a monitor well network of about 32 wells with instruments that collect hourly data. The District's weather station at the District office also collects hourly data.
- The District routinely measures water levels in the six multiport monitor wells that are completed in the Edwards and Trinity Aquifers.
- Analyzed the results of an aquifer test and other data for the Electro Purification (EP) application in Central Hays County. This includes modeling and the publication of three technical memos (see Published Papers).
- Field staff visited about 25 wells in the EP area for water levels and field parameter measurements. Some sites were visited multiple times.

- Determined and documented drought status, including keeping the District's drought monitor blog up to date. The aquifers were in Alarm Stage Drought at the beginning of FY 2019, but heavy rains in September and October 2018 brought the aquifers to No-Drought status. Water levels in the Lovelady monitor well peaked on June 14, 2019 before starting a drop that continued through the end of FY 2019.
- Participated with GMA 9 (March 12, 2019 and April 22, 2019) and GMA 10 (April 2019) in technical discussions.
- Worked cooperatively with the Ruby Ranch WSC to conduct phase four of aquifer storage and recovery (ASR) pilot testing.
- In cooperation with EAA, Hays Trinity Groundwater Conservation District (HTGCD), and Blanco-Pedernales Groundwater Conservation District (BPGCD), measured water levels regionally in the Middle Trinity Aquifer to construct a potentiometric map.
- In FY 2018, Brian Hunt and Brian Smith were appointed by HTGCD to a technical advisory committee to make recommendations for a groundwater management zone in the vicinity of Jacob's Well. Work with this committee continued into FY 2019.
- Maintained the Antioch Cave Recharge Enhancement Project as an ongoing part of a 319(h) grant from the Environmental Protection Agency (EPA) and TCEQ.
- Implemented an annual sampling program in cooperation with Magellan Pipeline Company related to the operation of the Longhorn Pipeline that transports crude oil through the District. In May 2019, staff sampled about eight springs and well sites for hydrocarbon contaminants as a screening test for BTEX and TPH. Staff also worked on locations for the installation of two anticipated new monitor wells.
- Collected water-quality data (major ions and isotopes) from about 32 sample locations in FY 2019 in cooperation with the TWDB.
- Cooperated with Travis County to develop a second ILA to continue a hydrogeologic study of western Travis County. The ILA was signed by Travis County on October 1, 2019.
- Continued collecting data at the Shield Ranch in southwest Travis County. Also planned the installation of a Barton Creek flow station for FY 2020.
- Staff attended numerous webinar and live-webinar courses in groundwater modeling to develop an initial draft numerical model for eventual use in permit evaluations in FY 2019.
- Provided technical review and compiled comments on the draft conceptual model update for the Hill Country portion of the Trinity Aquifer (SWRI report contracted by the TWDB). See Published Papers.
- Visited and assessed potential sensitive karst features along MoPac construction projects with CoA and Texas Department of Transportation (TxDOT) staff. These include several caves and other karst features.
- Measured water levels in the saline Edwards multiport monitor well on November 6, 2018; March 15, 2019; and March 18-19, 2019.
- Brian Smith continued to serve on the CoA Environmental Commission through FY 2019.

## Published Papers and District Documents:

- Smith, Brian A., Hunt, Brian B., Gary, Marcus, O., and Watson, Jeffrey, 2018 in review, Applying Dye Tracing to Characterize Surface-water and Groundwater Interactions in the Trinity Aquifers, Central Texas: 2018 Abstracts with Programs, Geological Society of America, Annual Meeting, November 4-7, 2018, Indianapolis, Indiana.
- Hunt, Brian B., Smith, Brian A., Wierman, Douglas A., Gary, Marcus, O., and Watson, Jeffrey, 2018, Sustainable Yield of Jacob's Well Springshed, Middle Trinity Aquifer, Wimberley, Texas: 2018 Abstracts with Programs, Geological Society of America, Annual Meeting, November 4-7, 2018, Indianapolis, Indiana.
- Smith, Brian A., Hunt, Brian B., 2019, Multilevel Monitoring of the Edwards and Trinity Aquifers: in The Edwards Aquifer: The Past, Present, and Future of a Vital Water Resource: eds. Sharp, Jr., John M., Schindel, Gary M., Green, Ronald T., Geological Society of America Memoir 215, Chapter 25. **Peer review**
- Hunt, Brian B., Smith, Brian A., Hauwert, Nico M, 2019, The Barton Springs Segment of the Edwards (Balcones Fault Zone) Aquifer, central Texas: in The Edwards Aquifer: The Past, Present, and Future of a Vital Water Resource: eds. Sharp, Jr., John M., Schindel, Gary M., Green, Ronald T., Memoir 215 Chapter 7, Geological Society of America. **Peer review**
- Sharp, John M., Smith, Brian A., 2019, Water quality and the bad-water (saline-water) zone of the Edwards (Balcones Fault Zone) Aquifer: in The Edwards Aquifer: The Past, Present, and Future of a Vital Water Resource: eds. Sharp, Jr., John M., Schindel, Gary M., Green, Ronald T., Memoir 215, Chapter 12, Geological Society of America. **Peer review**
- Gary, Marcus O., Hunt, Brian B., Smith, Brian A., Watson, Jeffrey A., and Wierman, Douglas A., 2019, Evaluation for the development of a Jacob's Well groundwater management zone Hays County, Texas: Technical report prepared for the Hays Trinity Groundwater Conservation District, Hays County, Texas, Meadows Center for Water and the Environment, Texas State University at San Marcos, TX, Report: 2019-05, July 2019. **Peer review**

## 2.4 Education and Community Outreach Team

Ms. Robin Havens Gary serves as the leader of the Education and Community Outreach Team. Ms. Gary is the District's Senior Public Information and Education Coordinator, Geographic Information System (GIS) Specialist, and is the team leader for the Education and Community Outreach Team. In September 2019, Ms. Jackie Vay converted from half-time to full-time Outreach Specialist dedicating half-time to the collaborative Travis County Groundwater Study. The team collaborates regularly with other members of the staff, including interns, to maintain a diverse and effective Education and Outreach program.

The District continues its active, multi-dimensional educational program that emphasizes awareness of the finite and fragile aspects of the groundwater resources in the District. To increase awareness of District programs and roles, staff applied a multi-faceted approach. Programs and events this year included Barton Springs University, Rainwater Revival and Hill Country Living Festival, Austin Cave Festival, Camp and College scholarships, Kent Butler Summit, Well Water Checkup, Neighborhood Site Visits, Groundwater to the Gulf: A Summer Institute for Educators, and Rocks, Water, and Mud Nature Nights at the Wildflower Center.

The digital newsletter continued circulation in FY 2019. Feedback and metrics show that the more frequent updates in the mobile-friendly, digital format has been highly popular. Subscribers receive regular updates on permitting, aquifer science, events, and programs. Each eNews was opened/accessed over 1,000 times. The eNews is sent to over 2,900 subscribers that include press, teachers, permittees, Homeowner Associations, and interested members of the public. Social media posts increased distribution of announcements and news and received high view rates.

The Education and Community Outreach Team constantly seeks to maintain and create new partnerships with like-minded local entities to more efficiently and effectively carry out the District's mission. Through these partnerships, staff members augment their knowledge base and are able to make a contribution to efforts that reach larger and more diverse audiences. This year staff continued partnerships with the Austin Youth River Watch, Central Texas Water Efficiency Network (CTWEN), Capital Area Master Naturalists (CAMN), CoA, City of Sunset Valley, Colorado River Alliance, EAA, Greater Edwards Aquifer Alliance, Hill Country Alliance, Hill Country Conservancy, Keep Austin Beautiful, Lady Bird Johnson Wildflower Center, Lower Colorado River Authority (LCRA), Meadows Center, Save Barton Creek Association (SBCA), San Antonio River Authority, San Antonio Water System, Shield Ranch, Splash! Exhibit, Texas Cave Management Association, Texas Parks and Wildlife Department (TPWD), Texas River School, Travis County, TWDB, University of Texas's Bureau of Economic Geology, and UT Jackson School of Geosciences.

### **In FY 2019, some highlights of the Education and Community Outreach Team included:**

- Participated in more than 30 outreach events (including field trips, presentations, and events) that reached approximately 3,800 adults and 4,200 children—a significant increase from last year.
- eNews bulletins were opened over 13,400 times from over 2,900 subscribers. Facebook posts were viewed 27,900 times. Twitter posts made 17,800 impressions. The web pages were viewed 39,700 times.
- Collaborated with Aquifer Science staff on the Travis County Groundwater Study. The Travis Country Groundwater Project Group including staff from the Aquifer Science and Education Outreach Teams organized neighborhood site visits to collect water data in five different areas within the southwest Travis County study area. The visits took place in Hamilton Pool/Pedernales, Spicewood/Briarcliff,

Lakeway/The Hills/Hudson Bend, Bee Cave, and Westlake/Lost Creek/Oak Hill areas. Approximately 50 well owners participated in the site visits and approximately 50 additional field measurements. Water level and water quality analysis was collected from the over 100+ data collection points. Presentations were made to Travis County Commissioners and SWTC GCD Board.

- Approximately 47 well owners in the District brought in water samples for the free water well screening for common contaminants during the Well Water Checkup.
- Co-hosted the 9th Annual Central Texas Water Conservation Symposium “Integrated Water: Keeping Conservation at the Forefront” in collaboration with the water providers and non-profits participating in the CTWEN.
- Co-hosted the 14<sup>th</sup> Annual Groundwater to the Gulf Summer Institute for Educators in collaboration with other state, local, and non-profit water educators, which trained 33 teachers and educators who in turn reach over 8,000 students annually.
- Co-hosted the Austin Cave Festival at the Lady Bird Johnson Wildflower Center, which attracted record attendance.
- Sponsored the 2018 Rainwater Revival and Hill Country Living event that brings rainwater harvesting system installers, suppliers, water haulers and other experts together to serve as a resource for homeowners and businesses that are interested in using rainwater as an alternate supply.
- Awarded two \$2,500 college scholarship to Ian McIntosh from Liberal Arts & Science Academy for his essay titled “The Impact of Water on the Arthropods of Bull Creek,” and Emma Cook from Hays High School for her essay titled “Expanding the Clean Water Act to Better Protect Groundwater Resources” with the support from District permittees’ FY 2017 conservation credit donations.
- Provided 20 scholarships for students ages 9-15 to attend Aquatic Science Adventure Camp hosted by the Edwards Aquifer Research and Data Center, with the support from District permittees’ FY 2017 conservation credit donations.

## 2.5 Regulatory Compliance Team

The Regulatory Compliance Team consists of two Regulatory Compliance Coordinators and one Regulatory Compliance Specialist who are responsible for a wide range of District responsibilities including drought management, pumpage tracking/compliance assessment, rulemaking, rule and well construction standard interpretation, permitting, enforcement, well inspections, well pluggings, and drilling oversight. Vanessa Escobar, Senior Regulatory Compliance Coordinator, serves as the Team Leader; with Kendall Bell-Enders, Senior Regulatory Compliance Coordinator; and Erin Swanson, Regulatory Compliance Specialist, completing the team. Regulatory Compliance Team members have also actively attended and participated in community outreach and regional development and planning groups, and served as District liaisons to local municipalities, political subdivisions, permittees, and licensed drillers and pump installers in the area.

### **In FY 2019, some highlights of the Regulatory Compliance Team included:**

- Development Activities Over Recharge & Contributing Zones - On November 13, 2018, staff participated in a wastewater meeting with Guadalupe Blanco River Authority (GBRA) and multiple other agencies (CoA, City of San Marcos, Save Barton Creek Association (SBCA), Clearwater Water Supply Corp, EAA, New Braunfels Utility, and League of Women Voters) to discuss water quality concerns and legislation regarding wastewater discharges in the Edwards Aquifer Contributing Zone.

Staff provided written comments to TCEQ on the Sawyer-Cleveland application for a proposed Texas Pollutant Discharge Elimination System (TPDES) permit (No. WQ0015594001) into Long Branch Tributary in the Barton Creek Watershed. The District expressed concern about potential impacts on downstream water quality in the contributing and recharge zones of the Barton Springs segment of the Edwards Aquifer, as well as requested subsequent correspondence on the permit application.

District staff, along with City of Austin staff, met with the GM and a Board member from Clearwater UWCD to discuss wastewater issues and TPDES permits.

- Roadway Projects (SH 45 SW and MoPac Intersections) – SH 45 SW was completed and opened for public usage in June 2019. The roadway construction efforts for SH 45 SW began November 2016 and throughout the duration of the construction project staff coordinated 24 site visits of which four were conducted in FY 2019. For each site visit inspection reports were developed, and District recommendations were provided. Staff continued to actively participate in site inspections and technical discussions with the Central Texas Regional Mobility Authority (CTRMA) project team, TxDOT representatives, and the Environmental Compliance Manager (Hicks and Co). The District continued to work with storm water consultant, David Fowler – Alan Plummer Associates Inc., on the technical evaluation of stormwater control designs in accordance with the consent decree. The District will be working on developing a summary write up that captures the accomplishments of this joint interagency effort.

In January 2018, the roadway construction efforts for the Slaughter and LaCrosse intersections began. TxDOT hired ACI Environmental to be the environmental storm water inspector on the project and to monitor the status of temporary and permanent storm controls. The Regulatory Compliance Team has performed periodic environmental and storm water inspections, and the Aquifer Science Team has performed numerous geologic site visits and inspection to assess discovered features and provide input on proposed mitigation measures.

- EP Applications – In July 2017, EP submitted a Production Permit application, a Hydrogeologic Report, and seven Well Modification applications. District staff reviewed the applications and all supporting

documents and requested additional information from the applicant. Through a comprehensive review, the District determined that the proposed production had the potential to cause unreasonable impacts to existing wells. In February 2018, the District provided EP with notice of the GM's Preliminary Finding on the Production Permit application. The applicant was granted a 90-day extension to the application review period to provide additional application requirements and/or options such as a Compliance Monitoring Plan and Mitigation Plan. After extensive review of the additional submitted plans, the District determined the application administratively complete and issued a General Manager's Statement of Position (draft permit) on May 21, 2018. On June 18, 2018, District staff held a public information session on the draft permit for EP at the Wimberley Community Center. During the 20-day comment period, the District received 12 requests for a contested case hearing and 312 comment letters on the application. In July 2018, the Board referred the permit application to the State Office of Administrative Hearings (SOAH) to conduct the contested case hearing. A SOAH preliminary hearing was held on September 17, 2018 to determine standing.

The original dates for the hearing on the merits of the application were scheduled for late spring 2019. Given that schedule the parties, including the protestants, the District and the applicant, met in Austin for a SOAH ordered mediation in March 2019. The parties were unable to reach agreement on any issues pertaining to the draft permit and discontinued mitigation discussions. After an attempted mediation in March 2019, stakeholder discussions, and additional staff research, district staff continued to move forward with improvements and revisions to the 2018 draft permit and issued a May 2019 Revised Draft Permit. On June 12, the District submitted prefiled testimony in response to the applicant's and the protestant's previously filed testimonies. The hearing on the merits was then rescheduled for September 19-27<sup>th</sup>

On June 26, EP and Trinity Edwards Springs Protection Association (TESPA) asked to modify the hearing schedule to allow them to adjust their testimonies to address the updated special provisions. The District had no objection to the modified hearing schedule. On July 2, 2019, the Administrative Law Judge (ALJ) granted the modified schedule, reset the prehearing conference to April 24, 2020 at 10:00 am, and reset the hearing on the merits to convene at 9:00 am on April 27, 2020 through May 5, 2020, at SOAH, 300 W. 151h Street, Fourth Floor, Austin, Texas.

On September 25, 2019 the Protestants filed a Motion for Summary Disposition that asked the ALJs to dismiss EP's Application on the basis that (1) the phase-in of production volumes should not be permitted without notice and an opportunity for a hearing, and (2) the Application is not supported by reasonable non-speculative demand. Before responses to the Motion were due, EP requested and the ALJs granted a schedule abatement because the properties for which EP seeks a production permit are subject to a condemnation proceeding by Permian Highway Pipeline, which may result in EP withdrawing its application. The ALJs have set a deadline of November 22 for the parties to respond to the Motion for Summary Disposition and to propose a new schedule for the proceeding.

- Needmore Water, LLC Application – At the beginning of FY 2016, staff issued an administrative completeness letter to the applicant for the conversion of a Temporary Production Permit (HB 3405) to a Regular Permit. The GM developed a Preliminary Decision which entailed information on the technical evaluation of the aquifer test data. The application was contested and sent to SOAH. In March 2018, a contested case hearing was held on the limited motion for summary disposition filed by the protestant (TESPA). In June, the ALJ ruled on the matter and granted Needmore's motion. On July 23, 2018, the ALJ issued a proposal for decision (PFD) agreeing with the District and Needmore. However, the PFD didn't include a recommendation for permit issuance.

In October 2018, the Board of Directors remanded the issue back to SOAH requesting the PFD to include a recommendation for the permit issues based on findings of fact and conclusion of law. On



April 10, 2019 the District received the ALJ's response, which describes that SOAH does not have jurisdiction to issue a revised PFD on whether the Board should issue the Needmore permit and the ALJ did not weigh in on the uncontested portions of the permit. A public hearing was held on July 29, 2019, for the Board to consider the application for conversion of a Temporary Production Permit to a Regular Historic Production Permit to authorize the withdrawal of an annual permitted volume of 289,080,000 gallons/per year from the Middle Trinity Aquifer for agricultural uses. The Board voted to grant Needmore Water LLC a Regular Permit with special provisions. In August 2019, TESPA requested a finding of facts and conclusions of law, which the Board issued. TESPA then filed a motion for rehearing.

- Management Plan – Per statutory requirements, the District staff and programmatic teams actively worked towards implementing the objectives of the management plan. In November 2017, the Board adopted the updated MP, and in January 2018, the TWDB approved the plan. During the spring of 2019, the District received notice from the State Auditor's Office (SAO) that the SAO would be conducting an official audit of the District's MP and fiscal operations. The regulatory team and the administrative team supported the audit process in providing requested information and details to the auditing team. The final report from the SAO regarding its evaluation of the BSEACD and six other GCDs districts audited their 1) achievement of selected groundwater management plan goals, and 2) compliance with selected statutory requirement for each district's fiscal year 2018. Their evaluation of BSEACD concluded that the BSEACD fully or partially achieved all of its MP Goals, fully complied with a majority of the Statutory Requirements and is a Low Risk – meaning that the audit identified strengths that support the audited entity's ability to administer the programs/functions or the issues identified do not present significant risks.
- Database Development and Upgrade – Throughout the fiscal year, staff actively coordinated the technical discussions and conceptual designs for a database management and reporting system. Staff internal discussions were held to identify the scope elements, and a Board subcommittee was involved in the procurement and contract negotiation process. The project is scheduled to be completed in FY 2019. The project team has made significant progress on the data management system. The Intera team provided a staff demonstration and update in June 2019. Follow-up module meetings and discussions took place through the summer of 2019 - 2020. Additional work remains to be completed on the various meter reading, hydrogeological data components, and reporting elements of the database system. The expected database deployment is December 2019 – February 2020
- External Communication and Coordination – Work groups and projects involving regulatory staff participation included:
  - SH 45 SW and Mopac: Coordination with TxDOT and CTRMA on project
  - Water Pollution Abatement Plan (WPAP) Wastewater Permit Reviews
  - Wastewater TPDES reviews
  - ASR Technical Discussions and Workgroups
  - SH 45 SW Technical Workgroups
  - Edwards Aquifer recharge and contributing zone development activity coordination
  - Regular meetings of the Regional Water Quality Protection Plan workgroup
  - Well permitting and registration efforts in the shared territory
  - Texas Department of Licensing and Registration(TDLR) - Well Construction Standards
  - Texas Alliance of Groundwater Districts (TAGD)
  - Texas Water Conservation Association (TWCA) – Groundwater Subcommittee
  - GMA 10 Similar Rule Review

- Rulemaking Activity - During FY 2019, the District adopted amendments and revisions to the Rules and Bylaws. A quorum of the District Board of Directors voted unanimously to adopt the proposed revisions at its regular meeting on March 28, 2019. The rule making process was formally initiated in February 2019 as part of an ongoing effort to implement ASR projects. There was a 20-day public comment period to provide an opportunity for rule review and to submit comments or formal protests on the proposed rules. The adopted rule amendments focused overall on:
  - Definitions
  - Application Checklist (Well Drilling and Source & Recovery Permits)
  - Hydrogeologic Report and Observation Wells
  - Permit Amendments
  - Saline Zone Requirements
  - Aquifer Storage and Recovery Pilot Test
  - Saline Edwards Modeled Available Groundwater/Desired Future Conditions
  - Class D Conditional Permits
  - Aquifer Storage and Recovery

Staff will periodically review and modify the Rules as warranted to provide and maintain a sound statutory basis for continued District operations and to ensure consistency with both District authority and programmatic needs.

- Implementation and Compliance of Existing Rules - Staff reviews permit compliance of each permittee and monitors existing wells for compliance with the Rules, and Well Construction Standards. Through required meter readings reports, performing regular inspections of wells, and reviewing pumpage compliance at regular intervals, staff is able to ensure permitted wells and well systems are operated as intended. Staff also maintain an open dialogue with Permittee when compliance matters arise and we facilitate solutions through pre- enforcement discussions.
  - Inspections & Investigations - During FY 2019, the Regulatory Compliance Team conducted a number of inspections relating to the processing of permit applications. Staff completed a total of 29 inspections related to special investigations, site permittee inspections, and well permit applications. The Regulatory Compliance Team collected 23 water quality samples during routine permit inspections or from new well construction inspections There were no formal enforcement actions initiated in FY 2019.

Barton Springs Pool Plume Event - Between December 18-20, 2018, three separate, discrete, and visible discharges of turbidity from Barton Springs into Barton Springs Pool were observed. The unusual turbidity caused the CoA to close Barton Springs pool as a precaution on December 19, 2018. CoA staff worked with BSEACD staff to identify the likely source of turbidity as sediment produced from the drilling of boreholes for a geothermal system in the Barton Hills area about ¾ of mile (4,000 ft) SSW from Barton Springs. The BSEACD and CoA staff gathered additional geologic site data and interviewed the drillers about activities on the site. Once additional information was gathered, CoA staff, BSEACD staff, and the driller worked together to modify the drilling protocols for the remaining boreholes of the project. These boreholes were permitted by the District and standard drilling procedures and practices were followed; thus no District rules were violated in the installation of the boreholes. However, the CoA and BSEACD worked together to develop additional drilling protocols within proximity to Barton Springs to minimize future turbidity plumes related to drilling activities.

Inspections/Investigations/Visits	FY	FY
	18	19
Exempt Well Inspections	4	6
Limited Production Permit Inspections	14	17
Individual Production Permit Inspections	3	0
Test Well Inspections	2	0
Plugging Inspections	8	5
Special Investigation Inspections	2	2
Other Permittee Meetings/Visits *	7	5
<i>*Multiple meetings were held with some permittees.</i>		
<b>TOTAL</b>	<b>43</b>	<b>35</b>

- Meter Reporting - Monthly meter readings were collected from all individual permittees each month with the large majority reported in a timely manner. Permittees failing to submit timely reports were provided with notices of the District's intent to collect meter readings. Most delinquent permittees were generally responsive once the notice was received. Meter readings not received after the notice was provided were collected by staff and a fee was assessed to those permittees, in accordance with the Rules.

The annual meter reading requirement for all Limited Production Permits (LPPs) were due in September 2019. Email correspondence and notifications were provided to the nonexempt domestic users in an effort to ensure compliance; however, approximately 10% did not timely submit a meter reading.

- Conservation Credits - The District issued a total of \$19,148.06 in credits in FY 2019 with \$11,967.54 being issued to 23 permittees, and \$7,180.52 being issued to the City of Austin. Permittees donating credits back to the District's camp scholarship fund included Cook-Walden/Forest Oaks (\$54.15), Creedmoor-Maha WSC (\$1,373.61), and Goforth SUD (\$749.00). The City of Austin also donated their \$7,180.52 credit to the District's camp scholarship fund. Total donations combined equal \$9,357.28.

- Right Sizing and Alternative Sources  
After notice and an opportunity for a hearing, the Board may renew a permit with a reduced amount of the authorized production if the authorized withdrawal volume is no longer commensurate with reasonable non-speculative demand, or actual production from a well is substantially less than the authorized permit amount for multiple years without any rationale that reasonably relates to efforts to utilize alternative water supplies, conserve, or improve water use efficiency. Staff conducted an under pumpage analysis and determined that while many permittees actual production was less than the authorized permitted amount it was typically due to bringing on alternative supplies or water conservation. Therefore, authorized permitted volumes were not reduced in FY19.

The District has been actively encouraging alternative source projects to reduce the dependency on the aquifers during drought. District staff has collaborated with water suppliers on ASR projects in providing regulatory and technical guidance. Staff has been working with Ruby Ranch WSC the and City of Buda on ASR feasibility and expects that each entity will submit an ASR Operational Permit in FY 2020.

- o Drought and Conservation Plans – During the spring and summer 2019 the regulatory staff work with interns to update 136 permit records in order to incorporate updated drought planning documents into their records. According the District’s management plan, all permittees shall have current User Drought Contingency Plans (UDCPs) and User Conservation Plans (UCPs) on file that are updated in accordance with District rules. Permittees have the option to revise drought target charts no more than once per year but must update their UDCP and UCP plans at least every five years. Staff completed a full update for all permittees to ensure that each file included updated drought templates (Drought Target Chart, UDCP, UCP).
- o Drought Compliance - The District implements a drought management program that requires mandatory monthly pumpage curtailments during District-declared drought stages. The District declared Stage II Alarm Drought on July 12, 2018 and remained in Stage II status throughout October 11, 2018. n The District has implemented all drought-related rules and curtailments in accordance with the District’s enforcement plan and drought management protocols. Drought enforcement measures were assessed for Stage II Alarm Drought for the entire duration of the drought. A monthly drought compliance report for all individual permittees was provided during the months of August 2018 – September 2018 to the Board during District-declared drought and those report are found on the drought management website pages. After lifting drought in October, the District was in No-Drought status the remainder of FY 2019.
- o Well Registration - Staff processed and reviewed all well registrations, permit renewals, and applications for permits, permit amendments, and authorizations in accordance with the Rules, Well Construction Standards, and other District guidelines in accordance with specified procedural timeframes. All newly drilled or modified exempt and nonexempt wells were automatically registered at the time of application and were in compliance with District Rules, including Well Construction Standards.

During FY 2019, the District continued with an online registration system to receive well registration applications from well owners. The online registration system was implemented in June 2015 in response to recent annexation efforts associated with the passage of HB 3405. Staff received and processes 25 online registration forms in FY 2019.

- o Application Reviews - To ensure that all firm-yield production permits are evaluated with consideration given to the District’s demand-based and non-speculative permitting standards, staff completed comprehensive administrative and technical reviews of permit application requests. A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments is provided below.

A summary of the new wells drilled in FY 2019 is provided in the table below.

New Wells Drilled	FY 17	FY 18	FY 19
New Exempt Wells	9	4	10
Limited Production Permits (Nonexempt Domestic Wells)	22	14	15
Individual Wells	2	4	1
Test Wells	0	0	0
Replacement Wells	0	1	0
<b>TOTAL</b>	<b>33</b>	<b>23</b>	<b>26</b>

A summary of the processed permitting applications in FY 2019 is provided in the table below.

Processed Permit Applications	FY17	FY18	FY19
Minor Amendment	3	6	5
Major Amendments	0	7	0
New Exempt Well	9	4	10
Limited Production Permit (Nonexempt Domestic Wells)	22	14	16
Individual Production Permit	4	4	3
Individual Well Drilling Authorizations or Well Modification	3	3	8
Test Well	0	2	1
Well Plugging	10	8	5
Replacement Well	0	1	0
<b>TOTAL</b>	<b>51</b>	<b>49</b>	<b>48</b>

A summary of the individual production permits processed in FY 2019 is provided in the table below.

	Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
1	1,600,000	BGSIX Holdings LLC	Historical Trinity	Irrigation	Trinity
2	100,000	Hays County	Historical Trinity	Industrial	Trinity
3	179,965,440	Needmore Water LLC	Historical Trinity	Agricultural Livestock	Trinity
4	912,500,000*	Electro Purification*	Historical Trinity	Wholesale PWS	Trinity
* This application was processed as administratively complete and is currently pending at the State Office of Administrative Hearings (SOAH). Final permit action and Board Decision has not taken place.					

### 2.5.1 Permit Summary:

A summary of the active individual production permits to date in FY 2019 is provided in the table below.

Active Individual Permits	FY 17	FY 18	FY 19
Conditional A Edwards	20	22	22
Conditional B Edwards	2	2	2
Conditional C Edwards	4	4	4
Historical Edwards	76	74	74
Historical Trinity	27	29	31
Historical Chalk or Alluvial	2	2	2
Transport Permits	2	2	2
<b>Total</b>	<b>131</b>	<b>135</b>	<b>137</b>

A summary of the active general permits to date in FY 2019 is provided in the table below.

<b>Active General Permits</b>	<b>FY 17</b>	<b>FY 18</b>	<b>FY 19</b>
Limited Production Permits (LPP)	129	141	156
Test Permits	1	2	1
Monitoring Permits	0	0	0
<b>Total</b>	<b>130</b>	<b>143</b>	<b>157</b>

### 2.5.2 Production Summary:

Staff monitors annual withdrawals from all nonexempt wells through required monthly or annual meter reports to ensure that groundwater is used as efficiently as possible for beneficial use. A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone is provided below.

A summary of the actual versus permitted production volumes for each Management Zone is also provided below.

<b>FY 2019 Production from Individual Permittees</b>		
<b>Production Zone</b>	<b>Actual Production</b>	<b>Permitted Individual Production</b>
Edwards	1,550,915,519	2,660,777,544
Trinity	200,300,364	506,381,557
Austin Chalk or Alluvial	174,450	2,500,000
<b>Total (Gallons)</b>	<b>1,751,390,333</b>	<b>3,169,659,101</b>
	(5,374.81 ac ft)	(9,727.31 ac ft)

<b>Production Zone</b>	<b>Actual Production*</b>	<b>Permitted Limited Production</b>
Edwards	14,625,000	58,500,000
Trinity	4,875,000	19,500,000
Austin Chalk or Alluvial	0	0
<b>Total (Gallons)</b>	<b>19,500,000</b>	<b>78,000,000</b>
	(59.84 ac ft)	(239.37 ac ft)
<i>*Actual production is a volume estimate calculated from available meter reading data in annual meter reports 125,000 gpy average.</i>		

A summary of the permitted production volumes for each Management Zone is provided below.

<b>FY 2019 Permitted Pumpage by Management Zone</b>			
<b>Edwards MZs</b>	<b>gallons</b>	<b>cfs</b>	<b>acre-feet</b>
Historical (Individual)	2,309,082,596	9.79	7,086
Historical (LPP)	2,500,000	0.011	8
<b>Total Historical</b>	<b>2,311,582,596</b>	<b>9.80</b>	<b>7,094</b>
Conditional (Individual)	351,694,948	1.49	1,079
Conditional (LPP)	56,000,000	0.24	172
<b>Total Conditional</b>	<b>407,694,948</b>	<b>1.73</b>	<b>1,251</b>
<b>Total Edwards</b>	<b>2,719,277,544 gal</b>	<b>11.53 cfs</b>	<b>8,345 ac ft</b>

<b>Trinity MZs</b>	<b>gallons</b>	<b>cfs</b>	<b>acre-feet</b>
Historical (Individual)	506,381,557	2.15	1,554
Historical (LPP)	19,500,000	0.08	60
<b>Total Trinity</b>	<b>525,881,557 gal</b>	<b>2.23 cfs</b>	<b>1,614 ac ft</b>

<b>Other Aquifers MZs</b>	<b>gallons</b>	<b>cfs</b>	<b>acre-feet</b>
Historical (Individual)	2,500,000 gal	0.01 cfs	8 ac ft
Historical (LPP)	0	0	0
<b>Total Other Aquifers</b>	<b>2,500,000 gal</b>	<b>0.01 cfs</b>	<b>8 ac ft</b>

<b>Total Permitted</b>	<b>3,247,659,101 gal</b>	<b>13.77 cfs</b>	<b>9,967 ac ft</b>
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## **3.0 REQUIRED DATA AND INFORMATION**

The District Bylaws, and MP require a number of specific items to be included in the Annual Report. This information is included in the following subsections of the Annual Report.

### **3.1 Aquifer Status**

FY 2019 began with a status of Stage II Alarm Drought declared by the Board on July 12<sup>th</sup>, 2018. An average of 13 inches of rain in September to October provided much needed recharge to the Edwards and Trinity aquifers. These rains revived aquifer water levels and Barton Springs flow, elevating to above Stage II Alarm drought warning levels. The Board subsequently updated the drought status from Stage II Alarm Drought to NO Drought on October 11<sup>th</sup>, 2018. The calendar year ended with some of the wettest December weather ever recorded. By New Year's Eve, six inches of rain had fallen in Austin and the Hill Country for the month of December, more than two times the average. January 2019 provided about 3 additional inches, exceeding its historical average of 1.9 inches.

A combined 14 inches of spring rain fell in May and June 2019 providing even more recharge. Barton Springs flow quickly responded to the fall 2018 rains and additional spring 2019 rains to maintain an average daily spring flow of 100cfs throughout FY 2019. On June 14<sup>th</sup>, 2019, water level measurements in the Lovelady monitor well had risen to surpass the 3<sup>rd</sup> highest peak recorded in 2003 (536.0 ft-msl or 117.4 ft-dtw).

Summer came with a drying trend. Below-average rainfall initiated a rapid decline at the Lovelady well beginning July 15<sup>th</sup>. This decrease has continued through a dry fall season and is projected through the winter.

To summarize, the Austin/Hill Country area has received an average 27 inches of rainfall so far in 2019, producing significant recharge for local aquifers. However, official forecasts point toward drier and milder-than-normal conditions across Central Texas, which will likely result in further declines as 2020 gets underway. We hope spring will bring its usual upward swing of recharge to keep our aquifers well-supplied.

### **3.2 Grant Programs**

During FY 2019, Aquifer Science staff have worked on a grant from Travis County to study the hydrogeology of southwest Travis County. The District was awarded \$100,000 by Travis County which paid for one year of a full-time hydrogeologist (Lane Cockrell) and a half-time education specialist (Jackie Vay), in addition to paying for supplies, sample analyses, geophysical logging of wells, among other items. A significant amount of data has been collected in FY 2019 and a draft report is being compiled to summarize the data along with interpretations of the data. A final report will be completed in FY 2020. A second grant of \$75,000 has been given to the District to do similar work in FY 2020.

### **3.3 Professional Services**

The District expended \$213,667 for professional services in FY 2019.

This amount included legal fees of \$169,793 for general counsel support provided by Bickerstaff, Heath, Delgado & Acosta LLP of Austin, and included involvement of the District and its attorneys in the following billing categories: Needmore \$58,690; Dripping Springs TPDES \$1,033; General Matters/Personnel \$36,371; and EP \$73,700.



There were no legal services associated uniquely with grant projects as grant-billable costs.

Additional professional services for FY 2019 also reported in the above amount include the District's third-party retirement plan administrator, The Standard, for \$23,554; \$5,800 for the database project, and \$2020 in the Elections category.

The District retained Montemayor Britton Bender PC early in 2016 to perform its annual financial audit for FY 2015, and future audits going forward. The fee for these professional services is \$13,000 for FY 2019, and is also included in the professional services total above.

Not included in the professional services total above, the District expended \$36,000 for the lobbying services of SledgeLaw Group for the 86th Legislative Session. The District has changed the timing of when legislative issues are addressed from a biennial expense to an ongoing expense according to a new term of agreement dated July 1, 2016, being a flat-fee structure bifurcated between legislative session months and legislative interim months spread across 24 months. During legislative months – November of even-numbered years through June of odd-numbered years, the fee will be \$4,000 per month. During legislative interim months – July of odd-numbered years through October of even-numbered years, the fee will be \$1,000 per month, therefore one year there will be \$36,000 in legislative expenses, and the following year there will be \$12,000 in legislative expenses.

These professional services do not include the contracted labor that comprises programmatic support to various team initiatives and that is budgeted as part of the individual team budgets.

### **3.4 Capital Projects**

There were no District capital projects in FY 2019.

### **3.5 Financial Report**

As authorized in the District Bylaws, the Board utilizes the Texas Treasury Safekeeping Trust Company (commonly referred to as "TexPool") as a depository for its funds not required by its current operations. There are several built-in controls and safeguards in the TexPool account mechanisms. The District has established and maintains funds in three TexPool accounts to further minimize risk and to partition funds designated for certain potential uses. To facilitate payments and timely deposits, the District also maintains both checking and payroll accounts with Branch Banking and Trust Company - BB&T, which are FDIC-insured. Monies are moved electronically between these BB&T accounts and the TexPool accounts, generally keeping funds not required by current operations in TexPool, and therefore the cash balances in the operating bank accounts as small as prudently feasible. The District has no additional monetary investments other than its cash fund accounts.

End-of-the-year cash and account balances and an independent assessment of financial controls will be found in the Annual Audit Report, to be included here as Appendix A, upon completion of the financial audit.

### **3.6 Evaluation of District's Long-Range Plan Pursuant To §36.1071**

#### **3.6.1 Background**

TWC §36.1071 requires all GCDs to establish and maintain a long-range comprehensive plan for groundwater management in the District. This long-range plan is a ten-year plan called the District MP.

The MP must be reviewed, revised as necessary, readopted, and reapproved at least once each five years. The current plan was adopted in November of 2017. Pursuant to the code provisions, all GCDs are required to assess progress quantitatively toward the objectives in their prevailing MP at least annually. This assessment is summarized in the following Section 3.6.2, and elaborated on in Appendix B of this Annual Report.

### **3.6.2 Board Evaluation of Goals, Objectives, and Progress Assessment**

Section 2.0 of this report highlights some activities for each of the operational teams. A more comprehensive and detailed listing of the activities of the District is included in Appendix B, which was prepared by the staff to assist the Board's evaluation of the progress made in FY 2019 toward the goals, objectives, and performance standards identified in the prevailing District MP.

On December 12, 2019, the Board reviewed the information in Appendix B, discussed its conformance with the plan objectives and their subsidiary performance standards, and then took action to evaluate progress made by the District toward these strategic objectives, as specified in the metrics for each of the objectives. Following a proper motion and second, and discussion in a properly noticed Open Meeting, the Board of Directors unanimously approved the progress toward each and all objectives in FY 2019 as being satisfactory, and directed the staff to include a record of these actions and their basis in this Annual Report. That record and the basis for that decision-making are included as Appendix B.

This assessment for FY 2019 measured progress towards the goals and objectives of the current MP, which was approved by the TWDB on November 21, 2017, and will serve as the basis for the Board's next evaluation of that plan's objectives in FY 2020.

## APPENDIX A

### **Independent Annual Financial Audit Report**

(To be Board-approved December 12, 2019)

## **APPENDIX B**

### **Assessment of Progress toward Management Plan Goals and Objectives**

(To be Board-approved December 12, 2019)

# **DRAFT**

**2019**

## **Appendix B**

**Assessment of Progress Toward  
Management Plan Goals and Objectives**

## GOAL 1 - PROVIDING THE MOST EFFICIENT USE OF GROUNDWATER

### 31 TAC 356.52(A)(1)(A)/TWC §36.1071(A)(1)

**Objective 1-1.** Provide and maintain on an ongoing basis a sound statutory, regulatory, financial, and policy framework for continued District operations and programmatic needs.

#### Performance Standards

Develop, implement, and revise as necessary, the District Management Plan (MP) in accordance with state law and requirements. Each year, the Board will evaluate progress towards satisfying the District goals. A summary of the Board evaluation and any updates or revisions to the MP will be provided in the Annual Report.

**In FY 2019, the District continued to implement its MP that was approved by the Texas Water Development Board (TWDB) on November 21, 2017. No revisions or amendments were presented or made.**

**In order to achieve the goals, management objectives, and performance standards adopted in the MP, on December 12, 2019, the District's Board of Directors evaluated progress made and approved the District's FY 2019 Annual Report, including Appendix A (the annual financial audit), and Appendix B (Assessment of Progress toward Management Plan Goals and Objectives).**

Review and modify District Rules as warranted to provide and maintain a sound statutory basis for continued District operations and to ensure consistency with both District authority and programmatic needs. A summary of any rule amendments adopted in the previous fiscal year will be included in the Annual Report.

**During FY 2019, the District adopted amendments and revisions to the Rules and Bylaws. A quorum of the District Board of Directors voted unanimously to adopt the proposed revisions at its regular meeting on March 28, 2019. The rulemaking process was formally initiated in February 2019 as part of an ongoing effort to implement Aquifer Storage and Recovery (ASR) projects. There was a 20-day public comment period to provide an opportunity for rule review and to submit comments or formal protests on the proposed rules. The adopted rule amendments focused overall on:**

- **Definitions**
- **Application Checklist (Well Drilling and Source & Recovery Permits)**
- **Hydrogeologic Report and Observation Wells**
- **Permit Amendments**
- **Saline Zone Requirements**
- **Aquifer Storage and Recovery Pilot Test**
- **Saline Edwards Modeled Available Groundwater/Desired Future Conditions**
- **Class D Conditional Permits**
- **Aquifer Storage and Recovery (new section)**

**Objective 1-2.** Monitor aggregated use of various types of water wells in the District, as feasible and appropriate, to assess overall groundwater use and trends on a continuing basis.

Performance Standard

Monitor annual withdrawals from all nonexempt wells through required monthly or annual meter reports to ensure that groundwater is used as efficiently as possible for beneficial use. A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type will be provided in the Annual Report.

**A summary of the actual versus permitted production volumes for each Management Zone is also provided below.**

<b>FY 2019 Production from Individual Permittees</b>		
<b>Production Zone</b>	<b>Actual Production</b>	<b>Permitted Individual Production</b>
Edwards	1,550,915,519	2,660,777,544
Trinity	200,300,364	506,381,557
Austin Chalk or Alluvial	174,450	2,500,000
<b>Total (Gallons)</b>	<b>1,751,390,333</b>	<b>3,169,659,101</b>
	(5,374.81 ac ft)	(9,727.31 ac ft)

<b>FY 2019 Production from Limited Production Permittees (LPP)</b>		
<b>Production Zone</b>	<b>Actual Production*</b>	<b>Permitted Limited Production</b>
Edwards	14,625,000	58,500,000
Trinity	4,875,000	19,500,000
Austin Chalk or Alluvial	0	0
<b>Total (Gallons)</b>	<b>19,500,000</b>	<b>78,000,000</b>
	(59.84 ac ft)	(239.37 ac ft)
<i>*Actual production is a volume estimate calculated from available meter reading data in annual meter reports 125,000 gpy average.</i>		

**Objective 1-3.** Evaluate quantitatively at least every five years the amount of groundwater withdrawn by exempt wells in the District to ensure an accurate accounting of total withdrawals in a water budget that includes both regulated and non-regulated withdrawals, so that appropriate groundwater management actions are taken.

### Performance Standards

Provide an estimate of groundwater withdrawn by exempt wells in the District using Texas Department of Licensing and Regulation (TDLR) and TWDB databases, and District well records, and update the estimate every five years with the District's MP updates.

**This is a joint effort between the Aquifer Science, Education and Outreach, and Regulatory Compliance teams. The next estimation of exempt wells in the District is scheduled for FY 2020.**

In the interim years between MP updates, the most current estimates of exempt well withdrawals will be included in a summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type that will be provided in the annual report.

**Estimates of exempt pumping from the Edwards Aquifer are about 5% of the annual actual permitted amount. We developed a methodology to increase the accuracy of the Trinity exempt pumping that is outlined in Gary et al. 2019<sup>(1)</sup>.**

**Estimates of pumping can be found listed above in a summary table for Objective 1-2.**

**<https://gsa.confex.com/gsa/2019AM/webprogram/Paper339852.html>**

**Objective 1-4.** Develop and maintain programs that inform and educate citizens of all ages about groundwater and springflow-related matters, which affect both water supplies and salamander ecology.

### Performance Standards

Publicize District drought trigger status (Barton Springs ten-day average discharge and Lovelady Monitor Well water level) in monthly eNews bulletins and continuously on the District website.

**The drought stage graphic on the district home page was updated frequently to indicate drought trigger levels and associated drought conditions. The dynamic graphics shown on the Aquifer Data page were live and viewed approximately 1,335 times throughout the fiscal year.**

**The District declared alarm stage drought on July 12, 2018 and lifted the drought declaration on October 15, 2018. The drought status change was publicized through drought stage icons and spotlights on the District website, a press release, eNews articles, and road signs and mailers were made available for use by Permittees.**

Provide summaries of associated outreach and education programs, events, workshops, and meetings in the monthly team activity reports in the publicly-available Board backup.

**This performance standard has effectively been met. This information was presented in the monthly status report section of the Board backups, generally in the first meeting of the month. Visit <https://bseacd.org/transparency/agendas-backup/>, click on the Agenda hyperlink beneath the month of interest, the page number of the Status Report is listed under the General Manager Report section of the meeting agenda.**



Protect Your Groundwater Day	September	<p>Target: All residents, permittees, well owners &amp; groundwater users</p> <p>District promotes the National Groundwater Association's awareness campaign.</p>
Rainwater Revival	October	<p>Target: residents, well owners &amp; groundwater users</p> <p>District sponsors and attends this alternate water supply focused educational event.</p>
Teacher Wishlist Materials	October	<p>Target: teachers and informal educators.</p> <p>District educators apply for a chance to receive free water science teaching materials and technology to augment their programs and classes.</p>
Imagine a Day Without Water	October	<p>Target: All residents</p> <p>National awareness media campaign to remind everyone to think about how important water is to our everyday lives and consider what it would be like to not have access to clean, reliable drinking water.</p>
Water Conservation Symposium	January	<p>Target: permittees, policy leaders, water operators, and conservation managers.</p> <p>District is a member and sponsor of the Central Texas Water Efficiency Network—the group that hosts the symposium.</p>
Austin Cave Festival	February	<p>Target: families &amp; residents.</p> <p>District hosts and sponsors Cave Festival at the Wildflower Center with City of Austin Wildlands, Watershed Protection, and Parks and Rec.</p>
Groundwater Awareness Week	March	<p>Target: All residents, permittees</p> <p>District helps promote the National Groundwater Association Groundwater Awareness campaign.</p>
Fix-A-Leak Week	March	<p>Target: Well owners, permittees, and groundwater users</p> <p>District helps promote the US EPA Water Sense water conservation awareness campaign.</p>
Camp scholarships due & chosen	March	<p>Target: students ages 9-15.</p> <p>District collaborates with permittees funds the program. Promotion starts at the beginning of the calendar year.</p>
College scholarship essay contest	March	<p>Target: high school juniors, seniors, and immediate grads in the 8 school districts that cross the District's boundary.</p> <p>Kent Butler Groundwater Stewardship Scholarship as an essay contest. Promotion starts at the beginning of the calendar year.</p>
Well Water Checkup	April	<p>Target: well owners, permittees</p> <p>Well owners can bring in a water sample and have it analyzed for TDS, Nitrate, pH, and bacteria for free.</p>
Endangered Species Day	May	<p>Target: all residents, permittees</p> <p>District helps promote US FWS Endangered Species day and highlights habitat and groundwater management in place to protect the endangered salamanders in the District.</p>
Water Conservation Period	May	<p>Target: well owners, permittees, and groundwater users</p> <p>Runs from May 1 to Sept 31 when the District is not in Drought. Voluntary 10% reduction in pumpage.</p>
Neighborhood Site Visits	May (variable)	<p>Target: well owners in selected neighborhoods.</p>

National Cave and Karst Day	June	Staff measure water levels (if possible), basic field parameters, and nitrate for free. Target: all residents, permittees District highlights role of caves and karst, surface water and groundwater interaction, and endangered species protection. Target: teachers and informal educators.
Groundwater to the Gulf	June	District is a lead organizer for the training and coordinates with 13 other agencies to put on the training. Provides teachers with hands-on activities to use in the classroom to highlight groundwater, surface water, and habitats. Target: residents and families
WFC Nature Nights	June	The District participates in the WFC program with an activity about water conservation and/or recharge water quality protection.

A summary of outreach activities and estimated reach is also provided in the annual report.

In FY 2019, some highlights of the Education and Community Outreach Team included:

- Participated in more than 30 outreach events (including field trips, presentations, and events) that reached approximately 3,800 adults and 4,200 children—a significant increase from last year.
- eNews bulletins were opened over 13,400 times from over 2,900 subscribers. Facebook posts were viewed 27,900 times. Twitter posts made 17,800 impressions. The web pages were viewed 39,700 times.
- Collaborated with Aquifer Science staff on the Travis County Groundwater Study. The Travis County Groundwater Project Group including staff from the Aquifer Science and Education Outreach Teams organized neighborhood site visits to collect water data in five different areas within the southwest Travis County study area. The visits took place in Hamilton Pool/Pedernales, Spicewood/Briarcliff, Lakeway/The Hills/Hudson Bend, Bee Cave, and Westlake/Lost Creek/Oak Hill areas. Approximately 50 well owners participated in the site visits and approximately 50 additional field measurements. Water level and water quality analysis was collected from the over 100+ data collection points. Presentations were made to Travis County Commissioners and SWTC GCD Board.
- Approximately 47 well owners in the District brought in water samples for the free water well screening for common contaminants during the Well Water Checkup.
- Co-hosted the 9th Annual Central Texas Water Conservation Symposium “Integrated Water: Keeping Conservation at the Forefront” in collaboration with the water providers and non-profits participating in the CTWEN.
- Co-hosted the 14<sup>th</sup> Annual Groundwater to the Gulf Summer Institute for Educators in collaboration with other state, local, and non-profit water educators, which trained 33 teachers and educators who in turn reach over 8,000 students annually.

- Co-hosted the Austin Cave Festival at the Lady Bird Johnson Wildflower Center, which attracted record attendance.
- Sponsored the 2018 Rainwater Revival and Hill Country Living event that brings rainwater harvesting system installers, suppliers, water haulers and other experts together to serve as a resource for homeowners and businesses that are interested in using rainwater as an alternate supply.
- Awarded two \$2,500 college scholarship to Ian McIntosh from Liberal Arts & Science Academy for his essay titled “The Impact of Water on the Arthropods of Bull Creek,” and Emma Cook from Hays High School for her essay titled “Expanding the Clean Water Act to Better Protect Groundwater Resources” with the support from District permittees’ FY 2018 conservation credit donations.
- Provided 20 scholarships for students ages 9-15 to attend Aquatic Science Adventure Camp hosted by the Edwards Aquifer Research and Data Center, with the support from District permittees’ FY 2018 conservation credit donations.

**Objective 1-5.** Ensure responsible and effective management of District finances such that the District has the near-term and long-term financial means to support its mission.

Performance Standards

Receive a clean financial audit each year. A copy of the auditor’s report will be included in the Annual Report (as Appendix A).

**The District Board received and approved the FY 2019 Annual Financial Audit report provided by the District’s financial auditor at its meeting on December 12, 2019. It is included with this Annual Report as Appendix A.**

Timely develop and approve fiscal-year budgets and amendments.

**For FY 2019, there were four versions. The initial budget was brought before the Board in a public hearing held on August 9, 2018 where it was approved. The Board approved Budget Revision 1 on March 14, 2019; Budget Revision 2 on June 27, 2019; and Budget Revision 3 on July 25, 2019.**

**Objective 1-6.** Provide efficient administrative support and infrastructure, such that District operations are executed reliably and accurately, meet staff and local stakeholder needs, and conform to District policies and with federal and state requirements.

Performance Standards

Maintain, retain, and control all District records in accordance with the Texas State Library and Archives Commission-approved District Records Retention Schedule to allow for safekeeping and efficient retrieval of any and all records, and annually audit records for effective management of use, maintenance, retention, preservation and disposal of the records’ life cycle as required by the Local Government Code. A summary of records requests received under the PIA, any training provided to staff or directors, or any claims of violation of the Public Information Act will be provided in the Annual Report.

**Administrative staff is responsible for proper maintenance, management, retention, and disposition of all District records; inventory of District property (asset management); and capital depreciation. Administration preserved and protected all public documents in accordance with state and federal**

laws, the adopted District Records Retention Schedule, and with the Texas State Library regulations; and maintained the District's reference material library.

District records were maintained effectively, and there were no violations of the Public Information Act.

Develop, post, and distribute District Board agendas, meeting materials, and backup documentation in a timely and required manner; post select documents on the District website, and maintain official records, files, and minutes of Board meetings appropriately.

**Administrative staff developed, posted and distributed all materials and backup documentation for all 19 District Board meetings held in FY 2019. All meeting minutes meeting were approved by the Board at each meeting. Administrative staff maintained the officials records of each meeting on the District's website and in the District's library.**

**Objective 1-7. Manage and coordinate electoral process for Board members.**

Performance Standard

Ensure elections process is conducted and documented in accordance with applicable requirements and timelines. Elections documents will be maintained on file and a summary of elections-related dates and activities will be provided in the Annual Report for years when elections occur.

**The District holds elections no more often than every two years (in odd-numbered fiscal years, if and when election contests warrant).**

**There was no election in FY 2019.**

## GOAL 2 - CONTROLLING AND PREVENTING WASTE OF GROUNDWATER

31 TAC 356.52(A)(1)(B)/TWC §36.1071(A)(2))

**Objective 2-1.** Require all newly drilled exempt and nonexempt wells, and all plugged wells to be registered and to comply with applicable District Rules, including Well Construction Standards.

### Performance Standard

A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments will also be provided in the Annual Report.

To ensure that all firm-yield production permits are evaluated with consideration given to the District's demand-based and non-speculative permitting standards, staff completed comprehensive administrative and technical reviews of permit application requests. A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments is provided below.

A summary of the processed permitting applications in FY 2019 is provided in the table below.

Processed Permit Applications	FY17	FY18	FY19
Minor Amendment	3	6	5
Major Amendments	0	7	0
New Exempt Well	9	4	10
Limited Production Permit (Nonexempt Domestic Wells)	22	14	16
Individual Production Permit	4	4	3
Individual Well Drilling Authorizations or Well Modification	3	3	8
Test Well	0	2	1
Well Plugging	10	8	5
Replacement Well	0	1	0
TOTAL	51	49	48

A summary of the individual production permits processed in FY 2018 is provided in the table below.

	Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
1	1,600,000	BGSIX Holdings LLC	Historical Trinity	Irrigation	Trinity
2	100,000	Hays County	Historical Trinity	Industrial	Trinity
3	179,965,440	Needmore Water LLC	Historical Trinity	Agricultural Livestock	Trinity
4	912,500,000*	Electro Purification*	Historical Trinity	Wholesale PWS	Trinity
<i>This application was processed as administratively complete and is currently pending at the State Office of Administrative Hearings (SOAH). Final permit action and Board Decision has not taken place.</i>					

**Objective 2-2.** Ensure permitted wells and well systems are operated as intended by requiring reporting of periodic meter readings, making periodic inspections of wells, and reviewing pumpage compliance at regular intervals that are meaningful with respect to the existing aquifer conditions.

Performance Standards

Inspect all new wells for compliance with the Rules, and Well Construction Standards, and provide a summary of the number and type of inspections or investigations in the Annual Report.

During FY 2019, the Regulatory Compliance Team conducted a number of inspections relating to the processing of permit applications. Staff completed a total of 30 inspections related to special investigations, site permittee inspections, and well permit applications. The Regulatory Compliance Team collected 23 water quality samples during routine permit inspections or from new well construction inspections. There were no formal enforcement actions initiated in FY 2019.

FY 19 Inspections/ Investigations/ Visits	
Exempt Well Inspections	6
Limited Production Permit Inspections	17
Individual Production Permit Inspections	0
Test Well Inspections	0
Plugging Inspections	5
Special Investigation Inspections	2
Other Permittee Meetings/Visits *	5
<i>*Multiple meetings were held with some permittees.</i>	
<b>TOTAL</b>	<b>35</b>

Provide a summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type in the Annual Report.

**A summary of the actual versus permitted production volumes for each Management Zone is also provided below.**

<b>FY 2019 Production from Individual Permittees</b>		
<b>Production Zone</b>	<b>Actual Production</b>	<b>Permitted Individual Production</b>
Edwards	1,550,915,519	2,660,777,544
Trinity	200,300,364	506,381,557
Austin Chalk or Alluvial	174,450	2,500,000
<b>Total (Gallons)</b>	<b>1,751,390,333</b>	<b>3,169,659,101</b>
	(5,374.81 ac ft)	(9,727.31 ac ft)

<b>FY 2019 Production from Limited Production Permittees (LPP)</b>		
<b>Production Zone</b>	<b>Actual Production**</b>	<b>Permitted Limited Production</b>
Edwards	14,625,000	58,500,000
Trinity	4,875,000	19,500,000
Austin Chalk or Alluvial	0	0
<b>Total (Gallons)</b>	<b>19,500,000</b>	<b>78,000,000</b>
	(59.84 ac ft)	(239.37 ac ft)
<i>*Actual production is a volume estimate calculated from available meter reading data in annual meter reports 125,000 gpy average.</i>		

**Objective 2-3.** Provide leadership and technical assistance to government entities, organizations, and individuals affected by groundwater-utilizing land use activities, including support of or opposition to legislative initiatives or projects that are inconsistent with this objective.

Performance Standards

In even-numbered fiscal years, provide a summary of interim legislative activity and related District efforts in the Annual Report. In odd-numbered fiscal years, provide a legislative debrief to the Board on bills of interest to the District and provide a summary in the Annual Report.

**The GM served as the primary point of contact, and coordinated with Brian Sledge of SledgeLaw Group PLLC, the District’s legislative consultant, and the appointed Board Legislative Committee members (Blayne Stansberry and Dr Robert Larsen) to monitor bills of interest to the District. Efforts included bill tracking and analysis, and meeting and providing information to legislators.**

**The following is a synopsis of the fate of certain priority bills of direct interest to the District:**



- **HB 478 by Phelan. Relating to the funding of flood planning, mitigation, and infrastructure projects. Did not pass out of House Natural Resources Committee.**
- **HB 720 by Larson and Perry. Relating to appropriations of water for use in aquifer storage and recovery projects. Passed. Effective date June 10, 2019.**
- **HB 721 by Larson and Perry. Relating to the duty of the Texas Water Development Board to conduct studies of and prepare and submit reports on ASR. Passed. Effective date June 14, 2019.**
- **HB 722 by Larson and Perry. Relating to the development of brackish groundwater. Passed. Effective date September 1, 2019.**
- **HB 726 by Larson. Groundwater omnibus bill. Did not pass out of the Senate Water and Rural Affairs Committee.**
- **HB 790 by Davis. Relating to recovery of attorney's fees in certain civil cases. Did not pass to a Senate Committee.**
- **HB 807 by Larson and Buckingham. Relating to the state and regional water planning process. For a regional water planning area with significant identified water needs, the potential for ASR must be assessed. Passed. Effective date June 10, 2019.**
- **HB 817 by King. Relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain areas of the Edwards Aquifer. Did not pass out of the House Natural Resources Committee.**
- **HB 1066 by Ashby and Perry. Relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district. Passed. Effective date September 1, 2019.**
- **HB 1304 by Zwiener. Relating to the Hays Trinity Groundwater Conservation District. Did not pass out of the House Natural Resources Committee.**
- **SB 483 by Campbell and Zwiener. Relating to permits for certain injection wells that transect a portion of the Edwards Aquifer. Passed. Effective date June 10, 2019.**
- **SB 520 by Campbell and Kuempel. Relating to the storage and recovery of water in a portion of the Edwards Aquifer. Passed. Effective date September 1, 2019.**
- **SB 669 by Buckingham and Goodwin. Relating to the date for the confirmation election for the Southwestern Travis County Groundwater Conservation District. Passed. Effective date May 20, 2019**
- **SB 1010 by Perry. Relating to rules adopted by groundwater conservation districts overlying a common aquifer. Did not pass out of the House Natural Resources Committee.**



The SledgeLaw Group provided a legislative debriefing report to the Board of Directors at the June 13, 2019 meeting. They accepted the report as presented – satisfying this performance standard.

Provide a summary of District activity related to other land use activities affecting groundwater in the Annual Report.

District staff actively participated in the following land-use activities that have the protection to affect the groundwater resources:

- Wastewater Meeting with multiple agencies – attended meeting with the Guadalupe Blanco River Authority, City of Austin, City of San Marcos, Save Barton Creek Association, Clearwater Water Supply Corporation and the Edwards Aquifer Authority to discuss water quality concerns and potential legislation.
- State Highway 45 SW roadway project – coordinated site visits with consultant in the evaluation of the stormwater control structures and reviewed and approved inspection reports.
- MoPac intersections roadway project – performed periodic site inspections and provided guidance on mitigating karst features and performed periodic inspections on environmental and stormwater control structures.
- Proposed Sawyer-Cleveland WWTP – submitted letter to TCEQ on behalf of the District stating the reasons why the District opposed the proposed wastewater treatment plant in the Barton Creek watershed.
- Kinder Morgan LLC Permian Highway natural gas pipeline – presented at several public events on the possible impacts to the groundwater resources in Hays County, organized a technical discussion between Kinder Morgan officials and GCDs, submitted formal request for technical information to Kinder Morgan, and submitted an official request to the Railroad Commission of Texas for a meeting to receive information on the Commission’s oversight of oil and gas pipelines.

**Objective 2-4.** Ensure all firm-yield production permits are evaluated with consideration given to the demand-based permitting standards including verification of beneficial use that is commensurate with reasonable non-speculative demand.

Performance Standard

A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments will be provided in the Annual Report.

To ensure that all firm-yield production permits are evaluated with consideration given to the District’s demand-based and non-speculative permitting standards, staff completed comprehensive administrative and technical reviews of permit application requests. A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments is provided below.

A summary of the processed permitting applications in FY 2019 is provided in the table below.

Processed Permit Applications	FY17	FY18	FY19
Minor Amendment	3	6	5
Major Amendments	0	7	0
New Exempt Well	9	4	10
Limited Production Permit (Nonexempt Domestic Wells)	22	14	16
Individual Production Permit	4	4	3
Individual Well Drilling Authorizations or Well Modification	3	3	8
Test Well	0	2	1
Well Plugging	10	8	5
Replacement Well	0	1	0
<b>TOTAL</b>	<b>51</b>	<b>49</b>	<b>48</b>

A summary of the individual production permits processed in FY 2019 is provided in the table below.

	Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
1	1,600,000	BGSIX Holdings LLC	Historical Trinity	Irrigation	Trinity
2	100,000	Hays County	Historical Trinity	Industrial	Trinity
3	179,965,440	Needmore Water LLC	Historical Trinity	Agricultural Livestock	Trinity
4	912,500,000*	<i>Electro Purification*</i>	<i>Historical Trinity</i>	<i>Wholesale PWS</i>	<i>Trinity</i>
<i>This application was processed as administratively complete and is currently pending at the State Office of Administrative Hearings (SOAH). Final permit action and Board Decision has not taken place.</i>					

## GOAL 3 -ADDRESSING CONJUNCTIVE SURFACE WATER MANAGEMENT ISSUES

31 TAC 356.52(A)(1)(D)/TWC §36.1071(A)(4)

**Objective 3-1.** Assess the physical and institutional availability of existing regional surface water and alternative groundwater supplies and the feasibility of those sources as viable supplemental or substitute supplies for District groundwater users.

### Performance Standard

A summary of District activity related to this objective will be provided in the Annual Report.

Identify available alternative water resources and supplies that may facilitate source substitution and reduce demand on the Edwards Aquifer, while increasing regional water supplies, and evaluate feasibility by considering available/proposed infrastructure, financial factors, logistical/engineering factors, and potential secondary impacts (development density/intensity or recharge water quality).

**Worked cooperatively and closely with the Ruby Ranch WSC and their consultants to conduct phase four of aquifer storage and recovery (ASR) pilot testing initiated in 2017<sup>(1)</sup> and ending in 2019 with an ASR application to the TCEQ (the 4<sup>th</sup> in Texas). District assisted with hydrogeologic evaluations and water level and water chemistry sampling throughout all phases of pilot testing.**

[https://bseacd.org/uploads/RubyRanchASR\\_Status-Report\\_FINAL.pdf](https://bseacd.org/uploads/RubyRanchASR_Status-Report_FINAL.pdf)

**Objective 3-2.** Encourage and assist District permittees to diversify their water supplies by assessing the feasibility of alternative water supplies and fostering arrangements with currently available alternative water suppliers.

### Performance Standard

A summary of District activity related to this objective will be provided in the Annual Report.

Identify available alternative water resources and supplies that may facilitate source substitution and reduce demand on the Edwards Aquifer, while increasing regional water supplies, and evaluate feasibility by considering available/proposed infrastructure, financial factors, logistical/engineering factors, and potential secondary impacts (development density/intensity or recharge water quality).

**Met several times with City of Buda staff and their consultant as they prepared a permit application for an ASR system.**

**Met with Creedmoor-Maha board and staff to discuss the potential for desalination and ASR as potential sources of water.**

**Regulatory compliance and Aquifer Science had discussions with Bill Walters (Gragg Tract) on the pilot-testing of the Lower Trinity aquifer. District staff sampled the initial test production well**

(5850755) and helped plan an aquifer test (for FY 2020) of two additional potential supply wells in the Lower Trinity.

**Objective 3-3.** Demonstrate the importance of the relationship between surface water and groundwater, and the need for implementing prudent conjunctive use through educational programs with permittees and public outreach programs.

Performance Standards

Provide summaries of associated outreach and education programs, events, workshops, and meetings in the monthly team activity reports in the publicly-available Board backup.

**This information was presented in the monthly status report section of the Board backups, generally in the first meeting of each month. Visit <https://bseacd.org/transparency/agendas-backup/>, click on the Agenda hyperlink beneath the month of interest, the page number of the Status Report is listed under the General Manager Report section of the meeting agenda. Please see table in Objective 1-4 for a schedule of events and programs.**

Summarize outreach activities and estimate reach in the Annual Report.

**Please see Section 1-4 Highlights.**

**Objective 3-4.** Actively participate in the regional water planning process to provide input into policies, planning elements, and activities that affect the aquifers managed by the District.

Performance Standard

Regularly attend regional water planning group meetings, and annually report on meetings attended.

**In FY 2019, District staff attended all four meetings of the Lower Colorado Regional Water Planning Group (LCRWPG) – October 24, 2018, January 9, 2019, April 24, 2019, and July 10, 2019 and attended the Unique Stream Segments Committee Meeting held on April 11, 2019. Highlights from these four meetings of the LCRWPG include the following: 1) October 24, 2018 – consultants made presentations on the Water Management Strategies Committee meeting and the strategies that were scoped for evaluation during the 2016 planning cycle. LCRWPG approved the notice to proceed for the partial scope of work for the consultants. 2) January 9, 2019 – besides committee update reports, the consultants made a presentation on the overall progress of the planning process and the updates to non-Modeled Available Groundwater availability – the non-relevant groundwater sources. The LCRWPG created the Unique Stream Segment Committee; 3) April 24, 2019 – the Committees provided update reports and the consultants presented progress to date and a summary of Chapter 2, which was available for review. Also, the TWDB presented an overview of the Brackish Resources Aquifer Characterization System study; and 4) July 10, 2019 – the TWDB presented a summary of the bills that were approved in the 86<sup>th</sup> legislative session, the consultant provided a summary of the LCRWPG committees, including Water Management, Legislative/Policy and Water Modeling Committees. The consultant presented the comments received to date on Chapter 2 and informed the planning group of the availability of Chapters 1 and 3 in October.**

## **GOAL 4 - ADDRESSING NATURAL RESOURCE ISSUES WHICH IMPACT THE USE AND AVAILABILITY OF GROUNDWATER, AND WHICH ARE IMPACTED BY THE USE OF GROUNDWATER**

31 TAC 356.52 (A)(1)(E)/TWC §36.1071(A)(5)

**Objective 4-1.** Assess ambient conditions in District aquifers on a recurring basis by (1) sampling and collecting groundwater data from selected wells and springs monthly, (2) conducting scientific investigations as indicated by new data and models to better determine groundwater availability for the District aquifers, and (3) conducting studies as warranted to help increase understanding of the aquifers and, to the extent feasible, detect possible threats to water quality and evaluate their consequences.

### Performance Standards

Review water-level and water-quality data that are maintained by the District and/or TWDB, or other agencies, on a regular basis.

**Staff visits about 32 monitor wells quarterly, in addition to numerous other wells throughout the year, including six multiport monitor wells. Data is collected and organized into individual spreadsheets and databases. Staff also regularly sampled wells and springs for detailed geochemical analyses as a cooperator for the TWDB (32 sites in FY2019). All data has been compiled in the TWDB database that is publicly available. In addition, staff has repeatedly visited and sampled numerous wells in areas reporting or anticipating problems, such as the Electro Purification LLC (EP) and Summer Mountain Ranch areas.**

Improve existing analytical or numerical models or work with other organizations on analytical or numerical models that can be applied to the aquifers in the District.

**District staff have refined analytical models for use in the evaluation of the potential for unreasonable impacts. These include analytical modeling for the EP permit request and a potential Phase I that has low potential for unreasonable impacts.**

**District staff provided key technical support in the development of a conceptual model for the aquifers of the Blanco River watershed. That report (Martin et al., 2019<sup>1</sup>) was published at the end of FY19. The next step is to develop a numerical model from the conceptual model in FY 2020.**

**District staff compiled and collected new hydrogeologic data in a cooperative study with Travis County on the groundwater resources of Southwestern Travis County<sup>(2)</sup>. Results provide key insights into the Middle and Lower Trinity Aquifers within and adjacent to the District. These studies will help inform conceptual and numerical models of the region.**

- 1- <https://bseacd.org/2019/11/blanco-river-aquifer-assessment-tool-a-tool-to-assess-how-the-blanco-river-interacts-with-its-aquifers-creating-the-conceptual-model/>
- 2- <https://bseacd.org/projects/travis-county-groundwater-study/>

A review of the data mentioned above will be assessed for significant changes and reported in the Annual Report.

**No significant changes were observed in water-level and water-quality data during FY 2019, although water levels in the Edwards and Trinity Aquifer started dropping due to a very dry summer. The exception is the significant decline in Trinity water levels over time west and adjacent to the District within Southwestern Travis County. These data indicate the need for additional Trinity monitoring data in the northern portion of the District.**

**Objective 4-2.** Evaluate site-specific hydrogeologic data from applicable production permits to assess potential impact of withdrawals to groundwater quantity and quality, public health and welfare, contribution to waste, and unreasonable well interference.

#### Performance Standard

This involves evaluations of certain production permit applications for the potential to cause unreasonable impacts as defined by District rule. To evaluate the potential for unreasonable impacts, staff will (1) perform a technical evaluation of the application, aquifer test, and hydrogeological report; (2) use best available science and analytical tools to estimate amount of drawdown from pumping and influence on other water resources; and (3) recommend proposed permit conditions to the Board for avoiding unreasonable impacts if warranted.

- **Aquifer Science staff are continuing to collect data in the EP and Needmore areas and are working with Hays County and HTGCD to install additional monitor wells near Jacobs's Well and west of EP. As additional data become available, further analyses will be conducted.**
- **As indicated above, development of numerical models is underway to assist in the evaluations of potential impacts.**
- **Aquifer Science staff discussed and presented suggested revisions to the Trinity DFC to increase the ability to accurately monitor and assess its compliance considering large permit requests.**

**Objective 4-3.** Implement separate management zones and, as warranted, different management strategies to address more effectively the groundwater management needs for the various aquifers in the District.

#### Performance Standards

Increase the understanding of District aquifers by assessing aquifer conditions, logging wells, and collecting water quality data. A summary of the number of water quality samples performed will be provided in the Annual Report.

**To increase the understanding of District aquifers and water level conditions, staff collects groundwater data from selected wells and performs field assessments such as logging wells, and collecting water quality samples.**



- The Aquifer Science Team collected 32 samples from sample sights including wells and springs from the Edwards and Trinity Aquifers for major ions and isotopes.
- The Regulatory Team collected 23 water quality samples during routine permit inspections or from new well construction inspections.
- All teams worked in collaboration with Texas State Edwards Aquifer Research and Data Center Laboratory to offer a free water well screening for private wells in the area. Well owners collected their own samples and dropped them off at the District office to be screened for common contaminants; approximately 47 well owners participated during the 2019 Water Well Checkup. (April 2019)

A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type is provided in the Annual Report.

To ensure that all firm-yield production permits are evaluated with consideration given to the District's demand-based and non-speculative permitting standards, staff completed comprehensive administrative and technical reviews of permit application requests. A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments is provided below.

A summary of the processed permitting applications in FY 2019 is provided in the table below.

Processed Permit Applications	FY17	FY18	FY19
Minor Amendment	3	6	5
Major Amendments	0	7	0
New Exempt Well	9	4	10
Limited Production Permit (Nonexempt Domestic Wells)	22	14	16
Individual Production Permit	4	4	3
Individual Well Drilling Authorizations or Well Modification	3	3	8
Test Well	0	2	1
Well Plugging	10	8	5
Replacement Well	0	1	0
TOTAL	51	49	48

A summary of the individual production permits processed in FY 2018 is provided in the table below.

	Annual Volume (gpy)	Production Permits Processed	Permit Type	Use Type	Aquifer
1	1,600,000	BGSIX Holdings LLC	Historical Trinity	Irrigation	Trinity
2	100,000	Hays County	Historical Trinity	Industrial	Trinity
3	179,965,440	Needmore Water LLC	Historical Trinity	Agricultural Livestock	Trinity
4	912,500,000*	<i>Electro Purification*</i>	<i>Historical Trinity</i>	<i>Wholesale PWS</i>	<i>Trinity</i>
<i>This application was processed as administratively complete and is currently pending at the State Office of Administrative Hearings (SOAH). Final permit action and Board Decision has not taken place.</i>					

**Objective 4-4.** Actively participate in the joint planning processes for the relevant aquifers in the District to establish and refine Desired Future Conditions (DFCs) that protect the aquifers and the Covered Species of the District Habitat Conservation Plan (HCP).

Performance Standard

Attend at least 75% of the GMA (groundwater management area) meetings, and annually report on meetings attended, GMA decisions on DFCs, and other relevant GMA business.

**District staff attended 100% of the GMA 9 and 10 meetings that were held in FY 2019. Following is a summary of these meetings:**

GMA 9

District staff attended all four GMA 9 general meetings as well as a technical committee meeting held in FY 2019. The first meeting of November 5, 2018 was held in Dripping Springs. At this meeting, the committee discussed a resolution regarding portions of the northern Medina County and the annual review of individual GCD Management Plans. The second meeting was held on February 4, 2019 was held in Kerrville. At this meeting discussions on possible revisions to the GMA 9 Desired Future Conditions as well as standardization of Monitor Well analysis and reporting occurred. The technical committee meeting of March 12, 2019 was hosted by the Cow Creek GCD in Boerne. The technical subcommittee, including District staff discussed further the standardization of Monitor Well analysis and reporting to aid monitoring of DFCs. The third general meeting hosted by the SW Travis County GCD in Bee Caves on April 22, 2019 concentrated on Texas Water Development Board updates. There is a new water services boundary viewer that links to the TCEQ database which allows access to information about wells, depths, pumping rates, volumes for customers etc. TWDB also presented on an upcoming brackish groundwater study for the Trinity Aquifer south of the Colorado River. The fourth general meeting for GMA 9 took place June 17, 2019 in Boerne. It concentrated on administrative work and the selection of Blanton & Associates to compile the next Explanatory Report for GMA 9.



## GMA 10

District staff attended all three GMA 10 meetings held in FY 2019. All meetings were held at the Edwards Aquifer Authority in San Antonio. The first meeting was held on October 18, 2018. At this meeting, the Committee approved the reassignment of the Medina County GCD solely to GMA 10 and had preliminary discussions on the District's proposal to establish a new DFC for the Trinity Aquifer. The second meeting was held on January 7, 2019, where the Committee appointed Alicia Reinmund-Martinez as the GMA 10 representative to the Regional Water Planning Group K. Also, the Committee discussed in more detail the District's proposal to amend the DFC for the Trinity Aquifer. The third meeting was held on April 8, 2019, where the Committee had a general discussion on the GMA 10's evaluation needs for the development of the 2022 DFCs as well as a summary of approved bills from the 86<sup>th</sup> legislative session. On August 8, 2019, BSEACD hosted a meeting with representatives from the Plum Creek CD and the Comal Trinity GCD to obtain initial feedback on the District's proposal to modify the DFC expression for the Trinity Aquifer. With this feedback, District staff presented a final proposal at the September 16, 2019 general meeting of the GMA 10 Joint Planning Committee.

**Objective 4-5.** Implement the measures of the District HCP and Incidental Take Permit (ITP) from the U.S. Fish & Wildlife Service (USFWS) for the covered species and covered activity to support the biological goals and objectives of the HCP.

### Performance Standard

Prior to ITP permit issuance, a progress report summarizing activities related to the USFWS review of the ITP application will be provided in the Annual Report. Upon ITP issuance, the HCP annual report documenting the District's activities and compliance with ITP permit requirements will be incorporated into the Annual Report by reference.

The USFWS approved the District's HCP in July 2018 and published the Record of Decision and the final EIS. On September 20, 2018, the USFWS issued a 20-year ITP. To celebrate the event, the District and USFWS held a signing celebration to acknowledge the contributions and persistence of the advisory committee, stakeholders, staff, Directors, consultants, and researchers that helped develop the HCP over the years. On April 11, 2019, the Board of Directors approved an Interlocal Agreement between the District and the City of Austin to collaborate and coordinate on routine and planned activities relative to each entity's respective HCP. The first HCP Annual Report will be submitted to the USFWS by February 28, 2020.

## GOAL 5 - ADDRESSING DROUGHT CONDITIONS

### 31 TAC 356.52 (A)(1)(F)/TWC §36.1071(A)(6)

**Objective 5-1.** Adopt and keep updated a science-based drought trigger methodology, and frequently monitor drought stages on the basis of actual aquifer conditions, and declare drought conditions as determined by analyzing data from the District's defined drought triggers and from existing and such other new drought-declaration factors, especially the prevailing dissolved oxygen (DO) concentration trends at the spring outlets, as warranted.

#### Performance Standards

During periods of District-declared drought, prepare a drought chart at least monthly to report the stage of drought and the conditions that indicate that stage of drought. During periods of non-drought, prepare the drought charts at least once every three months.

**Staff monitored the District's two drought trigger sites (the Barton Springs and Lovelady monitor wells) plus numerous other indicators of drought conditions relating to the Edwards Aquifer. The District contracts with the United States Geological Survey (USGS) for the Lovelady Well to maintain equipment, collect, and host as real-time data on their website. The City of Austin contracts with the USGS to maintain the data for Barton Springs.**

**District staff frequently verified water level values measured by the equipment at the Lovelady monitor well (which has recorded data since 1949) and verified discharge measurements made at Barton Springs. During periods of District-declared drought, and preceding potential drought, staff provided timely updated reports of aquifer conditions at each Board meeting. Data from Trinity monitor wells were also collected and evaluated at these times.**

**Staff evaluated the current drought trigger methodology as it relates to the Middle Trinity Aquifer. Results were published in a memo and found that the triggers are indeed representative of drought conditions, regardless of the aquifer.**

A summary of the drought indicator conditions and any declared drought stages and duration will be provided in the Annual Report.

**FY 2019 began with a status of Stage II Alarm Drought declared by the Board on July 12<sup>th</sup>, 2018. An average of 13 inches of rain in September to October provided much needed recharge to the Edwards and Trinity aquifers. These rains revived aquifer water levels and Barton Springs flow, elevating to above Stage II Alarm drought warning levels. The Board subsequently updated the drought status from Stage II Alarm Drought to NO Drought on October 11<sup>th</sup>, 2018. The calendar year ended with some of the wettest December weather ever recorded. By New Year's Eve, six inches of rain had fallen in Austin and the Hill Country for the month of December, more than two times the average. January 2019 provided about 3 additional inches, exceeding its historical average of 1.9 inches.**

**A combined 14 inches of spring rain fell in May and June 2019 providing even more recharge. Barton Springs flow quickly responded to the fall 2018 rains and additional spring 2019 rains to maintain an average daily spring flow of 100cfs throughout FY 2019. On June 14<sup>th</sup>, 2019, water**

level measurements in the Lovelady monitor well had risen to surpass the 3<sup>rd</sup> highest peak recorded in 2003 (536.0 ft-msl or 117.4 ft-dtw).

Summer came with a drying trend. Below-average rainfall initiated a rapid decline at the Lovelady well beginning July 15<sup>th</sup>. This decrease has continued through a dry fall season and is projected through the winter.

To summarize, the Austin/Hill Country area has received an average 27 inches of rainfall so far in 2019, producing significant recharge for local aquifers. However, official forecasts point toward drier and milder-than-normal conditions across Central Texas, which will likely result in further declines as 2020 gets underway. We hope spring will bring its usual upward swing of recharge to keep our aquifers well-supplied.

**Objective 5-2.** Implement a drought management program that step-wise curtails freshwater Edwards Aquifer use to at least 50% by volume of 2014 authorized aggregate monthly use during Extreme Drought, and that designs/uses other programs that provide an incentive for additional curtailments where possible. For all other aquifers, implement a drought management program that requires mandatory monthly pumpage curtailments during District-declared drought stages.

#### Performance Standard

During District-declared drought, enforce compliance with drought management rules to achieve overall monthly pumpage curtailments within 10% of the aggregate curtailment goal of the prevailing drought stage. A monthly drought compliance report for all individual permittees will be provided to the Board during District-declared drought, and a summary will be included in the Annual Report.

**The District implements a drought management program that requires mandatory monthly pumpage curtailments during District-declared drought stages. The District declared Stage II Alarm Drought on July 12, 2018 and remained in Stage II status throughout October 11, 2018. The District has implemented all drought-related rules and curtailments in accordance with the District's enforcement plan and drought management protocols. Drought enforcement measures were assessed for Stage II Alarm Drought for the entire duration of the drought. A monthly drought compliance report for all individual permittees was provided during the months of August 2018 – September 2018 to the Board during District-declared drought and those report are found on the [drought management website pages](#). After lifting drought in October, the District was in No-Drought status the remainder of FY 2019.**

**Objective 5-3.** Inform and educate permittees and other well owners about the significance of declared drought stages and the severity of drought, and encourage practices and behaviors that reduce water use by a stage-appropriate amount.

#### Performance Standards

During District-declared drought, publicize declared drought stages and associated demand reduction targets in monthly eNews bulletins and continuously on the District website.

**The District declared alarm stage drought on July 12, 2018 (prior FY) and lifted the drought declaration on October 15, 2018. The drought status change was publicized through drought stage icons and spotlights on the District website, a press release, eNews articles, and road signs and mailers were made available for use by Permittees.**

**Articles included:**

- **August/September 2018:** Trinity Aquifer Trends
- **October:** Aquifer District Lifts Drought Restrictions
- **January:** Recharge in Action
- **January:** Climate change and the Edwards Aquifer
- **March:** Save water... fix leaks
- **April:** Use water wisely (Water Conservation Period)
- **April:** Aquifer status/predictions
- **June:** Aquifer status

A summary of drought and water conservation related newsletter articles, press releases, and drought updates sent to Press, Permittees, Well Owners and eNews subscribers will be provided in the Annual Report.

- eNews:** Trinity Aquifer Trends (August/September 2018)
- Press release:** Aquifer District Lifts Drought Declaration (October 2018)
- eNews:** Recharge in Action (January 2019)
- eNews/event:** Water Conservation Symposium (January 2019)
- eNews:** Save water... fix leaks (March 2019)
- eNews:** Use water wisely (April 2019)
- Press release:** Aquifer District Enters Water Conservation Period (May 2019)

**Objective 5-4.** Assist and, where feasible, incentivize individual freshwater Edwards Aquifer historic-production permittees in developing drought planning strategies to comply with drought rules, including (1) pumping curtailments by drought stage to at least 50% of the 2014 authorized use during Extreme Drought, (2) “right-sizing” authorized use over the long term to reconcile actual water demands and permitted levels, and (3) as necessary and with appropriate conditions, the source substitution with alternative supplies.

**Performance Standards**

Require an updated User Conservation Plan and User Drought Contingency Plan (UCP/UDCP) from Permittees within one year of each five-year Management Plan Adoption.

**During the spring and summer 2019 the regulatory staff work with interns to update 136 permit records in order to incorporate updated drought planning documents into their records. According the district’s management plan, all permittees are shall have current User Drought Contingency Plans (UDCPs) and User Conservation Plans (UCPs) on file that are updated in accordance with District rules. Permittees have the option to revise drought target charts no more than once per year but must update their UDCP and UCP plans at least every five years. Staff completed a full update for all permittees to ensure that each file included updated drought templates (Drought Target Chart, UDCP, UCP).**

Provide a summary of any activity related to permit right sizing or source substitution with alternative supplies that may reduce demand on the freshwater Edwards Aquifer in the Annual Report.

**After notice and an opportunity for a hearing, the Board may renew a permit with a reduced amount of the authorized production if the authorized withdrawal volume is no longer**

commensurate with reasonable non-speculative demand, or actual production from a well is substantially less than the authorized permit amount for multiple years without any rationale that reasonably relates to efforts to utilize alternative water supplies, conserve, or improve water use efficiency. Staff conducted an under pumpage analysis and determined that while many permittees actual production was less than the authorized permitted amount it was typically due to bringing on alternative supplies or water conservation. Therefore, authorized permitted volumes were not reduced in FY 2019.

**Objective 5-5.** Implement a Conservation Permit that is held by the District and accumulates and preserves withdrawals from the freshwater Edwards Aquifer that were previously authorized with historic-use status and that is retired or otherwise additionally curtailed during severe drought, for use as ecological flow at Barton Springs during Extreme Drought and thereby increase springflow for a given set of hydrologic conditions.

Performance Standard

A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type including the volume reserved in the freshwater Edwards Conservation Permit for ecological flows will be provided in the Annual Report.

The following tables summarize the aggregate actual and permitted production for each of the District’s production zones by individual permittees and limited production permittees. The amount of historical Edwards permitted water that has been retired since 2009 is 82,025,125 gallons per year that can be targeted for a conservation permit. Additional, 1,200,000 gallons per year of Historical Trinity Aquifer permitted water has been retired and no Conditional A permitted water has been retired.

<b>FY 2019 Production from Individual Permittees</b>		
<b>Production Zone</b>	<b>Actual Production</b>	<b>Permitted Production</b>
Edwards	1,550,915,519	2,660,777,544
Trinity	200,300,364	506,381,557
Austin Chalk or Alluvial	174,450	2,500,000
<b>Total (Gallons)</b>	<b>1,751,390,333</b>	<b>3,169,659,101</b>

<b>FY 2019 Production from Limited Production Permittees (LPP)</b>		
<b>Production Zone</b>	<b>Actual Production*</b>	<b>Permitted Production</b>
Edwards	14,625,000	58,500,000
Trinity	4,875,000	19,500,000
Austin Chalk or Alluvial	0	0
<b>Total (Gallons)</b>	<b>19,500,000</b>	<b>78,000,000</b>
<i>*Actual production is a volume estimate calculated from available meter reading data in annual meter reports – 125,000 gpy average.</i>		



## **GOAL 6 - Addressing Conservation and Rainwater Harvesting where Appropriate and Cost-Effective**

31TAC 356.52 (a)(1)(G)/TWC §36.1071(a)(7)

**Objective 6-1.** Develop and maintain programs that inform, educate, and support District permittees in their efforts to educate their end-user customers about water conservation and its benefits, and about drought-period temporary demand reduction measures.

### Performance Standards

A summary of efforts to assist permittees in developing drought and conservation messaging strategies will be provided in Annual Report.

**Each permittee is required to have an approved UDCP that outlines conservation actions to be taken under each drought stage.**

**District staff provides bill inserts and road signs to all permittees upon drought declaration to help them comply with messaging requirements set forth in the UDCP.**

**District staff actively promotes aquifer status through eNews, press releases, and the District website. Permittees are encouraged to share this information with their end users.**

Publicize declared drought stages and associated demand reduction targets monthly in eNews bulletins and continuously on the District website.

**The District declared alarm stage drought on July 12, 2018 (prior FY) and lifted the drought declaration on October 15, 2018. The drought status change was publicized through drought stage icons and spotlights on the District website, a press release, eNews articles, and road signs and mailers were made available for use by Permittees.**

### **Articles included:**

- **eNews: Trinity Aquifer Trends (August/September 2018)**
- **Press release: Aquifer District Lifts Drought Declaration (October 2018)**
- **eNews: Recharge in Action (January 2019)**
- **eNews/event: Water Conservation Symposium (January 2019)**
- **eNews: Save water... fix leaks (March 2019)**
- **eNews: Use water wisely (April 2019)**
- **Press release: Aquifer District Enters Water Conservation Period (May 2019)**

**Objective 6-2.** Encourage use of conservation-oriented rate structures by water utility permittees to discourage egregious water demand by individual end-users during declared drought.

Performance Standard

On an annual basis, the District will provide an informational resource or reference document to all Public Water Supply permittees to serve as resources related to conservation best management strategies and conservation-oriented rate structures.

**The District is part of the Central Texas Water Efficiency Network and sponsors the annual Water Conservation Symposium. Permittees are encouraged to attend. This year the theme was: “Integrated Water: Keeping Conservation at the Forefront.” The symposium is structured to provide information about conservation-oriented strategies (including conservation-oriented rate structures) for mayors, City Councils, Board Members of MUDs, Regional Water Authorities, City Managers, Water Utility Directors and Staff, Water Conservation Managers, Program Staff and other Relevant Staff, CFOs, Finance Directors, Sustainability Directors, Business and Community Leaders, Consultants, and Advocates.**

**Objective 6-3.** Develop and maintain programs that educate and inform District groundwater users and constituents of all ages about water conservation practices and the use of alternate water sources such as rainwater harvesting, gray water, and condensate reuse.

Performance Standard

Summarize water conservation related newsletter articles, press releases, and events in the Annual Report. Summary will describe the preparation and dissemination of materials shared with District groundwater users and area residents that inform them about water conservation and alternate water sources.

**The District sponsors and supports a number of events promoting water conservation and alternate water sources such as the Rainwater Revival and Hill Country Living Festival, the Central Texas Water Conservation Symposium, Austin Cave Festival, WFC Nature Nights Rocks-Water-Mud, and Groundwater to the Gulf: A Summer Institute for Educators.**

**This fiscal year approximately seven press releases and eNews articles discussed aspects of water conservation and alternate water supply.**

## **GOAL 7 - ADDRESSING RECHARGE ENHANCEMENT WHERE APPROPRIATE AND COST-EFFECTIVE**

31TAC 356.52 (A)(1)(G)/TWC §36.1071(A)(7)

**Objective 7-1.** Improve recharge to the freshwater Edwards Aquifer by conducting studies and, as feasible and allowed by law, physically altering (cleaning, enlarging, protecting, diverting surface water to) discrete recharge features that will lead to an increase in recharge and water in storage beyond what otherwise would exist naturally.

### Performance Standard

Maintaining the functionality of the Antioch system will be the principal method for enhancing recharge to the freshwater Edwards Aquifer. Additional activities may be excavating sinkholes and caves within the District. A summary of all recharge improvement activities will be provided in the Annual Report.

**Antioch Cave is a recharge feature on District property that is capable of contributing a significant amount of water to the Edwards Aquifer when Onion Creek is flowing. A vault constructed over the cave entrance, and automated valves, allow for clean creek water to enter the cave and contaminated stormwater to be kept out. This system was maintained by District staff in FY 2019 so that the amount of clean creek water entering the cave was maximized. A regular reporting item has been added to the GM Report special topics list to provide a monthly oral update on these and other Aquifer Science activities and satisfies this reporting requirement.**

**Operational equipment and hardware at Antioch Cave to improve the operation and performance of the BMP are fully functional and in good performance. Equipment is collecting water-quality readings every 15 minutes and reporting to an organized database via telemetry.**

**Objective 7-2.** Conduct technical investigations and, as feasible, assist water-supply providers in implementing engineered enhancements to regional supply strategies, including desalination, aquifer storage and recovery, effluent reclamation and re-use, and recharge enhancement of surface water (including floodwater) to increase the options for water-supply substitution and reduce dependence on the Aquifer.

### Performance Standard

Assess progress toward enhancing regional water supplies in the Annual Report.

**In FY 2019, the District has worked with other entities in the area, such as City of Buda, City of Kyle, Edwards Aquifer Authority (EAA), and Ruby Ranch Water Supply Corporation, to evaluate the potential for the Trinity Aquifers as reservoirs for aquifer storage and recovery (ASR) facilities. District staff worked cooperatively with the Ruby Ranch Water Supply Corporation to conduct a fourth and final phase of ASR pilot testing. A status report is in preparation.**



## GOAL 8 - ADDRESSING THE DESIRED FUTURE CONDITIONS OF THE GROUNDWATER RESOURCES

31TAC (A)(1)(H)/TWC §36.1071(A)(8)

**Objective 8-1. Freshwater Edwards Aquifer All-Conditions DFC:** Adopt rules that restrict, to the greatest extent practicable, the total amount of groundwater authorized to be withdrawn annually from the Aquifer to an amount that will not substantially accelerate the onset of drought conditions in the Aquifer; this is established as a running seven-year average springflow at Barton Springs of no less than 49.7 cfs during average recharge conditions.

### Performance Standards

A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type will be provided in the Annual Report.

FY 2019 Production from Individual Permittees		
Production Zone	Actual Production	Permitted Production
Edwards	1,550,915,519	2,660,777,544
Trinity	200,300,364	506,381,557
Austin Chalk or Alluvial	174,450	2,500,000
<b>Total (Gallons)</b>	<b>1,751,390,333</b>	<b>3,169,659,101</b>

FY 2019 Production from Limited Production Permittees (LPP)		
Production Zone	Actual Production*	Permitted Production
Edwards	14,625,000	58,500,000
Trinity	4,875,000	19,500,000
Austin Chalk or Alluvial	0	0
<b>Total (Gallons)</b>	<b>19,500,000</b>	<b>78,000,000</b>
<i>*Actual production is a volume estimate calculated from available meter reading data in annual meter reports – 125,000 gpy average.</i>		

Upon ITP issuance, the HCP annual report documenting the District's activities and compliance with ITP permit requirements will be incorporated into the Annual Report by reference.

**The USFWS issued the District's ITP in September 2018. The District will submit its first annual report to the Service in February 2020.**

Upon ITP issuance, compile a summary of aquifer data including: 1) the frequency and duration of District-declared drought; 2) levels of the Aquifer as measured by springflow and indicator wells (including temporal and spatial variations); and 3) total annual and daily discharge from Barton Springs will be provided in the Annual Report.

**FY 2019 began with a status of Stage II Alarm Drought declared by the Board on July 12<sup>th</sup>, 2018. An average of 13 inches of rain in September to October provided much needed recharge to the Edwards and Trinity aquifers. These rains revived aquifer water levels and Barton Springs flow, elevating to above Stage II Alarm drought warning levels. The Board subsequently updated the drought status from Stage II Alarm Drought to NO Drought on October 15<sup>th</sup>, 2018. The calendar year ended with some of the wettest December weather ever recorded. By New Year's Eve, six inches of rain had fallen in Austin and the Hill Country for the month of December, more than two times the average. January 2019 provided about 3 additional inches, exceeding its historical average of 1.9 inches.**

**A combined 14 inches of spring rain fell in May and June 2019 providing even more recharge. Barton Springs flow quickly responded to the fall 2018 rains and additional spring 2019 rains to maintain an average daily spring flow of 100cfs throughout FY 2019. On June 14<sup>th</sup>, 2019, water level measurements in the Lovelady monitor well had risen to surpass the 3<sup>rd</sup> highest peak recorded in 2003 (536.0 ft-msl or 117.4 ft-dtw).**

**Summer came with a drying trend. Below-average rainfall initiated a rapid decline at the Lovelady well beginning July 15<sup>th</sup>. This decrease has continued through a dry fall season and is projected through the winter. The total annual discharge is 19,920 cfs or average daily discharge of 54.58 cfs.**

**Objective 8-2. Freshwater Edwards Aquifer Extreme Drought DFC:** Adopt rules that restrict, to the greatest extent practicable and as legally possible, the total amount of groundwater withdrawn monthly from the aquifer during Extreme Drought conditions in order to minimize take and avoid jeopardy of the Covered Species as a result of the Covered Activities, as established by the best science available. This is established as a limitation on actual withdrawals from the aquifer to a total of no more than 5.2 cfs on an average annual (curtailed) basis during Extreme Drought, which will produce a minimum springflow of not less than 6.5 cfs during a recurrence of the drought of record (DOR).

#### Performance Standards

A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type will be provided in the Annual Report.

FY 2019 Production from Individual Permittees		
Production Zone	Actual Production	Permitted Production
Edwards	1,550,915,519	2,660,777,544
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<i>*Actual production is a volume estimate calculated from available meter reading data in annual meter reports – 125,000 gpy average.</i>		

Upon ITP issuance, the HCP annual report documenting the District's activities and compliance with ITP permit requirements will be incorporated into the Annual Report by reference.

**The USFWS issued the District's ITP in September 2018. The District will submit its first annual report to the Service in February 2020.**

Upon ITP issuance, compile a summary of aquifer data including: 1) the frequency and duration of District-declared drought, 2) levels of the Aquifer as measured by springflow and indicator wells (including temporal and spatial variations), and 3) total annual and daily discharge from Barton Springs will be provided in the Annual Report.

**Please see 8-2 above.**

**Objective 8-3.** Implement appropriate rules and measures to ensure compliance with District-adopted DFCs for each relevant aquifer or aquifer subdivision in the District.

Performance Standard

Develop and implement a cost-effective method for evaluating and demonstrating compliance with the DFCs of the relevant aquifers in the District, in collaboration with other GCDs in the GMAs. Prior to method implementation, provide a summary of activities related to method development in the Annual Report. Once developed, provide a summary of data for each District-adopted DFC for each relevant aquifer indicating aquifer conditions relative to the DFC and provide in the Annual Report.

**For the Trinity Aquifer in GMA 9, in FY2019 a technical subcommittee, including District staff, prepared a proposed common methodology to track water levels for DFC compliance. The proposed methodology will require each GCD to maintain a summary spreadsheet for each aquifer. It was further**

proposed that every five years, in the GMA 9 Explanatory Report, the GCDs could combine these individual results by using the location of each well to produce a grid of the monitored drawdowns resulting in an average monitored drawdown throughout GMA 9 for each aquifer. A summary of these drawdowns will be provided to each GCD.

For the Trinity Aquifer in GMA 10, to determine compliance with the Trinity Aquifer DFC, the data must show that the average regional well drawdown does not exceed 25 feet during average recharge conditions including exempt and nonexempt use. In FY2019, District staff developed and discussed a proposal to modify this DFC expression with the goal to establish a means for measuring compliance. The District presented and discussed this proposal at three GMA 10 meetings, a District hosted meeting with neighboring GCDs, and with the TWDB. District staff will present the proposal to the Board in early FY2020 and could potentially refine the DFC expression.

For the Freshwater Edwards, Northern Subdivision in GMA 10, in the beginning of the Fiscal Year, about 13 inches of rain between September 1, 2018 and October 30, 2018 provided much needed recharge to the Edwards and Trinity aquifers. These rains revived aquifer water levels and Barton Springs flow, elevating to above Stage II Alarm drought warning levels. The Board subsequently updated the drought status from Stage II Alarm Drought to NO Drought on October 11<sup>th</sup>, 2018. The calendar year ended with some of the wettest weather ever recorded and by New Year's Eve, six inches of rain had fallen in Austin - more than two times the average. An additional three inches of rain fell in January 2019 exceeding its historical average of 1.9 inches.

A combined 14 inches of spring rain fell in May and June 2019 providing even more recharge. Barton Springs flow quickly responded to the fall 2018 rains and additional spring 2019 rains to maintain an average daily spring flow of 100cfs throughout FY 2019. On June 14<sup>th</sup>, 2019, water level measurements in the Lovelady monitor well had risen to surpass the 3<sup>rd</sup> highest peak recorded in 2003 (536.0 ft-msl or 117.4 ft-dtw). Summer came with a drying trend and below-average rainfall initiated a rapid decline at the Lovelady well beginning July 15<sup>th</sup>. This decrease has continued through a dry fall season and is projected through the winter.

With this stated, the average daily springflow at Barton Springs over the 84 months from September 1, 2013 to August 31, 2019 was 82 cfs. The DFC expression is springflow at Barton Springs during average recharge conditions shall be no less than 49.7 cfs over an 84-month period.

For the Saline Edwards, Northern Subdivision, the DFC expression is no more than 75 feet of regional average potentiometric surface drawdown due to pumping when compared to pre-development conditions. Currently, there are no approved permits in the Saline Edwards.

**Performance Standards and Objectives**

General Management (9 objectives)	Administration (3 objectives)	Education & Outreach (6 objectives)	Aquifer Science (8 objectives)	Regulatory Compliance (7 objectives)
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**GOAL 1 - Providing the Most Efficient Use of Groundwater – 31 TAC 356.52(a)(1)(A)/TWC §36.1071(a)(1)**

	<b>Management Plan Objectives</b>	<b>Performance Standards</b>
1-1	Provide and maintain on an ongoing basis a sound statutory, regulatory, financial, and policy framework for continued District operations and programmatic needs.	<p>A. Develop, implement, and revise as necessary, the District Management Plan in accordance with state law and requirements. Each year, the Board will evaluate progress towards satisfying the District goals. A summary of the Board evaluation and any updates or revisions to the management plan will be provided in the <u>annual report</u>.</p> <p>B. Review and modify District Rules as warranted to provide and maintain a sound statutory basis for continued District operations and to ensure consistency with both District authority and programmatic needs. A summary of any rule amendments adopted in the previous fiscal year will be included in the <u>annual report</u>.</p>
1-2	Monitor aggregated use of various types of water wells in the District, as feasible and appropriate, to assess overall groundwater use and trends on a continuing basis.	Monitor annual withdrawals from all nonexempt wells through required monthly or annual meter reports to ensure that groundwater is used as efficiently as possible for beneficial use. A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type will be provided in the <u>annual report</u> .
1-3	Evaluate quantitatively at least every five years the amount of groundwater withdrawn by exempt wells in the District to ensure an accurate accounting of total withdrawals in a water budget that includes both regulated and non-regulated withdrawals, so that appropriate groundwater management actions are taken.	<p>A. Provide an estimate of groundwater withdrawn by exempt wells in the District using TDLR and TWDB databases and District well records, and update the estimate every five years with the District's management plan updates.</p> <p>B. In the interim years between management plan updates, the most current estimates of exempt well withdrawals will be included in a summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type that will be provided in the <u>annual report</u>.</p>
1-4	Develop and maintain programs that inform and educate citizens of all ages about groundwater and springflow-related matters, which affect both water supplies and salamander ecology.	<p>A. Publicize District drought trigger status (Barton Springs 10-day average discharge and Lovelady Monitor Well water level) in monthly eNews bulletins and continuously on the District website.</p> <p>B. Provide summaries of associated outreach and education programs, events, workshops, and meetings in the monthly team activity reports in the publicly-available Board backup.</p> <p>C. A summary of outreach activities and estimated reach will be provided in the <u>annual report</u>.</p>



1-5	Ensure responsible and effective management of District finances such that the District has the near-term and long-term financial means to support its mission.	<p>A. Receive a clean financial audit each year. A copy of the auditor's report will be included in the annual report.</p> <p>B. Timely develop and approve fiscal-year budgets and amendments. The dates for public hearings and Board approval of the budget and any amendments will be provided in the annual report.</p>
1-6	Provide efficient administrative support and infrastructure, such that District operations are executed reliably and accurately, meet staff and local stakeholder needs, and conform to District policies and with federal and state requirements.	<p>A. Maintain, retain, and control all District records in accordance with the Texas State Library and Archives Commission-approved District Records Retention Schedule to allow for safekeeping and efficient retrieval of any and all records, and annually audit records for effective management of use, maintenance, retention, preservation and disposal of the records' life cycle as required by the Local Government Code. A summary of records requests received under the PIA, any training provided to staff or directors, or any claims of violation of the Public Information Act will be provided in the <u>annual report</u>.</p> <p>B. Develop, post, and distribute District Board agendas, meeting materials, and backup documentation in a timely and required manner; post select documents on the District website, and maintain official records, files, and minutes of Board meetings appropriately. A summary of training provided to staff or directors or any claims of violation of the Open Meetings Act will be provided in the <u>annual report</u>.</p>
1-7	Manage and coordinate electoral process for Board members.	Ensure elections process is conducted and documented in accordance with applicable requirements and timelines. Elections documents will be maintained on file and a summary of elections-related dates and activities will be provided in the <u>annual report</u> for years when elections occur.

**GOAL 2 - Controlling and Preventing Waste of Groundwater – 31 TAC 356.52(a)(1)(B)/TWC §36.1071(a)(2)**

	<b>Management Plan Objectives</b>	<b>Performance Standards</b>
2-1	Require all newly drilled exempt and nonexempt wells, and all plugged wells to be registered and to comply with applicable District Rules, including Well Construction Standards.	A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments will be provided in the <u>annual report</u> .
2-2	Ensure permitted wells and well systems are operated as intended by requiring reporting of periodic meter readings, making periodic inspections of wells, and reviewing pumpage compliance at regular intervals that are meaningful with respect to the existing aquifer conditions.	<p>A. Inspect all new wells for compliance with the Rules, and Well Construction Standards, and provide a summary of the number and type of inspections or investigations in the <u>annual report</u>.</p> <p>B. Provide a summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type in the <u>annual report</u>.</p>
2-3	Provide leadership and technical assistance to government entities, organizations, and individuals affected by groundwater-utilizing land use activities, including support of or opposition to legislative initiatives or projects that are inconsistent with this objective.	<p>A. In even-numbered fiscal years, provide a summary of interim legislative activity and related District efforts in the <u>annual report</u>. In odd-numbered fiscal years, provide a legislative debrief to the Board on bills of interest to the District and provide a summary in the annual report.</p> <p>B. Provide a summary of District activity related to other land use activities affecting groundwater in the <u>annual report</u>.</p>
2-4	Ensure all firm-yield production permits are evaluated with consideration given to the demand-based permitting standards including verification of beneficial use that is commensurate with reasonable non-speculative demand.	A summary of the number and type of applications processed and approved for authorizations, permits, and permit amendments including approved use types and commensurate permit volumes for production permits and amendments will be provided in the <u>annual report</u> .

**GOAL 3 - Addressing Conjunctive Surface Water Management Issues – 31 TAC 356.52(a)(1)(D)/TWC §36.1071(a)(4)**

	<b>Management Plan Objectives</b>	<b>Performance Standards</b>
3-1	Assess the physical and institutional availability of existing regional surface water and alternative groundwater supplies and the feasibility of those sources as viable supplemental or substitute supplies for District groundwater users.	Identify available alternative water resources and supplies that may facilitate source substitution and reduce demand on the Edwards Aquifer, while increasing regional water supplies, and evaluate feasibility by considering: <ol style="list-style-type: none"> <li>1. available/proposed infrastructure,</li> <li>2. financial factors,</li> <li>3. logistical/engineering factors, and</li> <li>4. potential secondary impacts (development density/intensity or recharge water quality).</li> </ol> A summary of District activity related to this objective will be provided in the <u>annual report</u> .
3-2	Encourage and assist District permittees to diversify their water supplies by assessing the feasibility of alternative water supplies and fostering arrangements with currently available alternative water suppliers.	Identify available alternative water resources and supplies that may facilitate source substitution and reduce demand on the Edwards Aquifer, while increasing regional water supplies, and evaluate feasibility by considering: <ol style="list-style-type: none"> <li>1. available/proposed infrastructure,</li> <li>2. financial factors,</li> <li>3. logistical/engineering factors, and</li> <li>4. potential secondary impacts (development density/intensity or recharge water quality).</li> </ol> A summary of District activity related to this objective will be provided in the <u>annual report</u> .
3-3	Demonstrate the importance of the relationship between surface water and groundwater, and the need for implementing prudent conjunctive use through educational programs with permittees and public outreach programs.	A. Provide summaries of associated outreach and education programs, events, workshops, and meetings in the monthly team activity reports in the publicly-available Board backup. B. Summarize outreach activities and estimate reach in the <u>annual report</u> .
3-4	Actively participate in the regional water planning process to provide input into policies, planning elements, and activities that affect the aquifers managed by the District.	Regularly attend regional water planning group meetings and <u>annually report</u> on meetings attended.



**GOAL 4 - Addressing Natural Resource Issues which Impact the Use and Availability of Groundwater, and which are Impacted by the Use of Groundwater – 31 TAC 356.52 (a)(1)(E)/TWC §36.1071(a)(5)**

	Management Plan Objectives	Performance Standards
4-1	<p>Assess ambient conditions in District aquifers on a recurring basis by:</p> <ol style="list-style-type: none"> <li>1. sampling and collecting groundwater data from selected wells and springs monthly;</li> <li>2. conducting scientific investigations as indicated by new data and models to better determine groundwater availability for the District aquifers; and</li> <li>3. conducting studies as warranted to help increase understanding of the aquifers and, to the extent feasible, detect possible threats to water quality and evaluate their consequences.</li> </ol>	<p>Review water-level and water-quality data that are maintained by the District and/or TWDB, or other agencies, on a regular basis.</p> <p>Improve existing analytical or numerical models or work with other organizations on analytical or numerical models that can be applied to the aquifers in the District.</p> <p>A review of the data mentioned above will be assessed for significant changes and reported in the <u>annual report</u>.</p>
4-2	<p>Evaluate site-specific hydrogeologic data from applicable production permits to assess potential impact of withdrawals to groundwater quantity and quality, public health and welfare, contribution to waste, and unreasonable well interference.</p>	<p>This involves evaluations of certain production permit applications for the potential to cause unreasonable impacts as defined by District rule. To evaluate the potential for unreasonable impacts, staff will:</p> <ol style="list-style-type: none"> <li>A. Perform a technical evaluation of the application, aquifer test, and hydrogeological report;</li> <li>B. Use best available science and analytical tools to estimate amount of drawdown from pumping and influence on other water resources; and</li> <li>C. Recommend proposed permit conditions to the Board for avoiding unreasonable impacts if warranted.</li> </ol> <p>A list of permit applications that are determined to have potential for unreasonable impacts will be provided in the <u>annual report</u>.</p>
4-3	<p>Implement separate management zones and, as warranted, different management strategies to address more effectively the groundwater management needs for the various aquifers in the District.</p>	<ol style="list-style-type: none"> <li>A. Increase the understanding of District aquifers by assessing aquifer conditions, logging wells, and collecting water quality data. A summary of the number of water quality samples performed will be provided in the <u>annual report</u>.</li> <li>B. A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type will be provided in the <u>annual report</u>.</li> </ol>

4-4	<p>Actively participate in the joint planning processes for the relevant aquifers in the District to establish and refine Desired Future Conditions (DFCs) that protect the aquifers and the Covered Species of the District HCP.</p>	<p>Attend at least 75% of the GMA meetings and annually report on meetings attended, GMA decisions on DFCs, and other relevant GMA business.</p>
4-5	<p>Implement the measures of the District Habitat Conservation Plan (HCP) and Incidental Take Permit (ITP) from the U.S. Fish &amp; Wildlife Service (USFWS) for the covered species and covered activity to support the biological goals and objectives of the HCP.</p>	<p>Prior to ITP permit issuance, a progress report summarizing activities related to the USFWS review of the ITP application will be provided in the <u>annual report</u>. Upon ITP issuance, the <u>HCP annual report</u> documenting the District's activities and compliance with ITP permit requirements will be incorporated into the <u>annual report</u> by reference.</p>

**GOAL 5 - Addressing Drought Conditions – 31 TAC 356.52 (a)(1)(F)/TWC §36.1071(a)(6)**

	Management Plan Objectives	Performance Standards
5-1	<p>Adopt and keep updated a science-based drought trigger methodology, and frequently monitor drought stages on the basis of actual aquifer conditions, and declare drought conditions as determined by analyzing data from the District’s defined drought triggers and from existing and such other new drought-declaration factors, especially the prevailing DO concentration trends at the spring outlets, as warranted.</p>	<p>A. During periods of District-declared drought, prepare a drought chart at least monthly to report the stage of drought and the conditions that indicate that stage of drought. During periods of non-drought, prepare the drought charts at least once every three months.                      B. A summary of the drought indicator conditions and any declared drought stages and duration will be provided in the <u>annual report</u>.</p>
5-2	<p>Implement a drought management program that step-wise curtails freshwater Edwards Aquifer use to at least 50% by volume of 2014 authorized aggregate monthly use during Extreme Drought, and that designs/uses other programs that provide an incentive for additional curtailments where possible. For all other aquifers, implement a drought management program that requires mandatory monthly pumpage curtailments during District-declared drought stages.</p>	<p>During District-declared drought, enforce compliance with drought management rules to achieve overall monthly pumpage curtailments within 10% of the aggregate curtailment goal of the prevailing drought stage. A monthly drought compliance report for all individual permittees will be provided to the Board during District-declared drought, and a summary will be included in the <u>annual report</u>.</p>
5-3	<p>Inform and educate permittees and other well owners about the significance of declared drought stages and the severity of drought, and encourage practices and behaviors that reduce water use by a stage-appropriate amount.</p>	<p>A. During District-declared drought, publicize declared drought stages and associated demand reduction targets in monthly eNews bulletins and continuously on the District website.                      B. A summary of drought and water conservation related newsletter articles, press releases, and drought updates sent to Press, Permittees, Well Owners and eNews subscribers will be provided in the <u>annual report</u>.</p>

5-4	<p>Assist and, where feasible, incentivize individual freshwater Edwards Aquifer historic-producing permittees in developing drought planning strategies to comply with drought rules, including:</p> <ol style="list-style-type: none"> <li>1. pumping curtailments by drought stage to at least 50% of the 2014 authorized use during Extreme Drought,</li> <li>2. "right-sizing" authorized use over the long term to reconcile actual water demands and permitted levels, and</li> <li>3. as necessary and with appropriate conditions, the source substitution with alternative supplies.</li> </ol>	<p>A. Require an updated UCP/JDCP from Permittees within one year of each five-year Management Plan Adoption.</p> <p>B. Provide a summary of any activity related to permit right sizing or source substitution with alternative supplies that may reduce demand on the freshwater Edwards Aquifer in the <u>annual report</u>.</p>
5-5	<p>Implement a Conservation Permit that is held by the District and accumulates and preserves withdrawals from the freshwater Edwards Aquifer that were previously authorized with historic-use status and that is retired or otherwise additionally curtailed during severe drought, for use as ecological flow at Barton Springs during Extreme Drought and thereby increase springflow for a given set of hydrologic conditions.</p>	<p>A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type including the volume reserved in the freshwater Edwards Conservation Permit for ecological flows will be provided in the <u>annual report</u>.</p>

**GOAL 6 - Addressing Conservation and Rainwater Harvesting where Appropriate and Cost-Effective – 31TAC 356.52 (a)(1)(G)/TWC §36.1071(a)(7)**

	Management Plan Objectives	Performance Standards
6-1	Develop and maintain programs that inform, educate, and support District permittees in their efforts to educate their end-user customers about water conservation and its benefits, and about drought-period temporary demand reduction measures.	<p>A. A summary of efforts to assist permittees in developing drought and conservation messaging strategies will be provided in <u>annual report</u>.</p> <p>B. Publicize declared drought stages and associated demand reduction targets monthly in eNews bulletins and continuously on the District website.</p>
6-2	Encourage use of conservation-oriented rate structures by water utility permittees to discourage egregious water demand by individual end-users during declared drought.	<p><u>On an annual basis</u>, the District will provide an informational resource or reference document to all Public Water Supply permittees to serve as resources related to conservation best management strategies and conservation-oriented rate structures.</p>
6-3	Develop and maintain programs that educate and inform District groundwater users and constituents of all ages about water conservation practices and the use of alternate water sources such as rainwater harvesting, gray water, and condensate reuse.	<p>Summarize water conservation related newsletter articles, press releases, and events in the <u>annual report</u>. Summary will describe the preparation and dissemination of materials shared with District groundwater users and area residents that inform them about water conservation and alternate water sources.</p>

**GOAL 7 - Addressing Recharge Enhancement where Appropriate and Cost-Effective – 31TAC 356.52 (a)(1)(G)/TWC §36.1071(a)(7)**

	Management Plan Objectives	Performance Standards
7-1	<p>Improve recharge to the freshwater Edwards Aquifer by conducting studies and, as feasible and allowed by law, physically altering (cleaning, enlarging, protecting, diverting surface water to) discrete recharge features that will lead to an increase in recharge and water in storage beyond what otherwise would exist naturally.</p>	<p>Maintaining the functionality of the Antioch system will be the principal method for enhancing recharge to the freshwater Edwards Aquifer. Additional activities may be excavating sinkholes and caves within the District. A summary of all recharge improvement activities will be provided in the <u>annual report</u>.</p>
7-2	<p>Conduct technical investigations and, as feasible, assist water-supply providers in implementing engineered enhancements to regional supply strategies, including desalination, aquifer storage and recovery, effluent reclamation and re-use, and recharge enhancement of surface water (including floodwater) to increase the options for water-supply substitution and reduce dependence on the Aquifer.</p>	<p>Assess progress toward enhancing regional water supplies in the <u>annual report</u>.</p>



**GOAL 8 - Addressing the Desired Future Conditions of the Groundwater Resources – 31TAC (a)(1)(H)/TWC §36.1071(a)(8)**

	Management Plan Objectives	Performance Standards
8-1	<p><b>Freshwater Edwards Aquifer All-Conditions DFC:</b> Adopt rules that restrict, to the greatest extent practicable, the total amount of groundwater authorized to be withdrawn annually from the Aquifer to an amount that will not substantially accelerate the onset of drought conditions in the Aquifer; this is established as a running seven-year average springflow at Barton Springs of no less than 49.7 cfs during average recharge conditions.</p>	<p>A. A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type will be provided in the <u>annual report</u>.</p> <p>B. Upon ITP issuance, the HCP annual report documenting the District’s activities and compliance with ITP permit requirements will be incorporated into the annual report by reference.</p> <p>C. Upon ITP issuance, compile a summary of aquifer data including: 1) the frequency and duration of District-declared drought, 2) levels of the Aquifer as measured by springflow and indicator wells (including temporal and spatial variations), and 3) total annual and daily discharge from Barton Springs will be provided in the <u>annual report</u>.</p>
8-2	<p><b>Freshwater Edwards Aquifer Extreme Drought DFC:</b> Adopt rules that restrict, to the greatest extent practicable and as legally possible, the total amount of groundwater withdrawn monthly from the Aquifer during Extreme Drought conditions in order to minimize take and avoid jeopardy of the Covered Species as a result of the Covered Activities, as established by the best science available. This is established as a limitation on actual withdrawals from the Aquifer to a total of no more than 5.2 cfs on an average annual (curtailed) basis during Extreme Drought, which will produce a minimum springflow of not less than 6.5 cfs during a recurrence of the drought of record (DOR).</p>	<p>A. A summary of the volume of aggregate groundwater withdrawals permitted and actually produced from permitted wells for each Management Zone and permit type will be provided in the <u>annual report</u>.</p> <p>B. Upon ITP issuance, the HCP annual report documenting the District’s activities and compliance with ITP permit requirements will be incorporated into the annual report by reference.</p> <p>C. Upon ITP issuance, compile a summary of aquifer data including: 1) the frequency and duration of District-declared drought, 2) levels of the Aquifer as measured by springflow and indicator wells (including temporal and spatial variations), and 3) total annual and daily discharge from Barton Springs will be provided in the <u>annual report</u>.</p>
8-3	<p>Implement appropriate rules and measures to ensure compliance with District-adopted DFCs for each relevant aquifer or aquifer subdivision in the District.</p>	<p>Develop and implement a cost-effective method for evaluating and demonstrating compliance with the DFCs of the relevant aquifers in the District, in collaboration with other GCDs in the GMAs. Prior to method implementation, provide a summary of activities related to method development in the <u>annual report</u>. Once developed, provide a summary of data for each District-adopted DFC for each relevant aquifer indicating aquifer conditions relative to the DFC and provide in the <u>annual report</u>.</p>





## **Item 5**

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

**c. Discussion and possible action related to the Protestant's (Trinity Edwards Springs Protection Association) motion for rehearing of the application of Needmore Water LLC for a Regular Permit.**

IN RE THE APPLICATION § BEFORE THE BARTON SPRINGS  
OF NEEDMORE WATER LLC FOR HB § EDWARDS AQUIFER  
3405 REGULAR PERMIT § CONSERVATION DISTRICT

**PROTESTANT TESPA’S MOTION FOR REHEARING**

**To: The Board of Directors (“Board”) of the Barton Springs Edwards Aquifer Conservation District (“District”) through its attorney, Brian Sledge, 919 Congress Ave. Ste. 460, Austin, Texas 78701:**

Protestant, Trinity Edwards Springs Protection Association (“TESPA”) files its Motion for Rehearing in the above referenced proceeding pursuant to Section 36.412 of the Texas Water Code. On July 29, 2019, the Board issued a final order granting Needmore Water, LLC’s (“Needmore”) request to produce just over 289 million gallons a year from the Middle Trinity Aquifer. On September 12, 2019 the Board issued Findings of Fact and Conclusions of Law. For the reasons discussed below, the Board’s decision to grant Needmore’s permit was arbitrary and capricious, an abuse of discretion, and contrary to Constitutional rights of landowners. Consequently, TESPA requests that the Board grant our Motion for Rehearing and reopen this matter for additional consideration, enabling the Board to address issues that are contrary to applicable law and policy.

**INTRODUCTION**

Based on the comments made by some of the Directors at the July 29<sup>th</sup> final hearing (that the Board had no choice, felt hamstrung, and that the process was “ass backwards”) and based on the Findings of Fact and Conclusions of Law that the Board adopted, it is obvious that the Board interpreted House Bill 3405 and the District’s rules in a way that precluded the Board from denying

Needmore's permit request. TESPAs believes that this interpretation is wrong, and that the Board did not have discretion to deny Needmore's permit because based on the clear language of House Bill 3405 and District rules and based on evidence in the record, Needmore was not eligible to apply for a permit in the first place. We are asking the Board to reconsider our arguments.

### ARGUMENT

- A. The Board's determination that TESPAs is not challenging issues related to the conversion of Needmore's Temporary Permit to a Regular Permit is not rationally based and is contrary to landowners' Constitutional rights.**

TESPA has long argued that the Board should never have granted Needmore a Temporary Permit because Needmore did not meet the eligibility requirements in House Bill 3405 and because Needmore falsified critical information in its application. We submitted comments articulating these arguments at the time the Board considered Needmore's Temporary Permit but because House Bill 3405 prohibited hearings on the Temporary Permit, we had no way of formally protesting the District staff's recommendation.

While we felt that House Bill 3405's prohibition on hearings at the Temporary Permit stage raised Constitutional concerns related to due process and open courts, under our interpretation of House Bill 3405 and District Rules, we believed we could raise our arguments at the hearing on the Regular Permit as eligibility is an issue that is clearly related to conversion of Needmore's Temporary Permit into a Regular Permit. However, the Board has determined that TESPAs's challenge to Needmore's eligibility is not an issue that is relevant to the hearing on the Regular Permit. Conclusion of Law No. 28 states, "Because TESPAs is not challenging any issues regarding conversion of Needmore's Temporary Permit to a regular permit, no material fact is in dispute,

and as a matter of law, there is no basis for a hearing on issues relating to the granting of a Temporary permit under House Bill 3405. 30 TAC 155.505(a).”

The result of this determination is that TESPAs, and the affected landowners who are members of TESPAs, cannot challenge Needmore’s eligibility at all. This interpretation deprives affected landowners from protecting their constitutionally protected property rights and denies them the ability to challenge a fundamental issue in this proceeding - eligibility. In reaching this conclusion, the Board misinterpreted applicable law and ignored evidence that TESPAs presented, which demonstrate that TESPAs are challenging issues regarding conversion of Needmore’s Temporary Permit to a Regular Permit. Based on these errors, TESPAs are requesting that the Board conduct a new hearing.

First, the law clearly allows the District to consider factors related to the Temporary Permit process when evaluating whether to convert a temporary permit into a regular permit under House Bill 3405. As TESPAs explained in its Motion for Summary Disposition, HB 3405 describes the District’s actions as “converting” a Temporary Permit into a Regular Permit – one, streamlined process for the District to issue permits to eligible applicants. Only eligible applicants could apply for a Temporary Permit, and obtaining a Temporary Permit was a prerequisite to receiving a Regular Permit. This is supported by the District’s own statement on page 2 of the District’s Preliminary Decision to issue Needmore a Regular Permit where the District lists the factors it reviewed in making its Preliminary Decision. Under “Application Review of the *Regular* Production Permit,” the third factor the District considered was to “Confirm eligibility for a Temporary/Regular Production Permit (District Rule 3-1.55.1(A)).”

The Board’s determination in Conclusion of Law No 28, prohibits TESPAs and the numerous landowners impacted by production from Needmore’s well who are members of TESPAs, from

challenging Needmore’s eligibility – an issue that the District considered pursuant to its rules when it recommended that Needmore’s Temporary Permit be converted into a Regular Permit. It is absurd and unreasonable to interpret HB 3405 in a way that prohibits an affected party from challenging the basis upon which a permit was granted, yet this is exactly what the Board’s determination in Conclusion of Law No. 28 does. For this reason, TESPAs objects to Conclusion of Law No. 28.

**B. The Board erroneously determined that Needmore was eligible to apply for a Temporary Permit.**

First, the Board erroneously interpreted language in House Bill 3405 and the District’s own rules describing the eligibility requirements for a landowner to apply for a Temporary Permit. Section 4(c) of House Bill 3405 states, “A person **operating** a well before the effective date of this Act or who **has entered** into a contract before the effective date of this Act...shall file an administratively complete permit application with the district...”<sup>1</sup>

The District enacted rules implementing HB 3405. Rule 3-.55.1 states, “A person eligible for a Temporary Production Permit or Temporary Well Drilling Authorization may apply and be issued authorization to drill, operate, or perform another activity related to the nonexempt well pursuant to the following provisions.” The rule goes on to state the eligibility criteria as follows:

Eligibility criteria. Persons who meet the following criteria and who submit an administratively complete permit application on or before September 19, 2015, may be issued a Temporary Production Permit or Temporary Well Drilling Authorization.

1. The person *is operating* an existing nonexempt well on or before

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<sup>1</sup> HB 3405 § 4(c). HB 3405 is codified at Special District Local Laws Code, Chapter 8802.

June 19, 2015;

2. The person has entered into a contract on or before June 19, 2015 to operate an existing nonexempt well; or
3. The person has entered into an existing contract on or before June 19, 2015 to drill or complete a new nonexempt well. The person would only be eligible for a Temporary Well Drilling Authorization. (emphasis added)

However, in Finding of Fact No. 69, the Board determined “House Bill 3405 provides that to be eligible for a Temporary Permit an applicant must **have either been operating a well** before the effective date, June 19, 2015, or have entered into a contract before the effective date, June 19 2015.” (emphasis added). This slight change in language from “operating” to “have been operating” significantly alters the meaning of the statute and District rules to allow a landowner who had operated a well at some point in the past to apply for a Temporary Permit. It also leads to the Board’s erroneous conclusion in Conclusion of Law No. 19 that “Under Section 4(c) of House Bill 3405, a well is not required to be operating on the effective date of the statute.”

The language of Section 4(c) of HB 3405 and District Rule 3-.55.1, however, expressly require current operation of a well before the effective date, not past operation of a well before the effective date. Section 4(c) states, “A person **operating** a well before the effective date of this Act or who **has entered** into a contract before the effective date of this Act...shall file an administratively complete permit application with the district...”

The word “operating” is the present tense form of “to operate.” This means that a person had to be presently operating a well to be eligible to apply for a HB 3405 Permit – very different from saying that a person must “have been operating a well.” Furthermore, when the second clause of 4(c) related to contracts is examined, it is obvious that the intent of the Act was to permit only those persons *currently or presently* operating a well to apply for a Temporary Permit. This is the

most reasonable and logical reading of the statute. The second clause uses the *present perfect* tense of “to enter” — “has entered.” The present perfect tense is used to describe an action that happened at an unspecified time before the present. The use of the present perfect tense makes clear that only those persons who had entered into a contract at a time before the effective date are eligible to apply for a Temporary Permit. Had the drafters intended to allow a person who had been operating a well in the past prior to the effective date of the Act to apply for a Temporary Permit, the drafters would have used the present perfect tense “has operated.” just as they did for the language related to contracts or “has been operating,” rather than the present tense “operating.” The Board overlooks this obvious grammatical distinction in the plain language of the statute.

Under the District’s interpretation, a person who had been operating his well in 1875 could apply for and receive a Temporary Permit – because he had been operating the well before June 19, 2015. Obviously, this was not HB 3405’s intent. The District’s interpretation of HB 3405 leads to an absurd result. It would allow landowners to resurrect old, abandoned wells and take advantage of the expedited, less stringent permitting process under HB 3405. Courts will “apply the plain meaning of the text unless a different meaning is supplied by legislative definition or *is apparent from the context or the plain meaning leads to absurd results.*” *Marks v. St. Luke’s Episcopal Hosp.*, 319 S.W.3d 658, 663 (Tex.2010).

Second, the Board ignored evidence and did not consider relevant factors demonstrating that Needmore was not eligible to apply for a Temporary Permit; therefore, the Board acted arbitrarily and in a capricious manner when it granted Needmore a Regular Permit. The Board ignored the fact that staff made a legal determination that Needmore’s well was abandoned under District Rules and that as a matter of law, the well had not been in operation for six consecutive months. Additionally, the Board actually determined in Finding of Fact No. 16 that “[t]he Temporary

Permit contained a condition prohibiting authorized operation of the well until it was operable and repaired in compliance with State and District Well Construction standards.” This determination supports the argument that Needmore was not eligible. Based on the above errors, the Board erroneously determined in Conclusion of Law No. 20 that Needmore met all of the requirements of House Bill 3405.

Under case law, an agency abuses its discretion when it fails to consider legally relevant factors.<sup>2</sup> An agency decision—here, a decision to approve Needmore’s permit—is arbitrary if it fails to follow the clear, unambiguous language of its own regulations.<sup>3</sup> The clear, unambiguous language of the District’s rules states that an applicant must be operating a well at the time House Bill 3405 became effective. The Board’s failure to consider legally relevant factors, such as the staff’s determination that the well was abandoned, makes its decision arbitrary, and the Board’s Order that this permit be granted lacks a rational basis in the record. For these reasons, TESPA opposes Finding of Fact No. 16 and No. 69, and Conclusion of Law No. 19 and No. 20.

**C. The Board acted arbitrarily and ignored evidence that Needmore submitted false information in its application.**

The Board had the legal authority to revoke Needmore’s Temporary Permit and deny the Regular Permit based on the fact that Needmore submitted false information in its application. BSEACD Rule 3-1.55.2 (D)(11) states, “[a] finding that false information has been supplied shall be grounds for immediate revocation of a permit.” The Board, however, ignored its own rules which direct the Board to revoke a permit when an applicant submits false information.

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<sup>2</sup> *Kawasaki Motors Corp. USA v. Texas Motor Vehicle Com’n*, 855 S.W.2d 792, 795 (Tex. App.—Austin 1993); see also *Consumers Water, Inc. v. Pub. Util. Comm’n of Texas*, 774 S.W.2d 719, 721 (Tex. App.—Austin 1989).

<sup>3</sup> *Public Utility Com’n of Texas v. Gulf States Utilities Co.*, 809 S.W.2d 201, 207 (Tex. 1991).



First, Needmore neglected to mention on the application and in a supplemental response to the District that the well was not currently in operation at the time House Bill 3405 became effective. Second, in the descriptive statement on the application, Needmore stated, “[w]ell D...is used for irrigation on the ranch property.” This statement is false. According to the *Application Summary and Staff Review*, which is based on statements from the ranch manager and onsite observations, the well had never been used for irrigation. Needmore representatives also led staff to believe that the well was being used for wildlife management purposes pursuant to a wildlife management plan, but there is no evidence in the record that the plan supports the well being used for this purpose.

Furthermore, in an in-person meeting with District staff and the Applicant’s representatives, the District’s General Counsel asked the Applicant’s consultant, Kaveh Korzad, specifically whether the reservoir on Needmore Ranch contained any groundwater from the well. According to District’s notes from the meeting, Mr. Korzad indicated that it did not. This is a false statement because District staff subsequently learned that in the past the well was used intermittently to supply water to the pond.

Finally, in a supplemental letter dated October 9, 2015 sent to the District, the Applicant stated that major water improvements had been made on the property to support future plans of a three-pasture rotation. Specifically, the Applicant indicated that a 2.5-mile pipeline had been constructed on the ranch to provide reliable water within the pasture. However, the District discovered that the pipeline is actually a Shell Oil pipeline. Given these mischaracterizations, which are based on uncontroverted facts, a number of conclusions of law in the Order do not have a rational basis.

**D. The District improperly designated the use type associated with Needmore's permit as Agricultural and Wildlife Management**

TESPA intended to make arguments at the hearing on the merits related to the District's improper designation of the use type associated with Needmore's permit; however, the Administrative Law Judge dismissed our case on an erroneous legal conclusion that the Board adopted in Conclusion of Law No. 28 - that we were not challenging any issues related to the Regular Permit. In the Rule 11 Agreement, TESP A did not limit its challenge to whether the District should have issued a temporary permit to Needmore. TESP A agreed to narrow the focus of its contest to issues related solely to the eligibility of Needmore's application pursuant to HB 3405 § 4(c) and § 4(d). Specifically, TESP A agreed to withdraw and limit pre-filed testimony for certain witnesses and agreed to not offer or present evidence beyond evidence supporting the narrowed issues related to eligibility of Needmore's application pursuant to HB 3405 § 4(c) and § 4(d). TESP A did not limit its challenge to whether the District should have issued the temporary permit to Needmore as Conclusion of Law No. 28 erroneously holds. This Conclusion misinterprets the Rule 11 Agreement and incorrectly holds, "[b]ecause TESP A is not challenging any issues regarding the conversion of Needmore's temporary permit to a regular permit, no material fact is in dispute and, as a matter of law, there is no basis for a hearing on issues relating to the granting of temporary permit under HB 3405. 1 Tex. Admin. Code § 155.505(a). Essentially, the Board's decision is that TESP A "Rule 11'd" itself out of a hearing, which is an absurd result.

Furthermore, because the Board erroneously concluded that TESP A limited its argument to whether the District should have issued a temporary permit to Needmore, the Board incorrectly conflates Section 4(c) and (d) of House Bill 3405. As stated, previously, TESP A limited its challenge to Section 4(c) and 4(d) in House Bill 3405. In TESP A's Motion for Summary

Disposition, TESPAs focused on whether Needmore was eligible to apply for a Temporary Permit based on the fact that Needmore was not currently operating a well under 4(c). TESPAs did not, however, address any of the other issues in 4(d) that the District evaluated at the regular permit stage, such as whether the person’s drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application – issues which are relevant to a regular hearing and which under the Administrative Procedures Act, TESPAs is entitled to argue. Under Section 2001.051(2) of the Government Code, “[i]n a contested case, each party is entitled to an opportunity to respond and to present evidence and argument on each issue involved in the case.

As stated above, the Board improperly designated the use type associated with Needmore’s permit contrary to the District’s rules state law. Section 4(d) of HB 3405 mandates, “The temporary permit issued under this subsection shall provide the person with retroactive and prospective authorization to drill, operate, or perform another activity related to a well for which a permit is required by the district... **if: (1) the person’s drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application...**” (emphasis added). In other words, a person could only get a Temporary Permit for a use consistent with the current operation of the well. If the person was using the well to irrigate crops, under HB 3405 he could not get a permit to sell water to a city because these are distinct, separately defined categories of uses. Likewise, if a person was using the well to provide water to a watering hole for free ranging wildlife, he could not obtain a permit to use water to irrigate crops.

The authorization that Needmore sought in its application was for “Agricultural Irrigation,” however, as explained below, Needmore had never actually conducted any irrigation on the Ranch.

Under the District's rules in place at the time Needmore applied for a HB 3405 Temporary Permit. Agricultural Irrigation Use was defined as follows:

the use associated with providing water for application to plants or land in connection with cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers; the practice of floriculture, viticulture, silviculture, and horticulture including the cultivation of plants in containers or non-soil media by a nursery grower; or planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

When Needmore applied for a HB 3405 permit, the well had never been used for any of the activities described above in the District's definition of Agricultural Irrigation Use, effective at the time Needmore applied for its permit. Needmore did not disclose this fact to the District. In fact, Needmore falsely stated on the application that the well was an "existing irrigation well." *See* Item 6 on both the Temporary and Regular Permit Applications.

The District only learned that Needmore was not irrigating the property on an October 14, 2015, site visit to Needmore Ranch. District staff discovered that Needmore was not currently irrigating the property and that moreover, no irrigation had ever taken place on the ranch. Field notes taken by District staff during this site visit to the property and obtained by TESPAs through an Open Records Request, explain that upon visiting the property, staff learned that groundwater had never been used for irrigation and that Needmore had never constructed an irrigation distribution system on the ranch. According to the staff notes, during the onsite visit, Needmore's hydrogeologist stated that the referenced irrigated areas on the application were actually "proposed" projects.

In addition, staff learned that the well on Needmore Ranch had only been used intermittently to provide water to a pond that was used for recreational purposes and, allegedly as a watering hole for wildlife. As a result of the site visit, the District determined that Needmore was engaging in Wildlife Management activities, not activities associated with Agricultural Irrigation. Under the District's rules, Wildlife Management was defined as "the watering and/or feeding of free-ranging, non-caged, wild animals under a management plan approved by Texas Parks and Wildlife, US Fish and Wildlife Service, or other governmental agency with authority to approve and regulate wildlife management plans." Wildlife Management was not a specific use type under the District's rules, rather it was an activity permitted under the use type, Agricultural Livestock Use, defined as "the use associated with the watering, raising, feeding, or keeping of livestock for breeding purposes or for the production of food or fiber, leather, pelts or other tangible products having a commercial value; **wildlife management**; and raising or keeping equine animals." The District, therefore, determined that the appropriate use consistent with Section 4(d)(1) of HB 3405 was Agricultural Livestock. As a result, on October 19, 2015, the District issued a Temporary Production Permit to Needmore for "Agricultural Livestock" use. However, as stated above, there is no evidence in the record that the Wildlife Management plan supported Well D being used for wildlife purposes; therefore, the District's determination that Needmore was using Well D for Wildlife Management/Agricultural Livestock use was arbitrary.

In its October 19, 2015, letter issuing the Temporary Permit, the District explained,

"The relevant use type for issuance of the Temporary Production Permit is determined by evaluating the period of time Well D operated before the effective date of HB 3405 (June 19, 2015). The September 19, 2015, Needmore permit application indicated both general and agricultural use types prior to June 19, 2015,

however, the information provided was insufficient to clearly designate the primary use type.

Supplemental information provided in response to the District's written requests and information obtained from the District's October 14, 2015, site visit indicated that the well was used solely to supplement a ponded water feature which is used primarily for recreation (swimming, fishing, and boating) and for wildlife. On the basis of this information, the District is initially characterizing the use type for Well D as Agricultural Livestock."

Section 4(d)(1) of HB 3405 states that the Temporary Permit "shall provide the person with retroactive and prospective authorization to...operate...a well for which a permit is required by the district...if (1) the person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application." In other words, a person would not have authorization to operate under a Temporary Permit if the person's activities associated with the well were not consistent with the authorization.

By issuing the Temporary Permit for Agricultural Livestock Use, which includes irrigation for cattle and not limiting the use to Wildlife Management, the District impermissibly expanded the types of activities Needmore could pump groundwater for—activities it had not been engaging in at the time it applied for a permit under HB 3405.

Furthermore, in its November 15, 2016, proposal to issue Needmore a Regular Permit, the District has once again impermissibly expanded the types of activities for which Needmore can use groundwater from the well. On April 28, 2016, prior to issuing its preliminary decision to grant Needmore a Regular Production Permit, the District adopted new rules adding a new definition --

Agricultural Use, which included several types of activities, such as the cultivation of crops for human consumption, the practice of floriculture, and horticulture, and wildlife management, among other uses.

Agricultural Use is defined as: the use of groundwater for any of the following activities, including irrigation to support these agricultural uses:

1. cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
2. the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media, by a nursery grower;
3. raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value (Commercial Livestock Use);
4. planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure;
5. engaging in wildlife management as defined in the District's Rules and as referenced under a written in-effect wildlife management plan;
6. raising or keeping equine animals; or
7. aquaculture, or active farming of fish, crustaceans or mollusks.

Under the new rules, the definitions for Agricultural Livestock Use and Agricultural Irrigation Use were deleted and the uses associated with these definitions were added to the definition of Agricultural Use. As explained above, under the District's previous rules in place at the time

Needmore applied for its Temporary and Regular Permit in September 2015. Wildlife Management fell under the use type Agricultural Livestock, which is why the District granted Needmore's Temporary Permit for the use type Agricultural Livestock. Wildlife Management activities were not part of the definition of Agricultural Irrigation Use, which was an entirely separate definition and use type. However, the current rules adopted on April 28, 2016, created a new definition for Agricultural Use, which includes both Agricultural Livestock and Agricultural Irrigation.

On November 15, 2016, the District issued a proposed Regular Production Permit to Needmore for 289,080,000 gallons of groundwater a year associated with "Agricultural Use," which as explained above combined both the old definition of "Agricultural Livestock" and "Agricultural Irrigation." The result is that Needmore can now use water from the well to grow crops, whereas before under the Temporary Permit, Needmore could only engage in Agricultural Livestock activities. This is an impermissible expansion of the use associated with the well because it is contrary to Section 4(d)(1)'s requirement that the operating activities associated with the well be consistent with the authorization sought.

The District's Preliminary Decision to issue the Regular Permit states, "The District has further processed the application for conversion of the Temporary Production Permit to a Regular Historical Production Permit to authorize withdrawal of an annual permitted volume of approximately 289,080,000 gallons per year of groundwater from the Trinity Aquifer. The Applicant will continue to operate the existing well for wildlife management and future agricultural uses." This statement makes clear that the Regular Permit is based on the historical use of the well, which the District determined was for Wildlife Management, thus Needmore should not be able to use groundwater from the well to conduct any type of irrigation activities



because doing so is contrary to Section 4(d)(1) of HB 3405. However, by assigning the new “Agricultural Use” definition to the proposed permit and stating that Needmore can engage in “future agricultural uses,” the District is permitting Needmore to engage in uses that are not consistent with the past use of the well contrary to HB 3405. Nowhere in HB 3405 does it state that the District has the authority to change the use type in the Regular Permit that was associated with the Temporary Permit.

Furthermore, by applying the new definition of Agricultural Use to Needmore’s Regular Permit application, the District has essentially allowed Needmore to change the use type under its HB 3405 permit without triggering a permit amendment, which is contrary to the District’s rules. On March 23, 2016, prior to the District formally adopting the rules on April 28, 2016, TESPA submitted comments to the District making this argument.

District Rule 3-1.55.4 governs the process the District follows to convert Temporary Permits to Regular Permits. Rule 3-1.55.4(D) states, “All Regular Production Permits are granted subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board and the laws of the State of Texas.” Under Rule 3-1.9(A), changing the use type of a permit is considered a major amendment. Under Rule 3-1.9(B), “Major amendments shall be subject to all the requirements and procedures applicable to issuance of a Production Permit for a new well or, if applicable, a Transport Permit. Under Rule 3-1.9(C), “Amendments to change the use type of a Production Permit will require the recalculation of the permitted volume to be commensurate with the reasonable non-speculative demand of the new use type.” 3-1.9(C).

Because under the proposed rules the District has expanded the definition of Agricultural Use to include Wildlife Management, Needmore could engage in any of the activities defined as

Agricultural Use, for example irrigation for crops, without triggering a change in use type and recalculation of the permitted volume as described above in 3-1.9(C).

Needmore has argued that it can support its requested volume of 289,080,000 gallons of groundwater a year without wasting water by conducting extensive agricultural irrigation operations on the property – something that Needmore would not have been permitted to do if the District had not expanded the definition of Agricultural Use and impermissibly applied it to Needmore.

Moreover, the District acted arbitrarily when it assigned Wildlife Management as the use type. As described above, the District assigned Wildlife Management as the use type because Needmore stated that groundwater from the well had been used to fill a pond for wildlife under a wildlife management plan approved by Texas Parks and Wildlife. However, Needmore's Wildlife Management Plan does not reference Well D at all and does not specify that Well D is used to fill a pond for wildlife management purposes. Consequently, Finding of Fact No. 9 is erroneous, and the District ignored legally relevant evidence and acted arbitrarily when it issued Needmore's permit for Agricultural use premised on Wildlife Management.

## CONCLUSION

The Board's decision to grant Needmore a permit when Needmore was not even eligible to apply for a permit was flawed, and it is especially concerning because of the tremendous volume of water that Needmore now has the right to pump and the potential impacts this pumping will cause to the aquifer and nearby landowners. Needmore's permit is currently the largest groundwater permit that the Board has issued in the Middle Trinity Aquifer.

TESPA is requesting that the Board conduct a new hearing to consider our arguments again and to correct errors that the Board made, which we describe above. Needmore is not entitled to

receive a Regular Permit under House Bill 3405. District staff determined that Needmore's well was abandoned, therefore, Needmore was not eligible to apply for a permit under House Bill 3405. Moreover, Needmore took advantage of the expedited, less stringent permitting process that House Bill 3405 created for eligible wells – misrepresenting critical facts on its application. The Board has the legal authority to deny Needmore's permit.

Respectfully,



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing TESPAs Response to Needmore and BSEACD has been sent to all parties of record via e-mail on this the 2nd of October, 2019, addressed as follows:

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Barton Springs Edwards Aquifer Conservation  
District, Board of Directors

By:   
\_\_\_\_\_  
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October 31, 2019

Board of Directors  
Barton Springs Edwards Aquifer Conservation District  
c/o Brian Sledge  
General Counsel  
919 Congress Ave. Suite 460  
Austin, Texas 78701

*via e-mail & regular mail*

Re: Trinity Edwards Springs Protection Association Motion for Rehearing of Needmore Water LLC's Final Permit

Dear Board of Directors:

We have reviewed the Motion for Rehearing filed by the Trinity Edwards Springs Protection Association ("TESPA") on October 2, 2019. The motion seeks a rehearing of the Board's Final Order on July 29, 2019 granting Needmore Water LLC's Application to convert a Temporary Permit to a Regular Production Permit pursuant to HB 3405. TESPA's motion is a rehash of the same arguments the Board rejected at the Hearing on July 29, 2019.

Accordingly, on behalf of the Applicant, Needmore Water, LLC, we respectfully request the Board deny TESPA's motion at the next available Board Meeting or, if appropriate, at a special called Board Meeting. By e-mail, we are sharing this response to TESPA's motion with counsel of record for the District's General Manager and TESPA.

Thank you for your consideration and continued efforts on this matter.

Sincerely,



Edmond R. McCarthy, Jr.

Attorneys for Needmore Water, LLC

cc: Barton Springs Edwards Aquifer Conservation District GM  
c/o: Counsel Bill Dugat  
Trinity Edwards Springs Protection Association  
c/o: Counsel Vanessa Puig Williams, Jeff Mundy

## **Item 5**

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

**d. Discussion and possible action related to the employment and duties of the Interim General Manager, the Assistant General Manager and a new General Manager.**

## **Item 5**

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

**e. Discussion and possible action on related to the election of Board Officers.**

## **Item 6**

### **Director's Reports**

#### **Directors' Reports.**

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;**
- **Committee formation and updates;**
- **Conversations with public officials, permittees, stakeholders, and other constituents;**
- **Commendations; and**
- **Issues or problems of concern.**



**Item 7**  
**Adjournment**